



UNITED SOUTH AND EASTERN TRIBES, INC.

USET Resolution No. 2002:033

SUPPORT OF THE ALABAMA-COUSHATTA TRIBES EFFORTS TO RETAIN SOVEREIGN AUTHORITY TO REGULATE GAMING ACTIVITIES ON TRIBAL LANDS

- WHEREAS,** United South and Eastern Tribes, Inc. (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 represents the intentions of each member tribe, as the Board of Directors comprises delegates from the member tribes' leadership; and
- WHEREAS,** the Alabama-Coushatta Tribe of Texas, due to various circumstances, was required to pursue the United States Congress to restore the Tribe to its rightful status as a federally recognized Indian Tribe; and
- WHEREAS,** several members of Congress took up the cause of the Alabama-Coushatta Tribe together with the cause of the Ysletta del Sur Pueblo (Tigua) in the late 1980s; and
- WHEREAS,** the Tribe, under circumstances of duress, and motivated by the overarching need to secure its status as a federally recognized Indian Tribe, agreed to requests by certain politicians to commit, through such language, to forego any opportunity for the Tribe to conduct gaming on its Indian lands in exchange for support on legislation securing its status as a federally recognized Indian Tribe; and
- WHEREAS,** Congress rejected such language, and in its stead, included language that reflects the 1987 landmark decision of the Supreme Court, Cabazon Band of Mission Indians v California, that applies only criminal/prohibitory gaming laws of a state as limiting the otherwise plenary authority of Indian Tribes to regulate gaming activities on their lands; and
- WHEREAS,** Congress, specifically through the efforts of the Senate Select Committee on Indian Affairs was aware of the Supreme Court's declaration that sovereign Indian tribes had always retained the sovereign authority to regulate gaming activities on Indian lands, which was made clear in the Cabazon decision weeks before deliberation on the Tribe's Restoration Act; and
- WHEREAS,** the Senate Select Committee on Indian Affairs amended the House version of the restoration with the specific intent of ensuring the Tribe's lawful sovereign rights consistent with the Cabazon decision; and
- WHEREAS,** the U.S. House of Representatives, largely through the efforts of House Insular and Interior Affairs Committee Chairman Morris Udall, concurred in the Senate amendments with specific knowledge of its intention to ensure and restore the Tribes' sovereign rights consistent with the Cabazon decision; and
- WHEREAS,** the State of Texas has since engaged in gaming activities directly in the form of the Texas State Lottery and the laws, practices, and policies of the state undeniably demonstrate a civil/regulatory scheme regarding gaming activities; and

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WHEREAS, federal courts in the context of litigation involving the Ysletta del Sur Pueblo (Tigua), have grossly distorted Congress' intent in a manner that ignores proper canons of statutory construction regarding statutes enacted for the benefit of tribal governments, have endorsed the efforts of certain Texas politicians to use the restoration process for overreaching and eroding tribal sovereignty, and have insulted the name and rightful place in history of Congressman Udall, whose career was devoted to promotion of tribal causes; and

WHEREAS, these legal developments constitute a real and present threat to the sovereign rights of the Alabama-Coushatta Tribe of Texas, the Ysletta del Sur Pueblo (Tigua), and to all federally recognized Indian Tribes; and


WHEREAS, these legal developments constitute a real and present threat to the ability of the Tribe to generate desperately needed governmental revenues and employment opportunities that benefit both the Tribe and the surrounding community; therefore, be it


RESOLVED that USET Board of Directors take any and all actions necessary to support the efforts of the Alabama-Coushatta Tribe of Texas to correct the situation, including but not limited to:

1. Support in litigation in the form of amicus briefs, declarations, etc.
2. Support in Congress to amend the Restoration Act or otherwise to ensure that Congress' intent in establishing the Restoration Act in 1987 remains in tact
3. Support in public media for the Tribes' struggle
4. Support for political candidates who support the Tribes' efforts
4. Opposition to political candidates who attempt to further their political careers by trampling on the Tribes' rights, including current Texas Attorney General and Senatorial candidate John Cornyn.

CERTIFICATION

This resolution was duly passed at the USET Impact Week Meeting, at which a quorum was present, in Washington, D.C., Thursday, January 31, 2002.


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


Beverly M. Wright, Secretary
United South and Eastern Tribes, Inc.