

Indian civil rights act of 1968

Law



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The Indian Civil Rights Act of 1968 applies to the Indian tribes of the United States and makes many, but not all, of the guarantees of the Bill of Rights applicable within the tribes. “ No Indian tribe in exercising powers of self-government shall -

1. make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;
2. violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;
3. subject any person for the same offense to be twice put in jeopardy
4. compel any person in any criminal case to be a witness against himself;
5. take any private property for a public use without just compensation;
6. deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witness against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of a counsel for his defense;
7. require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of one year and a fine of \$5, 000, or both
8. deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law
9. pass any bill of attainder or ex post facto law;

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or 10. deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six persons.”

The Act was to guarantee tribal citizens many of the protections in the Bill of Rights. The Indians had the authority to have tribal courts, meaning the reservations had power. Some people thought that the Civil Rights Act would in fact be another broken promise, but the Federal court said the act was indeed set in stone. A tribe also had the right to accept or deny those who wanted membership within a specific tribe.