

## Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

**SUPREME COURT OF THE UNITED STATES**

## Syllabus

CARCIERI, GOVERNOR OF RHODE ISLAND, ET AL. *v.*  
SALAZAR, SECRETARY OF THE INTERIOR, ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR  
THE FIRST CIRCUIT

No. 07–526. Argued November 3, 2008—Decided February 24, 2009

The Indian Reorganization Act (IRA), enacted in 1934, authorizes the Secretary of Interior, a respondent here, to acquire land and hold it in trust “for the purpose of providing land for Indians,” 25 U. S. C. §465, and defines “Indian” to “include all persons of Indian descent who are members of any recognized tribe now under Federal jurisdiction,” §479. The Narragansett Tribe was placed under the Colony of Rhode Island’s formal guardianship in 1709. It agreed to relinquish its tribal authority and sell all but two acres of its remaining reservation land in 1880, but then began trying to regain its land and tribal status. From 1927 to 1937, federal authorities declined to give it assistance because they considered the Tribe to be under state, not federal jurisdiction. In a 1978 agreement settling a dispute between the Tribe and Rhode Island, the Tribe received title to 1,800 acres of land in petitioner Charlestown in exchange for relinquishing claims to state land based on aboriginal title; and it agreed that the land would be subject to state law. The Tribe gained formal recognition from the Federal Government in 1983, and the Secretary of Interior accepted a deed of trust to the 1,800 acres in 1988. Subsequently, a dispute arose over whether the Tribe’s plans to build housing on an additional 31 acres of land it had purchased complied with local regulations. While litigation was pending, the Secretary accepted the 31-acre parcel into trust. The Interior Board of Indian Appeals upheld that decision, and petitioners sought review. The District Court granted summary judgment to the Secretary and other officials, determining that §479’s plain language defines “Indian” to include members of all tribes in existence in 1934, but does not require a tribe to have been federally recognized on that date; and concluding

## Syllabus

that, since the Tribe is currently federally recognized and was in existence in 1934, it is a tribe under §479. In affirming, the First Circuit found §479 ambiguous as to the meaning of “now under Federal jurisdiction,” applied the principles of *Chevron U. S. A. Inc. v. Natural Resources Defense Council, Inc.*, 467 U. S. 837, 843, and deferred to the Secretary’s construction of the provision to allow the land to be taken into trust.

*Held:* Because the term “now under federal jurisdiction” in §479 unambiguously refers to those tribes that were under federal jurisdiction when the IRA was enacted in 1934, and because the Narragansett Tribe was not under federal jurisdiction in 1934, the Secretary does not have the authority to take the 31-acre parcel into trust. Pp. 7–16.

(a) When a statute’s text is plain and unambiguous, *United States v. Gonzales*, 520 U. S. 1, 4, the statute must be applied according to its terms, see, e.g., *Dodd v. United States*, 545 U. S. 353, 359. Here, whether the Secretary has authority to take the parcel into trust depends on whether the Narragansetts are members of a “recognized Indian Tribe now under Federal jurisdiction,” which, in turn, depends on whether “now” refers to 1998, when the Secretary accepted the parcel into trust, or 1934, when Congress enacted the IRA. The ordinary meaning of “now,” as understood at the time of enactment, was at “the present time; at this moment; at the time of speaking.” That definition is consistent with interpretations given “now” by this Court both before and after the IRA’s passage. See e.g., *Franklin v. United States*, 216 U. S. 559, 569; *Montana v. Kennedy*, 366 U. S. 308, 310–311. It also aligns with the word’s natural reading in the context of the IRA. Furthermore, the Secretary’s current interpretation is at odds with the Executive Branch’s construction of §479 at the time of enactment. The Secretary’s additional arguments in support of his contention that “now” is ambiguous are unpersuasive. There is also no need to consider the parties’ competing views on whether Congress had a policy justification for limiting the Secretary’s trust authority to tribes under federal jurisdiction in 1934, since Congress’ use of “now” in §479 speaks for itself and “courts must presume that a legislature says in a statute what it means and means in a statute what it says there.” *Connecticut Nat. Bank v. Germain*, 503 U. S. 249, 253–254. Pp. 7–13.

(b) The Court rejects alternative arguments by the Secretary and his *amici* that rely on statutory provisions other than §479 to support the Secretary’s decision to take the parcel into trust for the Narragansetts. Pp. 13–15.

497 F. 3d 15, reversed.

THOMAS, J., delivered the opinion of the Court, in which ROBERTS,

Syllabus

C. J., and SCALIA, KENNEDY, BREYER, and ALITO, JJ., joined. BREYER, J., filed a concurring opinion. SOUTER, J., filed an opinion concurring in part and dissenting in part, in which GINSBURG, J., joined. STEVENS, J., filed a dissenting opinion.