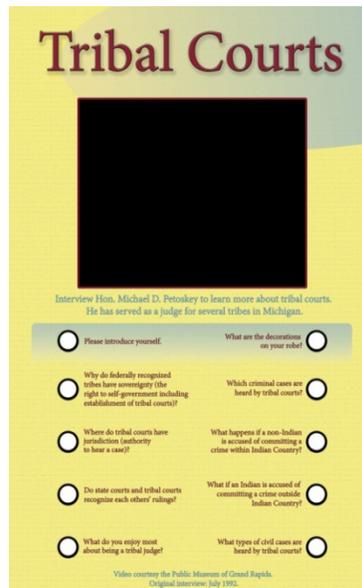


TRIBAL COURTS EXHIBIT

[Michigan Supreme Court Learning Center](#)



Interview Hon. Michael D. Petoskey to learn more about tribal courts. He has served as a judge for several tribes in Michigan.

- **Please introduce yourself.**

My name is Michael Petoskey. I am the tribal judge for the Grand Traverse Band of Ottawa and Chippewa Indians. I am 41-years old and was born in Petoskey, Michigan, as you may have guessed by the name. The city was named after my family.

- **What are the decorations on your robe?**

It's just a traditional woodland design; floral patterns are traditional. One of our community members beaded the robes for the judges in our court system. In fact we had a meeting of state court judges that included people from the State Supreme Court Administrator's Office and others here last Friday, and when we were giving them the tour, their eyes about popped out when they saw our robes with the beads on them. They they really liked them a lot.

- **Why do federally recognized tribes have sovereignty (right to self-government, including establishment of courts)?**

The sovereignty of Indian tribes can best be understood if a person focuses on the fact that Indian tribes have inherent sovereignty that predates the coming of the Europeans. That sovereign status has continued. They were recognized under principles of international law, and then later under early America law, as separate sovereigns and that continues through today.

- **Which criminal cases are heard by tribal courts?**

In 1978, the United States Supreme Court delivered an opinion that divested Indian court systems from trying non-Indians. So I only have criminal jurisdiction over offenses committed by Indians within Indian country.

- **Where do tribal courts have jurisdiction (authority to hear a case)?**

The jurisdiction of tribal courts is a little confusing. But in a nutshell, I think it can best be explained in terms of... there is a territorial aspect; that is, that tribal courts only have jurisdiction over Indian Country. Indian Country is defined as the reservation and any trust lands that are owned by the Indian tribe. Here at the Grand Traverse Band, we have about 500 acres that's held in trust or has been declared a reservation by the Secretary of the Interior. That is the territorial jurisdiction of the band.

- **What happens if a non-Indian is accused of committing a crime within Indian Country?**

Yeah, if a non-Indian commits an offense within Indian Country, the state court would have jurisdiction, and it would be whether an offense was committed under state law.

- **Do state courts and tribal courts recognize each other's rulings?**

Basically what you are talking about is full faith and credit or comity, which is recognition of courts of foreign judgments. That is, do we recognize judgments of state courts, and do state courts recognize the judgments of tribal courts? Those issues are all being looked at in terms of child support, custody orders, divorce orders, extradition, the power to subpoena people to come testify before our court. Not only between state courts and tribal courts, but among the tribal courts themselves throughout Michigan, looking at those precise issues.

- **What if an Indian is accused of committing a crime outside Indian Country?**

If an Indian leaves Indian Country, or leaves the reservation or trust property, and commits an offense, that matter would be heard in state court, because the crime occurred within state jurisdiction.

- **What do you enjoy most about being a tribal judge?**

One of the primary advantages of having a tribal court and being a tribal court judge is that we're not trying to solve the problems of the entire world, or the whole State of Michigan, or all of Leelanau County. We have 2,000 tribal members; that's a finite list, and to the extent that we have to work with people, person by person or family by family, we'll make progress. And I look back at that and think that if we change one person's behavior, or change the attitude or behavior of one family, then we've made significant progress within our own community and for the community.

- **What types of civil cases heard by tribal courts?**

If I could, I would just like to briefly talk about the civil jurisdiction of tribal courts because it's different than criminal jurisdiction in that the jurisdiction of the courts is very broad. It hasn't been limited by Congress or by the courts like it has in the criminal area. And basically, Indian tribes or Indian court systems have jurisdiction to hear any civil matter that arises within Indian country that involves Indians and non-Indians alike. So we're apt to hear contract cases or personal injury...property damage cases... perform marriages, do divorces, decide child custody, do probate.

In fact, getting back to an earlier question, one of the major distinctions between a tribal court and the state court structure, as it is here in Michigan, is that the tribal court would do all of the things that the probate court, the district court, and the circuit court on the state side would do. We'd hear all those different kinds of cases, so the tribal court could hear a broad range of cases that may come before it.

Transcript from video courtesy the Public Museum of Grand Rapids.
Original interview: July 1992.