



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians
Resolution #ABQ-19-039

TITLE: Supporting the Alabama-Coushatta Tribe of Texas in its Effort to Secure the Passage of Legislation Affirming its Rights under the Indian Gaming Regulatory Act

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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 and the United Nations Declaration on the Rights of Indigenous Peoples, 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, tribal nations 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 Treaty, Commerce, and Apportionment Clauses of the 14th Amendment, recognizes the sovereign status of Indian tribes as tribal nations established prior to the United States; and

WHEREAS, in *California v. Cabazon* (1987), the Supreme Court of the United States reaffirmed the inherent right of tribal nations 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 National Indian Gaming Commission (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, tribal nations have used gaming revenues to rebuild tribal community infrastructure, provide essential governmental services, and improved educational and cultural opportunities, thereby fulfilling 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

WHEREAS, the State of Texas filed a Motion for Contempt against the Alabama-Coushatta Tribe of Texas arguing that the Tribe's gaming center, Naskila Gaming, violates Texas law; and

WHEREAS, on July 10, 2015, the Alabama-Coushatta Tribe of Texas submitted a Class II Gaming Ordinance to the NIGC for approval; and

WHEREAS, on May 29, 2015, the Office of General Counsel for the NIGC requested an opinion from the Office of the Solicitor, Department of the Interior, regarding whether the Alabama-Coushatta Tribe of Texas could offer Class II gaming pursuant to IGRA on their trust lands; and

WHEREAS, on September 10, 2015, the Deputy Solicitor for Indian Affairs issued an opinion letter that IGRA applied to the Alabama-Coushatta Tribe and found that the Tribe could legally offer Class II gaming on its trust lands; and

WHEREAS, on October 8, 2015, the NIGC approved the Alabama-Coushatta Tribe of Texas' Class II Gaming Ordinance; and

WHEREAS, on June 2, 2016, the Alabama-Coushatta Tribe of Texas opened its Class II gaming center; and

WHEREAS, the State of Texas' attempt to regulate such activities disregards the intentions of Congress and the Department of the Interior in affirming the inherent right of tribal nations to conduct Indian gaming as an essential element of tribal self-government, free from state interference; and

WHEREAS, any potential court decision has far reaching implications for all of Indian Country and the ability of tribal nations to promote tribal sovereignty and self-government; and

WHEREAS, United States Congressman Brian Babin sponsored H.R. 759 to clarify conflicting federal statutes regarding the right of the Alabama-Coushatta Tribe of Texas to offer Class II electronic bingo on their tribal lands, pursuant to IGRA; and

WHEREAS, H.R. 759 passed the United States House of Representatives in July 2019 and is now being considered by the United States Senate; and

WHEREAS, the passage of H.R. 759 is vital to continued economic development and health of the Alabama-Coushatta Tribe of Texas.

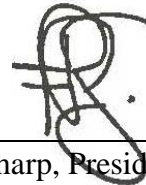
NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) supports the Alabama-Coushatta Tribe of Texas' efforts to pass legislation to ensure its rights under the Indian Gaming Regulatory Act (IGRA) and that further erosion of tribal sovereignty and self-government will not occur; and

BE IT FURTHER RESOLVED, that NCAI supports the efforts of all tribal nations to defend their rights under IGRA from state interference; and

BE IT FINALLY 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 2019 Annual Convention of the National Congress of American Indians, held at the Albuquerque Convention Center in Albuquerque, NM on October 20-25, 2019, with a quorum present.



Fawn Sharp, President

ATTEST:



Juana Majel Dixon, Recording Secretary