Indian Affairs - Office of Public Affairs

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The U. S. Supreme Court rendered its decision on the Seminole Tribe of Florida v. Florida et al., case on March 27, 1996. The 5 to 4 decision held that the "Eleventh Amendment prevents Congress from authorizing suits in federal court by Indian tribes against States to enforce" the provision in the Indian Gaming Regulatory Act (IGRA) requiring States to "negotiate in good faith."

"This decision is not only a strike against American Indians' access to federal courts to enforce federal rights against a State, but jeopardizes the rights of all Americans to use the federal courts to ensure that States comply with federal law." said Ada E. Deer, Assistant Secretary for Indian Affairs. "I agree with Justice Stevens' assessment that this 'decision is fundamentally' a mistake.

The court's decision will prohibit Indian tribes from using the federal courts as a vehicle to compel States to negotiate in good faith for casino gaming, but all of the other provisions of the IGRA remain intact.

"The Bureau of Indian Affairs stands staunchly behind the Indian tribes and their right to conduct Indian gaming." "We will protect this American Indian right and exercise our trust responsibility to assist Indian tribes to engage in authorized gaming under the IGRA." said Ms. Deer.

There are 557 federally recognized Indian tribes which would be allowed to conduct Indian gaming under the IGRA, but currently there are only 282 tribes that are actively conducting Indian gaming and of this amount approximately 1/5 (126) tribes have tribal-state compacts authorizing casino gaming.

Indian gaming authorized under the IGRA, unlike non-Indian gaming, requires that the proceeds from the gaming operation be used to (1) fund tribal government operations or programs, (2) provide for the general welfare of the Indian tribe and its members, (3) promote tribal economic development, (4) donate to charitable organizations, or (5) help fund operations of local government agencies. "Indian gaming has been a general boost for some Indian tribal governments and has been instrumental in directly improving the living conditions of Indian people on various Indian reservations. States Ms. Deer. "Take for example the Oneida Tribe of Wisconsin that has used the proceeds to fund school, develop Tribal infrastructure, and to provide for the general welfare." "I pledge my direct and dedicated support to Indian tribes to continue to conduct Indian gaming under the IGRA."