No. 19-6428

IN THE SUPREME COURT OF THE UNITED STATES

Keith Elmo Davis,

Petitioner,

V.

Oklahoma,

Respondent,

On petition for a Writ of Certiorari to the
Oklahoma Court of Criminal Appeals
Reply Brief to Brief in Opposition

/S/ Keith E. Davis
Petitioner/ Keith E. Davis

DOC # 519111 J.H.C.C Unit-J-240-B P.O. Box 548, 16161 Moffat Rd

Lexington, TX 73051

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TAPLE OF CASES

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WILLIAM V. Lee 358 U.S. 217, 795.Ct. 269, 3 Liedi

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463, 99 5ct 740, 58 Lied. 2d 740 (Jan. 16, 1979) REPLY NOTTAN WAIGHT AMISTAY, V NOTPHINZAL

United States V. Fidelity & GUARANTY CO. et al.,

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36 7. Ed., 21, 92 (June 11, 1973) MATTZ V, ARNETT 412 U.S. 481, 93 S.CT. 2245,

Choestaw - Chickesaw - Chenokee Boundary Dispute 393 F. SUPP. 224 (E.O. OKIA, APRIL 15, 1975) (The Choctam & Chickasaw Nations V. Cherokee nation,

35 U.S. OP. ATTY, GEN. 251, 1927 WL 2311 JULY 12, 1927.

Proposition

The District Court does not have subject matter jurisdiction for crime committed within Indian Country where defendant or victim is a enrolled tribal member. Title 22 O.S. 1080(b).

Standard of Review

The first and governing principal is that only Congress can divest a reservation of its land and diminish its boundaries. Once a block of land is set aside for an Indian Reservation and no matter what happens to the title of individual plats within the area, the entire block retains its reservation status until Congress explicitly indicates otherwise. See Solem V. Bartlett, 465 U.S. 463, 470, n.[7], 104 S. Ct. 1161, 79 L.Ed.2d 443 (Decided Feb. 22, 1984). See United States V. Choctaw Nation, 179 U.S. 494, 21 S. Ct. 149, *152 ("Map of Choctaw & Chickasaw Nations"). 45 L.Ed.2d. 291 (Decided Dec. 10, 1900). See Choctaw Nation & Chickasaw Nation V. The Cherokee Nation, 393 F. Supp. 224 (E.D. Okla. April 15, 1975)(The Choctaw-Chickasaw-Cherokee Boundary Dispute Act). See Exhibits [1] Map & Diagram of Land in Suit, with explanatory Notes. See Exhibit [2] Map of Tribal Jurisdictions in Oklahoma, provided by Bureau of Land Management. 35 U.S. Op. Atty. Gen. 251, (U.S.A.G.), 1927 WL 2311 July 12, 1927. Title To Land In Bed Of Red River.

TREATY WITH THE CHOCTAW AND CHICKASAW March 4, 1855, 11 Stat. 611.

Art. 1 (Future boundaries of the Choctaw and Chickasaw country)

The following shall constitute and remain the boundaries of the Choctaw and Chickasaw country. Viz: Beginning at a point on the Arkansas River, one hundred paces east of old Fort Smith, where the western boundary line of the State of Arkansas crosses the said river, and running thence due south to Red River; thence up Red River to the point where the meridian of hundred degrees west longitude crosses the same; thence north along said meridian to the main Canadian River; thence down said river to its junction with the Arkansas River; thence down said river to the place of beginning.

See Solem, 465 U.S. at 468. Act of June 25, 1948, ch. 645, Section 1151, 62 Stat. 757.

Only in 1948 did Congress uncouple reservation status from Indian ownership, and statutorily define Indian Country to Include lands held in Fee by non-Indians within reservation boundaries.

The boundaries of the Choctaw and Chickasaw Nations remain intact and constituted Indian Country as to all lands within a reservation. This would make Indian Offense a Federal crime against the laws of the United States Major Crimes Act 1153, 1151, 3231, 3242, of Title 18 U.S.C.A. Wherever the defendant/victim is a member of the Nation or Tribe. William V. Lee, 358 U.S. 217, 220, 3 L.ed 2d 251, 253-254, n.[2], 79 S. Ct. 269 (Decided Jan. 12,1959); McClanahan V. Arizona Tax Com'n., 411 U.S. 164,171, 177-78, 36 L.Ed.2d 129, 135-136, n.[5-6], 139, n. [15].

The Chickasaw and Choctaw Nations boundaries have not been extinguished, diminished, disestablished by an Act of Congress and history confirms this fact. The State of Oklahoma would not have subject matter jurisdiction under the Major Crimes Act for offenses committed by an Indian within Indian Country which would be Federal District Court.

<u>See</u> Organic Act of Congress, May 2, 1890, c. 182, section 1, 26 Stat. 81. May 2, 1890, c. 182, section 29, 26 Stat. 93. May 2, 1890, c. 182, section 30, 26 Stat. 94.

<u>See</u> Enabling Act of Congress, June 16, 1906, c. 3335, section 1, 34 Stat. 267. June 16, 1906, c. 3335, section 22, 34 Stat. 278.

See April 22, 1907, Wm. H. Murray president of Convention signed Ordinance Accepting Enabling Act as Irrevocable. Which is not subject to recall once contract terms signed on effective date. Proclamation signed by President November 16, 1907 admitting Oklahoma in the Union as a State. Okla. Const. Art. 1, section 3. Oklahoma's Disclaimer as impediment not amended to assume jurisdiction over Indians within Indian Country.

Footnote: Exhibit 2. There are (38) federally recognized Tribes in the State of Oklahoma. <u>Title</u> 68 O.S. 2010, section 348. Definitions. <u>Title</u> 68 O.S. 2004, section 346.A.2. Recognition of Tribal Sovereignty of federally recognized Tribes. <u>Title</u> 68 O.S. section 425. Definitions. <u>Title</u> 68 O.S. section 500.3. Definitions. <u>Title</u> 68 O.S. section 500.63. Sale of motor fuels by Indian Tribes. <u>Title</u> 10 O.S. 1982, section 40.2. Definitions. <u>Title</u> 68 O.S.2014, section 349.1. Sale of Tobacco by Indian Tribes.

See Press Release, Secretary Jewell, 2015 WL 5813847 October 6, 2015. Department of the Interior. The Choctaw Nation is the third largest Native American Tribe in the United States, with approximately 176,000 enrolled members and 10,864 square miles of tribal lands in Southeastern Oklahoma.

The Chickasaw Nation has more than 60,000 enrolled members and includes 7,648 square miles of South-Central Oklahoma, encompassing all or parts of 13 Oklahoma Counties.

Proposition

Oklahoma does not have subject matter jurisdiction over the crimes committed by or against an Indian in Indian Country.

A] Oklahoma never amended its Constitution to remove the disclaimer pursuant to the Act of August 15, 1953, Pub. L. No. 88-280, 67 Stat. 588. Okla. Const. Art. 1, section 3. See Washington V. Yakima Indian Nation, 439 U.S. 463, 481-482, 58 L.Ed.2d 740, 755-756, (footnote 25-listed Oklahoma having disclaimer to be amended), 99 S. Ct. 740 (Decided Jan. 16, 1979).

B] Oklahoma never obtained consent of the affected tribe under Title IV of the Civil Rights Act of 1968. 25 U.S.C. Sections 1321-1326. 18 U.S.C.A. Section 3243.

The State of Oklahoma has never acted pursuant to Public Law Number 280 or Title IV of the Civil Rights Act of 1968 to assume jurisdiction over Indian Country within its borders. Any act on part of the State of Oklahoma against a tribal member without the consent of a sovereign nation is void ab initio.

See United States V. Fidelity & Guaranty Co., et al., 309 U.S. 506, 60 S. Ct. 653, n.[10], 84 L.Ed 894 (Decided March 25, 1940)(Consent alone gives jurisdiction to adjudge against a sovereign and in absence of that Consent, attempted exercise of judicial power is void).

See Enabling Act of Congress, June 16, 1906, c. 3335, Section 22, 34 Stat. 278. June 16, 1906, c. 3335, Section 1, 34 Stat. 267.

See Ordianace Accepting Enabling Act, April 27, 1907, adopted at 11:41 a.m., 22nd day of April Anno Domini, 1907.

<u>See</u> Black's Law Dictionary-Ninth Edition: Irrevocable: Unalterable; committed beyond recall.

Oklahoma signed a Ordinance of Irrevocability not subject to recall in agreement with the Enabling Act of Congress which is a contract with sovereign nations. Accepting its conditions of this Enabling Act Sections 1, 22, in conjunction with its disclaimer under Okla. Const. Art. 1, section 3. Oklahoma being binded with contract terms and breached that terms of the contract against nations which cannot be waived without the consent of nations. Where enrolled members are convicted within Indian Country by the State of Oklahoma without their Tribe or Nations consent. See Washington V. Fishing Vessel Ass'n., 443 U.S. 658, 675-676, 61 L.Ed.2d 823, 839, 99 S. Ct. 3055 (Decided July 2, 1979)(A Treaty, including one

between the United States and a Indian Tribe, is essentially a contract between two sovereign Nations, e.g., Lone Wolf V. Hitchcock, 187 U.S. 553, 47 L.Ed. 299, 23 S. Ct. 216. When the the signatory nations have not been at war and neither is the vanquished, it is reasonable to assume that they negotiated as equals at arm's length. There is no reason to doubt that this assumption, applies to the Treaty at issue here). See Northern P.R. Co. V. Wall, 241 U.S. 87, 60 L.Ed. 905, 36 Sup. Ct. Rep. 493 (The law existing when a contract is made, and affecting its performance, becomes a part of it). See The Choctaw Nation, the Chickasaw Nation V. Cherokee Nation, 393 F. Supp. 224 (E.D. Okla. April 15, 1975)(Discussion of Treaties and the Choctaw-Chickasaw-Cherokee Boundary Dispute Act). A full comprehensive analysis was conducted pursuant to a Three Judge Court pursuant to an Act of Congress. The terms of a contract was addressed within the United States and Nations or Tribes. The terms are forever binding unless Repeal or Altered by another Act of Congress.

Footnote: See The Oklahoman, Monday, December 10, 2018, 5A. Five Tribes await high Court's Creek Ruling. (By Mr. Stephen H. Greetham). "The Chickasaw Nation carefully assessed the question of its own treaty boundaries as part of its work in recent water negotiations." Said Stephen Greetham, Senior Counsel for that tribe. "It is certainly our conclusion, consistent with our Constitution, that the Nation's boundaries remain intact." See 35 U.S. Op. Atty. Gen. 251 (U.S.C.A.), 1927 WL 2311 July 12, 1927. "Title To land In Bed Of Red River." The Choctaw Nation and the Chickasaw Nation V. Cherokee Nation, 397 F. Supp. 224 (E.D. Okla. April 15, 1975) (The Choctaw-Chickasaw-Cherokee Boundary Dispute Act). See Morris V. Watt, 640 F.2d 404 (Jan. 27, 1981) (The Choctaw 1860 and Chickasaw 1868 Constitutions were not repudiated by any lawful acts of the federal government).

Choctaw Nation V. U.S., 21 S. Ct. 149, *152, 179 U.S. 494, *501. See Exhibit [1] Copy of Choctaw Nation, Diagram of Land in Suit, with Explanation Notes. Tracts 4 Cheyennes and Arrappahoes. Tract 5 Wichitas. Tract 6 Kiowas, Commanches, and Apache. Tract 7 Greer County.

In 2019 where the State of Oklahoma will work in partnership with the Indian Nations through Compacts, Cooperation Agreements as Sovereign Nations. Further strengthens recognition of existing jurisdictional boundaries within the old reservation boundaries have survived diminishment, disestablishment, extinguishment by Acts of Congress.

A congressional determination to terminate an Indian reservation must be expressed on the face of the Act or be clear from surrounding circumstances and Legislative History. See Mattz V. Arnett, 412 U.S. 481, 504-505, 35 L. Ed.2d 92, 106-107, 93 S. Ct. 2245 (Decided June 11, 1973). Seymour V. Superintendent, 368 U.S. 351, 395, n.[5], 7 L.ed 2d 346, 351, n.[5], 82 S. Ct. 424 (Decided Jan. 15, 1962) (When Congress has once established an Indian reservation all tracts included within it remain a part of the reservation until seperated by Congress).

Proposition

Continuation of tribal existence and tribal government by Acts of Congress extending its ultimate power of life or death for a Nation or Tribe cannot be reversed except by another Act of Congress.

The U.S. Supreme Court held:

The Act of 1906, 34 Stat. 137. Congress at one time planned to terminate the existence of the Five Civilized Tribes in 1906, and the Act of 1906 was introduced into the House of Representatives with the object of preserving Indian interests after tribal dissolution. In the course of discussion, Congress determined to continue tribal existence, and the Act was amended to that effect before passage.

See Seminole Nation V. United States, 318 U.S. 629, 63 S. Ct. 784, ** 789, n. [4], 87 L. Ed. 1046 (Decided April 5, 1943); See August 19, 1907 26 U.S. Op. Atty. Gen.390, 1907 WL 486, ** 5 states: "Congress may abrogate a formal treaty with a sovereign nation ... it may alter or repeal an agreement of this kind with an Indian Tribe." See Chae Chan Ping V. United States, 130 U.S. 581 9 S. Ct. 623 (May 13, 1889).

The State of Oklahoma as part of the Union was non-existent prior to November 16, 1907, before its entering into Statehood. The negotiations of tribal extinguishment, disestablishment, diminishment took place before Oklahoma was admitted into the Union as a State on November 16, 1907. The date the proclamation signed by the President of the United States.

The only realistic question is the state of the State, the Five Tribes, the United States on or after November 16, 1907?

Congress Acts are directives and laws as to the Commerce Clause with the Nations or Tribes within a Territory or State. These Congressional Acts are not to be discarded or disregarded by those whom are in disagreement with them.

March 2, 1906, Congress had the power to Legislate for the existence of the Nations or Tribes and to extend this Act indefinitely prior to the deadline Congress itself set for March 4, 1906. When tribal government was to end, but Congress repealed its March 4th, 1906 deadline set by its Act with another Act from Congress itself. The State of Oklahoma cannot be heard to disagree with that decision Congress made on March 2nd, 1906 in the House of Representatives on behalf of the Nations or Tribes. See Act of April 26, 1906, section 28, 34 Stat. 148. Until otherwise provided by Law.

Title 74 O.S.2011, section 1207. Oklahoma Native American Liaison, reads:

A. The State of Oklahoma recognizes the status of the federally recognized tribal governments residing in the geographical boundaries of the State as sovereign nations and the state recognizes the need for further cooperation between the state and the tribes and their citizens and the importance of the government-to-government relationship between the state and the tribes.

To the present date as of Statehood the State of Oklahoma Legislature recognizes, acknowledges, federally recognized Nations or Tribes within the Geographical boundaries of the State of Oklahoma. Federal Statutes, Supreme Court Decisions, Department of Interior, Secretary of Interior, Congress. These Nations or Tribes are wards of the United States and under its protection. The State of Oklahoma should recognize and acknowledge this fact through its own State Legislations.

<u>Title</u> 74 O.S. 2012, section 1221. Indian Tribes-Acknowledgement of Federal Recognition-Cooperative Agreements-Surface water and/or Ground water resources, reads:

A. The State of Oklahoma acknowledges Federal recognition of Indian Tribes recognized by the Department of Interior, Bureau of Indian Affairs.

B. The State of Oklahoma recognizes the unique status of Indian Tribes within the Federal Government and shall work in a spirit of cooperation with all Federally recognized Indian Tribes in furtherance of federal policy for the benefit of both the State of Oklahoma and Tribal Government.

The Five Civilized Tribes within the State of Oklahoma are documented as federally recognized tribes under the Department of the Interior and Bureau of Indian Affairs. The Five Tribes have their own police, Tribal Courthouse. The Five Tribes are under superintendence of the United States within their Jurisdictional Boundaries within the State of Oklahoma. Land that is set aside for use of the Indians under the superintendence of the government of the United States. Congress still Legislate for the benefit of the tribes or nations as long as they shall exist. The Cooperation Agreements, Compacts between the State of Oklahoma and Tribal Governments established the existence of these Sovereign Nations. That Indian Country still exists within the old reservation boundaries.

Respondent did not address the material facts about the press release October 6th, 2015, 2015 WL 5813847, by the Dept. Of the Interior that acknowledged the Choctaw Nation is the third largest Native American Tribe in the United States, with approx. 176,000 enrolled members and consists of 10,864 square miles in the year 2015. The Chickasaw consists of 60,000 enrolled members and 7,648 square miles. See U.S. v. Choctaw nation, 179 US 494, 21 S Ct 149, *152 (Map of the Choctaw and Chickasaw Nations Boundaries), See Choctaw and Chickasaw nations V. Cherokee nations, 393 F. Supp 224 (E.D. Okla. April 15, 1975) (The Choctaw-Chickasaw-Cherokee nations Boundary Dispute Net); See 35 U.S. Op. Atty. Gen. 251, 1927 WL 2311 July 12, 1927. Title to Land in Bed of Red River. See Brief for Respondent, filed in No. 19-6428.

Conclusion

The Writ of Certiorari should issue to review the question before this court presented by Petitioner in No. 19-6428, and in the Sharp V. Murphy and McGurt. 28 USCA 1257.

Petitioner's crimes were committed within the Choctaw Reservation 10,864 Square-miles of Southeastern Oklahoma.

eth E. Davis
Petitioner/Keith F. Davis

Petitioner/ Keith E. Davis DOC # 519111 J.H.C.C Unit-J-240-B

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WESTLAW

U.S. v. Choctaw Nation

Supreme Court of the United States : December 10, 1900 : 179 U.S. 494 21 S.Ct. 149 45 L.Ed. 291 (Approx. 22 pages)

21 S.Ct. 149

Supreme Court of the United States

UNITED STATES, Appt.,

v.

CHOCTAW NATION and Chickasaw Nation. WICHITA and Affiliated Bands of Indians, Appts.,

v.

CHOCTAW NATION, Chickasaw Nation, and United States. CHOCTAW NATION and Chickasaw Nation, *Appts*.,

V.

UNITED STATES and Wichita and Affiliated Bands of Indians.

Nos. 88, 89, 90. Argued March 7, 8, 9, 1900. Decided December 10, 1900.

Synopsis

APPEAL from a decree of the Court of Claims determining rights of Indians in lands and proceeds thereof. *Reversed*.

See same case below, 34 Ct. Cl. 17.

The facts are stated in the opinion.

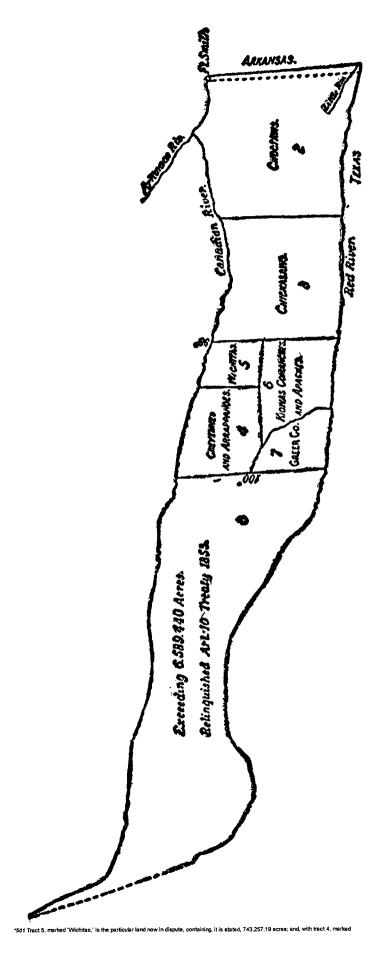
West Headnotes (8)

Change View

- 1 Indians Construction and operation

 The obvious, palpable meaning of the words of an Indian treaty may not be disregarded because of the dependent character of the Indians, or because, in the judgment of the court, the Indians may have been overreached.
 - 5 Cases that cite this headnote
- Indians Construction and operation

 That the result of accepting the interpretation placed by the United States upon the treaty of 1866, 14 Stat. 769, with the Choctaw and Chickasaw Nations will be to render the general government less liberal towards them than towards other tribes constitutes no reason why the court should depart from the ordinary signification of the words used in the treaty.
 - 18 Cases that cite this headnote
- 3 Indians Title and rights to Indian lands in general
 A release by the Wichita and affiliated bands of Indians of all claims to any and
 all lands within the limits of the United States, except those allotted to them,
 cannot be made a condition of a decree for compensation on account of surplus



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WESTLAW



Choctaw & Chickasaw Nations v. U.S.

United States Court of Claims January 9, 1899 34 Ct.Cl. 17 1800 WL 2139 (Approx. 74 pages)

Reversed by U.S. v. Choctaw Nation, U.S.Ct.Cl., December 10, 1900

34 Ct.Cl. 17 **United States Court of Claims**

THE CHOCTAW AND CHICKASAW NATIONS

v.

THE UNITED STATES AND THE WICHITA AND AFFILIATED BANDS OF INDIANS

No. 18932 Decided January 9, 1899

*17 On the Proofs.

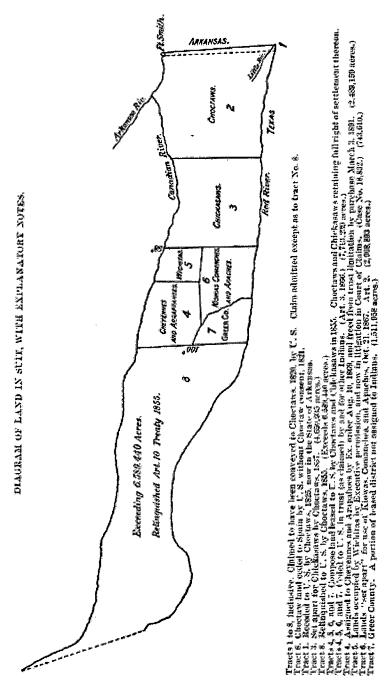
Synopsis

Congress refer these cases by the Act 2d March, 1895 (28 Stat. L., p. 876, 898), and confer jurisdiction to hear and determine and render judgment "so that the rights, legal and equitable, of the United States and the Choctaw and Chickasaw nations and the Wichita and affiliated bands of Indians in the premises shall be fully considered and determined." The Choctaws and Chickasaws appear and claim compensation for 743,257.19 acres in the Wichita Reservation within the Leased District, of which about 159,000 acres have been allotted in severalty to the Wichitas and affiliated bands. The Wichitas and affiliated bands appear and controvert the right and title of the Choctaws and Chickasaws and set up their own aboriginal title to the Leased District and other lands contiguous, and claim the proceeds of the sales of all land in the Leased District not allotted to them. The United States contend that the Choctaws and Chickasaws parted with their title to the Leased District by the treaty of 1866; also that they never had title to land west of the one hundredth meridian; also that the Wichitas had no title by aboriginal occupancy.

West Headnotes (50)

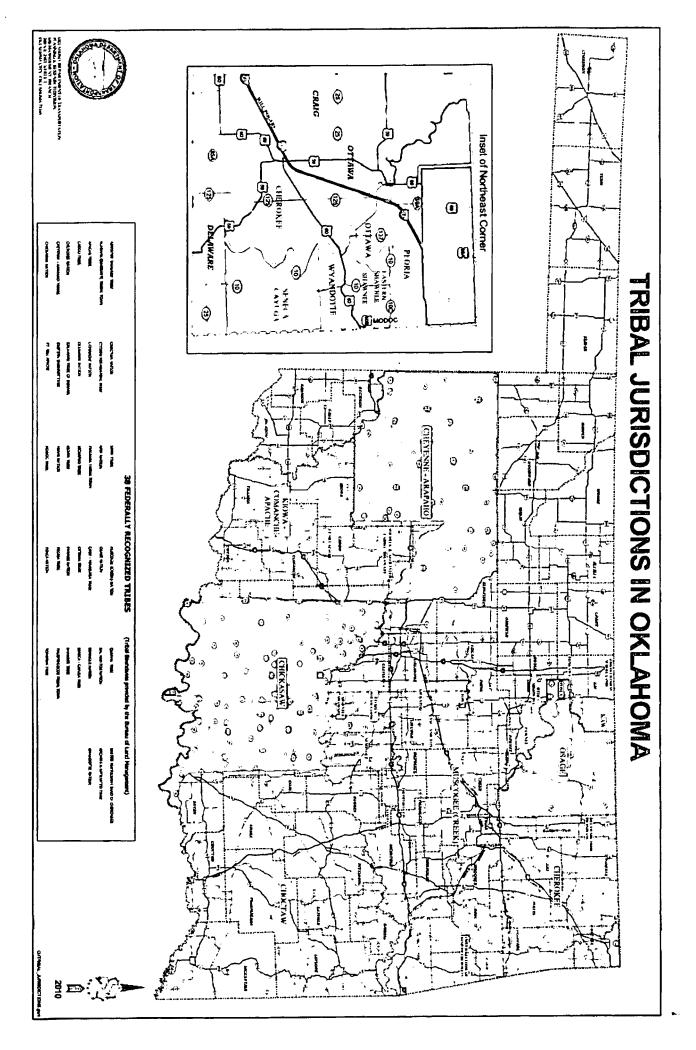
Change View

Evidence Before Transaction or Event Where a treaty with an Indian tribe is ambiguous, evidence of the terms submitted by the commissioners appointed to negotiate the treaty, as to the character of the title proposed to be acquired, is admissible as part of the res



*49 Rights following discovery of lands in this country were first treated by European nations above the possessory claims of the aborigines. Vattel declared that the unsettled habitations of Indians were such they could not be legal possessors of the soil. The discoverers, however, came to concede the rights of occupants, and the Indians in possession were permitted to retain their original natural rights as the undisputed possessors of the soil, subject to such conditions as were imposed by those making the discoveries. Discovery gave title to the country and power to grant the soil subject to the Indian right of occupancy. But the Indians were not permitted to grant title to the lands occupied by them, their right being merely that of occupancy and not of ownership.

Early in our history the character of Indian holding was defined substantially as outlined.



WESTLAW

SECRETARY JEWELL ANNOUNCES HISTORIC \$186 MILLION SETTLEMENT OF CHICKASAW AND CHO 2015 WL 5813847 October 6, 2015 (Approx. 3 pages)

2015 WL 5813847 (D.O.I.)

Department of the Interior (D.O.I.)

PRESS RELEASE

SECRETARY JEWELL ANNOUNCES HISTORIC \$186 MILLION SETTLEMENT OF CHICKASAW AND CHOCTAW NATIONS' TRIBAL TRUST LAWSUIT

October 6, 2015

DURANT, Okla. - U.S. Secretary of the Interior Sally Jewell today announced the settlement of The Chickasaw Nation and The Choctaw Nation v. The Department of the Interior, a lawsuit filed by the nations regarding the U.S. government's accounting and management of funds and natural resources that it holds in trust for these communities. The \$186 million agreement resolves a long-standing dispute, with some of the claims dating back more than 100 years, and brings an end to protracted, vigorously contested and expensive litigation that has burdened both nations and the United States for a decade.

Secretary Jewell, Interior's Solicitor Hilary C. Tompkins, and Principal Deputy Assistant Secretary - Indian Affairs Lawrence S. Roberts joined Choctaw Nation Principal Chief Gary Batton, Chickasaw Nation Governor Bill Anoatubby, and other federal and tribal officials at a commemorative signing ceremony held at the Choctaw Nation headquarters in Durant.

"Today's agreement is the latest addition to a record number of long-standing settlements resolved under this Administration," Secretary Jewell said. "This historic settlement is the start of a new chapter in our trust relationships with the Chickasaw and Choctaw Nations, and underscores our commitment to fulfilling those responsibilities to Native communities across the country."

Under the settlement agreement, the United States will pay the Chickasaw Nation \$46.5 million, and the Choctaw Nation \$139.5 million. In return, the nations will dismiss their current lawsuit and forego further litigation regarding the United States' historic management or accounting of the nations' funds and natural resources held in the trust. The agreement is the fifth largest tribal trust settlement to date.

As part of the settlement, the parties agree to undertake new information-sharing procedures that will lead to improved communication concerning the management of the

nations' trust funds and natural resources. The parties will also abide by alternative dispute resolution procedures to reduce the likelihood of future litigation.

"This settlement represents a significant milestone in helping solidify and improve our relationship with the United States," said Governor Anoatubby. "We respect the vital role Secretary Jewell has taken in helping make this historic settlement a reality. We are confident she will play an essential role in our efforts to continue strengthening the relationship between our governments, because we believe she has a unique appreciation for the mutual benefits of a positive government-to-government relationship."

"It is a historic occasion to have the Secretary of the Interior visit the Choctaw and Chickasaw Nations. I am appreciative of having a sovereign-to-sovereign relationship between the Choctaw Nation and the United States government. It is also historic that these three sovereigns have agreed to a settlement of the timber trust account case," said Choctaw Chief Gary Batton. "We plan for the proceeds to be invested in our people - expanding education, creating jobs, promoting economic development and culture, as well as a portion to be invested in a sustainability fund for the future of our citizens.

"This visit marks the start of a revitalized relationship with the United States. Secretary Jewell's presence here, coming soon after President Obama's recent visit, also serves to reaffirm that the foundation of this relationship is government-to-government," Chief Batton said.

The Choctaw Nation is the third largest Native American tribe in the United States, with approximately 176,000 enrolled members and 10,864 square miles of tribal lands in southeastern Oklahoma. The Chickasaw Nation has more than 60,000 enrolled members and includes 7,648 square miles of south-central Oklahoma, encompassing all or parts of 13 Oklahoma counties. Both tribes were relocated to Oklahoma in the 1830s after being removed from their ancestral homelands in the southeastern United States. The removals became known as the Trail of Tears.

The Departments of Justice, Interior, and Treasury have been diligently engaged in settlement conversations with more than 100 litigating tribes. On April 11, 2012, the United States announced settlements with 41 tribes for at least \$1 billion. Since that time, the federal government has focused considerable, dedicated effort on the remaining tribal trust accounting and trust mismanagement cases. Including the settlement with the Chickasaw and Choctaw Nations, this Administration has resolved, since October 1, 2010, breach of trust claims with a total of 86 tribes and combined value of about \$2.8 billion.

In addition, the \$3.4 billion Cobell settlement (which was approved in 2010) of individual American Indian trust mismanagement claims resolved the largest class action lawsuit in history.

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2015 WL 5813847 (D.O.I.)

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