Outline of United States federal Indian law and policy

The following outline is provided as an overview of and topical guide to United States federal Indian law and policy:

**Federal Indian policy** – establishes the relationship between the United States Government and the Indian Tribes within its borders. The Constitution gives the federal government primary responsibility for dealing with tribes. Law and U.S. public policy related to Native Americans have evolved continuously since the founding of the United States. David R. Wrone argues that the failure of the treaty system was because of the inability of an individualistic, democratic society to recognize group rights or the value of an organic, corporatist culture represented by the tribes.[1]

**U.S. Supreme Court cases**

[List of United States Supreme Court cases involving Indian tribes]

**Citizenship**

**Adoption**


**Tribal**

- *Ex parte Joins*, 191 U.S. 93 (1903)

### Civil rights


### Congressional authority

- *Ex parte Joins*, 191 U.S. 93 (1903)

### Gambling


### Hunting and fishing rights


### Jurisdiction

Criminal

- *Ex parte Crow Dog*, 109 U.S. 556 (1883)

Federal

- *Ex parte Crow Dog*, 109 U.S. 556 (1883)

Over non-Indians


State


**Liquor**


**Property rights**

- Oklahoma Tax Commission v. United States, 319 U.S. 598 (1943)

**Allotment**

- Arenas v. United States, 322 U.S. 419 (1944)

**Mineral rights**

Reservations


Statutory and treaty interpretation

- *Ex parte Crow Dog*, 109 U.S. 556 (1883)
• *Oregon Dept. of Fish and Wildlife v. Klamath Indian Tribe*, 473 U.S. 753 (1985)

**Taxation**

**State**

• *Oklahoma Tax Commission v. United States*, 319 U.S. 598 (1943)
• *Bryan v. Itasca County*, 426 U.S. 373 (1976)
• *Cotton Petroleum Corp. v. New Mexico*, 490 U.S. 163 (1989)

**Tribal**


**Tribal sovereignty**

• *Cherokee Nation v. Georgia*, 30 U.S. 1 (1831)
<table>
<thead>
<tr>
<th>Case</th>
<th>Citation</th>
<th>Year</th>
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<tbody>
<tr>
<td>Worcester v. Georgia</td>
<td>31 U.S. 515</td>
<td>1832</td>
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<td>United States v. Kagama</td>
<td>118 U.S. 375</td>
<td>1886</td>
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<tr>
<td>Oklahoma Tax Commission v. United States</td>
<td>319 U.S. 598</td>
<td>1943</td>
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<td>Menominee Tribe v. United States</td>
<td>391 U.S. 404</td>
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<td>Bryan v. Itasca County</td>
<td>426 U.S. 373</td>
<td>1976</td>
</tr>
<tr>
<td>United States v. Wheeler</td>
<td>435 U.S. 313</td>
<td>1978</td>
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<tr>
<td>Washington v. Confederated Bands and Tribes of the Yakima Indian Nation</td>
<td>439 U.S. 463</td>
<td>1979</td>
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<tr>
<td>Merrion v. Jicarilla Apache Tribe</td>
<td>455 U.S. 130</td>
<td>1982</td>
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<tr>
<td>Ramah Navajo School Bd., Inc. v. Bureau of Revenue of N.M.</td>
<td>458 U.S. 832</td>
<td>1982</td>
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<tr>
<td>New Mexico v. Mescalero Apache Tribe</td>
<td>462 U.S. 324</td>
<td>1983</td>
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<tr>
<td>Three Affiliated Tribes of Fort Berthold Reservation v. Wold Engineering</td>
<td>467 U.S. 138</td>
<td>1984</td>
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<tr>
<td>Cotton Petroleum Corp. v. New Mexico</td>
<td>490 U.S. 163</td>
<td>1989</td>
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<tr>
<td>Brendale v. Confederated Yakima Indian Nation</td>
<td>492 U.S. 408</td>
<td>1989</td>
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<tr>
<td>Duro v. Reina</td>
<td>495 U.S. 676</td>
<td>1990</td>
</tr>
<tr>
<td>Dept. of Taxation and Finance of N.Y. v. Milhelm Attea &amp; Bros., Inc.</td>
<td>512 U.S. 61</td>
<td>1994</td>
</tr>
<tr>
<td>Wagnon v. Prairie Band Potawatomi Indians</td>
<td>546 U.S. 95</td>
<td>2005</td>
</tr>
</tbody>
</table>
Other federal court cases

- *Cobell v. Salazar*
- *In the Matter of S---*
- *Sohappy v. Smith*
- *Joint Tribal Council of the Passamaquoddy Tribe v. Morton*

Legislation

- *Alaska Native Allotment Act*
- *Alaska Native Claims Settlement Act*
- *Aleut Restitution Act of 1988*
- *American Indian Religious Freedom Act*
- *American Indian Trust Fund Management Reform Act 1994*
- *Burke Act*
- *Indian Citizenship Act of 1924*
- *Civilization Fund Act*
- *Curtis Act of 1898*
- *Dawes Act*
- *Indian Gaming Regulatory Act*
- *Native American Graves Protection and Repatriation Act*
- *Hawaiian Homelands*
- *House concurrent resolution 108*
- *Indian Arts and Crafts Act of 1990*
- *Indian Child Welfare Act*
- *Indian Claims Limitations Act*
- *Indian Land Claims Settlements*
- *Indian Land Consolidation Act*
- *Indian Relocation Act of 1956*
- *Indian Removal Act*
- *Indian Reorganization Act*
- *Indian Self-Determination and Education Assistance Act of 1975*
The Indian Vaccination Act of 1832
Native American Languages Act of 1990
Nonintercourse Act
Johnson–O'Malley Act
Lacey Act of 1907
Major Crimes Act
Menominee Restoration Act
Meriam Report
Mission Indian Act of 1891
Native American Housing Assistance and Self-Determination Act of 1996
Nelson Act of 1889
Oklahoma Indian Welfare Act
Public Law 280
Title 25 of the United States Code
Tribal Law and Order Act of 2010
Western Shoshone Claims Distribution Act of 2004
White Mountain Apache Tribe Water Rights Quantification Act of 2009

Executive Orders

- Executive Order 13007, 1996, Indian Sacred Sites [Clinton]
- Executive Order 13336, 2004, American Indian and Alaska Native Education [GW Bush]
- Executive Order 13096, 1998, American Indian and Alaska Native Education [Clinton]
- Executive Order 13270, 2002, Tribal College Endorsement [GW Bush]
- Executive Order 13175, 2000, Consultation and Coordination with Indian Tribal Governments [Clinton]
- Executive Order 13084, 1998, Consultation and Coordination with Indian Tribal Governments [Clinton]
- Executive Order 13158, 2000, Marine Protected Areas [Clinton]
- Executive Order 13021, 1996, Tribal Colleges and Universities [Clinton]
Treaties

The federal government was in charge of relations with the Indians, and the procedure was to use the treaty making power of the president and the Senate to make formal arrangements. Over 200 treaties were agreed upon by 1840. Gatlin argues that treaties established a procedure that benefited both parties. The federal government was primarily interested in guaranteeing that Indian lands did not fall into private hands, and that it handled all negotiations with the tribes. These negotiations, says Gatlin, strengthened the tribes' sense of unity and leadership. The land sales gave the Indians a steady flow of income, and guarantees of federal financial, medical, and educational aid.[2]

Many of the treaties remain in effect and are of special importance regarding federal recognition of tribal status, hunting and fishing rights, rights to protection of sacred properties, rights to water and minerals, and land claims. [3][4] The federal courts have a long, continuous history of litigation on these issues. The Supreme Court endorsed the procedure, with over 300 decisions making reference to Indian treaties after 1799.[5]

Major treaties

- Treaty of Brownstown, 1808, was between the United States and the Council of Three Fires (Chippewa, Ottawa, Potawatomi), Wyandott, and
The Shawanoese Indian Nations.

- Treaty of Buffalo Creek
- Treaty of Canandaigua, 1794, is a treaty signed after the American Revolutionary War between the Grand Council of the Six Nations and President George Washington representing the United States of America.

- Treaty of the Cedars
- Cherokee treaties
- Treaty of Chicago
- Treaty of Colerain
- Treaty of the Creek Agency (1818)
- Treaty of Cusseta
- Treaty of Dancing Rabbit Creek
- Treaty of Detroit
- Treaty of Doak's Stand
- Treaty of Fond du Lac
- Treaty of Fort Adams
- Fort Bridger Treaty Council of 1868
- Treaty of Fort Clark
- Treaty of Fort Confederation
- Treaty of Fort Finney
- Treaty of Fort Industry
- Treaty of Fort Jackson
- Treaty of Fort Laramie (1851)
- Treaty of Fort Laramie (1868)
- Treaty of Fort Meigs
- Treaty of Fort Pitt
- Treaty of Fort St. Stephens
- Treaty of Fort Stanwix (1784)
- Treaty of Fort Wayne (1803)
- Treaty of Fort Wayne (1809)
- Treaty of Fort Wise
Georgia resolutions 1827 were a response to the Cherokee’s refusal to cede their territory within the U.S. state of Georgia.

- Treaty of Greenville
- Treaty of Greenville (1814)
- Treaty of Fort Harmar
- Treaty of Hellgate
- Treaty of Hoe Buckintooopa
- Treaty of Holston
- Treaty of Hopewell
- Treaty of Indian Springs (1825)
- Indian treaties
- Treaty of La Pointe, may refer to either of two treaties made and signed in La Pointe, Wisconsin between the United States and the Ojibwe (Chippewa) Native American peoples. In addition, the Isle Royale Agreement, an adhesion to the first Treaty of La Pointe, was made at La Pointe.
- Treaty of Lewistown
- List of Choctaw treaties
- Little Arkansas Treaty
- Fort Martin Scott Treaty
- Treaty of Fort McIntosh
- Treaty of Medicine Creek
- Medicine Lodge Treaty
- Treaty of Mendota
- Treaty of Moultrie Creek
- Treaty of Mount Dexter
- Native American treaties
- Treaty of New Echota
- Treaty of New York (1790), between the U.S. Government and the Creek Indians.
- Treaty of New York (1796), between New York State and the Seven Nations of Canada.
Treaty of Old Crossing
Osage Treaty (1825)
Treaty of Payne's Landing
Treaty of Point Elliott
Treaties of Portage des Sioux
List of treaties between the Potawatomi and the United States
Treaty of St. Joseph
First Treaty of Prairie du Chien
Second Treaty of Prairie du Chien
Third Treaty of Prairie du Chien
Fourth Treaty of Prairie du Chien
Quinault Treaty
Treaty of Saginaw
Treaty of St. Louis (1804)
Treaty of St. Louis (1816)
Treaty of St. Louis (1818)
Treaty of St. Louis (1825)
Treaty of St. Mary's
Treaty of St. Peters
Treaty of Sycamore Shoals
Treaty of Tellico
Treaty of Big Tree
Treaty of Bird's Fort
Treaty of Grouseland
Treaty of Mississinwas
Treaty of Tippecanoe
Treaty of Traverse des Sioux
Treaty of Vincennes
Treaty of Washington City
Treaty of Washington, with Menominee (1831)
Treaty with the Kalapuya, etc.
Walla Walla Council (1855)
The following individuals have played an important role in the evolution of Federal Indian Law and Policy through activism, literature and other methods.

- Hank Adams (Fort Peck Assiniboine-Sioux), Native American rights activist
- James Anaya is the American James J. Lenoir Professor of Human Rights Law and Policy at the University of Arizona's James E. Rogers College of Law.[6]
- Clyde Bellecourt (White Earth Ojibwe), co-founder of American Indian Movement
- Vernon Bellecourt (White Earth Ojibwe), co-founder of American Indian Movement
- Mary Brave Bird (Brulé Lakota), author and activist
- Ed Castillo (Luiseño-Cahuilla), Native American activist who participated in the American Indian occupation of Alcatraz in 1969.
- Ward Churchill, American scholar, author, and political activist.
- Felix S. Cohen, American lawyer and scholar who made a lasting mark on legal philosophy and fundamentally shaped federal Indian law and policy.
- John Collier, American social reformer and Native American advocate.
- Lyda Conley (Wyandot), lawyer and the first woman admitted to the
Elizabeth Cook-Lynn (Crow Creek Lakota), editor, essayist, poet, novelist, and academic.

Lucy Covington (Colville), activist for Native American emancipation.[7]

Mary Dann and Carrie Dann (Western Shoshone) were spiritual leaders, ranchers, and cultural, spiritual rights and land rights activists.

Joe DeLaCruz (Quinault), Native American leader in Washington, U.S., president for 22 years of the Quinault Tribe of the Quinault Reservation.


Deskaheh (Cayuga, 1873–1925), Haudenosaunee statesman noted for his persistent efforts to get recognition for his people.

John EchoHawk (Pawnee), Native American attorney, founder of the Native American Rights Fund, and a leading member of the Native American self-determination movement.


Adam Fortunate Eagle (Red Lake Ojibwe), Native American activist and was the principal organizer of the 1969-71 occupation of Alcatraz Island by "Indians of All Tribes."

Kalyn Free (Choctaw Nation of Oklahoma), American attorney and former political candidate

Suzan Shown Harjo (Cheyenne–Hodulgee Muscogee) is a policy maker, author, legal activist for American Indian rights, and founder of the Morning Star Institute

LaDonna Harris (Comanche), activist, founder of Americans for Indian Opportunity, and US vice-presidential candidate.[8]

Thomasina Jordan (Wampanoag Nation), fought for the federal recognition of Virginian Indian tribes and served as chairwoman of the Virginia Council on Indians.

Ronnie Lupe (White Mountain Apache), chairman of the White Mountain
• **Mountain Apache Tribe**, land and *water rights*, *endangered species*, and *tribal sovereignty* activist

• **Oren Lyons** (*Seneca-Onondaga*), faithkeeper of the Turtle Clan of the Iroquois Confederacy, Traditional Circle of Indian Elders and Youth, negotiator with national-states on behalf of indigenous nations.

• **Janet McCloud** (*Tulalip*), cofounder of *Women of All Red Nations* (WARN) and Indigenous Women's Network, advocate for fishing and other treaty rights

• **D'Arcy McNickle** (*Salish-Kootenai*, 1904–1977), educational reformer, instrumental in drafting the "Declaration of Indian Purpose" for the 1961 American Indian Chicago Conference, co-founder of the National Congress of American Indians

• **Wilma Mankiller** (*Cherokee Nation*), community organizer, the first female Principal Chief of the Cherokee Nation.

• **Tina Manning** (*Duck Valley Shoshone-Paiute*, d. 1979), water rights activist and wife of John Trudell

• **Russell Means** (*Oglala Lakota*, b. 1939), member of AIM, actor

• **Carlos Montezuma** (*Yavapai-Apache*), founding member of the Society of American Indians and outspoken opponent of the BIA

• **Glenn T. Morris**, American academic and Native American activist.

• **Richard Oakes** (*activist*), Mohawk Native American activist who promoted the fundamental idea that Native peoples have a right to sovereignty, justice, respect and control over their own destinies.

• **William Paul** (*attorney*), American attorney, legislator, and political activist from the Tlingit nation of southeastern Alaska.

• **Leonard Peltier**, activist and member of the American Indian Movement (AIM).

• **Simon Pokagon**, member of the Pokagon Band of Potawatomi Indians, author, and Native American advocate.

• **Robert Robideau**, American Indian activist.

• **Katherine Siva Saubel**, Native American scholar, educator, tribal leader, author, and activist committed to preserving *Cahuilla* history, culture
Redbird Smith, Cherokee traditionalist and political activist.

Standing Bear (Ponca, ca. 1834–1908), chief who successfully argued in US District Court case establishing the right of habeas corpus for Native Americans


JoAnn Tall (Oglala Lakota), environmental and anti-nuclear activist, co-founder of the Native Resource Coalition

Melissa L. Tatum, Research Professor of Law and Associate Director of the Indigenous Peoples Law and Policy Program at the University of Arizona's James E. Rogers College of Law

Charlene Teters (Spokane), artist, educator, editor, and founding boardmember of the National Coalition on Racism in Sports and the Media

Mel Thom (Walker River Paiute), cofounder of National Indian Youth Council and president of the Southwest Regional Indian Youth Council

Susette LaFlesche Tibbles (Omaha-Ponca-Iowa), author and international lecturer about Native American rights and reservation conditions.

Thomas Tibbles, journalist and author from Omaha, Nebraska, who became an activist for Native American rights in the United States during the late 19th century and married Susette LaFlesche Tibbles.

Catherine Troeh (Chinook), editor, co-founder of American Indian Women's Service League and only woman to serve on the Chinook Tribal Council

John Trudell (Santee Dakota), author, poet, actor, musician, and former chairman of the American Indian Movement.

Asiba Tupahache, Matinecoc Nation Native American activist from New York.

Clyde Warrior, activist for Native American civil rights.

Kevin K. Washburn, former federal prosecutor, a trial attorney at the
U.S. Department of Justice, and the General Counsel of the National Indian Gaming Commission.

- **Charmaine White Face** *(Oglala Lakota)*, spokesperson for the Teton Sioux Nation Treaty Council and coordinator of the Defenders of the Black Hills, which works toward the Fort Laramie Treaties of 1851 and 1868 being enforced. She works in language preservation, land reclamation, and international indigenous human rights.

- **Bernie Whitebear** *(Colville)*, American Indian activist, a co-founder of the Seattle Indian Health Board (SIHB), the United Indians of All Tribes Foundation, and the Daybreak Star Cultural Center.


- **Sarah Winnemucca** *(Northern Paiute, 1844–1891)*, author and lecturer who educated non-natives about conditions in Indian Country and founded a school for native children

- **Zitkala-Sa** *(Gertrude Simmons Bonnin, Yankton Dakota, 1876–1938)*, political writer and educator, religious freedom activist

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**Organizations**

The following organizations have played an important role in the evolution of Federal Indian Law and Policy through activism, lobbying, government oversight and education.

**Government**

- Bureau of Indian Affairs
- Bureau of Indian Affairs Police
- Bureau of Indian Education
- Crow Agency, Montana
• Fort Peck Indian Agency
• National Indian Gaming Commission
• United States House Natural Resources Subcommittee on Indian and Alaska Native Affairs
• United States Senate Committee on Indian Affairs

Agencies

Rocky Mountain Region Homge Blackfeet Agency Crow Agency Fort Belknap Agency Fort Peck Agency Northern Cheyenne Agency Rocky Boy's Agency Wind River Agency

Nations

• Federally recognized tribes
• List of Alaska Native tribal entities

Native American advocacy groups and rights organizations

Further information: List of tribal colleges and universities

• Alaska Federation of Natives
• Alaska Native Brotherhood/Sisterhood
• American Indian College Fund
• American Indian Defense Association
• American Indian Higher Education Consortium
• American Indian Movement
• American Indian Philosophy Association
• Americans for Indian Opportunity [9]
• Anishinaabe tribal political organizations
• Association on American Indian Affairs
• Cherokee Preservation Foundation
• Cheyenne military societies
Great Lakes Indian Fish & Wildlife Commission
Guilford Native American Association
Indian Health Service
Indian Rights Association
Inter-Tribal Environmental Council
Metrolina Native American Association
National Congress of American Indians
National Indian Education Association
National Indian Youth Council
Native American Fish and Wildlife Society
Native American Rights Fund
North American Indian Center of Boston
Northern California Indian Development Council
Original Keetoowah Society
Phi Sigma Nu
Algonquian Confederacy of the Quinnipiac Tribal Council
Sequoyah Research Center
Society of American Indians
Tohono O'Odham Ki:Ki Association
Traditional Circle of Indian Elders & Youth
Tree of Peace Society
Tribal College Librarians Institute
United Indians of All Tribes
White Earth Land Recovery Project
Women's National Indian Association

Events and issues

Aboriginal title in the United States
Blood quantum laws
Certificate of Degree of Indian Blood
Indian termination policy
Native American self-determination
Native American civil rights
Native American Reservation Politics
Secretarial Review
Tribal sovereignty in the United States
Trail of Broken Treaties

**Literature**

  ◦ Blood Struggle highlights major events and consequences in American Indian history since the Termination Act of 1953.
• Wilkins, David (1997). American Indian Sovereignty and the U.S.


See also

- Native Energy
- Pan-Indianism
- Tribal colleges and universities
- Tribal Council

Notes

7. ^ Ware, Susan (2005-02-09) [2004]. "C". In Stacy Braukman. Notable


External links

- American Indian Policy Center
- National Congress of American Indians
- Tribal Court Clearinghouse, Tribal Law and Policy Institute
- US Department of Justice: Native American Policies