



# USET

SOVEREIGNTY PROTECTION FUND

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September 4, 2018

The Honorable John Hoeven  
Chairman  
Senate Committee on Indian Affairs  
838 Hart Senate Office Building  
Washington, D.C. 20510

The Honorable Tom Udall  
Vice-Chairman  
Senate Committee on Indian Affairs  
838 Hart Senate Office Building  
Washington, D.C. 20510

Dear Chairman Hoeven and Vice-Chairman Udall:

On behalf of United South and Eastern Tribes Sovereignty Protection Fund (USET SPF), we write to you as the U.S. Senate begins its consideration of Judge Brett M. Kavanaugh for confirmation to the Supreme Court of the United States. We recognize that the Senate Judiciary Committee has initiated hearings this week to consider his nomination with a stated goal to have a full Senate vote in late September 2018. As you can imagine, it is of great importance to our membership, and to all Tribal Nations, that the Senate prioritize the confirmation of SCOTUS nominees who understand, respect, uphold, and protect the inherent sovereign authorities and rights of Tribal Nations.

USET SPF is a non-profit, inter-tribal organization representing 27 federally recognized Tribal Nations within the south and eastern region of the United States<sup>1</sup>. USET SPF is dedicated to enhancing the development of federally recognized Tribal Nations, to improving the capabilities of Tribal governments, and assisting USET SPF Member Tribal Nations in dealing effectively with public policy issues and in serving the broad needs of Indian people. This includes advocating for the full exercise of inherent Tribal sovereignty.

As a member of SCIA, with its primary jurisdiction being “the relationship of the United States with Indians and Indian Tribes,” you have a deeper understanding of the unique and special nature of our diplomatic nation-to-nation relationship, the sacred responsibility of the United

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USET SPF member Tribal Nations include: Alabama-Coushatta Tribe of Texas (TX), Aroostook Band of Micmac Indians (ME), Catawba Indian Nation (SC), Cayuga Nation (NY), Chitimacha Tribe of Louisiana (LA), Coushatta Tribe of Louisiana (LA), Eastern Band of Cherokee Indians (NC), Houlton Band of Maliseet Indians (ME), Jena Band of Choctaw Indians (LA), Mashantucket Pequot Indian Tribe (CT), Mashpee Wampanoag Tribe (MA), Miccosukee Tribe of Indians of Florida (FL), Mississippi Band of Choctaw Indians (MS), Mohegan Tribe of Indians of Connecticut (CT), Narragansett Indian Tribe (RI), Oneida Indian Nation (NY), Pamunkey Indian Tribe (VA), Passamaquoddy Tribe at Indian Township (ME), Passamaquoddy Tribe at Pleasant Point (ME), Penobscot Indian Nation (ME), Poarch Band of Creek Indians (AL), Saint Regis Mohawk Tribe (NY), Seminole Tribe of Florida (FL), Seneca Nation of Indians (NY), Shinnecock Indian Nation (NY), Tunica-Biloxi Tribe of Louisiana (LA), and the Wampanoag Tribe of Gay Head (Aquinnah) (MA).

States to fulfill its treaty and trust obligations to Tribal Nations and Indian people, and our inherent sovereign authorities and rights. Further, you understand and recognize that the inherent sovereign authority and foundation of our diplomatic relationship, and the related responsibilities and obligations of the United States as part of this relationship, was recognized and accounted for in the United States Constitution. The unique status of Tribal Nations and Indian peoples, as well as the trust obligations owed to them, have been further reflected in numerous treaties, laws, Supreme Court decisions, and Executive Orders; this legal process, in turn, has resulted in the transfer of millions of acres of land and resources from Tribal Nations to the U.S.

Our request is simple: Because of the knowledge and understanding that you possess as a member of SCIA, we respectfully ask that you provide the necessary leadership as the Senate considers the nomination of Judge Brett M. Kavanaugh. Specifically, we request that you work to ensure that all members of the Senate approach their consideration of his nomination with an understanding and respect for our unique status under the law and our diplomatic relationship with the United States, as well as the sacred trust responsibility and obligation of the United States to Tribal Nations and Indian people. In doing so, the Senate will send a clear message that all branches of the federal government, including Supreme Court justices, are expected to honor and respect our unique status and relationship, support and protect our inherent sovereign authorities, and work to fulfill trust and treaty responsibilities and obligations to the fullest extent.

Sincerely,



Kirk Francis  
President



Kitcki A. Carroll  
Executive Director