

# The INTER-TRIBAL COUNCIL of the FIVE CIVILIZED TRIBES



## *A Resolution of the Inter-Tribal Council of the Five Civilized Tribes in Support of the Mississippi Band of Choctaw Indians and the Full Exercise of Tribal Court Civil Jurisdiction in a Case Before the United States Supreme Court*

### Resolution No. 15-26



**WHEREAS,** the Inter-Tribal Council of the Five Civilized Tribes (ITC) is an organization that unites the tribal governments of the Cherokee, Chickasaw, Choctaw, Muscogee (Creek), and Seminole nations, representing over 500,000 Indian people throughout the United States; and,



**WHEREAS,** the ITC recognizes the important role of tribal courts in the exercise of tribal self-governance, self-determination, administration of justice, social and economic wellbeing of Indian communities, Tribal Governments, and Individual members; and,



**WHEREAS,** the ITC is aware of the case of *Dolgenercorp, Inc. v. Mississippi Band of Choctaw Indians*, 746 F.3d 167 (5<sup>th</sup> Cir. 2014) affirming the Mississippi Choctaw Tribal Court's jurisdiction in a tribal member lawsuit against the Dollar General Corporation on a tort claim based on an incident occurring at the Dollar General Store on the Choctaw Indian Reservation and that the U.S. Supreme Court has issued a Writ of Certiorari to review the Fifth Circuit's ruling (the Supreme Court case is titled and numbered as *Dollar General Corp., et al. v. Mississippi Band of Choctaw Indians, et al.*, No. 13-1496); and;



**WHEREAS,** the U.S. Supreme Court issued that writ even though the U.S. Solicitor General filed a brief supporting the Tribe's position in opposition to the petition for Writ of Certiorari and supporting the Tribe's jurisdiction; and,

**WHEREAS,** there is a significant concern that the U.S. Supreme Court will issue a ruling against tribal interests in the *Dolgenercorp* case and limiting the ability of tribal courts to exercise civil jurisdiction in tort cases involving non-members even when the cause of action arose in Indian country; and,

**WHEREAS,** a Supreme Court ruling against tribal interests in the *Dolgenercorp* case could have far-reaching negative effects in Indian country; and,

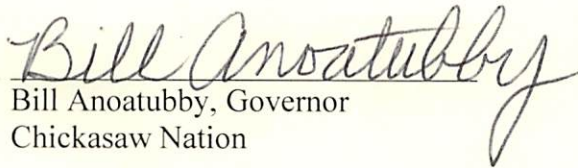
**WHEREAS,** the ITC fully supports the Mississippi Band of Choctaw Indians' legal position in the *Dolgenercorp* case in favor of the full exercise of civil jurisdiction in tribal courts in cases involving non-members and authorizes ITC leadership to include the ITC as a tribal organization

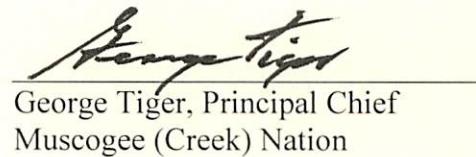
named in any amicus curiae brief filed in the *DolgenCorp* case in support of the Mississippi Band of Choctaw Indians; and,

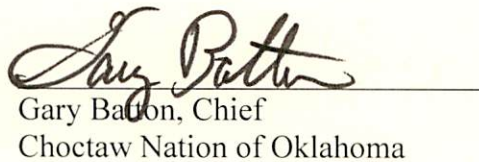
**NOW THEREFORE BE IT RESOLVED**, the Inter-Tribal Council of the Five Civilized Tribes fully supports the Mississippi Band of Choctaw Indians' legal position in the *DolgenCorp* case in favor of the full exercise of civil jurisdiction in tribal courts in cases involving non-members and authorizes Inter-Tribal Council leadership to include the Inter-Tribal Council as a tribal organization named in any amicus curiae brief filed in the *DolgenCorp* case in support of the Mississippi Band of Choctaw Indians.

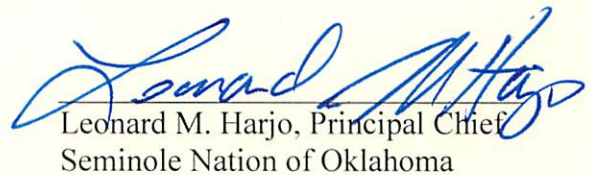
#### CERTIFICATION

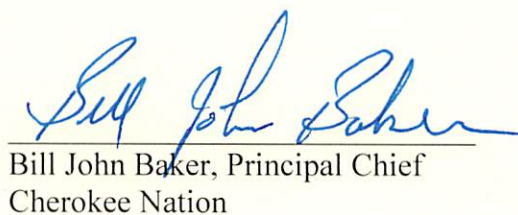
The foregoing resolution was adopted by the Inter-Tribal Council of the Five Civilized Tribes meeting in Shawnee, Oklahoma on this 10<sup>th</sup> day of July, 2015, by a vote of all for 0 against and 0 abstentions.

  
Bill Anoatubby, Governor  
Chickasaw Nation

  
George Tiger, Principal Chief  
Muscogee (Creek) Nation

  
Gary Patton, Chief  
Choctaw Nation of Oklahoma

  
Leonard M. Harjo, Principal Chief  
Seminole Nation of Oklahoma

  
Bill John Baker, Principal Chief  
Cherokee Nation