

The Burger Court Opinion Writing Database

National Farmers Union Insurance Cos. v. Crow Tribe

471 U.S. 845 (1985)

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

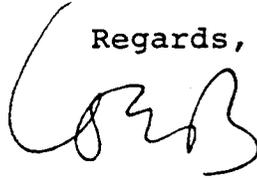
May 24, 1985

Re: 84-320 - National Farmers Union v. Crow
Tribe of Indians

Dear John:

I join.

Regards,



Justice Stevens

Copies to the Conference

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

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

April 29, 1985

No. 84-320

National Farmers Union
Insurance Co. v. Crow Tribe
of Indians

Dear Thurgood and Harry,

We three voted to affirm and our six colleagues to remand in the above. I think the chances are good that much of what John will write for the Court will be satisfactory to us. May I suggest we defer assigning the dissent until we see if one is necessary?

Sincerely,

Justice Marshall

Justice Blackmun

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

CHAMBERS OF
JUSTICE W. J. BRENNAN, JR.

May 24, 1985

No. 84-320

National Farmers Union Insurance
Companies and Lodge Grass School
District No. 27 v. Crow Tribe of
Indians, et al.

Dear John,

I'm persuaded. Please join me.

Sincerely,



Justice Stevens

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

CHAMBERS OF
JUSTICE BYRON R. WHITE

May 28, 1985

84-320 - National Farmers Union Insurance
Companies and Lodge Grass School District
No. 27 v. Crow Tribe of Indians

Dear John,

Please join me.

Sincerely yours,



Justice Stevens

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

May 28, 1985

Re: No. 84-320-Nat'l Farmers Union Insurance, et al.
v. Crow Tribe of Indians, et al.

Dear John:

Please join me.

Sincerely,

JM.

T.M.

Justice Stevens

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

April 30, 1985

Re: No. 84-320, National Farmers Insurance Co. v. Crow Tribe

Dear Bill:

I agree that it is well to defer assigning any dissent in this case until we see if one is necessary.

Sincerely,



Justice Brennan

cc: Justice Marshall

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

May 28, 1985

Re: No. 84-320, National Farmers Ins. Co. v. Crow Tribe

Dear John:

Please join me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Harry", with a horizontal line underneath.

Justice Stevens

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 24, 1985

84-320 National Farmers Union v. Crow Tribe

Dear John:

Please join me.

Sincerely,

Lewis

Justice Stevens

lfp/ss

cc: The Conference

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



CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

May 24, 1985

Re: 84-320 - National Farmers Union v. Crow
Tribe of Indians

Dear John:

Please join me.

Sincerely,

Justice Stevens

cc: The Conference

REPRODUCED FROM THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

To: The Chief Justice
Justice Brennan
Justice White
Justice Marshall
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice O'Connor

From: **Justice Stevens**

Circulated: MAY 23 1985

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 84-320

NATIONAL FARMERS UNION INSURANCE COMPANIES AND LODGE GRASS SCHOOL DISTRICT NO. 27,
PETITIONERS *v.* CROW TRIBE OF INDIANS ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT

[May —, 1985]

JUSTICE STEVENS delivered the opinion for the Court.

A member of the Crow Tribe of Indians filed suit against the Lodge Grass School District No. 27 (School District) in the Crow Tribal Court and obtained a default judgment. Thereafter, the School District and its insurer, National Farmers Union Insurance Companies (National), commenced this litigation in the District Court for the District of Montana; that court was persuaded that the Crow Tribal Court had no jurisdiction over a civil action against a non-Indian and entered an injunction against further proceedings in the Tribal Court. The Court of Appeals reversed, holding that the District Court had no jurisdiction to enter such an injunction. We granted certiorari to consider whether the District Court properly entertained petitioners' request for an injunction under 28 U. S. C. § 1331.

The facts as found by the District Court are not substantially disputed. On May 27, 1982, Leroy Sage, a Crow Indian minor, was struck by a motorcycle in the Lodge Grass Elementary School parking lot while returning from a school activity. The school has a student body that is 85% Crow Indian and is located within the boundaries of the Crow Indian Reservation. However, the land on which the school is located is owned by the State, with a mineral reservation held by the Crow Tribe. Through his guardian, Flora Not

To: The Chief Justice
Justice Brennan
Justice White
Justice Marshall
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice O'Connor



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SEE PAGE 5

From: **Justice Stevens**

Circulated: _____

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2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 84-320

NATIONAL FARMERS UNION INSURANCE COMPANIES AND LODGE GRASS SCHOOL DISTRICT NO. 27,
PETITIONERS *v.* CROW TRIBE OF INDIANS ET AL.

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The facts as found by the District Court are not substantially disputed. On May 27, 1982, Leroy Sage, a Crow Indian minor, was struck by a motorcycle in the Lodge Grass Elementary School parking lot while returning from a school activity. The school has a student body that is 85% Crow Indian and is located within the boundaries of the Crow Indian Reservation. However, the land on which the school is located is owned by the State, with a mineral reservation held by the Crow Tribe. Through his guardian, Flora Not

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

June 4, 1985

MEMORANDUM TO THE CONFERENCE

Re: Cases held for National Farmers Union v.
Crow Tribe, 84-320

Two cases were held for National Farmers
Union:

(1) Richard B. Sanders v. John Robinson, 84-6021. Petitioner, a non-Indian, non-member of the Northern Cheyenne Tribe, raises several questions relating to the power of the Northern Cheyenne Tribal Court to adjudicate a divorce from his wife, a tribal member. That court, after finding that it had jurisdiction, entered a divorce decree dissolving petitioner's marriage. Petitioner did not move the court for a new trial or to amend its decree, and he did not file an appeal with the tribal appellate court. The federal district court granted summary judgment for respondents, concluding that §1331 gave it "jurisdiction to determine if the Northern Cheyenne Tribal Court exceeded its jurisdiction in granting a divorce between a non-Indian person and an Indian person." CA9, expressly relying on its decision in National Farmers Union, stated that petitioner "has no basis for a federal common law cause of action challenging the Tribal Court's jurisdiction over divorce proceedings. An Indian tribe's assumption of adjudicatory jurisdiction, as opposed to regulatory jurisdiction, does not create a federal cause of action." This conclusion is in direct conflict with our opinion in National Farmers Union. I will vote to grant, vacate and remand. ✓

(2) R.J. Williams Company v. Fort Belknap Housing Authority, 83-1811. Respondent Fort Belknap Housing

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

May 23, 1985

No. 84-320 National Farmers Union Insurance
Cos. v. Crow Tribe of Indians

Dear John,

Please join me.

Sincerely,

Sandra

Justice Stevens

Copies to the Conference