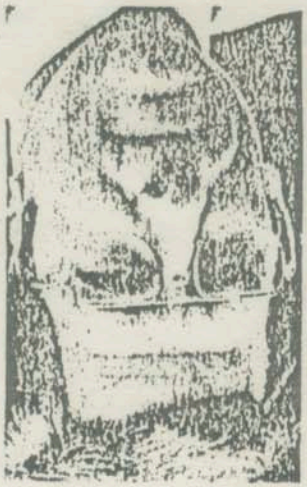


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# Settlement Claim Surprises Tribe

By SALLY BARKER  
Staff Writer

Florida Attorney General Jim Smith reportedly is telling members of Gov. Bob Graham's Cabinet that the Miccosukee Tribe is willing to settle their massive land suit out of court — a move that appears to be taking at least some tribal representatives by surprise. Although tribal chairman Buffalo Tiger was not immediately available for comment — a spokeswoman in his office said she was surprised by the report. AS SHE put it: "I hadn't heard anything about an out of court settlement until whenever a lawsuit is filed," but he said the state had not yet approached them with any concrete proposals.



JIM SMITH

*In a letter sent out to Cabinet members Thursday Smith said the state will try to reach an out of court settlement with the tribe . . .*

It was on this premise, he said, that the Miccosukees agreed to the extension. Lipman emphasized that the Miccosukees are "willing to sit down at any time and talk about a settlement," but as far as he knows, the state has not raised any settlement issues yet. In a letter sent out to Cabinet members Thursday Smith said the state will try to reach an out of court settlement with the tribe — although he said that effort does not preclude further court action in the case. THE MICCOSUKEE suit, filed in mid-January is based on Presidential Executive Orders of 1839 and 1842 giving the tribe title to 5-million acres of land in 10 south Florida counties — including all of Collier County. The tribe, however, made work it out — an extension in the 40-day time limit required for filing an answer to the suit. "WHEN THEY (the state) requested this extra time," he said, "they told us it would be desirable to settle this case out of court and it would take extra time to work it out."

clear that it is not seeking title to privately owned land in this disputed area — but the right to "use and occupy" any lands still owned by the State of Florida. In addition, the Indian suit seeks to have about 200,000 acres of land in Conservation Area 3 in Dade and Broward counties put under a "Declaration of Trust," which would guarantee their right to live there in perpetuity. THE MICCOSUKEES had been negotiating this Declaration of Trust since 1975 with the administration of former Governor Reubin Askew. Last summer, however, Robert Shevin told the tribe that these negotiations could not be concluded unless the Miccosukees agreed to waive any and all claims they might have against the state.