

# 5 Key Terms in Understanding Tribes and Native American Issues

By: Kids Forward Posted: July 19, 2018

## 1. Tribal Sovereignty

The right to self-govern. The 573 federally recognized tribes throughout the U.S. have sovereignty over their lands, resources and tribal members. Recognition of tribal sovereignty stems from treaties between tribal nations and the federal government and the U.S. Constitution.

## 2. Treaty Rights

From 1778 to 1871, the U.S. government relations with individual American Indian nations indigenous to what is now the U.S. were defined and conducted largely through the treaty-making process. These “contracts among nations” recognized and established unique sets of rights, benefits and conditions for the tribes who agreed to cede millions of acres of their homelands to the U.S. and accept its protection. Indian treaties are considered to be “the supreme law of the land” and are the foundation upon which federal Indian law and the federal Indian trust relationship is based.

## 3. Trust Responsibility

The legal obligation under which the U.S. “has charged itself with moral obligations of the highest responsibility and trust” toward Indian tribes (*Seminole Nation v. United States*, 1942). The federal Indian trust responsibility is also a legally enforceable fiduciary obligation on the part of the U.S. to protect tribal treaty rights, lands, assets and resources, as well as a duty to carry out the mandates of federal law with respect to American Indian and Alaska Native tribes and villages.

## 4. Trust Land

Land owned either by an individual Indian or a tribe, the title to which is held in trust by the federal government. Most trust land is within reservation boundaries, but trust land can also be off-reservation, or outside the boundaries of an Indian reservation.

## 5. Indian Reservation

Nationwide there are three types of reserved federal lands: military, public and Indian. A federal Indian reservation is an area of land reserved for a tribe or tribes under U.S. treaty or other agreement with the U.S. through executive order, federal statute or administrative action as permanent tribal homelands, and where the federal government holds title to the land in trust on behalf of the tribe.

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