

Quick Reference Guide to
**Indigenous Rights in the United States of
America**

*How Courts and Agencies Must Account for Tribal Citizenship, Tribal Eligibility, ICWA Status,
Treaty Rights, and Tribal Jurisdiction*

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Study of Crystal Salazar

Purpose of This Guide

This guide is adapted from the IAJ letter of 18 February 2026 addressed to Professor Craig Paterson and provides a structured reference overview of the legal framework governing indigenous rights in the United States. It is designed to assist the IAJ investigation into the human rights of Crystal Salazar by identifying the constitutional foundations, federal statutes, Supreme Court doctrines, and international instruments that may become relevant where tribal citizenship, tribal eligibility, Indian-child status under ICWA, treaty rights, or tribal jurisdiction are factually and legally implicated. It should be read alongside the expert witness documentation produced in connection with this study.

Disclaimer

This document provides legal information for research and investigative reference purposes. It does not constitute legal advice. For any litigation or judicial proceedings, qualified legal counsel must be retained.

I. CONSTITUTIONAL FOUNDATIONS OF FEDERAL INDIAN LAW

The United States Constitution establishes the federal government's authority over relations with indigenous tribal nations through two primary provisions. These clauses form the bedrock of all federal Indian law and determine which level of government — federal or state — has authority over matters affecting indigenous peoples.

Constitutional Provision	Legal Significance and Effect
Article I, Section 8, Clause 3 (Indian Commerce Clause)	Grants Congress the power 'to regulate Commerce... with the Indian Tribes.' This is the principal source of congressional authority over tribal affairs. The Supreme Court has interpreted this broadly to authorise nearly all federal Indian legislation.
Article II, Section 2 (Treaty Clause)	Grants the President, with Senate advice and consent, the power to make treaties. Over 370 ratified treaties were concluded between the United States and tribal nations under this authority.

	These treaties created binding legal obligations that persist in federal law today, even where their terms have been partially abrogated by Congress.
Tenth Amendment (Residual Powers)	Powers not delegated to the federal government are reserved to the states — but tribal sovereignty is a distinct, third form of sovereignty that predates the Constitution. Tribes are not states and are not subject to the Tenth Amendment framework. Federal Indian law occupies a unique constitutional space.

"The Indian Commerce Clause accomplishes a twofold purpose: first, it gives Congress plenary power to legislate in the field of Indian affairs; and second, it preempts state authority in that field."

— Interpretive principle derived from *Worcester v. Georgia*, 31 U.S. 515 (1832) and subsequent federal Indian law doctrine

II. THE TREATY FRAMEWORK AND SURVIVING OBLIGATIONS

The United States entered into more than 370 ratified treaties with tribal nations between 1778 and 1871, when Congress ended the formal treaty-making process. These treaties are not merely historical artefacts. They remain part of the supreme law of the land under Article VI of the Constitution, and treaty-based rights continue to play an important role in federal Indian law, although the availability of judicial enforcement in a particular case depends on the treaty text, the nature of the claim, and the applicable remedial doctrine. Key principles governing treaty interpretation include:

- Treaties must be interpreted as the indigenous signatories would have understood them at the time of signing — not as the federal government drafters intended.
- Ambiguities in treaty language are resolved in favour of the tribal nations (the 'canons of construction' in Indian law).
- Rights not expressly surrendered in a treaty are presumed retained by the tribe.
- Congressional abrogation of treaty rights requires a clear and specific expression of congressional intent; courts do not lightly find treaty rights extinguished.

For Crystal Salazar's case, surviving treaty rights are relevant in two ways: first, they may establish the continued existence and federal recognition of the tribal nation to which she may belong; and second, they may create enforceable protections and entitlements that should have been honoured in any governmental proceedings affecting her.

III. THE MARSHALL TRILOGY — FOUNDATIONAL SUPREME COURT DOCTRINE

Three Supreme Court decisions authored by Chief Justice John Marshall in the early nineteenth century established the foundational doctrinal framework of federal Indian law. Together they are known as the Marshall Trilogy. All subsequent federal Indian law doctrine traces directly to these cases.

Case	Decision	Legal Doctrine Established
Johnson v. M'Intosh 21 U.S. 543 (1823)	Tribal nations hold a right of occupancy in their lands but not full ownership in the European legal sense.	Discovery Doctrine: European nations asserting 'discovery' acquired superior title, limiting but not extinguishing tribal land rights. Controversial today; its application to modern claims requires careful scrutiny.
Cherokee Nation v. Georgia 30 U.S. 1 (1831)	The Cherokee Nation is not a 'foreign state' for purposes of invoking the Supreme Court's original jurisdiction.	Domestic Dependent Nation Doctrine: Tribes occupy a unique status — neither foreign nations nor states. Chief Justice Marshall described their relationship to the United States as resembling 'that of a ward to his guardian.' This language became the foundation of the Trust Responsibility Doctrine.
Worcester v. Georgia 31 U.S. 515 (1832)	Georgia's attempt to extend state law over Cherokee territory was unconstitutional.	Federal Preemption Doctrine: The federal government, not the states, has exclusive authority over tribal affairs. States cannot interfere with federal-tribal relations or impose state law within Indian country without explicit federal authorisation.

"Their relation to the United States resembles that of a ward to his guardian... They look to our government for protection; rely upon its kindness and its power; appeal to it for relief to their wants; and address the President as their great father."

— Chief Justice John Marshall, *Cherokee Nation v. Georgia*, 30 U.S. 1 (1831)

IV. THE TRUST RESPONSIBILITY DOCTRINE

The Trust Responsibility Doctrine is the most consequential ongoing legal obligation of the federal government toward indigenous peoples. It arises from the guardian-ward relationship articulated in *Cherokee Nation v. Georgia* and has been developed and reinforced through nearly two centuries of subsequent judicial decisions and legislation.

A. Core Content of the Doctrine

The Trust Responsibility is a foundational principle of federal Indian law, but its enforceable content is context-specific rather than free-floating. In broad terms it reflects the federal government's obligations in its dealings with tribal nations and tribal property interests. In litigation, however, courts generally look for a specific source of law — such as a treaty, statute, regulation, or a regime of federal control over identified tribal or individual Indian trust assets —

before treating the government as subject to enforceable fiduciary duties. The Trust Responsibility should therefore be understood at two levels:

- Structural Principle: a longstanding principle informing interpretation of federal Indian law and the federal-tribal relationship, relevant to how statutes and executive action should be read and implemented.
- Enforceable Duty in Particular Contexts: a judicially enforceable obligation where specific legal authorities and factual circumstances create sufficiently definite duties — for example, where the government exercises defined control over tribal or individual Indian trust assets, administers specific federal programmes for tribal benefit, or is bound by concrete treaty or statutory obligations.

Consultation duties may exist by statute, regulation, executive policy, or programme-specific requirements but should not be described as universally arising in every governmental interaction involving a Native person or tribe. Claims for breach of trust are strongest where the government exercised defined control over specific trust property, funds, resources, or legally protected tribal interests.

"In carrying out its treaty obligations with the Indian tribes, the Government is something more than a mere contracting party... it has charged itself with moral obligations of the highest responsibility and trust. Its conduct, as disclosed in the acts of those who represent it in dealings with the Indians, should therefore be judged by the most exacting fiduciary standards."

— **Seminole Nation v. United States, 316 U.S. 286, 296–297 (1942)** — The 'Seminole Nation Standard': the most authoritative articulation of the Trust Responsibility Doctrine

B. Key Cases Developing the Doctrine

Case	Development of the Doctrine
United States v. Kagama 118 U.S. 375 (1886)	Confirmed that tribes are 'wards of the nation' subject to federal protection and authority. Established that congressional power over Indian affairs derives from the relationship of dependency, not solely from the Commerce Clause.
Seminole Nation v. United States 316 U.S. 286 (1942)	Set out the classic statement that federal conduct toward tribal nations is judged by 'the most exacting fiduciary standards.' The case remains an important articulation of the Trust Responsibility, but later cases — particularly Mitchell I, Mitchell II, and United States v. Jicarilla Apache Nation (2011) — make clear that enforceable fiduciary obligations depend on the specific statutory, regulatory, treaty, and factual context.
United States v. Mitchell I 445 U.S. 535 (1980)	Held that the General Allotment Act alone did not create a fiduciary duty giving rise to money damages. Established the analytical framework for determining when trust duties are enforceable: a specific statute, regulation, or trust-asset relationship is needed.
United States v. Mitchell II 463 U.S. 206 (1983)	Held that detailed federal statutes and regulations governing timber on allotted lands did create enforceable fiduciary duties

	giving rise to money damages. Established that sufficiently detailed federal control over specific trust assets or resources triggers compensable trust obligations.
United States v. Jicarilla Apache Nation 564 U.S. 162 (2011)	Confirmed that the trust relationship between the United States and tribal nations is a specific, defined legal relationship governed by statutes and regulations — not a general common-law fiduciary relationship that imports all common-law fiduciary duties.
Cobell v. Salazar D.D.C. (settled 2009)	Class action for breach of individual Indian Money trust accounts. Settled for \$3.4 billion. Demonstrates that where concrete statutory trust obligations exist and the government exercises defined control over trust assets, Trust Responsibility breaches have substantial legal consequences.

C. Application to the Crystal Salazar Investigation

If the investigation develops facts showing a connection to a federally recognised tribe, the Trust Responsibility may be relevant, but only through the specific legal frameworks that actually govern the events at issue. The key analytical questions are:

- Whether a treaty, statute, regulation, or federally administered programme created concrete obligations relevant to the proceedings affecting Crystal Salazar.
- Whether any child-custody proceeding triggered ICWA and the specific, mandatory obligations it creates.
- Whether tribal citizenship, eligibility, or tribal-jurisdiction issues were presented in a way requiring court or agency action under applicable law.
- Whether any federal actor exercised control over a defined tribal or individual Indian interest — such as trust funds, trust lands, or federally administered programmes — sufficient to give rise to enforceable fiduciary duties.

The Trust Responsibility should be used here as a framework for identifying potentially applicable federal obligations, not as a stand-alone rule establishing that every governmental interaction with a person of possible Native ancestry is automatically subject to the full Seminole Nation fiduciary standard.

V. MAJOR FEDERAL STATUTES GOVERNING INDIGENOUS RIGHTS

Congress has enacted a substantial body of legislation implementing the Trust Responsibility and recognising specific indigenous rights. The following are the statutes of greatest relevance to the Salazar investigation.

Statute	Year	Key Provisions and Relevance
Indian Reorganization Act	1934	Reversed the assimilation and allotment policies of the Dawes Act era. Restored tribal self-governance, prohibited further allotment of tribal

		lands, and promoted tribal constitutions and corporate charters. Foundational to the modern tribal sovereignty framework.
Indian Civil Rights Act	1968	Applied most (but not all) Bill of Rights protections to tribal governments in their exercise of powers over individuals. Created habeas corpus rights for persons subject to tribal detention. Important context for evaluating rights in tribal proceedings.
Indian Child Welfare Act (ICWA)	1978	The single most important statute for the Salazar investigation. ICWA governs all state court proceedings involving the foster care placement, preadoptive placement, adoptive placement, or termination of parental rights of an 'Indian child.' Establishes minimum federal standards, active efforts requirements, placement preferences, and tribal jurisdiction. See Section VI below for full treatment.
Indian Self-Determination and Education Assistance Act	1975	Authorises tribes to contract with the federal government to administer federal programmes — health, education, social services — directly. Reflects the policy shift from federal paternalism toward tribal self-determination.
Native American Graves Protection and Repatriation Act (NAGPRA)	1990	Protects Native American burial sites and cultural items. Requires federal agencies and institutions receiving federal funds to return human remains and cultural objects to lineal descendants and affiliated tribal nations. Defines 'cultural affiliation' as a standard distinct from tribal membership.
Tribal Law and Order Act	2010	Expanded tribal criminal jurisdiction and sentencing authority. Enhanced tribal court infrastructure. Relevant to understanding the scope of tribal judicial authority over individuals subject to tribal court proceedings.
Violence Against Women Act Amendments (VAWA)	2013, 2022	The 2013 amendments restored tribal criminal jurisdiction over non-Native offenders committing domestic violence on tribal lands — reversing the gap created by <i>Oliphant v. Suquamish</i> (1978). The 2022 reauthorisation expanded this jurisdiction further to additional categories of crime. Directly relevant where violence or abuse occurred on or near tribal lands.

VI. THE INDIAN CHILD WELFARE ACT (ICWA) — DETAILED TREATMENT

Congress enacted ICWA in 1978 in response to a national crisis: an estimated 25–35% of all Native children were being separated from their families and tribes through state child welfare and adoption proceedings, often with no recognition of their tribal ties and no notification to their tribes. ICWA represents the most detailed federal statute directly governing judicial proceedings in which indigenous status is at issue.

A. Who Is Covered — Definition of 'Indian Child'

ICWA applies to any proceeding involving an 'Indian child,' defined as any unmarried person under the age of 18 who either:

- Is a member of a federally recognised Indian tribe; OR

- Is eligible for membership in a federally recognised Indian tribe AND is the biological child of a member of a federally recognised Indian tribe.

Critical Point for the Salazar Investigation

Current enrollment is not the sole trigger for ICWA. In a covered child-custody proceeding, ICWA applies if the child meets the statutory definition of an 'Indian child,' which includes a child who is eligible for membership in a federally recognised tribe and is the biological child of a tribal member. Whether that definition is satisfied should be confirmed through the relevant tribe, because the tribe is the authoritative source on its own membership and eligibility criteria for ICWA purposes.

B. Core ICWA Obligations on Courts and Agencies

ICWA Requirement	Legal Standard
Inquiry and Notice	In a covered child-custody proceeding, the court and agency must determine whether there is reason to know or reason to believe that the child is an Indian child and, where required, provide notice consistent with ICWA and its regulations. The inquiry is child-specific and proceeding-specific; it is not a generalised duty to investigate Native ancestry in every case. <i>Haaland v. Brackeen</i> , 599 U.S. 255 (2023) confirmed ICWA remains controlling federal law.
Tribal Jurisdiction	If the child is domiciled on a reservation, tribal courts have exclusive jurisdiction. If domiciled off-reservation, either the state court or the tribe may assert jurisdiction, and either party may petition to transfer to tribal court. Tribal court determinations of membership and eligibility are authoritative.
Active Efforts Standard	Before any foster care placement or termination of parental rights, the agency must make 'active efforts' to prevent the breakup of the Indian family — a higher standard than the 'reasonable efforts' required in non-ICWA cases. Failure to make active efforts is grounds for reversal.
Placement Preferences	Placements must follow a statutory preference hierarchy: (1) extended family members; (2) other members of the child's tribe; (3) other Indian families. Deviation from this preference requires a showing of good cause documented in the record.
Standard of Evidence	Foster care placement requires 'clear and convincing evidence' including expert testimony. Termination of parental rights requires 'proof beyond a reasonable doubt.' Both are substantially higher than the preponderance standard in ordinary civil proceedings.
Expert Witness Requirement	Foster-care placement and termination proceedings under ICWA require testimony from a qualified expert witness as provided by the statute and regulations. Cultural and tribal knowledge may be highly important depending on the issues presented, but the qualification analysis should track ICWA and

its implementing regulations rather than any categorical culture-only formulation.

C. Consequences of ICWA Violations

ICWA violations are not minor procedural irregularities. ICWA establishes mandatory federal standards for covered child-custody proceedings, and noncompliance can lead to serious remedial consequences. Depending on the violation and the procedural posture, consequences may include:

- Invalidation of specified actions under 25 U.S.C. § 1914.
- Reversal or vacatur on direct review.
- Remand for compliance with notice, inquiry, active-efforts, expert-witness, or placement-preference requirements.
- Other relief authorised by the governing statute, regulations, or applicable procedural law.

The safer and more accurate characterisation is that these are statutory and remedial consequences — not that all ICWA violations are jurisdictional defects in the strongest sense, which would overstate the doctrine and create a readily exploitable attack point.

VII. TRIBAL SOVEREIGNTY AND COURT OBLIGATIONS

Tribal nations are sovereign governments — not ethnic groups, not state subdivisions, and not federal agencies. This sovereignty is inherent, predating the Constitution, and is recognised rather than granted by federal law. *McGirt v. Oklahoma*, 591 U.S. 894 (2020) is the most important modern affirmation of this principle: the Supreme Court held, 5-4, that the Creek Nation reservation had never been disestablished, reaffirming that reservation boundaries and tribal sovereignty questions are governed by federal law and cannot be displaced by state practice or assumption alone. *McGirt* demonstrated that apparently settled questions of tribal jurisdiction can be reopened — and resolved in favour of tribal sovereignty — by federal courts applying established treaty and statutory interpretation principles.

A. The Three-Sovereignty Framework

Federal courts operate within a three-sovereignty framework: federal, state, and tribal. Each has distinct jurisdiction. Key principles governing how courts must account for tribal sovereignty include:

- Federal Preemption: Where federal Indian law governs a subject, state law is preempted. States cannot impose their laws on Indian country or on matters governed by federal statutes such as ICWA without explicit federal authorisation.
- Tribal Court Exhaustion: Federal and state courts must generally allow tribal courts to address matters within their jurisdiction before intervening. Courts that bypassed available tribal proceedings may have committed reversible error.
- Comity and Full Faith and Credit: Federal and most state courts extend comity — and in some contexts full faith and credit — to tribal court judgments. Tribal court orders regarding membership, custody, and jurisdiction are entitled to recognition.

- Tribal Membership Determinations: A tribe's determination of its own membership criteria and enrollment decisions is within the tribe's sovereign authority and is not subject to de novo review by federal or state courts.

B. Court Obligations When Specific Tribal-Law or ICWA Issues Are Presented

The following obligations do not arise merely because a litigant may have Native ancestry. They arise when specific legal predicates are present — for example, a covered ICWA child-custody proceeding, a tribal-membership determination, a tribal-jurisdiction issue, or a claim requiring recognition of tribal court orders or treaty-based rights:

Court Obligation	Governing Authority
Determine in a covered child-custody proceeding whether there is reason to know or reason to believe that the child may be an Indian child	ICWA; 25 C.F.R. Part 23; BIA ICWA Guidelines (2016, revised 2023); <i>Haaland v. Brackeen</i> , 599 U.S. 255 (2023)
Notify the relevant tribe as required by ICWA and its regulations when the child in a covered proceeding may be an Indian child	ICWA §1912(a); 25 C.F.R. Part 23; failure to notify is grounds for reversal
Allow the tribe to intervene in any ICWA-covered proceeding as of right	ICWA §1911(c)
Apply the correct ICWA standards of evidence in covered child-custody proceedings	ICWA §§1912(d), (e), (f)
Receive and weigh expert testimony as required by ICWA in covered proceedings	ICWA §1912(e) and (f); 25 C.F.R. Part 23
Follow ICWA placement preferences and make findings if departing from them	ICWA §1915
Identify whether any treaty, statute, regulation, federal programme, or trust-asset framework creates concrete federal obligations relevant to the proceeding	<i>Seminole Nation v. US</i> (1942); <i>Mitchell I</i> (1980); <i>Mitchell II</i> (1983); <i>Jicarilla Apache Nation</i> (2011)
Defer to tribal court authority over membership determinations and matters within tribal jurisdiction	<i>Santa Clara Pueblo v. Martinez</i> , 436 U.S. 49 (1978); <i>McGirt v. Oklahoma</i> , 591 U.S. 894 (2020)

VIII. VIOLENCE AGAINST WOMEN ACT — TRIBAL JURISDICTION OVER VIOLENCE

The VAWA amendments of 2013 and 2022 are particularly significant for an investigation involving allegations of torture, abuse, or violence. Their passage addressed a jurisdictional gap that had left indigenous women among the most vulnerable population in the United States for violent crime.

Background

In *Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 (1978), the Supreme Court held that tribal courts lack inherent criminal jurisdiction over non-Native offenders. This created a gap: if a non-Native perpetrated violence against a Native woman on tribal lands, the tribe could not prosecute, state prosecutors often declined jurisdiction, and federal prosecution was limited. The result was near-total impunity for violence against Native women on reservations.

VAWA Amendment	Key Provision
VAWA 2013	Restored tribal criminal jurisdiction over non-Native defendants who commit domestic violence, dating violence, or violations of protective orders in Indian country. Established requirements for tribal courts exercising this special domestic violence criminal jurisdiction, including right to counsel and jury of the defendant's peers.
VAWA 2022	Extended tribal jurisdiction to additional categories of offences: sex trafficking, child violence, stalking, and assault of tribal law enforcement officers. Further strengthened protections for Native women and children.

For the Salazar investigation, the relevant question is whether the facts implicated tribal criminal jurisdiction or related federal and state obligations under VAWA and related law. If so, the investigation should assess whether those authorities were properly recognised, whether the relevant sovereign acted within its jurisdiction, and whether any failure to do so contributed to the denial of legal protection.

IX. THE UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES (UNDRIP)

The United Nations Declaration on the Rights of Indigenous Peoples was adopted by the General Assembly in 2007. The United States initially voted against it but formally endorsed it in 2010. Understanding the U.S. endorsement position — and its significant qualifications — is necessary for any international human rights assessment of Crystal Salazar's case.

A. The U.S. Endorsement Position (2010)

Official U.S. Statement

"The United States supports the Declaration, which — while not legally binding or a statement of current international law — has both moral and political force." — U.S. Endorsement of UNDRIP, December 2010

The United States attached four significant qualifications to its endorsement:

- UNDRIP does not create new legal rights enforceable in U.S. courts — it does not alter existing domestic law.
- UNDRIP must be read consistently with existing U.S. law, including established treaty frameworks and federal Indian law doctrines.
- The right of self-determination in UNDRIP means internal autonomy within the existing state, not a right to independent statehood or secession.
- Free, Prior and Informed Consent (FPIC) is treated as an 'aspirational standard' rather than a legally enforceable veto right.

B. UNDRIP's Key Rights Relevant to the Salazar Investigation

UNDRIP Provision	Relevance to Crystal Salazar
Article 7: Right to life, physical and mental integrity, liberty and security of person	Directly relevant to any allegations of torture, abuse, or unlawful detention. The IAJ's mandate includes investigating whether these rights were violated, and UNDRIP Article 7 provides the international normative benchmark for that assessment.
Article 14: Right to education	Indigenous peoples have the right to educational systems that respect their culture and language. Violations of this right may be part of a broader pattern of rights violations affecting Crystal.
Article 22: Special attention to rights of indigenous women and children	States shall take measures to ensure that indigenous women and children enjoy full protection from all forms of violence and discrimination. This provision is of particular relevance given the nature of the IAJ investigation.
Article 38: States shall consult and cooperate in good faith	For international human-rights analysis, Article 38 provides a normative benchmark for assessing whether state actors took appropriate measures to recognise and address tribal or indigenous-rights concerns where such concerns were factually present. This benchmark is evaluative rather than directly enforceable in U.S. domestic courts.
Free, Prior and Informed Consent (FPIC)	While the United States treats FPIC as aspirational rather than directly enforceable domestic law, the principle remains relevant to an international human-rights assessment of whether state action affecting tribal or indigenous interests was undertaken with adequate consultation, respect, and participation.

Analytical Note for the IAJ Investigation

Although UNDRIP is not directly enforceable as domestic law in the United States, it provides the international normative framework against which the treatment of Crystal Salazar can be assessed in the IAJ's human rights investigation. The moral and political force that the U.S. endorsement acknowledges makes it a legitimate evaluative standard for an international body such as the IAJ, even where U.S. domestic courts would not apply it directly.

X. SUMMARY: WHAT THE IAJ INVESTIGATION MUST CONSIDER

Drawing together the frameworks set out above, the following is a structured summary of the legal standards that may have become relevant if the facts showed tribal citizenship, tribal eligibility, Indian-child status under ICWA, treaty-based rights, or tribal-jurisdiction issues at the time of the relevant events.

Question the Investigation Must Address	Governing Legal Framework
Was Crystal Salazar an 'Indian child' within the meaning of ICWA at the time of any child welfare, placement, or custody proceedings?	ICWA §1903(4); 25 C.F.R. §23.2. Eligibility for membership, not current enrollment, is the threshold. Tribal confirmation is authoritative.
Did any court or agency in a covered child-custody proceeding make the inquiry required by ICWA and its regulations?	ICWA; 25 C.F.R. Part 23; BIA guidance. The duty is triggered by the circumstances described in the statute and regulations and is directed to whether the child may be an Indian child.
Was the relevant tribe notified where required, and were tribal-jurisdiction issues addressed under the correct ICWA framework?	25 U.S.C. §§1911-1912; 25 C.F.R. Part 23. Governing obligations depend on the child's status, domicile, the type of proceeding, and whether transfer or intervention was sought.
Were ICWA standards of evidence and expert witness requirements satisfied in covered proceedings?	ICWA §§1912(d)(e)(f). Clear and convincing evidence for placement; proof beyond reasonable doubt for termination. Expert testimony as required by statute and regulations.
Did any treaty, statute, regulation, federal programme, or trust-asset framework create concrete federal obligations relevant to the treatment of Crystal Salazar?	Trust-responsibility doctrine as informed by Seminole Nation (1942), Mitchell I (1980), Mitchell II (1983), and later cases. The inquiry is fact-specific.
Were tribal placement preferences followed? If not, was good cause shown and documented?	ICWA §1915. Departure from placement preferences without documented good cause is a reversible violation.
Were VAWA protections applicable? Were they properly recognised?	VAWA 2013/2022. If violence occurred in Indian country or in circumstances engaging tribal jurisdiction, the investigation should assess whether those authorities were properly identified and applied.
Does the treatment of Crystal Salazar satisfy UNDRIP standards at the international level?	Articles 7, 22, 38 UNDRIP; U.S. Endorsement 2010. Assessable by the IAJ as an international human rights benchmark even absent domestic enforceability.

Key Evidentiary Step: Establishing Tribal Citizenship, Eligibility, or Other Relevant Tribal Connection

The legal frameworks described above do not turn on ancestry in the abstract. They turn on legally relevant connections such as tribal citizenship, eligibility for citizenship or membership, Indian-child status under ICWA, treaty-linked tribal identity, or tribal-jurisdiction facts. The primary evidence should therefore consist of genealogical documentation, family records, archival materials, tribal records, and direct communication with the relevant tribe or tribes. Because each tribe determines its own membership criteria, tribal confirmation is central. DNA evidence, if used at all, should be treated as supplementary and only where consistent with the relevant tribe's own standards and practices — not as a primary route to establishing tribal status.

XI. QUICK REFERENCE: KEY CASES, STATUTES, AND STANDARDS

Authority	Type	Key Principle
Johnson v. M'Intosh (1823)	Supreme Court	Discovery Doctrine; tribal right of occupancy
Cherokee Nation v. Georgia (1831)	Supreme Court	Domestic Dependent Nation; ward-guardian relationship
Worcester v. Georgia (1832)	Supreme Court	Federal preemption; states excluded from tribal affairs
U.S. v. Kagama (1886)	Supreme Court	Tribes as 'wards of the nation'; federal protection duty
Seminole Nation v. United States (1942)	Supreme Court	Important articulation of Trust Responsibility; enforceable duties require specific statutory/regulatory/trust-asset predicate
Santa Clara Pueblo v. Martinez (1978)	Supreme Court	Tribal sovereignty over membership and internal matters; courts do not sit as de novo tribunals over tribal membership determinations
Oliphant v. Suquamish (1978)	Supreme Court	Limited tribal criminal jurisdiction over non-Natives — partially restored by VAWA 2013/2022
United States v. Mitchell I (1980)	Supreme Court	General Allotment Act alone insufficient to create enforceable fiduciary duty; specific statutory predicate required
United States v. Mitchell II (1983)	Supreme Court	Sufficiently detailed federal control over trust assets creates enforceable fiduciary duties; breach gives rise to money damages
U.S. v. Jicarilla Apache Nation (2011)	Supreme Court	Trust relationship is specific and statutory — not a general common-law fiduciary relationship importing all common-law duties
McGirt v. Oklahoma (2020)	Supreme Court	Reservation boundaries governed by federal law; state practice cannot displace tribal sovereignty — key modern sovereignty anchor

Haaland v. Brackeen (2023)	Supreme Court	Upheld ICWA against principal constitutional challenges 7-2; ICWA remains controlling federal law for covered child-custody proceedings
Cobell v. Salazar (settled 2009)	Federal District Court	\$3.4B settlement for breach of individual Indian Money trust obligations — demonstrates enforceable consequences where concrete trust duties exist
Indian Reorganization Act (1934)	Federal Statute	Tribal self-governance; end of allotment era
Indian Civil Rights Act (1968)	Federal Statute	Bill of Rights protections in tribal proceedings
Indian Child Welfare Act (1978)	Federal Statute	Mandatory federal standards for covered child-custody proceedings involving Indian children
NAGPRA (1990)	Federal Statute	Cultural affiliation standard; repatriation rights for remains and cultural objects
Tribal Law and Order Act (2010)	Federal Statute	Expanded tribal criminal jurisdiction and sentencing authority
VAWA Amendments (2013, 2022)	Federal Statute	Tribal jurisdiction over non-Native offenders for specified offences; violence protections for Native women
UNDRIP (U.S. endorsed 2010)	International Instrument	Moral and political force; international human rights benchmark; not directly enforceable in U.S. courts
Trust Responsibility Doctrine	Doctrine	Structural principle informing federal Indian law; enforceable as specific duty only where statute, regulation, treaty, or trust-asset control creates concrete obligations
ICWA Active Efforts Standard	Doctrine	Higher than 'reasonable efforts'; mandatory before placement/termination in covered proceedings
ICWA Expert Witness Requirement	Doctrine	Qualified expert testimony required in covered foster-care and termination proceedings per statute and regulations

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This Quick Reference Guide was prepared for Professor Craig Paterson at the Helena Kennedy Centre for International Justice, Sheffield Hallam University, to support the IAJ investigation into the human rights of Crystal Salazar. It should be read in conjunction with the six-version expert witness documentation series developed in parallel for this study. Nothing in this guide constitutes legal advice. For any litigation or formal proceedings, counsel qualified in federal Indian law must be retained.

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