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(Neb.)-Judge Says Tribe's Lawsuit Against Beer Stores Belongs In State Court



By: Roxie Graham-Marski Posted at: 10/02/2012 08:55 AM

LINCOLN, Neb. (ASSOCIATED PRESS) - A federal judge says an American Indian tribe's lawsuit alleging that beer makers and nearby retailers are responsible for chronic alcoholism on a South Dakota reservation belongs in state court.

U.S. District Judge John M. Gerrard dismissed the lawsuit Monday but didn't rule on its merits. Instead, he said federal courts lack jurisdiction because the lawsuit isn't making claims regarding federal law.

The lawsuit was filed by the Oglala Sioux Tribe, which governs the impoverished Pine Ridge Indian Reservation, where alcohol is banned.

But four beer stores in Whiteclay, a Nebraska town on the reservation's border, sold the equivalent of 4.3 million 12-ounce cans last year. Whiteclay has about a dozen residents.

Gerrard says there's "little question that alcohol sold in Whiteclay contributes significantly to tragic conditions on the reservation."