



Chris Griswold, P.C.

News From the Firm

August 2021

Message From Chris....

We've all heard at least a little about the recent Supreme Court ruling on the McGirt case last July – which involves a look into the current Indian law landscape. Whether or not you own real property, you should know something about it.... A thank you goes out to my own Gena Timberman, Esquire, a Choctaw tribal member, for having access to the information below which was provided from the Choctaw Nation and The 5 Civilized Tribes on this subject matter.

McGirt Decision Q&A / Indian Law Update

1. **Does the McGirt ruling mean that the Choctaw Nation will become a reservation?** The Supreme Court's ruling in McGirt is specifically about the Muscogee (Creek) Nation and clearly establishes that the Muscogee (Creek) Nation's treaty territory is a reservation. The decision also strengthens the Choctaw Nation's position that it has and has always had a reservation.
2. **Does this ruling mean that Indian people who are in State prison will automatically be released?** No. Today's decision from the Court will not result in any prisoner's automatic release. Any challenged conviction will be evaluated on its own merits and there are many other laws that could prevent a state prisoner from being retried. Any person whose conviction may be affected by today's ruling will either remain in prison or face re-prosecution and re-incarceration by federal or tribal authorities.
3. **If I live within Choctaw Nation and an emergency arises, do I still call 911?** Yes. Federal, tribal, state, and local officials already have many agreements in place to ensure that emergency response will continue to be handled the same way and that those committing criminal acts—whether they are tribal members or not—can be arrested by law enforcement to maintain law and order. Police protection and emergency response will continue to be provided for all.
4. **Who will prosecute crimes that occur within Choctaw Nation?** No person within the Choctaw Nation—whether they are a tribal member or not—is above the law. Generally, tribal members who commit crimes will be subject to federal or tribal prosecution, and non-tribal members will remain subject to state prosecution.
5. **Does this decision mean non-Natives no longer own their homes or other property if they live within the boundaries of the Choctaw Nation?** No. Today's decision has no effect whatsoever on anyone's ownership of property, and all existing contracts, leases, and title to property remain as they were before this decision. State law remains applicable for the most part especially with respect to persons who are not members of the Choctaw Nation (or another tribe) and on lands not owned by the tribe or tribal members.
6. **Does this ruling change the boundaries of the state of Oklahoma?** No, Oklahoma's boundaries are not changed by any aspect of today's ruling. The Muscogee (Creek) treaty territory remains part of Oklahoma, as does the treaty territory of every tribe in Oklahoma. Everyone living within the boundaries of those treaty territories, Indian and

non-Indian, remains a citizen of Oklahoma and their rights and responsibilities as Oklahoma citizens, including voting, schooling, and many other rights guaranteed by state law, remain the same.

7. **Will this ruling change any existing agreements between the State of Oklahoma and the Choctaw Nation? No.** All existing agreements between the Nation and the State regarding issues such as hunting and fishing will remain in effect.
8. **Is this decision related to the Tribes' dispute with the Governor over the gaming compact? No.** This has nothing to do with the gaming compact. It stems from appeals from Creek citizens who were convicted of crimes in state court and should have been tried in federal court. This litigation arose before the gaming compact dispute and will have no impact on it.

What My Clients Are Saying

“I have been extremely pleased with the legal services provided by Chris. He is an expert on real estate issues; devotes immediate attention to our needs and follows through with all required action. I look forward to a continuing relationship with Chris.”
Harrison Levy / Oklahoma City, Oklahoma

The information presented within this article is of a general nature and is not intended to be relied upon as legal advice in any particular matter without first consulting qualified counsel.

Chris Griswold, P.C.

Contact Information:

12101 N. Meridian Avenue
Oklahoma City, OK 73120
405.229.7595 (cell)
405.840.1019 (office)

chris@chrisgriswoldpc.com
www.chrisgriswoldpc.com