“Indian nations had always been considered as distinct, independent political communities, retaining their original rights, as the undisputed possessors of the soil from time immemorial. . . . The Cherokee nation, then, is a distinct community, occupying its own territory, with boundaries accurately described, in which the laws of Georgia can have no force, and the citizens of Georgia, have no right to enter, but with the assent of the Cherokees themselves, or in conformity with treaties, and with the acts of Congress.”
“[O]ur government has always recognized [the Indians] as exempt from our laws . . . and, in regard to their domestic government, left to their own rules and traditions.”

“[T]o uphold the jurisdiction exercised in this case would be to reverse in this instance the general policy of the government towards the Indians, as declared in many statutes and treaties. . . . To justify such a departure, in such a case, requires a clear expression of the intention of congress, and that we have not been able to find.”
“It cannot be doubted, as said in Worcester, that . . . ‘The Indian nations had always been considered as distinct, independent political communities, retaining their original natural rights.’ . . . [Because] the powers of local self-government enjoyed by the Cherokee Nation existed prior to the constitution, they are not operated upon by the fifth amendment.”
“Plenary authority over the tribal relations of the Indians has been exercised by Congress from the beginning.”

“The power exists [in Congress] to abrogate the provisions of an Indian treaty.”

“In view of the legislative power possessed by Congress over treaties with the Indians and Indian tribal property, we may not specially consider [if Congress did the right thing]. . . .[T]hese matters . . .[are] solely within the domain of the legislative authority, and its action is conclusive upon the courts.”

“We must presume that Congress acted in perfect good faith.”
Winters v. United States, 207 U.S. 564 (1908)

“The Indians had command of the lands and the waters [prior to agreeing to move to the reservation]. . . .Did they give up all this?”

“By a rule of interpretation of agreements and treaties with the Indians, ambiguities occurring will be resolved from the standpoint of the Indians. And the rule should certainly be applied to determine between two inferences, one of which would support the purpose of the agreement and the other impair or defeat it.”
“The people of the pueblos...[are] a simple, uninformed, and inferior people...requiring special consideration and protection, like other Indian communities....[They] are dependent upon the fostering care and protection of the government, like reservation Indians in general;...they are intellectually and morally inferior and [are] easy victims to the evils and debasing influences of intoxicants.”

“Not only does the Constitution expressly authorize Congress to regulate commerce with the Indian tribes, but...the United States as a superior and civilized nation [has] the power and the duty of exercising a fostering care and protection over all dependent Indian communities.”
The Tribe argued that its authority to prosecute non-Indians "flows automatically from the Tribe’s retained inherent powers of government." The Tribe pointed out that no federal law prohibited the exercise of this power.

"Indian tribes are prohibited from exercising both those powers of autonomous states that are expressly terminated by Congress and those powers inconsistent with their status."

"[Indian tribes do not] retain the power to try non-Indians according to their own customs and procedure."

The Court noted in footnote 1 that approximately 3000 non-Indians live on the Port Madison Reservation and 50 Indians.

The Supreme Court’s decision in *Duro v. Reina*, 495 U.S. 676 (1990), “did not set forth constitutional limits that prohibit Congress from changing the relevant legal circumstances, *i.e.*, from taking actions that modify or adjust the tribes’ status.” The rule announced in *Duro* was “judicially made” and not required by the Constitution. Therefore, Congress can change it because Congress has final authority in Indian affairs in such situations.
Questions & Discussion
Next Meeting

• No Meeting in December
  – Happy Holidays!

• Tentative Next Meeting:
  – Monday, January 13, 2020 – 2PM Eastern
  – Topic: USDA-AMS Programs
  – Jeff Davis, Business Development Specialist, Agricultural Marketing Service, Specialty Crops Program
PSA is Hiring!

• Southeast Regional Extension Associate
  https://academicjobsonline.org/ajo/jobs/15401

• Spanish-Language Extension Associate
  https://academicjobsonline.org/ajo/jobs/15404

• Applications currently being accepted and reviewed.
PSA Advanced Trainer Workshop

• Registration still open for both trainings
• December 17-19, 2019 or January 28-20, 2020
• Register Now: https://www.eventbrite.com/e/psa-advanced-training-lake-alfred-registration-74828952411

• **Prerequisites:** Must have attended the PSA Train-the-Trainer Course prior to attending the Advanced Trainer Workshop.
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http://producesafetyalliance.cornell.edu/

En español: es.producesafetyalliance.cornell.edu

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