

which was our recently filed Cert. Petition on April 14, 2021, in *Gilbert v. Weahke*. The two cases are very similar in that the definition of an Indian “Tribal Organization” is at stake, and will determine who is eligible to receive federal benefits.

In *Gilbert v. Weahke*, the question is whether a federal agency, the Indian Health Service (“IHS”), violated the law and its authority to award a multi-million dollar contract to manage an IHS facility, the Sioux San Hospital, in Rapid City, South Dakota, to a state non-profit corporation which is not a “Tribal Organization.” The decision made by this Court in *Gilbert v. Weahke* will not just clarify and decide the definition of a Tribal Organization, but also brings to the table, the legitimacy of the actions of a federal agency which is currently impacting the health and welfare of thousands of people who currently receive medical care at the Sioux San Hospital.

The ‘Federal Recognition’ clause which restricts Congress to a government-to-government relationship with sovereign Indian Tribes and provides the exclusive authority to the Indian Tribes to establish Tribal Organizations, and not to a federal agency, is discussed prominently during the Supreme Court oral argument on April 19, 2021, in the afore-mentioned pending case of *Yellen v. Confederated Tribes*, Case No. 20-543:

“...Unlike Tribal corporations created under the Indian Reorganization Act (“IRA”) or Tribal law, the regional and village ANCs established by ANCSA are “state-chartered and state-regulated private business corporations.” (*Alaska v. Native Vill. of Venetie Tribal Gov’t*, 522 U.S. 520, 534 (1998))

There is no law, case, or regulation that has given the authority to a federal agency to create by its own accord a “Tribal Organization.”

For the Supreme Court to not grant certiorari and render a decision on this important provision of Tribal law in *Gilbert v. Weahke* will allow this dangerous practice to continue.

The decision that the Supreme Court makes in *Yellen v. Confederated Tribes*, and the underlying decision-making process, will have a direct impact on the Court's consideration and decision in the *Gilbert v. Weahke* case.

The Supreme Court in *Yellen v. Confederated Tribes, Case No. 20-543*, is being asked to decide whether Alaska Native Corporations (ANC's) qualify as "Indian Tribes" under the Coronavirus Aid, Relief and Economic Security or CARES Act, and therefore eligible for the \$8 Billion dollars in federal relief funds to Tribal Governments-the recognized governing body of an Indian Tribe.

CONCLUSION

In order to avoid recurring definitional issues and similar situations, and for judicial economy, in order to clarify who is entitled to federal funds, the Petitioners respectfully request that they be allowed to enter this supplement as part of their Petition.

CERTIFICATE OF SERVICE AND WORD COUNT

I hereby certify that all parties required to be served have been served with this Supplement to a Petition for Writ of Certiorari electronically via Pacer, including Elizabeth B. Prelogar, Acting Solicitor General, US Dept of Justice, 950 Pennsylvania Ave., NW. Washington, D.C. 20530-0001 on this 14th day of May, 2021. Also as required by Supreme Court Rule 33.1(h), I certify that the document contains 716 words. I declare under penalty of perjury that the foregoing is true and correct to the best of my abilities.

s/s Mark Lewis Goldstone

Mark Lewis Goldstone, Attorney for Petitioners

Supreme Court Bar #222548

1496 Dunster Lane

Rockville MD 20854

mglaw@comcast.net

Cell Phone: (301)-346-9414