

Tribal Courts in Michigan

Federally Recognized Tribes

There are [12 federally recognized Indian tribes in Michigan](#). While culturally related, Michigan’s tribes are entirely separate, and each has sovereignty – the authority to self-govern.

Each tribal government follows a written constitution, and each has a tribal court that interprets and applies laws in its jurisdiction to resolve civil, criminal, and other legal matters.

Tribal courts in Michigan resolve civil, criminal, and other legal matters within their jurisdiction. Tribal courts emphasize helping those involved in a dispute and making things right. They are dedicated to fundamental fairness for all people.

Some tribal courts resemble federal and state courts. Others use traditional means such as peacemaking, elders councils, and/or sentencing circles. Some have both types of courts.



People of the Three Fires Exhibit

The People of the Three Fires ([Anishinaabeg](#)) exhibit discusses the governments and culture of federally recognized tribes in Michigan and the common ground shared among federal, state, and tribal courts.

The exhibit was developed with members of the Tribal State Federal Judicial Forum, a group of judges and representatives of Michigan’s three types of courts.

See page 2 for more content from the [exhibit kiosk](#).

A Family of Governments

Three types of sovereign governments – tribal, state, and federal – are linked in the United States Constitution. Laws, treaties, and court decisions also define the obligations these governments have to one another.

Sometimes described as a “family of governments,” federal, state, and tribal governments share many common interests. These include economic issues, children and families, and public safety.

For more information about collaboration among courts in Michigan, see [Tribal State Federal Judicial Forum](#).



From the People of the Three Fires

[Exhibit Kiosk](#)

Tribal Courts

Tribal courts have jurisdiction in Indian Country, which includes reservations and trust lands owned by the tribe.

- Criminal jurisdiction is limited to offenses committed by Indians on tribal lands.
- Civil jurisdiction is broader. Tribal courts handle all kinds of non-criminal disputes that arise in their jurisdiction.

Reflecting Culture

Some tribal courts use items reflecting their culture in the courtroom. A tribal judge may wear a robe or other clothing with decorations of importance to the tribe.

Collaboration

In recent decades, Michigan's state and tribal courts have worked together in the common interest to benefit their citizens. In 1996 the Michigan Supreme Court adopted a court rule that ensures mutual recognition of state and tribal judgments. For example, if a tribal court orders a person to pay money, a state court will enforce that order, provided the tribe has agreed to do the same for state court judgments.

Indian Children and Families

In foster care and adoption cases involving Indian children today, Michigan's tribal and state courts cooperate to preserve family and tribal connections. In the past, policies included boarding schools and placing children with non-Indian foster and adoptive families.

The federal Indian Child Welfare Act of 1978 (ICWA) and the Michigan Indian Family Preservation Act of 2012 (MIFPA) were enacted to correct these historical policies.

View the [exhibit kiosk](#) online, for more about these topics, including video and images.

Justice Ransom and the Pokagon Band of Potawatomi

In the 1830–1850s, tribes in Michigan faced an uncertain future as the hotly debated [Indian Removal Act](#) (1830) enabled the federal government to relocate them west of the Mississippi River. Some fled north. Others were removed from southern Michigan. Still others fought successfully to stay.

Take, for example, the Pokagon Band of Potawatomi. Leopold Pokagon and other tribal leaders worked many years to avoid relocation. This included religious affiliation, a treaty agreement, and the purchase of land near Dowagiac. Still, in 1840 the federal government ordered U.S. Army General Hugh Brady to remove all Potawatomi from the state.

In response, Pokagon and other leaders requested assistance from [Epaphroditus Ransom](#), an associate justice of the Michigan Supreme Court who also served as a circuit court judge for southwest Michigan. Justice Ransom agreed the [Treaty of Chicago](#) (1833) ensured the band's right to stay. He told General Brady that if Pokagon's people were forcibly removed from Michigan, he would order the federal government to bring them back. This argument apparently convinced Brady and his superiors to stop their pursuit.

Today, the Pokagon Band's tribal government remains headquartered on tribal lands in Dowagiac.

For More Details

[History](#) – Pokagon Band of Potawatomi

[Leopold Pokagon](#) – WUOM Stateside



Justice Epaphroditus Ransom
Served 1836–1848

Courtesy Michigan Supreme Court Historical Society