



UNITED SOUTH AND EASTERN TRIBES, INC.
711 Stewarts Ferry Pike • Suite 100 • Nashville, TN 37214
Telephone: (615) 872-7900 • Fax: (615) 872-7417

UNITED SOUTH AND EASTERN TRIBES, INC.

Resolution No. USET 96:48

**INTERVENTION BY THE UNITED STATES DEPARTMENT OF JUSTICE
IN THE MICCOSUKEE TRIBE'S LAWSUIT AGAINST THE
FLORIDA DEPARTMENT OF TRANSPORTATION**

- WHEREAS,** the United South and Eastern Tribes, Incorporated, (USET) is an inter-tribal organization comprised of twenty-three (23) federally recognized tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member Tribe, as the Board of Directors is comprised of delegates from the member Tribe's leadership; and
- WHEREAS,** the Miccosukee Tribe of Indians of Florida (Miccosukee Tribe) has their Federal Reservation, the Alligator Alley Reservation, within the traditional homelands of the Miccosukee Tribe; and
- WHEREAS,** in 1991, the Miccosukee Tribe filed a federal lawsuit against the State of Florida (Florida), and the Florida Department of Transportation (FDOT), and current and former officials alleging they violated the United States Constitution, federal statutes and regulations, unlawfully trespassed upon tribal lands, removed and converted fill therefrom, impeded tribal access to parts of the Miccosukee Reservation, installed a microwave tower on tribal lands without authorization, and unlawfully took and continue to occupy tribal lands; and
- WHEREAS,** Florida and FDOT asserted Eleventh Amendment immunity defenses to prevent the Miccosukee Tribe from asserting its meritorious claims against these entities; and
- WHEREAS,** the federal district court dismissed the Miccosukee Tribe's claims against Florida and FDOT on the basis of the Eleventh Amendment immunity, which dismissal is presently being appealed to the Eleventh Circuit Court of appeals; and
- WHEREAS,** subsequent thereto, the Miccosukee Tribe filed an Amended Complaint asserting various claims against current and former FDOT officials, in their official capacities, and also in their individual capacities for acts in excess of their authority and outside the scope of their employment with FDOT, which lawsuit is presently pending; and

"Because there is strength in Unity"

(USET 96:48)

WHEREAS, during the past five (5) years, the Miccosukee Tribe has made numerous requests to the Department of Interior to intervene on behalf of the Miccosukee Tribe in its lawsuit against the State, FDOT, and their current and former officials, and referred the matter to the Department of Justice; and

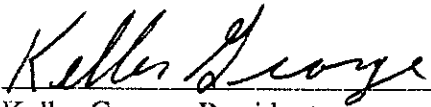
WHEREAS, in February 1996, the Department of Interior, after repeated requests by the Miccosukee Tribe, finally recommended federal government intervention to assist the Miccosukee Tribe in its lawsuit against the State, FDOT, and their current and former officials, and referred the matter to the Department of Justice; and

WHEREAS, to date, the Department of Justice has taken no discernible action on the Department of Interior's recommendation and the Miccosukee Tribe's repeated requests that intervene in the pending lawsuit on behalf of the Miccosukee Tribe.

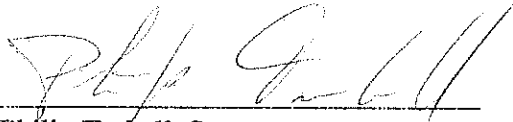
NOW, THEREFORE, BE IT RESOLVED that the USET Board of Directors does hereby support the Miccosukee Tribe in their lawsuit against the State of Florida, FDOT, and their current and former officials, and requests and demands that the United States Department of Justice fulfill the federal government's Trust responsibility and immediately intervene in said lawsuit to protect tribal lands and the Miccosukee Tribe's sovereignty rights.

CERTIFICATION

This resolution was duly passed at the USET Semi-Annual Board of Directors meeting at which a quorum was present, in Bangor, ME on Friday, June 21, 1996.



Keller George, President
United South and Eastern Tribes, Inc.



Philip Tarbell, Secretary
United South and Eastern Tribes, Inc.