

# ***JURISDICTION***

## *Understanding the Authority of Tribes over Land Overview*



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# ***WHAT IS JURISDICTION***

*AREA OF AUTHORITY*

*over geographic area*

*over subject matter*

*over persons*



## ***GEOGRAPHIC***

*Indian Country; (legally defined at 18 U.S.C. 151)*

*includes reservations, independent indian communities,  
individual indian allotments.*



# *SUBJECT MATTER*

*CRIMINAL-PROHIBITARY*

*CIVIL-REGULATORY*



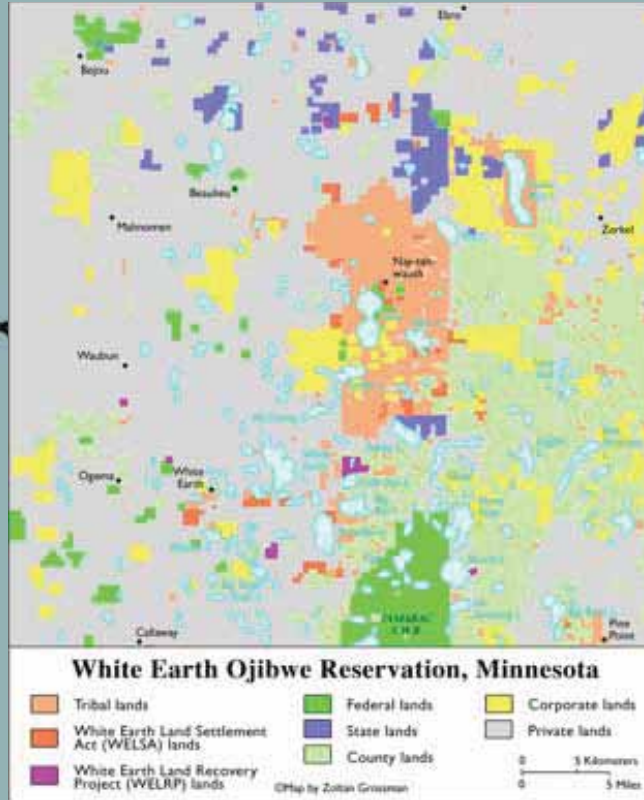
# *PERSONS*

*Members of the Tribe*

*Non-Members (non-Indian or non-members)*



- *Cultural =*
- *sacred sites*



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- *Legal/proprietary:*
- *Land ownership*
  - *fee*
  - *trust*



- *Political/jurisdictional*

Civil Jurisdiction:

Tribes exercise jurisdiction over Indians located on Indian lands. States generally do not.

Exception: Public Law 280 states have civil adjudicatory jurisdiction, but not civil regulatory jurisdiction.



# TRIBAL/FEDERAL RELATIONSHIP



- *STATES GENERALLY LACK JURISDICTION OVER TRIBES*
- *WHOLLY FEDERAL UNLESS CONGRESS DELEGATES*
- *FEDERAL LAW CONFUSING*

# RELEVANT HISTORY





- *1700 - 1850 - Congressional limitation on Tribe's authority*
- *1850 - 1877 - Large cession of land from Tribes to the United States through treaties*
- *1877 - 1934 - Allotment of tribal lands into 80 - 160 parcels to individual Tribal members*
- *1877 - 1934 - Assimilation and Boarding Schools*
- *1934 - 1953 - Indian Reorganization Act.*
- *1953 - Termination Era*
- *1968 - Tribal Self-Determination*
- *1970 - End of Federal Termination Policy*



- *JURISDICTIONAL MAZE*
- *WHO DOES WHAT*
- *WHERE*
- *TO WHOM*
- *ON WHAT LAND*



- *NOW WHAT?*

- *TRIBES ARE DISTINCT, SOVEREIGN NATIONS*
- *JURISDICTION OVER ACTIVITIES VARY*
- *KNOW THE TRIBE OPENS DOORS TO UNDERSTANDING THE PROCESS*
- *TWO WAY COMMUNICATION CREATES PARTNERSHIPS, NEW OPPORTUNITIE FOR EFFICIENCY*

# QUESTIONS?

