

# Jenner & Block Files Amicus Brief on Behalf of the Fort Mojave Indian Tribe Urging SCOTUS to Protect Tribal Sovereignty

## News

May 5, 2025

Jenner & Block filed an amicus brief before the Supreme Court of the United States on behalf of the Fort Mojave Indian Tribe in *South Point Energy Center LLC v. Arizona Department of Revenue*. The brief calls on the Court to reverse Arizona court rulings that upheld more than \$20 million in state property taxes on a power plant constructed and operated by South Point Energy Center, LLC, on the Tribe's reservation under a lease between the Tribe and South Point regulated by the US Department of the Interior in accordance with federal law.

The brief further urges the Court to uphold tribal sovereignty under express and implied preemption principles of federal Indian law, arguing: "The decisions of the Arizona courts fundamentally misconstrue the Indian Reorganization Act and drastically discount the strong tribal and federal interests at stake while according primacy to the State's general, nondescript interests in raising revenue."

"[T]hose decisions put the Tribe to an impossible choice—step aside and abdicate its own regulatory authority, or forego non-Indian development on tribal lands altogether. No sovereign should be put to that choice," the brief states.

Three federally recognized Native American tribes and four tribal organizations joined as amici curiae in support of the Fort Mojave Indian Tribe: Inter Tribal Council of Arizona, Navajo Nation, Gila River Indian Community, Morongo Band of Mission Indians, National Congress of American Indians, United South and Eastern Tribes, and Indian Gaming Association.

The Jenner & Block team on the matter includes Partners Charles W. Galbraith and Adam Unikowsky, and Associate Andy DeGuglielmo.

[Read More](#)

## Attachments

Brief of Fort Mojave Indian Tribe et al. as Amici Curiae in Support of Pet'r

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## **Related Capabilities**

Appellate and Supreme Court

Native American Law

## **Related Locations**

Washington, DC

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