

The Supreme Court - March 26, 2019

The Supreme Court of the United States issued two decisions this morning:

Republic of Sudan v. Harrison, No. 16-1094: Under the Foreign Sovereign Immunities Act (“FSIA”), a foreign state may be served by means of mailing that is “addressed and dispatched . . . to the head of foreign affairs of the foreign state concerned.” 28 U.S.C. §1608(a)(3). Respondents, who are victims (and their family members) of the USS *Cole* bombing in Yemen by al Qaeda, sued the Republic of Sudan alleging that it provided material support to al Qaeda. The complaint and other required materials in the service packet were mailed to Sudan’s Minister of Foreign Affairs, addressed to the Sudan Embassy in Washington DC. Sudan failed to appear, a default judgment was entered by the District Court for the District of Columbia, and respondents then sought to enforce the judgment in federal court in New York. Sudan then made an appearance arguing lack of personal jurisdiction based on improper service. The Second Circuit rejected the argument that §1608(a)(3) required service to the foreign minister’s principal office in the capital of Sudan. The Court today reversed, holding that §1608(a)(3) requires that a mailing be sent directly to the foreign minister’s office in the minister’s home country.

The Court’s decision is available [here](#).

Sturgeon v. Frost, No. 17-949: Petitioner John Sturgeon traveled by hovercraft along the Nation River in the Yukon-Charley Rivers National Preserve in Alaska to get to the location where he hunted moose. Federal park rangers told Sturgeon a generally-applicable Park Service regulation banned the use of hovercraft within national parks. Sturgeon then sought a preliminary injunction claiming that Congress had created an Alaska-specific exception to the Park Service’s broad authority in the Alaska National Interest Lands Conservation Act (“ANILCA”), 94 Stat. 2371, 16 U.S.C. §3101 *et seq.*, whereby the Park Service could only regulate “public lands” in ANILCA, which generally speaking were lands actually owned by the federal government. According to Sturgeon, such “public lands” did not include the part of the river in which he operated his hovercraft. This case previously went before the Court, which in *Sturgeon v. Frost*, 577

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U.S. ___ (2016) rejected the Ninth Circuit's reasoning for rejecting Sturgeon's claim. On remand, however, the Ninth Circuit again found against Sturgeon, reasoning that the Nation River was public land under ANILCA. Today, the Court reversed, holding that the Nation River did not qualify as "public land" under ANILCA, and that the Park Service did not have authority to regulate Sturgeon's activities on that part of the river. The end result, the Court made clear, is that "Sturgeon can again rev up his hovercraft in search of moose."

The Court's decision is available [here](#).