

The Burger Court Opinion Writing Database

Affiliated Ute Citizens of Utah v. United States

406 U.S. 128 (1972)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University



Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

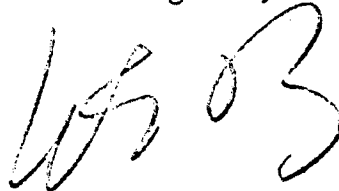
April 20, 1972

Re: No. 70-78 - Affiliated Ute Citizens of Utah v. U. S.

Dear Harry:

Please join me in your opinion.

Regards,

A handwritten signature in dark ink, appearing to be "WB", is written below the typed word "Regards,".

Mr. Justice Blackmun

cc: The Conference

3
To: The Chief Justice
Mr. Justice Black
Mr. Justice Harlan
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun

2nd DRAFT

SUPREME COURT OF THE UNITED STATES *by Douglas, J.*

No. 70-78

Affiliated Ute Citizens of the
State of Utah et al.,
Petitioners,
v.
United States et al. } On Writ of Certiorari to
the United States Court
of Appeals for the
Tenth Circuit.

~~[November —, 1971]~~

Memorandum from MR. JUSTICE DOUGLAS.

Petitioners are an unincorporated association of mixed-blood Utes and individuals of that group. They sought damages, in the District Court, for fraudulent securities transactions, for negligence by agents of the Federal Government, and for the deprivation of statutory rights granted them by Congress. The District Court awarded damages on the first two claims, but dismissed the third for want of jurisdiction and for failure to state a claim. The Court of Appeals reversed the two damage awards and affirmed the dismissal of the third action. 431 F. 2d 1337, 1349 (CA10 1970).

In the Ute Termination Act of 1954, Congress sought "to provide for the partition and distribution of the assets of the Ute Indian Tribe of the Uintah and Ouray Reservation in Utah between the mixed-blood and full-blood members thereof; for the termination of Federal supervision over the trust, and restricted property, of the mixed-blood members of said tribe; and for a development program for the full-blood members thereof, to assist them in preparing for

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April 13, 1972

RE: No. 70-78 - Affiliated Ute Citizens v. United States

Dear Harry:

Attached is my "Join" to your fine opinion in the above. I think we've both now earned exemption from any further Ute assignments until everyone else has had a chance.

I don't recall "Unca Sam" in my effort but I am sure the family was involved. And how about the one just preceding the "Unca Sam": "Uncopahquunt."

Sincerely,

WDB

Mr. Justice Blackmun

Brennan

Oct 11

9
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR. April 13, 1972

RE: No. 70-78 - Affiliated Ute Citizens v.
United States

Dear Harry:

You certainly have done a fine job
for the Utes, and I am happy to join.

Sincerely,

Bice
7.

Mr. Justice Blackmun

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE POTTER STEWART

April 11, 1972

No. 70-78, Affiliated Ute Citizens v. U.S.

Dear Harry,

I am glad to join your opinion for
the Court in this case.

Sincerely yours,

P.S.
/

Mr. Justice Blackmun

Copies to the Conference

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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE BYRON R. WHITE

April 17, 1972

Re: No. 70-78 - Affiliated Ute
Citizens of the State of Utah
v. United States

Dear Harry:

Please join me.

Sincerely,



Mr. Justice Blackmun

Copies to Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

April 20, 1972

Re: No. 70-78 - Affiliated Ute Citizens v. U. S.

Dear Harry:

Please join me.

Sincerely,



T.M.

Mr. Justice Blackmun

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

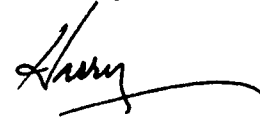
April 10, 1972

Re: No. 70-78 - Affiliated Ute Citizens of Utah v. U.S.
Reynos v. First Security Bank of Utah

Dear Bill:

In struggling with the Utes, my interest in their final membership rolls was whetted. The enclosed are copies of the last two pages of the full-blood group. Isn't that a wonderful family name that appears at the bottom of the first page?

Sincerely,



Mr. Justice Brennan

Wm. Brennan
Oct 71

Final roll No.	Name	Proposed roll No.	Degree of blood			Sex	Age	Date of birth
			Ute	Other	Total			
1047	Sireech, Vincentia.....	1051	15/16	-----	15/16	F	7	Aug. 14, 1948.
1048	Sireech, Vinita Loupita.....	1052	15/16	-----	15/16	F	6	Feb. 16, 1950.
1049	Sireech, Boots.....	1053	15/16	-----	15/16	M	3	Sept. 27, 1952.
1050	Sireech, Priscilla Irene.....	1054	15/16	-----	15/16	F	1	Mar. 4, 1954.
1051	Sowsonecut, Tommy.....	1055	4/4	-----	4/4	M	43	Aug. 1912.
1052	Sowsonecut, Genna Johnson.....	1056	4/4	-----	4/4	F	34	Apr. 2, 1921.
1053	Sowsonecut, Imogene.....	1057	4/4	-----	4/4	F	16	Sept. 23, 1939.
1054	Sowsonecut, Eunice.....	1058	4/4	-----	4/4	F	14	Sept. 11, 1941.
1055	Sowsonecut, Kenneth.....	1059	4/4	-----	4/4	M	10	May 19, 1945.
1056	Sowsonecut, Brant.....	1060	4/4	-----	4/4	M	7	Apr. 11, 1948.
1057	Sowsonecut, Vicki Marie.....	1061	4/4	-----	4/4	F	5	Sept. 21, 1950.
1058	Starr, Eugenia.....	1062	4/4	-----	4/4	F	71	1855.
1059	Starr, James.....	1063	4/4	-----	4/4	M	48	July 20, 1907.
1060	Starr, Stella Bullethead.....	1064	4/4	-----	4/4	F	52	1904.
1061	Starr, Roland Alvin.....	1065	4/4	-----	4/4	M	12	Sept. 2, 1943.
1062	Starr, Joseph.....	1066	4/4	-----	4/4	M	23	Apr. 12, 1932.
1063	Starr, Ruby.....	1067	4/4	-----	4/4	F	19	Apr. 18, 1936.
1064	Starr, Rufus MacAfee.....	1068	4/4	-----	4/4	M	14	Jan. 23, 1942.
1065	Starr, Nathan.....	1069	4/4	-----	4/4	M	42	Jan. 20, 1913.
1066	Starr, Scott L.....	1070	4/4	-----	4/4	M	50	Sept. 5, 1905.
1067	Steele, Leota Arrive.....	1071	4/4	-----	4/4	F	34	Sept. 1, 1921.
1068	Steele, Edmond.....	1072	2/4	2/4	4/4	M	18	Aug. 7, 1937.
1069	Steele, Berbert Frank.....	1073	2/4	2/4	4/4	M	16	Feb. 8, 1940.
1070	Steele, Ruby.....	1074	2/4	2/4	4/4	F	13	Apr. 12, 1942.
1071	Stone, Joseph.....	1075	4/4	-----	4/4	M	78	1976.
1072	Summers, Arita Taveapont.....	1076	4/4	-----	4/4	F	24	Jan. 18, 1932.
1073	Tabbee, Albert Wallace.....	1077	4/4	-----	4/4	M	34	Mar. 18, 1921.
1074	Tabbee, Arlyne Myore.....	1078	4/4	-----	4/4	F	38	June 23, 1917.
1075	Tabbee, John Albert.....	1079	4/4	-----	4/4	M	14	July 7, 1941.
1076	Tabbee, Julianne.....	1080	4/4	-----	4/4	F	13	Feb. 20, 1943.
1077	Tabbee, William.....	1081	4/4	-----	4/4	M	9	Aug. 26, 1946.
1078	Tabbee, Victoria.....	1082	4/4	-----	4/4	F	7	Jan. 23, 1949.
1079	Tabbee, Lila.....	1083	4/4	-----	4/4	F	4	Oct. 8, 1951.
1080	Tabbee, John.....	1084	4/4	-----	4/4	M	3	Jan. 20, 1953.
1081	Tabbee, Tahrah Queacut.....	1085	4/4	-----	4/4	F	56	1900.
1082	Tabbee, Mary Louise.....	1086	4/4	-----	4/4	F	72	1884.
1083	Tabbee, Katie Wyasket.....	1087	4/4	-----	4/4	F	18	Sept. 16, 1937.
1084	Tabbee, Clyde.....	1088	4/4	-----	4/4	M	53	1903.
1085	Tabbee, Wilbur.....	1089	4/4	-----	4/4	F	19	Feb. 27, 1937.
1086	Tabbee, Alice Tuck.....	1090	4/4	-----	4/4	M	43	Feb. 5, 1913.
1087	Tabbee, Alvin.....	1091	4/4	-----	4/4	F	41	Oct. 15, 1914.
1088	Tabbee, William.....	1092	4/4	-----	4/4	M	16	Apr. 29, 1939.
1089	Tabbee, Byrdie Queacut.....	1093	4/4	-----	4/4	F	52	1904.
1090	Tabbee, Gertrude.....	1094	4/4	-----	4/4	F	48	Feb. 10, 1908.
1091	Tabbee, Henderson.....	1095	4/4	-----	4/4	M	15	Jan. 5, 1941.
1092	Tabbee, Nathaniel.....	1096	4/4	-----	4/4	M	13	Sept. 23, 1942.
1093	Tabbee, Shirleta.....	1097	4/4	-----	4/4	F	8	May 7, 1947.
1094	Tabgapoots, Tom.....	1098	4/4	-----	4/4	F	5	Oct. 13, 1949.
1095	Tailfeather, Wanda Apporas.....	1099	4/4	-----	4/4	M	52	1904.
1096	Tailfeather, Elsworth Louis.....	1100	2/4	2/4	4/4	F	31	Oct. 30, 1924.
1097	Tapoof, Bert.....	1101	4/4	-----	4/4	M	5	June 8, 1950.
1098	Tapoof, Robert.....	1102	4/4	-----	4/4	M	38	Dec. 1, 1917.
1099	Tapoof, Marion.....	1103	4/4	-----	4/4	M	19	Apr. 20, 1936.
1100	Tapoof, Adelbert.....	1104	4/4	-----	4/4	F	9	Dec. 23, 1946.
1101	Tapoof, Venita.....	1105	4/4	-----	4/4	M	11	Sept. 4, 1944.
1102	Tapoof, George.....	1106	4/4	-----	4/4	F	15	Mar. 20, 1940.
1103	Tapoof, Leo.....	1107	4/4	-----	4/4	M	12	Aug. 31, 1943.
1104	Tapoof, Millie Clara.....	1108	4/4	-----	4/4	F	15	Sept. 27, 1940.
1105	Tahgav, Allen.....	1109	4/4	-----	4/4	M	17	Feb. 21, 1939.
1106	Taveapont, Ray.....	1110	4/4	-----	4/4	M	17	Apr. 4, 1938.
1107	Taveapont, Harriet Johnson.....	1111	4/4	-----	4/4	F	49	Dec. 1, 1906.
1108	Taveapont, Beatrice.....	1112	4/4	-----	4/4	F	49	June 1, 1906.
1109	Taveapont, Frank Lee.....	1113	4/4	-----	4/4	M	15	Oct. 30, 1940.
1110	Taveapont, Patricia.....	1114	4/4	-----	4/4	F	12	Mar. 17, 1943.
1111	Taveapont, Lynn Ray.....	1115	4/4	-----	4/4	F	9	May 9, 1946.
1112	Taveapont, Don Collard.....	1116	4/4	-----	4/4	M	18	July 5, 1937.
1113	Taveapont, Wilson J.....	1117	4/4	-----	4/4	M	6	Jan. 2, 1950.
1114	Taveapont, Reed Smoot.....	1118	4/4	-----	4/4	M	21	Jan. 19, 1935.
1115	Taveapont, Marie Cuch.....	1119	4/4	-----	4/4	M	27	Feb. 21, 1929.
1116	Taveapont, Venita Kay.....	1120	4/4	-----	4/4	F	25	June 15, 1930.
1117	Taveapont, Pansy.....	1121	4/4	-----	4/4	F	6	Feb. 4, 1950.
1118	Taveapont, Sandra Louise.....	1122	4/4	-----	4/4	F	4	Nov. 8, 1951.
1119	Taylor, Barbara Murray.....	1123	4/4	-----	4/4	F	2	Mar. 8, 1951.
1120	Taylor, Victoria Waratz.....	1124	4/4	-----	4/4	F	20	July 16, 1935.
1121	Thompson, George.....	1125	4/4	-----	4/4	M	60	1896.
1122	Thompson, Seth.....	1126	4/4	-----	4/4	M	38	Feb. 19, 1917.
1123	Thompson, Josephine McKewen.....	1127	7/8	-----	7/8	F	36	Feb. 7, 1920.

Final roll No.	Name	Proposed roll No.	Degree of blood			Sex	Age	Date of birth
			Ute	Other	Total			
1125	Thompson, Delbert Lee.....	1128	15/16		15/16	M	15	June 15, 1940.
1126	Thompson, Barbara Ann.....	1129	15/16		15/16	F	13	Dec. 26, 1942.
1127	Thompson, Leonard Lee.....	1130	15/16		15/16	M	6	Feb. 28, 1950.
1128	Thompson, Joellyn.....	1131	15/16		15/16	F	3	June 30, 1952.
1129	Thompson, Tommy.....	1132	4/4		4/4	M	45	May 18, 1910.
1130	Thompson, Lucille McCook.....	1133	4/4		4/4	F	80	Dec. 20, 1925.
1131	Thompson, Willard.....	1134	4/4		4/4	M	3	May 20, 1947.
1132	Thompson, Gloria Kay.....	1135	4/4		4/4	F	5	Apr. 2, 1950.
1133	Thompson, Susie Ann.....	1136	4/4		4/4	F	1	July 3, 1954.
1134	Thompson, Thomas Kent.....	1137	4/4		4/4	M	3	Mar. 24, 1952.
1135	Thompson, Willis.....	1138	4/4		4/4	M	20	Feb. 28, 1935.
1136	Thompson, Rose Mary.....	1139	2/4	2/4	4/4	F	7	Feb. 10, 1919.
1137	Tofpi, Etta Wash.....	1140	4/4		4/4	F	37	Mar. 13, 1918.
1138	Tom, Archie Ray.....	1141	4/4		4/4	M	33	Aug. 1, 1922.
1139	Tom, Lucille Pargeets.....	1142	4/4		4/4	F	26	May 3, 1929.
1140	Tom, Glenn.....	1143	4/4		4/4	M	25	May 23, 1930.
1141	Tom, Mary Jane Ice.....	1144	4/4		4/4	F	24	Mar. 25, 1931.
1142	Tom, Roger Dean.....	1145	4/4		4/4	M	4	Dec. 9, 1951.
1143	Tom, Ignacio.....	1146	4/4		4/4	M	65	1891.
1144	Tom, Wilhelmina Wamlone.....	1147	4/4		4/4	F	45	Oct. 10, 1910.
1145	Tom, Lawrence.....	1148	4/4		4/4	M	31	Oct. 9, 1924.
1146	Tom, Orson.....	1149	4/4		4/4	M	23	Sept. 28, 1932.
1147	Tom, Richard L.....	1150	4/4		4/4	M	29	Dec. 19, 1926.
1148	Tom, Millie B. Tapoof.....	1151	4/4	4/4		F	42	Mar. 21, 1913.
1149	Tom, Norma Jean.....	1152	4/4		4/4	F	2	Feb. 6, 1954.
1150	Tonegats, Carter.....	1153	4/4		4/4	M	58	1898.
1151	Tonegats, Wilma Wopsock.....	1154	4/4		4/4	F	44	Feb. 25, 1912.
1152	Tonegats, Henry.....	1155	4/4		4/4	M	51	July 15, 1904.
1153	Tonegats, Eva Bannocky.....	1156	4/4		4/4	F	43	July 15, 1912.
1154	Tonegats, Alice.....	1157	4/4		4/4	F	18	Aug. 15, 1937.
1155	Tonegats, Henrietta**.....	1158	4/4		4/4	F	15	Jan. 17, 1941.
1156	Toney, Annie Ridley.....	1159	4/4		4/4	F	54	1902.
1157	Toney, James.....	1159	4/4		4/4	M	32	Dec. 14, 1925.
1158	Toney, Alva Marie.....	1160	4/4		4/4	F	2	Apr. 23, 1953.
1159	Toney, Cy.....	1161	4/4		4/4	M	1	June 1, 1954.
1160	Tonompicket, Lucille Kurip.....	1162	4/4		4/4	F	25	July 18, 1930.
1161	Tonompicket, Letitia.....	1163	4/4		4/4	F	9	July 3, 1946.
1162	Toponotes, LeRoy.....	1164	4/4		4/4	M	32	Oct. 10, 1923.
1163	Toponotes, Rose Strech.....	1165	7/8		7/8	F	27	Apr. 8, 1928.
1164	Toponotes, Florence Mary.....	1166	15/16		15/16	F	7	Feb. 27, 1949.
1165	Toponotes, LeRoy, Jr.....	1167	15/16		15/16	M	5	Jan. 18, 1951.
1166	Toponotes, Charma.....	1168	15/16		15/16	F	2	June 5, 1953.
1167	Toponotes, Rodericka Joyce.....	1169	4/4		4/4	F	15	Apr. 1, 1940.
1168	Tuck, Henry Quiyaga.....	1170	4/4		4/4	M	82	1874.
1169	Tuck, Ruhogit Utt.....	1171	4/4		4/4	F	82	1874.
1170	Tuck, John Crow.....	1172	4/4		4/4	M	54	1902.
1171	Tuck, Edna Wyasket.....	1173	4/4		4/4	F	59	1897.
1172	Twohy, Julius.....	1174	4/4		4/4	M	54	1902.
1173	Twohy, Coralie Lucy.....	1175	4/4		4/4	F	27	Aug. 13, 1928.
1174	Uncopahgugunt, George Brock.....	1176	4/4		4/4	M	44	June 7, 1912.
1175	Unca Sam, Bonnie Lee.....	1177	7/8		7/8	F	30	Apr. 19, 1925.
1176	Unca Sam, Flora Jean.....	1178	15/16		15/16	F	9	Dec. 25, 1946.
1177	Unca Sam, Calvin.....	1179	7/8		7/8	M	23	Oct. 14, 1926.
1178	Unca Sam, Ida T. Santio.....	1180	4/4		4/4	F	24	June 28, 1931.
1179	Unca Sam, Rodney Miles.....	1181	15/16		15/16	M	7	May 21, 1948.
1180	Unca Sam, Ruby.....	1182	15/16		15/16	F	4	Jan. 22, 1952.
1181	Unca Sam, Colleen.....	1183	15/16		15/16	F	5	Aug. 23, 1950.
1182	Unca Sam, Maxine.....	1184	15/16		15/16	F	3	Jan. 11, 1954.
1183	Unca Sam, Caroline.....	1185	7/8		7/8	F	21	Feb. 7, 1935.
1184	Unca Sam, Donacianna T.....	1186	3/4		3/4	M	59	1897.
1185	Unca Sam, Mary W. Pootquos.....	1187	4/4		4/4	F	47	Aug. 20, 1908.
1186	Unca Sam, Janet.....	1188	7/8		7/8	F	14	Feb. 13, 1942.
1187	Unca Sam, Dorothea.....	1189	7/8		7/8	F	10	Apr. 20, 1944.
1188	Unca Sam, Ardith.....	1190	7/8		7/8	F	8	Jan. 1, 1948.
1189	Unca Sam, Margie.....	1191	7/8		7/8	F	5	May 2, 1950.
1190	Unca Sam, Frank.....	1192	7/8		7/8	M	24	Mar. 3, 1931.
1191	Unca Sam, Edgar T.....	1193	4/4		4/4	M	50	Sept. 15, 1905.
1192	Unca Sam, Edith Ida.....	1194	4/4		4/4	F	31	Nov. 30, 1924.
1193	Unca Sam, Fred T.....	1195	4/4		4/4	M	43	Sept. 30, 1907.
1194	Unca Sam, Geneva.....	1196	7/8		7/8	F	26	Sept. 28, 1929.
1195	Unca Sam, Glenn Price.....	1197	4/4		4/4	M	35	May 17, 1920.
1196	Unca Sam, Wilma C. Jenks.....	1198	4/4		4/4	F	36	Nov. 10, 1919.
1197	Unca Sam, Helen Price.....	1199	4/4		4/4	F	39	Dec. 13, 1918.
1198	Unca Sam, LaDeana.....	1200	4/4		4/4	F	5	Oct. 16, 1950.
1199	Unca Sam, Hugh T.....	1201	4/4		4/4	M	45	Jan. 8, 1911.
1200	Unca Sam, Myton.....	1202	4/4		4/4	M	41	July 17, 1914.

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

April 10, 1972

MEMORANDUM TO THE CONFERENCE

Re: No. 70-78 - Affiliated Ute Citizens of Utah v. U.S.
Reynos v. First Security Bank of Utah

I have the following comments about the enclosure:

1. There may not be very much to this case, but, as I worked on it, it appeared to be full of complexity.
2. I regret the length of the memorandum. Perhaps I may take comfort in the fact that the District Court's findings were themselves 115 pages long.
3. I have taken a very liberal approach to Rule 10b-5. This may represent a step beyond any point the Court has heretofore reached. This undoubtedly is the most important aspect of the case and I urge your close attention to it.
4. Initially, my reaction was that the controversy here as to per share value of the UDC stock was a matter better resolved by the District Court and the Court of Appeals, and that we should do little other than comment generally on the issue of value. I feel, however, that Judge Christensen, in the face of a mass of evidence, came up with a sensible determination and one that finds general support in the record although nothing by way of comparable sales. I have concluded, therefore, to express agreement with the District Court. If we were to send the case back on this issue, I doubt if there is much to be presented that has not already been presented. You may disagree.
5. I have several cartons of exhibits, legal spindles, memoranda and the like, all of which are available to those who wish to delve deeply.

H.A.

To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall ✓
Mr. Justice Powell
Mr. Justice Rehnquist

From: Blackmun, J.

1st DRAFT

Circulated: 4/10/72

SUPREME COURT OF THE UNITED STATES

No. 70-78

Affiliated Ute Citizens of the State of Utah et al., Petitioners, v. United States et al.	} On Writ of Certiorari to the United States Court of Appeals for the Tenth Circuit.
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[April —, 1972]

Memorandum from MR. JUSTICE BLACKMUN.

These two consolidated cases center in the Ute Partition Act of August 27, 1954, Pub. L. 83-671, 68 Stat. 868, as amended, 70 Stat. 936 and 76 Stat. 597, 25 U. S. C. §§ 677-677aa; the Securities Exchange Act of 1934, as amended, §§ 3(a)(4) and (5), 10(b) and 15(c)(1), 15 U. S. C. §§ 78c(a)(4) and (5), 78j(b) and 78o(c)(1); the emergence of Affiliated Ute Citizens of the State of Utah (AUC), an unincorporated association, and of Ute Development Corporation (UDC), a Utah corporation; and the alleged victimization of Indian shareholders in their sales of UDC shares.

I

Background

The Ute Partition Act¹ pertained to the Ute Indian Tribe of the Uintah and Ouray Reservation in Utah.

¹The Act was one of a series of termination statutes enacted primarily in the years 1954-1956. See, for example, the Menominee Act of June 17, 1954, 68 Stat. 250, 25 U. S. C. § 891 *et seq.*; the Klamath Act of August 13, 1954, 68 Stat. 718, 25 U. S. C. § 564 *et seq.*; the Western Oregon Act of August 13, 1954, 68 Stat. 724, 25 U. S. C. § 691 *et seq.*; the Alabama and Coushatta Act of Au-

To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall ✓
Mr. Justice Powell
Mr. Justice Rehnquist

2nd DRAFT

From: Blackmun, J.

SUPREME COURT OF THE UNITED STATES

No. 70-78

Recirculated: 4/19/72

Affiliated Ute Citizens of the
State of Utah et al.,
Petitioners,

v.

United States et al.

Reynos

v.

First Security Bank of Utah.

On Writ of Certiorari to
the United States Court
of Appeals for the
Tenth Circuit.

[April —, 1972]

MR. JUSTICE BLACKMUN delivered the opinion of the
Court.

These two consolidated cases center in the Ute Partition Act of August 27, 1954, Pub. L. 83-671, 68 Stat. 868, as amended, 70 Stat. 936 and 76 Stat. 597, 25 U. S. C. §§ 677-677aa; the Securities Exchange Act of 1934, as amended, §§ 3 (a)(4) and (5), 10 (b) and 15 (c)(1), 15 U. S. C. §§ 78c (a)(4) and (5), 78j (b) and 78o (c)(1); the emergence of Affiliated Ute Citizens of the State of Utah (AUC), an unincorporated association, and of Ute Development Corporation (UDC), a Utah corporation; and the alleged victimization of Indian shareholders in their sales of UDC shares.

I

Background

The Ute Partition Act¹ pertained to the Ute Indian Tribe of the Uintah and Ouray Reservation in Utah.

¹ The Act was one of a series of termination statutes enacted primarily in the years 1954-1956. See, for example, the Menominee Act of June 17, 1954, 68 Stat. 250, 25 U. S. C. § 891 *et seq.*; the