



# Tribal Governance

Currently, 566 sovereign tribal nations (variously called *tribes*, *nations*, *bands*, *pueblos*, *communities*, and *Native villages*) have a formal nation-to-nation relationship with the US government. These tribal governments are legally defined as “federally recognized tribes.” Two-hundred-and-twenty-nine of these tribal nations are located in Alaska; the remaining tribes are located in 34 other states. In total, tribal governments exercise jurisdiction over lands that would make Indian Country the fourth largest state in the nation.

*“The Congress shall have the power to...regulate commerce with foreign nations, and among the several states, and with the Indian tribes.” - Article 1, Section 8, United States Constitution*

Tribal governments are an important and unique member of the family of American governments. The US Constitution recognizes that tribal nations are sovereign governments, just like Canada or California.

*Sovereignty* is a legal word for an ordinary concept—the authority to self-govern. Hundreds of treaties, along with the Supreme Court, the President, and Congress, have repeatedly affirmed that tribal nations retain their inherent powers of self-government. These treaties, executive orders, and laws have created a fundamental contract between tribes and the United States.

Tribal nations ceded millions of acres of land that made the United States what it is today and, in return, received the guarantee of ongoing self-government on their own lands. The treaties and laws create what is known as the federal “trust responsibility,” to protect both tribal lands and tribal self-government, and to provide for federal assistance to ensure the success of tribal communities.

Today, tribal governments maintain the power to determine their own governance structures, pass laws, and enforce laws through police departments and tribal courts.

<http://www.ncai.org/policy-issues/tribal-governance>

OR RESERVATION?

Prior to the first European efforts to colonize Indians, none of these labels were used by Indians to describe themselves, and the peoples of the two continents saw the concepts very differently. There was diversity in North America. The Aztec Empire had massive cities and ten million citizens. Their society was highly structured and perhaps the closest thing to what Europeans recognized as a nation. But the majority of tribes were smaller and simply called themselves "the people." In most of the Americas they lived in villages, and the village was the primary social and political unit in their lives. Even populous tribes like the Ojibwe, who occupied millions of acres of territory, did not function as a single political entity. Villages were autonomous. Today there are around two hundred Ojibwe villages (about two-thirds of them in Canada and one-third in the United States), but there were even more during the treaty period. And the Ojibwe were one of five hundred Indian tribes in North America.

Colonial powers, especially the British and Americans, wanted to simplify the politics so they could get at Indian land faster. That process started with the construction of new labels for native communities that in turn helped the evolution of new Indian political structures. So instead of making hundreds of treaties with each and every Ojibwe village, the U.S. government summoned numerous chiefs from many villages in a given area to a treaty conference and called them the chiefs of a certain band. The concept of band was as new as the label to the Ojibwe, but once the political process began, the label and the concept stuck.

Even today, the tribal citizenship cards of most Ojibwe people in Minnesota note the band with which they are affiliated—Mississippi, Pillager, Lake Superior, or Pembina, for example. Tribal governments also had the term *band* incorporated into their constitutions, which were created by the U.S. government, so those political labels permeate the legalese of tribal government today. And often there are two to four bands represented on each reservation. The concept of band meant a lot at treaty time, and it sometimes plays heavily in land claims cases today, but the label and concept mean little else to Ojibwe people. Many other

time when that concept and label did not previously exist. The term is not offensive, but it can be confusing.

The word *reservation* was applied to the lands that were reserved or set aside for various groups of Indians at treaty time. A reservation is the place that many native people call home, and even those who live elsewhere associate strongly with their home reservations. These are the places where most cultural and community events are held and where tribes spend their resources trying to strengthen their communities and prepare for the future.

The word *tribe* gets used two ways: as a label for all people of the same shared cultural group (as for the Ojibwe in their two hundred distinct communities) and also as a label for each reservation's government. Tribes, or tribal governments, are not just cultural enclaves. They are political entities, and complex laws impact and define the scope of their power. Tribes have power that supersedes that of state governments in many ways, making it possible for tribes to operate casinos, for example, without regard for state laws. A detailed explanation of tribal government, sovereignty, and law follows throughout this book, but the labels only make sense when one understands the concepts that inform them.

Tribes are in fact *nations*. They make laws, hold elections, administer funds, and interact with other governments. Because tribes are nations, tribal leaders and citizens often emphasize and reinforce their status by use of the word *nation*, and that term is preferred by some tribal people. The words *nation*, *band*, *tribe*, and *reservation* are sometimes used interchangeably, and none cause offense, but they all speak to the complicated history and evolving political landscape in Indian country.

From Everything You Wanted to Know  
About Indians But Were Afraid to Ask

by Anton Treuer (pgs 11-13)