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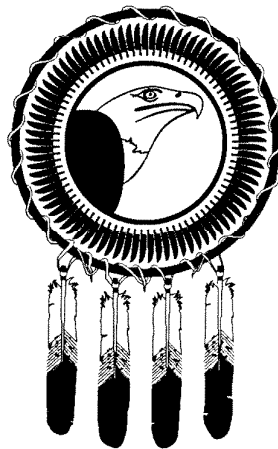
*The Oglala Lakota Judiciary:
Meeting Nontribal Demands and Tribal Needs*

by

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**STRENGTHENING THE OGLALA LAKOTA JUDICIARY:
MEETING TRIBAL NEEDS THROUGH
INSTITUTIONAL STRUCTURAL CHANGES**

TABLE OF CONTENTS

EXECUTIVE SUMMARY

INTRODUCTION	1
I. THE PARTS AND FUNCTIONS OF THE OGLALA LAKOTA JUDICIARY	2
II. THE NATURE AND LOCATION OF PROBLEMS	5
The Nature of Problems	5
The Location of Problems	6
Specific Issues in Each Functional Area	6
III. SOLUTIONS THAT ADDRESS ROOTS OF PROBLEMS	12
Capacity	12
Legitimacy	17
Mission	19
CONCLUSION	21

Bibliographic References

Personal References

Endnotes

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EXECUTIVE SUMMARY

The judicial branch of the Oglala Sioux Tribe's government suffers from both existing and potential problems. As an institution that houses the court, the police, and the prosecuting functions of tribal governance, the problems are especially critical. Operational barriers, questions of credibility, and possibly distorted goals plague the organizations that compose the judicial system.

Correcting these problems involves serious foundational restructuring. Highly recommended options are:

- Constitutional Separation of Powers Between the Judicial and Legislative Branches of Tribal Government.
- Creation of Peacemaking Bodies in the Districts
- Establishment of Independent Interdepartmental Review Board

This analysis proceeds in three logical parts. The first part exposes the critical parts and functions of the Oglala Lakota Judiciary. The second part does two things: a) it probes the types of problems encountered, and then b) it identifies where such types of problems can be identified within the system. The third part of this analysis takes those problems to their root dynamics and explains the necessity of the recommended solutions given those underlying conflicts.

STRENGTHENING THE OGLALA LAKOTA JUDICIARY: MEETING TRIBAL NEEDS THROUGH INSTITUTIONAL STRUCTURAL CHANGES

INTRODUCTION

The Oglala Sioux Tribe: the People

The Oglala Lakota Indians reside at the Pine Ridge Reservation in Pine Ridge, South Dakota. The Reservation has a population of 20,000 enrolled members with the median age of 20. Located in the poorest county in the United States, the Oglala members are 75% unemployed and survive through federal assistance.

The Government of the Oglala Sioux Tribe

The Oglala Sioux Tribe (OST) is a tribe of the Sioux Nation of Native Americans. The OST conducts its public tribal affairs through its tribal government, composed of the tribal council, the Oglala Lakota Judiciary, and the executive head. The OST government is unlike the U.S. government in structure. While the latter employs the separation of powers doctrine constitutionally, the OST government's judicial branch is constitutionally created by the legislative body, the tribal council.

The Need to Strengthen the Judiciary

Why is it necessary to strengthen the Oglala Lakota Judiciary? The judiciary is a critical institution in tribal government. Studies have indicated that an economically viable and successful tribe *needs* sound governmental institutions.¹ The justice system as a powerful institution safeguards the peace and the societal stability in which market transactions can take place.

But there is more to protecting the public than the political and social dynamics within the tribe. There are external challenges and constraints that penetrate into the tribe, as well. Laws outside of the tribe which affect tribal welfare are continually changing, and cultural interactions impact significantly on tribal members. Hence while the tribal justice system retains jurisdiction over tribal matters, it must be knowledgeable about internal and external issues or problems affecting tribal members. **This Analysis**

If it is necessary to strengthen the Judiciary, how does the tribe go about it?²

This is the question which leads us to look at problems and solutions. The problems and solutions discussed as follows are the result of interviews and documents provided by the OST Judiciary, tribal council leaders, and Oglala tribal members. The case examples and quotes provided at this writing are the most striking and representative, and are used here only to remind the tribe of information it knows all too well. This analysis is intended to clarify for the Judiciary *why* it needs to be institutionally improved and what options should be considered. As careful policy analysis proceeds in stages, so this report offers recommendations and leaves to the better judgment of tribal attorneys the implementation of these solutions.

I. THE PARTS AND FUNCTIONS OF THE OGLALA LAKOTA JUDICIARY

As the third main branch of tribal government, the Oglala Lakota Judiciary exercises three functions. One is to provide police protection for the tribe. Another is to prosecute. Yet a third is to hear the cases and bring a judgment on them through the court. The police enforces the laws and the judgments of the court.

The Police

More specifically, the police enforces the laws set by the tribal government, as well as by federal regulations that affect the tribe. Police officers are responsible for arresting criminals and filing reports on them; their duties revolve around keeping the peace on the Reservation.

The Prosecutor

The prosecuting department is the branch with brings to court those alleged to have violated laws. For example, if a member of the tribe is found driving under the influence, the police will arrest him or her. After the police officer files the report, the case is passed to the prosecutor who decides whether or not to bring the subject to the court.

The Court

The court is composed of judges who hear the cases brought before it and make a judgment. Cases can be criminal or civil. At OST, there is one main court and a smaller court in Kyle, an outer community of the Reservation.

THE OGLALA LAKOTA JUDICIARY

<u>Parts of the Judiciary</u>	<u>Function of Each Part</u>
Police	Keeping the peace on the Reservation according to both tribal and federal laws
Prosecution	Brings cases to the court
Court	Hears cases and decides disputes: decides when law is violated, and what punitive measure is appropriate for the violation Decides how general rules fit particular situations; decides on a law's precise meaning; decides whether government actions are legal

II. THE NATURE AND LOCATION OF PROBLEMS

In each of these areas of the Lakota Judiciary, there are both existing and potential problems. As a starting point, there are three questions to pose:

- 1. What kinds of problems exist?**
- 2. Where can these problems be identified in the system?**
- 3. What are the specific issues that arise?**

1. The Nature of Problems

Firstly, what is the nature of the problems? These are problems of capacity, legitimacy, and mission in the judicial institution. Capacity relates to the operational resources and means to implement the policies and fulfill the goals of the organization or institution. Legitimacy concerns the power in which the judiciary is grounded. Whereas capacity enables the system to operate, authority allows the operation to be acknowledged and trusted. Finally, mission relates to the goal of the institution or organization.

The Nature of Problems

- Capacity Problems**
- Legitimacy Problems**
- Mission Problems**

2. The Location of Problems

Secondly, after asking about what kind of problems surface, the next question is, where these problems are located? Some problems belong to one or more of the areas. But certain problems belong to neither one or the other department; some problems concern the linkages between the functional areas of the judicial system.

Where Are the Capacity Problems Within the System?

Capacity problems are found in the link between the prosecution and the police. Such problems involve organizational and administrative complications. In the police and court, capacity problems are rooted in limited and poorly distributed resources. In both the prosecuting department and the court, competence has been seriously questioned.

Where Are the Legitimacy Problems Within the System?

Legitimacy problems are found in all three areas. In the police, problems of credibility are rooted in the manner in which the police is chosen. In the court and prosecution, problems of credibility result from issues of competence and politicization. Legitimacy problems are also found in the link between all the three functional areas.

Where Are the Mission Problems Within the System?

Mission issues are most salient in the police force.

3. Specific Issues in Each Functional Area

Thirdly, after probing the nature and the location of problems in the judiciary, the next step is to understand more precisely what the specific issues are that have arisen or that have the potential to emerge. This section details such issues and concludes with a

comprehensive table that summarizes the findings.

Capacity Problems in Police, Prosecution, and Court

Specific problems in organizational capacity and administration surface in the link between the prosecution and the police. Poor communication and organizational coordination were cited for the pervading truancy problem. As a result many cases, notably criminal cases, are dismissed.

Specific issues of the competence of the prosecutor are seriously raised. Signs of incompetence were cited as if or when the prosecutor asks questions of the defendant which are entirely irrelevant to the case. Also at times in the past, the prosecutor has advised the defendant in criminal cases not to appear for court. Not knowing the right questions to ask, the prosecutor based on his or her assessment, deems the case worthy of dismissal. For example, in the past for the prosecutor has arbitrarily declined to prosecute people arrested for violation of the Oglala Sioux Tribe's intoxication ordinance.³ The incompetence of the prosecutor could compromise the operations and expectations of judges, the police, and the litigants.

The competence of the court, as well, has been questioned. There is currently only one law-trained judge on the OST Court. This is a problem because increasingly the tribal court must face issues of both federal and tribal jurisdiction. Changes in federal laws regulations may not be as readily addressed by a court not fully cognizant of nontribal legal rules.

Other specific problems of capacity are reported in the court as well as the police force. The police has responded to the complaints of truancy by citing that they were

aware that they were scheduled to appear in court but those days were their "off- days." Going to court on "off-days" would mean working without being compensated, yet funds to pay officers were cited as being limited. In the court, a severe lack of resources has kept cases back-logged and has retarded the initiation of programs addressing alcohol abuses and other delinquencies. The capacity problems here are that the institution lacks the financial resources to compensate its officers and court adequately.

Statistics, 1,200 to 1,300 cases reported. Only about 15% substantiated, with only five investigators available to handle cases reported. Most parents initiate allegations to gain custody [sic] of children for AFDC or other ulterior motives. Evidence or reports does not meet reporting guidelines for proper prosecution by the U.S. Attorneys Office...⁴

Legitimacy Problems in Police, Prosecution, and Court

Legitimacy problems in the police were linked to public safety review boards. The case arose in which police officers failed to arrest certain individuals because the subjects were related to members of the public safety review boards, which are composed of district residents elected during tribal council elections.

Male is accused of child abuse and spouse abuse, and is known as being dangerous and violent. Victim and other members cite that his mother has phoned the Pine Ridge jail threatening police force that as member of the district review board, she will cause the police to be fired if they arrest her son.'

Currently, the public safety review boards in each of the nine districts hire, promote, and fire police officers. Complaints from tribal members cite the political effects of this

connection. To them, the integrity and ethics of the policing establishment seem shattered and unreliable. In several instances, non-police members and officers alike have pointed to the susceptibility of officers to be fired, if, for example, in fulfilling their duty they arrest a relative of a member of the public safety review board.

Specific problems in credibility are found in the link between the court and the prosecuting department. The case was highlighted, for example, in which to tribal members, it seemed that the prosecutor and the judges have collaborated and prejudged the cases. The consequence of such perceptions is the lack of trust tribal members may have about both the court's judges and the prosecuting staff.

Specific problems have arisen with regard to the court, itself. One problem is the potential for the court and the legislative arm of the central government to infect each other politically, thus causing the people not to trust the authoritative powers of the court. For one thing, the council wields the power to establish the court, allowing for the possibility that the selection of judges may be vulnerable to the political winds of the elected council. But also, there is evidence to suggest that in the past and potentially in the future the court has been able to influence directly the work of the council. It is said that in the past the court and/or the judges have thought it to be their job to correct the council's actions, particularly where the council is changing the focus of programs and allocation of funding.

Mission Problems in Police

Problems with morale surface when police officers view the gains they obtain and

the costs involved. Aside from the subject of the court's organizational mission, however, there is also the expressed concern about the mission of the worker, including that of both supervisors and officers in the police force. As a worker in the operation, is the individual's mission to accrue benefits from the system, or does the individual's mission include forming a cohesive police force that saves the tribe from internally corrosive crime? Serious complaints of inequity and "politics" seem to have sprung from subordinates in the police force about their supervisors. Tribal members which the force is meant to serve in turn have reported misgivings about officers failing to fulfill their duties appropriately.

Police officer describes allocation of budget for workshops and trips for supervisors, while "some officers have to apply for food stamps, commodities and other types of relief just to make it from pay day to pay day, its [sic] so bad... an officer had to even pawn his badge to feed his family."⁶

<p align="center"><u>NATURE OF PROBLEM</u></p> <p align="center">"What kind of problems are they?"</p> <p align="center">Are they:</p> <p align="center">Capacity Problems/ Operational Barriers?</p> <p align="center">Legitimacy Issues/ Credibility Problems?</p> <p align="center">Questions of Distorted Mission?</p>	<p align="center"><u>LOCATION OF PROBLEM</u></p> <p align="center">"Where are these problems located?"</p> <p align="center">Are they in the:</p> <p align="center">Police?</p> <p align="center">Prosecution?</p> <p align="center">Court?</p> <p align="center">Police-Prosecution Link?</p> <p align="center">Prosecution-Court Link?</p> <p align="center">Police-Court Link?</p>	<p align="center"><u>SPECIFIC ISSUES</u></p>
<p align="center">Capacity Problems/ Operational Barriers</p>	<p align="center">Police</p>	<p align="center">Limited Resources</p>
<p align="center">Capacity Problems/ Operational Barriers</p>	<p align="center">Prosecution</p>	<p align="center">Competence</p>
<p align="center">Capacity Problems/ Operational Barriers</p>	<p align="center">Court</p>	<p align="center">Competence</p>
<p align="center">Capacity Problems/ Operational Barriers</p>	<p align="center">Police-Prosecution Link</p>	<p align="center">Poor communication and coordination</p>
<p align="center">Legitimacy Issues/ Credibility Problems</p>	<p align="center">Police</p>	<p align="center">Politicization</p>
<p align="center">Legitimacy Issues/ Credibility Problems</p>	<p align="center">Court</p>	<p align="center">Competence and politicization</p>
<p align="center">Legitimacy Issues/ Credibility Problems</p>	<p align="center">Prosecution-Court Link</p>	<p align="center">Politicization</p>

<u>NATURE OF PROBLEM</u>	<u>LOCATION OF PROBLEM</u>	<u>SPECIFIC ISSUES</u>
<p data-bbox="407 411 691 436">"What kind of problems are they?"</p> <p data-bbox="513 478 591 504">Are they:</p> <p data-bbox="461 548 639 594">Capacity Problems/ Operational Barriers?</p> <p data-bbox="386 638 711 663">Legitimacy Issues/ Credibility Problems?</p> <p data-bbox="472 707 623 753">Questions of Distorted Mission?</p>	<p data-bbox="833 426 1127 451">"Where are these problems located?"</p> <p data-bbox="914 472 1040 497">Are they in the:</p> <p data-bbox="951 518 1008 543">Police?</p> <p data-bbox="927 562 1032 588">Prosecution?</p> <p data-bbox="951 609 1008 634">Court?</p> <p data-bbox="881 655 1078 680">Police-Prosecution Link?</p> <p data-bbox="881 701 1078 726">Prosecution-Court Link?</p> <p data-bbox="902 747 1057 772">Police-Court Link?</p>	
Questions of Distorted Mission	Police	Values

III. SOLUTIONS THAT ADDRESS ROOTS OF PROBLEMS

The possible solutions to these problems involve fundamental structural changes. Here we must ask, why should the improvements involve major reconstruction? Major reconstruction is necessary because the problems have evolved from fundamental conflicts. Possible superficial solutions that have been proposed are highly unlikely to be successful if they do not address those deeply rooted conflicts.

Then, we must inquire, what kind of major changes are appropriate? The solutions which are most promising strive to correct the roots of problems, going to the sources of problems of legitimacy, capacity, and mission. This section will take each area and explain a) the roots of the problems in the area and b) the suitability and necessity of the proposed solutions to those roots.

Capacity

Roots of Capacity Problems

Where does the capacity problem of limited resources in the police take root? It is in part due to the tension between tribal needs and nontribal constraints. The police force is answerable to both the tribal government and to the federal government. The police also relies on funds from the government, and overall the tribe's judiciary system is sustained by federal funding. The resources of the court, for example, come from the Bureau of Indian Affairs, a branch of the U. S. Department of Interior. Through Public Law 93-638, the court functions as a contract with the BIA. Receiving funds from the BIA, the court provides the service the BIA would formerly have provided. Hence, a root of the capacity problems in both the police and court is the external, nontribal constraints which guide the policies of public safety.

Where can the operational barriers of incompetence be traced? The source of this problem is in the challenge of ever-changing nontribal laws on a tribe that still needs and relies in part on traditional foundations or conceptions of governance. Finally, where does the capacity problem of poor coordination between prosecution and police, come from? Prosecution and police tend to see themselves as isolated organs within the system. In both physical separation and communication, these two parts of the judiciary encounter conflicts attributable to each of their views of the other. In referring to each other, both sides invoke the "they" more frequently rather

than the "we."

The following table summarizes the roots of the capacity problems in the judicial system.

Roots of Capacity Problem		
Location of Problem	Specific Issues	Roots
Court	Limited Resources	Dependence on tribal council for allocation of federal funds
Police	Limited Resources	Dependence on federal authority and funding
Prosecution	Competence	Presence of nontribal laws and legal challenges
Court	Competence	Presence of nontribal laws and legal challenges
Prosecution-Police Link	Poor Communication and Coordination	Organizational isolation

Capacity Solutions Address Roots

Enduring solutions to these problems must address the underlying tensions. These are the recommended solutions to resolve the four capacity problems:

- Separation of powers between the judicial and legislative branches
- Independent review panel for prosecution-police link and for monitoring competence

For example, with the root tension of dependence on federal funding, a solution is needed that will relieve some of the tribal dependence of funding. One way is to allow the court to allocate its own funding. This can be achieved with a separation of powers. The court would be able to determine its own budget, and not have to rely on either the means or the politics of the tribal council. The current system involves the court having to rely on the tribal council to determine the court's budget. With a separation of powers clause in the constitution, the court would have full discretion about the amount of money it can apply for to the BIA. Currently, about 25% of the federal allocation to the court must be funnelled back to the general fund of the tribal council. Perhaps added value for court capacity would be in the greater say the court could obtain about what percentage of its own budget ought to be shared with another arm of the government. The recommended option is a formal separation of powers that will improve allocation of funding. This is a more desirable solution than either ignoring tribal needs or tightening council control over the court. These latter two pale in comparison because they fail to address the underlying dynamics such as tribal dissatisfaction and the wider political implications of a more powerful tribal council.

Addressing both the tensions between isolated organizations and between tribal and nontribal constraints, an independent panel should oversee the linkages within the Judiciary. This interdepartmental review board might consist of both Lakota members and nontribal attorneys who have no vested interest in either the prosecution or the police. These may even be elders of the tribe as well as trained lawyers who can monitor the level of interaction between the organizations as well as enhance levels of competence in both Lakota ways and nontribal strictures.

Legitimacy

Roots of Legitimacy Problems

What is the root of the legitimacy problem in the police, in regard to their relationship with public safety review boards? This phenomenon can be traced to the link between the public safety review boards and the police.

Where can the legitimacy problem of the court, in terms of competence be traced? This is traced to the fundamental views of tribal members about expertise. While they express the desire for expertise in both tribal and nontribal laws, they acknowledge expertise as resting with law-trained judges.

Where can the root of the legitimacy problem of the court, in terms of politicization be found? This is essentially found in the failure of the federally instituted tribal constitution to sever the link between the court and the council. Political infection is always a potential, if not a reality.

Where is the root of the credibility problem in the link between the court and the prosecutor? The court is overburdened with cases; division of labor is necessarily blurred. This adversely affects the trust people have in the court to mete out justice.

The following table summarize the roots of legitimacy problems in the judicial system.

Roots of Legitimacy Problems		
Location of Problem	Specific Issues	Roots
Police	Politicization	Link between public safety review boards and police
Court	Competence	Tribal members recognize nontribal credentials but seek expertise in both tribal and nontribal laws.
Court	Politicization	Constitutional link between Court and Council
Prosecution-Court Link	Politicization	Court is overburdened with cases; division of labor is necessarily blurred.

Legitimacy Solutions Address Roots

Addressing the aforementioned roots needs the following remedies:

- Separation of powers in the constitution between the court and the council
- Peacemaking judicial bodies in the communities to serve the populace and unburden the court.

Clearly, a constitutionally mandated severance of powers will diminish the likelihood of political infection. A measure passed by the council amounts to a promise by one body not to meddle in the other part of the government. This, while made good, is not the same thing as an assurance imbedded in the constitution, which to be reversed would require more than council action.

Addressing tribal conceptions of "competence" and the root problems of backlogged cases burdening the court, the peacemaking bodies in the districts will both relieve the court from largely familial disputes and cases needing domestic discipline, as well as allow the citizens in the communities to resolve disputes in the traditional ways they know. Competence is achieved at this lower level, in that domestic cases have often required reaching into Lakota ways and Lakota values for resolution. Tribal recognition of nontribal "J.D." training is less necessary here, where tradition and personal leadership of elders and respected individuals in the districts are more salient and suitable.

Mission

Roots of Mission Problem

Poor mission in the police may be a consequence of a cultural conflict. On the one hand there is the unquantifiability of goods that seems to underscore Lakota spirituality. On the other hand, members of the police force face the reality of measured benefits -- salaries and amenities. The mission of both supervisors and officers in the police force. As a worker in the operation, is the individual's mission to accrue benefits

from the system, or does the individual's mission include forming a cohesive police force that saves the tribe from internally corrosive crime? Might the desire for "perks" and "benefits" as so acknowledged and expressed by Oglala members be incompatible with "Lakota values" of generosity, honesty, bravery, humility and service?

Roots of Mission Problems		
Location of Problem	Specific Issues	Roots
Police	Values	Cultural conflict

Mission Solutions Address Roots

A solution to the potential problem in organizational mission is to promote dispute mechanisms that can better suit the Lakota people, given the history of cooperation and social cohesion through *community peace*, as members have noted.

Indeed, most of the civil cases involve domestic disputes, and the locus of these disputes lies in the remote communities. Given these factors of personal association and remoteness from the central governing body, an arrangement of peacemaking structures beyond that of the central government may be highly appropriate. Elders and respected community members can be chosen to address the root of the social problems, especially of ones that respond best to the singe of personally initiated public disapprobation. Hence, there is a didactic component to the creation of peacemaking bodies, and this

"teaching" effect addresses the mission problems of the police and the tribal members alike.

Thus, it may be useful for the tribal government to promote increased decentralization of the tribal government and formalize peacemaking bodies in the communities. A pilot project might be begun out in one community, for example. A body of respected elders or other members, chosen by the people through election, but de-linked from the council. This band could serve as a panel, and serving different communities at coordinated times. Moreover, the panel could be composed of members who rotate.

Heeding tribal traditions for certain cases improves efficiency and the system's capacity, and forges what may be a more suitable mission for the judicial system. Through this shift, peacekeeping and rehabilitative approaches to such crimes as alcohol abuse or child neglect do not wait for the case to struggle their way to the court but instead reach out *from* the central organ *to* the very vortex of disputes. Where the court is simply a forum for disputing members to "tell their story," here the forum can be made more accessible with community peacemaking bodies.

CONCLUSION

The judicial branch of the Oglala Sioux Tribe's government suffers from both existing and potential problems. As an institution that houses the court, the police, and the prosecuting functions of tribal governance, the problems are especially critical. Operational barriers, questions of credibility, and possibly distorted goals plague the

organizations that compose the judicial system.

Correcting these problems involves serious foundational restructuring. Highly recommended options are:

- Constitutional Separation of Powers Between the Judicial and Legislative Branches of Tribal Government.
- Creation of Peacemaking Bodies in the Districts
- Establishment of Independent Ethics Board

This analysis has proceeded in three logical parts. The first part exposed the critical parts and functions of the Oglala Lakota Judiciary. The second part clarified the natures of problems encountered, and also identified where within the Judiciary such types of problems can be detected. The third part of this analysis then took those problems past the superficial details to the core conflicts. This final section proposed fundamental corrections in light of the roots of the system's existing and potential problems.

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Vernona Kills Right	Prosecutor, Oglala Sioux Tribal Court
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Jim Wilson	Former administrator
James Shield	Serving with Red Cloud Volunteers, Jesuit priest
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Lionel Iron Mocassin	Captain of Police, Public Safety, Oglala Sioux Tribe
Joe American Horse	Judge, Oglala Sioux Tribe Court
Wilma Bordeaux	Serving Judiciary Committee of Rosebud Reservation
Others	

1. See article by Kalt and Cornell, "Where Does Economic Development Really Come From? Constitutional Rule Among the Modern Sioux and Apache" (April, 1993)
2. The issue of tribal sovereignty is integrally linked to the evolving relationship between the U.S. federal government and tribes.

The literature observes how federal policy has swung from the earlier attempts to push the Indians westward to the efforts in later years to assimilate them into mainstream American society, and in last 20 years, to a practical recognition of tribal independence and sovereignty.

United States Supreme Court decisions and Congressional legislation have shaped this evolution of policy. The following traces inexhaustively those seminal and guiding pieces. The picture that forms suggests vacillation in commitment to Indian causes and insufficiency in providing according to policy.

In 1832, U.S. Supreme Court Chief Justice John Marshall opined in Worcester v. Georgia: "Indian governmental powers, with some exceptions, are not delegated powers granted by express acts of Congress, but are inherent powers of a limited sovereignty that have never been extinguished.

In 1934 the Indian Reorganization Act created the tribal constitution. Article V of the constitution enumerates the judicial powers of tribal government. Section 1 states that the "judicial powers of the Oglala Sioux Tribe shall be vested in a court or courts which the tribal council may ordain or establish." Article IV, Section 1(k) empowers the tribal council "to promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing conduct of members of the Oglala Sioux Tribe, and providing for the maintenance of law and order, and the administration of justice by establishing a reservation court and defining its powers and duties." Article IV is the constitutional basis for the Revised Code of the Oglala Sioux Tribe. This Revised Code was originally approved by the Secretary of the Interior on March 20, 1937, following adoption by the tribal council. As subsequently amended, it provides for the organization and procedure of the Oglala Sioux Tribal Court. It also includes a penal code of offenses against the Oglala Sioux Tribe.

More recently, Public Law 93-638 was created to accord increased responsibility to the tribes. Known as the "Self-Determination and Education Assistance Act of 1975," Public Law 93-638 encourages tribes through grants and contracts to assume administrative responsibility for federally funded programs that were designed for their benefit and that previously were administered by employees of the Bureau of

Indian Affairs and the United States Indian Health Service. Education and health programs generally were expanded during this period. A significant piece of legislation was the Indian Health Care Improvement Act. Among other things, the Act consolidated Indian Health Service (IHS) programs, authorized funding that would improve IHS programs, and created programs to educate health professionals for work in Indian Country." (Oglala Education Service Manual)

3. This is noted in documents presented by the Task Force on Public Safety.
4. See documents relating findings of Task Force on Public Safety.
5. See documents relating findings of Task Force on Public Safety.
6. See documents relating findings of Task Force on Public Safety.