

SOUTER, J., concurring

SUPREME COURT OF THE UNITED STATES

No. 07–1410

UNITED STATES, PETITIONER *v.* NAVAJO NATION

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE FEDERAL CIRCUIT

[April 6, 2009]

JUSTICE SOUTER, with whom JUSTICE STEVENS joins,
concurring.

I am not through regretting that my position in *United States v. Navajo Nation*, 537 U. S. 488, 514–521 (2003) (dissenting opinion), did not carry the day. But it did not, and I agree that the precedent of that case calls for the result reached here.