



UNITED SOUTH AND EASTERN TRIBES, INC.

USET Resolution No. 2004:012

ILLEGAL EFFORTS BY CERTAIN INDIAN NATIONS TO EXERCISE GOVERNMENTAL JURISDICTION OVER NON-TRIBAL LANDS

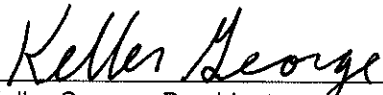
- WHEREAS,** United South and Eastern Tribes, Incorporated (USET) is an intertribal organization comprised of twenty-four (24) federally recognized tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member tribe, as the Board of Directors comprises delegates from the member tribes' leadership; and
- WHEREAS,** the Seneca-Cayuga Tribe of Oklahoma is seeking to conduct Class II gaming activities in the State of New York; and
- WHEREAS,** the Seneca-Cayuga Tribe of Oklahoma has no political or governmental authority in the State of New York; and
- WHEREAS,** the Seneca-Cayuga Tribe of Oklahoma has no land in the State of New York over which it can legally exercise any jurisdiction; and
- WHEREAS,** the introduction of Class II gaming activities by the Seneca-Cayuga Tribe of Oklahoma in the State of New York would be illegal and would violate the rights and jurisdiction of the Cayuga Nation of New York; and
- WHEREAS,** other out-of-state Indian nations have expressed their intent to purchase land in New York and in other states, take such land into trust, and assert the right to govern that land and conduct gaming thereon; and
- WHEREAS,** several Alaskan Native Villages and entities wish to acquire the right to purchase land in California, take such land into trust, and assert the right to govern that land or conduct commercial activities thereon; and
- WHEREAS,** Governor George Pataki, Senator Charles Schumer and Congressman Sherwood Boehlert intend to introduce legislation in Congress that would prohibit an Indian nation from acquiring land in a state other than the state where its reservation is located *unless* such land is taken into trust with the state's approval; and
- WHEREAS,** the exception created in the Pataki-Schumer-Boehlert proposal is contrary to existing federal law concerning the scope of a tribe's governmental authority and would invite numerous Indian nations to file out-of-state trust land applications, thereby creating conflicts among tribes and with state and local governments; therefore, be it
- RESOLVED** that the USET Board of Directors opposes all legislative proposals that would permit the Seneca-Cayuga Tribe of Oklahoma or any other out-of-state Indian Nation to acquire land or place land in trust in the State of New York for purposes of governing such land or conducting gaming thereon; and, be it further
- RESOLVED** that the USET Board of Directors opposes any legislative proposal that would permit Alaskan Native Villages and entities to acquire land or take land into trust in California, or in any state other than Alaska, for purposes of governing such land or conducting gaming thereon.

“Because there is strength in Unity”

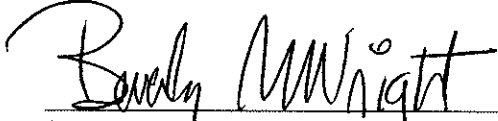
USET Resolution 2004:012

CERTIFICATION

This resolution was duly passed at the USET Annual Meeting and EXPO at which a quorum was present in Mashantucket, CT, on Thursday, October 23, 2003.



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



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

Seneca Nation of Indians

President - Rickey L. Armstrong, Sr.
Clerk - Sheila L. Kettle

P.O. BOX 231
SALAMANCA, NEW YORK 14779

Tel. (716) 945-1790
FAX (716) 945-1565



Treasurer - Shelley R. Huff

12837 ROUTE 438
IRVING, NEW YORK 14081

Tel. (716) 532-4900
FAX (716) 532-6272

AT THE SPECIAL SESSION OF COUNCIL OF THE
SENECA NATION OF INDIANS HELD ON OCTOBER
17, 2003, AT THE WILLIAM SENECA BUILDING ON
THE CATTARAUGUS INDIAN RESERVATION,
IRVING, NEW YORK 14081

CN: S-10-17-03-09

EXECUTIVES PRESENT:

PRESIDENT	-	RICKEY L. ARMSTRONG, SR.
CLERK	-	SHEILA L. KETTLE
TREASURER	-	SHELLEY R. HUFF

USET/RESOLUTION/APPROVAL

MOTION: by Bergal L. Mitchell, III, seconded by Arthur A. Montour, that Tribal Council approves the following resolution; as amended,

WHEREAS, the Seneca Nation is recognized as a Sovereign Nation and has the inherent right to govern and protect the people of the Seneca Nation; and by self-governance has the ability to develop its own economic base and resources; and to control the use and development of resources, businesses or industries on the Territories of the Seneca Nation; and,

WHEREAS, the Seneca Nation has sovereign rights independent from the State of New York and must protect and preserve the Sovereignty of our Great Nation against all attempts, intrusions and threats from New York State to illegally extend its civil regulatory laws upon reservation activities; and,

WHEREAS, the Seneca Nation is protected against state taxation by virtue of our Treaties including the **1842 Buffalo Creek Treaty**, Article 9 that specifically states that our Territory is free "from all taxes and assessments for roads, highway or any other purpose"; and,

WHEREAS, the Seneca Nation is greatly concerned that New York State has again taken unconstitutional action to erode the sovereignty of the Nation and in doing so will severely damage the economy of the Seneca Nation and its businesses by passing regulations to collect taxes on the Nation Territories; and,

WHEREAS, the Seneca Nation in defense of their Sovereignty must convince New York officials to abandon their unconstitutional plans to force the Nation and Indian retailers to collect state taxes contrary to the New York Convenience Stores case that has held regarding Indian Reservation sales that "since Indian Tribes possess substantial attributes of sovereignty...notably, "Indian tribes have immunity from suit and cannot be sued to accomplish tax collection. This immunity extends to Tribal retailers" (Sconiers Decision of May 16, 1997) and this immunity also extends to our Tribal Membership.

USET/RESOLUTION/APPROVAL
SPECIAL SESSION OF COUNCIL
OCTOBER 17, 2003
PAGE 2

NOW, THEREFORE, BE IT RESOLVED, that the Seneca Nation has adopted and developed an on-going state wide strategy to convince NYS leaders through an anti-tax campaign in order to protect the Treaties of the Seneca Nation, and further to protect the Sovereignty and the rights of our Great Nation, and in so doing, shall put forth a Resolution to the United South and Eastern Tribes (USET) requesting ongoing support from the USET Nations.

BE IT FURTHER RESOLVED, that the Seneca Nation Council hereby authorizes President, Rickey L. Armstrong, Sr., to send a communication of grave concern and strong opposition to all efforts of New York State and others for violating our treaty rights by their attempting to impose state taxes on the Seneca Nation of Indians Reservation commercial activities, and request that a support letter be forwarded by the USET Tribal Nations, and also to the President of the United States of America.

ALL IN FAVOR

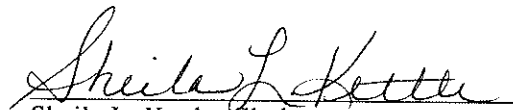
MOTION CARRIED

CERTIFICATION

I hereby certify the foregoing extract is a true and correct copy from the minutes of the Special Session of Council of the Seneca Nation of Indians held on October 17, 2003, on the Cattaraugus Indian Reservation, original of which is on file in the Clerk's Office of the Seneca Nation of Indians.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the seal to be affixed at the William Seneca Building on the Cattaraugus Reservation, Irving, New York 14081, on the 17th day of October 2003.

ATTEST:


Sheila L. Kettle, Clerk
SENECA NATION OF INDIANS

{ SEAL }

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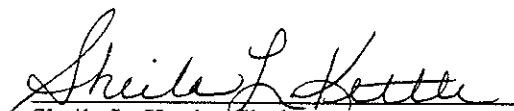
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