

## Estate of Robert R. Thompson

**Case No.: 18-CIV-00010**

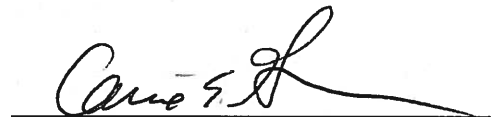
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Regis Mohawk Indian Reservation.<sup>5</sup> The U.S. Supreme Court stated in *Solem v. Bartlett*, “The first and governing principle is that only Congress can divest a reservation of its land and diminish its boundaries. Once a block of land is set 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.”<sup>6</sup> Also in the *City of Sherrill v. Oneida Indian Nation*, the Court expressly declined to address the Second Circuit’s previous determination that the Oneida Indian Nation Reservation had not been disestablished noting that “only Congress can divest a reservation of its land and diminish its boundaries.”<sup>7</sup> Furthermore, the United States has repeatedly affirmed the Triangle remains reservation land.<sup>8</sup>

Given that the SRMT Probate Law grants the Court “exclusive jurisdiction to probate real property located within the reservation”<sup>9</sup> and that the illegal purchase of the lands within the Triangle is immaterial as only the United States Congress can change or diminish the SRMT Indian Reservation, the Court finds it has exclusive jurisdiction to probate and distribute the assets of the Estate of Robert R. Thompson.

It is hereby ADJUDGED that the Court has exclusive subject matter jurisdiction and the probate action shall proceed. Ms. Katherine Thompson is granted the Letters Testamentary and the action shall proceed pursuant to the SRMT Probate Law.

Signed by my hand this 24<sup>th</sup> day of May, 2018.



Carrie E. Garrow, Chief Judge  
Saint Regis Mohawk Tribal Court

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<sup>5</sup> *Nebraska v. Parker*, 136 S. Ct. 1072 (2016); *Decoteau v. District Court*, 420 U.S. 425 (1975); *United States v. Celestine*, 215 U.S. 278 (1909).

<sup>6</sup> *Solem v. Bartlett*, 465 U.S. 463, 470 (1984).

<sup>7</sup> 544 U.S. 197, 216 n. 9 (2005).

<sup>8</sup> Saint Regis Mohawk Tribe’s Brief, Attachment B, United States Second Circuit Appeal Brief filed in *United States v. Wilson*, Docket No. 11-915, dated July 1, 2011, 11-12.

<sup>9</sup> SRMT Probate Law § 1.3(b)(1).