

# COLT

COALITION OF LARGE TRIBES

Mandan, Hidatsa and Arikara Nation / Oglala Sioux Tribe / Crow Tribe / Navajo Nation / Sisseton Wahpeton Sioux Tribe / Blackfeet Tribe of Montana / Rosebud Sioux Tribe / Spokane Tribe / Cheyenne River Sioux Tribe / Ute Indian Tribe

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## COALITION OF LARGE TRIBES RESOLUTION # 6-11-9-13

**Title: Including the Federal Deposit Insurance Corporation on the White House Council on Native American Affairs and Requesting that Tribal Sovereignty and Tribal Trade Authority be Acknowledged and Respected by Federal Agencies and States.**

**WHEREAS**, the Coalition of Large Tribes (COLT) was formally established in April, 2011, and is comprised of Tribes with large land base, including the Mandan, Hidatsa and Arikara Nation (MHA Nation), the Oglala Sioux Tribe, the Crow Tribe, the Navajo Nation, the Sisseton Wahpeton Sioux Tribe, the Blackfeet Tribe of Montana, the Rosebud Sioux Tribe, the Ute Indian Tribe, the Shoshone-Bannock Tribes, the Colville Confederated Tribes, the Fort Belknap Indian Community, and the Cheyenne River Sioux Tribe. COLT is chaired by Chairman Tex Hall of the MHA Nation; and,

**WHEREAS**, COLT was organized to provide a unified advocacy base for tribes that govern large trust land bases and that strive to ensure the most beneficial use of those lands for tribes and individual Indian landowners; and,

**WHEREAS**, President Barrack Obama on June 26, 2013, issued an Executive Order establishing a White House Council on Native American Affairs that states in part:

To honor treaties and recognize tribes' inherent sovereignty and right to self-government under U.S. law, it is the policy of the United States to promote the development of prosperous and resilient tribal communities, including by:

- (a) promoting sustainable economic development, particularly energy, transportation, housing, other infrastructure, entrepreneurial, and workforce development to drive future economic growth and security;

**WHEREAS**, the White House Council on Native American Affairs, Sec. 3. Membership, states in part (a) The Secretary of the Interior shall serve as the Chair of the Council, and is authorized designate other agencies and that the Federal Deposit Insurance Corporation (FDIC) should be added to this membership; and,

**WHEREAS**, the State of New York as well as Federal agencies including the United States Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), Consumer Financial Protection Bureau (CFPB), and the FDIC are now encroaching upon tribal sovereignty by assisting states to use state laws and state taxes to eliminate tribally-owned commercial enterprises engaged in native tobacco trade and online ecommerce including tribally-owned short term lending operations; and,

**WHEREAS**, the U.S. Supreme Court has determined in 1991's Oklahoma Tax Commission v. Citizen Band Potawatomi Indian Tribe of Oklahoma decision, that tribes in their commercial activity with other entities are covered under the umbrella of the tribes' sovereignty; and,

**WHEREAS**, the Supreme Court in 1998's *Kiowa Tribe of Oklahoma v. Manufacturing Technologies* decision ruled that even when tribes entered into activities, executed off-reservation, they still enjoyed sovereign immunity; and,

**WHEREAS**, tribal sovereignty in short term online lending was also affirmed in two state court decisions, the *Ameriloan* and *Suthers* cases; and,

**WHEREAS**, the ATF is interpreting the Prevent All Cigarette Trafficking (PACT) Act to deny any meaningful tribe-to-tribe tobacco trade and have ignored the tribal sovereignty protections included in the PACT act; and,

**WHEREAS**, though courts have spoken, Federal agencies are now partnering with states in an attempt to force tribes to abide by state laws and taxes and to destroy tribe to tribe commerce; and,

**WHEREAS**, the sovereignty of all federally recognized tribes includes the protection of sovereign immunity in tribes' commercial endeavors wherever geographically located or through whatever modern technology utilized; and,

**NOW THEREFORE BE IT RESOLVED**, that COLT hereby requests that the Secretary of Interior work with COLT and/or its designee to include FDIC into the membership of the White House Council on Native American Affairs; and,

**BE IT FURTHER RESOLVED**, that COLT's Congressional delegates work with COLT and/or its designee in ensuring tribal sovereignty is not encroached upon by state and/or Federal agencies; and,

**BE IT FURTHER RESOLVED**, that COLT requests the United States Senate Committee on Indian Affairs hold a hearing on these matters as soon as possible to investigate the actions of these Federal agencies, inform policy discussion, and educate Federal agencies and states on the framework of tribal sovereignty as these actions violate our rights as sovereigns and tread heavily on our government to government relationship with the United States; and,

**BE IT FINALLY RESOLVED**, that COLT requests this matter on sovereignty is placed a top priority during the November 2013 White House Tribal Nations Conference.

### CERTIFICATION

This resolution was enacted at a duly called meeting of the Coalition of Large Tribes at a meeting held in Las Vegas, Nevada on November 9, 2013, at which a quorum was present, with 9 members voting in favor, 0 members opposed, 0 members abstaining, and 1 member not present.

Dated this 9th day of November, 2013.



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Secretary, Coalition of Large Tribes

Attest:



Tex G. Hall, Chairman, Coalition of Large Tribes