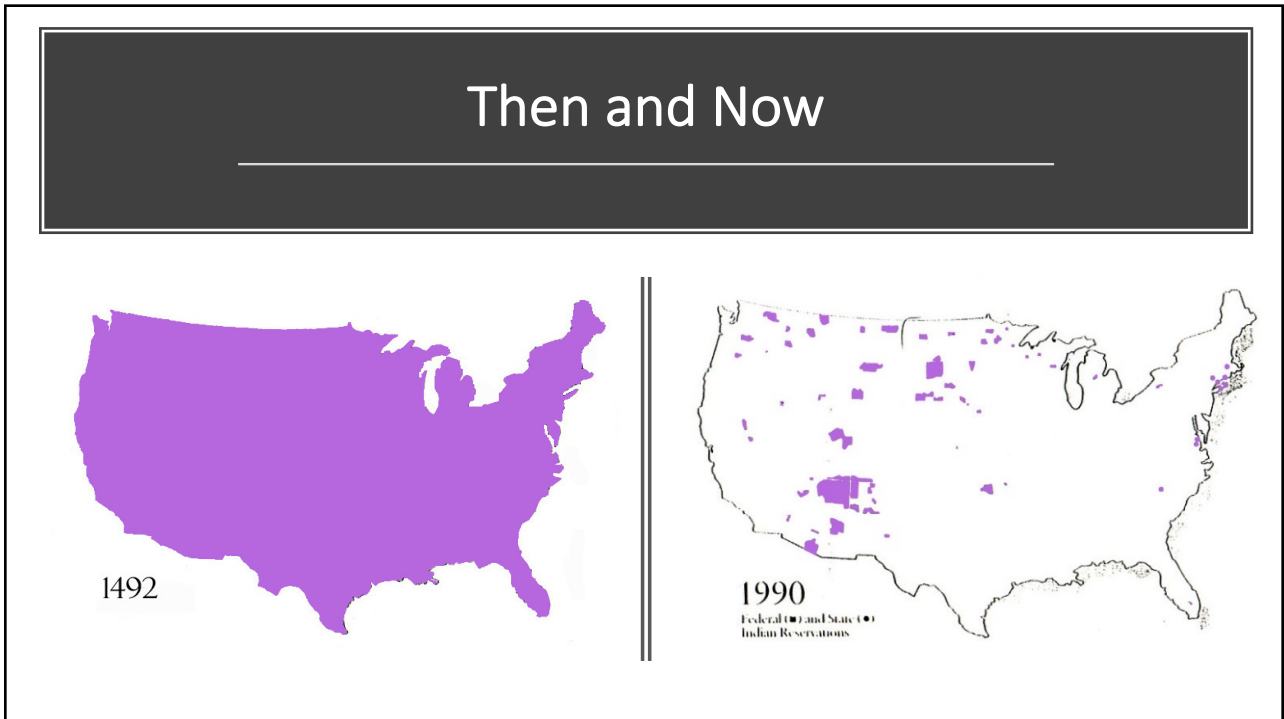




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### Timeline of Federal Indian Policy

Note: The treaty-making era pre-dates the U.S. AND overlaps the removal and reservation policy eras.

## INDIAN LAND FOR SALE

HOME  
Indian  
Determine  
FOR OWN

EASY PAYMENTS

PERFECT TITLE  
POSSESSION  
WITHIN  
THIRTY DAYS

### FINE LANDS IN THE WEST

IRRIGATED IRRIGABLE GRAZING AGRICULTURAL DRY FARMING

1910 THE DEPARTMENT OF THE INTERIOR SOLD UNDER SEALED BIDS ALLOTTED INDIAN LAND AS FOLLOWS:

Location.	Acres.	Average Price per Acre.	Location.	Acres.	Average Price per Acre.
Colorado	5,211.21	\$7.27	Oklahoma	34,664.00	\$19.14
Idaho	17,013.00	24.85	Oregon	1,020.00	15.43
Montana	1,684.50	33.45	South Dakota	120,445.00	16.53
Nebraska	11,034.00	9.86	Washington	4,879.00	41.37
North Dakota	5,641.00	36.65	Wisconsin	1,069.00	17.00
South Dakota	22,610.70	9.93	Wyoming	865.00	20.64

NEAR 1911 IT IS ESTIMATED THAT **350,000 ACRES** WILL BE OFFERED FOR SALE

as to the character of the land write for booklet, "INDIAN LANDS FOR SALE," to the U. S. Indian School at any one of the following places:

KENTUCKY: Glasgow.	NORTH DAKOTA: Fort Yates.	OKLAHOMA—Gen. Slat and Fox Agency. Lawton.	SOUTH DAKOTA: Cheyenne Agency. Fort Spink.	WASHINGTON: Fort Spink.
MINNESOTA: Ogish.	Fort Yates.	Lawton.	Crow Creek. Tule.	Tule.
MONTANA: Great Falls.	OKLAHOMA: Atadarko.	OREGON: Medford.	Greenwood.	Tule.
Nebraska: Great Falls.				

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## Federal Indian Law v. Tribal Law

### Federal Indian Law

- The law that defines the rights, responsibilities, and relationships between Tribes, states, and the federal government.

### Tribal Law

- The laws of individual Tribes including constitutions, codes, case law, and customary law

COHEN'S HANDBOOK OF FEDERAL INDIAN LAW (Nell Jessup Newton et al. eds., 2012).

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## Tribal Sovereignty

- Tribes have inherent authority as sovereign nations to protect and promote the health and welfare of their citizens using the methods most relevant for their communities
- Tribal inherent authority is a “plenary and exclusive power over their members and their territory, subject only to limitations imposed by federal law,” and includes the power to determine the form of tribal government and the power to legislate and tax, among others

COHEN'S HANDBOOK OF FEDERAL INDIAN LAW, § 4.01[1][b]; § 4.01[2].

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## TRIBAL CIVIL REGULATION TESTS

- CONSENSUAL RELATIONSHIPS
  - Tribes may exercise jurisdiction over non-Indians when the non-Indians enter consensual relationships
- DIRECT EFFECTS/THREATS TO TRIBAL WELFARE
  - Tribes may exercise jurisdiction over non-Indian when non-Indian's conduct “threatens or has some direct effect on the political integrity, the economic security, or the health or welfare of the tribe”
- *Montana v. United States*, 450 U.S. 544 (1981)

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# Criminal Jurisdiction

## Where?

- Is it Indian country? Or not?

## Who?

- is the suspect Indian or non-Indian?
- Is the victim Indian or non-Indian?

## What?

- Is it a crime under the Major Crimes Act?

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### STATES

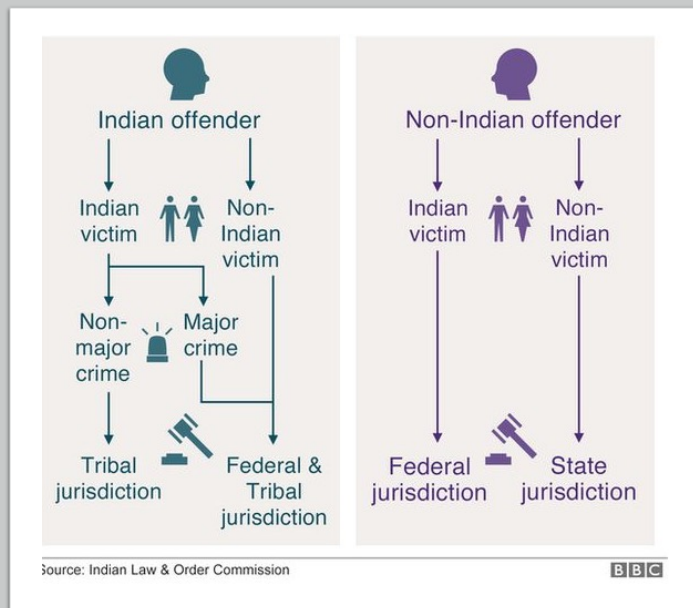
- States generally lack jurisdiction in Indian Country\*

### FEDERAL GOVERNMENT

- Major crimes committed by Indians and all crimes by non-Indians against an Indian

### TRIBES

- Tribes generally lack criminal jurisdiction over non-Indian defendants\*
- Concurrent and exclusive jurisdiction over Crimes committed by Indians



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## Indian Civil Rights Act (1968)

- Indian Bill of Rights

Amendments

- 1986 Anti-Drug Abuse Act
- 1991 Duro Fix
- 2010 Tribal Law and Order Act
- 2013 Violence Against Women Act

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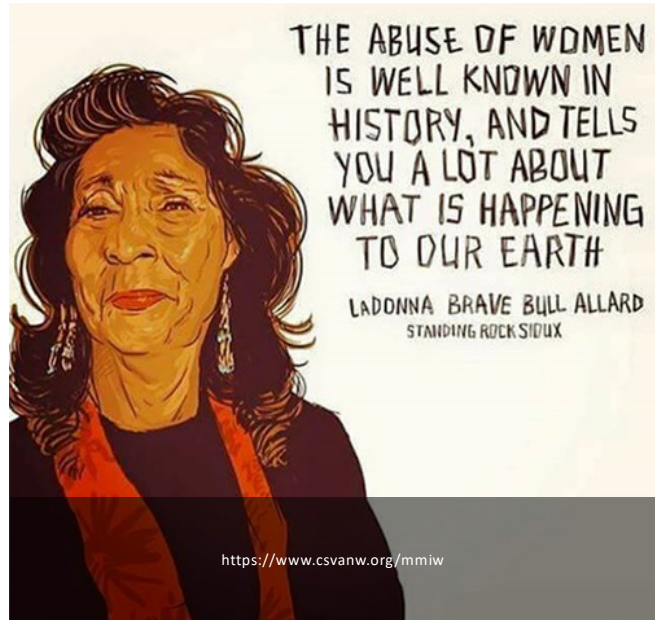


## Special Domestic Violence Criminal Jurisdiction

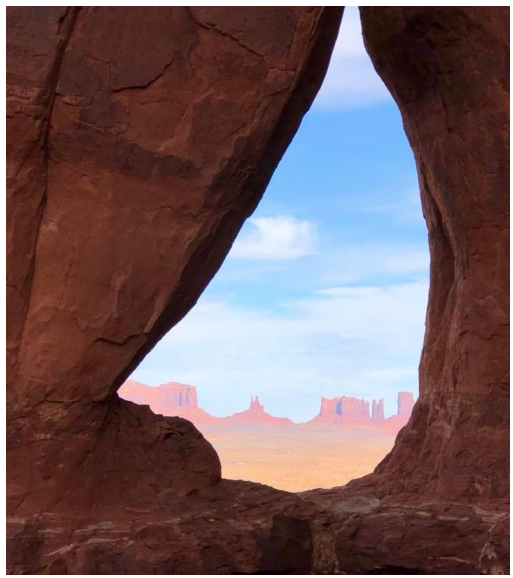
- Tribal jurisdiction over domestic violence, dating violence, protection order violation committed by non-Indian offenders
- Defendant entitled to jury trial and other due process rights

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Need for  
Creative  
Solutions  
Driven by Tribal  
Leaders and  
Community  
Members



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Ahé hee'- Thank you

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