



USET

SOVEREIGNTY PROTECTION FUND

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March 30, 2017

Senator Charles Grassley, Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Senator Dianne Feinstein, Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Re: Support for Confirmation of Judge Neil Gorsuch

Dear Chairman Grassley and Ranking Member Feinstein,

United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) is pleased to offer our support for the confirmation of Judge Neil Gorsuch to become Associate Justice on the Supreme Court of the United States. Judge Gorsuch hails from the Tenth Circuit encompassing the territory of 76 federally-recognized Tribal Nations. We believe this experience provides him with a solid foundation, background, and understanding of federal Indian law which will be critical as he fulfills his trust obligation to uphold and protect our inherent sovereign rights and authorities.

USET SPF is a non-profit, inter-tribal organization representing 26 federally recognized Tribal Nations from Texas across to Florida and up to Maine¹. 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 noted repeatedly during his confirmation hearing, Judge Gorsuch has significant experience with cases involving the interests of Tribal Nations and Indian people. His opinions recognize Tribal Nations as sovereign governments, and address issues of significance to Tribal governments, including state police incursion onto Tribal lands, sovereign immunity, religious freedom, accounting for trust funds, exhaustion of Tribal remedies, and Indian country criminal jurisdiction. Judge Gorsuch appears to be both attentive to the details and respectful to the fundamental principles of Tribal sovereignty and the federal trust responsibility.

It is our expectation that Judge Gorsuch's judicial philosophy on the Supreme Court will reflect an understanding of the ongoing vitality of Tribal sovereignty and will be based on respect for the authority of Tribal Nations to exercise their inherent sovereign powers in a manner akin to that of the federal government and the state governments. Respect for

¹USET 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), 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).

Tribal sovereignty also means respect for Tribal laws. Just as the federal courts give deference to state laws in certain situations, the Supreme Court should do the same for Tribal laws. Judge Gorsuch should acknowledge the legitimacy of Tribal laws in dispute resolution and other matters and work to uphold and carry out the principles of the United Nations Declaration on the Rights of Indigenous Peoples.

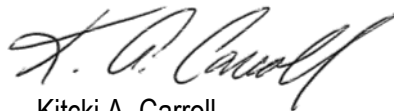
As Tribal voices have become stronger in recent years, Tribal Nations have sought to realize the full scope of their sovereignty. Necessarily this means some realignment of responsibilities between the United States and Tribal Nations. The Supreme Court will play an important role in this ongoing modernization of the trust relationship with Tribal Nations, but that role will only be positive if it based on equal respect for both US and Tribal sovereignty. It is our expectation that Judge Gorsuch will understand the importance of supporting this modernization in a manner that gives full and proper scope to Tribal sovereignty.

Once again, we appreciate the opportunity to offer our support of Judge Neil Gorsuch and look forward to him upholding and protecting the inherent sovereign interests of all federally-recognized Tribal Nations. Should you have questions or require further information, please do not hesitate to contact Ms. Liz Malerba, Director of Policy and Legislative Affairs, USET Sovereignty Protection Fund, at lmalerba@usetinc.org or 202-624-3550.

Sincerely,



Kirk Francis
President



Kitcki A. Carroll
Executive Director

CC: Senate Indian Affairs Committee
USET SPF Executive Officers
Wanda Janes, USET Deputy Director