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Two Possible High Court Approaches To Tribe Tax Dispute

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On Tuesday, Oct. 30, the United States Supreme Court heard oral argument in *Washington State Department of Licensing v. Cougar Den Inc.*, a case involving the question of whether the Yakama Nation's 1855 treaty provision securing for the tribe the right to travel "upon all public highways," preempts the application of Washington state's fuel tax on the nation. Based on the oral argument, the outcome of the case will likely turn on whether the court views the state fuel tax as one on the possession of fuel, as the state advocates, or as a tax on the nation's importation of fuel, which would be preempted by the nation's treaty right to travel. Read the full article here.

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