

**Miccosukee Tribe of Indians of Florida v.
Florida State Athletic Commission**

226 F.3d 1226 (11th Cir. 2000)
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Plaintiff, the Miccosukee Tribe of Indians of Florida ("Tribe"), a federally-recognized Indian tribe exercising powers of self-governance, established its own athletic commission for the regulation of professional boxing matches that were held on the Miccosukee reservation. Defendant, Florida State Athletic Commission ("Commission"), had established a similar entity to regulate professional boxing matches within the state of Florida. Both commissions provide the same services to the boxing profession, including licensing boxing officials and regulatory staff that officiate at boxing matches, as well as employing many of the same officials.

According to the Tribe, soon after it had created its athletic body, the Commission began threatening officials with adverse employment action if they accepted assignments with the Tribe's commission over its own. The Tribe also alleged that the Commission was not threatening boxing officials accepting assignments with non-Indian entities. In addition, the Commission attempted to tax promoters conducting boxing matches on the Tribe's reservation as it does for matches taking place within the state. The Tribe thus filed suit against the Commission, as well as several of its officials and representatives, alleging violations of the federal Professional Boxing Safety Act, the Equal Protection Clause of the 14th Amendment, and federal common law. The district court dismissed the complaint holding that the Tribe failed to assert an injury in fact, as well as finding that the Commission had 11th Amendment immunity against suits in federal court. The Court of Appeals ruled that the Tribe failed to assert an injury as to its Equal Protection claim, but showed sufficient injury on its tax claim. It also affirmed the lower court's 11th Amendment immunity decision.

In addressing the Tribe's argument that the lower court incorrectly dismissed its complaint for failure to assert an injury in fact, the Appellate Court compared the Tribe's claims against the elements necessary for Article III standing. The Court held that the Tribe did not identify any particular injury as a result of the Commission's alleged misconduct and, thus, failed to meet its burden of proof for establishing standing for its Equal Protection claim. However, on its tax claim challenging the state's authority to tax non-Indian promoters on revenues earned from boxing matches held on the reservation, the Court did find that the Tribe satisfied the injury in fact requirement for standing since this tax infringed upon the Tribe's sovereignty. As for the 11th Amendment immunity argument, the Court examined the Commission's relationship to the state of Florida and found that it was an arm of the state and, therefore, entitled to immunity based on the state law definition of an "entity," the degree of control the state exercises over the Commission, the origin of Commission's funding stream, and who determines judgments against the Commission.

With these findings, the 11th Circuit affirmed the lower court's rulings on the Equal Protection claim and the immunity claim; however, it held that the Tribe did show an injury in fact with regard to its tax claim. Allowing the tax claim affords tribes the assurance that their interests in self-governance will not be compromised in the future. This is a powerful declaration to state governments in the 11th Circuit

attempting to influence tribes by claiming a right that directly challenges their right to sovereignty.