

# Federal Versus Indigenous Constitution-Making: Constitutional Texts and Governance Outcomes in American Indian and Alaska Native Nations <sup>1</sup>

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## Abstract

We contribute to research on how institutions affect policy outcomes by examining variation in violent crime across American Indian and Alaska Native (AIAN) nations. There is an extensive literature on how more legitimate institutions tend to see lower crime rates. Although violent crime rates in reservations, villages and tribal jurisdictional areas are more than two-and-a-half times the national average in the United States, we find considerable variation in institutions and crime rates. We leverage a new and original digital database of AIAN constitutions and law and order codes. This allows for content analysis of these documents and better measures of complexity and the quality of institutions than existing approaches. We implement a text as data approach using machine learning techniques to analyze the effect of relevant AIAN institutional design on criminal violence. We compare our measures against existing alternatives including our novel Tribal Leaders Survey focusing on judiciary institutions, including whether the unit has a tribal justice system, the type of tribal court system and courts, the specific types of cases handled, how officers/judge are selected, as well as the length of the terms they face. We show how these techniques can help improve insights about the link between governance and crime and how reform can help overcome problems of violent crime in AIAN communities.

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