



## UNITED SOUTH AND EASTERN TRIBES, INC.

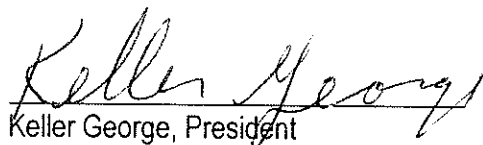
Resolution No. USET 2004:069

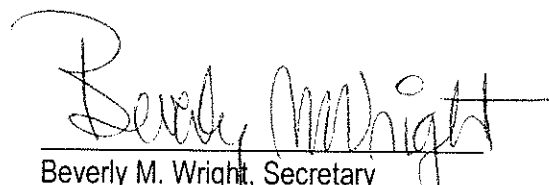
### FEDERAL LABOR POLICIES AND INDIAN COUNTRY

- 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 National Labor Relations Board (NLRB) and numerous federal courts have historically and correctly taken the position that Indian nations are not subject to the National Labor Relations Act (the Act); and
- WHEREAS,** on May 28, 2004, the NLRB issued a decision in *San Manuel Indian Bingo and Casino* (1) reversing its long standing position that the NLRA does not apply to Indian tribes, and (2) asserting jurisdiction over the San Manuel Band in violation of the tribe's sovereignty; and
- WHEREAS,** the NLRB stated that it reversed its position because of the tribes' recent prosperity and in order to level the playing field with non-Indian casinos that are subject to the provisions of the Act; and
- WHEREAS,** in asserting jurisdiction over the San Manuel Band, the NLRB ignored the fact that the tribe's enterprise was conducted on its sovereign territory and was exclusively regulated and licensed by the tribe; and
- WHEREAS,** the San Manuel Band previously adopted a tribal labor relations ordinance regulating labor relations at the casino—the validity of such ordinances being recently upheld by the Tenth Circuit in *NLRB et al. v. Pueblo of San Juan*, 228 F.3d 1195 (10th Cir. 2002); and
- WHEREAS,** Indian nations, as sovereign and independent governments, should not be subjected to the labor and employment statutes of other governments and should be free, like all governments, to decide whether and to what extent they will enter into collective bargaining agreements; therefore, be it
- RESOLVED,** that the USET Board of Directors hereby condemns the decision of the NLRB in *San Manuel Indian Bingo and Casino* and its unlawful attempt to subject Indian nations to the National Labor Relations Act; and, be it further
- RESOLVED,** that the USET Board of Directors urges (1) the federal courts to overrule the decision of the NLRB, and (2) Congress to enact legislation that reaffirms the position that the NLRA is not applicable to Indian tribes.

### CERTIFICATION

This resolution was duly passed at the USET Semi-Annual Meeting at which a quorum was present in Hollywood, FL on Thursday, June 17, 2004.

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

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

*“Because there is strength in Unity”*