

GLOSSARY

ABROGATION: Doctrine of absolute power of Congress to supersede unilaterally a treaty or treaty obligation. Congress can unilaterally modify or repeal Indian treaties.

ACTIVISM: Direct political action taken by individuals or groups outside established governmental bodies.

ALLOTMENT: The mandate whereby, for the first time, Indian country was divided up into specific parcels of land and assigned to individual Indians.

ANTHROPOLOGY: The study of human beings and their physical, social, and cultural life.

APPROPRIATIONS BILL: A piece of legislation which authorizes the spending of money for specified purposes.

ARCHEOLOGY: The recovery and study of material objects from past ages.

ASSIMILATION: The cultural absorption of one culture into another, or one group of people into another.

AUTHORITARIAN: Said of a society which is based on the principle of obedience to select authorities.

BUREAU OF INDIAN AFFAIRS (B.I.A.): The federal agency which is mandated to carry out congressional policy over Indian tribes and Indian people. The B.I.A. was part of the Department of War until it was transferred to the Department of the Interior.

CEDED: Generally used to designate the transfer of property rights from one government to another.

COERCIVE: Forced; compelled; effected by pressure.

COLONY: A region politically controlled by a distant power. Before becoming an independent nation, the United States consisted of 13 colonies controlled by England.

CONCURRENT JURISDICTION: Each government independently has the power over the same territory, person or subject matter. Both have power at the same time.

CULTURE: The manner in which a group of people lives, including their beliefs, arts, institutions, technology, and social patterns.

DE-TRIBALIZE: To separate a person from his tribal identity and cultural practices.

INDIAN REORGANIZATION ACT OF 1934: Congressional Legislation which stopped further allotment and sale of tribal lands still in tribal ownership. Provided for re-acquisition of land and for tribal ownership of remaining surplus lands on the reservation. An important provision recognized the right of tribal self-government.

INHERENT INDIAN POWERS: Pre-existing powers of sovereign governments, which are retained by them, except those powers qualified or limited specifically by treaties, agreements, executive orders, or specific acts of Congress.

INHERENT TRIBAL SOVEREIGNTY: Those powers lawfully vested in Indian tribes as distinct, independent, and political entities, which have never been extinguished by treaty or congressional action. These are not delegated powers granted expressly by Congress.

JURISDICTION: The right and power to govern oneself by making and enforcing laws. Simply put, the power or authority of a government to govern. Its scope can encompass all or any combination of the following: territory, persons, and subject matter.

ORAL HISTORY: A history which is passed down through the spoken, rather than the written, word.

PER CAPITA PAYMENT: Money paid to each tribal member or group of people; commonly, the monies awarded in claims cases involving land or natural resources. Also, can be capital generated by a tribal enterprise utilizing tribal resources.

PLENARY POWER: Absolute or total authority over Indian affairs.

PLURALISM: The recognition of different cultural communities within a single society.

PREEMPTION DOCTRINE: A constitutional doctrine which permits the federal government to oust all or some state authority regarding areas where states normally have authority to legislate absent federal action. Preemption can be invoked by the simple exercise of federal action establishing a reservation. Once established, this action stands as a formidable barrier protecting inherent tribal sovereignty from purported incursions of state authority into Indian country.

RESERVATION: Lands which were set aside by express reservation in a treaty, contract or an executive order between an Indian tribe or tribes and the United States government.

RESERVED RIGHTS: Inherent tribal rights including, but not limited to, the rights to land and to self-government, which were set aside and retained (reserved) by Indian tribes as sovereign nations, pursuant to a treaty. They were not a grant of rights to the tribes by the U.S. government pursuant to treaty negotiations, but a reservation of existing ones.

SOVEREIGNTY: Sovereign Nation - American Indian Tribes are recognized in federal law as possessing sovereignty over their members and territory. Sovereignty means that tribes have the power to make and enforce laws, and to establish courts and other forums for resolution of disputes. The sovereignty that American Indians Tribes possess is inherent which means that it comes from within the tribe itself and existed before the establishment of the United States government. Tribal sovereignty is further defined by the unique relationship of the tribes to the United States. In addition to inherent sovereignty, tribal governments may also exercise authority delegated to them by Congress (cited from 2006 Tribal Leaders Congress MOU).

DEPARTMENT OF WAR: Federal agency under which Indian affairs were governed until 1824. This agency is now called the Department of Defense.

DEPARTMENT OF THE INTERIOR: Federal agency under which Indian affairs are currently governed.

INDIAN: Tribally speaking, "a person who has some Indian blood AND is regarded as an Indian by his or her community." The tribe determines the definition of 'some.' The Yakamas, for example, require that an Indian is eligible for enrollment when he or she possesses $\frac{1}{4}$ Yakama blood (i.e., has a parent who was at least $\frac{1}{2}$ Yakama). You will hear the term 'enrolled member' of a tribe. There are some Indians who do not have the blood quantum requirements to be a member of one particular tribe, but are still regarded as 'descendants' of the tribe. Federally speaking, the person in most cases must be a recognized member of a *federally recognized tribe*.

INDIAN TRIBE: Ethnologically (culturally and ethnically), an Indian tribe is "a group of Indians who share a common heritage and speak a distinct language." Legally, a tribe is a "fundamental unit of Indian law", but there is no catch-all definition of an Indian tribe. A group of Indians might qualify under one law or statute, but not in another. According to Canby, Jr., "at the most general level, a tribe is simply a group of Indians that is recognized as constituting a distinct and historically continuous political entity for at least some governmental purposes." And yet, there is still a problem with this definition. "Recognized" as a term is problematic. Ask yourself, "Recognized by whom?" Neighbors? The state? The federal government? And, recognized for what purpose? If a tribe is federally recognized, an Indian tribe qualifies for protection under federal law under the Department of the Interior.

FEDERALLY RECOGNIZED TRIBE: Over 500 distinct Indian nations in the U.S. are federally recognized. This means they entered into treaties with the United States and qualify for government assistance and other provisions guaranteed in treaties.

NON-FEDERALLY RECOGNIZED TRIBE: These tribes either lost federal recognition through governmental Indian policy, or lacked the unifying political identity the federal government requires for recognition.

INDIAN NATION, INDIAN TRIBE, INDIAN BAND: These terms have been used interchangeably to describe a tribe of Indian people.

INDIAN COUNTRY: Land that has been reserved by the federal government for Indian primary use. Generally, state jurisdiction has no power in Indian Country.