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99 S.Ct. 2529

Supreme Court of the United States

Roy Tibbals WILSON et al., Petitioners,

v.

OMAHA INDIAN TRIBE et al.

State of IOWA et al., Petitioners,

v.

OMAHA INDIAN TRIBE et al.

Nos. 78–160, 78–161.

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Argued March 21, 1979.

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Decided June 20, 1979.

Synopsis

Indian tribe and United States sued to quiet title to land which had been affected by movements of Missouri River on interstate boundary between Nebraska and Iowa. [The United States District Court for the Northern District of Iowa](#), 433 F.Supp. 67, rendered judgment adverse to tribe and United States, and they appealed. [The Court of Appeals](#), 575 F.2d 620, vacated the judgment. On certiorari, the Supreme Court, Mr. Justice White, held that: (1) statute providing that burden of proof shall rest upon white person in trials about right of property in which Indian may be party on side where Indian makes out presumption of title in himself from fact of previous possession or ownership applied to private petitioners but not to State of Iowa; (2) federal law governed substantive aspects of dispute, but (3) the law of Nebraska would have to be considered in arriving at federal standard to determine whether changes in river had been an avulsive or an accretive.

Vacated and remanded.

Mr. Justice Blackmun filed concurring opinion in which Mr. Chief Justice Burger joined.

Opinion after remand, 8 Cir., 614 F.2d 1153.

Procedural Posture(s): On Appeal.

West Headnotes (8)

[1] **Indians** Evidence

209 Indians

209VI Actions

209k249 Evidence

(Formerly 209k27(6))

Statute providing that burden of proof shall rest upon white person in trials about right of property in which Indian may be party on one side where Indian makes out presumption of title in himself from fact of previous possession or ownership applies even though an Indian tribe, rather than one or more individual Indians, is the litigant. [25 U.S.C.A. § 194](#).

[4 Cases that cite this headnote](#)

[2] **Indians** Evidence

209 Indians

209VI Actions

209k249 Evidence

(Formerly 209k27(6))

Although statute providing that burden of proof shall rest upon white person in trials about right of property in which Indian may be party on one side where Indian makes out presumption of title in himself from fact of previous possession or ownership has force where adverse claimant is an artificial entity, “white persons” to whom will be shifted the burden of proof does not include sovereign states of the Union. [25 U.S.C.A. § 194](#).

[51 Cases that cite this headnote](#)

[3] **Indians** Evidence

209 Indians

209VI Actions

209k249 Evidence

(Formerly 209k27(6))

Statute providing that burden of proof shall rest upon white person in trials about right of property in which Indian may be party on one side where Indian makes out presumption of title in himself from fact of previous possession or ownership is triggered once Indian tribe makes

out prima facie case of prior possession or title to particular area under dispute. 25 U.S.C.A. § 194.

[6 Cases that cite this headnote](#)

[4] Indians  Evidence

209 Indians

209VI Actions

209k249 Evidence

(Formerly 209k27(6))

Evidence that disputed area within survey was once riparian land lying on west bank of Missouri River and that land was long occupied by Indian tribe as part of reservation was sufficient to trigger application of statute providing that burden of proof shall rest upon white person in trials about right of property in which Indian may be party on one side where Indian makes out presumption of title in himself from fact of previous possession or ownership. 25 U.S.C.A. § 194; Treaty with the Omahas, 10 Stat. 1043.

[20 Cases that cite this headnote](#)

[5] Indians  Evidence

209 Indians

209VI Actions

209k249 Evidence

(Formerly 209k27(6))

Statute providing that burden of proof shall rest upon white person in trials about right of property in which Indian may be party on one side where Indian makes out presumption of title in himself from fact of previous possession or ownership contemplates non-Indian shouldering the burden of persuasion as well as burden of producing evidence once Indian tribe has made out its prima facie case of prior title or possession 25 U.S.C.A. § 194.

[12 Cases that cite this headnote](#)

[6] Federal Courts  Indians and Indian lands

170B Federal Courts

170BXV State or Federal Laws as Rules of

Decision; Erie Doctrine

170BXV(B) Application to Particular Matters

170Bk3063 Substantive Matters

170Bk3092 Indians and Indian lands

(Formerly 170Bk430)

Where Government has never parted with title and its interest in disputed property continues, Indians' right to property depends on federal law wholly apart from application of state law principles which normally and separately protect valid right of possession.

[22 Cases that cite this headnote](#)

[7] Federal Courts  Indians and Indian lands

170B Federal Courts

170BXV State or Federal Laws as Rules of Decision; Erie Doctrine

170BXV(B) Application to Particular Matters

170Bk3063 Substantive Matters

170Bk3092 Indians and Indian lands

(Formerly 170Bk430)

Where interstate compact settled location of interstate boundary, within and without river, question of land ownership within or adjacent to river was best settled by reference to local law even where Indian trust land, a creature of federal law, was involved. Iowa-Nebraska Boundary Compromise, §§ 2, 3, 1 I.C.A. p. 85.

[22 Cases that cite this headnote](#)

[8] Federal Courts  Indians and Indian lands

170B Federal Courts

170BXV State or Federal Laws as Rules of Decision; Erie Doctrine

170BXV(B) Application to Particular Matters

170Bk3063 Substantive Matters

170Bk3092 Indians and Indian lands

(Formerly 170Bk430)

Although determination of titles to Indian reservation lands was a matter of federal law, Nebraska law would be applied in determining whether changes in Missouri River that moved area from Nebraska to Iowa had been avulsive or accretive. Treaty with the Omahas, 10 Stat. 1043; Iowa-Nebraska Boundary Compromise, §§ 2, 3, 1 I.C.A. p. 85.

[33 Cases that cite this headnote](#)

****2530** *Syllabus* *

* The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Lumber Co.*, 200 U.S. 321, 337, 26 S.Ct. 282, 287, 50 L.Ed. 499.

653** Pursuant to an 1854 treaty, the reservation of the Omaha Indian Tribe (Tribe) *2531** was established in the Territory of Nebraska on the west bank of the Missouri River, with the eastern boundary being fixed as the center of the river's main channel. In 1867, a General Land Office survey established that certain land was included in the reservation but since then the river has changed course several times, leaving most of the survey area on the Iowa side of the river, separated from the rest of the reservation. Residents of Iowa ultimately settled on and improved this land, and these non-Indian owners and their successors in title occupied the land for many years prior to April 2, 1975, when they were dispossessed by the Tribe, with the assistance of the Bureau of Indian Affairs. Three federal actions, consolidated in District Court, were instituted by respondents, the Tribe and the United States as trustee of the reservation lands, against petitioners, including the State of Iowa and several individuals. Both sides sought to quiet title in their names, respondents arguing that the river's movement had been avulsive and thus did not affect the reservation's boundary, whereas petitioners argued that the disputed land had been formed by gradual accretion and belonged to the Iowa riparian owners. The District Court held that state rather than federal law should be the basis of decision; that 25 U.S.C. § 194—which provides that “[i]n all trials about the right of property in which an Indian may be a party on one side, and a white person on the other, the burden of proof shall rest upon the white person, whenever the Indian shall make out a presumption of title in himself from the fact of previous possession or ownership”—was not applicable because the Tribe could not make out a prima facie case that it possessed the disputed land in the past without proving its case on the merits; and that under Nebraska law, the changes in the river had been accretive and thus the petitioners were the owners of the disputed area. The Court of Appeals reversed, ruling that federal rather than state law was applicable; that the Tribe had made a sufficient showing to invoke ***654** § 194; and that applying the federal common law of accretion and avulsion to the evidence, the evidence was in equipoise and thus, under § 194, judgment must be entered for the Tribe.

Held:

1. The Court of Appeals was partially correct in ruling that § 194 is applicable here; by its terms, § 194 applies to the private petitioners but not to petitioner State of Iowa. In view of the history of § 194 and its purpose of protecting Indians from claims made by non-Indian squatters on their lands, it applies even when an Indian tribe is the litigant rather than one or more individual Indians. But, while Congress was aware that § 194 would be interpreted to cover artificial entities, such as corporations, as well as individuals, there is nothing to indicate that Congress intended the word “white person” to include any of the States of the Union. Here, there seems to be no question that the disputed land was once riparian land lying on the west bank of the Missouri River and was long occupied by the Tribe as part of the reservation set apart for it in consequence of the 1854 treaty, and this was enough to bring § 194 into play. In view of the purpose of the statute and its use of the term “presumption” which the “white man” must overcome, § 194 contemplates the non-Indian's shouldering the burden of persuasion as well as the burden of producing evidence once the tribe has made out its prima facie case of prior title or possession. Pp. 2536–2539.

2. The Court of Appeals properly concluded that federal law governs the substantive aspects of the dispute, but it erred in arriving at a federal standard, independent of state law, to determine whether there had been an avulsion or an accretion. Pp. 2539–2543.

(a) The general rule that, absent an overriding federal interest, the laws of the several States determine the ownership of the banks and shores of waterways, *Oregon* ****2532** *ex rel. State Land Board v. Corvallis Sand & Gravel Co.*, 429 U.S. 363, 97 S.Ct. 582, 50 L.Ed.2d 550, does not oust federal law in this litigation. Here, the United States has never yielded title or terminated its interest in the property, and, in these circumstances, the Indians' right to the property depends on federal law, “wholly apart from the application of state law principles which normally and separately protect a valid right of possession.” *Oneida Indian Nation v. County of Oneida*, 414 U.S. 661, 677, 94 S.Ct. 772, 782, 39 L.Ed.2d 73. Pp. 2539–2540.

(b) However, state law should be borrowed as the federal rule of decision here. There is no imperative need to develop a general body of federal common law to decide cases such as this, where an interstate boundary is not in dispute (the

location of the boundary between Iowa and Nebraska having been settled by Compact in 1943). Furthermore, *655 given equitable application of state law, there is little likelihood of injury to federal trust responsibilities or to tribal possessory interests. And this is also an area in which the States have substantial interest in having their own law resolve controversies such as these; there is considerable merit in not having the reasonable expectations, under state real property law, of private landowners upset by the vagaries of being located adjacent to or across from Indian reservations or other property in which the United States has a substantial interest. Cf. *Board of Comm'rs v. United States*, 308 U.S. 343, 60 S.Ct. 285, 84 L.Ed. 313; *Arkansas v. Tennessee*, 246 U.S. 158, 38 S.Ct. 301, 62 L.Ed. 638. Pp. 2540–2542.

(c) Under the construction of the 1943 Compact in *Nebraska v. Iowa*, 406 U.S. 117, 92 S.Ct. 1379, 31 L.Ed.2d 733, Nebraska law should be applied in determining whether the changes in the river that moved the disputed land from Nebraska to Iowa were avulsive or accretive. Pp. 2542–2543.

575 F.2d 620, vacated and remanded.

Attorneys and Law Firms

Edson Smith, Omaha, Neb., for petitioners in No. 78–160.

George Bennett Cullison, Jr., Harlan, Iowa, for petitioners in No. 78–161.

William H. Veeder, Alexandria, Va., for respondent Omaha Indian Tribe.

Sara S. Beale, Detroit, Mich., for respondent United States.

Opinion

*656 Mr. Justice WHITE, delivered the opinion of the Court.

At issue here is the ownership of a tract of land on the east bank of the Missouri River in Iowa. Respondent Omaha *657 Indian Tribe, supported by the United States as trustee of the Tribe's reservation lands,¹ claims the tract as part of reservation lands created for it under an 1854 treaty. Petitioners, including the State of Iowa and several individuals, argue that past movements of the Missouri River washed away part of the reservation and the soil accreted to the Iowa side of the river, vesting title in them as riparian landowners.²

1 In *Heckman v. United States*, 224 U.S. 413, 32 S.Ct. 424, 56 L.Ed. 820 (1912), the Court explained the source and nature of this trust relationship. In the exercise of its plenary authority over Indian affairs, Congress has the power to place restrictions on the alienation of Indian lands. Where it does so, it continues guardianship over Indian lands and “[d]uring the continuance of this guardianship, the right and duty of the Nation to enforce by all appropriate means the restrictions designed for the security of the Indians cannot be gainsaid. . . . A transfer of the [Indian land] is not simply a violation of the proprietary rights of the Indian. It violates the governmental rights of the United States.” *Id.*, at 437–438, 32 S.Ct. at 431–432. Accordingly, the United States is entitled to go into court as trustee to enforce Indian land rights. “It [is] not essential that it should have a pecuniary interest in the controversy.” *Id.*, at 439, 32 S.Ct. at 432. See also *Morrison v. Work*, 266 U.S. 481, 485, 45 S.Ct. 149, 151, 69 L.Ed. 394 (1925); *Choate v. Trapp*, 224 U.S. 665, 678, 32 S.Ct. 565, 570, 56 L.Ed. 941 (1912); F. Cohen, *Handbook of Federal Indian Law* 94–96 (1942).

2 The State of Iowa claims title to certain lands deeded to it by quitclaim and to the bed of the Missouri between the thalweg (see n. 3, *infra*) and the ordinary high-water mark, any islands formed in that portion of the river, and any abandoned channels. The latter claims are based upon the equal-footing doctrine, see *Pollard's Lessee v. Hagan*, 44 U.S. 212, 3 How. 212, 11 L.Ed. 565 (1845), and the 1943 Boundary Compact between Iowa and Nebraska, see n. 6, *infra*.

**2533 Two principal issues are presented. First, we are faced with novel questions regarding the interpretation and scope *658 of Rev.Stat. § 2126, as set forth in 25 U.S.C. § 194, a 145-year-old, but seldom used, statute that provides: “In all trials about the right of property in which an Indian may be a party on one side, and a white person on the other, the burden of proof shall rest upon the white person, whenever the Indian shall make out a presumption of title in himself from the fact of previous possession or ownership.”

Second, we must decide whether federal or state law determines whether the critical changes in the course of the Missouri River in this case were accretive or avulsive.

I

In 1854, the Omaha Indian Tribe ceded most of its aboriginal lands by treaty to the United States in exchange for money and assistance to enable the Tribe to cultivate its retained lands. Treaty of Mar. 16, 1854, 10 Stat. 1043; see *United States v. Omaha Indians*, 253 U.S. 275, 277–278, 40 S.Ct. 522, 523, 64 L.Ed. 901 (1920). The retained lands proved unsatisfactory to the Tribe, and it exercised its option under the treaty to exchange those lands for a tract of 300,000 acres to be designated by the President and acceptable to the Tribe. The Blackbird Hills area, on the west bank of the Missouri, all of which was then part of the Territory of Nebraska, was selected. The eastern boundary of the reservation was fixed as the center of the main channel of the Missouri River, the thalweg.³ That land, *659 as modified by a subsequent treaty and statutes⁴ has remained the home of the Omaha Indian Tribe.

³ The term is commonplace in boundary disputes between riparian States. See, e. g., *Minnesota v. Wisconsin*, 252 U.S. 273, 282, 40 S.Ct. 313, 319, 64 L.Ed. 558 (1920):

“The doctrine of *Thalweg*, a modification of the more ancient principle which required equal division of territory, was adopted in order to preserve to each State equality of right in the beneficial use of the stream as a means of communication. Accordingly, the middle of the principal channel of navigation is commonly accepted as the boundary. Equality in the beneficial use often would be defeated, rather than promoted, by fixing the boundary on a given line merely because it connects points of greatest depth. Deepest water and the principal navigable channel are not necessarily the same. The rule has direct reference to actual or probable use in the ordinary course, and common experience shows that vessels do not follow a narrow crooked channel close to shore, however deep when they can proceed on a safer and more direct one with sufficient water.”

⁴ Treaty of Mar. 6, 1865, 14 Stat. 667; Act of June 22, 1874, 18 Stat. 146, 170; Act of Aug. 7, 1882, 22 Stat. 341; see also Act of Mar. 3, 1885, 23 Stat.

362, 370, as amended by Act of Jan. 7, 1925, ch. 34, 43 Stat. 726.

In 1867, a survey by T. H. Barrett of the General Land Office established that the reservation included a large peninsula jutting east toward the opposite, Iowa, side of the river, around which the river flowed in an oxbow curve known as Blackbird Bend.⁵ Over the next few decades, the river changed course several times, sometimes moving east, sometimes west.⁶ Since 1927, **2534 the river has been west of its 1867 position, leaving most of the Barrett survey area on the Iowa side of the river, separated from the rest of the reservation.

⁵ There is some dispute over whether the Barrett survey actually marked the reservation boundary because several years had passed since the Tribe began occupying the reservation and the Missouri may have changed its course during that period. See *United States v. Wilson*, 433 F.Supp. 67, 69, 74 (ND Iowa 1977). This does not appear to be of significance in this litigation. *Id.*, at 75.

⁶ In *Nebraska v. Iowa*, 143 U.S. 359, 12 S.Ct. 396, 36 L.Ed. 186 (1892), the Court decided a boundary dispute between the States of Nebraska and Iowa caused by the wanderings of the Missouri. “[T]he fickle Missouri River,” however, “refused to be bound by the . . . decree,” Eriksson, *The Boundaries of Iowa*, 25 Iowa J. of Hist. and Pol. 163, 234 (1927); and in 1943 Nebraska and Iowa entered into a Compact fixing the boundary between the States independent of the river's location. Congress ratified the Compact in the Act of July 12, 1943, ch. 220, 57 Stat. 494. Since the time of the Compact, the Army Corps of Engineers has been largely successful in taming the river. See *Nebraska v. Iowa*, 406 U.S. 117, 119, 92 S.Ct. 1379, 1381, 31 L.Ed.2d 733 (1972).

As the area, now on the Iowa side, dried out, Iowa residents settled on, improved, and farmed it. These non-Indian owners and their successors in title occupied the land for many *660 years prior to April 2, 1975, when they were dispossessed by the Tribe, with the assistance of the Bureau of Indian Affairs.

Four lawsuits followed the seizure, three in federal court and one in state court. The Federal District Court for the Northern District of Iowa consolidated the three federal actions, severed claims to damages and lands outside the Barrett survey area, and issued a temporary injunction that

permitted the Tribe to continue possession. The court then tried the case without a jury. At trial, the Government and the Tribe argued that the river's movement had been avulsive, and therefore the change in location of the river had not affected the boundary of the reservation. Petitioners argued that the river had gradually eroded the reservation lands on the west bank of the river, and that the disputed land on the east bank, in Iowa, had been formed by gradual accretion and belonged to the east-bank riparian owners.⁷ Both sides sought to quiet title in their names.

⁷ The District Court stated the common-law rule, 433 F.Supp. 57, 62 (1977):

“Simply stated, when a river which forms a boundary between two parcels of land moves by processes of erosion and accretion, the boundary follows the movements of the river. *Independent Stock Farm v. Stevens*, 128 Neb. 619, 259 N.W. 647 (1935). On the other hand, when a river which forms a boundary between two parcels of land abruptly moves from its old channel to a new channel through an event known as avulsion, the boundary remains defined by the old river channel. *Iowa Railroad Land Co. v. Coulthard*, 96 Neb. 607, 148 N.W. 328 (1914). The jurisdiction of Nebraska applies these principles to the movements of the Missouri River. *DeLong v. Olsen*, 63 Neb. 327, 88 N.W. 512 (1901).”

This Court has followed the same principles resolving boundary disputes between States bordering on navigable streams. *Arkansas v. Tennessee*, 246 U.S. 158, 173, 38 S.Ct. 301, 304, 62 L.Ed. 638 (1918); *Missouri v. Nebraska*, 196 U.S. 23, 34–36, 25 S.Ct. 155, 157, 49 L.Ed. 372 (1904); *Nebraska v. Iowa*, 143 U.S., at 360–361, 370, 12 S.Ct., at 396, 397, 400.

The District Court concluded that state rather than federal law should be the basis of decision. *United States v. Wilson*, 433 F.Supp. 57 (1977). The court interpreted the Rules of Decision Act, 28 U.S.C. § 1652, as not requiring the application *661 of federal law in land disputes, even though the United States and an Indian tribe were claimants,⁸ unless the Constitution, a treaty, or an Act of Congress specifically supplanted state law. The court found no indication in those sources that federal law was to govern. It then went on to conclude that 25 U.S.C. § 194 was not applicable to the case because it was impossible for the Tribe to make out a prima facie case that it possessed the disputed lands in the past without proving its

case on the merits. Thus, § 194 had no significance because it was “inextricably entwined with the merits.” 433 F.Supp., at 66.⁹

⁸ The District Court relied on *Mason v. United States*, 260 U.S. 545, 43 S.Ct. 200, 67 L.Ed. 396 (1923); *Francis v. Francis*, 203 U.S. 233, 27 S.Ct. 129, 51 L.Ed. 165 (1906); and *Fontenelle v. Omaha Tribe of Nebraska*, 298 F.Supp. 855 (Neb.1969), aff'd 430 F.2d 143 (CA8 1970).

⁹ The District Court also suggested that the possessory interest of the Tribe was not of sufficient quality to trigger the burden shifting contemplated by 25 U.S.C. § 194.

Applying Nebraska law,¹⁰ which places the burden of proof on the party seeking to *2535 quiet title, the court concluded that the key changes in the river had been accretive, and that the east-bank riparians, the petitioners, were thus the owners of the disputed area. 433 F.Supp. 67 (1977).¹¹

¹⁰ The District Court construed the Court's decision in *Nebraska v. Iowa*, 406 U.S. 117, 92 S.Ct. 1379, 31 L.Ed.2d 733 (1972), as requiring the application of Nebraska law with respect to changes in the river that occurred before 1943, the date of the Iowa-Nebraska Compact that permanently fixed the boundary between the States, because the land at issue here was indisputably part of Nebraska before the river changed its course. 433 F.Supp., at 60, and n. 2.

¹¹ Although the District Court hewed closely to Nebraska case law, it also observed that insofar as the relevant definitions of avulsion and accretion were concerned, there was no significant difference between Iowa and Nebraska law, except that under Iowa law accretion was presumed, which was not the case under Nebraska law. Because Nebraska law would not aid the defendants by a presumption of accretion, the Tribe was favored by the application of Nebraska law. The District Court was also of the view that the federal accretion-avulsion law was not substantially different. As we shall see, the Court of Appeals differed with the District Court in this respect.

*662 The Court of Appeals reversed. 575 F.2d 620 (CA8 1978). It began by ruling that the District Court should have

applied federal rather than state law for two distinct reasons. First, the boundary of the reservation was coincidental with an interstate boundary at the time the river moved. Therefore, under *Oregon ex rel. State Land Board v. Corvallis Sand & Gravel Co.*, 429 U.S. 363, 375, 97 S.Ct. 582, 589, 50 L.Ed.2d 550 (1977), and other cases of this Court, the governing law is federal because

“[t]he rendering of a decision in a private dispute which would ‘press back’ an interstate boundary sufficiently implicates the interests of the states to require the application of federal common law.” 575 F.2d at 628.

Second, the Court of Appeals construed our decision in *Oneida Indian Nation v. County of Oneida*, 414 U.S. 661, 677, 94 S.Ct. 772, 782, 39 L.Ed.2d 73 (1974), as requiring the application of federal law because the Tribe asserted a right to reservation land based directly on the 1854 treaty and therefore arising under and protected by federal law.

The Court of Appeals also ruled that the District Court had erred by refusing to apply 25 U.S.C. § 194. Because the Tribe had proved that the 1854 treaty included the land area within the Barrett survey, it had made a sufficient showing of “previous possession or ownership” to invoke the statute and place the burden of proof on petitioners. Adopting the District Court's construction “would negate the application of the § 194 statutory burden upon a pleading that simply recites Indian land had been destroyed by the erosive action of a river.” 575 F.2d, at 631.

Reviewing what it perceived to be the federal common law of accretion and avulsion and with no more than passing reference to Nebraska law on the issue, the Court of Appeals concluded that the District Court had based its ruling on a *663 too narrow definition of avulsion.¹² The court then applied the law to the evidence and found that the evidence was in equipoise. Because § 194 placed the burden of proof on the non-Indians, however, the court ruled that judgment must be entered for the Tribe.

¹² The Court of Appeals relied on two cases, *Veatch v. White*, 23 F.2d 69 (CA9 1927), and *Uhlhorn v. United States Gypsum Co.*, 366 F.2d 211 (CA8 1966), cert. denied, 385 U.S. 1026, 87 S.Ct. 753, 17 L.Ed.2d 674 (1967), in concluding that, under federal law, “the sudden, perceptible change of the channel, whether within or without the river's original bed, is a critical factor in defining an avulsion.” 575 F.2d 620, 637 (CA8 1978). This

definition was broader than the Nebraska rule as understood and applied by the District Court, which the Court of Appeals described as follows: “an avulsion occurs only where a sudden shift in a channel cuts off land ‘so that after the shift it remains identifiable as land which existed before the change of the channel and which never became a part of the river bed.’ ” *Id.*, at 634, quoting 433 F.Supp., at 73. As is evident, the definition employed by the Court of Appeals permits a finding of avulsion even where the river is still largely within its original bed.

We granted separate petitions for certiorari filed by the State of Iowa and its Conservation Commission in No. 78–161 and by the individual petitioners in No. 78–160, but limited to the questions whether 25 U.S.C. § 194 is applicable in the circumstances of this litigation, in particular with respect to the State of Iowa, and whether federal or state law governs the substantive aspects of these cases. **2536 439 U.S. 963, 99 S.Ct. 448, 58 L.Ed.2d 420 (1978).¹³ *664 We are in partial, but serious, disagreement with the Court of Appeals, and vacate its judgment.

¹³ In No. 78–161, filed by the State of Iowa and its Conservation Commission, the questions on which certiorari was granted were stated as follows: “Whether the State of Iowa is ‘a white person’, and the Omaha Indian Tribe is ‘an Indian’ within the meaning of 25 U.S.C. § 194.

“Whether federal law requires divestiture of Iowa's apparent good title to real property located within its boundaries.”

In No. 78–160, we granted certiorari on the following questions:

“Whether the Eighth Circuit erroneously construed Title 25 U.S.Code § 194 to make it applicable in this case.

“Whether the Eighth Circuit erred in holding that Federal and not state common law with regard to accretion and avulsion is applicable in this case.”

II

[1] Petitioners challenge on several grounds the Court of Appeals' construction and application of § 194 to these cases.¹⁴ First, they argue that by its plain language the section does not apply when an Indian tribe, rather than one or more

individual Indians, is the litigant. We think the argument is untenable. The provision first appeared in slightly different form in 1822, Act of May 6, 1822, 3 Stat. 683, as part of an Act amending the 1802 Indian Trade and Intercourse Act, Act of Mar. 30, 1802, 2 Stat. 139, which was one of a series of Acts originating in 1790 and designed to regulate trade and other forms of intercourse between the North American Indian tribes and non-Indians.¹⁵ Because of recurring trespass upon and illegal occupancy of Indian territory, a major purpose of these Acts as they developed was to protect the rights of Indians to their properties. Among other things, non-Indians were prohibited from settling on tribal properties, and the use of force was authorized to remove persons who violated these restrictions. The 1822 provision was part of this design; and with only slight change in wording, it was incorporated in the 1834 consolidation of the various statutes dealing with *665 Indian affairs. Act of June 30, 1834, 4 Stat. 729. Section 22 of that Act is now 25 U.S.C. § 194, already set out in this opinion. Although the word “Indian” in the second line of § 22 of the 1834 Act replaced the word “Indians” in the 1822 provision, there is no indication that any change in meaning was intended; and none should be implied at this late date, particularly in light of 1 U.S.C. § 1, which provides that unless the context indicates otherwise, “words importing the singular include and apply to several persons, parties, or things.”

14 Of these various arguments, only the single ground relied on by the District Court in refusing to apply § 194 was discussed and rejected by the Court of Appeals. The other grounds for holding § 194 inapplicable to this case were presented by petitioners either in their briefs on the merits before the Court of Appeals or their petition for rehearing before that court after it reversed the District Court.

15 The background, history, and development of these laws and Acts are explored exhaustively in F. Prucha, *American Indian Policy in the Formative Years: The Indian Trade and Intercourse Acts 1790–1834* (1962). See also Cohen, *supra* n. 1, at 68–75.

Even construed as including the plural, however, it is urged that the word “Indians” does not literally include an Indian tribe, and that it is plain from other provisions of the Act that Congress intended to distinguish between Indian tribes and individual Indians. But as we see it, this proves too much. At the time of the enactment of the predecessors of § 194, Indian land ownership was primarily tribal ownership;

aboriginal title, a possessory right, was recognized and was extinguishable only by agreement with the tribes with the consent of the United States. *Oneida Indian Nation v. County of Oneida*, 414 U.S., at 669–670, 94 S.Ct., at 778. Typically, this was accomplished by treaty between the United States and the tribe, and typically the land reserved or otherwise set aside was held in trust by the United States for the tribe itself. “Whatever title the Indians have is in the tribe, and not in the individuals, **2537 although held by the tribe for the common use and equal benefit of all the members.” *United States v. Jim*, 409 U.S. 80, 82, 93 S.Ct. 261, 263, 34 L.Ed.2d 282 (1972), quoting *Cherokee Nation v. Hitchcock*, 187 U.S. 294, 307, 23 S.Ct. 115, 119, 47 L.Ed. 183 (1902). It is clear enough that, when enacted, Congress intended the 1822 and 1834 provisions to protect Indians from claims made by non-Indian squatters on their lands. To limit the force of these provisions to lands held by individual Indians would be to drain them of all significance, given the historical fact that at the time of the enactment virtually all Indian land was *666 tribally held. Legislation dealing with Indian affairs “cannot be interpreted in isolation but must be read in light of the common notions of the day and the assumptions of those who drafted [it].” *Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191, 206, 98 S.Ct. 1011, 1019, 55 L.Ed.2d 209 (1978). Furthermore, “‘statutes passed for the benefit of dependent Indian tribes . . . are to be liberally construed, doubtful expressions being resolved in favor of the Indians.’” *Bryan v. Itasca County*, 426 U.S. 373, 392, 96 S.Ct. 2102, 2112, 48 L.Ed.2d 710 (1976), quoting *Alaska Pacific Fisheries v. United States*, 248 U.S. 78, 89, 39 S.Ct. 40, 41, 63 L.Ed. 138 (1918).

[2] The second argument, presented in its most acute form by the State of Iowa, is that § 194 applies only where the Indians' antagonist is an individual white person and has no force at all where the adverse claimant is an artificial entity.¹⁶ We cannot accept this broad submission. The word “person” for purposes of statutory construction, unless the context indicates to the contrary, is normally construed to include “corporations, companies, associations, firms, partnerships, societies, and joint stock companies, as well as individuals.” 1 U.S.C. § 1. And in terms of the protective purposes of the Acts of which § 194 and its predecessors were a part, it would make little sense to construe the provision so that individuals, otherwise subject to its burdens, could escape its reach merely by incorporating and carrying on business as usual. As we said in *Monell v. New York City Dept. of Social Services*, 436 U.S. 658, 687, 98 S.Ct. 2018, 2034, 56 L.Ed.2d 611 (1978), “by 1871, it was well understood that corporations should be treated as natural persons for virtually all purposes

of constitutional and statutory analysis.”¹⁷ *667 It stands to reason that in re-enacting this provision in the Revised Statutes, now codified in the United States Code, Congress was fully aware that it would be interpreted to cover artificial entities as well as individuals.

¹⁶ Petitioners cite *United States v. Perryman*, 100 U.S. 235, 25 L.Ed. 645 (1880), as support for their position that § 194 must be construed literally to apply only to a “white person,” or individual Caucasian. But that case dealt with another provision of the 1834 Nonintercourse Act, § 16, and there were distinct grounds in the legislative history indicating that the term “white person” as used in § 16 did not include a Negro. Whether *Perryman* would be followed today is a question we need not decide.

¹⁷ There were two corporate defendants among the parties in the District Court. They filed a separate petition for certiorari, No. 78–162, *RGP, Inc. v. Omaha Indian Tribe*, but no action has yet been taken on it. Under our Rules, however, the two corporations are party-respondents in the cases in which we have granted certiorari. Rule 21(4).

It nevertheless does not follow that the “white persons” to whom will be shifted the burden of proof in title litigation with Indians also include the sovereign States of the Union. “[I]n common usage, the term ‘person’ does not include the sovereign, [and] statutes employing the phrase are ordinarily construed to exclude it.” *United States v. Cooper Corp.*, 312 U.S. 600, 604, 61 S.Ct. 742, 743, 85 L.Ed. 1071 (1941); accord, *United States v. Mine Workers*, 330 U.S. 258, 275, 67 S.Ct. 677, 687, 91 L.Ed. 884 (1947). Particularly is this true where the statute imposes a burden or limitation, as distinguished from conferring a benefit or advantage. *United States v. Knight*, 39 U.S. 301, 315, 14 Pet. 301, 315, 10 L.Ed. 465 (1840). There is nevertheless “no hard and fast rule of exclusion,” *United States v. Cooper Corp.*, *supra*, 312 U.S., at 604–605, 61 S.Ct., at 743; and much depends on the context, the subject matter, legislative history, and executive interpretation. The legislative history here is uninformative, and executive interpretation is unhelpful with respect to this dormant statute. But in terms of the purpose of the provision—that of preventing and providing remedies against non-Indian squatters on Indian lands—it is doubtful that Congress anticipated such threats from the States themselves or intended to handicap the States so as to

offset the likelihood of unfair advantage. Indeed, the 1834 Act, which included § 22, the provision identical to the present § 194, was “intended to apply to the whole Indian country, as defined in the first section.” H.R.Rep. No. 474, 23d Cong., 1st Sess., 10 (1834). Section 1 defined Indian country as being “all that part of the United States west of *668 the Mississippi, and not within the states of Missouri and Louisiana, or the territory of Arkansas, and, also, that part of the United States east of the Mississippi River, and not within any state to which the Indian title has not been extinguished” 4 Stat. 729. Although this definition was discarded in the Revised Statutes, see Rev.Stat. § 5596, it is apparent that in adopting § 22 Congress had in mind only disputes arising in Indian country, disputes that would not arise in or involve any of the States.

Nor have we discovered anything since its passage or in connection with the definition of Indian country now contained in the Criminal Code, 18 U.S.C. § 1151, indicating that Congress intended the words “white person” in § 194 to include any of the original or any of the newly admitted States of the Union. We hesitate, therefore, to hold that the State of Iowa must necessarily be disadvantaged by § 194 when litigating title to the property to which it claims ownership, particularly where its opposition is an organized Indian tribe litigating with the help of the United States of America. It may well be that a State, like other litigants and like the State of Iowa did in this case, will often bear the burden of proof on various issues in litigating the title to real estate. But § 194 operates regardless of the circumstances once the Tribe or its champion, the United States, has demonstrated that the Tribe was once in possession of or had title to the area under dispute.

[3] [4] Petitioners also defend the refusal of the District Court to apply § 194 on the grounds that a precondition to applying it is proof of prior possession or title in the Indians and that this involves the merits of the issue on which this case turns—whether the changes in the river were avulsive or accretive. We think the Court of Appeals had the better view of the statute in this regard. Section 194 is triggered once the Tribe makes out a prima facie case of prior possession or title to the particular *area* under dispute. The usual way of describing *669 real property is by identifying an area on the surface of the earth through the use of natural or artificial monuments. There seems to be no question here that the area within the Barrett survey was once riparian land lying on the west bank of the Missouri River and was long occupied by the Tribe as part of the reservation set apart for it in consequence of the treaty of 1854. This was enough, it seems to us, to bring § 194 into play. Of course, that would not foreclose the State

of Iowa from offering sufficient evidence to prove its own title or from prevailing on any affirmative defenses it may have.

[5] Petitioners also assert that even if § 194 is operative and even if the Tribe has made out its prima facie case, only the burden of going forward with the evidence, and not the burden of persuasion, is shifted to the State. Therefore they, the petitioners, should prevail if the evidence is in equipoise. The term “burden of proof” may well be an ambiguous term connoting either the burden of going forward with the evidence, the burden of persuasion, or both. But in view of the evident purpose of the statute and its use of the term “presumption” which the “white man” must overcome, **2539 we are in agreement with the two courts below that § 194 contemplates the non-Indian's shouldering the burden of persuasion as well as the burden of producing evidence once the tribe has made out its prima facie case of prior title or possession.

III

A

In *Oregon ex rel. State Land Board v. Corvallis Sand & Gravel Co.*, 429 U.S. 363, 97 S.Ct. 582, 50 L.Ed.2d 550 (1977), this Court held that, absent an overriding federal interest, the laws of the several States determine the ownership of the banks and shores of waterways. This was expressive of the general rule with respect to the incidents of federal land grants:

“ ‘We hold the true principle to be this, that whenever the question in any Court, state or federal, is, *whether* a *670 title to land which had once been the property of the United States has passed, that question must be resolved by the laws of the United States; but that *whenever*, according to those laws, *the title shall have passed*, then that property, like all other property in the state, is *subject to state legislation*; so far as that legislation is consistent with the admission that the title passed and vested according to the laws of the United States.’ ” *Id.*, at 377, 97 S.Ct., at 590, quoting *Wilcox v. Jackson*, 38 U.S. 498, 517, 13 Pet. 498, 517, 10 L.Ed. 264 (1839) (emphasis added by the *Corvallis* Court).

The Court's conclusion in the particular dispute before it in *Corvallis* was that state law governed the rights of the riparian owner because there was no claim of an applicable federal right other than the equal-footing origin of the State's title.

As the Court of Appeals held, however, the general rule recognized by *Corvallis* does not oust federal law in this case. Here, we are not dealing with land titles merely derived from a federal grant, but with land with respect to which the United States has never yielded title or terminated its interest. The area within the survey was part of land to which the Omahas had held aboriginal title and which was reserved by the Tribe and designated by the United States as a reservation and the Tribe's permanent home. The United States continues to hold the reservation lands in trust for the Tribe and to recognize the Tribe pursuant to the Indian Reorganization Act of 1934, 48 Stat. 984, 25 U.S.C. § 461 *et seq.*

[6] In these circumstances, where the Government has never parted with title and its interest in the property continues, the Indians' right to the property depends on federal law, “wholly apart from the application of state law principles which normally and separately protect a valid right of possession.” *Oneida Indian Nation v. County of Oneida*, 414 U.S., at 677, 94 S.Ct., at 782. It is rudimentary that “Indian title is a matter of federal law and can be extinguished only with federal consent” and that the termination of the protection *671 that federal law, treaties, and statutes extend to Indian occupancy is “exclusively the province of federal law.” *Id.*, at 670, 94 S.Ct., at 779. Insofar as the applicable law is concerned, therefore, the claims of the Omahas are “clearly distinguishable from the claims of land grantees for whom the Federal Government has taken no such responsibility.” *Id.*, at 684, 94 S.Ct., at 786 (REHNQUIST, J., concurring). This is not a case where the United States has patented or otherwise granted lands to private owners in a manner that terminates its interest and subjects the grantees' incidents of ownership to determination by the applicable state law. The issue here is whether the Tribe is no longer entitled to possession of an area that in the past was concededly part of the reservation as originally established. That question, under *Oneida*, is a matter for the federal law to decide.¹⁸

¹⁸ Petitioners claim that *Oklahoma v. Texas*, 258 U.S. 574, 42 S.Ct. 406, 66 L.Ed. 771 (1922), mandates the applicability of state rather than federal law in this case. But there the United States issued patents granting former reservation lands. The Court merely held that, absent contrary evidence, when the United States conveyed and completely parted with its territory, even though Indian land, it intended the incidents of the resulting ownership to be determined by state law. This is no more than the general rule that *Oneida* recognized. In

the present case, of course, the area at issue was never conveyed away by the United States or by the Tribe and is claimed by the United States and the Tribe to remain as part of the reservation established as the result of the treaty of 1854. Neither do we find that *United States v. Oklahoma Gas & Electric Co.*, 318 U.S. 206, 63 S.Ct. 534, 87 L.Ed. 716 (1943), presents a contrary holding. There, the Court refused to construe a federal statute permitting the Secretary of the Interior to grant permission for the opening of highways over Indian land “in accordance with the laws of the state” as prohibiting the establishment of a power line in the highway right-of-way without further federal consent. *Id.*, at 208, 63 S.Ct., at 535. As we understand that case, the Court held only that the consent authorized by the federal statute included the uses which such consent would authorize under state law.

**2540 B

Although we have determined that federal law ultimately controls the issue in this case, it is still true that “[c]ontroversies *672 . . . governed by federal law, do not inevitably require resort to uniform federal rules. . . . Whether to adopt state law or to fashion a nationwide federal rule is a matter of judicial policy ‘dependent upon a variety of considerations always relevant to the nature of the specific governmental interests and to the effects upon them of applying state law.’ ” *United States v. Kimbell Foods, Inc.*, 440 U.S. 715, 727–728, 99 S.Ct. 1448, 1458, 59 L.Ed.2d 711 (1979), quoting *United States v. Standard Oil Co.*, 332 U.S. 301, 310, 67 S.Ct. 1604, 1609, 91 L.Ed. 2067 (1947).¹⁹ The Court of Appeals, noting the existence of a body of federal law necessarily developed by this Court in the course of adjudicating boundary disputes between States having their common border on a navigable stream, purported to find in those doctrines the legal standards to apply in deciding whether the changes in the course of the Missouri River involved in this case had been avulsive or accretive in nature.

¹⁹

Compare P. Bator, P. Mishkin, D. Shapiro, & H. Wechsler, *Hart and Wechsler's, The Federal Courts and the Federal System* 768 (2d ed. 1973): “The federal ‘command’ to incorporate state law may be a judicial rather than a legislative command; that is, it may be determined as a matter of choice of law, even in the absence of statutory

command or implication, that, although federal law should ‘govern’ a given question, state law furnishes an appropriate and convenient measure of the content of this federal law.”

The federal law applied in boundary cases, however, does not necessarily furnish the appropriate rules to govern this case. No dispute between Iowa and Nebraska as to their common border on or near the Missouri River is involved here. The location of that border on the ground was settled by Compact in 1943 and by further litigation in this Court, *Nebraska v. Iowa*, 406 U.S. 117, 92 S.Ct. 1379, 31 L.Ed.2d 733 (1972). The federal interest in this respect has thus been satisfied, except to the extent that the Compact itself may bear upon a dispute such as this. *United States v. Kimbell Foods, Inc.*, *supra*, advises that at this juncture we should consider whether there is need for *673 a nationally uniform body of law to apply in situations comparable to this, whether application of state law would frustrate federal policy or functions, and the impact a federal rule might have on existing relationships under state law. An application of these factors suggests to us that state law should be borrowed as the federal rule of decision here.

First, we perceive no need for a uniform national rule to determine whether changes in the course of a river affecting riparian land owned or possessed by the United States or by an Indian tribe have been avulsive or accretive. For this purpose, we see little reason why federal interests should not be treated under the same rules of property that apply to private persons holding property in the same area by virtue of state, rather than federal, law. It is true that States may differ among themselves with respect to the rules that will identify and distinguish between avulsions and accretions, **2541 but as long as the applicable standard is applied, evenhandedly to particular disputes, we discern no imperative need to develop a general body of federal common law to decide cases such as this, where an interstate boundary is not in dispute. We should not accept “generalized pleas for uniformity as substitutes for concrete evidence that adopting state law would adversely affect [federal interests].” *United States v. Kimbell Foods, Inc.*, *supra*, 440 U.S., at 730, 99 S.Ct., at 1459.

Furthermore, given equitable application of state law, there is little likelihood of injury to federal trust responsibilities or to tribal possessory interests. On some occasions, Indian tribes may lose some land because of the application of a particular state rule of accretion and avulsion, but it is as likely on other occasions that the tribe will stand to gain. The same would be the case under a federal rule, including the rule that the

Court of Appeals announced in this case. The United States fears a hostile and unfavorable treatment at the hands of state law, but, as we have said, the legal issues are federal and the federal courts will have jurisdiction to *674 hear them. *Oneida Indian Nation v. County of Oneida*, 414 U.S. 661, 94 S.Ct. 772, 39 L.Ed.2d 73 (1974). Adequate means are thus available to insure fair treatment of tribal and federal interests.

This is also an area in which the States have substantial interest in having their own law resolve controversies such as these. Private landowners rely on state real property law when purchasing real property, whether riparian land or not. There is considerable merit in not having the reasonable expectations of these private landowners upset by the vagaries of being located adjacent to or across from Indian reservations or other property in which the United States has a substantial interest. Borrowing state law will also avoid arriving at one answer to the avulsive-accretion riddle in disputes involving Indians on one side and possibly quite different answers with respect to neighboring land where non-Indians are the disputants. Indeed, in this case several hundred acres of land within the Barrett survey are held in fee, and concededly are not Indian property. These tracts would not be governed by the federal rule announced by the Court of Appeals.

We have borrowed state law in Indian cases before. In *Board of Comm'rs v. United States*, 308 U.S. 343, 60 S.Ct. 285, 84 L.Ed. 313 (1939), the question was what law, federal or state, would apply in a claim to recover taxes improperly levied by a political subdivision of a State upon Indians' trust lands. The Court observed that “[s]ince the origin of the right to be enforced is the Treaty, plainly whatever rule we fashion is ultimately attributable to the Constitution, treaties or statutes of the United States, and does not owe its authority to the law-making agencies of Kansas.” *Id.*, at 349–350, 60 S.Ct., at 287–288. The Court, nevertheless, elected to adopt state law as the federal rule of decision. There was no reason in the circumstances of the case for the beneficiaries of federal rights to have a privileged position over other aggrieved taxpayers, and “[t]o respect the law of interest prevailing in Kansas in no wise impinges upon the exemption *675 which the Treaty of 1861 has commanded Kansas to respect and the federal courts to vindicate.”²⁰

²⁰ See *Board of Comm'rs v. United States*, 308 U.S., at 351–352, 60 S.Ct., at 288–289:

“Having left the matter at large for judicial determination within the framework of familiar remedies equitable in their nature, see *Stone v. White*, 301 U.S. 532, 534, 57 S.Ct. 851, 852,

81 L.Ed. 1265, Congress has left us free to take into account appropriate considerations of ‘public convenience.’ Cf. *Virginian Ry. Co. v. Federation*, 300 U.S. 515, 552, 57 S.Ct. 592, 601, 81 L.Ed. 789. Nothing seems to us more appropriate than due regard for local institutions and local interests. We are concerned with the interplay between the rights of Indians under federal guardianship and the local repercussion of those rights. Congress has not been heedless of the interests of the states in which Indian lands were situated, as reflected by their local laws. See, e. g., § 5 of the General Allotment Act of 1887, 24 Stat. 388, 389. With reference to other federal rights, the state law has been absorbed, as it were, as the governing federal rule not because state law was the source of the right but because recognition of state interests was not deemed inconsistent with federal policy. See *Brown v. United States*, 263 U.S. 78, 44 S.Ct. 92, 68 L.Ed. 171; *Seaboard Air Line R. Co. v. United States*, 261 U.S. 299, 43 S.Ct. 354, 67 L.Ed. 664. In the absence of explicit legislative policy cutting across state interests, we draw upon a general principle that the beneficiaries of federal rights are not to have a privileged position over other aggrieved tax-payers in their relation with the states or their political subdivisions. To respect the law of interest prevailing in Kansas in no wise impinges upon the exemption which the Treaty of 1861 has commanded Kansas to respect and the federal courts to vindicate.”

****2542 [7]** The importance of attending to state law, once an interstate boundary has been determined, is underlined by *Arkansas v. Tennessee*, 246 U.S. 158, 38 S.Ct. 301, 62 L.Ed. 638 (1918). In that case, because the disputed boundary between Arkansas and Tennessee had been determined, the question of title to riparian land and to the river bottom was a matter to be determined by local law:

“How the land that emerges on either side of an interstate boundary stream shall be disposed of as between public and private ownership is a matter to be determined according to the law of each State, under the familiar doctrine that it is for the States to establish for themselves such rules of property as they deem expedient with respect to the navigable waters within their borders and *676 the riparian lands adjacent to them. . . . But these dispositions are in each case limited by the interstate boundary, and cannot be permitted to press back the boundary line from where otherwise it should be located.” *Id.*, at 175–176, 38 S.Ct., at 305.

Likewise, in the present case, the Compact of 1943 settled the location of the interstate boundary, within and without the river; and the question of land ownership within or adjacent to the river is best settled by reference to local law even where Indian trust land, a creature of the federal law, is involved.

C

The passage quoted above from *Arkansas v. Tennessee* was quoted with approval in *Nebraska v. Iowa*, 406 U.S., at 126–127, 92 S.Ct., at 1385, where the central question was the interpretation of the Interstate Compact determining the location of the entire border between Nebraska and Iowa.²¹ Our opinion in *Nebraska v. Iowa* is also instructive with respect to which state law, Iowa or Nebraska, the federal court should refer to in determining the federal standard applicable to this case.

²¹ The Special Master in that case observed that, although it would be difficult, the location of the agreed-upon boundary in the Compact could be determined with reasonable accuracy. Report of Special Master in *Nebraska v. Iowa*, O.T.1964, No. 17 Orig., p. 50.

Under § 2 of the Compact, each State ceded to the other and relinquished jurisdiction over all lands within the Compact boundary of the other State. Under § 3, “Titles, mortgages, and other liens” affecting such lands that are “good in” the ceding State “shall be good in” the other State.²² *677 Thus, ceded lands east of the Compact line came under Iowa jurisdiction; but Iowa was obligated to respect title to any ceded land east of the new boundary if that title was “good in” Nebraska. Accepting the Special Master’s recommendations in this respect, the Court ruled that one claiming a Nebraska title to land east of the Compact line need show only “good title” under Nebraska law and need not also prove either the location of the original boundary between the two States or that the land at issue was on the Nebraska side of that **2543 original boundary. The Court further ruled, in agreement with the Special Master, that in litigating with private claimants seeking to prove good Nebraska title to land east of the Compact line, the State of Iowa was disentitled to rely on certain doctrines of Iowa common law bearing on riparian land ownership.²³

²² See 1943 Iowa Acts, ch. 306, as ratified by Act of July 12, 1943, ch. 220, 57 Stat. 494:

“Sec. 2. The State of Iowa hereby cedes to the State of Nebraska and relinquishes jurisdiction over all lands now in Iowa but lying westerly of said boundary line and contiguous to lands in Nebraska. “Sec. 3. Titles, mortgages, and other liens good in Nebraska shall be good in Iowa as to any lands Nebraska may cede to Iowa and any pending suits or actions concerning said lands may be prosecuted to final judgment in Nebraska and such judgments shall be accorded full force and effect in Iowa.”

²³ Under this ruling, Iowa was disentitled, either as plaintiff or defendant, from invoking its presumption that changes in the Missouri had been accretive rather than avulsive, and could not rely on its rule that no person can claim adversely against the sovereign State of Iowa. Thus, a title based on adverse possession good under Nebraska law would be good in Iowa. Report of Special Master, *supra*, at 174–175.

In this case, the District Court ruled that even though the United States and an Indian tribe rather than private parties were plaintiffs, title to the Barrett survey land, which was once in Nebraska but is now unquestionably in Iowa, should be governed by Nebraska law in accordance with the terms of the Compact. Proceeding to adjudicate the case in accordance with Nebraska law, the District Judge found that the Tribe and the Government, respondents here, had failed to prove that the Blackbird Bend area had been separated from the rest of the reservation by avulsive changes in the Missouri River and that the defendants, petitioners here, without the aid of any presumption of accretion available under Iowa law *678 if applicable, had instead proved that the river changes had been by accretion. In the course of arriving at this conclusion, the District Court, relying on Nebraska cases, rejected the Government’s definition of avulsion, later embraced by the Court of Appeals, as contrary to the common law of Nebraska. The defendants, petitioners here, having carried the burden of proving their good title to the land at issue, were entitled to a decree quieting title in them.

[8] Although we have already held that the District Court erred in concluding that determination of titles to reservations lands is not a matter for the federal law, we have also indicated that the federal law should incorporate the applicable state property law to resolve the dispute. Therefore, it seems to us that the District Court reached the correct result in ruling that

under the construction of the Compact in *Nebraska v. Iowa*, Nebraska law should be applied in determining whether the changes in the river that moved the Blackbird Bend area from Nebraska to Iowa had been avulsive or accretive. It should also be noted that the District Court, although wrong in wholly rejecting the applicability of § 194, concluded as a matter of fact and law that the defendants, petitioners here, had carried the burden of persuasion normally incumbent upon a plaintiff in a quiet-title action, and had proved by a preponderance of the evidence that the reservation lands had eroded and had accreted to the Iowa shoreline. Apparently for this reason, the trial judge observed at the end of his memorandum opinion that were he wrong in refusing to apply § 194, his findings and conclusions “would not be altered by any different allocation of the burden of persuasion.” 433 F.Supp., at 67.

IV

In sum, the Court of Appeals was partially correct in ruling that § 194 was applicable in this case. By its terms, § 194 applies to the private petitioners but not to petitioner State of Iowa. We also agree with the Court of Appeals' conclusion *679 that federal law governed the substantive aspects of the dispute, but find it in error for arriving at a federal standard, independent of state law, to determine whether there had been an avulsion or an accretion. Instead, the court should have incorporated the law of the State that otherwise would have been applicable which, as we have said, is the law of Nebraska. Of course, because of its view of the controlling law, the Court of Appeals did not consider whether the District Court had correctly interpreted Nebraska law and had properly applied it to the facts of this case. These tasks are still to be performed, and we vacate the Court of Appeals' judgment **2544 and remand the case for further proceedings consistent with this opinion.

It is so ordered.

Mr. Justice POWELL, took no part in the consideration or decision of these cases.

Mr. Justice BLACKMUN, with whom THE CHIEF JUSTICE joins, concurring.

I join the Court's opinion, but I write briefly to add a comment about my views as to the scope of 25 U.S.C. § 194.

Section 194 applies to a property dispute between an Indian and a “white person.” The property dispute here is between

Indians, on the one hand, and, on the other, nine individuals, two corporations, and the State of Iowa. See 575 F.2d 620, 622 (CA8 1978). The Court holds that “white person” includes an artificial entity and thus that § 194 applies in the dispute between the Omahas and the two corporate petitioners. *Ante*, at 2537–2538. Contrariwise, the Court holds that “white person” does not include a sovereign State, and thus that § 194 does not apply in the dispute between the Omahas and petitioner State of Iowa. *Ante*, at 2537–2538, 2543. The Court, however, does not expressly discuss § 194's applicability to the nine individual claimants.

*680 Since the Court nevertheless holds that “§ 194 applies to the private petitioners” without exception, *ante*, at 2543, it must be proceeding on one of two assumptions. The Court could assume, first, that all nine individual petitioners are Caucasians, and hence each literally is a “white person” under § 194. There is no evidence in the record, however, as to the race of these individuals. See Brief for Petitioners in No. 78–160, p. 30; Brief for United States 32 n. 25; Tr. of Oral Arg. 13. Since the burden of proving the factual predicate for § 194's applicability presumably rests on the Indians who seek to invoke it, the Court, in holding § 194 applicable to the individual petitioners here, could not properly rely on this first possible assumption.

The Court could assume, second, that “white person” in § 194 refers, not to a Caucasian, but to a “non-Indian” individual. On this assumption, the race of the individual petitioners (so long as they are not Indians) would be irrelevant in determining § 194's applicability. That this is in fact the assumption the Court makes is suggested by its decision to ignore the adjective “white” in holding each of the corporate petitioners to be a “white person,” and by its refusal to follow *United States v. Perryman*, 100 U.S. 235, 25 L.Ed. 645 (1880), where it was held that “white person,” as used in another section of the Non-Intercourse Act, did not include a Negro. *Ante*, at 2537 n. 16.

The Court seems to hold implicitly, therefore, that “white person” in § 194 includes any “non-Indian” individual. I would prefer to make this holding explicit. In my view, any other construction of § 194 would raise serious constitutional questions. To construe § 194 as applicable to disputes between Indians and Caucasians, but not to disputes between Indians and black or oriental individuals, would create an irrational racial classification highly questionable under the Fifth Amendment's equal protection guarantee. To *681 avoid this result, § 194's reference to a “white person” must be read to mean any “non-Indian” individual or entity, and

I so interpret the Court's holding today. To the extent that *Perryman* is inconsistent with this reading, I must regard that case as overruled *sub silentio*.

All Citations

442 U.S. 653, 99 S.Ct. 2529, 61 L.Ed.2d 153


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Negative Treatment

Negative Citing References (4)

The KeyCited document has been negatively referenced by the following events or decisions in other litigation or proceedings:


Treatment	Title	Date	Type	Depth	Headnote(s)
Distinguished by	  1. Mohegan Tribe v. State of Conn. ”	Jan. 11, 1982	Case		2 S.Ct.
Distinguished by	2. Crow Tribe of Indians v. Campbell Farming Corp.	July 15, 1992	Case		4 S.Ct.
Distinguished by	 3. U.S. ex rel. Foulds v. Texas Tech University	Oct. 03, 1997	Case		2 S.Ct.
Distinguished by	4. United States v. South Carolina Department of Corrections ” MOST NEGATIVE	June 14, 2006	Case		2 S.Ct.

History (21)

Direct History (20)

 1. [U.S. v. Wilson](#)
433 F.Supp. 67 , N.D.Iowa , May 04, 1977


Judgment Vacated by

 2. [Omaha Indian Tribe, Treaty of 1854 with U.S. v. Wilson](#)
575 F.2d 620 , 8th Cir.(Iowa) , Apr. 11, 1978

Certiorari Granted in Part by

3. [Wilson v. Omaha Indian Tribe](#)
439 U.S. 963 , U.S.Iowa , Nov. 13, 1978

AND Judgment Vacated by

 4. [Wilson v. Omaha Indian Tribe](#)
442 U.S. 653 , U.S.Iowa , June 20, 1979

On Remand to

5. [Omaha Indian Tribe, Treaty of 1854 with U.S. v. Wilson](#)
614 F.2d 1153 , 8th Cir.(Iowa) , Jan. 15, 1980

Certiorari Denied by

6. [Wilson v. Omaha Indian Tribe](#)
449 U.S. 825 , U.S.Iowa , Oct. 06, 1980


AND Certiorari Denied by

7. [RGP, Inc. v. Omaha Indian Tribe](#)
449 U.S. 825 , U.S.Iowa , Oct. 06, 1980


AND Certiorari Denied by

8. [Iowa v. Omaha Indian Tribe](#)
449 U.S. 825 , U.S.Iowa , Oct. 06, 1980


AND On Remand to

 9. [U.S. v. Wilson](#)
523 F.Supp. 874 , N.D.Iowa , Sep. 04, 1981

Judgment Reversed by

 10. [U.S. v. Wilson](#)
707 F.2d 304 , 8th Cir.(Iowa) , Oct. 26, 1982

On Remand to

 11. [U.S. v. Wilson](#)
578 F.Supp. 1191 , N.D.Iowa , Jan. 13, 1984

Judgment Affirmed in Part, Reversed in Part by

12. [Omaha Indian Tribe v. Jackson](#)
854 F.2d 1089 , 8th Cir.(Iowa) , Aug. 04, 1988 , rehearing denied (Nov 10, 1988)

Certiorari Denied by


13. [Omaha Indian Tribe v. Jackson](#)
490 U.S. 1090 , U.S.Iowa , May 30, 1989

AND Certiorari Denied by

14. [Wilson v. Omaha Indian Tribe](#)
490 U.S. 1090 , U.S.Iowa , May 30, 1989

AND Certiorari Denied by

15. [Iowa v. U.S.](#)
490 U.S. 1090 , U.S.Iowa , May 30, 1989


 16. [U.S. v. Wilson](#)
707 F.2d 304 , 8th Cir.(Iowa) , Oct. 26, 1982

Certiorari Denied by

17. [U.S. v. Wilson](#)
465 U.S. 1025 , U.S.Iowa , Feb. 21, 1984

AND Certiorari Denied by

18. [Wilson v. U.S.](#)
465 U.S. 1101 , U.S.Iowa , Mar. 19, 1984

 19. [Omaha Indian Tribe, Treaty of 1854 with U.S. v. Wilson](#)
575 F.2d 620 , 8th Cir.(Iowa) , Apr. 11, 1978













Certiorari Granted, Judgment Vacated by

20. [RGP, Inc. v. Omaha Indian Tribe](#)
443 U.S. 902 , U.S.Iowa , June 25, 1979

Related References (1)











21. [U.S. v. Wilson](#)
926 F.2d 725 , 8th Cir.(Iowa) , Feb. 22, 1991 , rehearing denied (Apr 23, 1991)

Citing References (391)


















Treatment	Title	Date	Type	Depth	Headnote(s)
Distinguished by NEGATIVE	1. United States v. South Carolina Department of Corrections ” 2006 WL 8446797, *8+ , D.S.C. This matter comes before the Court pursuant to the United States' Motion for Partial Summary Judgment. For the reasons set forth below, the Motion is GRANTED. On August 31, 2004,...	June 14, 2006	Case		2 S.Ct.
Examined by	 2. Rowland v. California Men's Colony, Unit II Men's Advisory Council ” 113 S.Ct. 716, 718+ , U.S.Cal. FEDERAL CIVIL PROCEDURE - In Forma Pauperis. Only natural persons could proceed in forma pauperis in § 1983 case.	Jan. 12, 1993	Case		2 S.Ct.
Examined by	 3. California ex rel. State Lands Com'n v. U. S. ” 102 S.Ct. 2432, 2433+ , U.S. California filed suit to quiet title to oceanfront land. The Supreme Court, Justice White, held that the United States, not California, has title to oceanfront land created...	June 18, 1982	Case		6 7 8 S.Ct.
Examined by	 4. State of Cal. ex rel. State Lands Com'n v. U.S. 805 F.2d 857, 861+ , 9th Cir.(Cal.) California brought quiet title action against United States to claim title to land exposed by recession of lake, with respect to which United States owned approximately 70% of...	Dec. 02, 1986	Case		6 7 8 S.Ct.
Examined by	 5. Southern Utah Wilderness Alliance v. Bureau of Land Management ” 425 F.3d 735, 752+ , 10th Cir.(Utah) GOVERNMENT - Highways and Roads. Scope of right of way across federal lands was limited by established usage of route.	Sep. 08, 2005	Case		6 8 S.Ct.
Examined by	 6. U.S. ex rel. Southern Ute Indian Tribe v. Hess ” 348 F.3d 1237, 1242+ , 10th Cir.(Colo.) NATIVE AMERICANS - Mineral Rights. Land exchange patent's mineral reservation did not include gravel.	Nov. 12, 2003	Case		6 7 8 S.Ct.
Examined by	7. Kubanyi v. Golden Valley Electric Association ” 2007 WL 9697880, *1+ , D.Alaska Before the Court are Plaintiffs Don M. Kubanyi, and members of the Kubanyi family (“Plaintiffs”) with a Motion to Determine Burden of Proof at Docket 315. Plaintiffs seek an order...	Oct. 12, 2007	Case		2 3 5 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	8. Continental Resources, Inc. v. North Dakota Board of University and School Lands 505 F.Supp.3d 908, 914+ , D.N.D. REAL PROPERTY — Water. Ordinary high water mark of disputed non-patented public domain lands abutting river was to be determined by federal law.	Dec. 08, 2020	Case		6 7 8 S.Ct.
Examined by	9. Cayuga Indian Nation of New York v. Pataki 1999 WL 224615, *3+ , N.D.N.Y. Through two treaties of cession, one in 1795 and another in 1807, ancestors of the plaintiffs, the Cayuga Indian Nation of New York ("the Nation") and the Seneca Cayuga Tribe of...	Apr. 15, 1999	Case		2 4 S.Ct.
Examined by	10. NORTH DAKOTA OFFICE OF THE STATE ENGINEER & NORTH DAKOTA BOARD OF UNIVERSITY & SCHOOL LANDS GFS(MISC) 4(2020)+ Appeal from a decision of the Montana State Office, Bureau of Land Management, dismissing protests challenging the official filing of supplemental survey plats. Group No. 92, North...	Mar. 25, 2020	Administrative Decision		7 8 S.Ct.
Examined by	11. DAVID A. PROVINSE GFS(O&G) 127(1985)+ Appeal from a decision of the Montana State Office, Bureau of Land Management, rejecting noncompetitive oil and gas lease offer M 60109. Affirmed as modified. David A. Provinse, 35...	Oct. 04, 1985	Administrative Decision		6 7 8 S.Ct.
Distinguished by NEGATIVE	12. Mohegan Tribe v. State of Conn. 528 F.Supp. 1359, 1363+ , D.Conn. Indian tribe brought action against Connecticut seeking possession and a declaration of right and title with respect to certain lands in Connecticut. Following denial of...	Jan. 11, 1982	Case		2 S.Ct.
Discussed by	13. Vermont Agency of Natural Resources v. U.S. ex rel. Stevens 120 S.Ct. 1858, 1867+ , U.S.Vt. GOVERNMENT CONTRACTS - False Claims. State was not a "person" for purposes of qui tam liability under False Claims Act.	May 22, 2000	Case		2 S.Ct.
Discussed by	14. Will v. Michigan Dept. of State Police 109 S.Ct. 2304, 2308+ , U.S.Mich. Michigan state employee brought action against Department of State Police and its director under federal civil rights statute. The Court of Claims, Thomas L. Brown, J., entered...	June 15, 1989	Case		2 S.Ct.
Discussed by	15. Oneida County, N.Y. v. Oneida Indian Nation of New York State 105 S.Ct. 1245, 1254+ , U.S.N.Y. Indian tribes sued two New York counties seeking damages representing fair rental value of land presently owned and occupied by the counties. The United States District Court for...	Mar. 04, 1985	Case		4 8 S.Ct.















Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	16. Connecticut v. Mohegan Tribe ¶ 101 S.Ct. 3124, 3125+ , U.S.Conn. Former decision, 450 U.S. 1028, 101 S.Ct. 1737. Facts and opinion, D.C., 483 F.Supp. 597; 638 F.2d 612.	June 22, 1981	Case		4 S.Ct.
Discussed by	17. Mohegan Tribe v. State of Conn. 638 F.2d 612, 621+ , 2nd Cir.(Conn.) Indian tribe brought suit against the State of Connecticut for possession of land, alleging that the land in question was within the coverage of the nonintercourse statute and its...	Dec. 17, 1980	Case		8 S.Ct.
Discussed by	18. GNB Battery Technologies, Inc. v. Gould, Inc. ¶ 65 F.3d 615, 631+ , 7th Cir.(Ill.) Buyer of battery division filed action seeking declaratory judgment of nonliability under Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and...	Sep. 06, 1995	Case		4 7 8 S.Ct.
Discussed by	19. A & A Concrete, Inc. v. White Mountain Apache Tribe ¶ 781 F.2d 1411, 1416+ , 9th Cir.(Ariz.) Plaintiff suppliers of concrete to economic subsidiary of Indian tribe brought action against tribe, subsidiary and other defendants for conspiracy to deprive plaintiffs of civil...	Feb. 06, 1986	Case		1 2 3 S.Ct.
Discussed by	20. U.S. v. Aranson 696 F.2d 654, 658+ , 9th Cir.(Cal.) United States, in its capacity as trustee for Indians, commenced action seeking to quiet title to those lands situated on California side of certain area of channel and east of...	Jan. 10, 1983	Case		6 7 8 S.Ct.
Discussed by	21. U.S. v. Harvey ¶ 661 F.2d 767, 770+ , 9th Cir.(Cal.) United States brought action seeking ejectment and seeking rental value damages for use of property. The United States District Court for the Southern District of California,...	Nov. 16, 1981	Case		6 7 8 S.Ct.
Discussed by	22. U.S. v. Hess ¶ 194 F.3d 1164, 1173+ , 10th Cir.(Colo.) United States brought action on behalf of Southern Ute Tribe seeking damages for trespass and seeking to quiet title to ownership of gravel located on land acquired by landowners...	Nov. 05, 1999	Case		6 7 8 S.Ct.
Discussed by	23. Sierra Club v. Hodel ¶ 848 F.2d 1068, 1081+ , 10th Cir.(Utah) Environmental organizations brought action against federal and county officials seeking to enjoin proposed county road improvement project passing through federal lands, and county...	June 06, 1988	Case		8 S.Ct.






Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 24. Return Mail, Inc. v. United States Postal Service 868 F.3d 1350, 1362+ , Fed.Cir. PATENTS — Computers and Electronics. Postal Service was “sued for infringement” for purpose of covered business method (CBM) review when assignee filed Claims Court suit against...	Aug. 28, 2017	Case		—
Discussed by	 25. U.S. ex rel. Long v. SCS Business & Technical Institute, Inc. ” 173 F.3d 870, 874+ , D.C.Cir. Former state investigator brought qui tam action against proprietary school, the State of New York, and investigator's former supervisor, alleging submission of false claims to the...	Apr. 02, 1999	Case		2 S.Ct.
Discussed by	26. Mohegan Tribe v. State of Conn. 483 F.Supp. 597, 601+ , D.Conn. Indian tribe brought action against State of Connecticut for possession of land allegedly owned and used by the State but formerly owned and used by the tribe. On the State's...	Jan. 17, 1980	Case		2 S.Ct.
Discussed by	 27. U.S. v. Wilson 578 F.Supp. 1191, 1192+ , N.D.Iowa Indian tribe, and United States as trustee, sued to quiet title to land which had been affected by movements of Missouri River on interstate boundary between Nebraska and Iowa. ...	Jan. 13, 1984	Case		2 7 S.Ct.
Discussed by	 28. U.S. v. Wilson ” 523 F.Supp. 874, 878+ , N.D.Iowa Indian tribe, and United States as trustee, sued to quiet title to land which had been affected by movements of Missouri River on interstate boundary between Nebraska and Iowa. ...	Sep. 04, 1981	Case		4 7 8 S.Ct.
Discussed by	29. Devon Energy Production Co., L.P. v. Norton ” 685 F.Supp.2d 614, 619+ , W.D.La. REAL PROPERTY - Water. Adopting Louisiana law as rule of decision to determine ownership of alleged relictions surrounding shore of lake was warranted.	Jan. 20, 2010	Case		6 8 S.Ct.
Discussed by	 30. In re Vioxx Products Liability Litigation 235 F.R.D. 334, 340+ , E.D.La. LITIGATION - Discovery. United States was “person” within meaning of rule governing court's subpoena power.	Mar. 15, 2006	Case		1 2 S.Ct.
Discussed by	 31. Houle v. Central Power Elec. Co-op., Inc. 2011 WL 1464918, *8+ , D.N.D. The Houles are enrolled members of the Turtle Mountain Band of Chippewa Indians, a federally recognized Indian tribe. Central Power Electrical Cooperative, Inc. (“Central Power”)...	Mar. 24, 2011	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	32. Cayuga Indian Nation of New York v. Village of Union Springs 317 F.Supp.2d 128, 134+ , N.D.N.Y. NATIVE AMERICANS - Gambling. Local regulation of gambling-related activities on Indian land was not warranted.	Apr. 23, 2004	Case		2 3 5 S.Ct.
Discussed by	33. U.S. ex rel. Graber v. City of New York ” 8 F.Supp.2d 343, 348+ , S.D.N.Y. Federal government intervened in qui tam suit and pursued action under False Claims Act and under common law theories of unjust enrichment, mistake of fact, and fraud against New...	June 12, 1998	Case		2 S.Ct.
Discussed by	34. Cochran v. U.S. ” 19 Cl.Ct. 455, 460+ , Cl.Ct. Indian owners of mineral estate brought inverse condemnation action against United States to recover value of gravel removed from property. The Claims Court, Moody R. Tidwell,...	Feb. 08, 1990	Case		6 7 8 S.Ct.
Discussed by	35. Northern Paiute Nation v. U.S. 8 Cl.Ct. 470, 480+ , Cl.Ct. Indian Tribe brought action against Government for failing to honor its obligation to provide irrigation system for reservation land. Government moved for summary judgment. The...	July 11, 1985	Case		4 7 8 S.Ct.
Discussed by	36. Sheppard v. Sheppard 655 P.2d 895, 905+ , Idaho The District Court, Sixth Judicial District, Bannock County, Arthur P. Oliver, J., entered a judgment affirming a judgment of the magistrate court as to the division of community...	Dec. 16, 1982	Case		—
Discussed by	37. APPLICABILITY OF THE NEW MEXICO BUREAU OF LAND MANAGEMENT'S RIPARIAN POLICY TO LANDS WITHIN THE BOUNDARIES OF THE SANTA CLARA PUEBLO GRANT ” To: Neil G. Kornze, Acting Director, Bureau of Land Management Jesse Juen, New Mexico State Director. Bureau of Land Management From: Hilary C. Tompkins, Solicitor Subject:...	June 21, 2013	Administrative Decision		7 S.Ct.
Discussed by	38. APPLICABILITY OF THE NEW MEXICO BUREAU OF LAND MANAGEMENT'S RIPARIAN POLICY TO LANDS WITHIN THE BOUNDARIES OF THE SANTA CLARA PUEBLO GRANT ” To: Neil G. Kornze, Acting Director, Bureau of Land Management Jesse Juen, New Mexico State Director. Bureau of Land Management From: Hilary C. Tompkins, Solicitor Subject:...	June 21, 2013	Administrative Decision		7 S.Ct.
Distinguished by 39. U.S. ex rel. Foulds v. Texas Tech University 980 F.Supp. 864, 871 , N.D.Tex. Physician and resident employed by university school of medicine filed qui tam action against university, its medical and health sciences centers, and county hospital district...	39. U.S. ex rel. Foulds v. Texas Tech University 980 F.Supp. 864, 871 , N.D.Tex. Physician and resident employed by university school of medicine filed qui tam action against university, its medical and health sciences centers, and county hospital district...	Oct. 03, 1997	Case		2 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 40. Barnhart v. Sigmon Coal Co., Inc. 122 S.Ct. 941, 960 , U.S. LABOR AND EMPLOYMENT - Benefit Plans. Coal Act did not impose liability on successor of defunct signatory operator.	Feb. 19, 2002	Case		—
Cited by	  41. Southland Corp. v. Keating 104 S.Ct. 852, 863+ , U.S.Cal. Individual actions and class action by convenience store franchisees were brought against franchisor alleging, among other things, fraud, breach of contract and violation of...	Jan. 23, 1984	Case		—
Cited by	 42. Block v. North Dakota ex rel. Bd. of University and School Lands ¶ 103 S.Ct. 1811, 1825+ , U.S.N.D. Cross appeals were taken from judgment of the United States District Court for the District of North Dakota, 506 F.Supp. 619, holding that title to the bed of the Little Missouri...	May 02, 1983	Case		2 S.Ct.
Cited by	 43. Central Machinery Co. v. Arizona State Tax Commission 100 S.Ct. 2592, 2596 , U.S.Ariz. Arizona corporation, which sold farm equipment to Gila River Farms, an enterprise of the Gila River Indian Tribe, brought action contending that federal regulation of Indian...	June 27, 1980	Case		—
Cited by	 44. Ohio v. Kentucky 100 S.Ct. 588, 591 , U.S. State of Ohio sued the Commonwealth of Kentucky requesting a declaration establishing the boundary line between the two states. On Kentucky's exceptions to the Special Master's...	Jan. 21, 1980	Case		7 S.Ct.
Cited by	45. RGP, Inc. v. Omaha Indian Tribe 99 S.Ct. 3092, 3093 , U.S.Iowa Facts and opinion, 575 F.2d 620.	June 25, 1979	Case		—
Cited by	46. Oneida Indian Nation v. Phillips ¶ 981 F.3d 157, 167 , 2nd Cir.(N.Y.) NATIVE AMERICANS — Lands. Treaty between state and tribe did not effect any transfer of land to subset of tribe.	Nov. 24, 2020	Case		1 S.Ct.
Cited by	 47. New York v. Shinnecock Indian Nation 686 F.3d 133, 141+ , 2nd Cir.(N.Y.) NATIVE AMERICANS - Jurisdiction. Complaint did not raise issue of federal law by referencing federal law in anticipation of Indian tribe's defenses.	June 25, 2012	Case		1 S.Ct.
Cited by	 48. Marsh v. Rosenbloom ¶ 499 F.3d 165, 183 , 2nd Cir.(N.Y.) ENVIRONMENTAL LAW - CERCLA. Delaware's post-dissolution statute barred state's CERCLA claims against corporation and shareholder-distributees.	Aug. 28, 2007	Case		—














Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	49. Seneca Nation of Indians v. New York  382 F.3d 245, 269 , 2nd Cir.(N.Y.) NATIVE AMERICANS - Lands. New York State's 1815 purchase of islands from Indians did not violate federal law.	Sep. 09, 2004	Case		7 S.Ct.
Cited by	 50. Poodry v. Tonawanda Band of Seneca Indians  85 F.3d 874, 904 , 2nd Cir.(N.Y.) Members of the Tonawanda Band of Seneca Indians petitioned for writs of habeas corpus under the Indian Civil Rights Act of 1968 and sought to challenge the legality of orders...	May 16, 1996	Case		4 S.Ct.
Cited by	  51. Oneida Indian Nation of New York State v. Oneida County  719 F.2d 525, 533+ , 2nd Cir.(N.Y.) Indian tribes brought action against counties to recover for wrongful possession of land. Counties sought indemnity from state. The United States District Court for the...	Sep. 29, 1983	Case		—
Cited by	 52. Davis v. U.S. Steel Supply, Div. of U.S. Steel Corp. 688 F.2d 166, 192 , 3rd Cir.(Pa.) Employment discrimination action was brought alleging racially discriminatory discharge. Following dismissal of claim as time-barred, 405 F.Supp. 394, and reversal, 581 F.2d 335,...	Aug. 30, 1982	Case		—
Cited by	 53. Virginia Office for Protection and Advocacy v. Reinhard 405 F.3d 185, 189 , 4th Cir.(Va.) CIVIL RIGHTS - Attorney Fees. State agency was not "person" who could sue under § 1983, and thus was not entitled to attorney's fee as prevailing party under § 1983.	Apr. 06, 2005	Case		2 S.Ct.
Cited by	 54. In re Katrina Canal Litigation Breaches  524 F.3d 700, 705 , 5th Cir.(La.) LITIGATION - Removal. Class action brought by state and citizens arising from insurance claims was removable under the Class Action Fairness Act.	Apr. 11, 2008	Case		2 S.Ct.
Cited by	  55. Welch v. State Dept. of Highways and Public Transp. 780 F.2d 1268, 1276 , 5th Cir.(Tex.) Marine technician employed by the Texas Highway Department brought Jones Act claim against State of Texas to recover for injuries sustained in course of employment while working on...	Jan. 22, 1986	Case		2 S.Ct.
Cited by	56. Hynes v. Charter Tp. of Waterford 166 F.3d 1214, 1214 , 6th Cir.(Mich.) The plaintiffs, Dennis and Constance Hynes (collectively, "Hynes"), own federally patented land in Michigan. The defendants used state environmental statutes and local ordinances...	Oct. 06, 1998	Case		4 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<p> 57. Anspec Co., Inc. v. Johnson Controls, Inc. ¶¶ 922 F.2d 1240, 1249+ , 6th Cir.(Mich.)</p> <p>Owner and operator of land subject to cleanup order under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) sued successors to corporation that was...</p>	Jan. 04, 1991	Case		<p>6</p> <p>S.Ct.</p>
Cited by	<p> 58. Cunningham v. Jones ¶¶ 667 F.2d 565, 566 , 6th Cir.(Ky.)</p> <p>Prisoner brought action alleging that jailers had violated his constitutional rights under the Eighth Amendment by serving him only one meal a day for 15 consecutive days. After...</p>	Jan. 08, 1982	Case		<p>5</p> <p>S.Ct.</p>
Cited by	<p> 59. Veazey v. Communications & Cable of Chicago, Inc. ¶¶ 194 F.3d 850, 859 , 7th Cir.(Ill.)</p> <p>Former employee brought action alleging that former employer violated Employee Polygraph Protection Act (EPPA) by discharging him for refusing to provide the specific tape-recorded...</p>	Oct. 20, 1999	Case		—
Cited by	<p>60. U.S. v. O'Connor ¶¶ 874 F.2d 483, 488 , 7th Cir.(Wis.)</p> <p>Defendant was convicted in the United States District Court for the Eastern District of Wisconsin, Terence T. Evans, J., of wire fraud and of causing another person to travel in...</p>	May 18, 1989	Case		<p>2</p> <p>S.Ct.</p>
Cited by	<p> 61. Powers v. U.S. Postal Service ¶¶ 671 F.2d 1041, 1044+ , 7th Cir.(Ind.)</p> <p>Private landlord appealed from a judgment of the United States District Court for the Northern District of Indiana, James T. Moody, Magistrate, rejecting offset of rent by United...</p>	Mar. 02, 1982	Case		<p>8</p> <p>S.Ct.</p>
Cited by	<p>62. Black Hills Institute of Geological Research v. South Dakota School of Mines and Technology 12 F.3d 737, 742 , 8th Cir.(S.D.)</p> <p>Research institute sought order requiring United States to return to it a Tyrannosaurus rex fossil which United States seized after institute excavated fossil from land held in...</p>	Dec. 15, 1993	Case		<p>7</p> <p>S.Ct.</p>
Cited by	<p> 63. Irving v. Clark ¶¶ 758 F.2d 1260, 1265 , 8th Cir.(S.D.)</p> <p>Designated heirs and devisees of three deceased members of the Oglala Sioux tribe brought suit, seeking declaratory judgment that section of Indian Land Consolidation Act was...</p>	Mar. 29, 1985	Case		—
Cited by	<p> 64. U.S. v. Wilson 707 F.2d 304, 306+ , 8th Cir.(Iowa)</p> <p>Indian tribe, and United States as trustee, sued to quiet title to land which had been affected by movements of Missouri river on interstate boundary between Nebraska and Iowa. ...</p>	Oct. 26, 1982	Case		<p>4</p> <p>S.Ct.</p>














Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	  65. State of N.D. ex rel. Bd. of University and School Lands v. Andrus 671 F.2d 271, 275 , 8th Cir.(N.D.) Cross appeals were taken from a judgment of the United States District Court for the District of North Dakota, 506 F.Supp. 619, Bruce M. Van Sickle, J., which held that the Little...	Feb. 12, 1982	Case		2 S.Ct.
Cited by	66. Antoine v. U.S. ¶¶ 637 F.2d 1177, 1179 , 8th Cir.(S.D.) Sioux Indian appealed from an order of the United States District Court for the District of South Dakota, Donald J. Porter, J., dismissing his suit brought against United States to...	Jan. 12, 1981	Case		—
Cited by	 67. U.S. v. Milner 583 F.3d 1174, 1183+ , 9th Cir.(Wash.) NATIVE AMERICANS - Water Rights. Homeowners' construction of shore structures to prevent erosion was no defense to claim of trespass on Indian tidelands.	Oct. 09, 2009	Case		7 8 S.Ct.
Cited by	 68. Adams v. U.S. 420 F.3d 1049, 1054 , 9th Cir.(Idaho) GOVERNMENT - Tort Claims. Corporations are not persons entitled to seek FTCA certification for tort immunity.	Aug. 23, 2005	Case		2 S.Ct.
Cited by	 69. Portland Audubon Soc. v. Endangered Species Committee 984 F.2d 1534, 1547 , 9th Cir. Environmental groups filed petition to review decision of the Endangered Species Committee to grant exemption from requirements of Endangered Species Act to Bureau of Land...	Feb. 10, 1993	Case		2 S.Ct.
Cited by	70. Andersen v. Bureau of Indian Affairs 764 F.2d 1344, 1349 , 9th Cir.(Ariz.) Lessees filed suit for reinstatement of lease between them and Indian tribe, which had been approved by the Bureau of Indian Affairs. The United States District Court for the...	July 05, 1985	Case		—
Cited by	 71. Puyallup Indian Tribe v. Port of Tacoma 717 F.2d 1251, 1261 , 9th Cir.(Wash.) Indian Tribe petitioned for declaratory judgment to quiet title to 12-acre tract of riverbed exposed when Army Corps of Engineers subjected navigable river to rechannelization. ...	Aug. 15, 1983	Case		7 S.Ct.
Cited by	 72. Escondido Mut. Water Co. v. F.E.R.C. 692 F.2d 1223, 1232+ , 9th Cir. On petitions for review of decisions of Federal Energy Regulatory Commission in proceedings which culminated in issuance of new 30-year license pursuant to Federal Power Act, the...	Nov. 02, 1982	Case		4 8 S.Ct.








Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 73. Brooks v. Nez Perce County, Idaho ¶ 670 F.2d 835, 838+ , 9th Cir.(Idaho) The United States and Nez Perce Indian appealed from judgment of the United States District Court for the District of Idaho, Ray McNichols, Chief Judge, denying claim for damages...	Mar. 01, 1982	Case		7 S.Ct.
Cited by	 74. Gila River Indian Community v. Henningson, Durham & Richardson 626 F.2d 708, 715 , 9th Cir.(Ariz.) Action was brought by Indian tribe against architectural firm and building contractor for damages for negligent design and construction of youth center on reservation. The United...	Aug. 29, 1980	Case		2 S.Ct.
Cited by	75. U.S. v. Southern Pac. Transp. Co. 601 F.2d 1059, 1066 , 9th Cir.(Cal.) United States brought suit to quiet title to lands located in eastern Imperial County, California. The Quechan Tribe of Indians, formerly the Yuma Tribe, intervened to protect its...	Aug. 02, 1979	Case		8 S.Ct.
Cited by	 76. U.S. v. State of Mont. 604 F.2d 1162, 1173+ , 9th Cir.(Mont.) The United States, in its own right and as fiduciary on behalf of the Crow Tribe of Indians sought to quiet title to the bed and banks of Big Horn River. The United States...	June 12, 1979	Case		8 S.Ct.
Cited by	 77. Somerlott v. Cherokee Nation Distributors, Inc. ¶ 686 F.3d 1144, 1155 , 10th Cir.(Okla.) NATIVE AMERICANS - Sovereign Immunity. Chiropractic clinic was not immune under tribal sovereign immunity from employee's federal employment discrimination claims.	July 27, 2012	Case		6 S.Ct.
Cited by	 78. Timpanogos Tribe v. Conway ¶ 286 F.3d 1195, 1203+ , 10th Cir.(Utah) NATIVE AMERICANS - Reservations. Suit seeking declaration as to tribe's game rights was not barred by Eleventh Amendment.	Apr. 15, 2002	Case		4 8 S.Ct.
Cited by	79. Foust v. Lujan 942 F.2d 712, 722+ , 10th Cir.(Wyo.) On review of decision of Interior Board of Land Appeals (IBLA), which reversed Bureau of Land Management's decision approving application by land patentee's successor for...	Aug. 14, 1991	Case		4 5 S.Ct.
Cited by	 80. Begay v. Albers 721 F.2d 1274, 1277+ , 10th Cir.(N.M.) Indian allottees brought actions to cancel certain deeds which purported to convey fee title in their respective allotment tracts. The United States District Court for the...	Nov. 14, 1983	Case		7 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<p> 81. Jicarilla Apache Tribe v. Andrus 687 F.2d 1324, 1341+ , 10th Cir.(N.M.)</p> <p>Indian tribe sued Secretary of Interior and oil and gas lessees claiming that Secretary had failed to comply with his regulation when advertising oil and gas leases on reservation....</p>	Aug. 20, 1982	Case		<p>6 8</p> <p>S.Ct.</p>
Cited by	<p>82. Savage Services Corporation v. United States </p> <p>25 F.4th 925, 934 , 11th Cir.(Ala.)</p> <p>MARITIME LAW — Pollution. Oil Pollution Act (OPA) displaced vessel owners' cause of action under SAA for oil spill allegedly caused by Army Corps of Engineers.</p>	Feb. 08, 2022	Case		<p>2</p> <p>S.Ct.</p>
Cited by	<p> 83. Redwing Carriers, Inc. v. Saraland Apartments </p> <p>94 F.3d 1489, 1501+ , 11th Cir.(Ala.)</p> <p>Original owner of property which had been determined to be responsible for cleanup costs under Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) brought...</p>	Sep. 12, 1996	Case		—
Cited by	<p> 84. California State Bd. of Optometry v. F.T.C.</p> <p>910 F.2d 976, 980 , D.C.Cir.</p> <p>Petition was filed for review of Federal Trade Commission (FTC) rule declaring certain state laws restricting the practice of optometry to be unfair acts or practices. The Court...</p>	Aug. 28, 1990	Case		<p>2</p> <p>S.Ct.</p>
Cited by	<p>85. Olympic v. U.S.</p> <p>615 F.Supp. 990, 995 , D.Alaska</p> <p>Heir of applicant for native allotment under Alaska Native Allotment Act of 1906 appealed from decision of Interior Board of Land Appeals rejecting her request that the agency...</p>	Aug. 08, 1985	Case		—
Cited by	<p> 86. Havasupai Tribe v. U.S.</p> <p>752 F.Supp. 1471, 1480 , D.Ariz.</p> <p>Indian tribe and individual members of tribe sought judicial review of final decision by Forest Service to approve modified plan of operations for proposed uranium mine located on...</p>	Apr. 18, 1990	Case		<p>2</p> <p>S.Ct.</p>
Cited by	<p> 87. Newman v. U.S.</p> <p>504 F.Supp. 1176, 1180 , D.Ariz.</p> <p>In quiet title action brought against the United States and others, the United States moved to dismiss complaint on ground that it had not consented to be sued. The District...</p>	Jan. 08, 1981	Case		<p>8</p> <p>S.Ct.</p>
Cited by	<p>88. Montara Water and Sanitary Dist. v. County of San Mateo </p> <p>598 F.Supp.2d 1070, 1078+ , N.D.Cal.</p> <p>GOVERNMENT - Property. Condemnation proceeding constituted breach of deed reservations entitling United States to reversionary interest.</p>	Feb. 26, 2009	Case		<p>7 8</p> <p>S.Ct.</p>

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 89. U.S. v. Brownfield ¶ 130 F.Supp.2d 1177, 1181 , C.D.Cal. CRIMINAL JUSTICE - Extortion and Threats. Federal agency is not "person" under statute prohibiting mailing threatening communications.	Feb. 21, 2001	Case		—
Cited by	90. Federal Deposit Ins. Corp. v. Main Hurdman 655 F.Supp. 259, 265+ , E.D.Cal. The Federal Deposit Insurance Corporation sued an accounting firm for fraud, negligent misrepresentation, and accountant malpractice. The FDIC filed a motion to strike the firm's...	Mar. 03, 1987	Case		6 S.Ct.
Cited by	 91. Chemehuevi Indian Tribe v. California State Bd. of Equalization 492 F.Supp. 55, 57+ , N.D.Cal. Indian tribe filed complaint for declaratory and injunctive relief with respect to a determination of the California State Board of Equalization that the tribe owed the state...	Dec. 12, 1979	Case		2 S.Ct.
Cited by	 92. Southern Ute Indian Tribe v. Amoco Production Co. ¶ 874 F.Supp. 1142, 1147 , D.Colo. Indian tribe brought action against oil companies and individuals who claimed ownership interests to coalbed methane (CBM) gas contained in coal strata which previously had been...	Feb. 05, 1995	Case		5 S.Ct.
Cited by	 93. Southern Ute Indian Tribe v. Amoco Production Co. ¶ 863 F.Supp. 1389, 1394 , D.Colo. Indian tribe brought action against oil companies and individuals who claimed ownership interests to coalbed methane (CBM) gas contained in coal strata which previously had been...	Sep. 13, 1994	Case		5 S.Ct.
Cited by	94. Marsoun v. U.S. 525 F.Supp.2d 206, 213+ , D.D.C. TAXATION - Income. Taxpayer could not recover monetary damages for improper disclosure of tax return information.	Dec. 14, 2007	Case		2 S.Ct.
Cited by	 95. Lerner v. District of Columbia 2005 WL 2375175, *4 , D.D.C. Plaintiff Susan Lerner, Ph.D., a psychologist employed at St. Elizabeths Hospital in Washington, D.C., brings this action under 42 U.S.C. §§ 1983, 1985(2), 1985(3), and the...	Jan. 07, 2005	Case		2 S.Ct.
Cited by	96. In re Al Fayed ¶ 91 F.Supp.2d 137, 141+ , D.D.C. LITIGATION - Discovery. CIA was not a "person" within statute giving court power to order documents for foreign tribunal.	Apr. 10, 2000	Case		2 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	97. Wilderness Soc. v. Carruthers 1986 WL 15757, *7, D.D.C. Plaintiffs, two environmental organizations with memberships which are nationwide, have brought suit against the Secretary and Assistant Secretary of the Department of Interior...	Jan. 30, 1986	Case		8 S.Ct.
Cited by	98. DW Aina Le'a Development, LLC v. Hawaii, Land Use Commission ¶ 2017 WL 2563226, *5, D.Hawaii'i Before the court is Defendant State of Hawaii's motion to dismiss Plaintiff DW Aina Le'a Development, LLC's Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil...	June 13, 2017	Case		2 S.Ct.
Cited by	99. Itagaki v. Frank ¶ 2010 WL 2640110, *3, D.Hawaii'i Plaintiff Wade Itagaki says he was incarcerated for three months after he had completed the prison term to which he was sentenced by a state court. He brings claims under 28 U.S.C....	June 29, 2010	Case		2 S.Ct.
Cited by	100. Rice v. Cayetano 963 F.Supp. 1547, 1550, D.Hawaii'i Caucasian sought declaration that requirement that only Native Hawaiians may vote in Trustees of Office of Hawaiian Affairs (OHA) election violates Fourteenth and Fifteenth...	May 06, 1997	Case		—
Cited by	101. Rice v. Cayetano 941 F.Supp. 1529, 1541, D.Hawaii'i Opponents of Hawaiian sovereignty sued state of Hawaii officials, challenging constitutionality of statutes providing for vote of Native Hawaiian people to facilitate their efforts...	Sep. 06, 1996	Case		2 S.Ct.
Cited by	102. U.S. v. Nez Perce County, Idaho ¶ 553 F.Supp. 187, 190+, D.Idaho United States brought suit seeking to obtain damages against county for having wrongfully assessed and levied ad valorem taxes upon land held by United States in trust for Indians...	Dec. 07, 1982	Case		—
Cited by	103. Mashpee Tribe v. Watt ¶ 542 F.Supp. 797, 803+, D.Mass. Indians brought action to recover tribal lands allegedly conveyed by their ancestors in violation of the Constitution and federal statutes. The District Court, Skinner, J., held...	June 30, 1982	Case		4 S.Ct.
Cited by	104. Penobscot Nation v. Georgia-Pacific Corp. ¶ 106 F.Supp.2d 81, 86, D.Me. NATIVE AMERICANS - Jurisdiction. Court lacked jurisdiction over claim tribe was immune from state court suit.	July 18, 2000	Case		7 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 105. Ogden v. Michigan Bell Telephone Co.  595 F.Supp. 961, 968 , E.D.Mich. Employees brought action against employer, seeking retirement benefits allegedly denied in violation of Employee Retirement Income Security Act, and employer filed motion to...	Oct. 16, 1984	Case		6 S.Ct.
Cited by	106. Minnesota Chippewa Tribal Housing Corp. v. Reese  978 F.Supp. 1258, 1265+ , D.Minn. Indian tribal housing corporation brought action against tribe members, who leased land held in trust by United States on behalf of tribe and conveyed mortgage covering their...	Mar. 27, 1997	Case		8 S.Ct.
Cited by	107. Confederated Salish and Kootenai Tribes v. Lake County Board of Commissioners 454 F.Supp.3d 957, 967 , D.Mont. NATIVE AMERICANS — Reservations. County Board of Commissioners did not have jurisdiction to unilaterally construct a new road through Indian reservation.	Apr. 16, 2020	Case		—
Cited by	108. Crow Tribe of Indians v. Peters 835 F.Supp.2d 985, 989+ , D.Mont. NATIVE AMERICANS - Mineral Rights. Mineral lessee was not required to obtain surface owner's consent prior to exercising surface rights under mineral lease.	Dec. 19, 2011	Case		6 7 8 S.Ct.
Cited by	109. 101 Ranch v. U.S.  714 F.Supp. 1005, 1016 , D.N.D. Landowners brought action against United States seeking to quiet title in land below lake's high water mark. On special magistrate's report, the District Court, Benson, Senior...	Oct. 28, 1988	Case		6 S.Ct.
Cited by	 110. Nebraska Public Power Dist. v. 100.95 Acres of Land in Thurston County  540 F.Supp. 592, 597+ , D.Neb. Nebraska public power district brought action to condemn Indian trust lands to obtain perpetual easement or right-of-way. The District Court, Schatz, J., held that: (1) statute...	June 04, 1982	Case		—
Cited by	111. Didiano v. Balicki 2011 WL 1466131, *7 , D.N.J. This matter arises out of the alleged assault of a state prisoner by a fellow inmate. Presently before the Court is the motion to dismiss, or in the alternative, the motion for...	Apr. 18, 2011	Case		—
Cited by	112. U.S. v. Kasper 60 F.Supp.3d 1177, 1178 , D.N.M. CRIMINAL JUSTICE - Victim Compensation. Tribal government that was sole shareholder of company whose employees were charged with crimes was not victim under Crime Victims' Rights...	Nov. 06, 2014	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 113. Begay v. Public Service Co. of N.M.  710 F.Supp.2d 1161, 1211 , D.N.M. NATIVE AMERICANS - Lands. Equitable remedy of constructive trust could not be imposed upon rights-of-way across Indians' allotment lands.	Apr. 15, 2010	Case		6 S.Ct.
Cited by	 114. United States v. Arrieta 2004 WL 7337727, *2 , D.N.M. THIS MATTER comes before the Court on Defendant's Motion to Dismiss: Lack of Jurisdiction Pursuant to 18 U.S.C. § 1151(b), filed February 25, 2003 (Doc. 27). Having reviewed the...	Apr. 01, 2004	Case		3 5 S.Ct.
Cited by	115. State of N.M. ex rel. Reynolds v. Aamodt  618 F.Supp. 993, 1008+ , D.N.M. State engineer of New Mexico brought suit to adjudicate water of tributary between various water users within watershed. The District Court, Mechem, Senior District Judge, held...	Sep. 18, 1985	Case		6 S.Ct.
Cited by	 116. New York v. Shinnecock Indian Nation 523 F.Supp.2d 185, 256+ , E.D.N.Y. NATIVE AMERICANS - Gambling. Shinnecock Nation's aboriginal title to land sought for gaming casino development was extinguished.	Oct. 30, 2007	Case		2 S.Ct.
Cited by	 117. Oneida Indian Nation of New York v. City of Sherrill, New York 145 F.Supp.2d 226, 242+ , N.D.N.Y. NATIVE AMERICANS - Lands. Properties purchased by Indian tribe from city and county were Indian Country.	June 04, 2001	Case		3 4 5 S.Ct.
Cited by	 118. Butler v. Westchester County 2000 WL 335539, *7 , S.D.N.Y. Plaintiff Sidney Butler brings this pro se action pursuant to 42 U.S.C. §§ 1981 and 1983 alleging that defendants violated his constitutional rights by transferring him as a...	Mar. 30, 2000	Case		—
Cited by	 119. Cayuga Indian Nation of New York v. Cuomo 1999 WL 509442, *2+ , N.D.N.Y. Anticipating the damage phase of this litigation, which is now scheduled to commence on September 8, 1999, the defendants made a number of motions in limine seeking to limit the...	July 01, 1999	Case		2 S.Ct.
Cited by	120. Canadian St. Regis Band of Mohawk Indians v. State of N.Y.  573 F.Supp. 1530, 1533+ , N.D.N.Y. Indians who alleged membership in certain Indian tribes brought action to recover possession of land in northern New York State and to recover trespass damages for years in which...	Nov. 04, 1983	Case		4 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	  121. Cayuga Indian Nation of New York, by Patterson v. Cuomo 565 F.Supp. 1297, 1310 , N.D.N.Y. Indian tribe brought action against state and others seeking declaration of their current ownership and right to possess certain land. On motion to dismiss, the District Court,...	May 26, 1983	Case		2 S.Ct.
Cited by	 122. Ohio v. United States  154 F.Supp.3d 621, 648 , S.D.Ohio GOVERNMENT — States. Transitional reinsurance program component of Affordable Care Act did not violate Tenth Amendment or the intergovernmental tax immunity doctrine.	Jan. 05, 2016	Case		—
Cited by	 123. Gurley v. Hafer  1989 WL 126286, *1 , E.D.Pa. These are two interrelated § 1983 actions. One of them—the Gurley action—is against Barbara Hafer, Auditor General of Pennsylvania. The other—the Melo action—is against Barbara...	Oct. 18, 1989	Case		2 S.Ct.
Cited by	124. Bordeaux v. Hunt  621 F.Supp. 637, 645 , D.S.D. Administratrix brought suit seeking to recover Indian land formerly held in trust for deceased, but which had been unilaterally taken out of trust by the United States by issuance...	Nov. 14, 1985	Case		—
Cited by	 125. F.D.I.C. v. Nathan 804 F.Supp. 888, 896 , S.D.Tex. Federal Deposit Insurance Corporation (FDIC), as receiver of insolvent thrift, brought action against thrift's officers and former law firm. On defendants' motion to dismiss, the...	Oct. 01, 1992	Case		—
Cited by	126. Timpanogos Tribe v. Conway 2005 WL 8176199, *7 , D.Utah This matter is before the court on a Motion for Summary Judgment submitted by Defendant Kevin Conway, Assistant Director of the State of Utah's Division of Wildlife Resources, and...	Jan. 24, 2005	Case		8 S.Ct.
Cited by	 127. Ute Indian Tribe v. State of Utah 521 F.Supp. 1072, 1080+ , D.Utah Indian Tribe brought action seeking declaratory and injunctive relief establishing exterior boundaries of reservation. The District Court, Jenkins, J., held that: (1) Uncompahgre...	June 19, 1981	Case		8 S.Ct.
Cited by	128. Hudson v. Botetourt County Jail 2012 WL 4667268, *1 , W.D.Va. This is an action pursuant to 42 U.S.C. § 1983 by John Michael Hudson, a Virginia inmate proceeding pro se, against the Botetourt County Jail. The entirety of Hudson's claim is as...	Oct. 03, 2012	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 129. Carney v. Washington 551 F.Supp.3d 1042, 1049 , W.D.Wash. NATIVE AMERICANS — Removal. Owner's asserted interests in tribe's tidelands raised issues that were necessarily federal, and thus doctrine of complete preemption applied.	July 29, 2021	Case		—
Cited by	130. Pakootas v. Teck Cominco Metals, Ltd. 632 F.Supp.2d 1029, 1032 , E.D.Wash. ENVIRONMENTAL LAW - CERCLA. Indian tribe was not a "person" upon whom CERCLA liability could be imposed for cleanup of hazardous waste.	June 19, 2009	Case		2 S.Ct.
Cited by	131. Puyallup Tribe of Indians v. Port of Tacoma 525 F.Supp. 65, 76 , W.D.Wash. Puyallup Indian Tribe petitioned for declaratory judgment quieting title to bed of Puyallup River located within exterior boundaries of Puyallup Indian Reservation. The District...	July 24, 1981	Case		8 S.Ct.
Cited by	 132. Oneida Tribe of Indians of Wisconsin v. Village of Hobart, Wis. ¶¶ 542 F.Supp.2d 908, 932 , E.D.Wis. NATIVE AMERICANS - Lands. Land acquired by Indian tribe were subject to village's condemnation authority.	Mar. 28, 2008	Case		—
Cited by	133. Menominee Indian Tribe of Wisconsin v. Thompson 943 F.Supp. 999, 1020 , W.D.Wis. Menominee Indian Tribe of Wisconsin sought declaratory and injunctive relief from Wisconsin state officials, claiming off-reservation hunting, fishing, and gathering rights. ...	Sep. 16, 1996	Case		—
Cited by	134. Fredericks v. United States ¶¶ 125 Fed.Cl. 404, 416+ , Fed.Cl. NATIVE AMERICANS — Lands. Allegation that BIA authorized leasing or permitting in favor of one heir over others sufficiently stated claim for breach of fiduciary duty.	Feb. 24, 2016	Case		8 S.Ct.
Cited by	 135. Alabama-Coushatta Tribe of Texas v. U.S. ¶¶ 2000 WL 1013532, *11+ , Fed.Cl. In this congressional reference case, the case, the Alabama-Coushatta Tribe of Texas (Tribe/Plaintiff) seeks a judicial recommendation, and ultimately congressional recognition,...	June 19, 2000	Case		2 S.Ct.
Cited by	136. Hartle v. U.S. 22 Cl.Ct. 843, 848 , Cl.Ct. Purchasers of HUD-acquired residential property brought action for rescission of the contract for mutual mistake. The Claims Court, Lydon, Senior Judge, held that mutual mistake...	Apr. 26, 1991	Case		6 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	137. Northern Paiute Nation v. U.S. 10 Cl.Ct. 401, 413 , Cl.Ct. Indian tribe brought action under Indian Claims Commission Act for breach of Government's duty to provide irrigation system. The Claims Court, Lydon, J., held that claim for...	Aug. 08, 1986	Case		—
Cited by	138. In re General Adjudication of All Rights to Use Water in Gila River System and Source 989 P.2d 739, 748 , Ariz. REAL PROPERTY - Water. Federal reserved water rights doctrine applied to groundwater.	Nov. 19, 1999	Case		—
Cited by	139. Boisclair v. Superior Court 276 Cal.Rptr. 62, 66 , Cal. After the Superior Court, San Diego County, No. N41357, Don Martinson, J., denied motion by Indian tribe's officials to dismiss declaratory judgment action seeking access to road...	Dec. 17, 1990	Case		5 S.Ct.
Cited by	140. Ruffin v. U.S. ” 76 A.3d 845, 854 , D.C. CRIMINAL JUSTICE - Extortion and Threats. "Person," as used in felony threats statute, applied only to natural persons and did not include District of Columbia.	Sep. 05, 2013	Case		2 S.Ct.
Cited by	141. Jicarilla Apache Tribe v. Board of County Com'rs, County of Rio Arriba ” 883 P.2d 136, 143 , N.M. Jicarilla Apache Tribe and property owner brought actions against county arising from county's clearing work for public road across tribe's and owner's ranches. After...	Sep. 28, 1994	Case		—
Cited by	142. State ex rel. Martinez v. Lewis 861 P.2d 235, 246 , N.M.App. Action was brought involving water rights of Mescalero Apache Indian Reservation. The District Court, Chaves County, Lafel E. Oman, J. pro tem., ruled that water priority date...	May 12, 1993	Case		8 S.Ct.
Cited by	143. Oneida Indian Nation of New York v. Burr 522 N.Y.S.2d 742, 744+ , N.Y.A.D. 3 Dept. Indian tribe brought action against nonreservation Indians seeking compensatory and punitive damages in tort for trespass, intentionally injuring physical property owned by tribe,...	Dec. 23, 1987	Case		—
Cited by	144. State v. James ” 123 P.3d 251, 256 , Or. CRIMINAL JUSTICE - Confessions. State failed to meet burden of persuasion at hearing on motion to suppress evidence because evidence was in equipoise.	Nov. 14, 2005	Case		5 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	145. Garfield County v. United States 424 P.3d 46, 54 , Utah GOVERNMENT — Property. Statute of repose governing state's property claims against United States dictated absurd result, and would be interpreted as one of limitations.	July 26, 2017	Case		—
Cited by	146. Matter of Adoption of Infant Boy Crews 803 P.2d 24, 40 , Wash.App. Div. 1 Biological mother filed petition to vacate order revoking her consent to termination of parental rights and adoption. The Superior Court, King County, Dale Ramerman, J., granted...	Jan. 14, 1991	Case		6 S.Ct.
Cited by	147. Order on Reconsideration IN THE MATTER OF RULES AND REGULATIONS IMPLEMENTING THE TELEPHONE CONSUMER PROTECTION ACT OF 1991 BROADNET TELESERVICES LLC PETITION FOR DECLARATORY R... 35 FCC Rcd. 15,052+ , F.C.C. 1. Unwanted robocalls are the top source of consumer complaints the Commission receives. In recent years, the Commission has taken a number of significant steps to combat...	Dec. 14, 2020	Administrative Decision		—
Cited by	148. UNITED MINE WORKERS OF AMERICA ON BEHALF OF WILLIAM KEITH BURGESS, GLENN LOGGINS, DAVID MCATEER, B. RAY PATE AND OTHERS v. SECRETARY OF LABOR, MINE SAFETY AND HEALTH ADMINISTRATION (MSHA), MICHAEL J. LAWLESS, FRANK YOUNG ¶ 20 FMSHRC 691+ In this discrimination proceeding arising under the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 801 et seq. (1994) ("Mine Act"), Administrative Law Judge Jacqueline...	July 02, 1998	Administrative Decision		2 S.Ct.
Cited by	149. DENNIS WAGNER v. PITTSTON COAL GROUP CLINCHFIELD COAL COMPANY JACK CRAWFORD MONROE WEST WAYNE FIELDS AND ANN MCLAUGHLIN SECRETARY OF LABOR, MINE SAFETY AND HEALTH ADMINISTRATION (MSHA) GERALD SLOCE AND KENNETH HOWARD ¶ 12 FMSHRC 1178 In this discrimination proceeding, arising under the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 801 et seq. (1988)("Mine Act" or "Act"), the Secretary of Labor...	June 06, 1990	Administrative Decision		2 S.Ct.
Cited by	150. CHARLES AND SHARON VETSCH BRAD AND KELLI VETSCH ¶ 180 IBLA 82+ Charles and Sharon Vetsch and Brad and Kelli Vetsch have appealed a December 15, 2009, decision by the State Director of the Oregon State Office, Bureau of Land Management (BLM),...	Sep. 24, 2010	Administrative Decision		8 S.Ct.




Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	151. UNITED STATES v. ANNIE BENNETT GFS(MISC) 31(1986) Appeal from a decision of Administrative Law Judge Michael L. Morehouse, denying Native allotment application AA-7017. Affirmed. 1. Alaska: Native Allotments A Native allotment...	June 11, 1986	Administrative Decision		4 S.Ct.
Cited by	152. APPLICATION OF THE RELIGIOUS FREEDOM RESTORATION ACT TO THE AWARD OF A GRANT PURSUANT TO THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT 31 U.S. Op. Off. Legal Counsel 162, 162 World Vision, Inc., is a religious organization that has been awarded a \$1.5 million grant by the Office of Justice Programs ("OJP") pursuant to the Juvenile Justice and...	June 29, 2007	Administrative Decision		2 S.Ct.
Cited by	153. UNITED STATES ASSISTANCE TO COUNTRIES THAT SHOOT DOWN CIVIL AIRCRAFT INVOLVED IN DRUG TRAFFICKING ” 18 U.S. Op. Off. Legal Counsel 148, 165 This memorandum summarizes our earlier advice concerning whether and in what circumstances United States Government ("USG") officers and employees may lawfully provide flight...	July 14, 1994	Administrative Decision		—
Cited by	154. Subject: Part 303, Wetland Protection of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, as Amended Petition of Karl Wagner 1997 WL 183278 (Mich.Dept.Nat.Res.), *3+ The above captioned matter was the subject of a contested case hearing resulting in the issuance of a Proposal For Decision dated March 13, 1997. In a letter dated March 13, 1997,...	Apr. 14, 1997	Administrative Decision		—
Cited by	155. JOSEPH S. FERGUSON, PLAINTIFF v. NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, DEFENDANT 2021 WL 1578781 (N.C.Ind.Com.), *12 These matters are before the Full Commission upon Defendant's appeal of the October 4, 2018 Decision and Order of Deputy Commissioner Kevin Howell. On March 8, 2019, these matters...	Apr. 13, 2021	Administrative Decision		—
Cited by	156. JAMES SWINTON, PLAINTIFF v. NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, DEFENDANT 2021 WL 1578783 (N.C.Ind.Com.), *16 The Full Commission has reviewed the 7 May 2018 Decision and Order based upon the record of the proceedings before Deputy Commissioner Peaslee, the Form T-44 Application for Review...	Apr. 12, 2021	Administrative Decision		—








Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	157. EDWARD MOSES, PLAINTIFF v. NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, DEFENDANT ¶¶ 2021 WL 1578780 (N.C.Ind.Com.), *11 This Matter Was Heard Before the Full Commission on November 21, 2018 Upon Defendant's Appeal of the March 16, 2018 Decision and Order of Former Deputy Commissioner Sumit Gupta...	Apr. 08, 2021	Administrative Decision		—
Cited by	158. PARISH SUBER, PLAINTIFF v. NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, DEFENDANT ¶¶ 2020 WL 5943746 (N.C.Ind.Com.), *10 This Matter is Before the Full Commission Upon Defendant's Appeal of the March 16, 2018 Decision and Order of Deputy Commissioner Sumit Gupta. This Matter Was Originally Heard on...	Sep. 29, 2020	Administrative Decision		—
Cited by	159. TIMOTHY L. UZZELLE, PLAINTIFF v. NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, DEFENDANT ¶¶ 2020 WL 5816078 (N.C.Ind.Com.), *13 This Matter is Before the Full Commission Upon Plaintiff's and Defendant's Appeal of the 24 May 2018 Decision and Order of Deputy Commissioner Theodore S. Danchi. This Matter Was...	Sep. 23, 2020	Administrative Decision		—
Cited by	160. MAURICE MOBLEY, PLAINTIFF v. NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, DEFENDANT ¶¶ 2020 WL 3447787 (N.C.Ind.Com.), *13 This matter is before the Full Commission upon Defendant's appeal from a Decision and Order filed by Deputy Commissioner Kevin Howell on June 26, 2018. On December 6, 2018, this...	June 16, 2020	Administrative Decision		—
Cited by	161. PAUL SEELIG, PLAINTIFF v. NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, DEFENDANT ¶¶ 2020 WL 2395017 (N.C.Ind.Com.), *13 This matter is before the Full Commission upon Defendant's appeal of the 18 June 2018 Decision and Order of Deputy Commissioner Sumit Gupta. This matter was heard by Deputy...	Apr. 30, 2020	Administrative Decision		—
Cited by	162. ROGER EDWARDS, PLAINTIFF v. NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, DEFENDANT ¶¶ 2020 WL 1036843 (N.C.Ind.Com.), *9 This matter is before the Full Commission upon Plaintiff's and Defendant's appeal of the April 27, 2018 Amended Decision and Order of Deputy Commissioner Sumit Gupta. This matter...	Feb. 24, 2020	Administrative Decision		—
Cited by	163. FREDERICK CANADY, PLAINTIFF v. NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, DEFENDANT ¶¶ 2020 WL 503908 (N.C.Ind.Com.), *9 This matter is before the Full Commission on cross-appeal from a Decision and Order by Deputy Commissioner Sumit Gupta filed 16 March 2018. On 21 November 2018, the Full Commission...	Jan. 07, 2020	Administrative Decision		—





Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	164. MICHAEL STEELE, PLAINTIFF v. NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, DEFENDANT ¶¶ 2019 WL 7818716 (N.C.Ind.Com.), *12 This matter is before the Full Commission upon Defendant's appeal of the July 11, 2018 Decision and Order of Deputy Commissioner Theodore S. Danchi. The Full Commission reviewed...	Apr. 10, 2019	Administrative Decision		—
Cited by	165. Representative Gordon Berg 1988 N.D. Op. Atty. Gen. 152 Whether the United States Fish and Wildlife Service, in advancing the purposes of its waterfowl production areas, must comply with state law when seeking to close a section line, a...	Dec. 30, 1988	Administrative Decision		—
Cited by	166. Surface Coal Mining and Reclamation Operations Under Federal Program for Georgia 47 FR 10372-01 The Office of Surface Mining Reclamation and Enforcement (OSM or the Office), U.S. Department of the Interior adopts final regulations amending 30 CFR Chapter VII by adding a new...	Mar. 10, 1982	Federal Register		—
Distinguished by NEGATIVE	167. Crow Tribe of Indians v. Campbell Farming Corp. 828 F.Supp. 1468, 1475 , D.Mont. Crow Tribe brought action for declaratory judgment that various corporations, farmers, and ranchers owned property in violation of Crow Allotment Act. Defendants moved to...	July 15, 1992	Case		4 S.Ct.
Mentioned by	168. U.S. v. Bly 510 F.3d 453, 460 , 4th Cir.(Va.) CRIMINAL JUSTICE - Extortion and Threats. University of Virginia was "person" for purposes of extortion element of offense of mailing threatening communication.	Dec. 14, 2007	Case		2 S.Ct.
Mentioned by	169. Harris v. Barnhart 356 F.3d 926, 931 , 8th Cir.(Mo.) SOCIAL SECURITY - Disability Benefits. Disability benefits were not warranted by alleged vision loss, headaches, and fatigue.	Jan. 30, 2004	Case		5 S.Ct.
Mentioned by	170. Preferred Risk Mut. Ins. Co. v. U.S. 86 F.3d 789, 794 , 8th Cir.(Iowa) Insurance company sued United States for use of term "Preferred Risk" by Federal Emergency Management Agency (FEMA). The United States District Court for the Southern District of...	June 13, 1996	Case		2 S.Ct.
Mentioned by	171. Rupp v. Omaha Indian Tribe 45 F.3d 1241, 1242 , 8th Cir.(Iowa) Indian Tribe brought quiet title action against defendants. The United States District Court for the Northern District of Iowa, Warren K. Urbom, District Judge, entered judgment...	Jan. 26, 1995	Case		4 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	<p> 172. Omaha Indian Tribe, Treaty of 1854 with U.S. v. Tract I-Blackbird Bend Area 933 F.2d 1462, 1464 , 8th Cir.(Iowa)</p> <p>Indian Tribe brought quiet title action. The United States District Court for the Northern District of Iowa, Edward J. McManus and Warren K. Urbom, JJ., dismissed action with...</p>	May 28, 1991	Case		<p>4 6</p> <p>S.Ct.</p>
Mentioned by	<p>173. Omaha Indian Tribe v. Jackson 854 F.2d 1089, 1091+ , 8th Cir.(Iowa)</p> <p>Indian tribe, and the United States as trustee, sued to quiet title to land which had been affected by movements of Missouri River on interstate boundary between Nebraska and Iowa....</p>	Aug. 04, 1988	Case		<p>3 4</p> <p>S.Ct.</p>
Mentioned by	<p>174. Omaha Tribe of Nebraska v. Swanson 736 F.2d 1218, 1219 , 8th Cir.(Iowa)</p> <p>Indian tribe appealed from an order of the United States District Court for the Northern District of Iowa, Hodges, Magistrate, denying its claim for attorney fees and costs under...</p>	June 08, 1984	Case		<p>4</p> <p>S.Ct.</p>
Mentioned by	<p> 175. Mardan Corp. v. C.G.C. Music, Ltd. 804 F.2d 1454, 1464 , 9th Cir.(Ariz.)</p> <p>After entering into consent agreement with Environmental Protection Agency, purchaser of musical instrument manufacturing plant, equipment and related property brought action...</p>	Nov. 25, 1986	Case		—
Mentioned by	<p> 176. Woods v. U.S. 724 F.2d 1444, 1452 , 9th Cir.(Cal.)</p> <p>Appeal was taken from a judgment of the United States District Court for the Eastern District of California, Raul A. Ramirez, J., granting the United States Department of...</p>	Feb. 03, 1984	Case		—
Mentioned by	<p> 177. Andrew Corp. v. Gabriel Electronics, Inc. 847 F.2d 819, 824 , Fed.Cir.(Me.)</p> <p>Appeal and cross appeal were taken from two judgments of the United States District Court for the District of Maine, Gene Carter, J., finding one patent invalid for indefiniteness,...</p>	May 25, 1988	Case		—
Mentioned by	<p> 178. Price v. Socialist People's Libyan Arab Jamahiriya 294 F.3d 82, 96 , D.C.Cir.</p> <p>INTERNATIONAL LAW - Foreign Sovereigns. Foreign government is not "person" protected by Fifth Amendment's Due Process Clause.</p>	June 28, 2002	Case		<p>2</p> <p>S.Ct.</p>
Mentioned by	<p> 179. Galvan v. Federal Prison Industries, Inc. 199 F.3d 461, 467+ , D.C.Cir.</p> <p>GOVERNMENT - Immunity. Federal Prison Industries, Inc., was entitled to sovereign immunity.</p>	Dec. 21, 1999	Case		<p>2</p> <p>S.Ct.</p>

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	<p> 180. Meredith v. Federal Mine Safety and Health Review Com'n 177 F.3d 1042, 1054 , D.C.Cir.</p> <p>Officials of Mine Safety and Health Administration (MSHA) petitioned for review of decision of Federal Mine Safety and Health Review Commission holding officials amenable to suit...</p>	June 04, 1999	Case		<p>2</p> <p>S.Ct.</p>
Mentioned by	<p>181. Harrison v. University of Arkansas 2008 WL 2622854, *2 , E.D.Ark.</p> <p>Pending is Defendants' Motion to Dismiss (Doc. No. 52). Plaintiff has responded (Doc. No. 56). Plaintiff alleges Defendants discriminated against her based on her race, age, and...</p>	July 01, 2008	Case		<p>2</p> <p>S.Ct.</p>
Mentioned by	<p> 182. U.S. ex rel. Long v. SCS Business & Technical Institute 999 F.Supp. 78, 85 , D.D.C.</p> <p>A former state investigator brought a qui tam action against a proprietary school, the State of New York and his former supervisor, involving submission of false claims to the...</p>	Mar. 26, 1998	Case		<p>2</p> <p>S.Ct.</p>
Mentioned by	<p>183. Brisbon v. Lane 554 F.Supp. 426, 428 , N.D.Ill.</p> <p>Death row inmate brought pro se civil rights action, seeking declaratory and injunctive relief for the alleged violation of his rights under the First and Fourteenth Amendments. ...</p>	Jan. 26, 1983	Case		—
Mentioned by	<p>184. Knudsen v. Barnhart 2004 WL 632942, *10 , N.D.Iowa</p> <p>The plaintiff Susan M. Knudsen ("Knudsen") seeks judicial review of the final decision of the Commissioner of Social Security denying her application for a period of disability...</p>	Mar. 30, 2004	Case		<p>2</p> <p>5</p> <p>S.Ct.</p>
Mentioned by	<p>185. Crall v. United States 2017 WL 6523540, *2 , W.D.Mich.</p> <p>This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. Under the Prison Litigation Reform Act, Pub. L. No. 104-134, 110 Stat. 1321 (1996) (PLRA), the...</p>	Dec. 21, 2017	Case		—
Mentioned by	<p>186. Berry v. Baca 2018 WL 4643141, *3 , D.Nev.</p> <p>Before the court are two motions ("Motions"): Petitioner's motion for relief from judgment (ECF No. 13); and Petitioner's motion for leave to file an amended petition (ECF No. 14)....</p>	Sep. 27, 2018	Case		—
Mentioned by	<p> 187. Whelco Indus., Ltd. v. U.S. 526 F.Supp.2d 819, 826 , N.D.Ohio</p> <p>TAXATION - Liens. Federal tax liens remained on assets purchased by successor corporation at receivership sale.</p>	Dec. 10, 2007	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	188. Grace v. Thomason Nissan  76 F.Supp.2d 1083, 1086 , D.Or. Former employee sued employer and supervisor under Violence Against Women Act (VAWA), alleging that supervisor had sexually assaulted employee during business trip. Defendants both...	Aug. 16, 1999	Case		2 S.Ct.
Mentioned by	189. Moore v. Sharpe 1991 WL 4456, *2 , E.D.Pa. Presently before the Court is defendants' motion to dismiss several claims pursuant to Fed.R.Civ.P. 12(b)(6). Specifically, defendants move for the dismissal of 42 U.S.C. §§...	Jan. 14, 1991	Case		2 S.Ct.
Mentioned by	190. Myers v. Long 2013 WL 820788, *4 , D.S.D. Plaintiff, Kevin P. Myers ("Myers"), brought this civil rights action pursuant to 42 U.S.C. §§ 1983 and 1985, claiming that the defendants acted in concert to violate his...	Mar. 05, 2013	Case		—
Mentioned by	191. De Bolt v. Daggett 416 N.W.2d 102, 109 , Iowa App. Motorist brought personal injury action against truck owner and his 15-year-old nephew, arising out of collision caused when nephew placed truck in motion while operating heater. ...	Sep. 30, 1987	Case		—
Mentioned by	 192. State ex rel. Blue Springs School District v. Grate 2018 WL 2012127, *8 , Mo.App. W.D. EDUCATION — Abuse and Harassment. School district not a "person" who could be liable for discrimination in public accommodation in absence of an express waiver of sovereign...	May 01, 2018	Case		—
Mentioned by	193. QUANTUM ENTERTAINMENT LIMITED, APPELLANT, v. ACTING SOUTHWEST REGIONAL DIRECTOR, BUREAU OF INDIAN AFFAIRS, APPELLEE. 52 IBIA 289 Related Board case: 44 IBIA 178 This appeal by Quantum Entertainment Limited (Quantum) is on remand to the Board of Indian Appeals (Board) from the U.S. District Court for the...	Dec. 07, 2010	Administrative Decision		—
Mentioned by	 194. Declaratory Ruling IN THE MATTER OF RULES AND REGULATIONS IMPLEMENTING THE TELEPHONE CONSUMER PROTECTION ACT OF 1991 BROADNET TELESERVICES LLC NATIONAL EMPLOYMENT NETWORK... 31 FCC Rcd. 7394, 7407 , F.C.C. 1. With this declaratory ruling, we grant to the extent described below three petitions for declaratory ruling filed by Broadnet Teleservices LLC (Broadnet), National Employment...	July 05, 2016	Administrative Decision		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	<p> 195. Washington Water Power Company 13 FERC P 63,051, 65304 , F.E.R.C.</p> <p>Jerry K. Boyd, Alan P. O'Kelly, Lee S. Sherline, and Peyton G. Bowman, III on behalf of the Washington Water Power Company. Robert D. Dellwo and Gary T. Farrell on behalf of the...</p>	Dec. 09, 1980	Administrative Decision		—
Mentioned by	<p>196. PROPOSED AGENCY INTERPRETATION OF "FEDERAL MEANS-TESTED PUBLIC BENEFITS" UNDER PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996 21 U.S. Op. Off. Legal Counsel 21, 21</p> <p>You have requested the views of the Office of Legal Counsel regarding a construction, proffered by the Departments of Health and Human Services ("HHS") and Housing and Urban...</p>	Jan. 14, 1997	Administrative Decision		2 S.Ct.
Mentioned by	<p>197. In re: WYOMING DEPARTMENT OF PARKS AND CULTURAL RESOURCES; KEVIN SKATES, IN HIS OFFICIAL CAPACITY AS PARK SUPERINTENDENT, HOT SPRINGS STATE PARK; AND WADE HENDERSON, IN HIS OFFICIAL CAPACITY AS PARK SUPERINTENDENT, BEAR 67 Agric. Dec. 1071</p> <p>Kevin Shea, Acting Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture [hereinafter the Acting Administrator], instituted this...</p>	Nov. 24, 2008	Administrative Decision		—
Mentioned by	<p>198. In re: WYOMING DEPARTMENT OF PARKS AND CULTURAL RESOURCES; KEVIN SKATES, IN HIS OFFICIAL CAPACITY AS PARK SUPERINTENDENT, HOT SPRINGS STATE PARK; AND WADE HENDERSON, IN HIS OFFICIAL CAPACITY AS PARK SUPERINTENDENT, BEAR 2008 WL 5111323 (U.S.D.A.), *6</p> <p>Kevin Shea, Acting Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture [hereinafter the Acting Administrator], instituted this...</p>	Nov. 24, 2008	Administrative Decision		2 S.Ct.
Mentioned by	<p>199. In re: WYOMING DEPARTMENT OF PARKS AND CULTURAL RESOURCES AND KEVIN SKATES AND WADE HENDERSON 66 Agric. Dec. 1079</p> <p>I have decided that the Secretary of Agriculture has jurisdiction under the Animal Welfare Act (7 U.S.C. §§ 2131-2159; "the Act"), to require an agency of the State of Wyoming to...</p>	Aug. 23, 2007	Administrative Decision		—
Mentioned by	<p>200. In re: WYOMING DEPARTMENT OF PARKS AND CULTURAL RESOURCES And KEVIN SKATES And WADE HENDERSON, Respondents 2007 WL 3170334 (U.S.D.A.), *5</p> <p>I have decided that the Secretary of Agriculture has jurisdiction under the Animal Welfare Act (7 U.S.C. §§ 2131-2159; "the Act"), to require an agency of the State of Wyoming to...</p>	Aug. 23, 2007	Administrative Decision		2 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	201. 2000 WL 146636 (N.D.A.G.), *8 2000 N.D. Op. Atty. Gen. No. 05, No. 05 Whether federal land in North Dakota can be burdened by public roads established by prescription under state law and by the state's section line law. It is my opinion that federal...	Jan. 26, 2000	Administrative Decision		—
Mentioned by	202. IN THE MATTER OF CERTAIN LAMINATED FLOOR PANELS USITC Inv. No. 337-TA-545, 337-TA-545 , U.S.Intern.Trade Com'n SUMMARY: Notice is hereby given that the U.S. International Trade Commission has found a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. § 337) based on the...	May 2008	Administrative Decision		—
Mentioned by	 203. IN THE MATTER OF CERTAIN LAMINATED FLOOR PANELS FINAL INITIAL AND RECOMMENDED DETERMINATIONS USITC Inv. No. 337-TA-545, 337-TA-545 , U.S.Intern.Trade Com'n This is the administrative law judge's Final Initial Determination, under Commission rule 210.42. The administrative law judge, after a review of the record developed, finds that...	July 03, 2006	Administrative Decision		—
—	204. COMMONWEALTH V WESTERN AUSTRALIA AND THE OPERATION IN FEDERAL SYSTEMS OF THE PRESUMPTION THAT STATUTES DO NOT APPLY TO THE CROWN 24 Melb. U. L. Rev. 77 , 123 [The presumption that statutes do not bind the Crown exempts the executive from obeying laws enacted by the legislature unless the latter rebuts the presumption. This exemption...	2000	Law Review	—	—
—	205. AHLA Seminar Materials P11020013, The Year in Review: An Update on Civil False Claims Act and Qui Tam Enforcement in the Healthcare Industry When the Supreme Court issued its recent decision in Vermont Agency of Natural Resources v. United States ex rel. Stevens, it settled, for now, one of the more significant...	—	Other Secondary Source	—	—
—	206. AHLA Seminar Materials P11130010, False Claims The scope of enforcement actions against fraudulent billing has broadened considerably in recent years. Historically, only federal law enforcement agencies pursued health care...	—	Other Secondary Source	—	—
—	207. AHLA Seminar Materials P11130014, Computer Contracting, Healthcare E-Commerce and Health Information Privacy and Security (Bench Opinion) OCTOBER TERM, 1999 NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is...	—	Other Secondary Source	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	208. American Indian Law Deskbook s 1:5, § 1:5. Indian trust doctrine: Overview The United States' trust obligation to Indian tribes has relevance in a wide variety of situations. So, for example, the Supreme Court relied on the guardian-ward relationship to...	2022	Other Secondary Source	—	7 S.Ct.
—	209. American Indian Law Deskbook s 3:3, § 3:3. Nonaboriginal title-based occupancy rights The work of the Indian Claims Commission and settling the claims of Alaska Natives and many eastern tribes has likely extinguished most aboriginal title claims. To the extent...	2022	Other Secondary Source	—	1 S.Ct.
—	210. American Indian Law Deskbook s 3:5, § 3:5. Generally When the original thirteen colonies formed the United States, each reserved title to the beds of navigable waters within their borders. As the Nation developed and westward...	2022	Other Secondary Source	—	8 S.Ct.
—	211. S 2.09 DEFENDANTS SUBJECT TO LIABILITY UNDER THE FALSE CLAIMS ACT Civil False Claims and Qui Tam Actions Last Updated: 6/2022 The FCA imposes liability on "any person" who commits any of the acts listed in Section 3729(a)(1). In general, courts have allowed FCA suits to be filed...	2022	Other Secondary Source	—	—
—	212. Commercial Arbitration s 40:9, § 40:9. Reservation boundaries and Indian Country— Fee simple land Individual aboriginal title is distinct from tribal aboriginal title. Individual Indians (or their lineal ancestors) could acquire individual aboriginal title to land if an Indian...	2022	Other Secondary Source	—	2 S.Ct.
—	213. Federal Banking Law Reporter 1059589, SOUTHLAND CORP. ET AL. V. KEATING ET AL. Federal Banking Law Reporter SOUTHLAND CORP. ET AL. v. KEATING ET AL. SOUTHLAND CORP. v. KEATING, 465 U.S. 1 (1984) APPEAL FROM THE SUPREME COURT OF CALIFORNIA No. 82—500. Argued October 4, 1983 Decided...	1984	Other Secondary Source	—	—
—	214. Federal Circuit Patent Case Digests s 18:119, § 18:119. Return Mail, Inc. v. United States Postal Service Covered business method. [Return Mail appeals from the final written decision of the Board in a review of a covered business method patent. The Board held that the U.S. Postal...	2022	Other Secondary Source	—	—
—	215. Federal Procedure, Lawyers Edition s 20:583, § 20:583. Generally The application of federal common law rules has been approved by the Supreme Court in certain specific substantive areas, including suits— based on federal statutes that contain...	2022	Other Secondary Source	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>216. Federal Procedure, Lawyers Edition s 46:972, § 46:972. Burden of proof in trials of property rights</p> <p>In all trials with respect to property rights in which an Indian is a party on one side and a white person on the other, the burden of proof rests on the white person whenever the...</p>	2022	Other Secondary Source	—	<p>1</p> <p>2</p> <p>5</p> <p>S.Ct.</p>
—	<p>217. Jones on Evidence—Civil and Criminal s 4:23, § 4:23. In general—"Otherwise provided": Plain language test v. Congressional intent test</p> <p>If the language codifying a statutory presumption explicitly directs a Morgan-like shift in the burden of persuasion, it clearly falls within the "otherwise provided for" clause of...</p>	2022	Other Secondary Source	—	<p>3</p> <p>5</p> <p>S.Ct.</p>
—	<p>218. Law of Water Rights and Resources s 3:45, § 3:45. Riparian land—Loss or gain of riparian land—State or federal common law</p> <p>The delineation of boundaries and the apportionment of accretion, avulsion and reliction to lands that were originally patented by the federal government presents choice of law...</p>	2022	Other Secondary Source	—	<p>8</p> <p>S.Ct.</p>
—	<p>219. 2 LA Civil Law Treatise s 4:14, § 4:14. Rivers and streams—Erosion, alluvion, and dereliction</p> <p>LA Civil Law Treatise</p> <p>The waters of a navigable river frequently cause the erosion and submersion of riparian land, and question arises as to the ownership of the submerged land that has become a part...</p>	2022	Other Secondary Source	—	<p>7</p> <p>S.Ct.</p>
—	<p>220. Principles of the Law, Election Administration: Non-Precinct Voting and Resolution of Ballot-Counting Disputes s 3 DD 1, § 3. Federal Trust Relationship with Indian Tribes and Individual Indians</p> <p>The United States has a unique trust relationship with Indian tribes and individual Indians, authorizing the federal government to inter alia safeguard property rights of Indians...</p>	2021	Other Secondary Source	—	—
—	<p>221. Principles of the Law, Election Administration: Non-Precinct Voting and Resolution of Ballot-Counting Disputes s 4 TD 1, § 4. General Federal Trust Relationship with Indian Tribes and Individual Indians</p> <p>(a) The United States recognizes a general trust relationship between the United States and Indian tribes and their members arising from a government-to-government relationship...</p>	2021	Other Secondary Source	—	—
—	<p>222. Principles of the Law, Election Administration: Non-Precinct Voting and Resolution of Ballot-Counting Disputes s 9 DD 2, § 9. General Federal Trust Relationship with Indian Tribes and Individual Indians</p> <p>(a) Scope and Origins. The general federal trust relationship arises from the United States' political relationship with Indians and tribes and constitutes the foundational basis...</p>	2021	Other Secondary Source	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>223. Principles of the Law, Election Administration: Non-Precinct Voting and Resolution of Ballot-Counting Disputes 1 INTRO DD 2, Introduction DD No 2 (2014)</p> <p>Historical Note: American Indian law and policy originated even before the American Revolution, and have moved through several periods, with considerable overlap: (1) Colonial...</p>	2021	Other Secondary Source	—	—
—	<p>224. Principles of the Law, Election Administration: Non-Precinct Voting and Resolution of Ballot-Counting Disputes 1 REP INTRO TD 1, Rep. Intro. TD No 1 (2015)</p> <p>Note on the Foundational Principles of Federal Indian Law: There are three kinds of sovereigns within the United States—federal, state, and tribal. The Constitution delineates the...</p>	2021	Other Secondary Source	—	—
—	<p>225. Public Natural Resources Law s 5:29, § 5:29. "Preemption" by statutory interpretation</p> <p>Sections 5:3 to 5:6 above briefly outlined the various state roles dictated by Congress in different facets of public natural resources law, ranging from mere advisor to dominant...</p>	2022	Other Secondary Source	—	—
—	<p>226. Sutherland Statutes and Statutory Construction s 62:1, § 62:1. In general (strict construction)</p> <p>Courts strictly, or narrowly, construe statutes in derogation of sovereignty. The concept of "sovereignty" is broad and provides authority for a government to make laws and take...</p>	2021	Other Secondary Source	—	—
—	<p>227. Sutherland Statutes and Statutory Construction s 62:2, § 62:2. Limitations on the strict-construction rule</p> <p>Courts have no reason to apply the strict-construction rule where a statute expressly includes the government. In such circumstances they should treat a statute in derogation of...</p>	2021	Other Secondary Source	—	—
—	<p>228. Tiffany Real Property s 1222, § 1222. Sudden and perceptible changes</p> <p>The rules above stated, to the effect that the ownership follows, or is presumed to follow, changes in the location of the water, do not apply in the case of sudden and perceptible...</p>	2022	Other Secondary Source	—	8 S.Ct.
—	<p>229. Treatise on Constitutional Law s 4.2(e), § 4.2(e). State Laws and Indian Tribes</p> <p>State and local governments have no jurisdiction over Indian tribes unless they specifically have been granted such jurisdiction by Congress. The rights of tribal Indians under the...</p>	2022	Other Secondary Source	—	7 8 S.Ct.
—	<p>230. Wright & Miller: Federal Prac. & Proc. s 4514, § 4514. Federal Common Law Wright & Miller: Federal Prac. & Proc.</p> <p>In Erie Railroad Company v. Tompkins, Justice Brandeis wrote: "Except in matters governed by the Federal Constitution or by Acts of Congress, the law to be applied in any case is..."</p>	2022	Other Secondary Source	—	6 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
—	231. Wright & Miller: Federal Prac. & Proc. s 5474, § 5474. “Client”—“Person” Wright & Miller: Federal Prac. & Proc. Rejected Rule 503(a)(1) defines a "client"—the first party essential for the existence of the attorney-client privilege—as a "person * * * who is rendered professional legal...	2022	Other Secondary Source	—	2 S.Ct.
—	232. Wright & Miller: Federal Prac. & Proc. s 5122.1, § 5122.1. Legislative History—Presumptions Wright & Miller: Federal Prac. & Proc. "Presumption" is a word of many meanings. Courts do not use the word in any consistent fashion. Indeed, some writers think judicial misuse has rendered "presumption" all but...	2022	Other Secondary Source	—	—
—	233. Wright & Miller: Federal Prac. & Proc. s 5123.1, § 5123.1. Scope of Rule 301—Exceptions Wright & Miller: Federal Prac. & Proc. Rule 301 creates an exception from its normal standard for civil cases "otherwise provided for by Act of Congress or these rules." As we have seen, some federal courts have...	2022	Other Secondary Source	—	4 7 8 S.Ct.
—	234. Wright and Miller, Federal Practice and Procedure Deskbook s 63, § 63. The Erie Doctrine—Federal Common Law Wright and Miller, Federal Practice and Procedure Deskbook In the Erie case, Justice Brandeis wrote: "Except in matters governed by the Federal Constitution or by acts of Congress, the law to be applied in any case is the law of the..."	2022	Other Secondary Source	—	6 S.Ct.
—	235. 116 Am. Jur. Trials 395, Arbitration in Indian Country—Settling Business Disputes with Native American Tribes Am. Jur. Trials Many American Indian tribes are business enterprises generating multimillion dollar revenues annually. While much of this revenue is from gaming operations in many instances,...	2022	Other Secondary Source	—	2 S.Ct.
—	236. Am. Jur. 2d Evidence s 210, § 210. Effect of presumptions under Federal Rule 301 and Uniform Rule 302 Am. Jur. 2d Evidence Fed. R. Evid. 301 provides generally that in all civil actions and proceedings, a presumption imposes on the party against whom it is directed the burden of going forward with...	2022	Other Secondary Source	—	3 4 5 S.Ct.
—	237. Am. Jur. 2d Indians s 55, § 55. Indian reservation land Am. Jur. 2d Indians The President of the United States has the power to withdraw land from the public domain by executive order for the purpose of creating Indian reservations, but an executive order...	2022	Other Secondary Source	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	238. Cal. Jur. 3d Publicly Owned Lands s 41, § 41. Swamp and overflow lands that may be sold by state Cal. Jur. 3d Publicly Owned Lands State law controls sales of tidelands and lands beneath navigable waters unless the property was the subject of a federal grant or is Native American land. Sales of swamp and...	2022	Other Secondary Source	—	—
—	239. CJS Federal Courts s 233, § 233. Property rights and interests CJS Federal Courts The existence of a property interest is generally determined by state law. The definition of property rights is likewise a matter of state law. Thus, state law governs issues...	2022	Other Secondary Source	—	8 S.Ct.
—	240. CJS Indians s 84, § 84. Actions involving tribal title or possession of land CJS Indians The United States may sue to enforce Native American or Indian tribal possessory rights, and its failure to do so may constitute a breach of fiduciary duty, but state courts...	2022	Other Secondary Source	—	1 4 5 S.Ct.
—	241. CJS Indians s 88, § 88. Reservations of Indian or tribal lands by United States CJS Indians Congress may create reservation lands for Native Americans or Indians by statute, provided the congressional intent to do so is clear in light of the statutory language, all...	2022	Other Secondary Source	—	—
—	242. AMERICAN INDIAN TRIBES AND THE CONSTITUTION 48-JAN Advocate (Idaho) 19 , 21 Almost 120 years ago in United States v. Kagama, the Supreme Court described the relationship of Indian tribes to the United States as "an anomalous one, and of a complex..."	2005	Law Review	—	2 S.Ct.
—	243. TITLE VII AND RULE 301: AN ANALYSIS OF THE WATSON AND ANTONIO DECISIONS 23 Akron L. Rev. 105 , 172 I. Thesis II. Griggs v. Duke Power Co. III. Major Premise: Rule 301 IV. Minor Premise: The Three Stage Order of Proof V. Syllogism: Four Logical Results A. Second Stage's...	1989	Law Review	—	2 S.Ct.
—	244. THE STRUGGLE FOR ALASKA'S SUBMERGED LAND 5 Alaska L. Rev. 69 , 132+ This article discusses the issues of navigability and chargeability as they apply to the controversy surrounding disposition of submerged lands in Alaska. The author concludes...	1988	Law Review	—	6 8 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>245. INDIAN LAW IN THE UNITED STATES SUPREME COURT -- EXPERIENCES IN THE 1980s AND PREDICTIONS FOR THE 1990s 22 Am. Indian L. Rev. 601 , 610+</p> <p>I was asked to make a presentation to the Federal Bar Association's annual Indian Law Conference in April 1991 on Indian Law cases in the United States Supreme Court. The seminal...</p>	1998	Law Review	—	<p>8 S.Ct.</p>
—	<p>246. INDIAN FISHING RIGHTS: AFTERMATH OF THE FOX DECISION AND THE YEAR 2000 23 Am. Indian L. Rev. 97 , 154</p> <p>The ongoing Indian fishing rights debate in northern Michigan is intensifying as a 1985 court ordered consent agreement nears its year 2000 expiration date. Many of the local...</p>	1998	Law Review	—	—
—	<p>247. "RESPETA I TAOTAO TANO" : THE RECOGNITION AND ESTABLISHMENT OF THE SELF-DETERMINATION AND SOVEREIGN RIGHTS OF THE INDIGENOUS CHAMORROS OF GUAM UNDER INTERNATIONAL, FEDERAL, AND LOCAL LAW 3 Asian-Pac. L. & Pol'y J. 3 , 118</p> <p>A. The History of Guam and the Chamorros 1. Arrival of the Ancient Chamorros and Establishment of Culture and Society 2. The Spanish Conquest and Colonial Period 3. The 19th to...</p>	2002	Law Review	—	<p>6 S.Ct.</p>
—	<p>248. RE-CLASSIFYING GOVERNMENTAL PETITIONERS AS "PERSONS" IN AIA REVIEW PROCEEDINGS 35 Berkeley Tech. L.J. 1003 , 1040+</p> <p>Does a government agency qualify as a person who can petition for certain proceedings at the U.S. Patent and Trademark Office (PTO)? Although not a natural person, a government...</p>	2020	Law Review	—	—
—	<p>249. DARK MATTER IN THE LAW 62 B.C. L. Rev. 1555 , 1619+</p> <p>Introduction. 1556 I. The Chinese Exclusion Case and Its Progeny: Ordinary Matter in an Extraordinary Immigration Law Universe. 1565 A. The Origins of Immigration Law's Plenary...</p>	2021	Law Review	—	—
—	<p>250. ASSET PURCHASES AS POTENTIALLY RESPONSIBLE PARTIES UNDER SUPERFUND 12 BYU J. Pub. L. 351 , 374+</p> <p>Whether or not asset purchasers can be held liable under "Superfund" has been a source of much litigation in the past few years. The debate has centered on the conflict between...</p>	1998	Law Review	—	—
—	<p>251. HIGH FEDERALISM: MARIJUANA LEGALIZATION AND THE LIMITS OF FEDERAL POWER TO REGULATE STATES 35 Cardozo L. Rev. 567 , 641+</p> <p>The conflict between state marijuana legalization and the blanket federal marijuana prohibition of the Controlled Substances Act (CSA) has created a federalism crisis in which the...</p>	2013	Law Review	—	—

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—	252. EMPOWERMENT THROUGH RESTRAINT: REVERSE PREEMPTION OR HYBRID LAWMAKING? 59 Case W. Res. L. Rev. 955 , 995 In the jurisprudence of federal jurisdiction, we often observe federal courts exerting power and control under the banner of restraint and deference to states and to other branches...	2009	Law Review	—	—
—	253. BLOCK v. NORTH DAKOTA EX REL. BOARD OF UNIVERSITY AND SCHOOL LANDS: A RESTRICTIVE INTERPRETATION OF THE QUIET TITLE ACT 33 Cath. U. L. Rev. 773 , 789+ Since its inception, the American judicial system has provided the means for aggrieved individuals to bring their detractors before a bar of justice. Although the defendant in an...	1984	Law Review	—	2 S.Ct.
—	254. DE FACTO MERGER, FEDERAL COMMON LAW, AND ERIE: CONSTITUTIONAL ISSUES IN SUCCESSOR LIABILITY 2008 Colum. Bus. L. Rev. 529 , 607+ I. Introduction. 531 A. Prologue. 531 B. Identification of Inconsistent Successor Liability Results. 532 C. Impact of Recent Mergers and Acquisitions. 535 II. Liability...	2008	Law Review	—	6 8 S.Ct.
—	255. CLEAR & CONVINCING: THE PROPER EVIDENTIARY STANDARD FOR R.S. 2477 CLAIMS 27 Colo. Nat. Resources, Energy & Envtl L. Rev. 1 , 9+ I. INTRODUCTION. 3 II. LEGAL BACKGROUND - R.S. 2477, THE QUIET TITLE ACT, AND SUWA V. BLM. 5 A. R.S. 2477- Its Origins and Repeal. 5 B. The Quiet Title Act - Providing a...	2016	Law Review	—	—
—	256. BEYOND RESERVED RIGHTS: TRIBAL CONTROL OVER GROUNDWATER RESOURCES IN A COLD WINTERS CLIMATE 28 Colum. J. Envtl. L. 325 , 369+ I. Introduction. 326 II. Federal Reserved Rights to Groundwater. 328 A. Background on the Winters Doctrine. 328 B. Judicial Dabbling in the Groundwater Question. 329 C. The...	2003	Law Review	—	6 7 8 S.Ct.
—	257. RECOGNIZING RACE 112 Colum. L. Rev. 404 , 415+ Judges habitually decide whether to identify individuals racially within the context of judicial opinions. Yet this practice, which this Essay labels "recognizing race," has thus...	2012	Law Review	—	1 2 5 S.Ct.
—	258. ONEIDA INDIAN NATION v. COUNTY OF ONEIDA: TRIBAL RIGHTS OF ACTION AND THE INDIAN TRADE AND INTERCOURSE ACT 84 Colum. L. Rev. 1852 , 1880 In Oneida Indian Nation v. County of Oneida, the Second Circuit held that the Oneida Indians could maintain suit in federal court against the counties of Madison and Oneida, New...	1984	Law Review	—	2 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>259. THE ULTIMATE INDEPENDENCE OF THE FEDERAL COURTS: DEFYING THE SUPREME COURT IN THE EXERCISE OF FEDERAL COMMON LAW POWERS 36 Conn. L. Rev. 425 , 445+</p> <p>What does a federal court do and what makes a federal court "federal?" When a federal court properly obtains subject matter jurisdiction over a dispute, where does it find the...</p>	2004	Law Review	—	<p>6 7 8</p> <p>S.Ct.</p>
—	<p>260. INTERJURISDICTIONAL PRECLUSION, FULL FAITH AND CREDIT AND FEDERAL COMMON LAW: A GENERAL APPROACH 71 Cornell L. Rev. 733 , 832+</p> <p>C1-3TABLE OF CONTENTS L1-2Introduction 734. I. Credit to Judicial Proceedings; Sources of Legal Obligation. 739 A. The Constitution. 739 B. Federal Statutes. 740 C. The Special...</p>	1986	Law Review	—	<p>8</p> <p>S.Ct.</p>
—	<p>261. FEDERAL RULE OF EVIDENCE 301 AND CONGRESSIONAL ACTS: WHEN DOES AN ACT "OTHERWISE PROVIDE"? 67 Cornell L. Rev. 1085 , 1108+</p> <p>During the congressional hearings on the proposed Federal Rules of Evidence, few subjects sparked as much concern and disagreement as that of presumptions. The significant role...</p>	1982	Law Review	—	<p>3 5</p> <p>S.Ct.</p>
—	<p>262. AN FDIC PRIORITY OF CLAIMS OVER DEPOSITORY INSTITUTION SHAREHOLDERS 41 Duke L.J. 329 , 367</p> <p>Over the past decade, failures of federally insured depository institutions have increased to a crisis point. Embezzlement, excessive compensation, improper lending practices, and...</p>	1991	Law Review	—	<p>8</p> <p>S.Ct.</p>
—	<p>263. A NEW BREED OF LAW BOOK? LAW AND ADMINISTRATION. CAROL HARLOW AND RICHARD RAWLINGS. WEIDENFELD AND NICOLSON, LONDON, 1984 PP. 718. pounds sterling15.95 (PAPERBACK) 1985 Duke L.J. 523 , 539</p> <p>Carol Harlow and Richard Rawlings' unique new treatment of United Kingdom administrative law, Law and Administration, should be measured against the monolithic nature of legal...</p>	1985	Law Review	—	—
—	<p>264. FROM BLAZING TRAILS TO BUILDING HIGHWAYS: SUWA V. BLM & ANCIENT EASEMENTS OVER FEDERAL PUBLIC LANDS 34 Ecology L.Q. 1067 , 1107+</p> <p>Potentially thousands of miles of federal public land are burdened with outstanding right-of-way claims under a single sentence taken from a Civil War era mining statute, Revised...</p>	2007	Law Review	—	—
—	<p>265. RECLAIMING THE DEFENSES TO RECLAMATION 26 Emory Bankr. Dev. J. 301 , 339</p> <p>The right of reclamation and its place in bankruptcy have been mired in controversy and confusion since before the Bankruptcy Reform Act of 1978 ("the Bankruptcy Reform Act")....</p>	2010	Law Review	—	<p>7</p> <p>S.Ct.</p>

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>266. RELICS OF THE PAST-TO WHOM DO THEY BELONG? THE EFFECT OF AN ARCHAEOLOGICAL EXCAVATION ON PROPERTY RIGHTS 46 Emory L.J. 867 , 867</p> <p>(E)arly in life . . . when we are taught to plant, the elders would tell you that if you want to plant a straight row of corn, you have to first pick where you are going to be...</p>	1997	Law Review	—	—
—	<p>267. RECONSIDERING SECTION 1983'S NONABROGATION OF SOVEREIGN IMMUNITY 73 Fla. L. Rev. 523 , 589+</p> <p>Motivated by civil unrest and the police conduct that prompted it, Americans have embarked on a major reexamination of how constitutional enforcement works. One important component...</p>	2021	Law Review	—	—
—	<p>268. THE APPLICATION OF THE JOHN DOE SUMMONS PROCEDURE TO THE DUAL-PURPOSE INVESTIGATORY SUMMONS 52 Fordham L. Rev. 574 , 591</p> <p>In 1975 the Supreme Court, in <i>United States v. Bisceglia</i>, upheld the authority of the Internal Revenue Service (IRS) to issue John Doe administrative summonses for the purpose of...</p>	1984	Law Review	—	2 S.Ct.
—	<p>269. CONSTITUTIONAL BACKDROPS 80 Geo. Wash. L. Rev. 1813 , 1888</p> <p>The Constitution is often said to leave important questions unanswered. These include, for example, the existence of a congressional contempt power or an executive removal power,...</p>	2012	Law Review	—	—
—	<p>270. CONGRESS'S POWER TO AUTHORIZE SUITS AGAINST STATES 68 Geo. Wash. L. Rev. 44 , 115</p> <p>Introduction. 44 I. Seminole Tribe and Attempts to Avoid It. 49 A. Suits in State Court: <i>Alden v. Maine</i>. 53 B. Implied Consent to Suit: <i>College Savings Bank v. Florida Prepaid</i>...</p>	1999	Law Review	—	—
—	<p>271. DOUBLE VISION: THE FTC, STATE REGULATION, AND DECIDING WHAT'S BEST FOR CONSUMERS 59 Geo. Wash. L. Rev. 1249 , 1284</p> <p>A recent decision by the United States Court of Appeals for the District of Columbia Circuit may cost consumers millions of dollars each year. In <i>California State Board of</i>...</p>	1991	Law Review	—	6 S.Ct.
—	<p>272. OVERRULING STATUTORY PRECEDENTS 76 Geo. L.J. 1361 , 1435</p> <p>Stare decisis, the rule that judicial precedents should be followed, has been considered by American courts to be more a rule of thumb than an ironfisted command. While stare...</p>	1988	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	273. AMERICAN-STYLE JUSTICE IN NO MAN'S LAND 36 Ga. L. Rev. 895 , 1073+ For much of the nineteenth century, the geographic region known today as the Oklahoma Panhandle and bounded on the east by the hundredth meridian of longitude, on the south by...	2002	Law Review	—	6 S.Ct.
—	274. WELL SETTLED?: THE INCREASING WEIGHT OF HISTORY IN AMERICAN INDIAN LAND CLAIMS 28 Ga. L. Rev. 481 , 532 (It is) a settled principle, that (the Indians') right of occupancy is considered as sacred as the fee simple of the whites. Justice Henry Baldwin Mitchel v. United States (1835)...	1994	Law Review	—	—
—	275. QUI TAM CAN; QUI TAM CAN'T: AN ANALYSIS OF VERMONT AGENCY OF NATURAL RESOURCES V. UNITED STATES EX REL. STEVENS 17 Ga. St. U. L. Rev. 1119 , 1161+ Rooted in the history of the Civil War and reinvigorated by Congress in 1986, the False Claims Act (FCA) provides a powerful weapon to fight fraud committed against the United...	2001	Law Review	—	2 S.Ct.
—	276. WRONGFUL FORECLOSURES IN WASHINGTON 49 Gonz. L. Rev. 331 , 382 I. Introduction. 332 II. Washington Foreclosure Procedures. 334 A. Judicial Foreclosure in Washington. 334 B. Non-Judicial Foreclosures in Washington. 336 III. Defenses to...	2014	Law Review	—	—
—	277. LIVESTOCK WATER ON FEDERAL RANGELANDS 1 Great Plains Nat. Resources J. 351 , 363 I. Introduction. 351 II. Background and Overview of Water Law. 354 III. Recent Administrative Positions of DOI and DOA on Water Rights for Grazing Purposes. 364 IV. Congress,...	1996	Law Review	—	6 S.Ct.
—	278. LIBERAL CONSTRUCTION OF CERCLA UNDER THE REMEDIAL PURPOSE CANON: HAVE THE LOWER COURTS TAKEN A GOOD THING TOO FAR? 20 Harv. Envtl. L. Rev. 199 , 328 I. Introduction. 201 II. The Canons of Construction: A Historical and Contextual Introduction. 208 A. Canons in History. 209 B. Canons in Context: A Survey of the Foundationalist...	1996	Law Review	—	2 S.Ct.
—	279. INDIAN BEDLANDS CLAIMS: A NEED TO CLEAR THE WATERS 15 Harv. Envtl. L. Rev. 1 , 51+ Claims by or on behalf of Indian Tribes to lands submerged under navigable waters, or "bedlands," have generated considerable litigation for almost a century. Claims have been...	1991	Law Review	—	4 7 8 S.Ct.

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—	<p>280. FEDERAL RULES OF STATUTORY INTERPRETATION 115 Harv. L. Rev. 2085 , 2157+</p> <p>Introduction: Legislating Interpretive Strategies. 2086 I. The Significance of the Inquiry. 2090 A. The Audience Question. 2090 B. The Constitutional Dimension of Statutory...</p>	2002	Law Review	—	<p>2 S.Ct.</p>
—	<p>281. ROAD RAGE AND R.S. 2477: JUDICIAL AND ADMINISTRATIVE RESPONSIBILITY FOR RESOLVING ROAD CLAIMS ON PUBLIC LANDS 56 Hastings L.J. 523 , 583</p> <p>The past decade has seen the D-4 Caterpillar bulldozer become a significant tool for those seeking to challenge federal land management agencies' authority to protect resources...</p>	2005	Law Review	—	—
—	<p>282. AN ECOLOGICAL THEORY OF STATUTORY INTERPRETATION 54 Idaho L. Rev. 3 , 44</p> <p>Canons of construction serve as a set of ground rules that judges rely on in interpreting statutes. Substantive canons of construction, in particular, are principles and...</p>	2018	Law Review	—	<p>1 4 5 S.Ct.</p>
—	<p>283. SOUTH CAROLINA v. CATAWBA INDIAN TRIBE: TERMINATING FEDERAL PROTECTION WITH "PLAIN" STATEMENTS 72 Iowa L. Rev. 1117 , 1146</p> <p>The Indian Nonintercourse Act (Nonintercourse) provides that no land transaction between any tribe of Indians and another entity shall be valid without the consent of the United...</p>	1987	Law Review	—	—
—	<p>284. DIVERSITY OF CITIZENSHIP AND THE LIMITED PARTNERSHIP: A "REAL PARTY" RULE AS FEDERAL COMMON LAW 71 Iowa L. Rev. 235 , 264+</p> <p>Federal jurisdiction should be automatic and self-regulating. For this aspiration to be reached, the judiciary must act under consistent rules of decision. When the...</p>	1985	Law Review	—	—
—	<p>285. VERMONT AGENCY OF NATURAL RESOURCES: HAS THE HIGH COURT SOUNDED THE DEATH KNEEL FOR QUI TAM LITIGATION? 18 J. Contemp. Health L. & Pol'y 543 , 552+</p> <p>Due to staggering healthcare costs and the industry's susceptibility to fraud, the Department of Justice ("DOJ"), under the Clinton Administration, made prosecuting healthcare...</p>	2002	Law Review	—	<p>2 S.Ct.</p>
—	<p>286. FEDERAL STATUTORY GRANTS ARE NOT PLACEHOLDERS FOR MANIPULATED STATE LAW: A RESPONSE TO MS. HJELLE 14 J. Energy Nat. Resources & Env'tl. L. 323 , 348+</p> <p>The net effect of Ms. Hjelle's Ten Essential Points Concerning R.S. 2477 Rights-of-Way (Essential Points) would be to ensure that virtually every right-of-way claimed under R.S....</p>	1994	Law Review	—	<p>8 S.Ct.</p>

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—	<p>287. HISTORY AND FUTURE OF THE CONFLICT OVER WILDERNESS DESIGNATIONS OF BLM LAND IN UTAH 16 J. Envtl. L. & Litig. 203 , 247</p> <p>Introduction. 204 I. Introduction to Wilderness Law on BLM Land. 209 A. Creation of Wilderness as a Category of BLM Land. 209 B. Definition of Wilderness. 211 C....</p>	2001	Law Review	—	—
—	<p>288. THE REVITALIZATION OF QUI TAM ACTIONS: THE STATUTORY AND CONSTITUTIONAL SIGNIFICANCE OF THE FALSE CLAIMS ACT IN ENVIRONMENTAL LITIGATION 17 J. Nat. Resources & Envtl. L. 43 , 65</p> <p>Beginning in the 1970's, unprecedented response to pollution and depletion of America's natural resources swept across the nation. Major environmental protection statutes were...</p>	2003	Law Review	—	<p>2 S.Ct.</p>
—	<p>289. SOURING ON LEMON: THE SUPREME COURT'S ESTABLISHMENT CLAUSE DOCTRINE IN TRANSITION 44 Mercer L. Rev. 881 , 910</p> <p>In his opinion for the Court in the landmark case of Everson v. Board of Education, Justice Black held that the Establishment Clause of the First Amendment erected a high and...</p>	1993	Law Review	—	—
—	<p>290. FEDERAL COMMON LAW AND GAPS IN FEDERAL STATUTES: THE CASE OF ERISA PLAN LIMITATION PERIODS FOR SECTION 502(A)(1)(B) ACTIONS 93 Mich. L. Rev. 382 , 429</p> <p>[W]here power of choice [between state and federal law] exists, what are the criteria for its exercise; under what circumstances should a federal substantive rule be prescribed,...</p>	1994	Law Review	—	—
—	<p>291. THINKING OUT LOUD ABOUT THE MYTH OF ERIE: PLUS A GOOD WORD FOR SECTION 1652 70 Miss. L.J. 163 , 321+</p> <p>The ones I feel sorry for are the people who, for several generations now, have paid sums at times in excess of \$150 apiece to be taught Erie Doctrine rather than the Rules of...</p>	2000	Law Review	—	<p>7 8 S.Ct.</p>
—	<p>292. DISPUTES REGARDING THE POSSESSION OF NATIVE AMERICAN RELIGIOUS AND CULTURAL OBJECTS AND HUMAN REMAINS: A DISCUSSION OF THE APPLICABLE LAW AND PROPOSED LEGISLATION 55 Mo. L. Rev. 883 , 936</p> <p>The United States' policy concerning Native Americans has fluctuated and changed a great deal. During the evolution of this policy, there has been great unfairness and inequity in...</p>	1990	Law Review	—	—

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—	293. NOT JUST ANOTHER FEDERAL PRE-EMPTION CASE 30 Nat. Resources J. 217 , 225+ Sierra Club v. Hodel is a Tenth Circuit Court of Appeals case which has broad implications for federal land managers by limiting federal discretion and authority on the public...	1990	Law Review	—	6 7 8 S.Ct.
—	294. A NEW CORPS OF DISCOVERY FOR MISSOURI RIVER MANAGEMENT 83 Neb. L. Rev. 305 , 361 I. Introduction. 306 II. The Jeffersonian Corps of Discovery. 310 III. Of Famine and Floods: The Flood Control Act of 1944. 312 A. The Impetus for the Flood Control Act. 312 ...	2004	Law Review	—	8 S.Ct.
—	295. "BEAM ME UP, THERE'S NO INTELLIGENT LIFE HERE": A DIALOGUE ON THE ELEVENTH AMENDMENT WITH LAWYERS FROM MARS 75 Neb. L. Rev. 551 , 573 Discussing our law and legal system with lawyers from a different legal culture can be a rewarding experience. The process of explaining and having to respond to questions about...	1996	Law Review	—	2 S.Ct.
—	296. TREATIES OF CONQUEST: PROPERTY RIGHTS, INDIAN TREATIES, AND THE TREATY OF GUADALUPE HIDALGO 26 N.M. L. Rev. 201 , 255 All animals are equal But some animals are more equal than others. George Orwell The modern discourse concerning property rights has deep historical roots, for property has long...	1996	Law Review	—	—
—	297. OUT OF THE MOUTH OF STATES: DEFERENCE TO STATE ACTION FINDING EFFECT IN FEDERAL LAW 63 N.Y.U. Ann. Surv. Am. L. 429 , 465 Absent an applicable federal statute criminalizing a particular action, the federal criminal law of a federal enclave directly incorporates the criminal law of the individual state...	2008	Law Review	—	—
—	298. FEDERAL REGULATION OF R.S. 2477 RIGHTS-OF-WAY 63 N.Y.U. Ann. Surv. Am. L. 547 , 612+ Introduction. 548 I. The R.S. 2477 Controversy. 556 A. R.S. 2477 Origins and Legal History. 556 B. Right-of-Way Scope and Perfection under State Law. 561 II. Two Circuits'...	2008	Law Review	—	—
—	299. ECONOMIC UNION AS A CONSTITUTIONAL VALUE 63 N.Y.U. L. Rev. 43 , 129 Professor Collins presents an in-depth defense of the dormant commerce power doctrine. He maintains that the text of the commerce clause, the original intent behind it, and a...	1988	Law Review	—	2 S.Ct.

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—	300. MISCELLANEOUS APPENDIX 59 N.Y.U. L. Rev. 1890 , 1895+ No. 81-1326. Baroni v. United States (tort law). Facts: The Federal Housing Administration (FHA), as a condition of approving homes for Veterans' Administration and FHA...	1984	Law Review	—	4 8 S.Ct.
—	301. THE THEORY OF PROTECTIVE JURISDICTION 57 N.Y.U. L. Rev. 933 , 999+ What do we mean by the words arising under the Constitution? What do they relate to? I conceive this to be very ambiguous. If my interpretation be right, the word arising will...	1982	Law Review	—	6 7 8 S.Ct.
—	302. HEEDING THE DEMANDS OF JUSTICE: JUSTICE BLACKMUN'S INDIAN LAW OPINIONS 71 N.D. L. Rev. 41 , 60+ I. INTRODUCTION. 43 II. JUSTICE BLACKMUN'S INDIAN LAW OPINIONS. 45 A. Reservations, Allotment, and Termination. 45 1. Analysis of the Opinions. 45 a. Affiliated Ute...	1995	Law Review	—	4 7 8 S.Ct.
—	303. APPLICATION OF THE REMEDIAL PURPOSE CANON TO CERCLA SUCCESSOR LIABILITY ISSUES AFTER UNITED STATES v. BESTFOODS: WHY STATE CORPORATE LAW SHOULD BE APPLIED IN CIRCUITS ENCOMPASSING SUBSTANTIAL CONTINUITY EXCEPTION STATES 30 N. Ill. U. L. Rev. 387 , 428 I. Introduction. 388 II. Defining the Problem: A Lack of Specificity Establishing Liability Standards Under CERCLA. 394 III. The Choice of Law Problem. 396 A. STANDARDS DEFINING...	2010	Law Review	—	—
—	304. BEST BRIEF, RESPONDENT UNIVERSITY OF TOLEDO 26 N. Ky. L. Rev. 459 , 477 I. Whether, under CERCLA, the traditional common law rule governing successor liability is more appropriate for determining whether a successor must assume its predecessor's...	1999	Law Review	—	—
—	305. ECONOMIC DEVELOPMENT IN INDIAN COUNTRY: WILL CAPITALISM OR SOCIALISM SUCCEED? 80 Or. L. Rev. 757 , 859+ I. Traditional American Indian Economies and Private Property Concepts. 764 A. Indian Private Property Rights. 767 1. Land. 767 2. Private Property Rights Other Than...	2001	Law Review	—	4 8 S.Ct.
—	306. PRIOR APPROPRIATION AND THE PROPERTY CLAUSE: A DIALOGUE OF ACCOMODATION 71 Or. L. Rev. 381 , 408 The discovery of gold in California was followed, as is well known, by an immense immigration into the State . The lands in which the precious metals were found belonged to the...	1992	Law Review	—	—

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—	<p>307. THE STATE AS A "NON-PERSON" UNDER SECTION 1983: SOME COMMENTS ON WILL AND SUGGESTIONS FOR THE FUTURE 70 Or. L. Rev. 1 , 6+</p> <p>In June 1989, the Supreme Court held five to four in Will v. Michigan Department of State Police that a state could not be sued for damages under 42 U.S.C. § 1983 because it was...</p>	1991	Law Review	—	<p>2 S.Ct.</p>
—	<p>308. POTENTIAL LEGAL STANDARDS FOR RESOLVING THE R.S. 2477 RIGHT OF WAY CRISIS 11 Pace Envtl. L. Rev. 485 , 515+</p> <p>An obscure 1866 Federal law, Revised Statute 2477, granted rights of way for construction of highways over public lands to miners, farmers, ranchers and homesteaders to assist them...</p>	1994	Law Review	—	<p>6 8 S.Ct.</p>
—	<p>309. CORPORATIONS AS VICTIMS OF MISMANAGEMENT: BEYOND THE SHAREHOLDERS VS. MANAGERS DEBATE 28 Pace L. Rev. 795 , 813</p> <p>In a much cited article from 1986, Professor John C. Coffee analyzed the conflicting interests within the "corporate web" when hostile takeovers soared in the 1980s. In doing...</p>	2008	Law Review	—	—
—	<p>310. MONTANA PURCHASE AND SALE ISSUES FOR BUYERS 34 NO. 6 Prac. Real Est. Law. 11 , 11</p> <p>Colorado is high, having more peaks within its borders than any other state. Wyoming is wide, with the breadth of the plains between the Bighorns and the Grand Tetons. California...</p>	2018	Law Review	—	—
—	<p>311. A LEVEL PLAYING FIELD: WHY CONGRESS INTENDED THE BOARDS OF CONTRACT APPEALS TO HAVE ENFORCEABLE SUBPOENA POWER OVER BOTH CONTRACTORS AND THE GOVERNMENT 36 Pub. Cont. L.J. 495 , 518</p> <p>I. L2-3,T3Introduction and Summary 495. II. L2-3,T3Analysis of Case Law Regarding Whether the Term "Person" in Statutes Authorizing Issuance of Subpoenas Includes Federal...</p>	2007	Law Review	—	<p>6 S.Ct.</p>
—	<p>312. THE SUPREME COURT AND THE PRODUCTS LIABILITY CRISIS: LESSONS FROM BOYLE'S GOVERNMENT CONTRACTOR DEFENSE 63 S. Cal. L. Rev. 637 , 726+</p> <p>A. The Decision to Invoke Federal Common Law 1. Individual Officer Immunity a. The limited nature of the personal immunity defense b. Government contractor versus government...</p>	1990	Law Review	—	<p>6 8 S.Ct.</p>
—	<p>313. THE COLLABORATIVE MODEL OF STATUTORY INTERPRETATION 61 S. Cal. L. Rev. 541 , 627</p> <p>I. WILL, REASON, AND THE JUDICIAL ROLE. 546 II. LEGISLATIVE WILL AS PRIVATE WILL. 552 A. PRIVATE INTEREST. 553 1. State Law. 553 2. Federal Law. 559 B. PRIVATE...</p>	1988	Law Review	—	—

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—	<p>314. THE FEDERAL FALSE CLAIMS ACT: CAN WHISTLE BLOWERS REACH STATE AND LOCAL TAX DOLLARS? 44 St. Louis U. L.J. 133 , 166</p> <p>The increasing use of the False Claims Act ("FCA" or "Act") by both whistle blowers and federal officials extracts hundreds of millions of dollars from health care providers...</p>	2000	Law Review	—	<p>2 S.Ct.</p>
—	<p>315. STARE DECISIS: WHAT SHOULD THE SUPREME COURT DO WHEN OLD LAWS ARE NOT NECESSARILY GOOD LAWS? A COMMENT ON JUSTICE THOMAS' CALL FOR REASSESSMENT IN THE SUPREME COURT'S VOTING RIGHTS JURISPRUDENCE 40 St. Louis U. L.J. 261 , 303</p> <p>STARE Decisis, as a legal principle, dates back to the early common law courts of England. It is still used today, and in some instances, it can dictate the outcome of a case. ...</p>	1996	Law Review	—	—
—	<p>316. A SYNOPSIS OF TEXAS AND FEDERAL SOVEREIGN IMMUNITY PRINCIPLES: ARE RECENT SOVEREIGN IMMUNITY DECISIONS PROTECTING WRONGFUL GOVERNMENTAL CONDUCT? 42 St. Mary's L.J. 725 , 791</p> <p>I. Introduction. 726 II. Recent Texas Supreme Court Sovereign Immunity Decisions. 729 A. Sovereign Immunity in Texas. 729 B. Texas Whistleblower Act. 735 III. History of the...</p>	2011	Law Review	—	—
—	<p>317. THINKING ABOUT FEDERAL JURISDICTION-OF SERPENTS AND SWALLOWS 17 St. Mary's L.J. 239 , 271</p> <p>I. Introduction II. General Considerations III. Diversity IV. Federal Questions V. Conclusion Federal jurisdiction is a matter of first importance under our Constitution for...</p>	1986	Law Review	—	—
—	<p>318. ISOLATED IN THEIR OWN COUNTRY: A DEFENSE OF FEDERAL PROTECTION OF INDIAN AUTONOMY AND SELF-GOVERNMENT 33 Stan. L. Rev. 979 , 1068+</p> <p>With their resources and acquired knowledge, the Europeans soon appropriated to themselves most of the advantages which the natives might have derived from the possession of the...</p>	1981	Law Review	—	—
—	<p>319. INDIAN LIVES MATTER: PANDEMICS AND INHERENT TRIBAL POWERS 73 Stan. L. Rev. Online 38 , 47+</p> <p>American Indian people know all too well the impact of pandemics on human populations, having barely survived smallpox outbreaks and other diseases transmitted during the...</p>	2020	Law Review	—	<p>8 S.Ct.</p>
—	<p>320. NATIONWIDE UNIFORMITY AND THE COMMON LAW OF FEDERAL TAXATION 66 Tax Law. 1 , 71</p> <p>This Article presents a set of principal contentions about the creation of federal common law and then applies those contentions to a current issue in federal taxation. These are...</p>	2012	Law Review	—	<p>6 S.Ct.</p>

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>321. 40 YEARS OF U.S. SUPREME COURT INDIAN LAW CASES The Justices and How They Voted 62-APR Fed. Law. 18 , 18</p> <p>Much is often said by the media about how few Americans can name the justices of the U.S. Supreme Court. It is usually couched in terms of "more people can name the seven dwarfs..."</p>	2015	Law Review	—	—
—	<p>322. THE OLD FAITHFUL PROTECTION ACT: CONGRESS, NATIONAL PARK ECOSYSTEMS, AND PRIVATE PROPERTY RIGHTS 14 Pub. Land L. Rev. 5 , 36</p> <p>It was not Congress' finest hour. Faced with conflicting legislative proposals for protecting Yellowstone National Park's geothermal features from development outside the...</p>	1993	Law Review	—	7 S.Ct.
—	<p>323. BRIEF AMICUS CURIAE OF INTERNATIONAL TRADEMARK ASSOCIATION IN SUPPORT OF PETITION IN PREFERRED RISK MUTUAL INSURANCE COMPANY V. UNITED STATES OF AMERICA* 87 Trademark Rep. 230 , 237+</p> <p>The International Trademark Association, as amicus curiae, respectfully supports the petition of Preferred Risk Mutual Insurance Company for a writ of certiorari to review the...</p>	1997	Law Review	—	2 S.Ct.
—	<p>324. BRIEF AMICUS CURIAE OF INTERNATIONAL TRADEMARK ASSOCIATION IN SUPPORT OF APPELLEE IN PREFERRED RISK MUTUAL INSURANCE COMPANY V. UNITED STATES OF AMERICA* 86 Trademark Rep. 70 , 79+</p> <p>Upon motion for leave submitted herewith pursuant to Rule 29 of the Federal Rules of Appellate Procedure, the International Trademark Association respectfully submits this Brief...</p>	1996	Law Review	—	2 S.Ct.
—	<p>325. THE ACCRETION/AVULSION PUZZLE: ITS PAST REVEALED, ITS FUTURE PROPOSED 23 Tul. Envtl. L.J. 305 , 367+</p> <p>One naturally searches for a reason or rationale for the requirement that the process be gradual and imperceptible, but this proves elusive. -- Southern Centre of Theosophy Inc. v....</p>	2010	Law Review	—	8 S.Ct.
—	<p>326. IMPLEMENTING THE FEDERAL TRUST RESPONSIBILITY TO INDIANS AFTER PRESIDENT NIXON'S 1970 MESSAGE TO CONGRESS ON INDIAN AFFAIRS: REMINISCENCES OF REID PEYTON CHAMBERS 53 Tulsa L. Rev. 395 , 459+</p> <p>C1-2Table of Contents I. Introduction. 396 A. My Interview for the Job. 396 B. The Directions Solicitor Frizzell Set for the Indian Division. 398 C. President...</p>	2018	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>327. DIVVYING ATLANTIS: WHO OWNS THE LAND BENEATH NAVIGABLE MANMADE RESERVOIRS? 15 UCLA J. Envtl. L. & Pol'y 83 , 111</p> <p>For over a century, the federal government has been permitting dam-building on navigable rivers to create artificial reservoirs for irrigation, reclamation, and electrical power. ...</p>	1997	Law Review	—	<p>8 S.Ct.</p>
—	<p>328. RESTORING WHAT'S ENVIRONMENTAL ABOUT ENVIRONMENTAL LAW IN THE SUPREME COURT 47 UCLA L. Rev. 703 , 812</p> <p>In this Article, Professor Richard Lazarus examines the votes of the individual Justices who have decided environmental law cases before the United States Supreme Court during the...</p>	2000	Law Review	—	—
—	<p>329. FINDING THE INDIAN CHILD WELFARE ACT IN UNEXPECTED PLACES: APPLICABILITY IN PRIVATE NON-PARENT CUSTODY ACTIONS 81 U. Colo. L. Rev. 1119 , 1185</p> <p>In recent years, as an increasing number of Indian parents struggle with substance abuse and addiction, the number of abused and neglected Indian children is on the rise. ...</p>	2010	Law Review	—	—
—	<p>330. JUSTICE WHITE AND THE BREADTH AND ALLOCATION OF FEDERAL AUTHORITY 58 U. Colo. L. Rev. 371 , 427</p> <p>Justice Byron White is a Federalist. Not the modern-day, upsidedown, anti-Federalist version of a Federalist, but a national Federalist in the tradition of Alexander Hamilton and...</p>	1987	Law Review	—	<p>8 S.Ct.</p>
—	<p>331. THE THRUST AND PARRY OF FEDERAL INDIAN LAW 23 U. Dayton L. Rev. 437 , 512</p> <p>Table of Contents Page I. Introduction. 438 II. Federal Authority in Indian Country. 443 A. The Doctrine of Discovery. 443 B. Federal Acquisition of Indian Lands and...</p>	1998	Law Review	—	<p>7 S.Ct.</p>
—	<p>332. A PROPER SEAT AT THE TABLE: AFFIRMING A BROAD WINTERS RIGHT TO GROUNDWATER 19 U. Denv. Water L. Rev. 239 , 260+</p> <p>I. Introduction. 239 II. State Systems of Water Law and Federal Reserved Rights. 242 A. Prior Appropriation, Riparian Rights, and Correlative Rights. 242 B. Federal...</p>	2016	Law Review	—	<p>6 S.Ct.</p>
—	<p>333. WATER RIGHTS AND GILA RIVER III: THE WINTERS DOCTRINE GOES UNDERGROUND 4 U. Denv. Water L. Rev. 397 , 417</p> <p>I. Introduction. 397 II. State-Based Water Rights Doctrines. 399 A. Surface Water Doctrines. 399 B. Groundwater Doctrines. 399 1. Absolute Ownership. 400 2. Prior...</p>	2001	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	334. THE ABORIGINAL LAND TITLE OF THE NATIVE PEOPLE OF GUAM 26 U. Haw. L. Rev. 1 , 19 The Ninth Circuit Court of Appeals assumed without deciding in a recent case that the native peoples of Guam (the Chamorro) hold a property right, "aboriginal title," in lands...	2003	Law Review	—	—
—	335. A NEW SEGREGATION? RACE, RICE V. CAYETANO, AND THE CONSTITUTIONALITY OF HAWAIIAN-ONLY EDUCATION AND THE KAMEHAMEHA SCHOOLS 23 U. Haw. L. Rev. 109 , 150 It is the second-richest educational institution in the United States, yet many Americans have never heard of it; its multi-billion dollar endowment is said to be larger than that...	2000	Law Review	—	—
—	336. A HICCUP IN FEDERAL COMMON LAW JURISPRUDENCE: SOSA, BESTFOODS AND THE SUPREME COURT'S RESTRAINTS ON DEVELOPMENT OF FEDERAL RULES OF CORPORATE LIABILITY 14 U. Miami Bus. L. Rev. 359 , 439+ Since Clearfield Trust Co. v. United States, the Supreme Court has time and again limited the federal courts' use of federal common law. In a diversion from that effort, a divided...	2006	Law Review	—	6 7 8 S.Ct.
—	337. TOWARDS A UNIFIED THEORY OF "REVERSE-ERIE" 162 U. Pa. L. Rev. 1261 , 1309 Introduction. 1262 I. The Supreme Court's Four Seminal Reverse- Erie Cases. 1266 A. Brown v. Western Railway of Alabama. 1266 B. Dice v. Akron, Canton & Youngstown Railroad Co...	2014	Law Review	—	6 S.Ct.
—	338. INDIAN LAND AND THE PROMISE OF NATIVE SOVEREIGNTY: THE TRUST DOCTRINE REVISITED 1994 Utah L. Rev. 1471 , 1569 Introduction. 1472 I. The Gathering Peril: Development Impacting Indian Country and the Federal Government's Role. 1476 A. The Modern Configuration of Indian Land. 1476 B. Indian...	1994	Law Review	—	—
—	339. BURDENS OF PLEADING AND PROOF IN DISCRIMINATION CASES: TOWARD A THEORY OF PROCEDURAL JUSTICE 34 Vand. L. Rev. 1205 , 1287+ The United States has a host of federal laws that prohibit discrimination on the basis of race, sex, religion, age, handicap, national origin, and veteran's preference; these laws...	1981	Law Review	—	5 S.Ct.
—	340. SOME UNORTHODOX THOUGHTS ABOUT RISING SEA LEVELS, BEACH EROSION, AND PROPERTY RIGHTS 11 Vt. J. Envtl L. 641 , 654+ When legal problems arise involving migrating seashores, they are routinely posed as regulatory takings issues. The usual setting is a restriction on seawall construction, a...	2010	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>341. LIABILITY OF OFFICERS, DIRECTORS AND STOCKHOLDERS UNDER CERCLA: THE CASE FOR ADOPTING STATE LAW 36 Vill. L. Rev. 1367 , 1512+</p> <p>I. INTRODUCTION II. THE CERCLA LIABILITY RULES AND THE TRADITIONAL COMMON LAW RULES: HOW THEY DIFFER A. The CERCLA Rules of Liability 1. Direct Liability a. Capacity to Control b....</p>	1991	Law Review	—	<p>6 7 8</p> <p>S.Ct.</p>
—	<p>342. THE SUN SETS ON FEDERAL COMMON LAW: CORPORATE SUCCESSOR LIABILITY UNDER CERCLA AFTER O'MELVENY & MEYERS 16 Va. Envtl. L.J. 505 , 575+</p> <p>Liability under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) "has been described as 'a black hole that indiscriminately devours all who come...</p>	1997	Law Review	—	<p>8</p> <p>S.Ct.</p>
—	<p>343. SORTING OUT THE DEBATE OVER CUSTOMARY INTERNATIONAL LAW 42 Va. J. Int'l L. 365 , 511</p> <p>Introduction. 366 I. Customary International Law as Federal Common Law. 372 A. The Modern Position. 374 B. Some Examples. 378 1. ATCA Litigation. 378 2. Preemption of...</p>	2002	Law Review	—	—
—	<p>344. THE SECOND ARBITRATION TRILOGY: THE FEDERALIZATION OF ARBITRATION LAW 71 Va. L. Rev. 1305 , 1378</p> <p>In 1925, arbitration was in vogue. Building on reforms enacted by the New York state legislature, Congress passed the Federal Arbitration Act (FAA or Act), providing that contracts...</p>	1985	Law Review	—	<p>8</p> <p>S.Ct.</p>
—	<p>345. DICKERSON v. NEW BANNER INSTITUTE 71 Va. L. Rev. 1239 , 1256</p> <p>In Dickerson v. New Banner Institute, Inc., the Supreme Court held that an Iowa expungement of a judgment did not remove disabilities imposed by the federal Gun Control Act of 1968...</p>	1985	Law Review	—	—
—	<p>346. RECOGNIZING SUBSTANCE: ADOPTEES AND AFFILIATES OF NATIVE AMERICAN TRIBES CLAIMING FREE EXERCISE RIGHTS 7 Wash. & Lee Race & Ethnic Anc. L.J. 61 , 84</p> <p>It is not surprising to see widespread and far reaching governmental regulations due to the current regulatory welfare state that characterizes our federal government. More and...</p>	2001	Law Review	—	—
—	<p>347. ABROGATION OR REGULATION? HOW ANDERSON V. EVANS DISCARDS THE MAKAH'S TREATY WHALING RIGHT IN THE NAME OF CONSERVATION NECESSITY 78 Wash. L. Rev. 1101 , 1129</p> <p>Abstract: From 1787 to 1871, the federal government and various Indian tribes entered into hundreds of treaties. Under well-established U.S. Supreme Court precedent, the U.S....</p>	2003	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>348. WATER RIGHTS ON INDIAN RESERVATIONS-TRANSFERABILITY OF INDIAN WATER RIGHTS-STATE ADMINISTRATION OF NON-INDIAN WATER RIGHTS WITHIN THE RESERVATION- COLVILLE CONFEDERATED TRIBES v. WALTON, 647 F.2D 42 (9TH CIR.), CERT.DENI</p> <p>58 Wash. L. Rev. 89 , 109+</p> <p>No Name Creek is a small spring-fed stream lying entirely within the Colville Indian Reservation in north-central Washington. The creek basin is divided into seven irrigable...</p>	1982	Law Review	—	<p>7</p> <p>S.Ct.</p>
—	<p>349. THE FEDERAL COMMON LAW OF SUCCESSOR LIABILITY AND THE FOREIGN CORRUPT PRACTICES ACT</p> <p>6 Wm. & Mary Bus. L. Rev. 89 , 136</p> <p>In recent years, the Department of Justice (DOJ) and the Securities and Exchange Commission (SEC) have vigorously enforced the Foreign Corrupt Practices Act (FCPA). The FCPA...</p>	2015	Law Review	—	—
—	<p>350. ANTHROPOMORPHISM IN LYRIC AND LAW</p> <p>10 Yale J.L. & Human. 549 , 574</p> <p>Anthropomorphism. n. The attribution of human motivation, characteristics, or behavior to inanimate objects, animals, or natural phenomena. --American Heritage Dictionary Through a...</p>	1998	Law Review	—	<p>2</p> <p>S.Ct.</p>
—	<p>351. THE POLITICAL STATUS OF THE NATIVE HAWAIIAN PEOPLE</p> <p>17 Yale L. & Pol'y Rev. 95 , 147</p> <p>More than 200,000 people now living in Hawai'i are descendants of the Polynesian people, who had a thriving isolated culture in the Hawaiian Islands until westerners started...</p>	1998	Law Review	—	—
—	<p>352. P 8112 SOUTHLAND CORP., ET AL. V. KEATING, ET AL.</p> <p>Southland Corp., et al. v. Keating, et al. ¶ 8112. U.S. Supreme Court. No. 82-500. Argued October 4, 1983; decided January 23, 1984. Appeal from California Supreme Court. Appellant...</p>	1984	Other Secondary Source	—	—
—	<p>353. P 78,455 TIMM ADAMS; ET AL., THOMAS HELICOPTERS, INC., INTERVENOR-APPELLANT, AND E. I. DU PONT DE NEMOURS AND COMPANY, INC.; ET AL. V. UNITED STATES (04-35129), TIMM ADAMS; ET AL., V. E. I. DU PONT DE NEMOURS COMPANY, I</p> <p>Timm Adams; et al., Thomas Helicopters, Inc., Intervenor-Appellant, and E. I. Du Pont De Nemours and Company, Inc.; et al. v. United States (04-35129), Timm Adams; et al., v. E. I....</p>	2005	Other Secondary Source	—	—
—	<p>354. P 77,625 VERMONT AGENCY OF NATURAL RESOURCES V. U. S. EX REL. STEVENS</p> <p>Vermont Agency of Natural Resources v. U. S. ex rel. Stevens 44 CCF ¶ 77,625. U.S. Supreme CourtNo. 98-1828, May 22, 2000120 S.Ct. 1858 Prohibited Practices--False Claims...</p>	2000	Other Secondary Source	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	355. P 77,580 GILBERT W. GALVAN V. FEDERAL PRISON INDUSTRIES, INC. Gilbert W. Galvan v. Federal Prison Industries, Inc. 44 CCF ¶ 77,580. U.S. Court of Appeals, District of Columbia Circuit No. 98-5472, December 21, 1999 199 F.3d 461 Prohibited...	1999	Other Secondary Source	—	—
—	356. P 77,451 UNITED STATES OF AMERICA, EX REL. RONALD E. LONG V. SCS BUSINESS & TECHNICAL INSTITUTE, INC. AND STATE OF NEW YORK, ATTORNEY GENERAL OF THE UNITED STATES, INTERVENOR United States of America, ex rel. Ronald E. Long v. SCS Business & Technical Institute, Inc. and State of New York, Attorney General of the United States, Intervenor 43 CCF ¶...	1999	Other Secondary Source	—	—
—	357. EMPLOYMENT-PRACTICES 50 EPD P 39,067, RAY WILL, PETITIONER V. MICHIGAN DEPARTMENT OF STATE POLICE ET AL, RESPONDENTS., (JUNE 15, 1989) Employment Practices Guide Ray Will, Petitioner v. Michigan Department of State Police et al, Respondents. Supreme Court of the United States. No. 87-1207, June 15, 1989, (109 S.Ct. 2304).. On Writ of...	1989	Other Secondary Source	—	—
—	358. EMPLOYMENT-PRACTICES 30 EPD P 33,045, THELMA DAVIS, APPELLEE V. UNITED STATES STEEL SUPPLY, DIVISION OF UNITED STATES STEEL CORPORATION, APPELLANT., (AUG. 30, 1982) Employment Practices Guide	1982	Other Secondary Source	—	—
—	359. State Entities as FCA Defendants	1999	Other Secondary Source	—	2 S.Ct.
—	360. 13 FERC P 63,051, WASHINGTON WATER POWER COMPANY, PROJECT NO. 2545 (PHASE II) Federal Energy Regulatory Commission Reporter 13 FERC ¶ 63,051, Washington Water Power Company, Project No. 2545 (Phase II) Washington Water Power Company, Project No. 2545 (Phase II) [65,299] Washington Water Power Company, ...	1980	Other Secondary Source	—	—
—	361. P 38,864 IN RE: VIOXX Food Drug Cosmetic Law Reporter IN RE: VIOXX U.S. District Court, E.D. Louisiana. MDL No. 1657. Opinion filed March 15, 2006. JUDGE FALLON MAG. JUDGE KNOWLES ORDER & REASONS Before the Court is a Motion to Quash...	2006	Other Secondary Source	—	—
—	362. P 200,090 VERMONT AGENCY OF NATURAL RESOURCES V. UNITED STATES EX REL. STEVENS Health Care Compliance Reporter Vermont Agency of Natural Resources v. United States ex rel. Stevens U.S. Supreme Court, No. 98-1828, May 22, 2000. 529 U.S. 765; 120 S. Ct. 1858 Held: A private individual may not...	2000	Other Secondary Source	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	363. P 238,033 FISCHER V. UNITED STATES Health Care Compliance Reporter Fischer v. United States U.S. Supreme Court, No. 99-116, May 15, 2000.529 U.S. 667; 120 S. Ct. 1780 The decision of the Court of Appeals for the Eleventh Circuit (¶ 301,040) is...	2000	Other Secondary Source	—	—
—	364. P 212,042 GAVIN V. FEDERAL PRISON INDUSTRIES, INC. Health Care Compliance Reporter Gavin v. Federal Prison Industries, Inc. U.S. Court of Appeals, District of Columbia Circuit, No. 98-5427, Dec. 21, 1999,.180 F.3d 282 United States Court of Appeals FOR THE...	1999	Other Secondary Source	—	—
—	365. P 212,048 GILBERT W. GALVAN, APPELLANT V. FEDERAL PRISON INDUSTRIES, INC., APPELLEE Health Care Compliance Reporter Gilbert W. Galvan, Appellant v. Federal Prison Industries, Inc., Appellee 199 F.3d 461, No. 98—5472.U.S. Court of Appeals, District of Columbia Circuit. Argued September 13, 1999....	1999	Other Secondary Source	—	—
—	366. P 212,045 U.S. EX REL. LONG V. SCS BUSINESS & TECHNICAL INSTITUTE, INC., ET AL. Health Care Compliance Reporter U.S. ex rel. Long v. SCS Business & Technical Institute, Inc., et al. U.S. Court of Appeals, District of Columbia Circuit, No. 98-5133, April 2, 1999, 173 F.3d 870. Before: Wald,...	1999	Other Secondary Source	—	—
—	367. P 214,423 U.S. EX REL. FOULDS V. TEXAS TECH UNIVERSITY. Health Care Compliance Reporter U.S. ex rel. Foulds v. Texas Tech University. U.S. District Court, Northern District Texas, No. 5:95-CV-135-C, Oct. 3, 1997., 980 F. Supp. 864 The court's order filed September 30,...	1997	Other Secondary Source	—	—
—	368. P 214,430 ZISSLER V. REGENTS OF THE UNIVERSITY OF MINNESOTA. Health Care Compliance Reporter Zissler v. Regents of the University of Minnesota. U.S. District Court, D. Minnesota, No. 3-95-168/RHK/FLN, July 23, 1997. In February of 1995, Plaintiff James Zissler...	1997	Other Secondary Source	—	—
—	369. P 191,851 TINA MARIE SOMERLOTT, PLAINTIFF-APPELLANT, V. CHEROKEE NATION DISTRIBUTORS, INC., AN OKLAHOMA CORPORATION; CND, L.L.C., AN OKLAHOMA LIMITED LIABILITY COMPANY, DEFENDANTS-APPELLEES. Labor & Employment Law TINA MARIE SOMERLOTT, Plaintiff—Appellant, v. CHEROKEE NATION DISTRIBUTORS, INC., an Oklahoma corporation; CND, L.L.C., an Oklahoma limited liability company, Defendants—Appellees....	2012	Other Secondary Source	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>370. P 155,791 FAYE E HARRISON PLAINTIFF VS. UNIVERSITY OF ARKANSAS AND BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS DEFENDANTS Labor & Employment Law</p> <p>IN THE U.S. District Court, E.D. Arkansas Jul. 01, 2008 FAYE E HARRISON PLAINTIFF VS. UNIVERSITY OF ARKANSAS AND BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS DEFENDANTS...</p>	2008	Other Secondary Source	—	—
—	<p>371. TIMPANOGOS TRIBE, SNAKE BAND OF SHOSHONE INDIANS OF UTAH TERRITORY, PLAINTIFF-APPELLEE, V. KEVIN CONWAY, ASSISTANT DIRECTOR, UTAH DEPARTMENT OF NATURAL RESOURCES, DIVISION OF WILDLIFE RESOURCES; MICHAEL O. LEAVITT, GOVER Labor & Employment Law</p> <p>286 F.3d 1195 TIMPANOGOS TRIBE, Snake Band of Shoshone Indians of Utah Territory, Plaintiff—Appellee, v. KEVIN CONWAY, Assistant Director, Utah Department of Natural Resources,...</p>	2002	Other Secondary Source	—	8 S.Ct.
—	<p>372. P 10,556 DARRYL N. VEAZEY, PLAINTIFF-APPELLANT V COMMUNICATIONS & CABLE OF CHICAGO, INC, DBA TCI COMMUNICATIONS INC, CHICAGO CABLE TV, TCI CHICAGO, OR TCI-CHICAGO CABLE, DEFENDANT-APPELLEE. Labor & Employment Law</p> <p>Darryl N. Veazey, Plaintiff-Appellant v Communications & Cable of Chicago, Inc, dba TCI Communications Inc, Chicago Cable TV, TCI Chicago, or TCI-Chicago Cable, Defendant-Appellee....</p>	1999	Other Secondary Source	—	—
—	<p>373. SYMPHONY GRACE, PLAINTIFF, V. THOMASON NISSAN, AN OREGON CORPORATION, AND DAVID CAMPBELL, DEFENDANTS. Labor & Employment Law</p> <p>76 F. Supp.2d 1083 Symphony GRACE, Plaintiff, v. THOMASON NISSAN, an Oregon Corporation, and David Campbell, Defendants. GRACE v. THOMASON NISSAN, (Or. 1999)No. 98—177—HU.U.S....</p>	1999	Other Secondary Source	—	—
—	<p>374. ROWLAND, FORMER DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS, ET AL., V. CALIFORNIA MEN'S COLONY, UNIT II, MEN'S ADVISORY COUNCIL Labor & Employment Law</p> <p>506 U.S. 194 ROWLAND, FORMER DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS, ET AL., v. CALIFORNIA MEN'S COLONY, UNIT II, MEN'S ADVISORY COUNCIL ROWLAND v. CALIFORNIA MEN'S COLONY,...</p>	1993	Other Secondary Source	—	2 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
—	375. WILL V. MICHIGAN DEPARTMENT OF STATE POLICE ET AL. Labor & Employment Law 109 S.Ct. 2304 WILL v. MICHIGAN DEPARTMENT OF STATE POLICE ET AL. WILL v. MICHIGAN DEPT. OF STATE POLICE, 491 U.S. 58 (1989) CERTIORARI TO THE SUPREME COURT OF MICHIGAN No....	1989	Other Secondary Source	—	—
—	376. COUNTY OF ONEIDA, NEW YORK, ET AL. V. ONEIDA INDIAN NATION OF NEW YORK STATE ET AL. Labor & Employment Law 470 U.S. 226 COUNTY OF ONEIDA, NEW YORK, ET AL. v. ONEIDA INDIAN NATION OF NEW YORK STATE ET AL. COUNTY OF ONEIDA v. ONEIDA INDIAN NATION, 470 U.S. 226 (1985) CERTIORARI TO THE...	1985	Other Secondary Source	—	1 S.Ct.
—	377. SOUTHLAND CORP. ET AL. V. KEATING ET AL. Labor & Employment Law 465 U.S. 1 SOUTHLAND CORP. ET AL. v. KEATING ET AL. SOUTHLAND CORP. v. KEATING, 465 U.S. 1 (1984) APPEAL FROM THE SUPREME COURT OF CALIFORNIA No. 82—500. Argued October 4, 1983...	1984	Other Secondary Source	—	—
—	378. THELMA DAVIS V. UNITED STATES STEEL SUPPLY, DIVISION OF UNITED STATES STEEL CORPORATION, APPELLANT. Labor & Employment Law 688 F.2d 166 THELMA DAVIS v. UNITED STATES STEEL SUPPLY, DIVISION OF UNITED STATES STEEL CORPORATION, APPELLANT. DAVIS v. UNITED STATES STEEL SUPPLY, ETC., 688 F.2d 166 (3rd Cir....	1982	Other Secondary Source	—	—
—	379. P 305,510 OHIO V. U.S. Medicare and Medicaid Guide Ohio v. U.S. ¶ 305,510. U.S. District Court, S.D. Ohio, Doc. No. 2:15-cv-00321-ALM-NMK, January 5, 2016. THE STATE OF OHIO, et al. Plaintiffs, v. UNITED STATES OF AMERICA, et al....	2016	Other Secondary Source	—	—
—	380. P 300,447 VERMONT AGENCY OF NATURAL RESOURCES V. UNITED STATES EX REL. STEVENS. Medicare and Medicaid Guide Vermont Agency of Natural Resources v. United States ex rel. Stevens. ¶ 300,447. U.S. Supreme CourtNo. 98-1828May 22, 2000, 120 S.Ct. 1858, 2000 U.S. LEXIS 3428 NOTE: Where it is...	2000	Other Secondary Source	—	—
—	381. P 300,176 U.S. EX REL. LONG V. SCS BUSINESS TECHNICAL INSTITUTE, INC., ET AL. Medicare and Medicaid Guide U.S. ex rel. Long v. SCS Business Technical Institute, Inc., et al. ¶ 300,176. U.S. Court of Appeals, District of Columbia CircuitNo. 98-5133April 2, 1999, 335 U.S. App. D.C. 331,...	1999	Other Secondary Source	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>382. MED-GUIDE 1981-1 MED-GUIDE-TB P 30,746, MEDICARE BENEFICIARY'S RIGHT TO HEARING-LESS THAN \$ 100 IN CONTROVERSY--GRAY PANTHERS, ET AL. V. SCHWEIKER.</p> <p>Medicare and Medicaid Guide</p> <p>U.S. Court of Appeals, District of Columbia Circuit,, No. 79-1603,, Mar. 18, 1981. 652 F2d 146 Before: WILKEY, WALD, and EDWARDS, Circuit Judges., On rehearing. Notices,...</p>	1981	Other Secondary Source	—	—
—	<p>383. P 305,440 THE STATE OF OHIO, ET AL. PLAINTIFFS, V. UNITED STATES OF AMERICA, ET AL. DEFENDANTS.</p> <p>Pension Plan Guide (CCH)</p> <p>THE STATE OF OHIO, et al. Plaintiffs, v. UNITED STATES OF AMERICA, et al. Defendants. Case No. 2:15-cv-321. U.S. District Court, S.D. OhioEASTERN DIVISION. January 5, 2016. JUDGE...</p>	2016	Other Secondary Source	—	—
—	<p>384. P 92,420 JO ANNE B. BARNHART, COMMISSIONER OF SOCIAL SECURITY V. SIGMON COAL COMPANY, INC., FULL-TEXT COURT DECISION</p> <p>Pension Plan Guide (CCH)</p> <p>JO ANNE B. BARNHART, COMMISSIONER OF SOCIAL SECURITY v. SIGMON COAL COMPANY, INC., Full-Text Court Decision U.S. Supreme Court, No. 00-1307, Cite as: 534 U.S. _____ (2002)...</p>	2002	Other Secondary Source	—	—
—	<p>385. LINEAR PROJECTS</p> <p>Rocky Mountain Mineral Law Foundation Institute</p> <p>Indian reservations in the Western United States are commonly comprised of a haphazard checkerboard of tribal, allotted, and fee lands. This fragmented ownership, together with the...</p>	2017	Other Secondary Source	—	—
—	<p>386. INDIAN LANDS RIGHTS-OF-WAY</p> <p>Rocky Mountain Mineral Law Foundation Institute</p> <p>Indian reservations in the Western United States are commonly comprised of a haphazard checkerboard of fee, tribal, and allotted lands. This fragmented ownership, together with...</p>	2014	Other Secondary Source	—	—
—	<p>387. THE NON-INTERCOURSE ACT AND STATUTORY RESTRICTIONS ON TRIBAL RESOURCE DEVELOPMENT AND CONTRACTING</p> <p>Rocky Mountain Mineral Law Foundation Institute</p> <p>This paper addresses two statutes that underpin Federal Indian policy, the Nonintercourse Act and the Indian Contracts Statute, and considers them in relation to natural resource...</p>	2005	Other Secondary Source	—	—
—	<p>388. ACCESSING INDIAN LANDS FOR MINERAL DEVELOPMENT</p> <p>Rocky Mountain Mineral Law Foundation Institute</p> <p>Indian reservations in the Western United States are commonly comprised of a haphazard checkerboard of fee, tribal, and allotted lands. This fragmented ownership, together with...</p>	2005	Other Secondary Source	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>389. INDIAN LANDS - SURFACE ACCESS AND USE Rocky Mountain Mineral Law Foundation Institute</p> <p>Indian reservations in the Western United States are commonly comprised of a haphazard checkerboard of fee, tribal, and allotted lands. This fragmented ownership, together with...</p>	2005	Other Secondary Source	—	—
—	<p>390. EMERGING INDIAN WATER RIGHTS: AN ANALYSIS OF RECENT JUDICIAL AND LEGISLATIVE DEVELOPMENTS Rocky Mountain Mineral Law Foundation Institute</p> <p>Water is the most precious of natural resources in the American west. Without it, there would be few thriving cities, few substantial industrial and mining activities, and little...</p>	1980	Other Secondary Source	—	—
—	<p>391. P 69,155 CALIFORNIA STATE BOARD OF OPTOMETRY, PETITIONER V. FEDERAL TRADE COMMISSIONER, RESPONDENT, NATIONAL ASSN. OF OPTOMETRISTS AND OPTICIANS, INTERVENOR, AND CONSOLIDATED CASE NOS. 89-1191, 89-1202, 89-1293, 89-1301 Trade Regulation Reporter (Trade Cases)</p> <p>California State Board of Optometry, Petitioner v. Federal Trade Commissioner, Respondent, National Assn. of Optometrists and Opticians, Intervenor, and consolidated case Nos....</p>	1990	Other Secondary Source	—	—