

4. The Cherokee Nation Foundation is established under the laws of the Cherokee Nation.
5. The Cherokee Nation Foundation's headquarters are within the jurisdictional boundaries of the Cherokee Nation.
6. The Cherokee Nation Foundation was established to benefit Cherokee citizens.
7. *Murphy v. Royal* has not been recorded yet, it is subject to change until recorded, and is not binding on the Court until recorded. Although *Murphy v. Royal* is not presidential or persuasive in value at this point in time it comes at the end of a century old line of cases all having the same framework of analyzing tribal jurisdiction. Most notably said framework is laid out in *Solem v. Bartlett*, 465 U.S. 463 (1984).
8. Applying the *Solem* analysis the Court finds that the Cherokee Nation's jurisdictional boundaries as established have never been disestablished by congress.
9. The Federal Court explained in *United States v. Celestine*, 215 U.S. 278, 284-87 (1909) that reservation status depends on the boundaries Congress draws, not on who owns the land inside the reservation's boundaries: "[W]hen Congress has once established a reservation, all tracts included within it remain a part of the reservation until separated therefrom by Congress." 215 U.S. at 285. This understanding of reservations has continued. See *Solem v. Bartlett*, 465 U.S. 463, 470 (1984) ("Once a block of land is set aside for an Indian Reservation and no matter what happens to the title of individual plots within the area, the entire block retains its reservation status until Congress explicitly indicates otherwise." (citing *Celestine*, 215 U.S. at 285)).

10. Within 18 U.S.C. § 1151's definition of Indian country, the § 1151(a) reservation clause concerns us here. Congress provided that "Indian country" includes "all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation." 18 U.S.C. § 1151(a). Thus, land within the boundaries of an Indian reservation is in "Indian country." The Supreme Court confirmed this understanding in *Seymour v. Superintendent of Washington State Penitentiary*, 368 U.S. 351 (1962).

11. The "rule by which legal ambiguities are resolved to the benefit of the Indians" is applied to its "broadest possible scope" in disestablishment and diminishment cases. *DeCoteau*, 420 U.S. at 447. Absent "substantial and compelling evidence" courts are "bound by traditional solicitude for the Indian tribes" to conclude "that the old reservation boundaries survived." *Solem*, 465 U.S. at 472.

12. The Court retains jurisdiction over this matter and the parties shall proceed accordingly.

IT IS ORDERED that the Court's findings set out above be incorporated herein as Orders of the District Court of Cherokee Nation as if fully set out hereafter.

IT IS ORDERED.



Luke Bartheaux, District Judge
Cherokee Nation

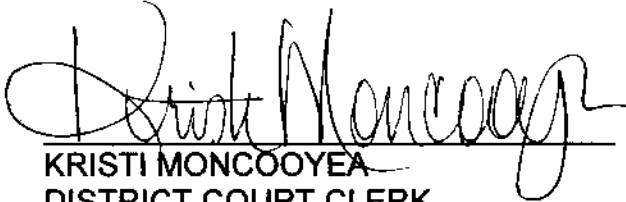
Copies to be furnished to:
All parties of record.

CERTIFICATE OF DELIVERY

I certify that on this 11th day of October, 2017, I emailed a true and complete copy of the foregoing Jurisdictional Order entered this date in CRM-2016-54, and mailed same by U.S. first class mail, to the following:

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