



UNITED SOUTH AND EASTERN TRIBES, INC.

Resolution No. USET 2001: 037

FEDERAL LABOR POLICIES AND INDIAN COUNTRY

- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprising 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) has historically and correctly taken the position that Indian nations are not subject to the National Labor Relations Act; and
- WHEREAS,** the NLRB General Counsel has asked the agency to reverse its long standing precedent of subjecting Indian nations to the National Labor Relations Act; and
- WHEREAS,** the United States Court of Appeals for the Tenth Circuit, in *NLRB et al. v. Pueblo of San Juan*, 228 F.3d 1195 (10th Cir. 2000), has recently upheld the validity of the "right- to-work" ordinance enacted by the Pueblo of San Juan and ruled that the National Labor Relations Act does not apply to Indian nations; 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** the USET Board of Directors hereby condemns the efforts of the NLRB General Counsel to unlawfully subject Indian nations to the National Labor Relations Act; and be it further
- RESOLVED** the USET Board of Directors urges each member Tribe to consider the adoption of a "right-to-work" ordinance or similar measure for purposes of regulating employment and labor issues on all lands within their sovereign jurisdiction.

CERTIFICATION

This resolution was duly passed during Impact Week, at which a quorum was present in Arlington, Virginia on Thursday, February 1, 2001.

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

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

"Because there is strength in Unity"