

## American Indian People and Tribes

“There are few subjects in the history and law of the United States on which public views are more dramatically and flagrantly erroneous than on the subject of Indian affairs.”

*Handbook of Federal Indian Law*, Felix S. Cohen, U.S. Department of the Interior, 1940

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### I. Federal-Tribal and State-Tribal Relations

#### ***What is the relationship between the tribes and the United States?***

The relationship between federally recognized tribes and the United States is one between sovereigns, i.e., between a government and a government. This “government-to-government” principle is grounded in the United States Constitution.

#### ***What are Indian treaty rights?***

From 1778 to 1871, the United States’ relations with individual American Indian nations 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 treaty-making tribes who agreed to cede of millions of acres of their homelands to the United States and accept its protection. Like other treaty obligations of the United States, Indian treaties are considered to be “the supreme law of the land,” and they are the foundation upon which federal Indian law and the federal Indian trust relationship is based.

#### ***What is the legal status of American Indian tribes?***

Article 1, Section 8 of the United States Constitution vests Congress, and by extension the Executive and Judicial branches of our government, with the authority to engage in relations with the tribes, thereby firmly placing tribes within the constitutional fabric of our nation. When the governmental authority of tribes was first challenged in the 1830's, U. S. Supreme Court Chief Justice John Marshall articulated the fundamental principle that has guided the evolution of federal Indian law to the present:

*That tribes possess a nationhood status and retain inherent powers of self-government.*

#### ***What is the federal Indian trust responsibility?***

The **federal Indian trust responsibility** is a legal obligation under which the United States “has charged itself with moral obligations of the highest responsibility and trust” toward Indian tribes. This obligation was first discussed by Chief Justice John Marshall in Cherokee Nation v. Georgia (1831). Over the years, the trust doctrine has been at the center of numerous other Supreme Court cases, thus making it one of the most important principles in federal Indian law.

The federal Indian trust responsibility is also a legally enforceable fiduciary obligation on the part of the United States 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 tribes and villages. In several cases discussing the trust responsibility, the Supreme Court has used language suggesting that it entails legal duties, moral obligations, and the fulfillment of understandings and expectations that have arisen over the entire course of the relationship between the United States and the federally recognized tribes.

#### ***What is a federally recognized tribe?***

A federally recognized tribe is an American Indian tribal entity that is recognized as having a government-to-government relationship with the United States, with the responsibilities, powers,

limitations, and obligations attached to that designation, and is eligible for funding and services from the Bureau of Indian Affairs.

Federally recognized tribes are recognized as possessing certain inherent rights of self-governance (i.e., tribal sovereignty) and are entitled to receive certain federal benefits, services, and protections because of their special relationship with the United States.

In the legal-political sense, tribal existence results from recognition under federal law. Recognition has come from congressional or executive action that, for example, created a reservation for the tribe, negotiated a treaty with the tribe, or established a political relationship with the tribe, such as providing services through the Bureau of Indian Affairs (BIA).

As with the definition of "Indian," the legal status of tribes must be distinguished from ethnological definitions. Federal recognition of tribes does not necessarily follow ethnological divisions. For example, the federal government has combined separate ethnological tribes into one "legal" tribe or divided one ethnological tribe into separate legal tribes.

Although required for many federal statutes, federal recognition is not essential to tribal status for all purposes. Federal statutes before 1934 rarely defined the term "Indian tribe." The recent congressional trend is to define the term "tribe" in particular statutes.

#### ***How is federal recognition status conferred?***

Historically, most of today's federally recognized tribes received federal recognition status through treaties, acts of Congress, presidential executive orders or other federal administrative actions, or federal court decisions.

An Indian group may become federally recognized:

- By Act of Congress,
- By the administrative procedures under 25 C.F.R. Part 83, or
- By decision of a United States court.

#### ***What does tribal sovereignty mean to American Indians?***

When tribes first encountered Europeans, they were a power to be reckoned with because the combined American Indian population dominated the North American continent. Their strength in numbers, the control they exerted over the natural resources within and between their territories, and the European practice of establishing relations with countries other than themselves and the recognition of tribal property rights led to tribes being seen by exploring foreign powers as sovereign nations, who treated with them accordingly.

While tribal sovereignty is limited today by the United States under treaties, acts of Congress, Executive Orders, federal administrative agreements and court decisions, what remains is nevertheless protected and maintained by the federally recognized tribes against further encroachment by other sovereigns, such as the states. Tribal sovereignty ensures that any decisions about the tribes with regard to their property and citizens are made with their participation and consent.

#### ***What does tribal immunity mean?***

As an adjunct of tribal sovereignty, the courts have held that tribes and tribal organizations are protected by the doctrine of sovereign immunity. The English common law doctrine of sovereign immunity prohibits a plaintiff from bringing a lawsuit against the "sovereign" (i.e., the government). Since the 1940s, the courts have held that Indian tribes and tribal governments are immune from lawsuits under this doctrine. Application of the doctrine reflects both the special sovereign status of tribes and the goal of protecting tribal resources.

Two important qualifiers must be noted. It is possible that tribal immunity from actions for money damages does not extend to actions seeking equitable relief such as injunctions and declaratory judgments. Further, the Supreme Court has pointed out that it has never held that tribal officers or agents are not liable for damages.

Unless it is waived, sovereign immunity prevents assertion of contract, employment, tort, and other legal claims against tribes and tribal businesses. The Supreme Court has construed the sovereign immunity of Indian tribes and organizations broadly. Sovereign immunity:

- extends to tribal business organizations, including for-profit business entities;
- applies to off-reservation activities; and
- applies unless it is expressly waived.

The doctrine has been retained by the Court on the theory that Congress wanted to promote tribal self-sufficiency and economic development. The Court has recognized arguments against sovereign immunity for tribes: that in our mobile society tribal immunity protects an area greater than is necessary to preserve tribal self-government. In fact, immunity can harm those who do not know they are dealing with a tribe, do not know about tribal immunity, or have no choice in the matter. Nevertheless, the court has indicated it defers to Congress to make changes in the doctrine since “Congress is in a position to weigh and accommodate the competing policy concerns and reliance interests.”

The Supreme Court has ruled that Congress may set aside tribal immunity if it “unequivocally” expresses that purpose. Congress has limited tribal immunity in some cases. If Congress does not subject a tribe to suit, the tribe itself can agree to be sued by clearly waiving its sovereign immunity. The Supreme Court has indicated that while a waiver must be unambiguous, it need not use the words “sovereign immunity.” For example, a contract containing an agreement to arbitrate is a waiver of immunity from suit in state court for purposes of judicial enforcement of the award.

The 11<sup>th</sup> Amendment to the U.S. Constitution has been construed by the U.S. Supreme Court to deal with various issues of sovereign immunity from suit in federal court that are not addressed by the express terms of the amendment. On the one hand, the Court has ruled that the 11<sup>th</sup> Amendment prevents a state from suing an Indian tribe in federal court unless the tribe expressly consents or Congress abrogates the tribe’s sovereign immunity. On the other hand, the Supreme Court has ruled that Congress lacks the power under the Indian Commerce Clause to eliminate a state’s 11<sup>th</sup> Amendment immunity from being sued by a tribe in federal court. A state may waive this immunity either by “the most express language or by such overwhelming implication from the text as will leave no room for any other reasonable construction.”

### ***What is a federal Indian reservation?***

A federal Indian reservation is an area of land reserved for a tribe or tribes under treaty or other agreement with the United States, executive order, or 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.

Approximately 56.2 million acres are held in trust by the United States for various Indian tribes and individuals. Some reservations are the remnants of a tribe’s original land base. Others were created by the federal government for the resettling of Indian people forcibly relocated from their homelands. Not every federally recognized tribe has a reservation. Federal Indian reservations are generally exempt from state jurisdiction, including taxation, except when Congress specifically authorizes such jurisdiction.

***Are there other types of “Indian lands”?***

Yes. Other types of Indian lands are:

- **Allotted lands**, which are remnants of reservations broken up during the federal allotment period of the late nineteenth and early twentieth centuries. Starting with the General Allotment Act in 1887 (also known as the Dawes Act) until the Indian Reorganization Act of 1934, allotments were conveyed to members of affected tribes and held in trust by the federal government. As allotments were taken out of trust, they became subject to state and local taxation, which resulted in thousands of acres passing out of Indian hands. Today, 10,059,290.74 million acres of individually owned lands are still held in trust for allottees and their heirs.
- **Restricted status**, also known as restricted fee, where title to the land is held by an individual Indian person or a tribe and which can only be alienated or encumbered by the owner with the approval of the Secretary of the Interior because of limitations contained in the conveyance instrument pursuant to federal law.
- **State Indian reservations**, which are lands held in trust by a state for an Indian tribe. With state trust lands title is held by the state on behalf of the tribe and the lands are not subject to state property tax. They are subject to state law, however. State trust lands stem from treaties or other agreements between a tribal group and the state government or the colonial government(s) that preceded it.

American Indian tribes, businesses, and individuals may also own land as private property. In such cases, they are subject to state and local laws, regulations, codes, and taxation.

***Does the United States still make treaties with Indian tribes?***

No. Congress ended treaty-making with Indian tribes in 1871. Since then, relations with Indian groups have been formalized and/or codified by Congressional acts, Executive Orders, and Executive Agreements.

***What is the relationship between the tribes and the individual states?***

Because the Constitution vested the Legislative branch with plenary power over Indian Affairs, states have no authority over tribal governments unless expressly authorized by Congress. While federally recognized tribes generally are not subordinate to states, they can have a government-to-government relationship with these other sovereigns, as well.

Federally recognized tribes possess both the right and the authority to regulate activities on their lands independently from state government control. They can enact and enforce stricter or more lenient laws and regulations than those of surrounding or neighboring states. However, tribes frequently collaborate and cooperate with states through compacts or other agreements on matters of mutual concern such as environmental protection and law enforcement.

## **II. Tribal Government: Powers, Rights, and Authorities**

***What is meant by tribal self-determination and self-governance?***

Two major pieces of federal legislation embody the concepts of tribal self-determination and self-governance: Public Law 93-638, the Indian Self-determination and Education Assistance Act of 1975, as amended (25 U.S.C. 450 et seq.) and the Tribal Self-Governance Act of 1994 (25 U.S.C. 458aa et seq.). Through these laws, Congress accorded tribal governments the authority to administer themselves the programs and services usually administered by the BIA and Indian Health Service (IHS) for their members. It also upheld the principle of tribal consultation, whereby

the federal government consults with tribes on federal actions, policies, rules or regulations that will directly affect them.

### ***What are inherent powers of tribal self-government?***

Tribes possess all powers of self-government except those relinquished under treaty with the United States, those that Congress has expressly extinguished, and those that federal courts have ruled are subject to existing federal law or are inconsistent with overriding national policies. Tribes, therefore, possess the right to form their own governments; to make and enforce laws, both civil and criminal; to tax; to establish and determine membership (i.e., tribal citizenship); to license and regulate activities within their jurisdiction; to zone; and to exclude persons from tribal lands.

Limitations on inherent tribal powers of self-government are few, but do include the same limitations applicable to states, e.g., neither tribes nor states have the power to make war, engage in foreign relations, or print and issue currency.

### ***How are tribal governments organized?***

Many tribes have constitutions; others operate under articles of association or other bodies of law, and some combine traditional systems of government within a modern governmental framework. Contemporary tribal governments are usually, but not always, modeled upon the federal system of the three branches: Legislative, Executive, and Judicial.

The chief executive of a tribe is usually called a chairman, chairwoman or chairperson, but may also be called a principal chief, governor, president, mayor, spokesperson, or representative. The chief executive presides over the tribe's legislative body and executive branch. In modern tribal government, the chief executive and members of the tribal council or business committee are almost always elected.

A tribe's legislative body is usually called a tribal council, a village council, or a tribal business committee. It is composed of tribal members who are elected by eligible tribal voters. In some tribes, the council includes all eligible adult tribal members. An elected tribal council and chief executive, recognized as such by the Secretary of the Interior, have authority to speak and act for the tribe as a whole, and to represent it in negotiations with federal, state, and local governments.

Many tribes have established, or are building, their judicial branch – the tribal court system – to interpret tribal laws and administer justice.

### ***Tribal Courts***

Congress authorized the creation of tribal courts when it passed the Indian Reorganization Act of 1934, which recognized the right of Indian tribes to adopt their own code of laws. When Public Law 280 was enacted in 1953, it had the effect of slowing tribal court development. Tribal court development accelerated after Congress passed the Indian Child Welfare Act in 1978 because the act gave tribal courts jurisdiction over disputes involving Indian children both within and outside Indian country. Twelve tribal courts currently operate in Minnesota.

Tribal courts blend traditional tribal dispute resolution approaches with many due process elements taken from the federal Constitution. Although the Supreme Court has held that the Bill of Rights and the 14th Amendment do not apply to tribal powers of local self-government, the federal Indian Civil Rights Act of 1968 requires tribes to include various due process provisions. In addition, as tribal operations have greater impact on non-Indians; tribal courts have adopted more elements of American due process, in part so that their decisions will be recognized by state and federal court systems.

The full faith and credit clause of the federal Constitution requires each state to recognize the acts, records, and judicial proceedings of other states. The clause is necessary to allow a federal system to function, so that litigation does not go on endlessly. It does not apply to tribal courts either by its express terms or by case law or federal legislation. However, since tribal courts have increased in sophistication and are handling larger numbers of cases, many state court systems want to formalize their relationships. The Minnesota Supreme Court adopted two rules on state court recognition of tribal court orders. Recognition is mandatory if required by federal or state statute, and recognition is granted if, among other factors, a tribal court is a court of record, has an appellate process, has contempt powers, and grants full faith and credit to state court judgments.

#### ***What is the jurisdiction of tribal courts?***

Generally, tribal courts have **civil** jurisdiction over Indians and non-Indians who either reside or do business on federal Indian reservations and **criminal** jurisdiction over violations of tribal laws committed by tribal members residing or doing business on the reservation.

Tribal courts are responsible for appointing guardians, determining competency, awarding child support from Individual Indian Money (IIM) accounts, determining paternity, sanctioning adoptions, marriages, and divorces, making presumptions of death, and adjudicating claims involving trust assets. The Indian Tribal Justice Act of 1993 (P.L. 103-176, 107 Stat. 2005) supports tribal courts in becoming, along with federal and state courts, well-established dispensers of justice in Indian Country.

#### ***What is Public Law 280 and where does it apply?***

Federal Public Law 280 granted specific states, including Minnesota, civil jurisdiction over individuals on Indian lands, with exceptions. By the express terms of Public Law 280, Minnesota state civil jurisdiction does not apply to the Red Lake Reservation. In 1968, the act was amended to allow states with civil jurisdiction over Indian country to retrocede (give back) that jurisdiction to the federal government. Minnesota retroceded jurisdiction over the Bois Forte Reservation.

It is important to note that Public Law 280 specifically addresses state court jurisdiction over actions involving Indians, not Indian tribes.

The grant of jurisdiction affects when state law applies. Public Law 280 provides that state civil laws of general application apply to causes of action between Indians, or to which Indians are parties, and which arise in Indian country, except as those laws affect trust or restricted real or personal property, including water rights. Statewide laws affecting private transactions and relationships, such as contracts, marriage, divorce, and torts, have been held to apply in Indian country. Child protection statutes have also been held to apply in Indian country. However, courts have held that state civil regulatory laws are not included in the grant of state jurisdiction over Indian lands. For example, a state traffic regulation that is civil rather than criminal in nature has been held not applicable to Indian country.

Because Public Law 280 requires a state law to be of statewide application in order to apply in Indian country, no local ordinance applies in Indian country.

### **III. American Indian People**

#### ***Who is an American Indian?***

Federal law defines "Indian" in a variety of ways for different purposes and programs. The National Tribal Chairman's Association examined the criteria of federal agencies in 1980 and found 47 definitions of "Indian." Census data simply counts individuals as Indians who identify themselves as such.

As a general rule, an American Indian person is someone who has blood degree from and is recognized as such by a federally recognized tribe or village (as an enrolled tribal member) and/or the United States. Of course, blood quantum (the degree of American Indian blood from a federally recognized tribe or village that a person possesses) is not the only means by which a person is considered to be an American Indian. Other factors, such as a person's knowledge of his or her tribe's culture, history, language, religion, familial kinships, and how strongly a person identifies himself or herself as American Indian, are also important. In fact, there is no single federal or tribal criterion or standard that establishes a person's identity as American Indian.

A crucial distinction is the differences among (1) tribal membership, (2) federal legal definitions, and (3) ethnological status or Indian ancestry. An individual may not qualify under ethnological standards as an Indian (e.g., a person who is three-quarters Caucasian and one-fourth Indian), but nevertheless may be a tribal member or may be recognized as an Indian for various federal legal purposes.

The rights, protections, and services provided by the United States to individual American Indians flow not from a person's identity as such in an ethnological sense, but because he or she is a member of a federally recognized tribe. These special trust and government-to-government relationships entail certain legally enforceable obligations and responsibilities on the part of the United States to persons who are enrolled members of such tribes. Eligibility requirements for federal services will differ from program to program. Likewise, the eligibility criteria for enrollment (or membership) in a tribe will differ from tribe to tribe.

Tribes have the power to determine their membership. Court decisions have held that determining tribal membership is a fundamental power of tribes. This includes the power to remove individuals from membership rolls, but a tribe's power over membership is subject to congressionally imposed limits. Minnesota tribes have differing rules for determining their membership.

Membership itself is a difficult term to define because membership can refer to a formal enrollment on a tribal roll of a federally recognized tribe, or to a more informal status as one recognized as a member of the tribal community. Enrollment is commonly a prerequisite for acceptance as a member of a tribal community, and it provides the best evidence of Indian status. Where formal enrollment is required, there can be no Indian without a tribe.

Limiting membership and sharing property may be accomplished in three ways: by patrilineal or matrilineal descent rules; by blood quantum; and by residency requirements. Individual tribes have varying blood requirements for enrollment. For example, the Minnesota Chippewa Tribe (MCT) requires that a member be at least one-fourth MCT blood and an American citizen. Application for enrollment is made within a year after birth. The governing body of the MCT reservation makes the determination with an appeal process.

Coexisting with the abstract concept of tribal membership is an actual tribal community that may include people who are not all enrolled tribal members, but who nevertheless participate in the social, religious, and cultural life of the tribe. Formal rolls have a limited purpose, so many tribes have informal rolls. Although some statutes provide benefits only to formally enrolled members of federally recognized tribes, many of the benefits accorded Indians under various statutes are available to Indians more broadly defined.

### ***How large is the American Indian population?***

According to the U.S. Bureau of the Census, the estimated population of American Indians, including those of more than one race, as of July 1, 2007, was 4.5 million, or 1.5 per cent of the total U.S. population. In the BIA's 2005 American Indian Population and Labor Force Report, the latest available, the total number of enrolled members of the (then) 561 federally recognized tribes was shown to be less than half the Census number, or 1,978,099.

Minnesota has 11 federally recognized Indian reservations:

**Anishinaabe Reservations (the Chippewa and the Ojibway)**

- Bois Forte (Nett Lake)
- Fond du Lac
- Grand Portage
- Leech Lake
- Mille Lacs
- Red Lake
- White Earth

**Dakota Communities (the Sioux)**

- Lower Sioux
- Prairie Island
- Shakopee-Mdewakanton
- Upper Sioux

Additional information about each tribe is presented later in this document.

The American Indian population in Minnesota was estimated by the Census Bureau to be 56,397, or about 1 percent of the state's population. About 69,000 people identified themselves as "American Indian alone or in any combination" of other race or ethnicity.

In some counties, the percentage of population that is American Indian is much higher; for example, of county populations, 30 percent in Mahnommen County, 19 percent in Beltrami County, and 10 percent in Cass County are American Indian people.

***Why are American Indians also referred to as Native Americans?***

The term "Native American" came into broad usage in the 1970's as an alternative to "American Indian." However, when referring to American Indian people, it is still appropriate to use the term "American Indian." This term denotes the cultural and historical distinctions belonging to the indigenous tribes of the continental United States. It also refers specifically to persons eligible for benefits and services funded or directly provided by the BIA.

***Are American Indians wards of the Federal Government?***

No. The Federal Government is a trustee of Indian property, not a guardian of all American Indians.

***Are American Indians citizens of the United States?***

Yes. As early as 1817, U.S. citizenship had been conferred by special treaty upon specific groups of Indian people. American citizenship was also conveyed by statutes, naturalization proceedings, and by service in the Armed Forces with an honorable discharge in World War I. In 1924, Congress extended American citizenship to all other American Indians born within the territorial limits of the United States. American Indians are citizens of the United States and of the individual states, counties, cities, and towns where they reside. They can also become citizens of their tribes or villages as enrolled tribal members.

***Do American Indians have the right to vote?***

Yes. American Indians have the right to vote just as all other U.S. citizens do. They can vote in presidential, congressional, state and local, and tribal elections, if eligible.

***Do American Indians have the right to hold public office?***

Yes. American Indians have the same rights as other citizens to hold public office. Charles

Curtis, a member of the Kaw Tribe of Kansas, served in both houses of Congress before holding the second highest elected office in the nation – that of Vice President of the United States under President Herbert Hoover.

***Do American Indians have special rights different from other citizens?***

Any “special” rights held by federally recognized tribes and their members are generally based on treaties or other agreements between the tribes and the United States. The heavy price American Indians paid to retain certain rights of self-government was to relinquish much of their land and resources to the United States. U.S. law protects the inherent rights they did not relinquish. Among those may be hunting and fishing rights and access to sacred sites.

***Do American Indians pay taxes?***

Yes. They pay the same taxes as other citizens with the following exceptions:

- Federal income taxes are not levied on income from trust lands held for them by the U.S.
- State income taxes are not paid on income earned on a federal Indian reservation.
- State sales taxes are not paid by Indians on transactions made on a federal Indian reservation.
- Local property taxes are not paid on reservation or trust land.

***Do laws that apply to non-Indians also apply to Indians?***

Yes. As U.S. citizens, American Indians are generally subject to federal, state, and local laws. On federal Indian reservations, however, only federal and tribal laws apply to members of the tribe, unless Congress provides otherwise. In federal law, the Assimilative Crimes Act makes any violation of state criminal law a federal offense on reservations. Most tribes now maintain tribal court systems and facilities to detain tribal members convicted of certain offenses within the boundaries of the reservation.

***Do all American Indians speak a single traditional language?***

No. American Indians come from a multitude of different cultures with diverse languages.

At the end of the 15th century over 300 American Indian languages were spoken. Today, fewer than 200 tribal languages are still viable, with some having been translated into written form. Those tribes who can still do so are working to preserve their languages and create new speakers among their members.

***Must all American Indians live on reservations?***

No. American Indians live and work anywhere in the United States (and the world) just as other citizens do. Over one-half of the total U.S. American Indian population now lives away from their tribal lands.

***Do American Indians serve in the Armed Forces?***

Yes. American Indians have a long and distinguished history of serving in our nation’s Armed Forces.

- During the Civil War, American Indians served on both sides of the conflict.
- During World War I over 8,000 American Indian soldiers, of whom 6,000 were volunteers, served. Their patriotism moved Congress to pass the Indian Citizenship Act of 1924.
- In World War II, 25,000 American Indian men and women fought on all fronts in Europe and the South Pacific.
- Starting in World War I and again in World War II, the U.S. military employed a number of American Indian servicemen as “code talkers” to use their tribal languages as a military code that could not be broken by the enemy.

- In the Korean Conflict, one Congressional Medal of Honor was awarded to an American Indian serviceman.
- In the Vietnam War, 41,500 Indian service personnel served.
- In 1990, prior to Operation Desert Storm, some 24,000 Indian men and women were in the military. Approximately 3,000 served in the Persian Gulf. American Indian service personnel have also served in Afghanistan (Operation Enduring Freedom) and in Iraq (Operation Iraqi Freedom).

While American Indians have the same obligations for military service as other U.S. citizens, many tribes have a strong military tradition within their cultures, and veterans are considered to be among their most honored members.

**Sources:**

*Frequently Asked Question*, U.S. Department of the Interior, Bureau of Indian Affairs  
<http://www.bia.gov/FAQs/index.htm>

*Indians, Indian Tribes, and State Government*, House Research Department, January 2007, Fourth Edition <http://www.house.leg.state.mn.us/hrd/pubs/indiangb.pdf>

*Minnesota's Nonwhite and Latino Population, 2007*, Minnesota Department of Administration. Office of Geographic and Demographic Analysis. Office of the State Demographer, December 2008  
<http://www.demography.state.mn.us/documents/MinnesotasNonwhiteandLatinoPopulations2007.pdf>

## Overview of Indian Tribes in Minnesota

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In Minnesota, there are seven Anishinaabe (Chippewa, Ojibwe) reservations and four Dakota (Sioux) communities. A reservation or community is a segment of land that belongs to one or more groups of American Indians. It is land that was retained by American Indian tribes after ceding large portions of the original homelands to the United States through treaty agreements. It is not land that was given to American Indians by the federal government. There are hundreds of state and federally recognized American Indian reservations located in 35 states. These reservations have boundary lines much like a county or state has boundary lines. The American Indian reservations were created through treaties, and after 1871, some were created by Executive Order of the President of the United States or by other agreements.

### Anishinaabe Reservations

The seven Anishinaabe reservations include: [Grand Portage](#) located in the northeast corner of the state; [Bois Forte](#) located in extreme northern Minnesota; [Red Lake](#) located in extreme northern Minnesota west of Bois Forte; [White Earth](#) located in northwestern Minnesota; [Leech Lake](#) located in the north central portion of the state; [Fond du Lac](#) located in northeast Minnesota west of the city of Duluth; and [Mille Lacs](#) located in the central part of the state, south and east of Brainerd.

All seven Anishinaabe reservations in Minnesota were originally established by treaty and are considered separate and distinct nations by the United States government. In some cases, the tribe retained additional lands through an Executive Order of the President. Six of the seven reservations were allotted at the time of the passage of the General Allotment Act. The Red Lake Reservation is the only closed reservation in Minnesota, which means that the reservation was never allotted and the land continues to be held in common by all tribal members. Each Indian tribe began its relationship with the U.S. government as a sovereign power recognized as such in treaty and legislation. The Treaty of 1863 officially recognized Red Lake as separate and distinct with the signing of the Old Crossing Treaty of 1863. In this treaty, the Red Lake Nation ceded more than 11 million acres of the richest agricultural land in Minnesota in exchange for monetary compensation and a stipulation that the "President of the United States direct a certain sum of money to be applied to agricultural education and to such other beneficial purposes calculated to promote the prosperity and happiness of the Red Lake Indian." The agreements of 1889 and the Agreement of 1904, Red Lake ceded another 2,256,152 acres and the Band was guaranteed that all benefits under existing treaties would not change.

### Dakota Communities

The four Dakota Communities include: [Shakopee Mdewakanton](#) located south of the Twin Cities near Prior Lake; [Prairie Island](#) located near Red Wing; [Lower Sioux](#) located near Redwood Falls; and [Upper Sioux](#) whose lands are near the city of Granite Falls. The original Dakota Community was established by treaty in 1851. The treaty set aside a 10-mile wide strip of land on both sides of the Minnesota River as the permanent home of the Dakota. However, in the aftermath of the U.S.-Dakota Conflict of 1862, Congress abrogated all treaties made with them and the Dakota were forced from their homes in the state. The four communities were reestablished in their current localities by acts of Congress in 1886. The four Dakota Communities today represent small segments of the original reservation that were restored to the Dakota by Acts of Congress or Proclamations of the Secretary of Interior.

**Source:** 2007-2009 Indian Affairs Council.  
Minnesota Indian Affairs Council - Annual Report

## Tribal Courts in Minnesota

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Tribal court judges are appointed by the governing body of each tribe.

<b>Bois Forte Band of Chippewa</b> P.O. Box 16 Nett Lake, MN 55772 218-757-3462	<b>Fond du Lac Band of Chippewa</b> 1720 Big Lake Road Cloquet, MN 55720 218-878-2676
<b>Grand Portage Band of Chippewa</b> 54 Upper Road Box 367 Grand Portage, MN 55605 218-475-0188	<b>Leech Lake Band of Chippewa</b> 115 6 <sup>th</sup> Street NW, Suite 6 Cass Lake, MN 56633 218-335-3682
<b>Lower Sioux Community in Minnesota</b> 5001 West 80 <sup>th</sup> Street, Suite 500 Bloomington, MN 55437 952-838-2294	<b>Mille Lacs Band of Chippewa</b> 43408 Oodena Drive Onamia, MN 56359 320-532-7400
<b>Minnesota Chippewa Tribe</b> P.O. Box 217 Cass Lake, MN 56633 218-335-8581	<b>Prairie Island Indian Community</b> 5636 Sturgeon Lake Road Welch, MN 55089 651-385-4161
<b>Red Lake Band of Chippewa</b> P.O. Box 572 Red Lake, MN 56671 218-679-3303	<b>Shakopee Mdewakanton Sioux (Dakota) Community</b> Energy Park Financial Center, Suite 210 1360 Energy Park Drive St. Paul, MN 55108 651-644-4710
<b>Upper Sioux Community</b> P.O. Box 155 Granite Falls, MN 56241 320-564-4955	<b>White Earth Band of Chippewa</b> P.O. Box 418 White Earth, MN 56591 218-983-3285