



## UNITED SOUTH AND EASTERN TRIBES, INC.

---

---

Resolution No. USET 99:02

### SUPPORT OF MASHANTUCKET PEQUOT TRIBAL NATION LAND INTO TRUST APPEAL

- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprising 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 comprises delegates from the member tribes' leadership; and
- WHEREAS,** WHEREAS, the Mashantucket Pequot Tribal Nation applied to transfer into trust 165 acres of land, contiguous to their reservation; and
- WHEREAS,** this land would be used for community needs; and
- WHEREAS,** the Bureau of Indian Affairs decided to transfer such lands into trust on behalf of the Mashantucket Pequot Tribal Nation; and
- WHEREAS,** the three adjacent towns strongly opposed this transfer and filed a lawsuit against the Department of the Interior opposing the transfer; and
- WHEREAS,** the Federal District Court decision, captioned Connecticut vs. Babbitt, was adverse to the Department of the Interior and held that the language of the Mashantucket Pequot Tribal Settlement Act prohibited the transfer of lands into trust outside of the reservation boundaries; and
- WHEREAS,** the United States government, in order to acknowledge Tribes, has imposed a requirement of continuous Tribal communities and governments and has established procedures applicable to all Tribes whereby land can be transferred into trust as needed for the purposes of preserving the unique cultures and governmental status of Indian Tribes; and
- WHEREAS,** the Federal Court, by this decision, has disregarded established canons of statutory construction and the language of the applicable statute such that this Tribe is deprived of the opportunity to meet its growing community and governmental needs; therefore, be it
- RESOLVED** that the United South and Eastern Tribes Board of Directors supports the Mashantucket Pequot Tribal Nation; be it further
- RESOLVED** that the United South and Eastern Tribes Board of Directors shall send a letter to Assistant Secretary Kevin Gover requesting that the Department of the Interior support an appeal of this adverse Federal District Court Decision.

#### CERTIFICATION

This resolution was duly passed at the USET Impact Week Meeting, at which a quorum was present in Washington, D.C. on Thursday, February 4, 1999.

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

Beverly Wright, Secretary  
United South and Eastern Tribes, Inc.

**DRAFT United South and Eastern Tribes, Inc. DRAFT**  
**Resolution 99-2-x-yy Etc.**

Whereas, on December 15, 1998, a United Federal District Court Judge ruled that the Mashantucket Pequot Tribe was barred from taking any land into trust that is located outside the boundaries specified in the Tribe's 1983 Settlement Act, and

Whereas, the court's decision is contrary to a 1990 Department of the Interior Solicitor's interpretation of Section 1745(b)(8) of the Settlement Act concluding that the only restriction for the taking of lands into trust outside the 1983 original settlement area relate to those properties purchased with settlement funds, and

Whereas, the court's decision flies in the face of the rule of construction concerning Federal Indian Law which provides that when a statute is passed for the benefit of Indian tribes, the statutes are to be liberally construed and doubtful expressions must be resolved in favor of Indians, and

Whereas, the court's decision prevents thoughtful discussion and resolution of land into trust matters between the Tribe and surrounding Towns violating the spirit of the law, and

Whereas, the court's decision ignores any allowance for the natural growth in the membership of the Mashantucket Pequot Tribe creating a status quo which is grossly unfair for present and future generations,

Now, therefore be it resolved, that the United South and Eastern Tribes beseeches the United States Government and its representatives, to carry out its fiduciary responsibilities to the Mashantucket Pequot Tribe, and appeal the aforementioned court decision.