CHAPTER Ag
American Indians

Editor: C. Matthew Snipp

Introduction

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The U.S. Census Bureau defines American Indians and Alaska Natives as people whose ancestry derives from any of the original peoples of North and South America, and who maintain tribal affiliation or community attachment. The Census presently counts as an Indian anyone who declares himself or herself to be an Indian. Native Hawaiians and other Pacific Islanders are not considered "Indians" under U.S. law and are enumerated separately in the Census. See Chapter Aa on population characteristics and Chapter Ef on outlying areas for information on Hawaiians and other Pacific Islanders.

From the perspective of historical ethnography, an Indian tribe is a body of people bound together by a common ancestry and continuity in culture and social organization. Tribal members occupied a defined territory and spoke a common language or dialect. Many precontact tribes have disappeared or were absorbed into other tribes. Today, there are more than 550 federally recognized tribes in the United States, including 223 village groups in Alaska.

"Federally recognized" means these tribes and groups have a special, legal relationship with the U.S. government. That special relationship is based on four principles:

1. Tribes are thought of as separate sovereign nations to be dealt with on a government-to-government basis.
2. As separate nations, the internal affairs of tribes are the responsibility of the tribal entity.
3. Relations with tribes are considered to be between two nations and are handled by the central government.
4. Indians are U.S. citizens but are also members of their respective tribes and thus have dual citizenship.

Relations with the tribes are codified in treaties ratified by Congress, judicial opinions, and by executive orders issued by the President and by the Secretary of the Interior. The U.S. Bureau of Indian Affairs (BIA) is the principal agent of the United States in carrying out the government-to-government relationship that exists. It also acts as the principal agent of the U.S. government in carrying out the responsibilities the United States has as a trustee for property it holds for federally recognized tribes and individual American Indians. A number of Indian groups do not have a federally recognized status, although some are recognized by the states in which they are located. This means they have no relations with the BIA or the programs it operates. A special program at the BIA, however, works with groups seeking federal status. Of the 150 petitions for federal recognition the BIA has received since 1978, twelve groups have received acknowledgment through the BIA process, two had their status clarified by the Department of the Interior through other means, and seven were restored or recognized by Congress.

In 1924 Congress granted American citizenship to all Indians born in the territorial limits of the United States. Before that date, however, citizenship had been conferred upon approximately two thirds of the Indian population through treaty agreements, statutes, naturalization proceedings, and by service in the armed forces during World War I. No single federal or tribal criterion establishes a person's identity as an Indian. Tribes have varying eligibility criteria for membership.

In the essay that follows, C. Matthew Snipp uses – for editorial convenience – the term "American Indian" consistently in lieu of the more cumbersome "American Indian and Alaska Native," and in lieu of other equally appropriate nomenclature, such as "Native American."

American Indians

C. Matthew Snipp

American Indians occupy a position in American society that is unmatched by any other group. Legally, politically, and culturally, American Indians represent a unique segment of the American population. No other group, for example, is explicitly recognized in the Constitution of the United States. The so-called commerce clause in the American Constitution specifically recognizes American Indians and delegates to Congress the authority to oversee affairs with them. This recognition has evolved into a special kind of dual citizenship buttressed by a long and tangled history of treaties, court decisions, and legal agreements. The unique status of American Indians is further manifest in volume 25 of the Code of Federal Regulations (CFR) devoted entirely to American Indian law, two Congressional committees – for the House and for the Senate – that oversee relations with American Indians, an agency within the executive branch responsible solely for American Indians (the Bureau of Indian Affairs (BIA) within the Department of the Interior), and special "Indian Desks" too numerous to mention scattered throughout the federal bureaucracy.

In light of the long and extensive relationship that has existed between American Indians and the federal government, one might also assume that an equally extensive set of records would exist, charting and documenting in great detail the special circumstances

Acknowledgments
Matthew Snipp thanks Thomas Hall and Clifford Trafzer for their comments.