

ON

# IANS TAXED AND INDIANS NOT

IN

# THE UNITED STATE

(EXCEPT ALASKA)

AT THE

ELEVENTH CENSUS: 1890.



WESTINGTON D.C.

Judge - -I would join. Yer Jack

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

1st DRAFT

From: Blackmun, J.

Recirculated:

SUPREME COURT OF THE UNITED STATES

Nos. 73-362 AND 73-364

Rogers, C. B. Morton, Secre-)

tary of the Interior, et al.,
Appellants,
73-362 v.

C. R. Mancari et al.

Amerind, Appellant, 73–364 v.

C. R. Mancari et al.

On Appeals from the United States District Court for the District of New Mexico.

7.7.0

[June —, 1974]

Mr. Justice Blackmun delivered the opinion of the Court.

The Indian Reorganization Act of 1934 accords an employment preference for qualified Indians in the Bureau of Indian Affairs [BIA]. Appellees, non-Indian BIA employees, challenged this preference as contrary to the anti-discrimination provisions of the Equal Employment Opportunity Act of 1972, and as violative of the Due Process Clause of the Fifth Amendment. A three-judge federal district court concluded that the Indian preference under the 1934 Act was impliedly repealed by the 1972 Act. Mancari v. Morton, 359 F. Supp. 585 (N. M. 1973). We noted probable jurisdiction in order to examine the statutory and constitutional validity of this longstanding Indian preference. 414 U. S. —— (1974).

Joni

Renewed

# ORTON V. MANCARI

FEDERAL GTATUTEG RATIONALLY
RELATED TO THE FULFILLMENT
OF THE TRUGT REGPONGIBILITY
ARE CONGTITUTIONALLY VALID.

41st Congress, 3d Session.

SENATE.

REPORT No. 268

# HE FOURTEENTH AMENDMENT

IN THE SENATE OF THE UNITED STATES.

DECEMBER 14, 1870.—Ordered to be printed.

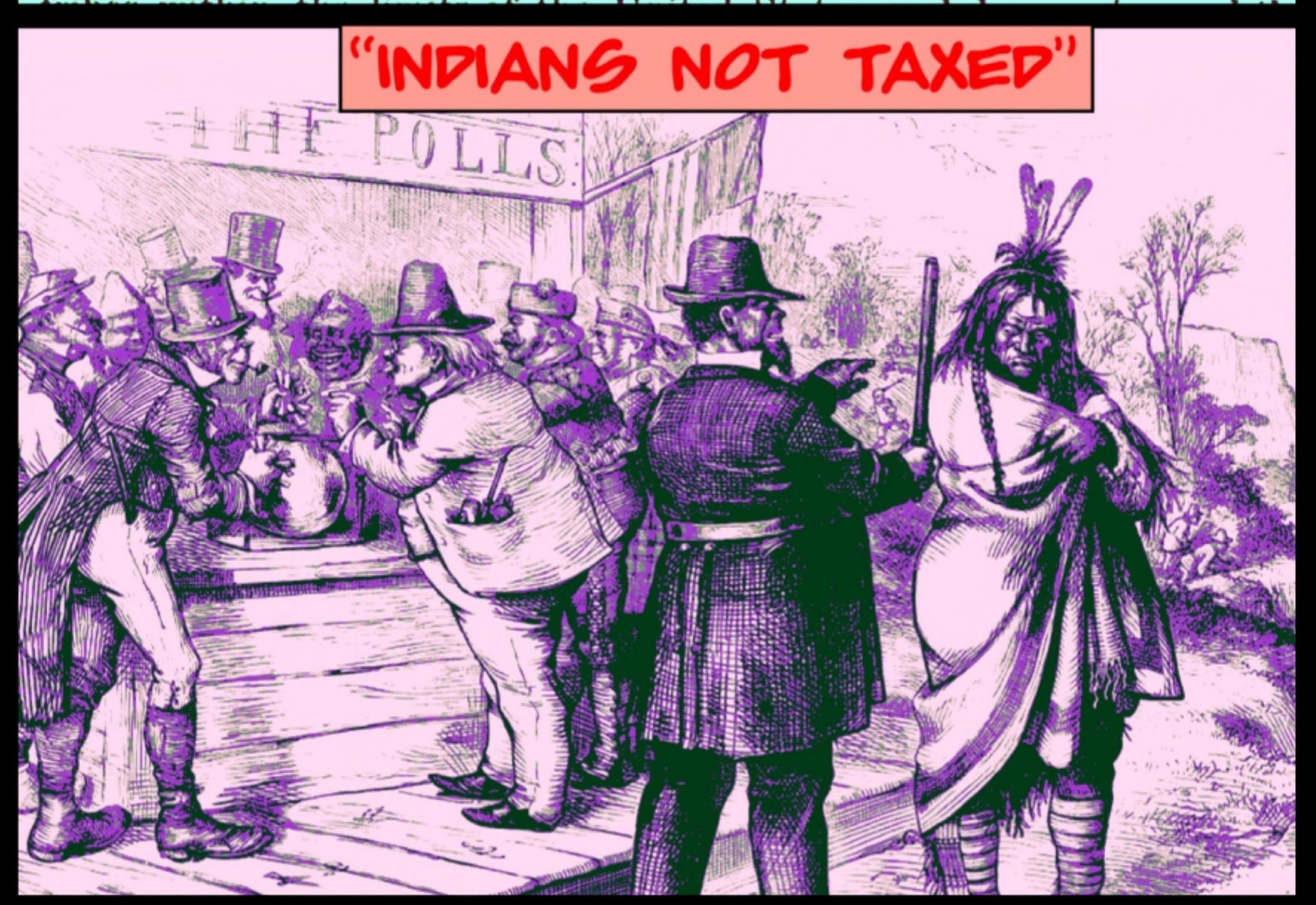
\_\_\_\_\_

Mr. Carpenter, from the Committee on the Judiciary, submitted the following

## REPORT.

The Committee on the Judiciary, who were instructed by resolution of the Senate, of April 7, 1870, "to inquire into and report to the Senate the effect of the fourteenth amendment to the Constitution upon the India tribes of the country; and whether by the provisions thereof the Indian are not citizens of the United States, and whether thereby the various treaties heretofore existing between the United States and the various Indian tribes are, or are not annulled," respectfully report:

That in the opinion of your committee the fourteenth amendment to the Constitution has no effect whatever upon the status of the Indian





SAL Covid hypomane

Serious issues

Third

Modifieds hypo-on-rez

Dractical Problems

- 1 And suppose Congress says Indians -- the Indian
- 2 population on the whole has more people with
- 3 complications -- with -- with factors that make
- 4 them more vulnerable to serious consequences
- from getting COVID, and, therefore, they should
- get preference over others in the -- in the
- 7 distribution of vaccines.

MR. GERSHENGORN: So, Your Horz, the

AGAIN, THE TEGT IS WHETHER THE ACT OF CONGREGG IS RATIONALLY RELATED TO THE FULFILLMENT OF THE TRUGT REGPONGIBILITY. THE ANGWER TO YOUR GPECIFIC QUESTION IS THAT IS DEPENDE ON THE POLICY DETERMINATION OF CONGREGG. YOUR HYPOTHETICALS ARE IRRELEVANT BECAUSE YOU PON'T OFFER ANY SUGGESTED CONGREGGIONAL POLICY JUDGMENTS. ALSO, FACIAL CHALLENGE.



BL 2) Mand college admissions

EV More difficult [A]

JUSTICE KAVANAUGH: How about Congress decides for the -- to help the tribes and tribal members that it's going to mandate that states give a preference in college admissions to American Indians?

MR. KNEEDLER: Again, I think that

ANOTHER EAGY ONE. ABGOLUTELY YEG CONGREGG COULD GIVE A PREFERENCE TO NATIVE COLLEGE APPLICANTS. LONG HIGTRY OF GUTTING TRIBAL EDUCATIONAL PROGRAMS, BOARDING SCHOOLS, ADOPTION PROJECT, PUNIGHING NATIVE CHILDREN FOR GPEAKING THEIR LANGUAGE. GUCH AN EAGY QUESTION.



# St. former at time St. tomorows

MR. KNEEDLER: Seriously misguided.

JUSTICE ALITO: -- if it were -- yeah.

4 Okay. If it were to do it tomorrow, would that

fall outside Congress's plenary power?

MR. KNEEDLER: Well, I -- it has to be

7 -- the plenary power, I mean, I think there are

8 at least two -- two things to bear in mind about

9 this. I think Congress, when dealing with a

10 tribe in its political capacity, has a great

GTILL NOT RATIONALLY
RELATED TO THE
FULFILLMENT OF THE
TRUGT REGPONGIBILITY.

GO THE RATIONS JOKE?
NOT FUNNY? TOO GOON?
I MEAN, TRAGEGY PLUS
TIME EQUALS COMEDY,
RIGHT?



Do Individual prembers,

bud acts at the are

not rationally related

SA differs from order rat. bass

K year but defer to core

tribal nember children is

JUSTICE ALITO: Yeah, in equal

protection. What's the -- what's the level of

scrutiny for a classification that disfavors

Indians, a rational basis?

MR. KNEEDLER: Well, as I sale before,

15 If what Congress does is act on the tribe

6 in a political manner, saying your -- you know,

17 your -- your -- your powers are diminished or

18 expanded, that -- that's a political

YES, SEE, FOR EXAMPLE, THE MAJOR ORIMES ACT.
AGAIN, THE TEST IS RATIONALLY RELATED TO THE
FULFILLMENT OF THE TRUST RESPONSIBILITY.



CS Indian family want to
adopt but not Indian
nembers our want them
to
Does it trop bost Interests

C long adopted baseline roles

A non-Indian couple comes forward and says we would like to adopt the six-month-old 17 baby, and they check all the boxes under, you 18 know, best interests of the child. In other 19 words, in normal circumstances, this would be a 20 perfect placement for the child. But non-family members of the tribe 22 say that, no, they think it would be better for the child to be raised with the trib on the 23 24 reservation.

Does - that priority trump the



# SHITTING ON OUR PARADE.

HAALAND v. BRACKEEN

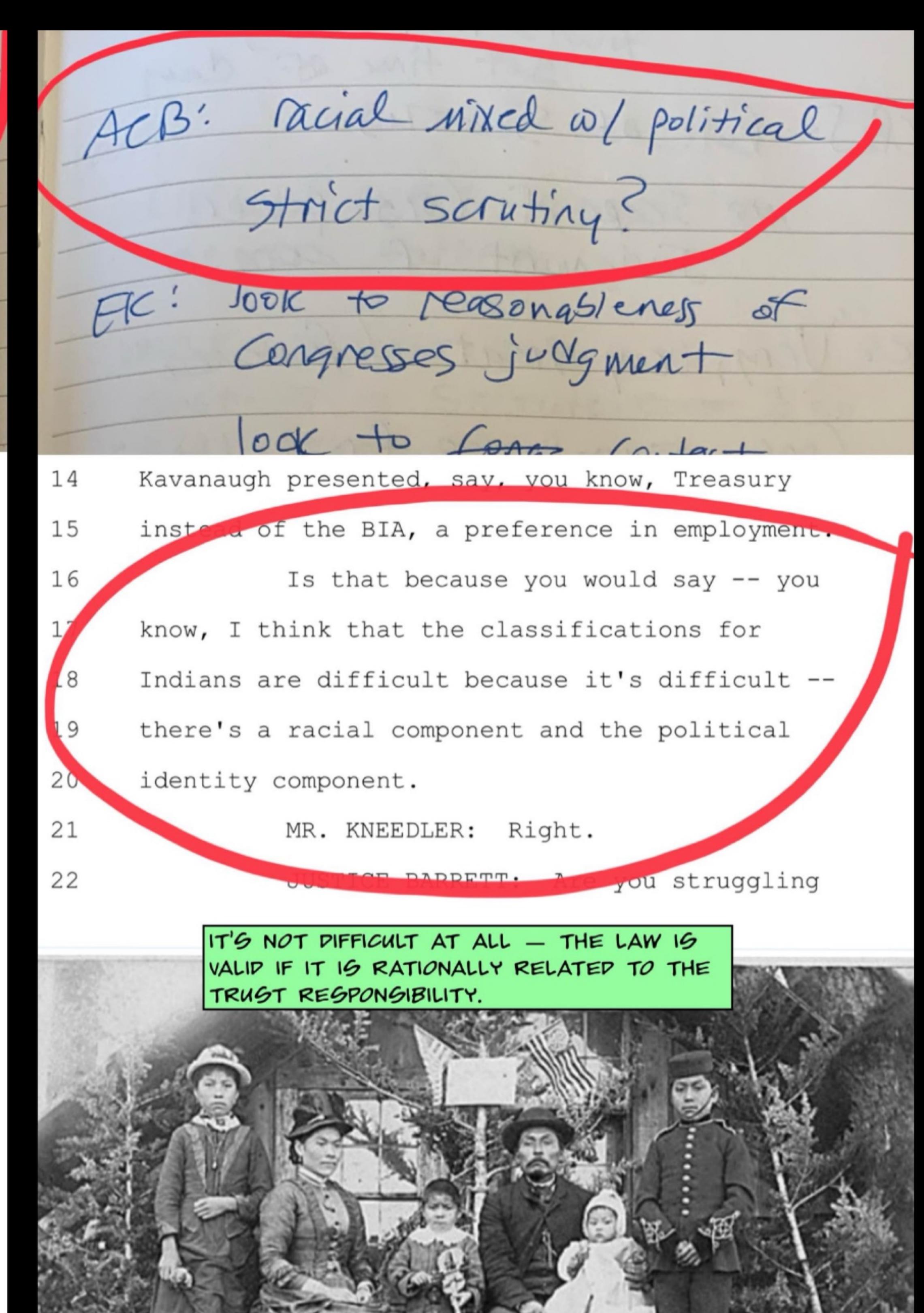
KAVANAUGH, J., concurring

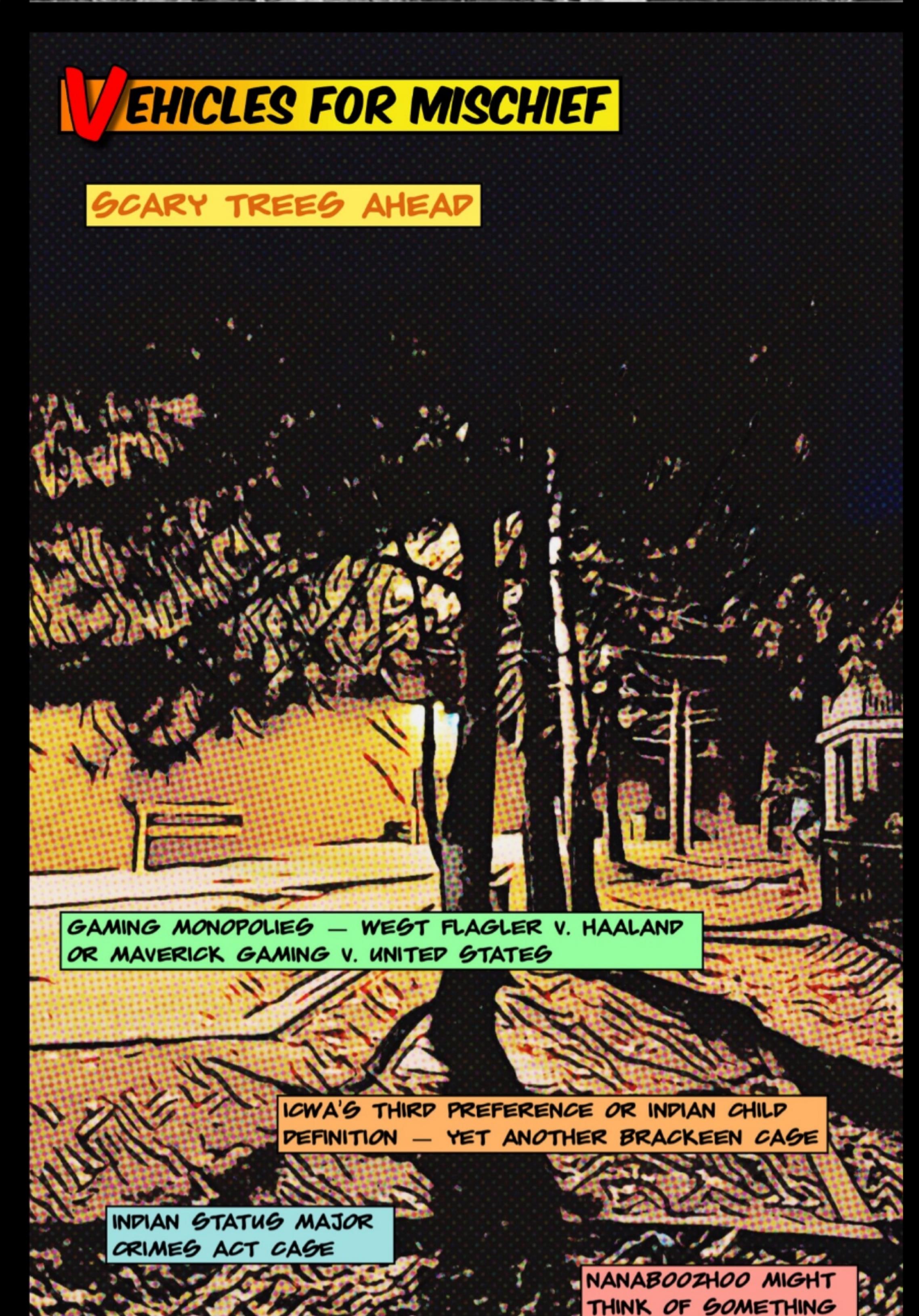
against federal parties lack standing to raise the equal protection issue. So the equal protection issue remains undecided.

In my view, the equal protection issue is serious. Under the Act, a child in foster care or adoption proceedings may in some cases be denied a particular placement because o the child's race—even if the placement is otherwise determined to be in the child's best interests. And a prespective foster or adoptive parent may in some cases be denied the opportunity to foster or adopt a child because of the prespective parent's race. Those scenario raise significant questions under bedrock equal rotection

to conduct **BRACKEEN AND WEST FLAGLER** and not off-reservation gaming operations. 71 F. 4th 1059, 1062, 1065–1068 (2023); Response in Opposition to Application for Stay 7–10, 13–14. If the compact authorized the Tribe to conduct off-reservation gaming operations, either directly or by deeming off-reservation gaming operations to somehow be on-reservation, then the compact would likely violate the Ladian Gaming Regulatory Act, as the District Court explained. 573 F. Supp. 3d 260, 272–274 (DC 2021); see 25 U. S. C. §§2710(d)(1), (d)(8)(A).

To the extent that a separate Florida statute (as distinct from the compact) authorizes the Seminole Tribe—and only the Seminole Tribe—to conduct certain off-reservation gaming operations in Florida, the state law raises serious equal protection issues. See Students for Fair Admissions Inc. v. President and Fellows of Harvard College, 600 U.S. 181, 206 (2023); Adarand Constructors, Inc. v. Peō., 515





ELGE TO TEGT UG

## ORAL ARGUMENT NOT YET SCHEDULED

No. 24-5011

# IN THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

MICHAEL HILL, et al. *Plaintiffs – Appellants*,

 $\mathbf{v}$ 

UNITED STATES DEPARTMENT OF THE INTERIOR, et al. Defendants – Appellees.

On Appeal from the United States District Court for the District of Columbia No. 1:22-CV-01781 (Chief Judge James E. Boasberg)

#### APPELLANTS' OPENING BRIEF

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23-862

FEB - 8 2024

FILED

No. \_\_\_\_

IN THE

## Supreme Court of the United States

West Flagler Associates, Ltd., et al.,
Petitioners,

V.

Debra Haaland, et al.,

Respondents.

On Petition for Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit

#### PETITION FOR WRIT OF CERTIORARI

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Case: 24-1751 Document: 10 Filed: 06/10/2024 Pages: 86

#### No. 24-1751

## In the United States Court of Appeals for the Seventh Circuit

WAUKEGAN POTAWATOMI
CASINO, LLC, an Illinois limited
liability company,

Plaintiff-Appellant,

v.

Case No. 1:20-cv-00750

THE CITY OF WAUKEGAN, an
Illinois municipal corporation,

Defendant-Appellee.

Defendant-Appellee.

#### BRIEF AND APPENDIX OF PLAINTIFF-APPELLANT WAUKEGAN POTAWATOMI CASINO, LLC

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Counsel for Plaintiff-Appellant Waukegan Potawatomi Casino, LLC No. 21-\_\_\_

## In the Supreme Court of the United States

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STATE OF OKLAHOMA,

Petitioner,

v.

ROBERT ERIC WADKINS,

Respondent.

On Petition for a Writ of Certiorari to the Oklahoma Court of Criminal Appeals

## PETITION FOR A WRIT OF CERTIORARI

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FEBRUARY 25, 2022

COUNSEL FOR PETITIONER



Indians are volunteering in the armed forces of the United States in increasing numbers. Jesse McNevins, Cherokee; Corporal Tommy Hattensty, Choctaw; and Sergeant Douglas Burris, Chickasaw, members of Company H, 179th Infantry, Oklahoma National Guard, were among the representatives of twenty-eight Indian tribes found among the troops assembled for Third Army Maneuvers in Louisiana.