



UNITED SOUTH AND EASTERN TRIBES, INC.
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UNITED SOUTH AND EASTERN TRIBES, INC.

Resolution No. 96:46

FLORIDA DEPARTMENT OF TRANSPORTATION LAWSUIT

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 the lawsuit is presently pending; and

"Because there is strength in Unity"

(USET 96:46)

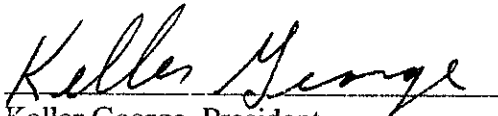
WHEREAS, for several years, the Miccosukee Tribe and FDOT have been negotiating a Settlement Agreement in order to resolve the pending lawsuit; and

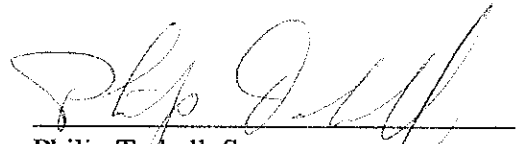
WHEREAS, while the Miccosukee Tribe has engaged in good faith negotiations to resolve the litigation, FDOT continues to delay the finalization of the Settlement Agreement.

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 its current and former officials, and requests and demands that the State of Florida and FDOT settle the lawsuit by negotiating in good faith and finalizing and executing the Settlement Agreement without further delay.

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.