

How Tribes Get Their Sovereignty

"Indian tribes have held a unique position in the history of the American government as well as in contemporary affairs. The basis for that position is the fact that Indian tribes were recognized as sovereign from the time of discovery and that recognition continues today."

- Nancy M. Tuthill

What makes American Indian tribes so unique from other ethnic minorities, besides their indigenous status, is that they are land based and have a political relationship with the United States government.

This political relationship has several legal bases: 1) the "Commerce Clause" of the US Constitution; 2) treaties between the US with the Indian nations, legislation and subsequent federal policy; and 3) Supreme Court decisions and executive actions.

American Indian tribes, however, do not enjoy absolute sovereignty. Indian tribes do not exercise international independence (but neither do state governments.) They are domestic dependent nations (nations within a nation having a nation to nation relationship with the Federal Government.) Additionally, the Federal Government has a unique trust or fiduciary responsibility American Indian tribes and, their interests and assets, as a result of treaties which stressed services such as education, health, etc. in exchange for land.

Some commonly asked questions are:

1. *Who determines membership in a tribe?* The Indian tribes establish their own membership laws.
2. *Do all tribes enjoy sovereign rights?* Not all Indian tribes or bands have this nation to nation relationship. Only those who are federally recognized (those recognized by the Secretary of the Interior as eligible for services by the Federal Government) are considered sovereign governments.
3. *Are Indians citizens of the United States?* Indians were granted citizenship via the Citizenship Act of 1924.
4. *Do Indians pay federal income tax?* Yes, Indians are required to pay federal income tax regardless of federal recognition.
5. *Do Indians pay state taxes?* Federally recognized Indians do not pay state income nor property tax if they live and work on reservation or trust land.
6. *Do Indian tribes have the right to assess taxes on businesses and industries operating on reservation land?* Yes, recent court decisions have upheld the tribes' right to levy taxes on businesses and severance taxes on some industries.
7. *If I have Indian heritage, what must I do to become a member?* You must contact the tribe from which your heritage comes, obtain their membership criteria, and file for membership.

