

OMAHA TRIBE OF NEBRASKA

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OMAHA TRIBE OF NEBRASKA PRESS RELEASE RE SMITH V. PARKER

Omaha Tribe Prevails in Nebraska v. Parker.

On March 22, 2016 the United States Supreme Court decided the appeal of the case of *Smith v. Parker* in favor of the Omaha Tribe of Nebraska. Petitioners in the case were Pender, Nebraska bar owners and liquor retailers opposing the Omaha Tribe's exercise of its federally granted regulatory control over liquor sales on the Omaha Reservation. The petitioners, along with the State of Nebraska argued that Pender is not located on the Omaha Reservation because, according to their theory, an 1882 Act of Congress opening the land to settlement on part of the Omaha Reservation changed the boundaries and thus diminished the area included within the Reservation.

The U.S. Supreme Court rejected that and other arguments by the Petitioners and concluded that Congress did not diminish the Reservation by the 1882 Act. The Court held that the Act's language, the legislative history surrounding its passage, and the demographic history of the land did not demonstrate clear congressional intent to diminish the Omaha Indian Reservation, holding that "Petitioner has failed at the first and most important step. They cannot establish that the text of the 1882 Act evinced intent to diminish the reservation...only congress has the power to diminish a reservation. And though petitioners wish that Congress would have spoken differently in 1882, we cannot remake history."

The Chairman of the Omaha Tribe of Nebraska, Vernon Miller, states: "I am pleased the United States Supreme Court upheld our reservation boundaries and sided on behalf of what is just and right. Our Treaties can only be diminished with an act of Congress itself and is a powerful document that should be adhered to by the United States of America. I am especially happy for other Tribes facing diminishment issues in that this opinion solidifies the precedent that the Supreme Court will follow. I am thankful to each and every person who has advocated for and participated in ensuring that our treaty rights are upheld. The Umonhon people are strong and resilient and will continue to practice our way of life on our land."

For additional information, please contact Omaha Tribe of Nebraska Attorney General, Maurice Johnson, at (515) 822-8442 or mjohnson@omahatribe.com.

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