

# U.S. Court of Federal Claims Dismisses Tribal Trust Case for Failure to Identify Money-Mandating Statute

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The U.S. Court of Federal Claims recently dismissed the breach-of-trust claims in *Hopi Tribe v. United States* based on the tribe's failure to identify a specific money-mandating trust duty owed by the Government. The Hopi tribe had sued the federal Government alleging that the Government violated its trust duties when it failed to ensure that the level of arsenic in the tribe's water supply was safe. But instead of identifying a specific statute or regulation creating that duty, the Tribe relied solely on the Presidential Executive Order that created its reservation. The CFC stated:

*To be sure, the very notion of a tribal trust relationship is intertwined with the sovereignty of the United States: "Throughout the history of the Indian trust relationship, we have recognized that the organization and management of the trust is a sovereign function subject to the plenary authority of Congress." [Citations omitted.] As will become clear, in this case, plaintiff has failed to show that Congress has defined the federal government's trust duties in such a way as to authorize plaintiff's suit for damages in this court.*

The full opinion can be read [here](#).