Public Law 280

Jurisdiction in California Indian Country

Key points in Ca Indian History

- Pre-contact
  - Evidence of Indian occupation in Ca. dating to at least 8,000 B.C.
  - Over 300,000 Indians in California
  - 35 distinct languages
  - Over 500 bands & 105 tribal groupings
  - Occupied lands throughout California

ADMINISTRATIVE OFFICE OF THE COURTS

California Indian
Pre-contact
Tribal
Territories
Tolowa
Yurok
Chilula
Wiyot
Whilkut
Chimariko
Mattole
Nongatl
Lassik
Wailaki
Sinkiyone
Kato
Coast Yuki
Huchnom
Lake Miwok
Wappo
Coast Miwok
Karok
Shasta
Modoc
Achomawi
Hupa
Wintu
Atsugewi
Yana
Maidu
Nomlaki
Yuki
Konkow
Pomo
Patwin
Nisenan
Northern Paiute
Washo
Mono Lake Northern Paiute
Sierra Miwok
Owens Valley Paiute-Shoshone
Northern Valley Yokuts
Costanoan
Western Shoshone
Monache
Foothill Yokuts
Tabtulabal
Esselen
Salinan
Southern Valley Yokuts
Kawaiisu
Southern Paiutes
Kitanemuk
Chumash
Serrano
Mojave
Chemehuevi
Gabrieleño
Tataviam
Cahuilla
Halchidhoma
Gabrieleño
Luiseño
Quechan
Ipai
Tipai
California Indian Library Collections

Key points in Ca Indian history

- 1579 Sir Francis Drake spends 5 weeks on CA coast. Claims entire area for British Crown
- 1769 First Spanish Mission founded near San Diego

Key Points in Ca Indian history

- By 1800, Indian population reduced to 150,000
- Treaty of Guadalupe Hidalgo (Feb. 2, 1848; by which U.S. acquired California)
- Gold discovered at Sutter's Mill on January 24, 1848

Key Points in Ca Indian history

- CA statehood 1850
- 1851-1852 federal agents negotiate 18 treaties with CA Indians reserving 8.5 million acres of land
- CA delegation urges Senate not to ratify treaties

ADMINISTRATIVE OFFICE
OF THE COURTS

Key Points in Ca Indian history

- 18 treaties never ratified and placed under seal
- California Act of Admission (Sept. 9, 1850)
  - Congress did not reserve federal jurisdiction over Indian land
  - Public lands not disposed of by Act of Congress passed to State of California

California's First Governor, 1849-1851

Governor Peter H. Burnett declared:

"That a war of extermination will continue to be waged between the races, until the Indian race becomes extinct, must be expected"

ADMINISTRATIVE OFFICE
OF THE COURTS

Early California Laws re. Indians

- White persons could apply to a Justice of the Peace for the removal of Indians from lands white person wanted;
- Any person could go before a Justice of the Peace to obtain Indian children for indenture (ie. slavery)
- Justice of Peace could declare Indian vagrant on word of a white person and sell their labor at auction. (ie. slavery)
- "[I]n no case [could] a white man be convicted of any offense upon the testimony of an Indian, or Indians.
- State paid for militia's to conduct raids against the Indians

Key Points in CA Indian History

- Estimated CA Indian population 1870 12,000
- 1900 Less than .5 million acres of reserve lands for all the Indians in California.

CA Indians today

- 2000 Census reported over 600,000 in California with American Indian / Alaska Native heritage, more than any other state.
- Currently 109 federally recognized tribes second only to Alaska
- Approximately 550,000 acres of tribal trust lands and another 63,000 acres of Individual trust allotments.

ADMINISTRATIVE OFFICE
OF THE COURTS

Key Concepts in Indian Law:

- Tribal Sovereignty
- Domestic dependent nations
- Plenary congressional authority
- Fiduciary/trust relationship
- Government to government relationship
- Sovereign Immunity
- "Indian Country"

ADMINISTRATIVE OFFICE
OF THE COURTS

Tribal Sovereignty

- Tribal sovereignty pre-exists the U.S. Constitution
- Tribes exercise retained inherent sovereignty
- Tribes are not parties to the Constitution and tribal authority is not derived from or limited by the constitution
- Tribes are subject to the will of the federal government, but generally free of the power of the states

ADMINISTRATIVE OFFICE
OF THE COURTS

"Domestic dependent nations"

- Although sovereign, tribes are not "foreign nations".
- Have only internal, not external sovereignty

Worcester v. Georgia (1832) 31 U.S. 515

ADMINISTRATIVE OFFICE
OF THE COURTS

Inherent tribal sovereignty been both recognized & limited since Johnson v. McIntosh (1823)

- By discovery …
  - Tribes are "domestic dependent nations" w/out external powers

    Johnson v. McIntosh, 21 U.S. (8 Wheat.) 543 (1823)

    Cherokee Nation v. Georgia, 30 U.S. (5 Pet.) 1 (1831)

    Worcester v. Georgia, 31 U.S. (6 Pet.) 515 (1832)
- By treaty/agreement
  - Often negotiated agreements subsequently unilaterally amended by Congress
- Via Congress' "Plenary Power"
  - Even absent constitutional authorization, Congress has complete federal legislative authority over tribes

    United States v. Kagama, 118 U.S. 375 (1886)
- Via U.S. Supreme Court "Plenary Review Power" and characterization of "dependent status"
  - "… the exercise of tribal power beyond what is necessary to protect tribal self-government or to control internal relations is inconsistent with the dependent status of the tribes …" Nevada v. Hicks, 533 U.S. 353, 359 (2001)

ADMINISTRATIVE OFFICE OF THE COURTS

Plenary Authority of Congress

- Tribes subject to the "plenary" authority of congress
- Congress can limit or terminate tribal sovereignty but must do so clearly and plainly

Tribal Sovereignty

- Limited by
  - treaties
  - federal laws (eg. Indian Civil Rights Act)
  - Judicial decisions

Tribal Sovereignty

- Tribes exercise civil and criminal jurisdiction over:
  - Territory
  - Members
  - Non-member Indians
  - Non-Indians (civil jurisdiction only)

But

- No power of external sovereignty and are subject to "plenary" authority of congress

Jurisdiction in Indian Country

- Jurisdiction can depend on:
  - Status of the land (trust or not);
  - Status of the parties (Indian or not)
  - Nature of the action
  - Relationship of the parties (to tribe)

Jurisdiction in Indian Country

- Starting point –
  - Tribes have plenary & exclusive jurisdiction over their members and their territory.

Marshall Trilogy

- Johnson v. McIntosh (1823) – Indian tribes may not convey land to private parties absent consent of Congress.
- Cherokee Nation v. Georgia (1831) – Indian tribes are not separate sovereigns but are ***"domestic dependent nations"*** existing in a state of pupilage to the United States much like ***"a ward to his guardian."***
- Worchester v. Georgia (1832) – State laws have no effect in Indian country.

ADMINISTRATIVE OFFICE
OF THE COURTS

- Ex Parte Crow Dog (1883) – Federal court conviction of Indian who murdered another Indian in Indian country overturned- tribal sovereignty in situation not abrogated by Congress

ADMINISTRATIVE OFFICE
OF THE COURTS

Extension of federal jurisdiction

- General Crimes Act (1834) 18 U.S.C. 1152;
- Major Crimes Act (1885) 18 USC 1153;

ADMINISTRATIVE OFFICE
OF THE COURTS

Extension of state jurisdiction

- Jurisdiction over crimes between non-Indians in Indian Country;

ADMINISTRATIVE OFFICE
OF THE COURTS

Public Law 280

- Enacted in 1953
- Codified at 18 U.S.C. § 1162, 28 U.S.C. § 1360
- Six mandatory states, including CA

"Indian Country"

- (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation,
- (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and
- (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same

ADMINISTRATIVE OFFICE
OF THE COURTS

"Indian Country"?

- Indian country includes:
  - 1. Indian reservation (18 USC §1151(a));
  - 2. Dependent Indian communities (18 USC §1151(b)); and
  - 3. Indian allotments (18 USC §1151(c)).
- Includes land owned by non-Indians if they are within the boundaries of an Indian reservation
- Within Indian Country, tribe may exercise its sovereign powers and state power is limited.

4 Types of Land in Indian Country

- Tribal Trust Land
- Allotted Trust Land
- Fee Land
- State Rights of Way

TRIBAL TRUST LANDS

- The United States holds the legal title to the trust land but the Tribe, as a whole, retains the undivided residence/use interest
  - May be assigned to individuals
  - Tribal trust land is held communally by the tribe and is managed by the tribal government
  - The Tribe may not convey or sell trust land without the consent of the federal government

ALLOTTED TRUST LAND

- The United States holds the title but the entire residence/use interest is in an individual
  - In some cases, federal allotment acts divided tribal lands into individual parcels
  - In California, in some cases, individual allotment were carved out of the public domain

FEE LANDS

- When an individual or entity (Indian or non-Indian) acquires former allotted trust land and where the trust status has been removed
- Examples:
  - Expired trust patent
  - Inheritance by nonmember
  - Valid sale to nonmember

ADMINISTRATIVE OFFICE
OF THE COURTS

STATE RIGHT-OF-WAYS

- "State right-of-ways are equivalent to non-Indian fee lands."

Strate v. A-1 Contractors, 520 U.S. 438 (U.S. 1997)

CALIFORNIA
Tribal & Federal Lands
BIA (Tribal)
BLM
BOR
Private Land
FS
FWS
NPS
DOD
Scale in Miles
Map Production: January 1999.
Federal Lands: U.S. Geological Survey, 1995.
Indian Lands: U.S. EPA R9 GIS Center, 1995.

Limitations on tribal jurisdiction

- No criminal jurisdiction over non-Indians
- Limited jurisdiction over “fee” lands
- Limited civil jurisdiction over non-Indians

ADMINISTRATIVE OFFICE
OF THE COURTS

Public Law 280

- Transferred federal criminal jurisdiction under 1152 and 1153 to affected States
- Opened state courts as forums for dispute resolution;

Public Law 280

- Did NOT
  - Divest tribes of criminal (or other) jurisdiction
  - Grant states "civil regulatory" jurisdiction
  - Extend local laws to Indian Country

Criminal Jurisdiction in Indian Country Before 1953

- Federal jurisdiction included:
  - Federal and state defined offenses committed by Indian v. non-Indian and vice verse
  - Specified major crimes by and against Indians
  - Crimes related to federal trust responsibility (ie. Liquor, hunting and fishing regulation regardless of Indian status

ADMINISTRATIVE OFFICE OF THE COURTS

Criminal Jurisdiction in Indian Country Before 1953 (cont.)

- Tribal Jurisdiction:
  - Exclusive as to all other crimes committed between Indians or without victims
  - The Indian Civil Rights Act of 1968
    - Limited tribal authority to punish crimes with imprisonment of up to one year
- State Jurisdiction
  - Exclusive as to crimes between non-Indians

Criminal Jurisdiction in Indian Country After PL-280

Offender	Victim	Jurisdiction
Non-Indian	Non-Indian	State: exclusive
Non-Indian	Indian	State: exclusive
Indian	Non-Indian	Concurrent State and tribal jurisdiction, exclusive of federal government
Indian	Indian	Concurrent State and tribal jurisdiction, exclusive of federal government
Non-Indian	Victimless	State: exclusive
Indian	Victimless	Concurrent State and tribal jurisdiction, exclusive of federal government

PL-280 Exceptions

- Hunting, trapping and fishing rights secured by treaty, agreement, or statute (eg 18 USC 1165)
  - Mid-1990's tribes begin contracting with federal government to enforce these laws and receive federal commissions
- Taxation of real and personal property held in trust or subject to a restriction against alienation

PL-280 Exceptions

- The State cannot:
  - Probate trust lands
  - Regulate trust land use
  - Encumber trust lands
  - Determine ownership or the right to possess trust lands

State/Local View of PL-280

- PL-280 created a headache
  - Confusion over scope of jurisdiction
    - Role of tribal sovereignty
    - Civil regulatory vs. criminal prohibitory jurisdiction
  - Lack of federal funding for increased jurisdiction
  - Lack of taxing authority over federal Indian lands

Tribal View of PL-280

- Opposition at time of passage
  - Lack of consent/consultation
  - Failure to recognize tribal sovereignty and self-government
  - Imposition of unwelcome jurisdiction
  - Perception of discrimination by state agents
- Suspicion that optional States would increase their jurisdiction at will

Critical View of PL-280's Results

- Why has PL-280 been a source of lawlessness?
  - Absence of law enforcement
    - Federal withdrawal
    - Absence of or lack of state resources
    - Lack of funding for tribal law enforcement
    - De facto jurisdictional vacuums
    - No priority where jurisdiction is concurrent
    - Crime victims uncomfortable reporting to local officials

ADMINISTRATIVE OFFICE
OF THE COURTS

Tribal Experience with PL-280

- Tribal experience typically is unsatisfactory
  - Absence of police presence
  - Long response times
  - Need for better community relations
  - Increase in lawlessness

Implications of PL-280

- Jurisdiction may depend on:
  - Status of parties (Indian or not);
  - Status of lands (Indian Country or not);
  - Nature of action (criminal / civil regulatory)
- Jurisdiction may be:
  - Exclusively tribal;
  - Exclusively state;
  - Concurrent

ADMINISTRATIVE OFFICE
OF THE COURTS

Criminal Prohibitory vs. Civil Regulatory

- No "bright line" rule
- Nature of penalty not determinative
- Whether part of "penal code" not determinative

Criminal Prohibitory vs. Civil Regulatory

- Key question –

  Is conduct generally prohibited as offending fundamental state public policy? OR

  Is conduct generally allowed, but regulated so that only small subset of conduct prohibited?

ADMINISTRATIVE COUNCIL OF THE COURTS

Criminal Prohibitory vs. Civil Regulatory

- Shorthand test for criminal-prohibitory conduct:
  - Whether the conduct violates state public or implicates public safety

ADMINISTRATIVE OFFICE
OF THE COURTS

Civil Regulatory egs.

- Taxation of property
- Gambling regulation
- State hunting a fishing regulations
- Local land use regulations
- Building codes
- Workers compensation
- Marriage & Family Relations
- Vehicle regulation

ADMINISTRATIVE OFFICE
OF THE COURTS

Criminal Prohibitory egs.

- Murder
- Rape
- Assault
- Robbery
- Etc.

ADMINISTRATIVE OFFICE
OF THE COURTS

Tribal Justice Systems

- Currently 19 tribal courts in California
- Over 300 tribal courts across the country

Tribal Justice systems

- Key component of tribal sovereignty and self-government
- Better reflect the values and serve needs of tribal communities

Tribal Justice systems

- Can be established variety of ways –
  - Tribal constitution
  - Tribal code or ordinance
  - Tribal tradition (not necessarily written)

ADMINISTRATIVE OFFICE
OF THE COURTS

Tribal Justice Systems

- May not look or operate like a state or federal court
- Judges may not be "attorney" trained
- Need not have same right to appointed counsel, jury, etc.

ADMINISTRATIVE OFFICE
OF THE COURTS

Differences in Justice Paradigms*

***adapted from Indigenous Justice Systems and Tribal Society, by Ada Pecos Melton**

American Indian	Anglo-American
• Holistic	• Vertical
• Oral customary law	• Written statutes, etc
• Spiritual realm invoked in ceremonies and prayer	• Separation of church and state
• Focus on restoring community & relationships	• Focus on punishment and retribution

ADMINISTRATIVE OFFICE

Working with Tribal Courts

- Tribes not "states" for full faith & credit purposes
- Federal law requires FF & C in:
  - Indian Child Welfare Act
  - Violence Against Women Act
  - Child Support Enforcement
  - UCCJEA

ADMINISTRATIVE OFFICE
OF THE COURTS

Working with Tribal Courts

- Outside mandated FF & C areas tribal orders entitled to "comity"
- Can enforce through California CCP 1713 et seq. Uniform Foreign Money Judgments Recognition Act

ADMINISTRATIVE OFFICE
OF THE COURTS

Working with Tribal Courts

- How to address concurrent jurisdiction?
  - When to abstain
  - When to transfer
  - When to share jurisdiction

Family violence cases

- See family violence scenario

ADMINISTRATIVE OFFICE
OF THE COURTS

PUBLIC LAW – 280 & Jurisdiction in Indian Country

The intended audience for this curriculum is California's state court judicial officers and attorneys.

Competencies

C.1: The participant develops an understanding of the jurisdictional landscape existing in California Indian country relating to both criminal and civil jurisdiction.

C.2: The participant develops an understanding of the how these issues may affect the ability of Native Americans to achieve adequate access to justice in various case types.

Learning Objectives:

Knowledge

K.1: The participant understands the historical experiences of California Indians.

K.2: The participant understands what tribal sovereignty means both from a legal perspective and tribal cultural perspective.

K.3: The participant understands the rules related to tribal, federal and state regulatory and adjudicatory jurisdiction in Indian country

K.4: The participant understands the effect of Public Law 280 on regulatory and adjudicatory jurisdiction in California Indian Country.

K.5: The participant understands the role of and how tribal justice systems operate.

K.6: The participant understands the need for cooperation between tribal, state and federal authorities to ensure access to justice for Native Americans in California.

K.7: The participant understands the implications of this jurisdictional scheme on family violence cases involving Native Americans and / or occurring on reservations

K.7: The participant will know what resources exist to further study and understand jurisdictional issues in Indian country.

Skill

S.1: When given a case scenario the participant will be able to identify possible jurisdictional issues.

S.2: When given a case scenario the participant will be able to identify the roles and responsibilities of tribal, state and federal justice agencies in ensuring access to justice.

S.3: The participant will demonstrate an ability to make appropriate and thorough findings regarding jurisdictional issues.

Value

V.1: The participant will appreciate the unique values of Native American communities and how the principles of tribal sovereignty and jurisdiction support and relate to access to justice for Indians in California.

V.2: The participant will understand and value the differences between native and non-native justice systems.

V.3: The participant will understand and value the need for collaboration between state and tribal justice partners.

V.4: The participant will value and understand and value the unique needs of Native American victims of family violence and how the steps the court must take to ensure adequate protection.

Public Law 280:

Jurisdiction, Justice & Tribal and State Courts

In California

-SUGGESTED LESSON PLAN-

4.0 HOUR TRAINING

Topic	Methodology	Learning Objective
Segment 1: **10 minutes** **Segment 1: Welcome, Introductions and acknowledgements, review of competencies and learning objectives**	▪ Lecture ▪ Handout: Prioritization of Competencies and learning objectives **PPT – Slide 1**	
Segment 2: **30 minutes** **Discussion of Tribal and CA Indian History**	▪ Video – 15 minute video on key events in California Indian history ▪ Lecture **PPT Slide 2 - 10**	C.2 K.1 V.1
Segment 3: **10 minutes** **California Indians today**	▪ Quiz? Self-test? ▪ **PPT Slide 11**	C.2 V.1
Segment 4:	▪ Q & A about sovereignty. What can tribes do and not do?	C.1

Topic	Methodology	Learning Objective
15 Minutes **Tribal Sovereignty**	Lecture ▪ **PPT Slides 12 - 15**	K.1 S.1 V.1
Segment 5: **30 minutes** **Principles of Jurisdiction in Indian Country**	▪ Small Group Activity – scenario review **PPT Slide 16-21**	C.1 C.2 K.2 K.3 S.1 S.2 V.1 V.3
Break: **15 minutes**		
Segment 6: **60 Minutes** **Public Law 280** **Criminal Prohibitory vs. Civil Regulatory**	▪ Lecture ▪ Large group discussion ▪ Case scenarios ▪ **PPT Slide 21 - 43**	C.1 C.2 K.3 K.4 S.1 S.2
Segment 7: **30 minutes** **Tribal Justice Systems**	Small Group Activity – review questions and answers about tribal justice systems.	K.2 K.5 S.2

Topic	Methodology	Learning Objective
	PPT Slide 44 - 48	V.1 V.2 V.3
Segment 8: **20 minutes** **Working with Tribal Courts**	Small Group Activity – ways to work with tribal courts. Models of collaboration Lecture Scenarios **PPT Slide 49 -51**	K.5 K.6 K.7 S.2 V.1 V.2
Family Violence Scenario **15 minutes**		
Closing and Questions **5 minutes**		

Domestic Violence in Native American Communities

Background Resource Materials

Wagner, Dennis "Whiteriver serial rapist investigation failed, files show" ***The Arizona Republic*** **September 12, 2010**.
http://www.azcentral.com/news/articles/2010/09/12/20100912whiteriver-arizona-apache-reservation-serial-rapist.html

This article concerns the failed investigation of a serial rapist on the White River Indian Reservation in Arizona. It reveals how underfunding, lack of resources, and wrangling between Bureau of Indian Affairs police and the F.B.I. led to a failure to properly investigate and bring to justice serial rapist posing as a police officer who assaulted at least 17 young women on the Wind River Indian Reservation.

Maze of Injustice: The Failure to Protect Indigenous Women from Sexual Violence in the USA; Amnesty International; 2007
http://www.amnesty.org/en/library/asset/AMR51/035/2007/en/cbd28fa9-d3ad-11dd-a329-2f46302a8cc6/amr510352007en.pdf

This research report, published by Amnesty International, describes research conducted in 2005 and 2006 in consultation with Native American and Alaska Native organizations and others. Drawing from this original research as well as existing crime statistic data, the report documents the extent to which Native American women are at risk of some form of sexual violence and explores some of the reasons for this increased risk including chronic under-resourcing of justice systems in Indian country, confusion over jurisdiction and the erosion of tribal jurisdiction.

Elder Abuse in Tribal Communities; Hallie Bongar White, Southwest Center for Law and Policy & Office on Violence Against Women, U.S. Department of Justice; 2004
http://vaw.umn.edu/documents/elderabusetribal/elderabusetribal.pdf

This fact sheet describes problems of elder abuse in Native communities and how to address them.

The Facts About Violence Against Women in Indian Country; United States Department of Justice, Office on Violence Against Women; May 2008
http://www.ovw.usdoj.gov/docs/vaw-indian-country.pdf

This fact sheet, published by the Office of Violence Against Women and the United States Department of Justice, summarizes statistics and information concerning violence against women in Indian Country.

Criminal Prosecution of Battered Native Women for Failure to Protect; Southwest Center for Law and Policy & Office on Violence Against Women, U.S. Department of Justice; 2005
http://vaw.umn.edu/documents/failuretoprotectnative/failuretoprotectnative.pdf

This article examines the trend in charging Native American victims of domestic violence with child abuse, child neglect, or child endangerment solely because of the violent, criminal actions of their abusive partners and the impact of such policies on the reporting of abuse by these women.

Final Report: Focus Group on Public Law 280 and the Sexual Assault of Native Women, Tribal Law and Policy Institute, December 31, 2007
http://vaw.umn.edu/documents/finalreport/finalreport.pdf

This report presents the results of research and two day focus group conference on effects of Public Law 280 on effective response to problems of sexual assault against Native Women.

Final Report: Law Enforcement and Criminal Justice Under Public Law 280; Carole Goldberg, J.D. and Duane Champagne, J.D., Principal Investigators; and Heather Valdez Singleton, Project Director; November 1, 2007
http://www.ncjrs.gov/pdffiles1/nij/grants/222585.pdf

This report examines the extent to which the jurisdictional scheme created by Public Law 280 has impacted law enforcement and access to criminal justice for Native Americans living in Indian Country under Public Law 280 jurisdiction.

Intersection of Domestic Violence and Child Victimization in Indian Country; Southwest Center for Law and Policy & Office on Violence Against Women, U.S. Department of Justice; 2005
http://vaw.umn.edu/documents/intersectiondvindian/intersectiondvindian.pdf

Thise article discusses the place, role and value of children in traditional Native American societies, the impact of colonization and current issues of child victimization in Indian Country.

Law Enforcement Authority in Indian Country; University of New Mexico School of Law, Tribal Law Journal, Melissa Tatum; 2003/2004

This article discusses issues, challenges, and possible solutions to achieving enforcement of protective orders in Indian country.

Public Law 280 and Law Enforcement in Indian Country—Research Priorities; U.S. Department of Justice, Office of Justice Programs, National Institute of Justice; December 2005

This research report describes the effect of Public Law 280 on access to justice and effective law enforcement in Indian Country.

Stalking in Indian Country; Hallie Bongar White, Southwest Center for Law and Policy & Office on Violence Against Women, U.S. Department of Justice; 2004
http://vaw.umn.edu/documents/stalkingindiancountry/stalkingindiancountry.pdf

This article discusses describes the problems in dealing with stalking specifically within Indian Country due to jurisdictional and other law enforcement issues.

Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What is Known; Ronet Bachman, Heather Zaykowski, Rachel Kallmyer, Margarita Poteyeva, and Christina Lanier; August 2008
http://www.ncjrs.gov/pdffiles1/nij/grants/223691.pdf

This report was to provide an overview of the epidemiology of violence against American Indian and Alaska Native women as well as an accounting of the criminal justice responses to this violence

Jimenez, V., & Song, S. (1998). Concurrent Tribal and State Jurisdiction Under Public Law 280. *The American University Law Review*, 47, 1627-1707

Scholarly discussion of the jurisdictional issues arising under Public Law 280.

Useful Links

Mending the Sacred Hoop
http://www.msh-ta.org

Tribal Law and Policy Institute: Domestic Violence Resources
http://www.tribal-institute.org/lists/domestic.htm

Violence Against Women Online Resources – Tribal Response
http://www.vaw.umn.edu/categories/1,12

National Indian Justice Center
http://www.nijc.org/index.html

Southwest Center for Law and Policy
http://www.swclap.org

1. Tribes derive their governmental authority from?

    a. The federal government.
    b. The United States Constitution.
    c. Their inherent powers as sovereign Nations.

2. Who owns lands within an Indian reservation?

    a. The federal government
    b. The tribe
    c. The members of the tribe
    d. Other

3. In what court can a person sue a federally recognized Indian tribe for copyright infringement?

    a. Federal court
    b. State Superior Court
    c. Tribal Court
    d. No where unless the tribe has waived its sovereign immunity