



Attorney General Doug Peterson

News Release

Attorney General's Response to US Supreme Court's Pender Decision

The Court's decision has clarified that Congress did not diminish the boundaries of Omaha Reservation by the Congressional Act of 1882 that opened for settlement the disputed area where Pender is now located. As the Court stated, "Only Congress has the power to diminish a reservation".

Significantly, we appreciate the Supreme Court's statement that our concerns "about upsetting the justifiable expectations of the almost exclusively non-Indian settlers who live on the land are compelling". The Tribe's legal authority to tax and exercise governing authority over the disputed area has not been decided. As stated by the Supreme Court, "We express no view about whether equitable considerations of laches and acquiescence may curtail the Tribe's power to tax the retailers of Pender in light of the Tribe's century-long absence from the disputed lands."

The Attorney General does not contemplate taking additional legal action unless the Tribe attempts to exercise future governing or taxing authority over the disputed area.

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