

McGirt v Oklahoma

US Supreme Court, October Term, 2019

Decided July 9, 2020

The above entitled decision was recently issued and determined that within Indian Country, any Indian member who commits certain offenses within the exclusive jurisdiction of the United States shall be subject to the same law and penalties as all other persons committing any of those offenses, within the exclusive jurisdiction of the United States.

Indian country includes all land within the limits of any Indian reservation under the jurisdiction of the United States Government.

An Oklahoma State Court convicted Jimcy McGirt who is a member of the Seminole Nation and his crimes occurred on the Creek Reservation. But the State lacked jurisdiction.

The argument came down to the treaty the State used for jurisdiction didn't mention "reservation." But the Court found that similar language in other treaties have been upheld as a "reservation."

Once the "reservation" language was determined, only Congress can diminish or disestablish that reservation. Also, the Court ruled that land allotments do not automatically end a "reservation."

The Court encouraged the tribes and the State to work together to obtain a resolution or petition Congress for relief.

A joint statement was issued on July 9, 2020, by the Muscogee (Creek), Cherokee, Chickasaw, Choctaw, and Seminole Nations and the Oklahoma Attorney General, Mike Hunter, that they would work toward an agreement to present to Congress and the US Department of Justice to help resolve jurisdictional questions. Discussions are still ongoing.

At this time, it does not appear this ruling affects the insurance industry.

We, in Oklahoma, honor the insurance licenses issued by the various Indian Nations for their members to transact insurance amongst their members.

For Commissioner Mulready

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