



THE NAVAJO NATION

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DOLLAR GENERAL DECISION - A DE FACTO WIN FOR TRIBAL SOVEREIGNTY

WASHINGTON—On Thursday, Jun. 23, the U.S. Supreme Court affirmed the lower court decision on Dollar General Corporation v. Mississippi Band of Choctaw Indians, after the justices ended in a 4 to 4 tie.

Generally, there are nine Supreme Court justices, however with the passing of Justice Antonin Scalia, the remaining eight justices split their decision in a tie in this tribal civil jurisdiction matter.

In the event of tie, the lower court's ruling stands. Therefore, this tie worked in the tribe's favor because the Fifth Circuit ruled that the tribe has civil jurisdiction over the Dollar General Corporation.

"The Supreme Court of the United States was knotted in a decision on Dollar General Corporation v. Mississippi Band of Choctaw Indians. Although the ruling was favorable to the tribe because of the lower court's ruling, this decision underscores the need to seat a justice in the Supreme Court immediately," Vice President Jonathan Nez said.

In December of 2015, the U.S. Supreme Court heard oral arguments in the Dollar General Corporation v. Mississippi Band of Choctaw Indians (No. 13-1496), a tribal civil jurisdiction case. The case began in 2003 on the Mississippi Band of Choctaw Indian's reservation in Mississippi when a 13-year-old tribal member alleged that he was sexually assaulted by the store's non-Indian manager.

The U.S. Attorney's office declined to prosecute the non-Indian manager and both tribal and state court's lacked criminal jurisdiction over the offense. As a result, the boy's parents sued the manager and the company in tribal court for \$2.5 million in actual and punitive damages. The Navajo Nation did sign on to an amicus brief in support of the Mississippi Band of Choctaw Indians and tribal civil jurisdiction.

The case will sent back to Mississippi Band of Choctaw Indians tribal court for a hearing on the merits.

"The court case also highlights the need for tribes to have jurisdiction over non-native individuals that commit crimes on American Indian lands. The need for equity in the rule of law throughout Indian Country cannot be stressed enough," Vice President Nez said. "Today's decision was a victory for Indian Country and we stand in support with our brothers and sisters in the Mississippi Band of Choctaw Indians."

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