SUPREME COURT OF THE UNITED STATES

No. 98–830

AMOCO PRODUCTION COMPANY, ON BEHALF OF ITSELF AND THE CLASS IT REPRESENTS, PETITIONER *v.* SOUTHERN UTE INDIAN TRIBE ET AL.

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

[June 7, 1999]

JUSTICE GINSBURG, dissenting.

I would affirm the judgment below substantially for the reasons stated by the Court of Appeals and the federal respondents. See 151 F. 3d 1251, 1256–1267 (CA10 1998) (en banc); Brief for Federal Respondents 14–16. As the Court recognizes, in 1909 and 1910 coalbed methane gas (CBM) was a liability. See *ante,* at 4, 9–10. Congress did not contemplate that the surface owner would be responsible for it. More likely, Congress would have assumed that the coal owner had dominion over, and attendant responsibility for, CBM. I do not find it clear that Congress understood dominion would shift if and when the liability became an asset. I would therefore apply the canon that ambiguities in land grants are construed in favor of the sovereign. See *Watt* v. *Western Nuclear, Inc.,* 462 U. S. 36, 59 (1983) (noting "established rule that land grants are construed favorably to the Government, that nothing passes except what is conveyed in clear language, and that if there are doubts they are resolved for the Government, not against it" (internal quotation marks omitted)).