

# Jenner & Block Associate Leonard Powell Secures Victory for Native Americans as US Supreme Court Declines to Weigh 'Indian' Definition

## News

October 11, 2022

A Jenner & Block team, led by Associate Leonard R. Powell, secured a victory in *Oklahoma v. Wadkins* on October 11 when the US Supreme Court refused to hear Oklahoma's petition to drastically limit who qualifies as an "Indian" under federal law.

Oklahoma charged Mr. Wadkins for alleged offenses committed within the boundaries of the Choctaw Reservation. Following the Court's 2020 decision in *McGirt v. Oklahoma*, Mr. Wadkins' case was remanded to the state trial court to determine his Indian status. Though the trial court determined he was not an "Indian," the Oklahoma Court of Criminal Appeals unanimously reversed that decision based on Wadkins' post-offense enrollment in the Choctaw Nation, the Certificate of Degree of Indian Blood card that was issued to him when he was an infant, and his receipt of health services reserved only to Indians.

"We are pleased that the Supreme Court left in place the Oklahoma Court of Criminal Appeals decision holding that Mr. Wadkins is an Indian," said Mr. Powell. "A decision to grant certiorari in this matter could have had severe consequences, including depriving non-enrolled Indians of federally funded healthcare."

Mr. Powell was assisted in this case by Partner Zachary C. Schauf. Both lawyers are members of Jenner & Block's Native American Law Practice, which has a national reputation for preserving, promoting, and protecting tribal sovereignty. The practice obtained the landmark victory for Indian Country in *McGirt*, a ruling that holds the federal government to its treaty obligations by recognizing that almost half of Oklahoma remains Indian country, as promised almost 200 years ago in treaties with Oklahoma tribes including the Creek Nation.

## Related Attorneys



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