

The Honorable Betty B. Fletcher Indian Law Opinions

Case	Opinion
Crow Tribe of Indians v. State of Mont., 650 F.2d 1104 (9th Cir. 1981)	Wrote Opinion and Reversed D. Ct. in Favor of Tribe and holding: the state did not have authority to tax Coal in Indian Country.
Puyallup Indian Tribe v. Port of Tacoma, 717 F.2d 1251 (9th Cir. 1983)	Wrote Opinion and Affirmed D. Ct. in favor of Tribe and holding: the Tribe had title to submerged land under navigable waters because of avulsion.
Cultee v. U.S., 713 F.2d 1455 (9th Cir. 1983)	Wrote Opinion and Affirmed D. Ct. in favor of DOI and Tribal members and holding that a will devising restricted Indian land to a nonmember is not a valid devisee under state and federal Indian probate law.
U.S. v. Adair, 723 F.2d 1394 (9th Cir. 1983)	Wrote Opinion and Affirmed D. Ct. in favor of tribe and holding that: despite the Klamath Tribe's termination, Indian successors to allotted land retain water rights, and tribal members retained sufficient water rights to exercise hunting and fishing treaty right.
Blackfeet Tribe of Indians v. State of Mont. 729 F.2d 1192 (9th Cir. 1984)	Wrote Opinion and affirmed in part for Tribe and holding that: the state taxes on minerals harvested within Indian Country were permissible, provided that Congress consented.
National Farmers Union Ins. Companies v. Crow Tribe of Indians, 736 F.2d 1320 (9th Cir. 1984)	Wrote Opinion and reversed in favor of the Tribal court having jurisdiction over the tort claim.
Andersen v. Bureau of Indian Affairs, 764 F.2d 1344 (9th Cir. 1985)	Wrote Opinion and affirmed in favor of the Tribe, holding that: the leasees were in default of their lease.
White Mountain Apache Tribe v. Williams, 798 F.2d 1205 (9th Cir. 1985)	Wrote Dissenting Opinion in favor of Tribe's claim that the state could not exert fuel use tax.
U.S. ex rel. Chunie v. Ringrose, 788 F.2d 638 (9th Cir. 1986)	Wrote Opinion and reversed in favor of Tribe's aboriginal title to land lost to California but that the Tribe failed to pursue their claim under the appropriate means within the land grant, i.e., Treaty of Hidalgo.
Assiniboine and Sioux Tribes of Fort Peck Indian Reservation v. Board of Oil and Gas Conservation of State of Montana, 792 F.2d 782 (9th Cir. 1986)	Wrote Opinion and reversed in favor of Tribes' claim against a Montana regulatory board alleging its authority to authorize oil wells within Indian Country was impermissible.
Chemehuevi Indian Tribe v. California State Bd. of Equalization, 800 F.2d 1446 (9th Cir. 1986)	Wrote Opinion, on remand from SCOTUS, holding that: the California's tobacco taxes on sales to non-Indians in Indian country were lawful.
Confederated Tribes and Bands of Yakima Indian Nation v. Whiteside, 828 F.2d 529 (9th Cir. 1987)	Wrote Opinion, holding that: county had no authority to zone non-Indian fee land, within the reservation boundary.
Donnelly v. U.S., 850 F.2d 1313 (9th Cir. 1988)	Wrote Opinion, affirming the dismissal of: a homesteader's claim that the native corporation's land was held in constructive trust for homesteader, and the disputed land held by a native corporation was preempted by the ANCSA.
Donnelly v. U.S., 841 F.2d 968 (9th Cir. 1988)	Wrote Opinion, overturning prior case, and held that homesteader's common-law claim against native American corporation was preempted by the ANCSA
Sanders v. Robinson, 864 F.2d 630 (9th Cir. 1988)	Wrote Opinion, affirming, that tribal trial court had jurisdiction over divorce proceeding involving a non-Indian defendant.
McClendon v. U.S., 885 F.2d 627 (9th Cir. 1989)	Wrote Opinion, affirming, that tribe's action against lessee did not function as a sovereign immunity waiver; tribe's unambiguous consent was not found; and because the tribe was an indispensable party, the action could not proceed against the U.S.
Sisseton-Wahpeton Sioux Tribe, of Lake Traverse Indian Reservation, North Dakota and South Dakota v. U.S., 895 F.2d 588 (9th Cir. 1990)	Wrote Opinion, affirming, that the tribe's claim was barred by Statute of Limitations.
U.S. v. Orr Water Ditch Co., 914 F.2d 1302 (9th Cir. 1990)	Wrote Opinion, affirming, that the cities' application to divert water from an already established agreement, thereby negatively affecting Tribes, was not lawful.

Gila River Indian Community v. Waddell, 967 F.2d 1404 (9th Cir. 1992)	Wrote Opinion, reversing, that: the state did not have authority to tax tribal ticket and concession sales to non-Indians.
LaPier v. McCormick, 986 F.2d 303 (9th Cir. 1993)	Wrote Opinion, affirming, that: the defendant was not an Indian, for criminal jurisdiction purposes, where the band he claimed to be enrolled member was not a federally acknowledged tribe.
Red Mountain Machinery Co. v. Grace Inv. Co., 29 F.3d 1408 (9th Cir. 1994)	Wrote Opinion, reversing, that: the state's lien statute was not preempted and non-Indian supplier could enforce a lien on non-Indian lessee, leasing from Tribe on reservation.
Salt River Pima-Maricopa Indian Community v. State of Ariz., 50 F.3d 734 (9th Cir. 1995)	Wrote Opinion, affirming, that: preemption did not bar state tax on non-Indian goods sold on reservation land by non-Indian sellers to non-Indian buyers.
Salt River Pima-Maricopa Indian Community v. Yavapai County, 50 F.3d 739 (9th Cir. 1995)	Wrote Opinion, affirming, that: a state could tax a tribe's real property owned off reservation as the tax was not discriminatory due to the analogous status of the Tribe to a foreign nation owning land within the U.S.
Masayesva for and on Behalf of Hopi Indian Tribe v. Hale, 118 F.3d 1371 (9th Cir. 1997)	Concurred in part and dissented that: the court should not apply a negligence standard to the federal government's conduct as it is a trustee for the Hopi Tribe and owes it an affirmative duty.
U.S. v. Doe, 155 F.3d 1070 (9th Cir. 1998)	Agreed with dissent, that because the Indian juvenile was charged with a federal crime, the juvenile's parents should immediately be notified.
Blunk v. Arizona Dept. of Transp., 177 F.3d 879 (9th Cir. 1999)	Agreed in judgment and concurring in reasoning that: since the land in dispute was not Indian Country, no further analysis of definitions of Indian Country under 18 USC §1151 was needed.
Owens Valley Indian Housing Authority v. Turner, 185 F.3d 1029 (9th Cir. 1999)	Wrote Opinion, affirming, that: federal court could not hear suit based on lack of subject matter jurisdiction; tribe could not entertain suit because lack of a court; and state was barred from hearing it.
Nevada v. Hicks, 196 F.3d 1020 (9th Cir. 1999)	Wrote Opinion affirming and holding that: the Tribal Court had civil jurisdiction over Tribal member's claims against the State officials for actions arising on Indian land in Indian country; State officials failed to exhaust their remedies in tribal court with respect to sovereign and qualified immunity.
U.S. v. Webb, 219 F.3d 1127 (9th Cir. 2000)	Wrote Opinion, affirming, that: Treaty to Trust to Carcieri: The Economic Future for Indian the Nez Perce reservation was not diminished, thereby, the criminal defendant can be tried in tribal court.
AT & T Corp. v. Coeur d'Alene Tribe, 295 F.3d 899 (2002)	Wrote Opinion, reversed in favor of Tribe and held that: (1) the Federal Communications Act (FCA) deprived tribal court of jurisdiction over tribe's suit, and (2) approval by National Indian Gaming Commission of management contract and tribal resolution authorizing lottery constituted final agency decision that lottery complied with Indian Gaming Regulatory Act, and, thus, states acted without jurisdiction in issuing letters, and tribe and company could continue their activities.
AT & T Corp. v. Coeur D'Alene Tribe, 283 F.3d 1156 (9th Cir. 2002)	Wrote Opinion, and held that: (1) the Federal Communications Act deprived tribal court of jurisdiction over tribe's suit, and (2) states acted without jurisdiction in issuing letters warning telephone company that furnishing interstate toll-free service for lottery would violate federal and state laws.
Navajo Nation v. Dept. of Health & Human Services, 285 F.3d 864 (9th Cir. 2002)	Wrote Dissenting Opinion, that: the court improperly afforded DHHS the authority to deny TANF contracts operated under the guise of self-determination contracts.
U.S. v. Errol D., Jr., 292 F.3d 1159 (9th Cir. 2002)	Wrote Opinion, vacating holding that: the federal district court lacked jurisdiction to try the juvenile for burglary of a government building as charged under the Indian Major Crimes Act.
Native Village of Quinagak v. U.S., 307 F.3d 1075 (9th Cir. 2002)	Wrote Opinion, affirming and reversing, holding, that: villages were entitled to fees, and district court had discretion to award fees for pre-litigation administrative activities.
Solomon v. Interior Regional Housing Authority, 313 F.3d 1194 (9th Cir. 2002)	Wrote Dissenting Opinion that: the court erred in failing give the plaintiff a private right of action under 25 U.S.C. § 450e.
Boozer v. Wilder, 381 F.3d 931 (9th Cir. 2004)	Wrote Opinion, affirming that: tribal court has jurisdiction over custody matters and father must exhaust tribal remedies before going to federal court.
U.S. v. Smith, 387 F.3d 826 (9th Cir. 2004)	Wrote Opinion, holding that: a law prohibiting retaliation against a federal witness was a law of nationwide applicability that could be applied to crimes committed by and against Indians in Indian country.
U.S. v. Milner, 583 F.3d 1174 (9th Cir. 2009)	Wrote Opinion, affirming that: the U.S.'s trespass claim, on behalf of Indian tribe, under the Rivers and Harbors Appropriation Act of 1899 is successful and the Clean Water Act claim required more facts.