

**A RESOLUTION OF THE INTER-TRIBAL COUNCIL  
OF THE FIVE CIVILIZED TRIBES**

**No. 95-11**

**Resolution in Support of Funding Vital to Tribal Court Programs**

- WHEREAS,** the Inter-Tribal Council of the Five Civilized Tribes is an organization which unites the tribal governments of the Choctaw, Chickasaw, Muscogee (Creek), Seminole and Cherokee nations, representing over 300,000 Indian people throughout the United States, and
- WHEREAS,** tribal courts are an essential element of tribal sovereignty and Indian self-determinations; and
- WHEREAS,** tribal sovereignty and Indian self-determination are vital components of tribal Governments, and to the provision of justice to all persons in Indian country; and
- WHEREAS,** tribal judicial systems are chronically under-funded, limiting their ability to effectively administer justice; and
- WHEREAS,** the rapidly increasing number and complexity of cases heard by tribal courts have created a need for enhancements, training and technical assistance to those courts; and
- WHEREAS,** the most effective and respected tribal judicial systems are those which apply rules of procedure and dispute resolutions which reflect the cultural and ethical systems unique to each tribe and its government; and
- WHEREAS,** the United States Congress, recognizing the value and the needs of tribal courts, enacted the Indian Tribal Justice Act, Public Law 103-176 ("ITJA"), on December 03, 1993; and
- WHEREAS,** the ITJA authorized \$58.4 million in annual federal funding for tribal court system commencing FY 1994, but no funds have yet been appropriated pursuant thereto; and
- WHEREAS,** the United States Congress and President George Bush recognized the critical problems of child abuse and domestic violence in Indian country, and did enact the Indian Child Protection and Family Violence Prevention Act, Public Law 101-630 in 1990; and
- WHEREAS,** The Indian Child Protection and Family Violence Prevention Act authorizes \$43 million per year in funding for critically-needed Indian child protection and family violence programs, but only minimal funds have thus far been appropriated pursuant thereto; and
- WHEREAS,** the United States Congress enacted, but has failed to fund, the Federal Violent Crime Control and Law Enforcement Act, Public Law 103-322, authorizing tribes to participate in programs established under the Act; and
- WHEREAS,** a significant number of crimes committed in Indian country must be prosecuted in federal courts which could be prosecuted in Indian tribal courts if tribal justice programs were adequately funded:

**NOW, THEREFORE, BE IT RESOLVED,** the Inter-Tribal Council of the Five Civilized Tribes request the following:

1. The United States Congress appropriate full funding of \$58.4 million under the ITJA for FY 1996 or, in the alternative, at least \$10 million for said fiscal year as recommended by OMB; and

2. The BIA enter into a contract with NAICJA as soon as possible to conduct the tribal court survey as required by the ITJA; and
3. The United States Congress implement the programs under the Indian Child Protection and Family Violence Prevention Act by appropriating funding of the full amount of \$43 million for FY 1996; and
4. The United States Congress provide full funding in FY 1996 for all programs under the Violent Crime Control and Law Enforcement Act which could impact Indian Country and provide for Indian tribal set-asides to the full extent feasible.

Adopted by the Inter-Tribal Council of the Five Civilized Tribes meeting in Washington, D.C. on this 07th, day of April, 1995, by a vote of 23 for, 0 against, and 0 abstentions.

(Signed by Mary Flute-Cooksey for)

Wilma P. Mankiller, Principal Chief  
Cherokee Nation

(Signed by Gregory E. Pyle for)

Hollis Roberts, Chief  
Choctaw Nation

Signed by Bill Fife

Bill Fife, Principal Chief  
Muscogee (Creek) Nation

Signed by Jerry Haney

Jerry Haney, Principal Chief  
Seminole Nation

Signed by Bill Anoatubby

Bill Anoatubby, Governor  
Chickasaw Nation