

TRIBAL CIVIL, CRIMINAL, AND REGULATORY JURISDICTION OVER NONMEMBERS

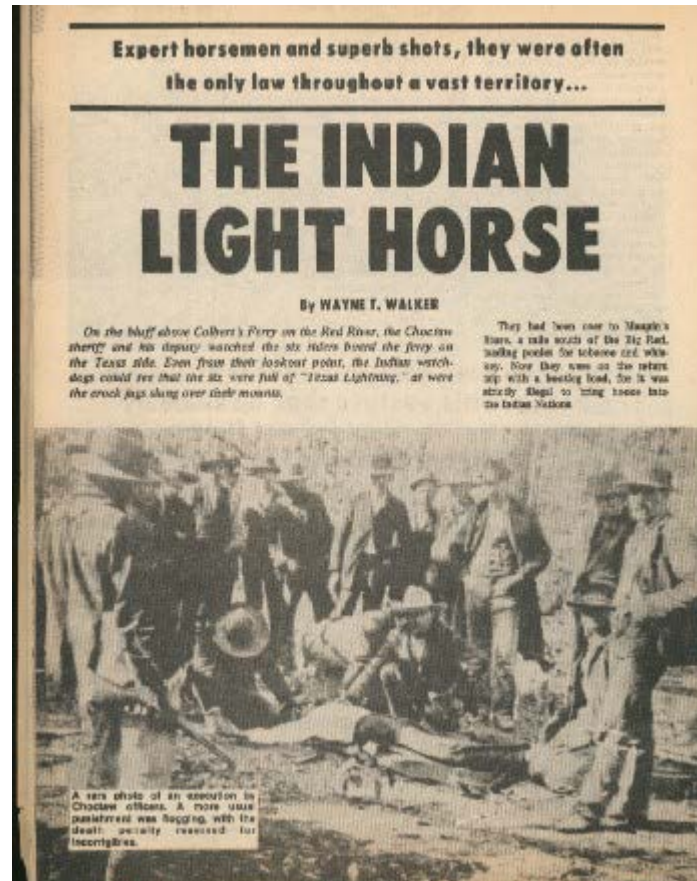
Matthew L.M. Fletcher

CRIMINAL JURISDICTION

Trade and Intercourse Act (1790)



Light Horse (19th Century)



CIVIL JURISDICTION





ABOVE: STE. ANNE'S CHURCH IN 1848, SKETCHED BY FATHER SKOLLA. THE LAFRAMBOISE HOUSE IS TO THE LEFT.
BELOW: MACKINAC ISLAND IN 1839, PAINTED BY C.F. DAVIS. COVER: LAFRAMBOISE HOUSE, CIRCA 1905, BY WILLIAM GARDINER.

Magdelaine Laframboise

*The First Lady
of Mackinac Island*

*M*agdelaine
a woman of Odawa and



Laframboise,
French-Canadian descent,

played a leading role in the affairs of Mackinac Island
during the first half of the nineteenth century.







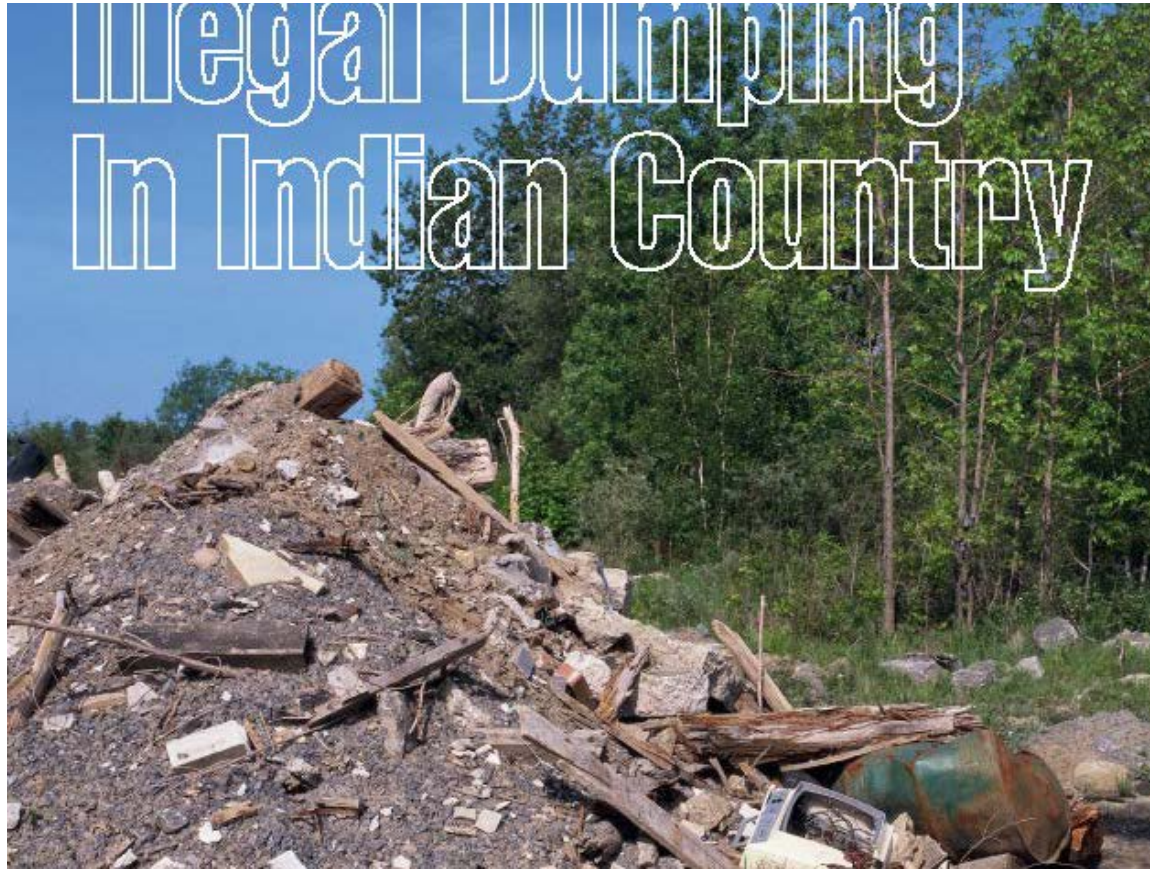








Illegal Dumping In Indian Country



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 v. United States, 450 U.S. 544, 564 (1981).

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

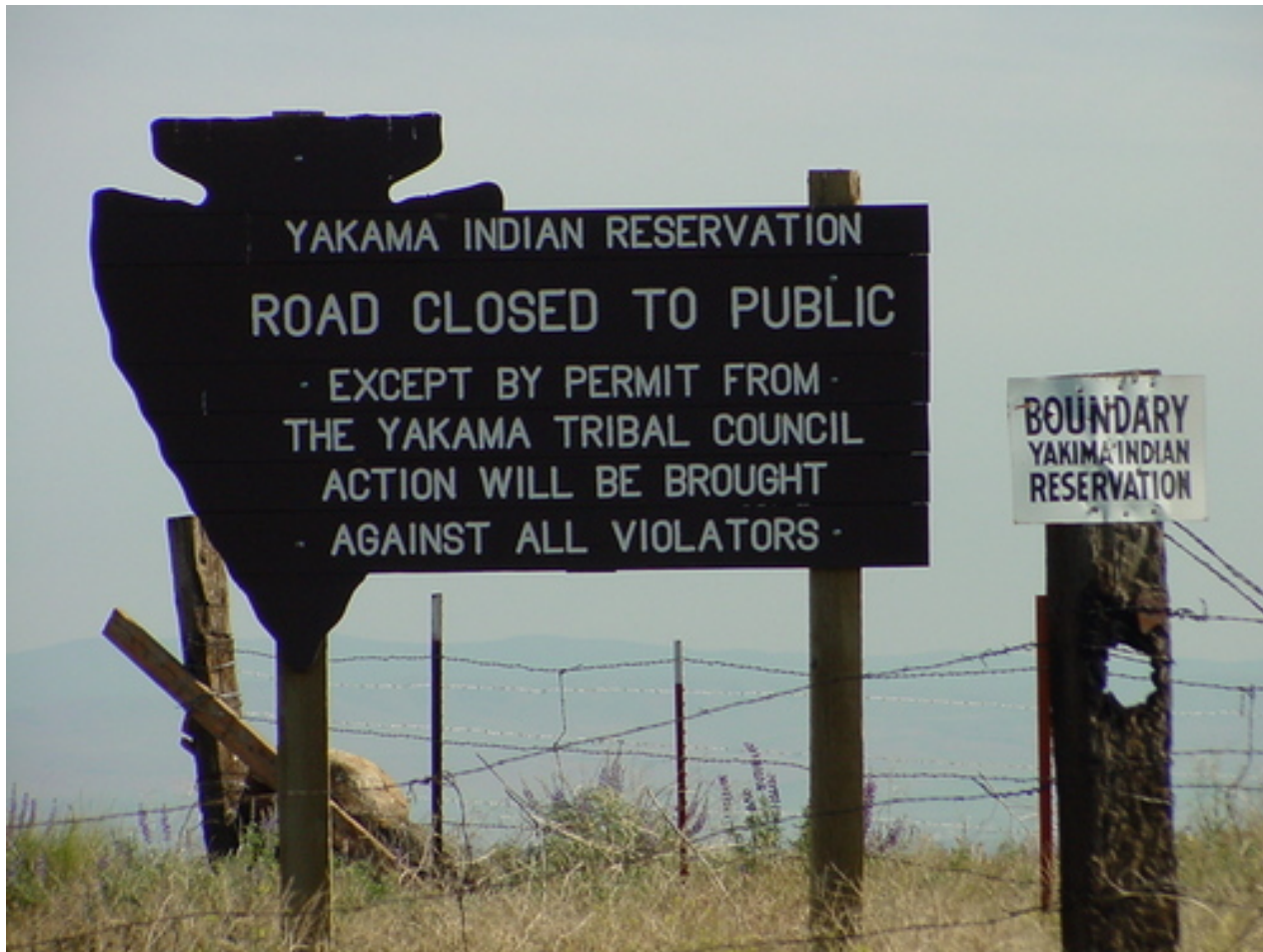
- “A tribe may also retain inherent power to exercise civil authority over the conduct of non-Indians on fee lands within its reservation when that conduct threatens or has some direct effect on the political integrity, the economic security, or the health or welfare of the tribe.”

Montana, 450 U.S. at 566.

Montana v. United States (1981)



Brendale v. Yakama (1989)



South Dakota v. Bourland (1993)



Strate v. A-1 Contractors (1997)



Atkinson Trading v. Shirley (2001)

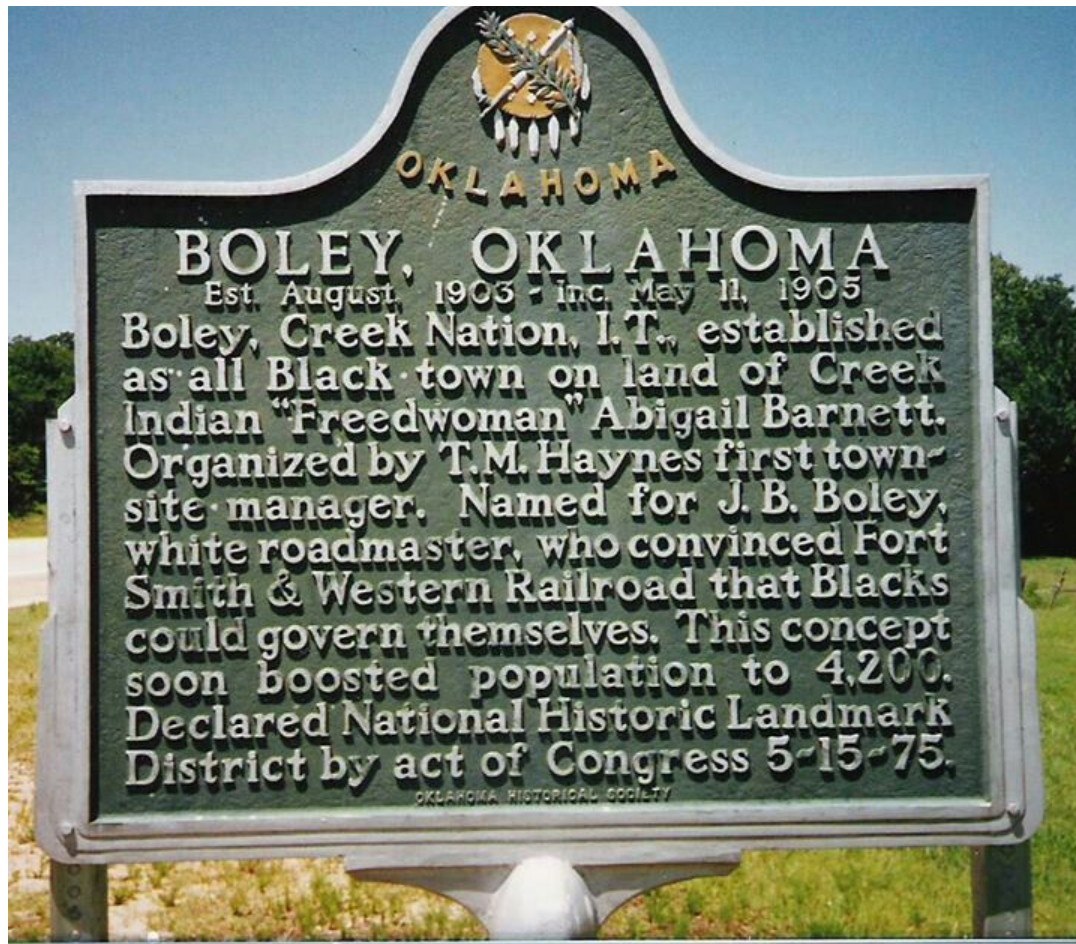


Plains Commerce v. Long Family (2008)



Indian Land

Buster v. Wright (1905)



Washington v. Colville Tribes (1980)



Merrion v. Jicarilla



New Mexico v. Mescalero Apache (1983)



Kerr-McGee v. Navajo (1985)



National Farmers Union v. Crow (1985)



Iowa Mutual v. LaPlante (1987)



Nevada v. Hicks (2001)



Dollar General v. Miss. Choctaw (2016)

