

## Indigenous Government and Law in the Americas

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## Tribes as Governmental Entities: A Brief Overview of Tribal Sovereignty

David Selden, National Indian Law Library

## Sovereignty Defined:

"The supreme, absolute, and uncontrollable power by which any independent state is governed." - *Black's Law Dictionary* 6th ed.

## Origin of Tribal Sovereignty

- ❖ Inherent sovereignty
- ❖ U.S. Constitution
- ❖ U.S. Supreme Court

## Tribal Sovereignty - Powers

- ❖ Regulate hunting, fishing, domestic relations
- ❖ Maintain law and order
- ❖ Regulate commerce
- ❖ Regulate tribal land & individ. owned land

## Tribal Sovereignty - Powers

- ❖ Make laws & govern members & people on rez
- ❖ Establish courts and enforce laws
- ❖ Determine membership
- ❖ Sovereign immunity

## Tribal Sovereignty – Limits on Powers

- ❖ Congress has plenary power to limit
- ❖ Courts have limited tribal sovereignty

## History of U.S. Federal Indian Policy

- ❖ Removal: 1820 - 1850
- ❖ Reservations: 1850 - 1887
- ❖ Assimilation & Allotment: 1887 - 1934
- ❖ Indian reorganization: 1934 - 1953
- ❖ Termination and relocation: 1953 - 1968
- ❖ Self-Determination: 1968 - present

## Tribes as Governmental/Political Entities

- ❖ 564+ Indian Nations and Alaska Native villages
- ❖ 300 Courts and Dispute Resolution Forums
- ❖ 250+ Codes & 420+ Constitutions
- ❖ Hundreds of Intergovernmental Agreements

