



USET Resolution No. 2007:019

SUPPORT OF THE NARRAGANSETT INDIAN TRIBE'S EFFORTS TO AMEND THE
RHODE ISLAND INDIAN CLAIMS SETTLEMENT ACT (SETTLEMENT ACT)

- WHEREAS, United South and Eastern Tribes, Incorporated (USET) is an intertribal organization comprised of twenty-four (24) federally recognized Tribes; and
- WHEREAS, the actions taken by the USET Board of Directors officially represent the intentions of each member Tribe, as the Board of Directors comprises delegates from the member Tribes leadership; and
- WHEREAS, a function of USET is to promote and protect the economic well being and autonomy of federally-recognized American Indian Tribes, particularly those member Tribes of USET; and
- WHEREAS, the Narragansett Indian Tribe is a member in good standing with USET; and
- WHEREAS, the Narragansett Indian Tribe was involuntarily stripped of its rights under the Indian Gaming Regulatory Act (IGRA) in 1996 by a prejudicial attack on its sovereign rights by an Act of Congress, commonly referred to as the Chafee Rider; and
- WHEREAS, in *Narragansett Indian Tribe v. State of Rhode Island*, 449 F.3d 16 (1st Cir. 2006), the *en banc* court ruled that the Settlement Act granted civil and criminal jurisdiction to the State over the Tribe and that the Settlement Act waived the Tribe's sovereign immunity, authorizing state jurisdiction over the Tribe itself, and allowing the state to execute a search warrant granted by a state court on the settlement lands and to seize property from the Tribe's smoke shop; and
- WHEREAS, in *Carcieri v. Kemphorne*, the State has challenged the Secretary's authority to acquire land on behalf of the Tribe under section 5 of the Indian Reorganization Act (IRA); and
- WHEREAS, The State also argues in that case that if the Secretary can acquire lands for the tribe under section 5 of the IRA that such lands would be subject to the States civil and criminal jurisdiction; therefore be it
- RESOLVED the USET Board of Directors supports the Narragansett Indian Tribe in its effort to amend the Settlement Act to:
- Ensure that lands acquired in trust for the Tribe under section 5 of the IRA will be Indian Country under 18 U.S.C. § 1151, and subject to federal and tribal jurisdiction and considered "Indian lands" as that term is defined in the Indian Gaming Regulatory Act (IGRA).
 - Restore the Tribe's sovereign immunity on the Settlement Lands.
 - Reaffirm the Tribe's government-to-government relationship with the United States consistent with all other federally recognized tribes.
 - Ensure that the Tribe is eligible to receive the benefits and services already made available to federally recognized tribes pursuant to the Indian Reorganization Act (IRA), including section 5 of the IRA.
 - Affirm that the Tribe is entitled to all the privileges and immunities available to other federally recognized Indian tribes by virtue of their government-to-government relationship with the United States.
 - Affirm that pursuant to 25 U.S.C. §479a-1, the Tribe is eligible for the special programs and services provided to Indians because of their status as Indians; and be it further

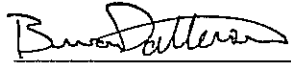
"Because there is strength in Unity"

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RESOLVED the USET Board of Directors will instruct the USET Executive Director to provide the Narragansett Indian Tribe any information and work with the Tribe to identify human resources available to assist the Tribe in its effort to amend the Settlement Act.

CERTIFICATION

This resolution was duly passed at the USET Impact Week Meeting, at which a quorum was present, in Arlington, VA, on Thursday, February 15, 2007.



Brian Patterson, President
United South and Eastern Tribes, Inc.



Cheryl Downing, Secretary
United South and Eastern Tribes, Inc.