



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #MOH-04-028

TITLE: Congressional Clarification of Treatment of Indian Tribes as Governments for Purposes of the National Labor Relations 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, the United States Constitution, U.S. Supreme Court decisions and hundreds of treaties, federal statutes, and regulations all recognize that Indian Tribes are distinct governments; and

WHEREAS, Indian gaming, like State lottery operations, is a method of generating governmental revenue, which is used to rebuild tribal community infrastructure, provide essential programs for Indian citizens, and provide contributions to charitable organizations and local communities; and

WHEREAS, a number of individual Indian Tribes have made the sovereign governmental decision to work with labor organizations to represent the rights of their respective tribal governmental employees; and

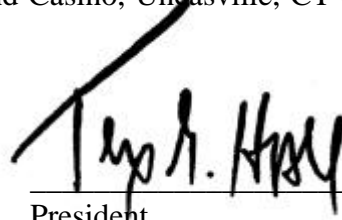
WHEREAS, Congress, through the National Labor Relations Act (NLRA), exempts governmental employers from application of the Act; and

WHEREAS, the National Labor Relations Board (NLRB), in *San Manuel Indian Bingo & Casino*, ignored congressional intent to exempt governments from application of the NLRA by finding that the Act applies to tribal governmental employers of gaming operations.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby urge the United States Congress to reaffirm that Indian Tribes operating governmental gaming facilities pursuant to IGRA are exempt from the National Labor Relations Act, and to clarify that states are prohibited from including labor conditions in compacts negotiated pursuant to IGRA.

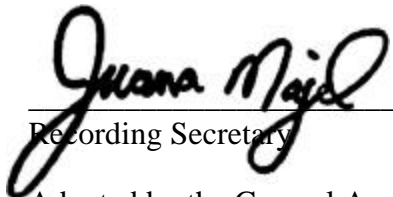
CERTIFICATION

The foregoing resolution was adopted at the 2004 Mid-Year Session of the National Congress of American Indians, held at the Mohegan Sun Hotel and Casino, Uncasville, CT on June 23, 2004 with a quorum present.



President

ATTEST:



Recording Secretary

Adopted by the General Assembly during the 2004 Mid-Year Session of the National Congress of American Indians, held at the Mohegan Sun Hotel and Casino, in Uncasville, CT on June 23, 2004.