



# USET

SOVEREIGNTY PROTECTION FUND

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## USET SPF Resolution No. 2025 SPF:006

### **SUPPORT OF THE CAYUGA NATION IN ASSERTING ITS SOVEREIGN RIGHT TO REGULATE ECONOMIC ACTIVITY WITHIN ITS TERRITORIAL JURISDICTION**

- WHEREAS,** United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) is an intertribal organization comprised of thirty-three (33) federally recognized Tribal Nations; and
- WHEREAS,** the actions taken by the USET SPF Board of Directors officially represents the intentions of each member Tribal Nation, as the Board of Directors comprises delegates from each member's Tribal Nation leadership; and
- WHEREAS,** the Cayuga Nation is a participating member of USET SPF, and is governed by the federally recognized Cayuga Nation Council and the Nation's Federally Recognized Representative, Clint Halftown; and
- WHEREAS,** the Cayuga Nation reports that it commenced litigation in the United States District Court for the Northern District of New York seeking a ruling that the State of New York's gaming activities within the Cayuga Nation's territorial jurisdiction are prohibited by the Indian Gaming Regulatory Act (IGRA); and
- WHEREAS,** the Cayuga Nation asserts that, in 1794, the United States Government formally recognized the Cayuga Nation and set aside 64,015 acres as its federally recognized Reservation, which has not been disestablished to this date; and
- WHEREAS,** the Cayuga Nation asserts that the Cayuga Nation Council, exercising the right of self-government and its exclusive right to regulate gaming within its Reservation pursuant to IGRA, enacted a Gaming Ordinance, subsequently approved by the National Indian Gaming Commission, permitting Class II gaming; and
- WHEREAS,** the Cayuga Nation asserts that it operates several Class II gaming facilities within its Reservation; and
- WHEREAS,** the Cayuga Nation asserts that the State of New York operates, without Cayuga Nation authorization, several Class III games, including instant lottery and draw lottery, and has issued a license to an operator to provide mobile lottery tickets within the Reservation; and
- WHEREAS,** the Cayuga Nation asserts that New York's gaming activity within the Reservation is a violation of IGRA; and
- WHEREAS,** the Cayuga Nation asserts that it demanded the State of New York cease its unlawful gaming activities within the Reservation and the State of New York did not respond to the demand and continues, to today, its activities; and

**WHEREAS,** the Cayuga Nation reports that the State of New York moved to dismiss the Nation’s litigation and argued that IGRA does not apply to states and that the State of New York is permitted, as a matter of law, to conduct gaming within the Reservation free from regulation of the National Indian Gaming Commission or the Cayuga Nation, which motion to dismiss remains pending before the Court; and

**WHEREAS,** USET SPF supports the Cayuga Nation’s right to litigate to enforce its exclusive right under IGRA and its inherent sovereignty to regulate all gaming on lands located within the Nation’s territorial jurisdiction; and


**WHEREAS,** in December 2010, the United States recognized the rights of its First Peoples through its support of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), whose provisions and principles support and promote the purposes of this resolution; therefore, be it

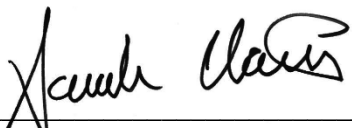
**RESOLVED** USET SPF strongly supports the Cayuga Nation in its efforts to assert any sovereign rights, as codified in IGRA, to regulate gaming on lands within the Nation’s territorial jurisdiction; and be it further

**RESOLVED** USET SPF calls upon the State of New York to recognize the supremacy of IGRA as federal law and cease any illegal gaming operations within the Nation’s territorial jurisdiction.

**CERTIFICATION**

This resolution was duly passed at the remote USET SPF Annual Meeting at which a quorum was present on October 8, 2024.

  
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Chief Kirk E. Francis, Sr., President  
United South and Eastern Tribes  
Sovereignty Protection Fund

  
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Vice Chairwoman Sarah Harris, Secretary  
United South and Eastern Tribes  
Sovereignty Protection Fund