



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #PHX-16-017

TITLE: Supporting the Alabama-Coushatta Tribe of Texas in its Effort to Conduct Class II Gaming on its Reservation Lands

EXECUTIVE COMMITTEE

PRESIDENT
Brian Cladoosby
Swinomish Tribe

FIRST VICE-PRESIDENT
Fawn Sharp
Quinault Indian Nation

RECORDING SECRETARY
Aaron Payment
*Sault Ste. Marie Tribe of Chippewa
Indians of Michigan*

TREASURER
W. Ron Allen
Jamestown S'Klallam Tribe

REGIONAL VICE- PRESIDENTS

ALASKA
Jerry Isaac
Native Village of Tanacross

EASTERN OKLAHOMA
Joe Byrd
Cherokee Nation

GREAT PLAINS
Leander McDonald
Spirit Lake Nation

MIDWEST
Roger Rader
Pokagon Band of Potawatomi

NORTHEAST
Lance Gumbs
Shinnecock Indian Nation

NORTHWEST
Mel Sheldon, Jr.
Tulalip Tribes

PACIFIC
Jack Potter, Jr.
Redding Rancheria

ROCKY MOUNTAIN
Darrin Old Coyote
Crow Nation

SOUTHEAST
Larry Townsend
Lumbee Tribe

SOUTHERN PLAINS
Liana Onnen
Prairie Band of Potawatomi Nation

SOUTHWEST
Joe Garcia
Ohkay Owingeh Pueblo

WESTERN
Bruce Ignacio
Ute Indian Tribe

EXECUTIVE DIRECTOR
Jacqueline Pata
Tlingit

NCAI HEADQUARTERS
1516 P Street, N.W.
Washington, DC 20005
202.466.7767
202.466.7797 fax
www.ncai.org

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, Indian Tribes are sovereigns that pre-date the United States, with prior and treaty protected rights to self-government and to our Indian lands; and

WHEREAS, the Constitution of the United States, through Treaty, Commerce, and Apportionment Clauses of the 14th Amendment, recognizes the sovereign status of Indian Tribes as Native nations established prior to the United States; and

WHEREAS, in *California v. Cabazon* (1987) the Supreme Court of the United States reaffirmed the inherent right of Indian Tribes to conduct Indian gaming as an essential element of Tribal self-government, free from state interference; and

WHEREAS, in 1988, Congress enacted the Indian Gaming Regulatory Act (IGRA) to affirm the inherent authority of Tribal Governments to conduct Indian gaming, strengthen Tribal Governments, and foster tribal economic self-sufficiency; and

WHEREAS, Congress established the National Indian Gaming Commission (NIGC) to oversee Class II gaming, to approve Tribal gaming ordinances, to review background checks, and to review audits; and

WHEREAS, for more than 40 years, Indian tribes have used gaming revenues to rebuild tribal community infrastructure, provide essential governmental services, and improved educational and cultural opportunities, thereby fulfilling goals of the IRGA; and

WHEREAS, the benefits of Indian gaming have extended beyond reservation boundaries through charitable contributions, indirect tax and fee payments, and in the form of more than 700,000 direct and indirect American jobs; and

WHEREAS, the State of Texas recently filed a Motion for Contempt against the Alabama-Coushatta Tribe of Texas arguing that the recent opening of the Tribe's gaming center, Naskila Gaming, violates Texas law; and

WHEREAS, on July 10, 2015, the Alabama-Coushatta Tribe of Texas submitted a Class II Gaming Ordinance to the NIGC for approval; and

WHEREAS, on May 29, 2015, the Office of General Counsel for the NIGC requested an opinion from the Office of the Solicitor, Department of the Interior, regarding whether the Alabama-Coushatta Tribe of Texas could offer Class II gaming pursuant to IGRA on their trust lands; and

WHEREAS, on September 10, 2015, the Deputy Solicitor for Indian Affairs issued an opinion letter that IGRA applied to the Alabama-Coushatta Tribe and that the Tribe could legally offer Class II gaming on its trust lands; and

WHEREAS, on October 8, 2015, the NIGC approved the Alabama-Coushatta Tribe of Texas' Class II Gaming Ordinance; and

WHEREAS, on June 2, 2016, the Alabama-Coushatta Tribe of Texas opened its Class II gaming center; and

WHEREAS, the State of Texas' attempt to regulate such activities disregards the intentions of Congress and the Department of Interior in affirming the inherent right of Indian Tribes to conduct Indian gaming as an essential element of Tribal self-government, free from state interference; and

WHEREAS, any potential Federal District Court decision has far reaching implications for all of Indian country and the ability of Tribes to promote tribal sovereignty and self-government.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians supports the Alabama-Coushatta Tribe of Texas in its litigation with the State of Texas to ensure that further erosion of tribal sovereignty and self-government will not occur; and

BE IT FURTHER RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2016 Annual Convention of the National Congress of American Indians, held at the Phoenix Convention Center, October 9 to October 14, 2016, with a quorum present.


Brian Cladoosby, President

ATTEST:


Aaron Payment, Recording Secretary