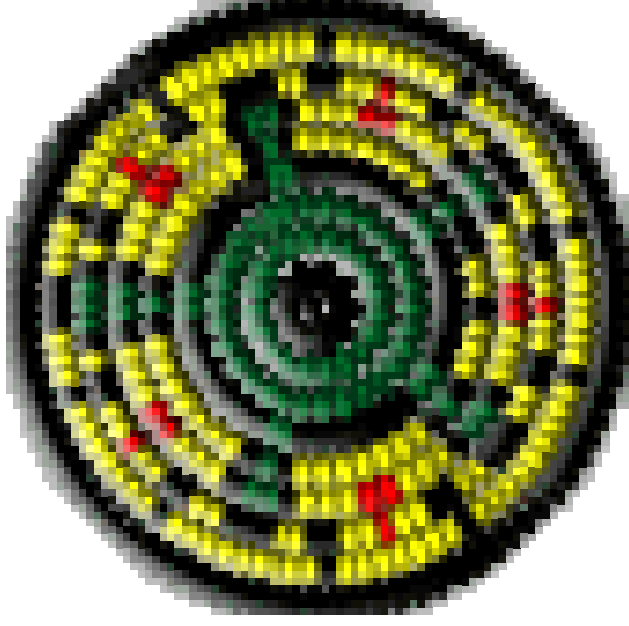


**FY 2011  
BIA Eastern Region  
Budget Testimony**



**May 2009  
Washington, DC**

**“A New Era of Responsibility”**

# Tribal Courts

Since time immemorial, Native American and Alaska Native tribes have been keeping the peace and administering justice in their homelands through the use of their own ancient laws, traditions and customs. Historically, the United States federal government has recognized the inherent sovereignty of Indian nations to make their own laws and to be ruled by them.

*Williams v. Lee*, 358 U.S. 217, 1958.)

# Trust Responsibility

As acknowledged by former Attorney Janet Reno “*fulfilling the federal government’s **trust responsibility** to Indian Nations means not only adequate law enforcement in Indian Country, but enhancement of tribal justice systems as well.*”

# Historical Identification & Importance

- As cited in a Civil Rights Commission Report, 1991, “the critical financial need of Tribal Courts has been well documented” .
- This report ultimately led to the passage of the Indian Tribal Justice Act of 1993.
- Further, with the passage of this Act, Congress acknowledged that “*tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring public health, safety and the political integrity of tribal governments.*”

- However, since the passage of the Tribal Justice Act, approximately 16 years ago, minimal dollars have actually been appropriated under this Act and in recent years dollars have not even requested.
- Further, since the enactment of the Indian Tribal Justice Act, BIA funding for tribal courts has been substantially decreased even though

# Current Funding

As crime continues to escalate within Indian Country the need for Tribal Courts becomes even more paramount.

## Funding:

- The Bureau of Indian Affairs' FY 2009 budget includes only \$14.5 million to fund approximately 220 tribal courts.
- This funding level equates to an average of only \$65,909 per court.

# Eastern Region

- Only 9 of the 26 tribes, or 34%, receive BIA funding for operation of their tribal courts.
- Minimal funding is received and many of these courts have a judge that only hears cases once a month, which is a violation of due process of tribal members.
- The Eastern Region tribes do not have ample funding to purchase much needed legal materials or send personnel to relevant trainings.

- The need for the Eastern tribes to establish drug courts is a growing concern considering the increase of drugs coming into tribal lands.
- Due to lack of judicial systems, many of the Eastern tribes are unable to assume programs such ICWA, Title IV-B, Adult Protection, and Child Support Enforcement, therefore limiting their ability to provide for the protection & well-being of its tribal members, particularly the most vulnerable “the elderly & children.”

- Further, the Eastern Region tribes recognize that tribal courts are essential component to enhancing economic development within Indian communities. Most businesses developers require assurances that Indian communities have strong judicial systems that will adjudicate any investment or business disputes.

- The Eastern Region has an increasing need to be able to provide tribes with appropriate funding to establish and enhance their own judicial systems, particularly with the escalation of serious crimes within their communities (i.e. drug trafficking, child abuse, domestic violence).
- Just as importantly tribes need strong judicial systems to preserve their rights as sovereign nations.

- The Eastern Region tribes are requesting \$6 million dollars be added to its' base funding for the establishment and enhancement of Tribal courts within their region.