

September 2024

Dear Friends and Supporters,

This month's Educational Update is a brief civics' lesson on the federal separation of powers doctrine as it relates to the U.S. Supreme Court. We know the liberal legal/political establishment is very dissatisfied with the direction in which SCOTUS is going. First, President Biden and now, candidate Kamala Harris are saying they will move to restrict that court. That is not permitted under the separation of powers without amending the U.S. Constitution. We do not see that happening.

Last month's Educational Update was basically a reprint from an article we did for *1819 News*. HR6180 is a bill in Congress to recognize the Poarch Creek Indians retroactively until 1934, thereby bringing into sovereignty all tribal lands. This makes those lands immune from state laws, including gambling. This caused a response from several active sponsors, including the main sponsor, Representative Jerry Carl, who said,

“My bill has absolutely nothing to do with gaming, does not change a single law regarding gaming in Alabama, and does not change the federal oversight process for Indian Gaming. The federal government regulates Indian Gaming under the Indian Gaming Regulatory Act, “IGRA”], National Indian Gaming Commission regulations, and an entire review process by the U.S. Department of the Interior.”

That is correct. What he does not say is that the PCI are big players in the effort to remove Alabama's prohibition against gambling. If that happens, we get unlimited gambling which allows the PCI to have a compact for Class III gaming under IGRA, which is unlimited. The SCOTUS case *Carciere* is a cloud on what lands they can have gaming. While the bill does not mention gaming or gambling (synonyms), it recognizes the sovereignty of PCI lands, removes any state regulation, and allows all the economic expansion they want, including gambling. The PCI present this as the need for equal treatment with other tribes. There is legitimacy in that, if you can prohibit gambling expansion. As it stands, you cannot.

We believe the bill will probably not make it out of committee. However, the PCI are very persistent in their efforts to expand their gambling empire. Otherwise, we wish them well on all economic endeavors.

Thank you for your continuing support of SLI. It is always very helpful to our efforts. It makes it possible for us to engage in important issues like this one. With personal regards, I am,

Yours very truly,

A. Eric Johnston

AEJ/pkh