

Answers to Frequently Asked Questions About American Indians

Who is an Indian?

There is no one federal or tribal definition that establishes a person's identity as Indian. Government agencies use different criteria for determining tribal membership.

For purposes of the Bureau of Census, anyone who declares himself to be an Indian is considered an Indian.

To be designated as an Indian eligible for Bureau of Indian Affairs services, an individual must be a member of a tribe of Indians recognized by the federal government and, for some purposes, be of one-fourth or more Indian ancestry. By legislative and administrative decision, the Aleuts, Eskimos and Indians of Alaska are eligible for Bureau of Indian Affairs services. Most Bureau of Indian Affairs services and programs are limited to Indians on or near a reservation.

What Is an Indian Tribe?

"Tribe" among the North American Indians originally meant a body of persons, bound together by blood ties, who were socially, politically, and religiously organized, and who lived together, occupying a definite territory and speaking a common language or dialect.

The establishment of the reservation system created some new tribal groupings when members of two or three tribes were placed together on one reservation or members of one tribal group spread over two or more reservations.

How Does an Indian Become a Member of a Tribe?

By meeting membership requirements established by the tribe, or through adoption by the tribal governing body according to rules established by the tribe. Congress, too, can establish tribal membership criteria. The minimum amount of Indian blood needed to qualify an individual for membership in a tribe - apart from adoption - varies. Some tribes require only a trace of Indian blood while others require as much as one-half.

What is an Indian Reservation?

An Indian reservation is an area of land reserved for Indian use. The name comes from the early days when Indian tribes relinquished land through treaties, "reserving" a portion for their own use. Congressional acts, executive orders, and administrative acts have also created reservations.

Reservations today, however, may have non-Indian residents and non-Indian landowners.

Are Indians Required to Stay on Reservations?

Indians can move about as freely as other Americans.

How Many Indian Languages Are There?

At the end of the 15th century there were more than 300 different languages spoken by American Indians in what is now the United States. Today only about 250 languages are spoken, many of them spoken by just a few people. Others, such as Cherokee, Navajo, and Teton Sioux, are spoken by many thousands of people.

Are Indians Wards of the Federal Government?

The federal government is a trustee of Indian property, not the guardian of the individual Indian. The Secretary of the Interior is authorized by law, in many instances, to protect the interest of minors and incompetents, but this protection does not confer a guardian-ward relationship.

Do Indians Get Payments from the Government?

There is no automatic payment to a person because he or she is Indian. The federal government has made and continues to make non-recurring payments to Indian tribes or individuals as compensation or damages for losses which resulted from treaty violations, for encroachments on Indian lands, or for other wrongs, past or present. Tribes or individuals may receive Government checks for income from their land and resources, but only because the assets are held in trust by the Secretary of the Interior and payment for the use of Indian resources has been collected by the federal government.

Are Indians Citizens?

The U.S. Congress extended American citizenship in 1924 to all Indians born in the territorial limits of the United States. Before that, citizenship had been conferred upon approximately two-thirds of the Indians through treaty agreement, statutes, naturalization proceedings, and by "service in the Armed Forces with an honorable discharge" in World War I.

Do Indians Have the Right to Vote?

Indians have the right to vote on the same basis as other citizens of their respective states. In 1948, disenfranchising interpretations of the Arizona Constitution were declared unconstitutional by the Arizona supreme court, and Indians were permitted to vote as they were in most other states. A 1953 Utah state law declared that persons living on

Indian reservations were not residents of the state and could not vote. That law was repealed several years later. In 1954, Indians in Maine who were not under federal jurisdiction were given the right to vote, and in 1962, New Mexico extended the right to vote to Indians.

Qualification for voting in Indian tribal elections have no relationship to the right of the Indian to vote in national, state, or local elections. Each tribe determines which of its members is eligible to vote.

Do Indians Have the Right to Hold Federal, State, and Local Government Offices?

Indians have the same rights as other citizens to hold government office. In fact, Indian men and women have held responsible elective and appointive posts at all levels of government. Charles Curtis, a Kaw Indian from Oklahoma, served as Vice President of the United States under President Herbert Hoover. Indians have been elected to the Congress from time to time for more than 60 years. Ben Reifel, a Sioux Indian from South Dakota, served five terms in the U.S. House of Representatives.

In addition, Indians have served and are serving in a number of state legislatures. Others have served on elected or appointed positions in state judiciary systems as well as in county and city government positions. Indians are increasingly winning elections to local school boards.

Do Indians have the Right to Own Land?

Yes, Indians have the same right to own land as other citizens.

Nearly all lands of Indian tribes, however, are held by the United States in trust for those tribes, and there is no general law that permits a tribe to sell its land. Individual Indians also own trust land, and upon the approval of the Secretary of the Interior or his representative, such an individual may sell his land. If an individual Indian wishes to extinguish the trust title to his land and hold title like any other citizen, he can do so only after the Secretary of the Interior or his authorized representative makes a determination that he is capable of managing his own affairs.

If an Indian wishes to buy "non-trust" land and has the money to do so, he may buy it and hold the same type of title to it as would any other citizen.

Do Indians Pay Taxes?

Yes. They pay the same taxes as other citizens--with the following exceptions: 1) They do not pay federal income taxes on income derived from trust lands, held for them by the United States; 2) They do not pay state income tax on income earned on a federal reservation; 3) They do not pay state sales taxes on transactions occurring on a federal reservation; and 4) They do not pay local property taxes on reservation or trust lands.

Do Indian Tribes Have Their Own Governments?

Most do. The governing body of the tribe is generally referred to as the tribal council and is made up of councilmen elected by vote of the adult members of the tribe and presided over by the tribal chairman. The tribal council elected in this way has authority to speak and act for the tribe and to represent it in negotiations with federal, state, and local governments.

Tribal governments, in general, define conditions of tribal membership, regulate domestic relations of members, prescribe rules of inheritance for reservation property not in trust status, levy taxes, regulate property under tribal jurisdiction, control conduct of members by tribal ordinances, and administer justice.

Many tribes are organized under the Indian Reorganization Act (IRA) of 1934, including a number of Alaska Native villages, which adopted formal governing documents under the provisions of a 1936 amendment to the IRA. However, the passage of the Alaska Native Claims Settlement Act of 1971 has provided for the creation of village and regional corporations under state law for the purpose of managing the money and lands granted by that act. The Oklahoma Indian Welfare Act of 1936 provides for the organization of Indians tribes within the State of Oklahoma. Some tribes do not operate under any of these acts but are organized under documents approved by the Secretary of the Interior. Some tribes continue their traditional form of government.

Why Are Indians Treated Differently from Other People in the U.S.? Why Should They Have Any Special Rights Which Other Citizens Do Not Have?

The special rights of Indian tribes or individual Indians are generally based on treaties or other agreements between the United States and the Indians. Usually, the Indians paid a heavy price through the concession of lands to the United States for the rights they retained. These rights are part of their Indian heritage which they are entitled to keep in the same way that people are entitled to keep lands or other goods which they inherit from their ancestors.