



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #DEN-07-043

TITLE: Supporting the Federal Government's Secretarial Procedures Regulation for the Proper Administration of 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, 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, on August 17th, 2007, the United States Court of Appeals for the Fifth Circuit in the case, *State of Texas v. United States of America et al and the Kickapoo Traditional Tribe of Texas*, held that Secretarial Procedures Regulation (25 C.F.R. Part 291) is invalid; and

WHEREAS, the Fifth Circuit's ruling impacts all Tribes engaged in gaming compact negotiations and further tips the balance of power to the States, in light of the Supreme Court's 1996 decision in *Seminole Tribe of Florida v. Florida*, contrary to the original intent of the Indian Gaming Regulatory Act; and

WHEREAS, the Fifth Circuit's decision has far reaching implications for all of Indian Country and the ability of Tribes to negotiate with States on a government-to-government basis.

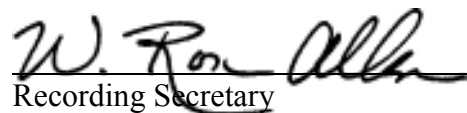
NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby support the United States filing a Petition for Rehearing En Banc in the United States Court of Appeals for the Fifth Circuit in the case, *State of Texas v. United States of America et al and the Kickapoo Traditional Tribe of Texas*; and calls upon the United States to take all necessary steps to uphold the regulation establishing secretarial procedures in lieu of compact; 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 2007 Annual Session of the National Congress of American Indians, held at the Hyatt Regency Denver at the Colorado Convention Center in Denver, Colorado on November 11-16, 2007, with a quorum present.



President**ATTEST:**

Recording Secretary