TRIBAL CIVIL, CRIMINAL, AND REGULATORY JURISDICTION OVER NONMEMBERS

Matthew L.M. Fletcher
CRIMINAL JURISDICTION
Trade and Intercourse Act (1790)
Light Horse (19th Century)

Expert horsemen and superb shots, they were often the only law throughout a vast territory...

THE INDIAN LIGHT HORSE

By WAYNE E. WALKER

On the bluff above Colbert's Ferry on the Red River, the Choctaw sheriff and his deputy watched the six Indians bound the ferry on the Texas side. Even from their lookout post, the Indian watchdogs could see that the six were full of "Texas Lightning," at were the crew guys along over their mounts.

They had been over to Shaw's Place, a mile south of the Big Red, meeting points for thieves and whores. From there they went on the river trip with a hunting load, so it was easy enough to bring horses into the Indian Nations.
CIVIL JURISDICTION
Magdelaine Laframboise

The First Lady of Mackinac Island

Magdelaine, a woman of Odawa and French-Canadian descent, played a leading role in the affairs of Mackinac Island during the first half of the nineteenth century.
Illegal Dumping In Indian Country
Non-Indian Land
Montana General Rule

• “exercise of tribal power beyond what is necessary to protect tribal self-government or to control internal relations is inconsistent with the dependent status of the tribes, and so cannot survive without express congressional delegation.”

Montana 1 Exception

• “A tribe may regulate, through taxation, licensing, or other means, the activities of nonmembers who enter consensual relationships with the tribe or its members, through commercial dealing, contracts, leases, or other arrangements.”

Montana, 450 U.S. at 565.
Montana 2 Exception

• “A tribe may also retain inherent power to exercise civil authority over the conduct of non-Indians on fee lands within its reservation when that conduct threatens or has some direct effect on the political integrity, the economic security, or the health or welfare of the tribe.”

Montana, 450 U.S. at 566.
Atkinson Trading v. Shirley (2001)
Indian Land
Buster v. Wright (1905)

BOLEY, OKLAHOMA
Est. August 1903 - Inc. May 11, 1905
Boley, Creek Nation, I.T., established as all Black town on land of Creek Indian “Freedwoman” Abigail Barnett. Organized by T.M. Haynes, first town-site manager. Named for J.B. Boley, white roadmaster, who convinced Fort Smith & Western Railroad that Blacks could govern themselves. This concept soon boosted population to 4,200, declared National Historic Landmark District by act of Congress 5-15-75.
Merrion v. Jicarilla
New Mexico v. Mescalero Apache (1983)
National Farmers Union v. Crow (1985)
Iowa Mutual v. LaPlante (1987)
Nevada v. Hicks (2001)
Dollar General v. Miss. Choctaw (2016)