

**Case Name and Citation:** Herrera v. Wyoming, No. 17-532, 587 U.S. 329 (2019)

**Factual History:** Clayvin Herrera and a couple of people from the Crow Tribe went hunting in January 2014. Clayvin Herrera and the people he was with trailed a group of Rocky Mountain Elk from the Crow reservation in Montana into the Bighorn National Forest, which was in Wyoming. Once Clayvin Herrera and the other people made it into the Bighorn National Forest, they took down three of the elk they were trailing and took back the elk to the Crow reservation where they lived. Because of this, Clayvin Herrera and the other people he was with were charged with hunting elk in Wyoming without a state hunting license. Clayvin Herrera argued that he had the right to under the 1868 Treaty with the United States and the Crow Tribe. Under this treaty, the Crow Tribe have the right to hunt on “unoccupied lands.” A problem occurred with Wyoming’s statehood because in 1890 they nullified the treaty rights of the Crow Tribe.

**Procedural History:** Clayvin Herrera and the other people he was with were charged with hunting without a license in a state court within Wyoming. During the trial court, the court upheld the charges against them stating that the treaty to hunt on “unoccupied lands” was ineffective within Wyoming because Wyoming’s statehood repealed the treaty right in 1890. After that, the State Supreme Court made their decision to affirm with the trial court’s decision to keep the charges upheld and their treaty rights to be repealed. Clayvin Herrera then brought this to the U.S. Supreme Court, in which he was allowed to address the conflict.

**Issues:** Does Wyoming’s statehood have the right to repeal the treaty between the United States and the Crow Tribe to be able to hunt on “unoccupied lands,” in which goes against the Crow Tribe’s rights under the treaty?

**Decision:** The U.S. Supreme Court help up Wyoming's statehood for not repealing the Crow Tribe's treaty rights to hunt in "unoccupied lands."

**Rules of Law:** When it comes to Native Americans, treaties with the Native American tribes should fall in favor of the tribes to keep their rights. Also, any State's statehood should never repeal the treaty rights given to the Native American Tribes.

**Application of Law:** The most applicable law to help this case was the 1868 Treaty between the United States and the Crow Tribe to be able to have hunting rights to hunt on "unoccupied lands." Also, the principles of the treaty and the federal ruling is important to keep the Native American Tribes rights protected.

**Conclusion:** Clayvin Herrera was favored by the U.S. Supreme Court in this case where Wyoming's statehood had the right to not repeal the Crow Tribe's treaty rights with the United States. The U.S. Supreme Court defended that it is a great responsibility to uphold any treaty with the Native American Tribes.

**Disposition:** This case reinstated the principles of treaties with Native American Tribes to make sure they stay in effect if this ever happens again. It also makes it clear on the meaning of "unoccupied lands" within the rights of Native American Tribes, so this does not happen again.

**Opinion:** Before reading this case, I knew nothing about the hunting rights that Native American Tribes have. I know about the hunting rights as a deer hunter, but did not know there is a difference between the two. As a deer hunter you must have a license to hunt specific animals in a given season and you must do it on your property or allowed access to hunt on other properties. For Native American Tribes to have the right to hunt on "unoccupied lands" is essential to their way of life and no state should be allowed to not repeal that right.