

GINSBURG, J., concurring in judgment

SUPREME COURT OF THE UNITED STATES

No. 15–1500

BRIAN LEWIS, ET AL., PETITIONERS *v.*
WILLIAM CLARKE

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF
CONNECTICUT

[April 25, 2017]

JUSTICE GINSBURG, concurring in the judgment.

On the scope of tribal immunity from suit, I adhere to the dissenting views expressed in *Kiowa Tribe of Okla. v. Manufacturing Technologies, Inc.*, 523 U. S. 751, 760 (1998) (Stevens, J., dissenting), and *Michigan v. Bay Mills Indian Community*, 572 U. S. ____, ____ (2014) (THOMAS, J., dissenting) (slip op., at 1). See also *id.*, at ____ (GINSBURG, J., dissenting) (slip op., at 1). These dissenting opinions explain why tribes, interacting with nontribal members outside reservation boundaries, should be subject to non-discriminatory state laws of general application. I agree with the Court, however, that a voluntary indemnity undertaking does not convert a suit against a tribal employee, in the employee’s individual capacity, into a suit against the tribe. I therefore concur in the Court’s judgment.