

**AN EDUCATIONAL UPDATE FROM  
THE SOUTHEAST LAW INSTITUTE™, INC.**

**To: Interested Persons**  
**Date: August 2024**  
**From: A. Eric Johnston**  
**RE: H.R.6180 -Expansion of Poarch Indian Gambling**

H.R.6180 is pending in the U.S. House of Representatives. It is sponsored by Alabama Representatives Jerry Carl, Barry Moore, Terri Sewell, and Dale Strong. The purpose of this bill is to increase lands held in trust by the Poarch Band of Creek Indians. If that happens, it will result in expanding Indian gambling activities in Alabama.

The issue goes back to 2009 when the United States Supreme Court decided the case of *Carceiri v. Salazar*. The case deals with what are official “tribal lands” and whether local or state governments have authority over them. The boundaries of tribal lands for all tribes were established by law in 1934. If land is in fact “tribal,” it is part of sovereign Indian land and not subject to local statutes, regulations and ordinances. If they are not “tribal” lands, they are subject to those laws, including in Alabama, the antigambling constitutional amendment and criminal statutes.

*Carceiri* dealt with local Rhode Island building laws. Because the Narragansett Indians were not formally recognized by the Federal Government until 1983, the land they were developing was not tribal land and therefore subject to building regulations. While the Poarch Indians were not a party to that litigation, they are affected by it.

The Poarch Indians were not recognized until 1984. So, like the Narragansett Indians, the Poarch Indian’s land is subject to Alabama laws. The Poarch Indians have gambling casinos in Escambia, Montgomery, and Wetumpka counties, in Alabama. Since the *Carceiri* decision, there has been lingering doubts of whether those lands are subject to Alabama gambling restrictions. Those questions have never been resolved.

H.R.6180 would resolve that question in favor of the Poarch Indians. The bill retroactively recognizes the Poarch Indians as of June 18, 1934. All lands owned by them become trust lands and therefore will not be subject to Alabama constitutional and criminal gambling law restrictions.

Testimony in support of the bill and the position of the Poarch Indians is that the land should be held in trust for the communal and civic benefit of the Poarch Indians, without restrictions of local laws. Nothing in the testimony recognizes the potential for gambling expansion, which is exactly what enactment of this bill would do.

In the recent 2024 regular session of the Alabama Legislature, liberal gambling expansion was proposed of which the Poarch Indian’s gambling plans were an integral part. Those bills did not pass. They are expected to return. If H.R.6180 becomes law, and gambling interests are successful in amending the Alabama Constitution to allow gambling, with related enabling legislation, the Poarch Indians will be able to expand their gambling operations to all of their lands in Alabama. It is therefore important that H.R.6180 not become law.

Gambling expansion is not good. We are damaged by gambling addiction, human and drug trafficking, organized crime, and damage to small businesses, the community and the family. There are many reasons to oppose gambling expansion. H.R.6180 should be opposed for these reasons alone.

We hold no animosity for the Alabama Poarch Indians. They have protected rights to their sovereign lands. These lands are used for the care and benefit of the tribe. Unfortunately, however, like other tribes nationwide, they have discovered that being free of local laws allows them to conduct gambling operations up to and including full-fledged casinos. That is not good for the tribe or the public.

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