Carpenter v. Murphy: Navigating the Implications as Tribal Sovereigns

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So, . . . Oklahoma
Removal of the Five Tribes (1830s-1840s)

Cherokee
Chickasaw
Choctaw
Muscogee (Creek)
Seminole
Removal through Oklahoma Statehood to Today
Carpenter v. Murphy: Jurisdictional implications (the sword vs. the shield)

• **Criminal jurisdiction** *(generally shared sovereign interests)*
  • Oklahoma criminal code, Tribal criminal codes, Federal criminal code

• **Civil jurisdiction** *(generally adverse sovereign interests)*
  • Regulatory/tax
    • State law viz. Tribal/Tribal citizen activity *(Mescalero Apache v. Jones)*
    • Tribal law viz. non-Indian activity *(Montana v. U.S.)*
  • Adjudicatory
    • Tribe/Tribal citizen as defendant *(Williams v. Lee)*
    • Non-Indian as defendant *(Dollar General Corp. v. Mississippi Band of Choctaw Indians; McKesson v. Hembree)*

• **Other** *(specific statutory provisions)*
  • ICWA
  • Major environmental statutes
  • Etc.
Carpenter v. Murphy: The Arc of Oklahoma-Tribal relations

- Oklahoma statehood (1907)
- Oklahoma Indian Welfare Act (1936)
- Pub. L. 280 (1953)
- Principal Chiefs Act (1970)
- Intra-Tribal sovereignty litigations (1970s-1980s)
- The Oklahoma-Tribal tax cases (1980s-1990s)
- First round of compacting (1990s-2000s)
- Oklahoma’s institutional conversion (2005-to present)
- Carpenter v. Murphy (2017)

Denial and termination

Tribal revitalization and transition in relations

Where we are today
Chokma’shki’!
Yakoke!
Thank you!

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