

Fort Belknap Indian Community

Fort Belknap Indian Community
(Tribal Govt.)
Fort Belknap Indian Community



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(Elected to administer the affairs of the community and
to represent the Assiniboine and the Gros Ventre
Tribes of the Fort Belknap Indian Reservation)

March 20, 2017

United States Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510-6050

Hon. Mitch McConnell
Majority Leader
317 Russell Senate Office Building
Washington, DC 20510

Hon. Charles Schumer
Minority Leader
322 Hart Senate Office Building
Washington, D.C. 20510

Hon Steven Daines
320 Hart Senate Office Building
Washington, D.C. 20510

Hon. Jon Tester
311 Hart Senate Office Building
Washington, D.C. 20510

Dear Senators:

I am the President of the Fort Belknap Indian Community, a federally recognized American Indian tribal government representing the Assiniboine and Gros Ventre Tribes, located in rural north central Montana. My Tribal Council colleagues and I visit often with Senators Daines and Tester regarding issues of importance to our Tribal citizens, as well as to Indian Country more broadly. Today, I write to share with you the Fort Belknap Indian Community's endorsement for Judge Neil Gorsuch's confirmation to serve as an Associate Justice of the United States Supreme Court.

As we have often relayed to Senators Daines and Tester, Fort Belknap is very concerned that federal appointees, whether judicial, executive branch or independent agency representatives, be well versed in and respectful of tribal sovereignty. We have examined Judge Gorsuch's record and are heartened by the respect and fairness he has always shown tribes appearing before the

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Fort Belknap Indian Community Endorsement of Confirmation of Judge Neil Gorsuch

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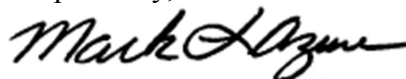
Tenth Circuit Court of Appeals. We have talked to other tribes, inter-tribal organizations and Indian Law practitioners and received unanimous positive feedback about Judge Gorsuch.

Importantly, Judge Gorsuch brings vital Western perspective to the Court. He hails from the West (Colorado), and has served on the United States Court of Appeals for the Tenth Circuit since July 2006, nominated by President George W. Bush and confirmed by the U.S. Senate by unanimous consent (voice vote). The Tenth Circuit encompasses six states: Colorado, Kansas, New Mexico, Oklahoma, Utah and Wyoming; and the territory of 76 federally recognized Indian tribes. Like many other tribes, inter-tribal organizations and other advocates throughout Indian Country, and as Senators Daines and Tester can attest, Fort Belknap has long sought the nomination of Justices with knowledge of federal Indian law, and more generally with experience on western issues directly impacting Indian tribes such as water law and public lands. Western experience is lacking in the current makeup of the Court, and is a vitally important perspective. As an example, Justice Sandra Day O'Connor came to the Court in 1981 as a former attorney, legislator and judge for the State of Arizona, and participated in the historic 2001 visit to Indian reservations to learn more about tribal judicial systems and federal Indian law. Judge Gorsuch appears to share a similar interest. In 2007, he attended the National Congress of American Indians Annual meeting in Denver with two other Tenth Circuit judges to participate in a dialogue with the Litigation and Governance Committee, chaired by John Echohawk, executive director of the Native American Rights Fund. In short, Judge Gorsuch has shown himself to be interested and engaged and willing to make the federal judiciary more accessible to tribes, who regrettably often find themselves in the position of federal court litigants.

We are also impressed by Judge Gorsuch's ground-breaking opinion in *Yellowbear v. Lampert*, principally a religious freedom case under the Religious Land Use and Institutionalized Persons Act (RLUIPA), brought by a Native American inmate who sued state prison officials because they denied him access to the prison's sweat lodge based on his placement within a special protective unit of the prison. This opinion illustrates Judge Gorsuch's respect for tribal spiritual practices and we think is emblematic of the fairness, the careful attention to what the law requires, and the accessibility of writing style that he would bring to the Court.

In sum, while we do not expect that Judge Gorsuch will agree with tribal interests on every issue, we also believe that he is immensely well qualified and we are confident that Judge Gorsuch is a mainstream, commonsense Westerner who will rule fairly on Indian Country matters. We endorse his confirmation to serve. We greatly appreciate your time and consideration.

Respectfully,



Mark Azure, President
Fort Belknap Indian Community Council