

Glossary Terms

Ad hoc: A Latin phrase, it typically refers to a structure, organization, institution or rule that is developed to address an immediate, specific task or challenge, and which cannot be applied to other tasks or challenges. Ad hoc rules, for example, typically are not a product of strategic thinking, and instead reflect an approach of “making it up as you go along.”

Articles of Incorporation: The primary rules that govern the management of a corporation.

Assimilation: Refers to the adoption—voluntarily or involuntarily—of certain aspects of a dominant culture by an individual or a group of people outside of that culture. For the purposes of this seminar, it refers generally to federal policies designed to destroy tribalism and absorb American Indian people into dominant society.

Board of Directors: A body of elected or appointed members who jointly oversee the activities of a company or organization.

Brain drain: In this context, refers to the departure of citizens with knowledge, ideas, initiative and expertise from a Native nation because of that nation’s inability to provide them reliable opportunities to lead satisfying, productive lives.

Bureau of Indian Affairs (BIA): The federal agency within the U.S. Department of the Interior tasked with managing and administering all lands held in trust by federally recognized tribes and individual Native Americans. It also oversees federal programs and services for officially enrolled citizens of federally recognized tribes.

Bureaucracy: Webster’s Dictionary defines it as “government characterized by specialization of functions, adherence to fixed rules, and a hierarchy of authority.” Wikipedia defines it as “the collective organizational structure, procedures, protocols and set of regulations in place to manage activity, usually in large organizations and government.”

Bylaws: The internal rules of a company or organization.

Calder Decision: Delivered in January 1973 by the Supreme Court of Canada, this historic court case affirmed for the first time that Aboriginal title exists in modern Canadian law. The decision opened the door for First Nations to negotiate land claim agreements with Canada, and in the case of Nisga’a Nation it led to the ratification of the Nisga’a Final Agreement, British Columbia’s first modern treaty.

Chief Executive Officer (CEO): The highest-ranking administrator in charge of total management of an organization; the CEO reports to the board of directors.

Community Development: Seeks to empower individuals and groups of people by providing them with the skills they need to affect change in their own communities.

Constitution: A fundamental framework, written or unwritten, that empowers the people to state who they are, define how they will make community decisions, choose their direction, solve their disputes, and stay a people. It specifies the fundamental purposes of the nation’s government, how that government is organized, who has what authority and when that authority can be exercised, what the basic rights of the citizens are, and how changes in government can be made.

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Cultural Match: A fit between the formal institutions of governance and the underlying political culture of the society being governed.

Economic Development: The process and policies by which a nation improves the economic, political, and social well-being of its people.

Economic Opportunity Act: Passed in 1964, the Economic Opportunity Act had a transformative impact on Indian Country overall and Native nation governments in particular. It funneled an unprecedented stream of dollars into initiatives designed to serve Native Americans, prompting significant expansions in the size, functions, and decision-making powers of Native nation governments. Among other things, the act established the Office of Economic Opportunity (see below).

Executive Branch: This branch of government is responsible for administering the laws, rules, and regulations of the nation.

Federally Recognized Tribe: Refers to Native nations located in the United States that are officially recognized as tribes by the U.S. government and specifically the Bureau of Indian Affairs. Currently, there are more than 560 federally recognized tribes in the United States.

General Allotment Act: Also known as the Dawes Act (after its sponsor Senator Henry Dawes), this major federal legislation was enacted on February 8, 1887. Regarded by many as the most destructive single act of legislation concerning Native Americans ever passed by the U.S. Congress, the act sought to destroy tribal communal land holdings by allotting land to individual Native Americans. The act stripped Native nations of nearly two thirds of their lands (about 90 million acres) between 1887 and 1934.

Governance: The fundamental rules that a human society creates to do things that it wants to do. **Government:** The organization, offices, and positions that a human society creates to carry out what it wants to do in accordance with the rules of governance.

Indian Act: Enacted in 1876 by the Canadian Parliament, the Indian Act essentially codified the Canadian government's exclusive authority to establish laws and policies governing Aboriginal peoples and lands in Canada. Assimilationist in its design, it solidified a system of pervasive federal control of the daily life and affairs of First Nations, reflected in the creation of "Indian Act governments" on reserves that had limited authority and represented little more than extensions of the Canadian government.

Indian Country: Legally defined as encompassing all land within the boundaries of American Indian reservations under the jurisdiction of the U.S. government, all dependent American Indian communities (for example, the Pueblo tribes in New Mexico), and all allotments owned by individual Native Americans.

Indian Gaming Regulatory Act (IGRA): Passed in 1988, this act of the U.S. Congress codified the right of Native nations to operate gaming enterprises and mandated that Native nations and the states in which they reside negotiate compacts in order to do so. It also established the National Indian Gaming Commission to regulate Indian gaming.

Indian Health Service (IHS): Is the division of the U.S. Department of Health and Human Services that is responsible for providing public health and medical services to citizens of federally recognized tribes as well as Alaska Natives.

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Indian Reorganization Act (IRA): Also called the Wheeler-Howard Act, this major legislation was passed by the U.S. Congress on April 22, 1934. More than 100 Native nations created governing systems in accordance with the act.

Indian Self-Determination and Education Assistance Act (P.L. 638): Enacted on January 4, 1975, this act brought an official end to the federal government's termination and relocation policies and marked the beginning of the current federal policy era known as self-determination. The act and subsequent amendments have enabled Native nations to exercise far greater control over their own lands and affairs by contracting and compacting to manage programs once administered by the federal government.

Inherent Right: Those rights that are automatically ours as part of our birthright. **Inter-governmental Relations:** interaction between two or more sovereign governments.

Judicial Branch: The branch of government or system of courts that interprets and applies the law in the name of the sovereign; resolves disputes over and enforcing the laws, rules, and regulations of the nation.

Law: A system of rules, usually enforced through a set of institutions. It shapes politics, economics and society in numerous ways and serves as a primary social mediator of relations between people.

Legislative Branch: The branch of government that makes the laws, rules, and regulations of the nation.

Memorandum of Agreement: Is a written agreement that typically obligates the parties to the agreement (for example, a Native nation and a neighboring municipality) to work together on a specific project(s) or to achieve a specific objective(s) and outlines how they will do so.

Nation building: Refers to the efforts of Native nations to increase their capacities for self-rule and self-determined, sustainable community and economic development.

Nation-owned enterprise: A for-profit entity owned and operated by a government to carry out commercial activities; usually considered to be an element or part of the government. In Indian Country, they may or may not have a distinct legal form.

Office of Economic Opportunity (OEO): Established in the 1960s by the U.S. government in accordance with the Economic Opportunity Act, this federal agency funded the development of tribal community action programs (CAPs) and economic development offices across Indian Country, creating numerous job opportunities for citizens of Native nations.

Ordinance: A law or decree made by any authority or authoritative body. **Dawes Act:** See General Allotment Act. **Per capita distributions:** Refers to distributions of tribal revenues from gaming or other sources by a Native nation to individual citizens of that nation.

Politics of spoils: Refers to the practice of elected officials giving family members and/or political supporters jobs in tribal government or tribal enterprises, benefits, resources, preferential treatment, or other things of value in order to reward or maintain their political support. This practice is also commonly called nepotism or patronage.

Programs: For the purposes of this seminar, "programs" refer inclusively to all of the programs and services that a Native nation government provides to its citizens.

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Self-determination: The ability of a people to make decisions regarding their lands, affairs and future free of interference by external forces.

Self-governance: Making decisions, establishing policy, getting things done while remaining united; accepting the consequence of their decisions, positive or negative.

Silo effect: Characterized by a lack of communication, coordination, cooperation, and/or common goal-setting between governmental departments and programs, this effect often leads to replication of services, poor quality of services, and inefficient spending of governmental funds.

Sovereignty: Refers to the inherent right of Native nations to govern themselves, their affairs, and their lands.

Transparency: Openness, communication, and accountability; for example, the government conducts open meetings, produces financial disclosure statements for members of the tribe and is, essentially, accessible to the members of the tribe.

Treaty: An agreement under international law entered into by sovereign states and international organizations.

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