

# SUPREME COURT OF THE UNITED STATES

## Morton v. Mancari

417 U.S. 535 (1974) · No. Nos. 73-362, 73-364 · Decided June 17, 1974

### SUMMARY

The Supreme Court held that the Indian employment preference established by the Indian Reorganization Act of 1934 was not impliedly repealed by the Equal Employment Opportunity Act of 1972. The Court further held that the preference did not violate the Fifth Amendment because it was rationally related to Congress's obligations toward federally recognized Indian tribes and the goal of Indian self-government. The judgment of the District Court for the District of New Mexico was reversed and the cases were remanded.

### CASE DETAILS

|                       |                                                                                                                                                                                                                                                                |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of the United States                                                                                                                                                                                                                             |
| WRITING FOR THE COURT | Justice Blackmun                                                                                                                                                                                                                                               |
| JURISDICTION          | Federal                                                                                                                                                                                                                                                        |
| DECIDED               | June 17, 1974                                                                                                                                                                                                                                                  |
| DOCKET                | Nos. 73-362, 73-364                                                                                                                                                                                                                                            |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                                                                          |
| PROCEDURAL POSTURE    | Appeal from a three-judge United States District Court for the District of New Mexico judgment holding that the Indian employment preference was impliedly repealed by the Equal Employment Opportunity Act of 1972 and permanently enjoining its enforcement. |
| STANDARD OF REVIEW    | The Court independently reviewed the statutory-repeal issue and evaluated the challenged classification under the Fifth Amendment's due process standard applicable to federal legislation.                                                                    |
| PRECEDENTIAL VALUE    | binding                                                                                                                                                                                                                                                        |
| PARTIES               | Morton, Secretary of the Interior, et al., Amerind v. Mancari et al.                                                                                                                                                                                           |

### TOPICS

- indian affairs
- federal employment law
- statutory interpretation
- due process
- constitutional law

### PRACTICE AREAS

federal Indian law

federal employment discrimination

constitutional law

statutory interpretation

civil rights

## QUESTIONS PRESENTED

1. Whether the Equal Employment Opportunity Act of 1972 implicitly repealed the Indian employment preference authorized by the Indian Reorganization Act of 1934.
2. Whether the Indian employment preference violates the Due Process Clause of the Fifth Amendment as invidious racial discrimination.

## HOLDINGS

1. The 1972 Act did not repeal the Indian employment preference, either expressly or by implication.
2. The Indian employment preference does not violate the Fifth Amendment because it is rationally and reasonably designed to further Indian self-government and the federal government's unique obligations to federally recognized tribes.

## KEY QUOTATIONS

*“A provision aimed at furthering Indian self-government by according an employment preference within the BIA for qualified members of the governed group can readily co-exist with a general rule prohibiting employment discrimination on the basis of race.”* (417 U.S. at 550-551)

*“Rather, it is an employment criterion reasonably designed to further the cause of Indian self-government and to make the BIA more responsive to the needs of its constituent groups.”* (417 U.S. at 554)

*“As long as the special treatment can be tied rationally to the fulfillment of Congress' unique obligation toward the Indians, such legislative judgments will not be disturbed.”* (417 U.S. at 555)

## FACTUAL BACKGROUND

The Indian Reorganization Act of 1934 authorized an employment preference for qualified Indians in positions in the Indian service. In 1972, the Bureau of Indian Affairs extended the preference to training and promotions, including competitions between Indian and non-Indian BIA employees. Non-Indian BIA employees in Albuquerque challenged the policy, arguing that it conflicted with the federal employment antidiscrimination provisions of the 1972 Equal Employment Opportunity Act and violated due process.

## PROCEDURAL HISTORY

Non-Indian Bureau of Indian Affairs employees filed a class action challenging the Indian employment preference under the Indian Reorganization Act, asserting statutory repeal and a Fifth Amendment due process violation. Amerind intervened in support of the preference. After a short trial, the three-judge district court held that the 1972 Act impliedly repealed the preference and entered a permanent injunction; the Supreme Court noted probable jurisdiction, reversed, and remanded.

## DISPOSITION

reversed\_and\_remanded

## REMAND INSTRUCTIONS

The cases were remanded to the District Court for further proceedings consistent with the Supreme Court's opinion.

## CASES CITED

- *Posadas v. National City Bank*, 296 U.S. 497, 503 (1936)
- *Wood v. United States*, 16 Pet. 342, 343, 363 (1842)
- *Universal Interpretive Shuttle Corp. v. Washington Metropolitan Area Transit Commission*, 393 U.S. 186, 193 (1968)
- *Georgia v. Pennsylvania R. Co.*, 324 U.S. 439, 456-457 (1945)
- *Bulova Watch Co. v. United States*, 365 U.S. 753, 758 (1961)
- *Rodgers v. United States*, 185 U.S. 83, 87-89 (1902)
- *United States v. Borden Co.*, 308 U.S. 188, 198 (1939)
- *Bolling v. Sharpe*, 347 U.S. 497 (1954)
- *Board of County Commissioners v. Seber*, 318 U.S. 705, 715 (1943)
- *United States v. Kagama*, 118 U.S. 375, 383-384 (1886)
- *Simmons v. Eagle Seelatsee*, 244 F. Supp. 808, 814 n. 13 (E.D. Wash. 1965), *aff'd*, 384 U.S. 209 (1966)
- *McClanahan v. Arizona State Tax Commission*, 411 U.S. 164 (1973)
- *Simmons v. Eagle Seelatsee*, 384 U.S. 209 (1966)
- *Williams v. Lee*, 358 U.S. 217 (1959)
- *Morton v. Ruiz*, 415 U.S. 199 (1974)
- *Cherokee Nation v. Georgia*, 5 Pet. 1 (1831)
- *Worcester v. Georgia*, 6 Pet. 515 (1832)
- *Mescalero Apache Tribe v. Jones*, 411 U.S. 145, 152-153 n. 9 (1973)
- *Mescalero Apache Tribe v. Hickel*, 432 F.2d 956, 960 (10th Cir. 1970)
- *Freeman v. Morton*, 499 F.2d 494 (D.C. Cir. 1974)
- *Mescalero Apache Tribe v. Hickel*, 432 F.2d 956 (10th Cir. 1970), *cert. denied*, 401 U.S. 981 (1971)