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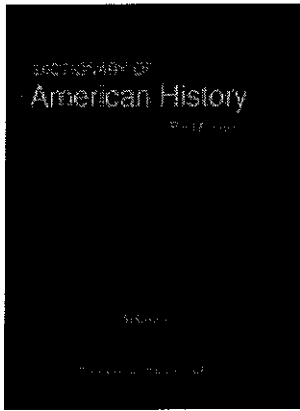
Indian Tribal Courts

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Topic overview

Indian Tribal Courts

Dictionary of American History

Ed. Stanley I. Kutler. Vol. 4. 3rd ed. New York: Charles Scribner's Sons, 2003. p316-317. COPYRIGHT 2003 Charles Scribner's Sons, COPYRIGHT 2006 Gale, Cengage Learning Frank Pommersheim

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INDIAN TRIBAL COURTS

INDIAN TRIBAL COURTS constitute the front-line American Indian tribal institutions that most often confront issues of self-determination and sovereignty, while at the same time providing reliable and equitable adjudication in the many and diverse matters that come before them. In addition, they constitute a key tribal entity for advancing and protecting the rights of self-government. The work of the courts has also become a way to assess the current status of tribal self-determination and reservation well-being.

Tribal courts are established either by tribal constitutions or by tribal legislation. They usually consist of a trial court and an appellate branch. In criminal matters they have jurisdiction over American Indians for offenses where the penalty does not exceed one year in jail or a \$5,000 fine or both. In civil cases they have wide-ranging authority over both Indians and non-Indians for matters that take place on the reservation, such as commercial activities, actions involving negligence, and actions involving important matters such as elections and civil rights. Many tribal courts use respected elders and peacemakers to resolve disputes in a traditional way.

Some smaller reservations have courts that operate under the authority of the Bureau of Indian Affairs. Established in the nineteenth century as instruments of federal authority, these courts are referred to as Courts of Indian Offenses.

During the late twentieth century the jurisdiction and procedures of tribal courts began to undergo change. They

heard more cases of greater complexity and impact than ever before. As part of this process of significant change, tribal courts crafted a unique jurisprudence of vision and cultural integrity. In other words, tribal courts responded competently and creatively to federal oversight pressures and cultural values, synthesizing the best of both traditions—as in *National Farmers Union Insurance Companies v. Crow Tribe of Indians* and the work of the Navajo Peacemaker Courts, for example.

Despite the weight of history and the attendant legal complexity that often surround tribal courts, they also address a more basic and profoundly human concern. The key to a more benign and morally coherent era is based on the core values of respect and dignity. The basic unity of important purpose and commitment dominates the daily workings of tribal courts, demonstrating both the tenacity and the hope that underpin the struggle to flourish. The struggle takes place in small tribal courthouses throughout Indian country as reservation inhabitants interact with the law in an ongoing effort to construct an enduring future. The central elements of this

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interaction continue to focus on establishing a meaningful relation-ship with federal courts and improving the quality of justice rendered within tribal courts.

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See also Bureau of Indian Affairs .

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