

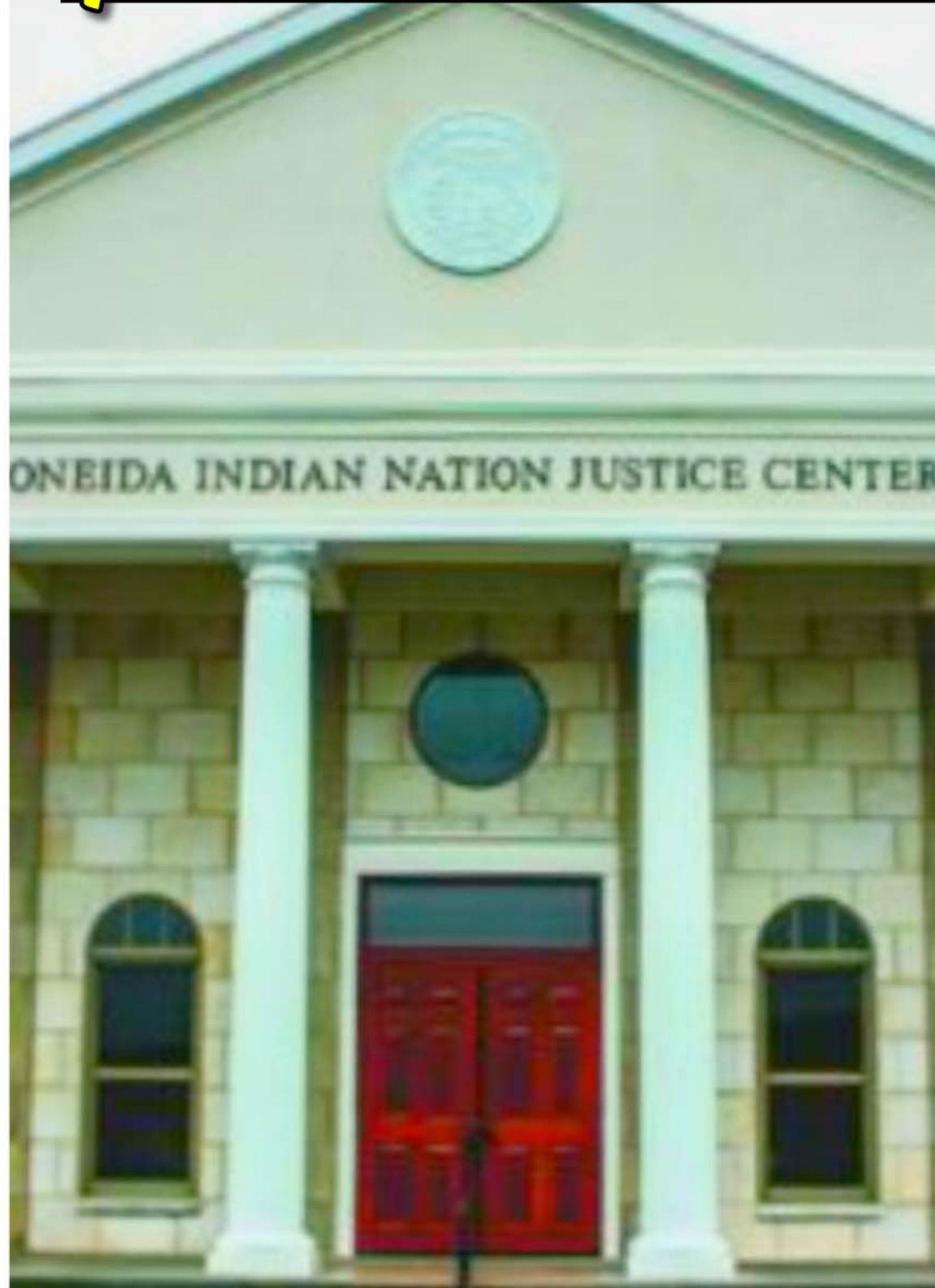
# **TURTLE TALK LIVE 2020: TRIBAL COURTS**



JUDGE MIKE PETOSKEY AT THE  
POKAGON BAND POTAWATOMI  
TRIBAL COURT GRAND OPENING



**T** RIBAL COURTS ARE LOOKIN' GOOD





# WHAT'S GOING ON WITH TRIBAL COURT JURISDICTION?



SHO-BAN TRIBAL COURT

## In the Supreme Court of the United States

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FMC CORPORATION,

*Petitioner,*

v.

SHOSHONE-BANNOCK TRIBES,

*Respondent.*

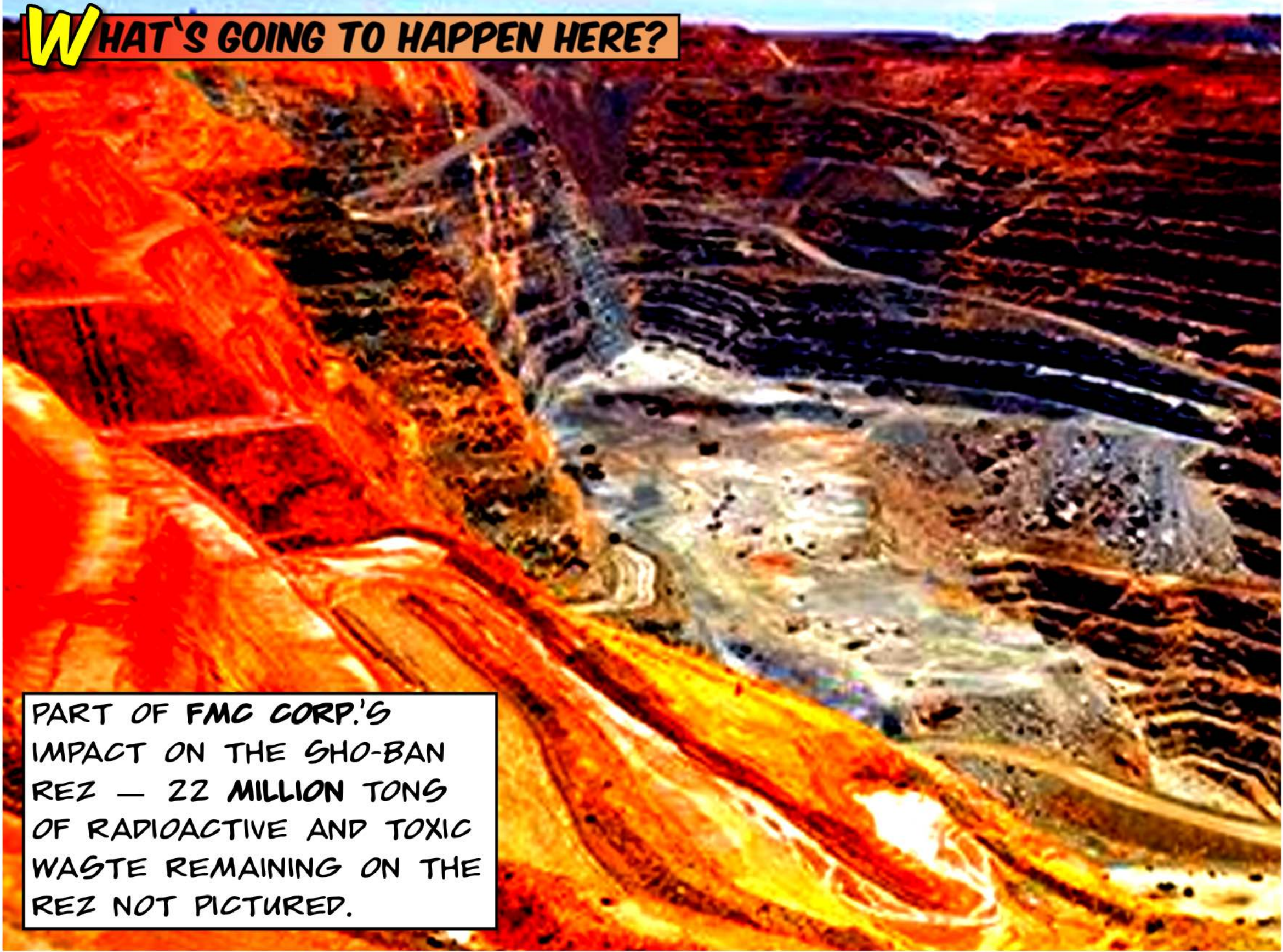
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ON PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRC

FMC CORP. V. SHOSHONE-  
BANNOCK TRIBES —  
CERT PETITION PENDING



# WHAT'S GOING TO HAPPEN HERE?



PART OF FMC CORP.'S  
IMPACT ON THE SHO-BAN  
REZ — 22 MILLION TONS  
OF RADIOACTIVE AND TOXIC  
WASTE REMAINING ON THE  
REZ NOT PICTURED.



FMC'S COUNSEL,  
FORMER S.G.  
GREGARY GARRE

NONMEMBERS HAVE NO SAY IN  
THE LAWS AND REGULATIONS  
THAT GOVERN TRIBAL  
TERRITORY, AND TRIBAL  
SOVEREIGNTY ITSELF IS A  
SOVEREIGNTY OUTSIDE THE  
BASIC STRUCTURE OF THE  
CONSTITUTION.



**JULY 12, 2020**

BACK SIDE OF THE RECORD  
STORE IN TRAVERSE.

## **VACATIONING, MY FAVORITE GERUND**

HOW AN INDIAN LAW  
CASE REACHES THE  
SUPREME COURT.\*

STEP 1 — AN INDIAN TRIBE OR AN  
INDIAN WINS IN A FEDERAL OR  
STATE APPELLATE COURT.

STEP 2 — A STATE,  
THE FEDS, OR A BIG  
CORPORATION (OR  
ANYONE REALLY)  
DENOUNCES THE WIN  
IN THE MEDIA.

STEP 3 — THE MEDIA  
EXAGGERATES THE IMPACT,  
FOR EXAMPLE, SAYING THE WIN  
REVERTS HALF OF A STATE  
TO INDIAN LANDS.

STEP 4 — THE PARTY  
OPPOSING THE TRIBAL  
INTEREST PETITIONS  
FOR CERT CLAIMING  
THE WIN WILL END ALL  
LIFE ON THE PLANET.

STEP 5 — ANTI-INDIAN HATE-  
MONGERS FILE SUPPORTING  
AMICUS BRIEFS CLAIMING  
INDIAN TRIBES OWN SLAVES  
AND FORCE THEM TO HAVE  
ABORTIONS. PICS INCLUDED.

STEP 6 — THE  
TRIBAL PARTY  
OPPOSES THE  
PETITION CALMLY AND  
WITH NUANCE.

STEP 7 — THE MEDIA REPORTS THE  
TRIBE'S CALM AND NUANCED  
RESPONSE. THE REPORT IS  
ACCOMPANIED BY AN ILLUSTRATION  
OF INDIANS CEREMONIALLY  
SACRIFICING A BABY ON THE STEPS  
OF THE SUPREME COURT.

STEP 8 — INDIAN  
LAW PROFESSORS  
INSULT THE  
INTELLIGENCE OF  
VARIOUS JUSTICES.

STEP 9 —  
CERT  
GRANTED.

\* AFTER THE ONION'S  
"HOW A CASE GETS TO  
THE SUPREME COURT."



SO DOES THIS BAD-MOUTHING OF TRIBAL COURTS WORK?



A NONMEMBER SHOULD NOT BE REQUIRED TO DEFEND THEMSELVES IN A SECRET TRIBUNAL, WITHOUT A JURY, WITH POTENTIALLY UNKNOWN AND OBSCURE TRIBAL LAWS, AND RISK MILLIONS IN DAMAGES.

KNIGHTEN V.  
CEDARVILLE  
RANCHERIA CERT  
PETITION

CERT DENIED.

NOTTAWASEPPI HURON  
BAND OF THE  
POTAWATOMI

IF A TRIBAL COURT VIOLATED FEDERAL LAW BY ACTING OUTSIDE ITS JURISDICTION WHEN IMPOSING LIABILITY, OR A FINE OR IMPRISONMENT ON A NONTRIBAL MEMBER, THERE WOULD BE NO REMEDY AVAILABLE TO THE NONTRIBAL MEMBER IF SHE COULD NOT BRING AN ACTION IN FEDERAL COURT. THIS WOULD GIVE EVERY TRIBAL COURT SYSTEM UNLIMITED JURISDICTION, UNLIKE EVERY MUNICIPAL, STATE, AND FEDERAL COURT IN THE COUNTRY.

SPURR V. POPE  
CERT PETITION

CERT DENIED.



**SOMETIMES YES.**

NOW, NONMEMBERS CAN BE HAULED INTO TRIBAL COURTS FOR TORT CLAIMS ARISING OUT OF ANY TYPE OF CONSENSUAL CONDUCT ON THE RESERVATIONS, SUCH AS GAMBLING AT AN INDIAN CASINO, PLAYING GOLF, EATING AT AN ON-RESERVATION RESTAURANT, ETC. ONCE IN TRIBAL COURT, THE NONMEMBER IS SUBJECT TO AN UNWRITTEN SET OF LAWS AND CUSTOMS TO BE DETERMINED AND APPLIED BY THE TRIBE.

DOLLAR GENERAL V. MISSISSIPPI  
BAND CHOCTAW CERT PETITION.

**CERT GRANTED.**

**CHEYENNE RIVER RESERVATION  
THANK YOU FOR VISITING!**

THERE ARE A NUMBER OF BANKS AROUND THAT ARE LOOKING AT THIS CASE. IF THEY WANT TO DISCRIMINATE AGAINST TRIBAL MEMBERS, THEY CAN DO IT AND GET BY WITH IT. THEY DON'T HAVE TO MAKE EVERYBODY LOANS. THEY CAN FIND A REASON FOR REJECTING THE LOANS. WE ARE HERE IN TRIBAL COURT HOPING THAT WE ARE TREATED FAIRLY, AND THAT'S ALL WE ARE ASKING FOR, ACCORDING TO WHAT THE LAW IS. BUT WHAT I AM SAYING IS, THAT THIS CASE IS NOT ONLY BEING LOOKED AT BY THIS CHEYENNE RIVER SIOUX TRIBE, IT'S ALSO BEING LOOKED AT BY BANKS. AND AS LONG AS TRIBAL COURTS TREAT BANKS FAIRLY, I THINK THAT THAT WILL COME TO PASS.

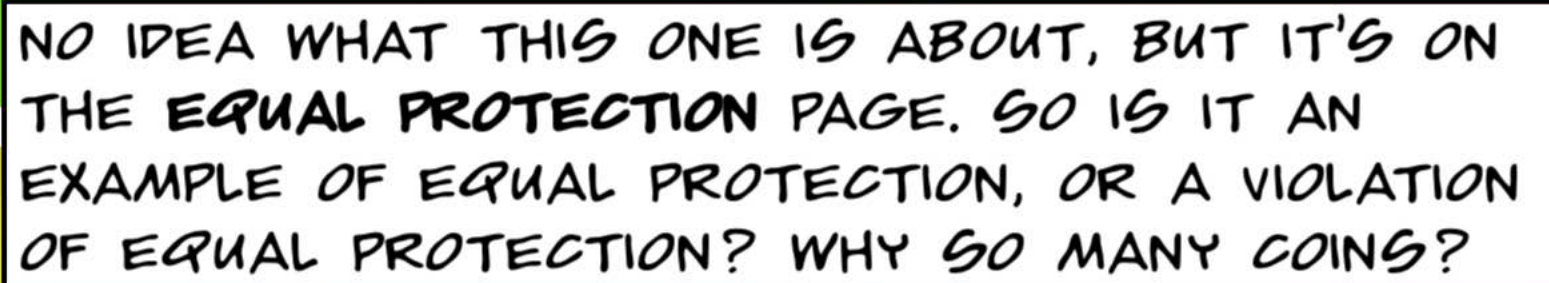
PLAINS COMMERCE BANK ATTORNEY AT  
ORAL ARGUMENT IN TRIBAL COURT.



**LUNCH TIME!**



NO IDEA WHAT THIS ONE IS ABOUT, BUT IT'S ON THE EQUAL PROTECTION PAGE. SO IS IT AN EXAMPLE OF EQUAL PROTECTION, OR A VIOLATION OF EQUAL PROTECTION? WHY SO MANY COINS?





## SOME GOOD NEWS

RBG IN UNITED  
STATES V. BRYANT



ICRA ITSELF REQUIRES TRIBES TO ENSURE "DUE PROCESS OF LAW," § 1302(A)(8), AND IT ACCORDS DEFENDANTS SPECIFIC PROCEDURAL SAFEGUARDS RESEMBLING THOSE CONTAINED IN THE BILL OF RIGHTS AND THE FOURTEENTH AMENDMENT. FURTHER, ICRA MAKES HABEAS REVIEW IN FEDERAL COURT AVAILABLE TO PERSONS INCARCERATED PURSUANT TO A TRIBAL-COURT JUDGMENT. § 1303. BY THAT MEANS, A PRISONER MAY CHALLENGE THE FUNDAMENTAL FAIRNESS OF THE PROCEEDINGS IN TRIBAL COURT. PROCEEDINGS IN COMPLIANCE WITH ICRA, CONGRESS DETERMINED, AND WE AGREE, SUFFICIENTLY ENSURE THE RELIABILITY OF TRIBAL-COURT CONVICTIONS.





TENTH CIRCUIT IN *NORTON V. UTE INDIAN TRIBE*

MAKING GOOD ON THESE DUE PROCESS GUARANTEES, NEARLY FIVE DECADES OF TRIBAL CASES APPLYING ICRA SHOW THAT TRIBAL COURTS PROTECT THE RIGHTS OF BOTH MEMBER AND NONMEMBER LITIGANTS IN MUCH THE SAME WAY AS DO FEDERAL AND STATE COURTS. SEE MATTHEW L.M. FLETCHER, INDIAN COURTS AND FUNDAMENTAL FAIRNESS: INDIAN COURTS AND THE FUTURE REVISITED, 84 U. COLO. L. REV. 59, 75 (2013). AND TRIBAL COURTS OFTEN PROVIDE LITIGANTS WITH DUE PROCESS THAT "EXCEEDS THE PROTECTIONS OFFERED BY STATE AND FEDERAL COURTS." MATTHEW L.M. FLETCHER, AMERICAN INDIAN TRIBAL LAW 325 (2011).

DISCLOSURE: THE AUTHOR OF THIS COMIC BOOK IS MOST DEFINITELY INTO SELF-AGGRANDIZATION.



**JULY 7, 2020**

**RECOMMEND THEY RE-WRITE YOUR ENTIRE TRIBAL CODE.**

**RESTING AFTER SPLURGING ON HORROR ANTHOLOGY.**

I LEARNED ABOUT CONSULTANTS AT PASCUA YAQUI, ONE OF THE REASONS I WAS SURE "OFFICE SPACE" WAS A DOCUMENTARY. WHAT DO TRIBAL CONSULATANTS DO?

**RECOMMEND THEY RE-WRITE YOUR TRIBAL CONSTITUTION.**

**CUT-AND-PASTE FROM THE LAST PROJECT.**

**OFFER TO SERVE AS AN EXPERT WITNESS.**

**PAY FOR DRINKS.**

**SAY "SOVEREIGN IMMUNITY" AT INAPPROPRIATE TIMES.**

**SAY THINGS LIKE "DON'T LET THE LAWYERS TELL YOU NO."**

**TAKE YOU OUT ON THE BOAT.**

**THE BEST OF INDIGINOUS FILM**

**TALK ABOUT FREE AGENT SPORTS CONTRACTS.**

**MANSPLAIN.**

**MAKE YOU PAY FOR THE COFFEE.**

**OFFER TO WRITE A LETTER OF REC FOR YOUR SON'S APPLICATION TO COMMUNITY COLLEGE.**

**SAY THE WORD "DELIVERABLES" A LOT, BUT ONLY IN REFERENCE TO OTHER CONSULTANTS.**

**WEAR POWER TIES AND BEIGE PANTS.**

**RECOMMEND INVESTMENT ADVISORS.**

**TALK ABOUT THE PICS THEY HAVE OF JACK ABRAMOFF WITH THEIR FORMER CLIENTS.**

**SEND AN EMAIL ABOUT A RECENT CASE WITH LINKS TO DOCS ON TURTLE TALK.**

**SHOW OFF THEIR INDIGI-STYLE FEATHER TATTOO.**

**CLAIM TO SPEAK SPANISH, BUT NEVER DO.**

**MENTION THEIR "MINI MBA" FROM HARVARD EXCESSIVELY.**

**OFFER TO WRITE A PRESS RELEASE FOR THAT.**

**TALK ABOUT WHICH BUSINESS SCHOOL THEIR KID GOES TO.**





**OCTOBER 2, 2020**

## **TACO TIME**

WHAT DOES IT MEAN THAT THE NEW SCOTUS JUSTICE KNOWS THAT INDIAN TACOS ARE SO IMPORTANT TO NDNS THAT NATIVE PRISONERS TREAT THEM AS A RELIGIOUS SACRAMENT?

ICWA IS SAFE IF WE CAN SHOW TACOS IMPROVE OUR CHILDREN'S TEST SCORES.

RESERVATION BOUNDARIES ARE SAFE IF THE TACOS ARE BETTER INSIDE THE REZ THAN OUT.

TRIBAL REGULATORY JURISDICTION IS SAFE IF WE CAN SHOW THERE'S A CREDIBLE DANGER FROM THE VAST TACO GREASE GARBAGE PITS LEFT BY CHMOOKS.

TRIBAL SOVEREIGN IMMUNITY IS SAFE IF WE CAN SHOW IMMUNITY FROM TACO-INDUCED CHI-MOOGIE-ABO.

TRUST LAND IS SAFE IF SOME ENTERPRISING NDN PARKS A TACO TRUCK ON FIRST STREET.

PIPELINES WILL STAY SHUT DOWN IF WE CAN SHOW THE BLACK SNAKE IS UNNECESSARY TO SUPPLY TACO GREASE TO INDIAN COUNTRY.

TACO SALES TO NONMEMBERS WILL BE TAX FREE IF WE CAN SHOW THE GASTROINTESTINAL INCIDENCE OF THE TAX IS ON THE REZ.