



USET Resolution No. 2008:023

**REQUEST FOR DEPARTMENT OF JUSTICE TO REPRESENT LAW
ENFORCEMENT OFFICERS IN DEFENSE OF CRIMINAL PROSECUTION**

- WHEREAS, United South and Eastern Tribes, Incorporated (USET) is an intertribal organization comprised of twenty-five (25) 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 (US); and
- WHEREAS, the US Constitution, treaties, statutes, and numerous Presidential directives acknowledge the sovereign status of Indian Nations as governments; and
- WHEREAS, President Bush, and many of his predecessors, have issued Presidential directives to all Federal agencies to work with Indian Nations on a government-to-government basis and to consult with them before taking any action that could potentially impact Indian Tribes; and
- WHEREAS, Tribal law enforcement officers are responsible for protecting the lives of hundreds of thousands of Americans and patrolling hundreds of miles of lands; and
- WHEREAS, Tribal governments have an obligation to ensure public safety in their communities. Tribes dedicate their limited resources to providing the highest quality education and training to their law enforcement officers; and
- WHEREAS, Tribal law enforcement officers are trained at the highest level at the Office of State and Local Training (OSL), which provides training to State, local and Tribal law enforcement agencies, Federal Law Enforcement Training Center (FLETC), Department of Homeland Security. Tribal law enforcement officers graduate from the same training program as other Federal entities, such as, the Immigration and Naturalization Services, US Border Patrol and the Transportation Security Administration; and
- WHEREAS, sovereign immunity from suit protects Indian Tribes and Tribal officials from both civil and criminal liability arising out of actions taken in furtherance of their professional responsibilities; and
- WHEREAS, USET member Tribes Tribal law enforcement officers have been subject to State prosecution for attempting to assist Tribal citizens and businesses as the Federal court has stated their sovereign immunity is not applicable in this case; and
- WHEREAS, the Tribal Government may not have sufficient resources to thoroughly explore every avenue of these complex cases which may affect all Tribal nations; and

"Because there is strength in Unity"

WHEREAS, Tribal law enforcement officers, having met the requirements to receive special law enforcement commissions, are not afforded qualified immunity and other appropriate sovereign protections by State and Federal authorities, therefore be it

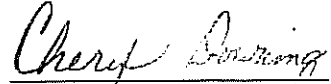
RESOLVED the USET Board of Directors requests the Department of Interior solicit the Department of Justice to represent the USET member Tribes' law enforcement officers in defense of criminal prosecution brought for actions committed in furtherance of their sworn duty.

CERTIFICATION

This resolution was duly passed at the USET Impact Week Meeting at which a quorum was present in Arlington, VA on Thursday, February 14, 2008.



Brian Patterson, President
United South and Eastern Tribes, Inc.



Cheryl Downing, Secretary
United South and Eastern Tribes, Inc.