



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #SAC-12-010

TITLE: Tribal Government Access to Internet Gaming Markets

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, Indian Tribes are sovereigns that pre-date the United States, with prior and treaty protected rights to self-government and to our Indian lands; and

WHEREAS, the Constitution of the United States, through the Treaty, Commerce, and Apportionment Clauses and the 14th Amendment, recognizes the sovereign status of Indian Tribes as Native nations established prior to the United States; and

WHEREAS, in *California v. Cabazon* (1987), the Supreme Court reaffirmed the inherent right of Indian Tribes to conduct Indian gaming as an essential element of Tribal self-government, free from state interference; and

WHEREAS, in 1988, Congress enacted the Indian Gaming Regulatory Act (IGRA) to affirm the inherent authority of Tribal Governments to conduct Indian gaming, strengthen Tribal Governments, and foster tribal economic self-sufficiency; and

WHEREAS, Congress established the NIGC to oversee Class II gaming, to approve Tribal gaming ordinances, to review background checks, and to review audits; and

WHEREAS, for more than 40 years, Indian tribes have used gaming revenues to rebuild tribal community infrastructure, provide essential governmental services, and improved educational and cultural opportunities, thereby fulfilling the goals of the IGRA; and

WHEREAS, the benefits of Indian gaming have extended beyond reservation boundaries through charitable contributions, indirect tax and fee payments, and in the form of more than 700,000 direct and indirect American jobs; and

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WHEREAS, gambling in the U.S. is permitted in nearly every State and by many Indian tribes and has been subjected to various forms of regulation, and enforcement; and

WHEREAS, Congress is considering several proposals to alter federal laws with regard to gaming, including legalizing various forms of Internet gaming in the United States; and

WHEREAS, Indian country has diverse economies that could be impacted by the federal legalization of internet gaming, and, therefore, should be consulted during all phases of the legislative process; and

WHEREAS, NCAI adopted resolution PDX-11-042 “Supporting the National Indian Gaming Association Principles of Sovereignty and Discussion Draft of Indian Country Amendments to any Internet Gaming Legislation;” and

WHEREAS, the National Indian Gaming Association at its 2012 Mid Year Conference adopted an additional principle to its “Principles of Sovereignty and Discussion Draft of Indian Country Amendments to any Internet Gaming Legislation;” and

WHEREAS, the additional principle reads as follows:

Indian Tribes Possess the inherent right to opt in to a federal regulatory scheme to ensure broad based access to markets.

NOW THEREFORE BE IT RESOLVED, that the NCAI amends Resolution PDX-11-042 to include the following “principle of Sovereignty”

- Indian Tribes possess the inherent right to opt in to a federal regulatory scheme to ensure broad based access to markets; and

BE IT FURTHER RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2012 Annual Session of the National Congress of American Indians, held at the Sacramento Convention Center from October 21-26, 2012 in Sacramento, California, with a quorum present.



 President

ATTEST:



 Recording Secretary