



Vol 1. No. 1

State Bar of Michigan American Indian Law Section

Summer 1997

Editor's note

With this first issue of the AILS newsletter we embark upon a path of growth and development of this fledgling section of the bar. Our goal is to have this newsletter become a meaningful organ of communication for exchanging news about the Indian law community of Michigan by focusing upon legislative and legal developments at the tribal, state and federal levels, and highlighting important decisions from Michigan and across the country.

It is our intent to provide information that is relevant to the general practitioner who may occasionally be confronted with an Indian law issue, while achieving enough depth to make this publication interesting to the Indian law specialist.

We, of course, encourage your input in any form. Suggestions for topics, unsolicited articles, or the submission of any information that you think will be of interest is welcomed. With your assistance, this newsletter can become a clearinghouse for publishing decisions of Michigan's tribal courts, and to that end I invite tribal judges

and attorneys practicing in tribal courts to forward decisions.

By coordinating our efforts with Michigan's law schools, many of whom are beginning to acquire Indian Law collections, including treaties, tribal codes, constitutions, tribal court decisions and other valuable resources, we hope to be able to publish indexes to these resources to facilitate access to information.

A regular feature of the newsletter will be summaries of recent developments in Indian Law. Drafts of the summaries for this issue were provided by U of D/Mercy Law School Associate Professor Shelia Hackett Gaskell's students; Deborah Gremnary, Lionel H. Maloney and Veronica A. Foster. However, the final versions are those of the editor, and do not necessarily, nor likely, reflect the views or opinions of others.

Finally...and with a substantial amount of technophobic apprehension...it is our goal to make this newsletter available on the Internet through a website page with appropriate jumpsites—*Barry L. Levine, Editor.*

LETTER from the CHAIRPERSON

Ronald G. Douglas
Chairperson Indian Law Section

Greetings.

The American-Indian Law Section is now in its second year. Congratulations to those people who contributed time and effort to see it happen after many years of effort. Special thanks go out to the Honorable Michael Petoskey for his hard work, determination and input. The Indian Law Section is also working with the State Bar Indian Law Standing Committee, the Michigan Tribal Judges Association and law schools here in Michigan.

The Law Section happened because Indian Law issues have expanded to affect clients of general practitioners. There are now eleven tribes which are "federally recognized" in Michigan. The tribes are involved in construction, employment, and management of casinos. This affects many general practitioners, as nonIndian clients, including employees, businesses, banks, and suppliers, are suddenly in contact with these tribes. Many practitioners are being called upon to represent nonIndians in such formerly "standard" matters as traffic tickets, personal injuries, employment and Workmens' Compensation issues which now might be handled under tribal court rules.

Indian Tribes are sovereign entities which are treated just like states for many federal laws, and under the federal Indian Self Determination and Education Act—which was passed 20 years ago—and is now resulting in Tribal delivery of engineering, health services, social services, and even water treatment plants, with funds received directly from the federal agencies. This has brought tribes into entirely new areas of

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*Barry L. Levine

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administrative law and hearings requiring attorney involvement or representation.

Indian tribes are now becoming business owners. Their own courts are handling disputes that were once the exclusive domain of circuit courts. Thousands of tribal members with their new jobs and incomes are new clients for local attorneys since tribal attorneys represent the tribal government and cannot represent individual members. Tribal members can bring matters in their own court or in state courts so local attorneys need to know the basic Indian jurisdiction issues.

The Michigan Supreme Court passed a new rule in 1996, which treats tribal court judgments or orders similarly to other states'

judgements, wherever the Michigan tribe has passed either an ordinance or a court rule recognizing the state court judgments or orders. This will make things simpler for child support, contract disputes, and collection matters.

Please let a member of the Section know what you feel would be the most important area for seminars. University of Detroit Mercy Law School is setting up an Indian Law Center where research will be available since this is not something that local attorneys will have in their library. The University will also be assisting in setting up seminars and programs in the Detroit area, since that is a convenient area for most attorneys.



Welcome to Our Home!

www.michbar.org

Be sure to visit our Internet site for the latest Section news and project updates!

**STATE BAR OF MICHIGAN
ANNUAL CONFERENCE
AMERICAN INDIAN LAW SECTION**

**Detroit, Michigan
Friday September 19, 1997
10:00 a.m.—12:00 p.m.**

A Day in Tribal Court

State Court Proceeding; ICWA Transfer Motion

Bruce Hinmon—Court Administrator for Little Traverse Bay Bands of Odawa Indians, Former Associate Judge for Saginaw Chippewa Tribe Indian Tribe of Michigan.

Sheila Hackett Gaskell—Assistant U.S. Attorney, Eastern District, Representing Family Independent Agency.

James A. Bransky—Michigan Indian Legal Services, Representing the Child's Tribe.

Collection of Judgement from Tribal Members

Hon. Bruce K. Havens—Chief Judge of the Saginaw Chippewa Indian Tribe of Michigan.

Hansen Clarke—Attorney at Law, Detroit, MI, representing the Plaintiff.

Thomas V. Silvia—Attorney at Law, Ann Arbor, MI, representing the Debtor.

Juvenile Delinquency Adjudication

Hon. Joanne Miller—Associate Judge for the Grand Traverse Tribe of Ottawa and Chippewa Indians.

Bill Brooks—Attorney for Little River Band of Ottawa Indians and Aldina Kelsey, ICWA Case Worker, representing the Tribe.

Barry Levine—Attorney at Law, Traverse City, MI, representing the Juvenile.

We Welcome the Public to Join Our Section!

We are looking for Section officers and Council members. Be sure to show up for our meeting on September 19, at 8:00 a.m.

Special Thanks to Jacqueline P. Hand, Sheila Hackett Gaskell and U. of D. Mercy Law School for compiling the following information.

U.S. SUPREME COURT DECISIONS

Department of the Interior v South Dakota

117 S Ct 286, 1996 US LEXIS 6117

1996 WL 34679, October 15, 1996

The United States Court of Appeals for the Eighth Circuit held section 5 of the 1934 Indian Reorganization Act (IRA), 48 Stat 985, as amended, 25 USC 45, which authorizes the Secretary of the Interior to acquire interests in real property "for the purpose of providing land for Indians," an unconstitutional delegation of legislative power.

The Secretary of Interior, in the interim, promulgated new regulations at 25 CFR 151.12 which provided for the right of judicial review before transfer of title to the United States.

The Supreme Court vacated the judgment and remanded with instructions to remand the matter to the Secretary of the Interior for reconsideration of his administrative decision.

Babbitt v Youpee

117 S Ct 727, January 21, 1997

Devisee, an Indian owner of interest in allotted land, brought an action alleging that provisions of the Indian Land Consolidation Act (ILCA), 26 USCA 2206, which escheats severely fractionalized parcels back to the tribe upon the owner's death (rather than to devisee) violates the Just Compensation clause of the Fifth Amendment.

Congress attempted to ameliorate the severe fractionalization of Indian Land allotments by enacting section 207 of the ILCA. Section 207 provided that fractions of 2 % or less, that earned less than 100 in the preceding year would be escheated to the tribe without compensation provided to the deprived devisee.

The Supreme Court invalidated section 207 in *Hodel v Irving*, 481 US 704 (1987), as an illegal taking. Congress amended section 207 providing that: the 2% or less parcels had 5 more years to demonstrate \$100 income in one year; then devisee was permitted to any other owner of an undivided fractional interest. The Tribes were permitted to override section 207 provisions by enacting their own codes.

The Supreme Court held that section 207 was still unconstitutional. The court reasoned that the section 207 amendment was not curative of its abrogation of the right to transfer or pass on property at death.

Strait, Associate Tribal Judge, Tribal Court of Three Affiliated Tribes of the Fort Berthold Indian Reservation v A-1 Contractors

117 S Ct 1404, April 28, 1997

The Tribal Court of the Three Affiliated Tribes determined that it had jurisdiction to hear a personal injury claim by a non-Indian, the widow of a deceased Tribal member, and five adult children who where Tribal members, against a non-Indian truck driver for A-1

Contractors, a non-Indian owned enterprise that subcontracted for work on the Fort Berthold Reservation. The action involved an accident which occurred on a stretch of highway within the Fort Berthold Reservation which was maintained by North Dakota under a federally granted right-of-way over land held in trust for the Three Affiliated Tribes. The Tribes did not reserve any right to exercise dominion or control over the right-of-way, but rather consented to and received payment from the State for the State's use of this highway.

A-1 Contractors challenged the jurisdiction of the Tribal Court in a declaratory judgement action in Federal District Court. Relying upon *National Farmers Union Ins Co v Crow Tribe*, 471 US 845, 105 S Ct 2447 (1985), and *Iowa Mut Ins Co v LaPlante*, 480 US 9, 107 S Ct 971 (1987), the District Court determined that Tribal Court had civil jurisdiction and dismissed the action. The Eighth Circuit Court reversed based upon *Montana v United States*, 450 US 544, 101 S Ct 1224 (1981), holding that the Tribal Court lacked subject matter jurisdiction over the dispute.

The Supreme Court rejected the argument by the Tribes and the United States, as intrevenor on behalf of the Tribes, that *Montana* should be limited to regulatory jurisdiction. The Court held that the ruling of *Montana* is also applicable to adjudicatory jurisdiction. Applying the *Montana* analysis, the Court found that this matter arising between two non-Indians involved a run-of-the-mill highway accident in which no treaty or Federal statute authorized the Three Affiliated Tribes to entertain a tort action. Nor were either of *Montana's* exceptions applicable. The accident did not involve "activities of nonmembers who enter consensual relationships with the Tribe or its members, through commercial dealings, contracts, leases or other arrangement" *Montana*, 450 US 565, nor did this involve conduct that "threatens or has some direct effect on the political integrity, the economic security or the health and welfare of the tribe," 450 US 566. Thus, the Supreme Court affirmed the decision of the Eighth Circuit.

Idaho et al v Coeur d'Alene Tribe of Idaho

File No 94-1474, 117 S Ct, June 23, 1997

The Tribe filed an action against the State of Idaho seeking a declaratory judgment establishing its right to the exclusive use and occupancy of the submerged lands and beds of Lake Coeur d'Alene and its various tributaries. The U.S. District Court dismissed the suit and the Ninth Circuit affirmed in part and reversed in part and remanded. The issue before the Supreme Court was whether the Eleventh Amendment barred all claims for injunction relief against the State and its agencies. The Ninth Circuit found *Ex Parte Young*, 209 US 123, permitted claims for declaratory and injunctive relief to proceed to the extent that petitioners sought to preclude continuing violations of federal law.

The Supreme Court, in holding that the State was immune from suit under the Eleventh Amendment, while recognizing the continued viability of the *Ex Parte Young* doctrine, distinguished this matter from the normal prospective relief doctrine, which is suffi-

cient to overcome the Eleventh Amendment, by placing this suit in a special category as the functional equivalent of a quiet title action which implicates special state sovereignty interests. Furthermore, because the requested relief would divest the State of its control over land underlying navigable waters, title to which has been conferred on the States by the Constitution itself, the Court held that the *Ex Parte Young* exception to the Eleventh Amendment inapplicable, and thus held that the Eleventh Amendment precluded the Tribe from bringing suit against the State of Idaho in Federal Court.

City of Boerne v Flores, Archbishop of San Antonio
File No 95-2074, 117 S Ct, June 25, 1997

The City of Boerne refused to grant a building permit to expand a church citing its historical preservation ordinance. The church brought suit under the Religious Freedom Restoration Act of 1993 (RFRA).

The United States Supreme Court held the RFRA unconstitutional. The Supreme Court reversed the decision of the Fifth Circuit and upheld the District Court's analysis that by enacting the RFRA, Congress exceeded the scope of its enforcement power of section 5 of the Fourteenth Amendment.

The RFRA was enacted in direct response to *Employment Div., Dept of Human Resources of Oregon v Smith*, 494 US 872, 101 S Ct 1595 (1990) in which the Supreme Court held that Oregon's statute criminalizing peyote use, which was the basis of denying unemployment benefits to members of the Native American Church who lost their jobs because of such use, did not violate the Native American Church members rights of free exercise of their religious practices.

In analyzing RFRA, the Supreme Court held that Congress exceeded its powers under the Fourteenth Amendment, which under section 5 are only preventative or remedial. The Supreme Court determined that the RFRA was not merely remedial but established substantive change to constitutional protections. The Supreme Court held that Congress' enactment of the RFRA could not be justified based upon widespread or persistent religious bigotry, as compared to the Voting Rights Act of 1965, which was deemed remedial in *South Carolina v Katzenbach*, 383 US 301, 326, 86 S Ct 803 (1996). Rather, Congress by enacting the RFRA established self-executing substantive rights which exceeded those contemplated within the purview of the Fourteenth Amendment and the traditional separation of powers between the legislature and the judiciary.

U.S. COURT OF APPEALS DECISIONS

Bruce H Lien Co v Three Affiliated Tribes
Eighth Circuit Court of Appeals
93 F3d 1412, 1996 US App LEXIS 22054
1996 WL 487846, August 28, 1996

Is compliance with the Indian Gaming Regulatory Act and, thus, determination of legal validity of a gaming compact within the

scope of the National Indian Gaming Commission's authority? No. The National Indian Gaming Commission has exclusive authority in determination of a compact's compliance with the Indian Gaming Regulatory Act and its regulations, but the Commission has no authority to rule on the compact's legal validity.

Should the federal court stay its hand in order to give tribal forum initial opportunity to determine cases involving question of tribal authority, and are exhaustion of tribal court remedies required in matters related to reservation affairs? Yes. Federal court involvement can impair authority of tribal courts in their vital role in tribal self-government, which it has been the long-standing policy of federal government to encourage.

United States v Denetclaw
Tenth Circuit Court of Appeals
96 F3d 454, 1996 US App LEXIS 23192
1996 WL 498625, September 4, 1996
cert denied 117 S Ct 1014

Issue: Did the federal court err in allowing the prosecution to enter into evidence defendant's guilty plea in tribal court to two counts of aggravated battery arising from the same incident thereby impeaching defendant's credibility?

Holding: No. The tribal court pleas in this case were used to directly rebut statements made from the witness stand and not to impeach the defendant's general character or deprive him of due process of law.

Yellowstone County v Pease
96 F3d 1169 (9th Circ 1996), 1996 US App LEXIS
23906, 1996 WL 512363, September 11, 1996

Carl Pease, a Tribal member, brought action in Crow Tribal Court to enjoin Yellowstone County from taxing his fee land upon the Crow reservation allotted under the Crow Allotment Act of 1920, not the General Allotment Act (GAA). The Tribal Court, held the matter in abeyance until the decision in *County of Yakima v Confederated Tribes and Bands of the Yakima Indian Nation*, 502 US 251, 112 S Ct 683 (1992), which held that under the GAA a state could impose an *ad valorem* property tax on fee land within a reservation. Subsequently, the Tribal Court held it had jurisdiction and determined that the County was without authority to tax based upon the Montana Constitution.

The County then brought a declaratory judgment action in the U.S. District Court arguing that the Tribe was without jurisdiction to determine the County's right to tax fee land within the reservation. U.S. District Court granted the County's unopposed motion, thus vacating the Tribal Court's decision.

The 9th Circuit upheld the U.S. District Court ruling finding that the implicit divestiture of sovereign powers enunciated in *Montana v US* 450 US 544, 101 S Ct 1245 (1981), applied here. It found the relationship of the Tribe to the County to be akin to that between a Tribe and a nonmember. It held that the Tribe did not retain civil jurisdiction over taxation of fee land because it does not affect tribal self-government nor control of internal relations. It concluded

that the *Montana* exceptions did not apply because the taxation of fee lands was insufficient to meet the threshold for tribal jurisdiction:

“[T]he impact must be demonstrably serious and must impair the political integrity, the economic security or the health and welfare of the tribe.”

Citing *Brendale v Yakima Indian Nation*, 492 US 408, 109 S Ct 2994 (1989).

Compare this decision with *US v MI* infra.

United States v Michigan

106 F3d 130 (6th Cir 1997), January 22, 1997

United States and the Saginaw Chippewa Indian Tribe sought declaratory, injunctive, and monetary relief in the U.S. District Court from county and township *ad valorem* property taxes on reservation lands owned in fee by individual tribal members and the Tribe. The US District Court for the Eastern District of Michigan granted summary judgment for the defendants.

On appeal, the Sixth Circuit reversed and remanded holding that the state could not tax reservation land conveyed in fee to individual tribal members, or the Tribe despite interim sale of allotted fee land to nonmembers and subsequent reconveyance to the Tribe or a tribal member. The Treaty of 1864 did not express an “unmistakable” congressional intent to authorize taxation; and provisions of the Indian General Allotment Act (GAA) of 1887, allowing *ad valorem* taxation of fee land, were inapplicable to land granted prior to or not made pursuant to GAA. The case was remanded to determine whether the land at issue was reservation land, and whether the Saginaw Chippewa Indian Tribe has been dissolved.

Tohono O’dham Nation v Datari

103 F3d 141 (9th Cir 1996)

The Tohono O’dham Indian Nation learned that its accountant had embezzled almost \$3 million of tribal funds, and brought suit against the corporations and individuals responsible. Jurisdiction was based on diversity of citizenship. The district court dismissed the action on grounds that the Arizona two-year statute of limitations had run. The nation argued that sovereign immunity precluded application of the statute and alternatively, the Nation argued its action was timely under the federal three-year statute of limitations, or that the Arizona statute of limitations should be tolled until the Nation became aware of the embezzlement—which was when it had its books independently audited.

Based on the issue of whether the doctrine of sovereign immunity preclude application of a statute of limitations to an Indian Nation that initiated a suit in federal court, the Ninth Circuit Court of Appeals affirmed the district courts dismissal of the Nation’s case and also rejected the alternative argument that the two-year statute of limitations should be tolled.

The Ninth Circuit Court of Appeals held that by the Tohona Nation voluntarily invoking the jurisdiction of the Federal Court, it thereby waived its rights to sovereign immunity (*Guaranty Trust Co v US*, 304 US 126 (1938)). The Court determined that state (not federal) statute of limitations applied to this procedural issue “di-

versity of citizenship” was the basis for the suit (*Guarantee Trust Co v York*, 326 US 99, 110-11 (1945)).

The Court also rejected the Nation’s alternative argument that the Arizona two-year statute of limitation should be tolled, determining that a cause of action accrued when plaintiff using due diligence discovers an injury. The Nation should have been more diligent and should have had its books audited earlier which would have made it aware of any alleged wrongful conduct.

United States v Keys

103 F3d 758 (9th Cir 1996)

Defendant Keys appealed the U.S. District Courts affirmance of his conviction for assaulting his daughter, arguing that the District Court lacked jurisdiction over a case brought under the Major Crimes Act, since his daughter is one-fourth Indian and not an enrolled member of an Indian Tribe. Contending that the Federal Enclaves Act, 18 USC SS 1152, affected only crimes committed by or against an Indian in Indian Country, defendant argued that as applied, the Act was an unconstitutional attempt to apply a general criminal code to activities of non-Indians in Indian country.

The Ninth Circuit Court of Appeals held that the Federal Enclaves Act was correctly applied and is not unconstitutional. Lack of enrollment is not the controlling factor in determining Key’s daughter’s Indian status and is not the exclusive way to establish that one is an Indian for purposes of 18 USC 1152.

The Court cited *US v Lomayaoma* 86 F3d 142, 146 (9th Cir 1996), *cert denied*, 117 S Ct 272 (1996), which was held that the Indian Major Crimes Act grants federal courts exclusive jurisdiction over certain crimes by Indians in Indian Country and is a constitutional power under the Indian Commerce Clause which grants Congress authority to regulate crimes committed by or against Indians in Indian Country.

U.S. DISTRICT COURT

Keweenaw Bay Indian Community v United States

LEXIS 12893, 1996 WL 506478, August 27, 1996

940 F Supp 1139 (WD Mich, 1996)

Issue: Were the defendants, the United States, the Department of the Interior, the Department of Justice, and intervening defendant the State of Michigan, entitled to reconsideration and/or order to alter or amend the United States District Court’s (WD Mich) decision at 914 F Supp 1496 (WD Mich 1996), determining that certain Class III gaming conducted by the Keweenaw Bay Indian Community on lands acquired by the Secretary of Interior in trust for the KBJC subsequent to October 17, 1988, was authorized by the terms of the Tribal-State Compact, and not subject to section 2719 of the Indian Gaming Regulatory Act?

Holding: No. The District Court denied the motions for reconsideration and alternative motions to alter or amend judgment filed by the federal defendants and intervening State of Michigan. The grant or denial of such motions is discretionary with the court, and, in general, the moving party must demonstrate (1) an intervening

change in controlling law, (2) newly discovered evidence, or (3) a clear error of law or manifest injustice. *Javetz v Bd of Control, Grand Valley State University*, 903 F Supp 1181, 1190 (WD Mich 1995).

Sac and Fox v LaFaver
946 F Supp 884 (1996)

The Sac and Fox Nation of Missouri, the Iowa Tribe of Kansas and Nebraska and the Kickapoo Tribe of Indians (plaintiffs) operate retail gas stations on their reservations in Kansas. The Kansas Legislature passed legislation providing for exemption of state tax for sale or delivery of motor fuel to the U.S. or its exempt agencies, but taxing the sale or delivery of the fuel to a retail dealer on an Indian reservation in the state which sold or delivered to a non-member of the reservation.

The U.S. District Court granted the Tribes' a preliminary injunction, because substantial questions existed whether the State of Kansas Dept. of Revenue has jurisdiction to impose motor fuel sales tax on certain Indian lands where retail gas stations were operating. The Tribes raised critical questions as to whether the "legal incidence" of the tax rests on the non-Indian distributor or the Indian retailer since it is unclear in this case which party bore the incidence of the tax.

The U.S. District Court granted a permanent injunction against state taxation on the merits of *Oklahoma State Tax Comm'n v Chickasaw Nation*, 132 L Ed 2d 1298, 115 S Ct 2214 (1995). "Absent cession of jurisdiction or other federal statutes permitting it...a State is without power to tax...reservation Indians." *Id* at 220. The Court also noted that its October 1995 order for taxation relied on expired tax compacts between the DOR and the Tribes.

STATE COURT DECISIONS

Houlton Band of Maliseet Indians v Dana Boyce et al.

688 A2d 908, Supreme Judicial Court of Maine
January 6, 1997

In September of 1995, the Band's six person tribal council (the defendants) took over the tribal administration building, ceasing administrative functions, due to a dispute. After a subsequent election, displacing the defendants, the Band then sought declaratory and injunctive relief to prevent removed tribal councilors from interfering with tribal administration, and to require the bank holding tribal funds to recognize the new tribal chairman as a tribal governmental representative. Summary judgement was granted to the Band. On appeal, the Supreme Judicial Court upheld the decision removing the old council; acknowledging the new electees; and allowing tribal business to resume. The Court held that the lower court's order did not invade the Band's sovereign right to determine matters of self-government; since the Band was subject to the civil jurisdiction of the State pursuant to the Maine Indian Claims Settlement Act, 25 usc 1721, *et. seq.*, that the exhaustion of an administra-

tive appeal process would be futile; and that the appeal lacked specific facts showing genuine issues for trial.

Rye v Weasel

934 SW 2d 257 (S Ct Ky, 1996)

The mother, a member of the Sioux Indian Tribe, voluntarily placed her daughter, age eight months, with foster parents, an Indian father (Kim Weasel) and non Indian mother, Leilani Rye. The identity of the minor's biological father was never established. The placement was made through Tribal Court and the minor was made a ward of the Court, granting temporary custody to Leilani and Kim. The parental rights of the biological mother were never terminated.

The minor child lived with the Rye-Weasels for nine years. Upon the subsequent Rye-Weasel divorce, the Tribal Court intervened in the state proceeding and circuit court ordered the child returned to the reservation. The circuit court and the US Supreme Court's decision in applying the "Existing Indian Family Doctrine," decided the best interests of the child should be residence with Leilani Rye.

Mr. Weasel, the Indian foster parent, appealed. The issue being whether the Existing Indian Family Doctrine can subvert application of the Indian Child Welfare Act (ICWA) where the child has never lived with a "existing Indian family" and is not being removed from an Indian cultural setting.

The Court of Appeals, having reversed and rejected the circuit court's reliance on the "Existing Indian Family Doctrine" finding that it was inapplicable where the Indian child is a ward of the tribal court, was ultimately reversed. The Supreme Court of Kentucky held that the Doctrine was properly applied by the circuit court in this case and awarded custody to Leilani; determining that Kayla was never a part or an Indian family environment; thus, she would experience no emotional shock or cultural trauma in that she was not being removed from an existing Indian family environment into a nonexistent Indian family environment (*Matter of Adoption of TRM*, 525 NE 2d 298 (Ind 1988), but see *Mississippi Band of Choctaw Indians v Holyfield*, 490 US 30 (1990), where the US Supreme Court confirmed that states were required to apply the ICWA's policy of protecting the rights of Indian children and tribes by assuring placements within the Indian community by honoring tribal placement decisions.





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