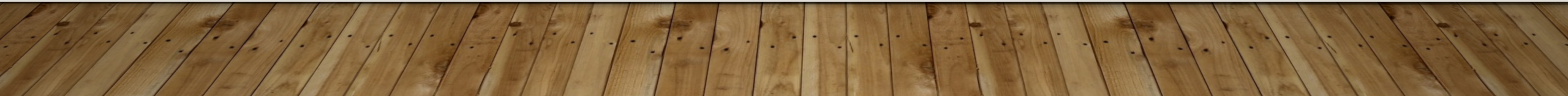


# TRIBAL SOVEREIGNTY

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BY: RANDALL CROWE



# LEE ADOLF

- LEADER
- VETERAN
- MENTOR
- TERO PIONEER
- FAMILY MAN
- PROUD NATIVE



# ABOUT ME.

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- Born and raised on the Rez in Cherokee, North Carolina.
- Enrolled member of the Eastern Band of Cherokee Indians.



# ABOUT ME CONTINUED...

- I joined the Navy at 18.
- I served as an aviation ordnanceman on the USS Enterprise flight deck.
- Deployed to Persian Gulf in 2007.



# ABOUT ME CONTINUED...

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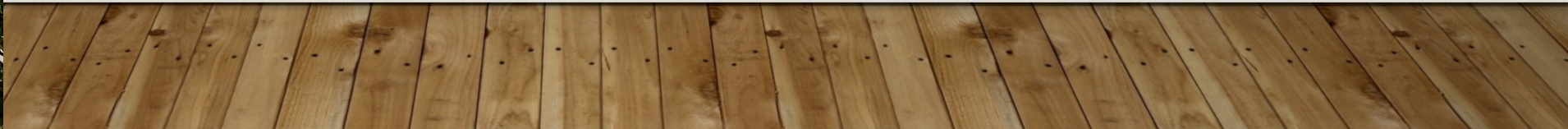
- Hardcore hunter & fishing fanatic.



# ABOUT ME CONTINUED...

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- Father of Maroc (2 1/2) and Waylon (6)



# ABOUT ME FINALLY OVER!

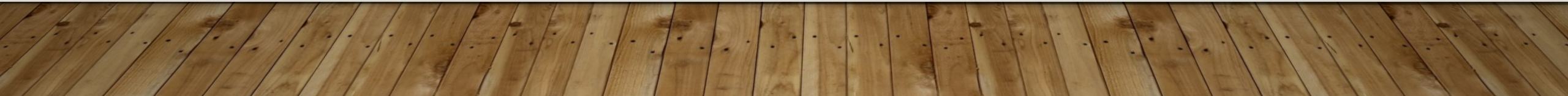
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- Started Crowe Law, PLLC over 6 years ago.
- Focus on TERO.



# WHAT IS TRIBAL SOVEREIGNTY?

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# WHAT IS TRIBAL SOVEREIGNTY?

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- concept of the inherent authority of indigenous tribes to govern themselves within the borders of the United States.

# LANDMARK CASES AND ACTS REGARDING TRIBAL SOVEREIGNTY

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- Johnson v. McIntosh (1823), holding that private citizens could not purchase lands from Native Americans.
- Cherokee Nation v. Georgia (1831), The Cherokee Nation sought a federal injunction against laws passed by the U.S. state of Georgia depriving them of rights within its boundaries, but the Supreme Court did not hear the case on its merits. It ruled that it had no original jurisdiction in the matter, as the Cherokees were a dependent nation, with a relationship to the United States like that of a "ward to its guardian," as said by Chief Justice Marshall.
- Worcester v. Georgia (1832), was a case in which the United States Supreme Court vacated the conviction of Samuel Worcester and held that the Georgia criminal statute that prohibited non-Native Americans from being present on Native American lands without a license from the state was unconstitutional. which laid out the relationship between tribes and the state and federal governments, stating that the federal government was the sole authority to deal with Indian nations. Created Tribal Sovereignty.

# LANDMARK CASES AND ACTS REGARDING TRIBAL SOVEREIGNTY

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- *McGirt v. Oklahoma*, 591 U.S. \_\_\_\_ (2020), was a landmark<sup>[1]</sup><sup>[2]</sup> United States Supreme Court case which ruled that prosecution of crimes by Native Americans on Tribal lands fall into the jurisdiction of the tribal courts and federal judiciary under the Major Crimes Act, rather than Oklahoma's courts.
- New provisions in the Reauthorization of VAWA 2013- Made it possible for non-Native Americans to be prosecuted in tribal courts for domestic or dating violence perpetrated against Native Americans.

# LANDMARK CASES AND ACTS REGARDING TRIBAL SOVEREIGNTY

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- Morton v. Mancari, 417 U.S. 535 (1974), was a United States legal case about the constitutionality of hiring preferences given to Indians within the Bureau of Indian Affairs. The Supreme Court of the United States held that the hiring preferences given by the United States Congress does not violate the Due Process Clause of the Fifth Amendment. The hiring preference given here was not "racial discrimination" nor was it even a "racial" preference. The court compared it to the requirement of a Senator being from the state that she represents, or a city council member being required to reside in the area he represents. The Court said, "The preference, as applied, is granted to Indians not as a discrete racial group, but rather, as members of quasi-sovereign tribal entities whose lives and activities are governed by the BIA in a unique fashion." Saying also, "the BIA is truly sui generis." The Court also noted that this preference was reasonably and directly related to a legitimate nonracially based goal, thus preventing it from violating the Constitution.

# WHY IS IT IMPORTANT FOR TRIBES?

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# WHY IS IT IMPORTANT FOR TRIBES?

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- It is important to ensure our religious and cultural freedoms.
- To ensure the safety of our people.
- Protect our economic opportunities and our prosperity.
- Allows us to regulate hunting and fishing on Tribal lands.
- Gives us the authority to have gaming.
- Gives Tribes the power to legalize Cannabis in states where it is not legal.

# THREATS TO TRIBAL SOVEREIGNTY

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# THREATS TO TRIBAL SOVEREIGNTY

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- Commercial Gaming
- Disenrollment of Tribal members
- Supreme Court
- Waiving of Sovereign Immunity



# DOWNSIDE OF TRIBAL SOVEREIGNTY

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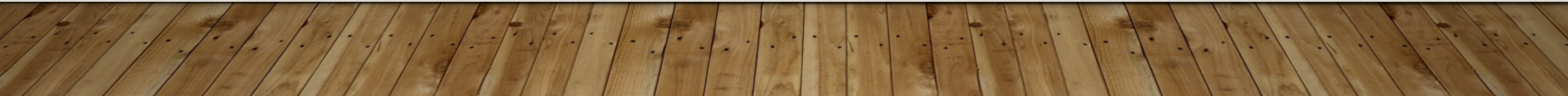
# DOWNSIDE OF TRIBAL SOVEREIGNTY

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- Prohibition of Gay Marriage.
- Keeps Tribal Government from being held responsible when they cause harm.

QUESTIONS ???????????

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THE END

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