Whose Court?

How two Supreme Court rulings shape criminal jurisdiction

OKH.C.8.3.E "Analyze major court decisions affecting jurisdiction and sovereignty between Tribal, state, and federal governments. Examples teachers may reference: McGirt v. Oklahoma, Oklahoma v. Castro-Huerta..."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline what each ruling decided. Circle each detail about the accused or victim that changes which government may prosecute.

A Crime, a Boundary, and Two Rulings

1. Imagine a crime reported at a home inside the Muscogee (Creek) Reservation. Before deciding who may prosecute, officials must ask whether the land is legally a reservation and whether the accused and victim are Indians under federal law. Reservation boundaries do not mean state government disappears. They do mean that different laws can assign criminal cases to Tribal, federal, or state courts. A person's street address alone cannot settle which government has authority. The legal status of the land and people matters too.

2. In 2020, the Supreme Court ruled in McGirt v. Oklahoma that Congress had never ended the Muscogee (Creek) Reservation. For purposes of federal criminal law, its land remains Indian country. The decision meant Oklahoma could not prosecute an Indian accused of certain major crimes there. Federal authorities could prosecute those cases under the Major Crimes Act. Tribal governments also retain criminal authority over Indian defendants, subject to federal law. Living within reservation boundaries does not make every resident a Tribal citizen or erase state laws.

3. In 2022, Oklahoma v. Castro-Huerta addressed a different case: a non-Indian accused of a crime against an Indian in Indian country. The Court ruled that a state may prosecute such a case alongside the federal government. This ruling did not undo McGirt's reservation boundary or give states the same power over Indian defendants. For residents, the two decisions make the identities of the accused and victim important when a crime is reported. Tribal sovereignty continues even when another government can prosecute.

2 ANSWER WITH EVIDENCE

Use the passage

1. How did McGirt change the basis for deciding which government could prosecute certain crimes on Muscogee (Creek) land?

2. How does Castro-Huerta affect state authority when a non-Indian is accused of a crime against an Indian in Indian country?

3. Why do the two rulings lead to different answers about state prosecution of Indian and non-Indian defendants?

4. Why does a resident's address inside the reservation not settle which government may prosecute a reported crime?

3 YOUR TURN

Your own words

A non-Indian visitor is accused of stealing from an Indian resident inside the Muscogee (Creek) Reservation. In three sentences, correct a neighbor who says the reservation no longer exists and only Oklahoma can prosecute. Use both rulings and identify one authority the Tribal government retains.

Whose Court?

PART 1 · READ AND MARK

Underline what each ruling decided. Circle each detail about the accused or victim that changes which government may prosecute. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How did McGirt change the basis for deciding which government could prosecute certain crimes on Muscogee (Creek) land?	**It established that the reservation remains Indian country for federal criminal law, so Oklahoma could not prosecute Indians accused of certain major crimes there; federal authorities could.**
2	How does Castro-Huerta affect state authority when a non-Indian is accused of a crime against an Indian in Indian country?	**The state may prosecute alongside the federal government.**
3	Why do the two rulings lead to different answers about state prosecution of Indian and non-Indian defendants?	**McGirt bars Oklahoma from prosecuting Indians for certain major crimes in Indian country. Castro-Huerta allows state prosecution when the accused is non-Indian and the victim is Indian.**
4	Why does a resident's address inside the reservation not settle which government may prosecute a reported crime?	**The legal status of the accused and victim also matters, and more than one government may have authority.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

McGirt says the Muscogee (Creek) Reservation still exists for federal criminal law. Because the accused is non-Indian and the victim is Indian, Castro-Huerta allows Oklahoma to prosecute alongside the federal government, not alone. The Tribal government retains criminal authority over Indian defendants on the reservation.

Accept responses that distinguish the rulings by the accused person's status and recognize concurrent state and federal authority in the Part 3 case. Do not require students to claim Tribal authority to prosecute the non-Indian visitor.