



UNITED SOUTH AND EASTERN TRIBES, INC.
711Stewarts Ferry Pike • Suite 100 • Nashville, TN 37214
Telephone: (615) 872-7900 • Fax: (615) 872-7417

UNITED SOUTH AND EASTERN TRIBES, INC.

Resolution No. 94-23-DC

**MOTION TO REQUEST U.S. GOVERNMENT TO HONOR ITS TREATIES WITH
INDIANS AND FULFILL THEIR RESPONSIBILITIES TO PROTECT
INDIAN SOVEREIGN INTEGRITY**

- WHEREAS**, the United South and Eastern Tribes, Incorporated (USET) is an inter-tribal organization comprised of twenty-one (21) federally recognized tribes; and
- WHEREAS**, the actions taken by the USET, Inc. Board of Directors officially represent the intentions of each member tribe, as the Board of Directors is comprised of delegates from the member tribes leadership; and
- WHEREAS**, the New York State's highest court, the Court of Appeals, on June 10, 1993 decided unanimously in *Attea v. New York State* that of the federal Indian Traders Law preempted the New York State Commissioner from having any authority to tax Indian Traders doing business with an Indian Retailer conducting trade on reservation lands; and
- WHEREAS**, the New York highest court found that the regulations promulgated by the New York Tax Commission were of "significant burden" distinguishing them from the "minimum burden test" of the *Moe and Colville* Supreme Court cases; and
- WHEREAS**, the United States Supreme Court on November 1, 1993 granted New York State Tax Commissioner's petition for a Writ of Certiorari to review the New York decision favorable to Indian Traders throughout the United States; and will hear oral argument on March 23, 1994; and
- WHEREAS**, the United South and Eastern Tribes urged the United States government and the Interior Department to have the U.S. Solicitor file an Amicus Brief supporting the affirmance of the New York Court of Appeals decision and to protect the sovereign and treaty rights of Indian tribes in this case and to insure that federal Indian law is upheld; and

"Because there is strength in Unity"

USET RESOLUTION 94-23-DC

WHEREAS, the United States Solicitor recently filed a brief dismissing the merits and uniqueness of the Six Nation Treaties by instead relying upon a lower New York State appellate court decision, which is under appeal, that did not have a single line of testimony or record about the meaning of the Six Nation treaties; and

WHEREAS, the United States Solicitor did not fully support the New York Court of Appeals distinction that New York burdens were "significant burdens"; and

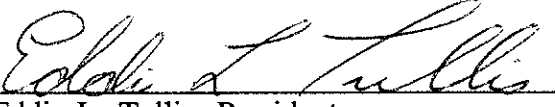
WHEREAS, during the Reagan and Bush years, the United States Solicitor's filed briefs adverse to the sovereign treaty and statutory rights of Indian Tribes.


NOW, THEREFORE, BE IT RESOLVED that we express to President Clinton and Secretary Babbitt that we see no significant difference between the briefs of the Reagan-Bush years and the present Solicitor; and

BE IT FURTHER RESOLVED that we call upon the United States Government to honor its treaties with Indians, and that they fulfill their higher trust responsibilities within the United States to protect Indian sovereign integrity as much as the United States Government does with nations in Europe, in the Balkans, the Baltics, in Africa and the Middle East, none of which (other than England and France) have 200 year old treaties with the United States.

CERTIFICATION

This resolution was duly passed at the Washington Impact Week meeting, at which a quorum was present, in Washington, D.C., on February 24, 1994.


Eddie L. Tullis, President
United South and Eastern Tribes, Inc.


Keller George, Secretary
United South and Eastern Tribes, Inc.