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Moe v. Confederated Salish and Kootenai Tribes of Flathead Reservation

425 U.S. 463 (1976)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University



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

CHAMBERS OF
THE CHIEF JUSTICE

April 14, 1976

Re: (74-1656 - Moe v. Confederated Salish & Kootenai Tribes
(75-50 - Confederated Salish & Kootenai Tribes v. Moe)

Dear Bill:

I join your April 1 circulation.

Regards,

WRB

Mr. Justice Rehnquist

Copies to the Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

April 22, 1976

RE: Nos. 74-1656 & 75-50 Moe v. The Confederated Salish
and Kootenai Tribes of the Flathead Reservation, et al.

Dear Bill:

I agree.

Sincerely,

Bill

Mr. Justice Rehnquist

cc: The Conference

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

CHAMBERS OF
JUSTICE POTTER STEWART

April 5, 1976

Re: Nos. 74-1656 and 75-50
Moe v. Salish & Kootenai Tribes

Dear Bill,

I am glad to join your opinion for
the Court in these cases.

Sincerely yours,

P.S.
✓

Mr. Justice Rehnquist

Copies to the Conference

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

April 9, 1976

Re: Nos. 74-1656 & 75-50 - Moe v. Confederated
Salish and Kootenai Tribes

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Rehnquist

Copies to Conference

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

April 22, 1976

Re: Nos. 74-1656 and 75-50, Moe v. Salish &
Kootenai Tribes

Dear Bill:

Please join me.

Sincerely,

T.M.
T. M.

Mr. Justice Rehnquist

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

April 8, 1976

Re: No. 74-1656 - Moe v. Confederated Salish and Kootenai
Tribes of Flathead Reservation
No. 75-50 - Confederated Salish and Kootenai Tribes of
Flathead Reservation v. Moe

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Rehnquist

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

April 3, 1976

No. 74-1656 Moe v. Confederated Salish and
Kootenai Tribes
No. 75-50 Confederated Salish and Kootenai
Tribes v. Moe

Dear Bill:

Please join me.

Sincerely,

Mr. Justice Rehnquist

CC: The Conference

Lewis

To: The Chief Justice
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Stevens

From: Mr. Justice Rehnquist

Circulated: 478 1976

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 74-1656 AND 75-50

John C. Moe, etc., et al.,
Appellants,

74-1656 v.

The Confederated Salish
and Kootenai Tribes of
the Flathead Reserva-
tion et al.

The Confederated Salish
and Kootenai Tribes of
the Flathead Reserva-
tion et al., Appellants,

75-50 v.

John C. Moe, etc., et al.

On Appeals from the United
States District Court for
the District of Montana.

[April —, 1976]

MR. JUSTICE REHNQUIST delivered the opinion of the Court.

We are called upon in these appeals to resolve several questions arising out of a conflict between the asserted taxing power of the State of Montana and the immunity claimed by the Confederated Salish and Kootenai Tribes (Tribe) and its members living on the tribal reservation. Convened as a three-judge court,¹ the District Court for the District of Montana considered separate attacks on the State's cigarette sales and personal property taxes as applied to reservation Indians. After finding that the suits were not barred by the prohibition of 28 U. S. C.

¹ See 28 U. S. C. § 2281.

To: The Chief Justice
Mr. Justice Brennan
Mr. Justice Stewart
Mr. Justice White
Mr. Justice Marshall
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Stevens

From: Mr. Justice Rehnquist

Circulated _____

Recirculated: APR 21 1976

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 74-1656 AND 75-50

John C. Moe, etc., et al.,
Appellants,

74-1656 v.

The Confederated Salish
and Kootenai Tribes of
the Flathead Reserva-
tion et al.

The Confederated Salish
and Kootenai Tribes of
the Flathead Reserva-
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¹ See 28 U. S. C. § 2281.

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

April 22, 1976

Re: Nos. 74-1656 and 75-50 - Moe v. The Confederated
Salish and Kootenai Tribes, et al.

Dear Bill:

Thanks for your note of April 22nd regarding the suggested deletion of the reference to Zahn at the end of footnote 7 in the opinion. Perhaps a cite to Zahn without any "signal" would portend a possible answer to the questions discussed in your letter, but it seems to me that the way the citation is referenced now, "See e.g.," sufficiently diffuses the reference so as to make it perfectly consistent with other parts of the opinion. This far down the road I am not disposed to delete it.

Sincerely,

Bill

Mr. Justice Brennan

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

April 2, 1976

Re: 74-1656 and 75-50 - Moe v. The Confederated
Salish and Kootenai Tribes, etc., et al.

Dear Bill:

Please join me.

Respectfully,



Mr. Justice Rehnquist

Copies to the Conference