

Sec. 3—New States

Cl. 2—Property of the United States

from settlement and to prohibit grazing thereon,³¹⁰ to prevent unlawful occupation of public property and to declare what are nuisances, as affecting such property, and provide for their abatement,³¹¹ and to prohibit the introduction of liquor on lands purchased and used for an Indian colony.³¹² Congress may limit the disposition of the public domain to a manner consistent with its views of public policy. A restriction inserted in a grant of public lands to a municipality which prohibited the grantee from selling or leasing to a private corporation the right to sell or sublet water or electric energy supplied by the facilities constructed on such land was held valid.³¹³

Unanimously upholding a federal law to protect wild-roaming horses and burros on federal lands, the Court restated the applicable principles governing Congress's power under this clause. It empowers Congress to act as both proprietor and legislature over the public domain; Congress has complete power to make those "needful rules" which in its discretion it determines are necessary. When Congress acts with respect to those lands covered by the clause, its legislation overrides conflicting state laws.³¹⁴ Absent action by Congress, however, states may in some instances exercise some jurisdiction over activities on federal lands.³¹⁵

No state may tax public lands of the United States within its borders,³¹⁶ nor may state legislation interfere with the power of Congress under this clause or embarrass its exercise.³¹⁷ Thus, by virtue of a Treaty of 1868, according self-government to Navajos living on an Indian Reservation in Arizona, the tribal court, rather than the courts of that state, had jurisdiction over a suit for a debt owed by an Indian resident thereof to a non-Indian conducting a store on the reservation under federal license.³¹⁸ The question whether title to land that has once been the property of the United States has passed from it must be resolved by the laws of the United States; after title has passed, "that property, like all other property in the state, is subject to the state legislation; so far as that legislation is

³¹⁰ *Light v. United States*, 220 U.S. 523 (1911). See also *The Yosemite Valley Case*, 82 U.S. (15 Wall.) 77 (1873).

³¹¹ *Camfield v. United States*, 167 U.S. 518, 525 (1897). See also *Jourdan v. Barrett*, 45 U.S. (4 How.) 169 (1846); *United States v. Waddell*, 112 U.S. 76 (1884).

³¹² *United States v. McGowan*, 302 U.S. 535 (1938).

³¹³ *United States v. City of San Francisco*, 310 U.S. 16 (1940).

³¹⁴ *Kleppe v. New Mexico*, 426 U.S. 529 (1976).

³¹⁵ *California Coastal Comm'n v. Granite Rock Co.*, 480 U.S. 572 (1987).

³¹⁶ *Van Brocklin v. Tennessee*, 117 U.S. 151 (1886); cf. *Wilson v. Cook*, 327 U.S. 474 (1946).

³¹⁷ *Gibson v. Chouteau*, 80 U.S. (13 Wall.) 92, 99 (1872). See also *Irvine v. Marshall*, 61 U.S. (20 How.) 558 (1858); *Emblem v. Lincoln Land Co.*, 184 U.S. 660, 664 (1902).

³¹⁸ *Williams v. Lee*, 358 U.S. 217 (1959).