

Government to Government Tribal Relations

Key Concepts and Terms

What is a Tribe?

Originally, tribes were a society of people bound by blood ties, family relations and a common language. They also had their own religion and political system. When members of different tribes were forced to live together on reservations, some new tribal groupings were formed.

Can any tribe be federally recognized?

A rigorous application process determines federal recognition. Many nations were recognized by treaty-making in the 18 and 19th centuries, though several groups are petitioning for recognition today. The Bureau of Indian Affairs (BIA) in the U.S. Department of the Interior maintains a directory of federally recognized tribes.

What powers do the tribes, as nations, hold?

They have a nationhood status, enjoying the powers of government, except for those expressly taken away by Congress or overruled by the Supreme Court. The U.S. recognizes the tribes' rights to form their own government, determine membership, administer justice, raise taxes, establish businesses and exclude people from reservations. Tribal nations regulate Indian land, resources and the conduct of tribal members on Indian land.

What is the tribal council?

The tribe's governing body is usually referred to as the tribal council, and is elected by adult members of the tribe. Heading the council is one elected chairperson, president, chief or governor who is the recognized leader. The council performs the legislative aspects of tribal government.

What is a Reservation?

Indian reservations are areas of land reserved by the federal government as permanent tribal homelands. The U.S. established its reservation policy for American Indians in 1787. Today there are 314 reservations.

Who owns reservations?

The U.S. holds title to the land for the tribes, with the Department of Interior acting as trustee. The tribe or individual whose land is held in trust is the owner. Non-Indians also own significant portions of reservation land, though tribes may exercise jurisdiction over it.

What is tribal sovereignty?

Just like states, tribes have attributes of sovereignty to govern their own territory and internal affairs. The status of tribes as self-governing nations is affirmed and upheld by treaties, case law and the Constitution. Legal scholars explain that tribes are inherently sovereign, meaning they don't trace their existence to the United States.

Is sovereignty largely symbolic today?

There is nothing more important to Indian governments and people than sovereignty, tribal leaders say. It is a fundamental principle of the U.S. constitution with increasing legal significance. Recently, tribes have worked to regain control of their economies and resources by asserting their rights as sovereign powers, sometimes in conflict with neighboring states.

Key Concepts and Terms Continued

What is a government-to-government relationship?

It is a federal policy expressing how the U.S. interacts with tribes. It requires the U.S. to assess federal actions affecting tribes and to consult with tribes about those actions.

What are treaties?

From 1777 to 1871, U.S. relations with Indian nations were negotiated through legally binding agreements called treaties. These treaties between tribal governments and the U.S. transferred and created property rights as well as service obligations. There were 371 treaties signed with American Indian tribes, usually to gain rights to their land.

What agreements did the treaties contain?

The treaties often promised Indians protection, goods, services, self-governing rights and a tribal homeland in exchange for their cooperation and vast acres of land.

Are treaties still valid?

Although the government stopped entering into treaties with Indian tribes in 1871, the Constitution holds treaties as “the supreme law of the land.” Once a treaty is signed, it stays in effect unless superseded by acts of Congress or other treaties.

Source:

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http://www.leg.state.or.us/cis/100_question.pdf