

Native American Legal Resources

University of Idaho
College of Law

The sources listed are limited to the collections at the University of Idaho Law Library and Main Library. All call numbers and databases refer to Law Library resources unless otherwise noted. Indian and Native American law materials are primarily found between call numbers KF8201-KF8228.

Treaties

Documents of American Indian Diplomacy: Treaties, Agreements, and Conventions 1775-1979

KF8202 1999 2 vol.

Online: HeinOnline

Collection includes early treaties and non-ratified treaties not covered in Kappler's Indian Affairs, including treaties between Indians and foreign nations, the Confederate States of America, Indian nations, and the Republic of Texas.

Early American Indian Documents, Treaties & Laws 1607-1789

Reference KF8202 1979 vols. 1-20

Online: HeinOnline

Twenty volume set focusing on the colonial states and their dealings with American Indians before the implementation of the federal constitution. Documents include conferences, council minutes, commissioners' reports, scouts' and interpreters' records, correspondence, and deeds and leases. Laws include legislation directly and indirectly affecting Indians and proclamations issued by imperial, colonial, state, and early national governments. Does not include index.

Guide to American Indian Documents in the Congressional Serial Set: 1817-1899

KF8210.Z99 J6

Chronological and subject index to American Indian documents.

Indian Affairs: Laws and Treaties

KF8203 1903 2 vols.

Reserve KF8203 1903 (1976 revision, 7 vols.)

Online: <http://digital.library.okstate.edu/kappler/>

Online: HeinOnline

Known as Kapplers, volume 2 covers treaties and some agreements from 1778 - 1868.

Kappler Revisited: An index & Bibliographic Guide to American Indian treaties

Reference KF8203 2003

Part I provides a bibliographic guide to texts, handbooks, dictionaries, collected documents, and treaty sources. Part II provides tables and lists for finding Indian treaties. Tables cover the pre-Revolutionary War period (before Kappler), supplemental articles and treaties mentioned in Kappler, an index by treaty number, and an index by tribal name.

Statutes at Large

Reference Shelf 261

Online: HeinOnline

Volume seven contains the official text of Indian treaties signed between 1778-1845. Treaty between the United States and the Nez Perce Indians: June 9, 1863 at 14 Stat. 647.

Treaties and Agreements Library

Online: HeinOnline

Treaty Between the United States of America and the Nez Perce Tribe of Indians

Reserve KF8228.N5A3 1863

Redefined the boundaries of the original Nez Perce reservation in Idaho.

United States Code Service (USCS) – Notes to Uncodified Laws and Treaties.

Reference Shelf 259

Online: Lexis

See section on "Indian Treaties" for case annotations to treaties between 1778 - 1904. Annotations to Federal laws, treaties and proclamations not originally classified to the U.S. Code, or classified to the U.S. Code but subsequently eliminated.

U.S. Serial Set (1789 – current) UI Main Government Documents--microfiche

CIS U.S. Serial Set Index UI Main Library---Ref GP 3.78X

Online: Proquest Congressional

U.S. Congressional Serial Set

The serial set includes House and Senate reports and documents. Senate reports and documents provide legislative history on the ratification of treaties. Index provides finding aid by subject, keyword, private acts and related actions. actions.

Constitutions, Codes, and Regulations

Code of Federal Regulations – Title 25 - Indians

Reference Shelf 264

Online: HeinOnline, Westlaw, Lexis

Most federal regulations affecting Indians are contained in Title 25. To find other regulations concerning to Indians, use the Index volume to the CFR.

United States Code – Title 25 - Indians

Reference Shelf 259

Online: HeinOnline, Westlaw, Lexis

Title 25 includes most federal laws concerning Indian tribes.

United States Code Service (USCS) – *Notes to Uncodified Laws and Treaties*.

Reference Shelf 259

Online: HeinOnline, Westlaw, Lexis

This volume contains case annotations involving Federal laws, treaties, and proclamations which were not originally classified to the U.S. Code, or were classified to the U.S. Code but were subsequently eliminated. See the section called "Indians" for case annotations to uncodified laws.

United States Constitution

In U.S.C., U.S.C.A., U.S.C.S. Reference Shelf 259

Online: HeinOnline, Westlaw, Kexis

Art. I §8 cl.3 (Congressional regulation of commerce with tribes)

Art. II §2 cl.2 (Presidential treaty power)

Art. VI cl.2 (Treaties are supreme law of the land)

Executive Orders

Executive orders replaced the negotiated treaty after 1871. In 1919 Congress prohibited the creation of reservations by executive order. Since 1936, executive orders have been printed in the *Federal Register* and the *Code of Federal Regulations: Title 3-The President*. Though there is no official collection of executive orders prior to 1936, there are several unofficial collections providing early executive orders relevant to Indian affairs.

CFR – Title 3 – The President

Reference Shelf 264

Online: HeinOnline, Westlaw, Lexis

At the end of each year executive orders and proclamations are compiled and published in Title 3 of the CFR.

CIS Presidential Executive Orders & Proclamations, 1789-1983

UI Main Library Government Documents Collection - microfiche

Index to CIS Presidential Executive Orders & Proclamations

Main Library Reference Collection Ref. GP3.8x : Pres.

Index provides access by subject, agency, Indian tribe and public lands affected by the order. Includes Executive Orders relating to a particular reservation in chronological order.

Executive Orders Relating to Indian Reservations 1855-1922

Reserve KF5660.E9

Covers period between 1855 and 1919 when large tracts of land became reservations by Executive Order. Arranged by state location of reservation.

Indian Affairs: Laws and Treaties

Reserve KF8203 1903

Online: <http://digital.library.okstate.edu/kappler/>

Online: HeinOnline

Volumes 3 - 7 provide Executive Orders and Presidential Proclamations issued between 1902 - 1971.

Reporters and Digests

Colville Tribal Court of Appeals Reporter

Reserve KF8228.C844 A5

Online: Westlaw Tribal Law Database (see under Electronic Resources page 10)

Online: alphabetically at TLEX Online Library

Covers tribal court decisions from January, 1981 - 2005, with Advance Sheets for more recent cases. Includes alphabetical and chronological indexes.

Decisions in the Nez Perce Tribal Court

Reserve KFI512 N4 A515

Collected recent decisions of the tribal court beginning in 1998.

Index to the Decisions of the Indian Claims Commission

Reference KF8208 A515 1973

Online: <http://digital.library.okstate.edu/icc/index.html>

ICC claims organized by docket number and tribe. Provides a chronological Table of Cases.

Index to the Expert Testimony before the Indian Claims Commission

Reference KF8208 E9 973

Expert testimony presented before the ICC organized by docket number, tribe, author, state and Royce area.

Indian Claims Commission Decisions

UI Main Library Microforms Collection Microfiche 11B7

Online: <http://digital.library.okstate.edu/icc/index.html>

Selected ICC decisions arising from claims filed in law or equity against the U.S. between 1946 and 1951 and addressing Northwest coastal and plateau tribes issues. The ICC was dissolved in 1971. Approximately 880 microfiche.

Indian Law Reporter

Reserve KF8201.A315

Online: Westlaw American Tribal Law Reporter AMTRIB-CS

Loose-leaf service updated monthly since 1974. Includes federal decisions from the Supreme, Appeals, District, Tax and Bankruptcy courts and Court of Claims; decisions from state and tribal courts at the trial and appellate levels; decisions from the Interior Board of Indian Appeals, the Interior Board of Land Appeals and the Federal Energy Regulatory Commission. Opinions are reproduced in full, abridged, or excerpted, as indicated by the heading following the summary. Each volume has a topical index and table of cases, however, there is no comprehensive index for the entire series.

Landmark Indian Law Cases

KF8204.5 L36 2002

Reprints the full text of 53 landmark cases from the National Indian Law Library. Includes West Topics and Key Numbers, alphabetic and subject indexes.

Native American Law Digest

KF8203.1 N38

Online: Lexis from Sept/Oct 2003. Atypical updates.

Monthly newsletter provides summaries of federal, state, tribal court decisions, a legislative updates and current news. Library holdings from vol. 7 1997-2008.

Administrative Decisions

Decisions of the Dept. of the Interior and the General Land Office in Cases Relating to Public Lands (L.D.) vol.1 - 52 KF5603.3 A2U5

Decisions of the Dept. of the Interior (I.D.) vol. 53 - 101 KF5603.3 A2 U54

Online: available through law library catalog and HeinOnline

The decisions of the Dept. of the Interior, originally published under the L.D. citation, changed to the I.D. publication in 1932. Materials relating to Indians are indexed under the tribe's name, Indian Irrigation, Indians, and Indian Lands.

Digest of Decisions of the Dept. of the Interior in Cases Relating to Public Lands

KF5603.3 A2 U58

Online: HeinOnline

Chronological volumes includes tables of cases reported and acts of Congress. Indexing similar to the *Decisions* volumes.

Opinions of the Solicitor of the Department of the Interior Relating to Indian Affairs
Reserve KF8204 1917 2 vols. (1917-1974)

Online: <http://thorpe.ou.edu/solicitor.htm>

Although these opinions are not binding, they are often accorded great weight by the courts. Many of these opinions were previously unpublished and some have appeared as *Decisions of the Dept. of the Interior Relating to Public Lands* (L.D.) and *Decisions of the Dept. of the Interior* (I.D.).

Decisions of the Interior Board of Land Appeals

Online: Lexis and Westlaw

Land appeals include decisions about minerals, Alaska native claims appeals and appeals from Administrative Law Judge decisions on probate matters. Decisions also available in the *Indian Law Reporter*.

Decisions of the Interior Board of Indian Appeals

KF8204

Online: HeinOnline, Lexis and Westlaw

Law library holds copies of decisions from 1984-1985. Also available in the *Indian Law Reporter*.

Attorney General Opinions

The Attorney General has issued opinions on Indian taxation, reservation boundaries, trust matters, and land questions. AG opinions from 1992-current available on the Dept. of Justice website at www.usdoj.gov/olc/index.html and Lexis and Westlaw since 1791.

Digest of Official Opinions of the Attorneys General of the United States

KF5106.A65 (1881-1906)

UI Main Library U.S. Government Documents Collection J1.6: 1921-1974

Arranged by subjects including Indian Agents, Indian Territory, Indians.

Provides Table of Treaties and Conventions with separate list of Indian Treaties by tribe.

Opinions of the Attorneys General of the United States

KF5406.A6

Coverage from 1791 (vol.1) to 1982 (vol. 43). Publication of AG opinions began to decrease in the 1940's.

Online: Lexis, Westlaw, HeinOnline in chronological order from 1977-1998.

Opinions of the Office of Legal Counsel of the United States Dept. of Justice

KF5050.A5534

Coverage begins with 1977 (vol.1) to 1996 (vol. 19).

Online: chronologically <http://www.justice.gov/olc/memoranda-opinions.html>

Idaho Tribal Codes

Coeur D'Alene Tribal Code

Reserve KF8228.C843 A5 2000

Online: Tribal website www.cdatribe.org

Includes treaties, federal statutes, the Tribal Constitution and by-laws, tribal rules of civil and criminal procedure, and selected Idaho statutes and agreements.

Nez Perce Tribal Code

Reserve KF8228.N5 A5 1999

Online only: <http://www.nezperce.org/~code/index.htm>

Online: Tribal website www.nezperce.org

Provides subject index but does not include the Nez Perce Tribal Constitution.

In the Shoshone-Paiute Tribal Court of the Duck Valley Reservation [Ordinances].

Reserve KF8228.S4 A45 2002

Online: www.shoshonebannocktribes.com

The collected ordinances of the Shoshone-Paiute tribe are currently being compiled into a tribal code. Part 1 consists of ordinances relating to the structure of the tribal court, civil actions, domestic relations, sentencing, code of offense, amendments, and the motor vehicle code. Other ordinances include domestic violence, hunting and fishing, intoxicating beverages, and gambling. Includes a copy of the Tribal Constitution and By-laws.

Indian Tribal Codes (archival)

Law Library Reference microfiche cabinets

1981 collection supplemented by a 1988 update of most tribes. The 1988 update includes some tribal constitutions and by-laws.

Law and Order Code of the Kootenai Tribe of Idaho

Reserve KF 8228.K85.A45 2005

Online: Tribal website <http://www.kootenai.org/main.html>

Treatises and Textbooks

American Indian Law Deskbook, 4th ed. 2009

Reserve KF8205.A76 2004

Topics include origins, criminal law, civil jurisdiction, tribal sovereignty, water rights, hunting and fishing, gaming and taxation. Citations to cases and statutes.

American Indian Law in a Nutshell, 5th ed. 2009

Reserve KF8205.Z9 C36 2004

Authoritative overview of Indian law.

American Indian Law: Native Nations and the Federal System

Reserve KF8204.5 C55 2007

Textbook covers the history of the tribal-federal relationship, tribal sovereignty, federal and state authority in Indian country, tribal land and cultural rights, reserved rights doctrine, economic development, and international perspectives.

Cohen's Handbook of Federal Indian Law

Reserve KF8205.C6 2005

1945 and 1982 editions on Reserve

Online: 1945 edition <http://thorpe.ou.edu/cohen.html>

Online: HeinOnline

The authoritative treatise on Indian law.

Documents of United States Indian Policy, 3rd ed.

KF8205.D63 2000

Includes cases, acts of Congress, treaties, reports, letters, etc. with citations to the source of the original document.

The Encyclopedia of Native American Legal Tradition

KF8204.E53 1998

Overview of important cases, personages, organizations, and issues concerning Indian law. "Further Reading suggestions for most entries.

Native American Natural Resources Law, 2nd ed. 2008

KF8210 N37 R69 2002

Textbook provides overview of federal Indian law, land use, environmental protection, natural resource development, taxation, water rights, hunting, fishing and gathering rights, and international approaches.

The Rights of Indians and Tribes: An Authoritative ACLU Guide to Indian and Tribal Rights, 3rd ed. 2004

KF 8210.C5 P48 2002

ACLU guide to Indian and Tribal rights.

Practice Materials

Fundamentals of Indian Law: What you need to know to practice in Indian Country

Reserve KF8205.F85 2002

Reprints materials presented at the Idaho State Bar Annual Meeting in Post Falls, Idaho, on July 17-19, 2002. Topics include foundations of modern Indian law, fundamentals of federal Indian law, domestic relations, criminal jurisdiction, and the Indian Child Welfare Act.

Tribal Court Benchbook

Reserve KFI570.T75 1997

Online: <http://www.isc.idaho.gov/tribalmn.htm>

Provides brief description of tribal judicial organization and relationships with other jurisdictions, citations to federal and state laws, a description of Idaho Tribes and tribal courts and tribal contact information.

United States Tribal Court Directory, 4th ed. 2011

KF8224.C6 S39 2006

Contact information for tribal courts in 32 states with some annotations.

Periodicals & Current Awareness

American Indian Culture & Research Journal

Beginning Vol. 1 1974 - 2008

UCLA American Indian Studies Center, 1974-current online at

Online: <http://aisc.metapress.com/home/main.mpx>

American Indian Law Review

Beginning Vol. 1 1973 - current

Online: Lexis 1997-current; HeinOnline

(This Week From) Indian Country Today

In Periodicals for most current 4 years

Online: Current edition <http://indiancountrytodaymedianetwork.com/>

News, entertainment, business, politics, sports, pow-wows, health, food, education, travel.

Indian Law Bulletins

Online: via National Indian Law Library www.narf.org/nill/bulletins/ilb.htm

Links to recent federal and state court decisions, federal legislation and regulations, current news and law review articles.

Indianz.com

Online only: www.indianz.com

Online news and entertainment from Native American perspective. Sponsored by Ho-Chunk, economic development company owned by Winnebago Tribe of Nebraska, and Noble Savage Media.

NARF Legal Review (Native American Rights Fund)

Online: 1998-current www.narf.org/pubs/nlr/index.html

Biannual updates on NARF cases and other timely Indian law topics

Native American Law Digest

KF8203.1 N38 vol. 7 1997-current

Monthly newsletter provides summaries of federal, state, and tribal court decisions, legislative updates and current news.

Tribal Law Journal

Online: publication from the University of New Mexico School of Law

Vol. 1 2000/2001- current <http://tlj.unm.edu>

Electronic Resources

HeinOnline: American Indian Law Collection

Treaties, federal statutes, regulations, federal cases, tribal codes, constitutions, legislative histories, scholarly articles, Kappler and Cohen treatises, administrative decisions (Dept. of Interior, Interior Board of Indian Appeals, Indian Claims Commission),

Westlaw: Tribal Law Database

1. AMTRIB-CS West's American Tribal Law Reporter
Tribal and appellate cases from numerous tribes from 1997
Includes cases from Confederated Tribe of Colville Reservation
2. COLVILLE-CS Colville Tribe cases only
3. COLVILLE-TC statutes and related materials for Colville Tribe

Websites

Federal Agencies

American Indian Environmental Office

www.epa.gov/indian

Portal to EPA information related to tribal government policies to protect human health and environment of federally recognized tribes.

Bureau of Indian Affairs

www.bia.gov

Agency offers assistance to Indian and Alaska Native peoples to manage their affairs under the trust relationship to the federal government.

Bureau of Indian Education

www.bie.edu

BIE mission provides quality educational opportunity from early childhood though life in accordance with tribal cultural and economic well-being.

Indian Health Service

www.ihs.gov/index.asp

The mission of the IHS is to bring the physical, mental, social and spiritual health of American Indians and Alaska Natives to the highest level while making available currently acceptable and comprehensive public and personal health services.

National Indian Gaming Commission

www.nigc.gov

Laws, regulations, news, decisions, opinions and other information regarding the Commission's mission to regulate gaming activities on tribal lands.

Law Library of Congress

www.loc.gov/law/help/guide/federal/indians.html

Links to U.S. Code, CFR, U.S. Supreme Court decisions, tribal constitutions and treaties, secondary sources, federal agency and tribal websites, Cohen's Handbook and Rarick's Guide to Oklahoma Indian Land Titles.

Office of Indian Trust

www.doi.gov/archive/indiantrust.html

Archived page last updated 8/02/07 providing information on the Indian trust program issue. The Indian Trust, as part of the Dept. of Interior, ensures that the Secretary performs obligations pursuant to the federal Indian trust responsibility.

Office of Public and Indian Housing

http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing

PIH assists with safe, decent and affordable housing and to enable residents to be self-sufficient and economically independent.

Office of Tribal Justice

www.usdoj.gov/otj/index.html

Recent Executive Orders, Attorney General Opinions, Congressional testimony, and information related to Indian law enforcement. The OTJ coordinates the Department of Justice's policies on American Indian and Alaska Native issues and maintains a liaison with federally recognized Indian tribes.

Tribal Organizations

National Indian Justice Center

www.nijc.org/index.html

Links to information, technical assistance, research, legal education and training for tribal courts, government, law enforcement, social services, medical personnel and other interests.

Native American Constitution and Law Digitization Project

<http://thorpe.ou.edu>

Project between the University of Oklahoma Law Center, National Indian Law Library and Native American tribes provides access to constitutions, tribal codes and other legal documents.

Native American Rights Fund

www.narf.org

Non-profit organization provides legal representation and technical assistance to Indian tribes, organizations and individuals nationwide. Links to two online publications: *NARF Legal Review* and *Justice* newsletter. Also links to the **National Indian Law Library**, providing selected tribal constitutions, codes, summaries of U.S. Supreme Court decisions, and an online catalog of the NILL collection.

NativeWeb

www.nativeweb.org

International, educational, nonprofit organization committed to disseminating information on indigenous nations, peoples, and organizations. Includes materials related to cases, national and international treaties, statutes, international organizations, and articles. Most materials concern native issues in the U.S., Canada, Australia, and Mexico.

Tribal Court Clearinghouse

www.tribal-institute.org

Tribal Law and Policy Institute website provides links to tribal constitutions, codes, agencies, organizations, full-text tribal court decisions from selected tribes and information on issues related to gaming, housing and education.

Idaho Tribes

Coeur d'Alene Tribe Web Site

www.cdatribe.org

Information on tribal sovereignty, ancestral lands, environment, decision making, the Couer d'Alene reservation, and contacts for tribal departments.

Kootenai Tribe of Idaho

<http://www.kootenai.org/main.html>

Information on the history, government, health clinic, environment, fish and wildlife, Kootenai River Inn, Kootenai Valley Resource Initiative and the Twin Rivers Canyon Resort.

Nez Perce Tribe Web Site

www.nezperce.org

Provides an online version of the Nez Perce Tribal Code with a keyword search, contact information for tribal departments, a list of Indian owned businesses, calendar of events, employment opportunities, tribal history, FAQ's, and links to other tribal web sites.

Northwestern Band of the Shoshone Nation

<http://www.nwbshoshone-nsn.gov/>

News and events, culture and history, tribal council, economic development, housing authority, tribal services and contact information.

Shoshone-Bannock Tribes Web Site

www.shoshonebannocktribes.com

Provides a directory, information on the tribal government, enterprises, lifestyle, gaming, employment and Fort Hall Business Council. Includes a link to "Sho-Ban News.com," an online weekly newspaper.

Shoshone-Paiute Tribes of the Duck Valley Indian Reservation

<http://shopaitribes.org/spt-15/>

News, departments of culture, EPA, fire and IT, business council, tribal enrollment, education, stop violence, tribal employment rights office, water/sanitation, food distribution, health facility, recreation, finance, human resources, day care and court information.

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