

FOREWORD

Welfare Act of 1936 [OIWA].³ Taken together, these Acts achieved three ends critically important to the futures of Indian tribes: first, they halted the allotment process;⁴ second, they provided the Secretary of Interior with the authority to acquire new lands in trust for Indians;⁵ and third, they provided for the reinstatement of tribal self-government and the development of democratic governance systems.⁶

However, when tribal self-government, including the right to administer judicial and law-enforcement systems, became law, tribal governments in Oklahoma were largely ignored. Some argued that the State of Oklahoma had assimilated its Indian population, since, for example, the legislative intent of the Curtis Act to destroy the self-governance of the Five Tribes was so pervasive. For decades, it was difficult for *any* of Oklahoma's tribes to revitalize their judicial systems. But today, federal court decisions have made clear that the Five Tribes have the right — and responsibility — to establish their own judicial and law-enforcement systems.⁷ And as the cases reported in this volume will attest, such decisions — and systems — are not limited to the

³ Act of June 26, 1936, ch. 831, 49 Stat. 1967, *codified at* 25 U.S.C. §§501 *et seq.*

⁴ 25 U.S.C. §§461, 462 (IRA).

⁵ 25 U.S.C. §501 (OIWA); 25 U.S.C. §§465, 467 (IRA).

⁶ 25 U.S.C. §503 (OIWA); 25 U.S.C. §§476, 477, 478 (IRA).

⁷ *E.g.*, *United States v. Sands*, 968 F.2d 1058 (10th Cir. 1992), *cert. denied*, 113 S.Ct. 987 (1993); *Ross v. Neff*, 905 F.2d 1349 (10th Cir. 1990); *Muscogee (Creek) Nation v. Hodel*, 851 F.2d 1439 (D.C. Cir. 1988), *cert. denied*, 488 U.S. 1010 (1989); *Harjo v. Kleppe*, 420 F.Supp. 1110 (D.D.C. 1976), *aff'd sub nom. Harjo v. Andrus*, 581 F.2d 949 (1978).