



United South and Eastern Tribes, Inc.

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United States Supreme Court Decision supports Tribal sovereign immunity in Bay Mills Casino Case

Statement from USET

For Immediate Release

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There was never a need for a Supreme Court fix for Tribal sovereign immunity. Today's decision in *Michigan v. Bay Mills Indian Community* by the U.S. Supreme Court is quite simply an action by the Supreme Court to uphold existing law as already understood by Indian Country. This decision is an important affirmation of Tribal inherent sovereignty in general, and of Tribal sovereign immunity in particular, both on and off reservation lands and as applied to a variety of activities. The decision is also an affirmation that Tribes, through compacts and other means, have already addressed issues regarding Tribal sovereign immunity in a responsible manner with the States and with other parties.

However, it is important to understand the need for all of Indian Country to remain steadfast and vigilant in the promotion and protection of our inherent sovereignty rights. It was a 5-4 decision, with the dissenters having a strikingly different and far narrower view of the scope of Tribal sovereign immunity. Additionally, the majority decision identified certain forms of State authority over Tribal officials which will need to be examined closely, and may be of concern down the road. Overall, however, Indian Country's great fear that the Supreme Court would once again shake the very foundations of Indian law by undermining Tribal sovereignty have not been realized.

The USET Board of Directors and Tribal leadership from the region will explore and discuss the implications and meaning of this decision during its upcoming 2014 USET Semi-Annual meeting, which will be held in Bar Harbor, Maine June 2 through June 4.

MICHIGAN V. BAY MILLS INDIAN COMMUNITY (NO. 12-505) BACKGROUND – In 2010, the state of Michigan filed suit against Bay Mills Indian Community for allegedly opening an off-reservation casino without permission from the U.S. government and in violation of a state compact. A federal district court issued an injunction, ordering the closure of the casino. Bay Mills appealed the decision arguing that the federal district court lacked jurisdiction and that the Tribe had sovereign immunity. The lower court's injunction was dismissed by the U.S. Court of Appeals for the 6th Circuit. The state sought certiorari, which was granted by the U.S. Supreme Court. On December 2, 2013, the Supreme Court heard oral arguments involving the petition filed by the State of Michigan seeking review of the

decision by the U.S. Court of Appeals for the Sixth Circuit. The Sixth Circuit held that federal courts lack jurisdiction to adjudicate the State's claims against the Bay Mills Indian Community under the Indian Gaming Regulatory Act (IGRA) to the extent those claims are based on an allegation that the Tribe's casino is not on "Indian lands," and that the claims are also barred by the doctrine of Tribal sovereign immunity.

About USET:

USET is an inter-tribal organization dedicated to promoting Indian leadership, improving the quality of life for American Indians, and protecting Indian rights and resources on Tribal lands. Although its guiding principal is unity, USET plays a major role in the self-determination of all member Tribes by working to improve the capabilities of Tribal governments. Established in 1969, United South and Eastern Tribes Inc., is a non-profit, intertribal organization, with 26 member Tribes (federally recognized), that collectively makes representation at the regional and national level.

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Because there is strength in Unity"