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Scott Harris
Clerk of the Court
The Supreme Court for the United States
1 First Street NE
Washington, DC 20543

**Re: *Yellen v. Confederated Tribes, et al.*, Cases 20-543, 20-544**

Dear Mr. Harris:

In two recent letters to this Court, other parties conflate answers which the Ute Indian Tribe (the Tribe) provided to two separate questions. The Court initially asked the Tribe to respond to the ANCs' claim that application of the ISDEAA as written would cause harm. In response, the Tribe made the exact point that the Chehalis Respondents make in their letter to this Court. The Tribe discussed that *no* ISDEAA contract of record in this case would be impacted; that the Tribes' briefs also cited the major federal databases of ISDEAA contracts which show *no* contract that would be impacted; and further noted that the United States itself had disavowed the ANCs factually incorrect assertion that there would be substantial harm.

After that, the Tribe was asked a partially related but much more complex question. That question sought a response to the ANCs' assertion that present -day ownership of a share of stock in an ANC is the same as membership in a recognized tribe under all of the statutes that use ISDEAA's definition of tribe; and that if that premise were true, there would then be available mechanisms to avoid double counting of "members." The Tribe sought to highlight the largest of the multiple flaws with the ANCs' first premise in the two minutes available. The Tribe first corrected the ANC's misstatements regarding membership in Alaska tribes. The Tribe also noted that one would need to individually consider the purposes, end beneficiaries, and eligibility criteria for each of the wide array of programs or laws. Contrary to the ANCs' letter to this Court, the Tribe used NAHASDA as its example of one of the statutes that provide benefits to non-tribal members. And the Tribe's response noted that the exact issue exists in the Lower 48 states, where the percentage of Indians living in urban areas is even larger than it is in Alaska. In Alaska, as in the Lower 48 states, many of the services received by Urban Indians are *not* subject to ISDEAA (and therefore will not be impacted by this case). The Tribe noted that the federal responsibilities under those all of those varied programs are being met without ANCs (other than CIRI, under special legislation) entering into ISDEAA contracts as if an ANC were a tribe. The Court's application of the statute as written would preserve, not upset, the status quo.

Sincerely,

Jeffrey S. Rasmussen
Counsel for the Ute Indian Tribe

cc: All Counsel of Record (via ECF)