



UNITED SOUTH AND EASTERN TRIBES, INC.

USET Resolution No. 2005:055

THE LAND CLAIM OF THE CAYUGA NATION OF NEW YORK

- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of twenty-four (24) 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,** Indian Tribes are sovereign indigenous nations, with rights of self-government pre-dating the United States; and
- WHEREAS,** the Constitution of the United States, treaties, statutes, and executive orders acknowledge the sovereign status of Indian Tribes as governments and the rights of Indian Tribes to the free use and enjoyment of their lands; and
- WHEREAS,** the Cayuga Nation and the Federal Government filed suit against the State of New York, Cayuga County and Seneca County for the illegal taking of land in contravention of the Nonintercourse Act (25 U.S.C. § 177); and
- WHEREAS,** the United States Federal District Court for the Northern District of New York ruled that the State of New York, Seneca County and Cayuga County had violated the Nonintercourse Act and that the Cayuga Nation was entitled to \$248 million in monetary damages; and
- WHEREAS,** on June 28, 2005, the United States Court of Appeals Second Circuit, in a two-to-one decision, reversed the judgment of the Federal District Court and concluded that the land claim of the Cayuga Nation should be barred and dismissed; therefore, be it
- RESOLVED,** that the USET Board of Directors condemns the decision of the Second Circuit Court of Appeals as contrary to existing federal statutes, legal precedent and treaties between the United States and the Cayuga Nation; and, be it further
- RESOLVED** that the USET Board of Directors, with the consent of the Cayuga Nation, calls upon the entire Second Circuit Court of Appeals to review and reverse, *en banc*, the erroneous determination and findings made by two members of the Court on June 28, 2005; and, therefore be it further
- RESOLVED** that if the entire Second Circuit Court of Appeals fails to correct its mistake, the USET Board of Directors calls upon the United States Supreme Court to reverse the Second Circuit's decision and reinstate the judgment awarded to the Cayuga Nation by the United States District Court for the Northern District of New York.

CERTIFICATION

This resolution was duly passed at the USET Semi-Annual Meeting at which a quorum was present in Mashantucket, CT, on Thursday, June 30, 2005.

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

Eddie L. Tullis, Secretary
United South and Eastern Tribes, Inc.

“Because there is strength in Unity”