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ISLETA RESORT & CASINO
ALBUQUERQUE, NEW MEXICO

THE LAW AND INDIGENOUS PEOPLES PROGRAM
AND THE TRIBAL LAW JOURNAL

present

50 YEARS OF THE INDIAN CIVIL RIGHTS ACT

Protection and Denial of the Civil Rights of Native Americans

At the height of the civil rights era, Congress passed the Indian Civil Rights Act of 1968, a statute applying only to Indian tribal governments. Called the “Indian bill of rights,” ICRA began with the operative words “No Indian Tribe shall,” and was met with a flurry of criticism when first enacted and again after the Supreme Court discussed the statute in 1978 in *Santa Clara Pueblo v. Martinez*. Since then, however, the Act has not been adequately studied in terms of its historical context or modern application. Moreover, neither Congress nor the courts have offered much in terms of support for the protection of Native rights pursuant to the Act. A renewed evaluation is needed.

This symposium will examine the promise, benefits, and detriments of ICRA, reflecting on the Act’s impact on tribal sovereignty and individual rights after fifty years of operation. Included in the discussion will be the Act’s effectiveness in implementing Congress’s dual objectives of protecting civil liberties in Indian country and entrusting to sovereign tribal courts the administration of justice on reservations; the role of tribal, federal, and state governments in civil rights protection; the differential impact of recent amendments—the 2010 Tribal Law and Order Act and the 2013 reauthorization of the Violence Against Women Act—on the rights of Indians and non-Indians; and whether, overall, ICRA has been engaged to advance or deny Native people’s civil rights.

Tribal leaders, Indian individuals, scholars, practitioners, and students are invited to explore these crucial issues in these volatile times; to reflect on ICRA’s diverse impacts on tribes, Indians, and non-Indians; and to help envision a path toward greater justice for Native people in the federal-tribal partnership for safeguarding civil rights.

Professor Barbara Creel, Director, Southwest Indian Law Clinic
Professor Christine Zuni Cruz and Co-Editors Lauren Dixon & Jannette Mondragón, Tribal Law Journal
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