



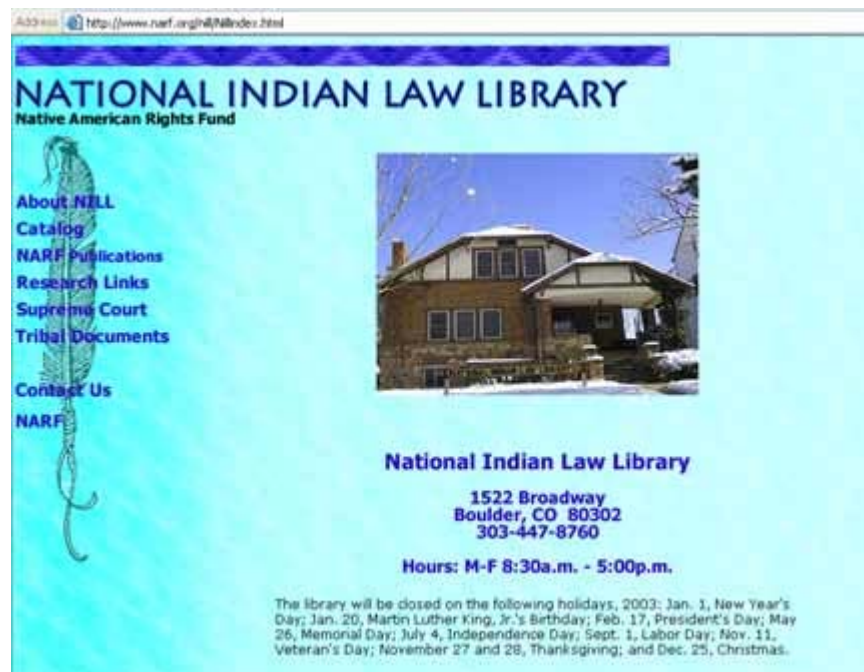
**THE OFFICIAL PUBLICATION OF SWALL:
THE SOUTHWESTERN ASSOCIATION OF LAW LIBRARIES
A CHAPTER OF THE AMERICAN ASSOCIATION OF LAW LIBRARIES**

SPRING 2003, VOL. 33 NO. 3

HEADNOTES

**ROADMAP TO THE NATIONAL INDIAN LAW LIBRARY'S TRIBAL CODE
COLLECTION**

by **Monica Martens**
Assistant Law Librarian
and
David Selden
Law Librarian



To access the National Indian Law Library's Web site, go to
<http://www.narf.org/nill/Nillindex.html>

Tucked on the side of a hill near the University of Colorado in Boulder sits a depository of federal Indian law and tribal law materials – the National Indian Law Library. Affectionately known as NILL -- though its collection boasts 10,000 materials -- this 30-year-old public library is a project of the Native American Rights Fund (NARF), a non-profit organization that provides legal representation and technical assistance to Indian tribes, organizations and individuals nationwide. NILL provides reference, research, and current awareness services to patrons throughout the country, including NARF, law firms, tribal governments, educators, students, the media, prisoners, and the general public. Two full-time librarians manage and maintain the library with the help of a library assistant, work-study-student employees, and volunteers.

BACKGROUND

Library materials largely consist of primary law documents, but reference materials are also available, including books, articles, handbooks, and conference proceedings. The library collects two types of primary law documents: *federal Indian law* materials and *tribal law* materials.

Federal Indian law materials relate to the special status of the approximately 560 tribes that are recognized by the federal government. These types of documents define the ongoing government-to-government relationship between the United States and federally recognized Indian tribes. Federal recognition means that the United States acknowledges the tribes as independent political entities with inherent powers of self-government.

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Types of federal Indian legal documents include:

- treaties
- statutes
- legislative history documents
- executive orders
- federal recognition documents
- pleadings and opinions in important Indian law cases

Tribal law materials represent the internal legal systems of individual tribes, the internal law that tribes apply within their territories and to their members. These materials demonstrate that tribes in fact function as sovereign governments within the United States and that they exercise authority over a broad range of matters including the environment, civil affairs, education, and law enforcement.

Types of tribal law documents included:

- constitutions
- codes
- ordinances
- charters
- bylaws
- intergovernmental agreements
- tribal court opinions

NAVIGATING THE LIBRARY'S TRIBAL CODE COLLECTION

One of NILL's most important goals is to provide access to tribal codes, constitutions, and other tribal law documents. 250 tribal codes (and 480 constitutions) in the library's collection can be found in print format and are recorded in the library's online catalog. The library keeps the most current copy of tribal codes in its collection and sends superseded versions to the University of Colorado's law library archives. The frequency of code revision varies by tribe, but during the past 10 years many of the codes in the collection have been revised several times.

To find codes at the library, researchers can check for digital versions on the "Tribal Documents" page of the NILL Web site, which has an alphabetical list of digital codes and constitutions in html format. This page is located online at <http://www.narf.org/nill/tribaldocs.html>. Approximately 40 documents are available currently. To access print versions of codes, especially if no digital counterpart exists, search the library's catalog, located at <http://www.narf.org/nill/catalog.html>.

From the library's home page, choose the "Catalog" link. To find a particular tribe's code: (1) choose "Tribal Codes" in the "Document Type" field, and (2) type a few words from the tribe's name in the "Title or Title Words" field or the "Indian Tribe" field. For example, to find the code for the Lower Sioux Indian Community in Minnesota, simply type Lower Sioux into the title field (phrases do not need quotes around them). Note that tribes do not always use the word "tribe" in their official names, such as the Lower Sioux. Tribes may incorporate any of the following words into their names: band, community, pueblo, and nation. Therefore, if you are not sure about the exact name of the tribe, try to avoid using these generic words while searching.

Additionally, researchers can find "model codes," which are usually sample draft codes provided by organizations for tribes that are drafting or rewriting their laws. Some model codes from the library's collection are "Domestic and Family Violence : A Model Civil Code for Wisconsin P.L. 280 Tribes" by Wisconsin Judicare and "Model Tribal Air Quality Ordinance" by the National Indian Justice Center. To search the library catalog for model codes, type the word "model" in the "Title or Title Words" field and choose "Tribal Codes" from the "Document Type" field. Model codes can be found on the Internet as well.

THE "MECHANICS" OF TRIBAL CODES

TRIBAL CODES COVER A VARIETY OF SUBJECTS RELATED TO TRIBAL GOVERNANCE AND MANAGEMENT

Subjects in codes: Tribal codes cover a variety of subjects related to tribal governance and management. Common topics include children, elections, gaming, traffic, court, elders, zoning, the environment, archaeological sites, waste management, and animal control. Other topics include probate, safe drinking water, records management, foster care, food services, grazing permits, livestock management, coroner, crime victims' rights, pardons, fire prevention, and stalking.

Dates on codes: Codes are often amended in part or in full by the tribes. Therefore, multiple enactment dates may be found throughout the document, as with state codes. Occasionally the title page may not reflect the most current date of amendment. Use the following tips to determine the date of a code. Digital copies at the National Indian Law Library's Web site will provide a date on the title page. This date will reflect the most current revision date found in the code. Additionally, the NILL catalog records for all codes will provide the item's publication date. If time permits, NILL librarians have included notes in the catalog records about other dates found throughout particular codes. NILL librarians are also available to assist patrons in determining the currency of a code. Finally, a researcher can gain more insight into the code's enactment or amendment dates by physically viewing the item. Look for "date stamps" at the bottom of the pages, dates at the end of large sections, a Table of Amendments, or resolutions enacting revisions.

Publication: Very few codes are distributed by commercial publishers, and most codes are not annotated. Only about 10 codes in the NILL collection have been published formally. The majority of codes are published and held by the tribe's courts or councils. Often the only copy resides with the tribe. People seeking elusive codes could contact tribal courts or governments, using one of the following directories:

United States Tribal Courts Directory by April Schwartz and Mary Jo B. Hunter (2002, AALL publications series no. 64, ISBN 0837701554).

A directory of tribal government offices can be found at the Web site of the National Congress of American Indians (http://www.ncai.org/main/pages/tribal_directory/index.asp).

A directory of tribal courts can be found at the Web site of the National Tribal Justice Resource Center (<http://www.tribalresourcecenter.org>).

Code organization: Codes are diverse documents, representing, among other things, unique organizational styles. Tribes may use a variety of labels to organize their information. They may divide major parts of the code into

Titles, Ordinances, or Chapters. They sometimes use the words "Titles" and "Ordinances" within the same code. For example, the Little River Band of Ottawa Indians' code is divided into Ordinances and Regulations, which are subdivided into Chapters. Often sections of the code are also referred to as "codes," such as a "Juvenile Code" within a larger tribal code. Also, codes often contain documents such as court forms, federal laws, federal regulations, and fee schedules.

SUBJECT ACCESS TO CODES

THE "TABLE OF CONTENTS" FIELD IN THE NILL ONLINE RECORDS INCLUDES THE NAME OF EACH SUBDIVISION WITHIN A CODE, DOWN TO THE SECTION LEVEL.

The National Indian Law Library has provided greater subject access to tribal codes by using the "Table of Contents" field of the online catalog record for each code. As noted in the previous section, tribal codes are generally subdivided into several parts and sections. The "Table of Contents" field in the NILL online records includes the name of each subdivision within a code, down to the section level. The detailed table of contents information provides enhanced keyword searching capability, especially for NILL's typical library patron, who cannot visit the library in order to physically browse the tables

of contents. NILL will mail copies of documents to remote users for a nominal fee.

The NILL catalog is particularly helpful to users who need to find codes using a keyword search. To find codes that cover a specific topic, such as animal control, (1) choose "Tribal Codes" in the Document Type" field and (2) type keywords into the "Table of Contents" field or the "Global" field (i.e., animal control / dog control – for either phrase). The two fields differ in that the "Global" field also searches subject headings, and records for older documents may have less detailed table of contents information but more detailed subject headings. If NILL or another organization has digitized a tribal code, the catalog record will provide a link.

OTHER COLLECTIONS OF TRIBAL LAW

NILL collects as many current versions of codes as possible, but the collection is not exhaustive. Other options for finding codes are available, however. Researchers should consult other digital collections, some of which have strong working relationships with NILL. For instance, the National Tribal Justice Resource Center and the University of Oklahoma both have digital collections. Additionally, some government agencies and tribes have placed partial or complete codes on their Web sites.

The NILL Web site and catalog provide links to these digital collections. From the library's home page, click on "Research Links" and then click on "Native American Law - Primary Sources." Look for the section called "Tribal Codes and Constitutions, and Related Materials."

Research universities present another option for finding tribal codes. One way to find codes in libraries that use Library of Congress subject headings would be to (1) search for subject headings that incorporate the tribe's name and (2) search for the word "code" in the title field. It is important to remember that occasionally tribes do not use the word "code" in the title of these documents.

Another way to find tribal codes is to run a search using an Internet search engine. For example, use Google's advanced search screen to find many tribal codes. Use the same search guidelines and keywords that have been recommended for searching a library online catalog.

Finally, the National Judicial College has a very good print collection at its library (http://www.judges.org/frameset_library.html).

THE TRIBAL LAW COLLECTION – LOOKING AHEAD:

Tribal codes represent the primary law for groups of people who are treated as political entities and sovereign governments within the United States. Collection development in this area is a high priority for the National Indian Law Library. NILL has several goals for expanding and providing greater access to the entire tribal law collection.

First, the library plans to significantly update and expand its print and digital tribal code and constitution collection, as tribal permission is granted. NILL hopes to have at least 100 regularly updated codes and constitutions available on its Web site by 2004. Second, the library is currently trying to raise funds for a project to create a full-text and searchable database of tribal codes and constitutions. Third, the library plans to improve the Tribal Documents Web page by creating a master "Tribal Law" Web site portal, which will provide a springboard to code and constitution availability nationally. This site will provide several complete indexes of codes and constitutions with links to (1) library catalog records if the document resides in the NILL collection or in another library collection, and (2) any digital copies available on the Web, whether on the NILL Web site, a tribal Web site, or another digital collection Web site. Fourth, NILL plans to develop a print and electronic collection of intergovernmental agreements between tribes and federal, state, and local governments. Finally, NILL plans to explore collaborative collection development possibilities with other librarians doing similar work.

Through improving remote access to tribal law, the National Indian Law Library seeks to provide a unique service to tribal governments and other public groups and individuals who need to research the law of the third sovereign.

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<http://www.narf.org/nill/Nillindex.html>.

FOR FURTHER READING:

Canby, William C., Jr. *American Indian Law in a Nutshell*. St. Paul, Minn: West Group, 1998 (3rd ed.).

Carter, Nancy Carol. "American Indians and Law Libraries: Acknowledging the Third Sovereign" 94 *Law Library Journal* 1 (Winter 2002).

O'Brien, Sharon O. *American Indian Tribal Governments*. Norman: University of Oklahoma Press, 1989.

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