



USET

SOVEREIGNTY PROTECTION FUND

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USET SPF Resolution No. 2017 SPF:002

SUPPORT FOR ALABAMA-COUSHATTA TRIBE'S CLASS II GAMING AND LITIGATION AGAINST THE STATE OF TEXAS

- WHEREAS,** United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) is an intertribal organization comprised of twenty-six (26) federally recognized Tribal Nations; and
- WHEREAS,** the actions taken by the USET SPF Board of Directors officially represent the intentions of each member Tribal Nation, as the Board of Directors comprises delegates from the member Tribal Nations' leadership; and
- WHEREAS,** sovereignty of Tribal Nations pre-dates the United States, with prior and treaty protected rights to self-government and to our Tribal lands; and
- WHEREAS,** the United States Constitution, through the Treaty, Commerce, and Apportionment Clauses of the 14th Amendment, recognizes the sovereignty of Tribal Nations as governments 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 Tribal Nations to conduct Indian gaming as an essential element of 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, approve Tribal gaming ordinances, review background checks, and review audits; and
- WHEREAS,** for more than 40 years, Tribal Nations have used gaming revenues to rebuild economies, thereby fulfilling goals of the IGRA; and
- WHEREAS,** the benefits of Indian gaming have extended beyond reservation boundaries to surrounding regions in the form of 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

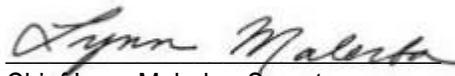
- WHEREAS,** on May 29, 2015, the Office of General Counsel for NIGC requested an opinion from the Office of the Solicitor, Department of the Interior, regarding whether the Alabama-Coushatta Tribe of Texas could offer Class II gaming pursuant to IGRA on their trust lands; and
- WHEREAS,** on September 10, 2015, the Deputy Solicitor for Indian Affairs issued an opinion letter that IGRA applied to the Alabama-Coushatta Tribe and that the Tribal Nation 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 Tribal Nations 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 Tribal Nations to promote Tribal sovereignty and self-government.
- WHEREAS,** in December 2010, the United States recognized the rights of its First Peoples through its support of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), whose provisions and principles support and promote the purposes of this resolution; therefore, be it
- RESOLVED** that USET SPF 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.

CERTIFICATION

This resolution was duly passed at the USET SPF Annual Meeting, at which a quorum was present, in Cherokee, NC, October 26, 2016.



Chief Kirk Francis, President
United South and Eastern Tribes
Sovereignty Protection Fund



Chief Lynn Malerba, Secretary
United South and Eastern Tribes.
Sovereignty Protection Fund

“Because there is strength in Unity”