

Q: Which term is more appropriate to use, American Indian or Native American?

A: The preference for umbrella terms such as American Indian or Native American have become increasingly personal. Some Native people have become opposed to use of the term Native American given the anthropological usage and references; while some indigenous people are opposed to the term American Indian due to early explorers having termed the indigenous peoples of the Americas with the misnomer "los Indios," having believed they had reached the shores of India. In every case possible, Native people would prefer use of the specific Native nation or tribe which they are a part of. Other terms associated with Native people such as "tribe" and "tribal" have fallen out of favor by some given the inferences to early Native groups suggesting a lack of advanced governance structures and social development. The Seneca Nation, for instance, prefers nation; rather than tribe. (ie: the Seneca Nation Council; not the Seneca Nation Tribal Council.)

Q: Are Seneca Nation Members U.S. citizens?

A: Yes, Native Americans are citizens of the tribal group of which they are a member. Native Americans became citizens of the U.S. in 1924 through the [American Indian Citizenship Act](#) and are also citizens of the state in which they reside. ([American Indian and Alaska Native Census Data 2000](#))

Q: Do Seneca members pay taxes?

A: Yes, members of the Seneca Nation pay federal income taxes; however individual Senecas who live and work on the Seneca territories do not pay state income tax. Senecas who live and/or work off the territory do pay state income tax, as well as federal tax, and other taxes including property tax, school tax, etc. Native lands (held in trust by the federal government or restricted fee) are not subject to property tax, just as federal forest service lands are not taxed, since states cannot tax federal lands.

Q: Is the Seneca Nation a Federally Recognized Tribe?

A: Yes. Federal Recognition is a legal term meaning that the United States recognizes a government-to-government relationship with a tribe and that a tribe exists politically as a domestic dependent nation. A federally recognized tribe is one that was in existence, or evolved as a successor to a tribe, at the time of original contact with whites.

Federally recognized tribes possess certain inherent rights of self-government and entitlement to certain federal benefits, services, and protections because of treaties and the subsequent federal trust duty. Tribes can also be State Recognized.

Although the Seneca Nation is a federally recognized tribe, the Senecas refer to themselves as a Nation because of their sovereignty.

Q: What is the relationship between the United States and the Seneca Nation?

A: The relationship between the Seneca Nation and the United States is one of a sovereign government to another sovereign government. This principle has shaped the entire history of dealings between the federal government, the states, and the tribes. The United States government entered into treaties with tribal

governments that exchanged tribal lands for federal protection and services. These treaties still form the basis of much of the Tribal-Federal relationship.

Q: What is the relationship between the Seneca Nation and New York State?

A: Given that the United States and Native American nations have a sovereign government to sovereign government relationship, New York State does not have any power over sovereign nations within their territories, and vice-versa. The U.S. Constitution vests authority over American Indian Affairs in the federal government and therefore, nations and states also operate under a government-to-government relationship. In fact, in order to become a part of the United States, most states had to disclaim any and all rights to Native American lands within its territory.

A tribe and a state can agree, through compacts or other agreements, that certain legal relationships exist. Additionally, the U.S. Congress can establish certain laws that create a state-tribal relationship on particular issues. Tribes retain the right to enact and enforce stricter laws and regulations than those of the neighboring state(s). Tribes possess both the right and the power to regulate activities on their lands and over their citizens independently from the neighboring state government.

Q: What are Treaty Rights?

A: From 1777 to 1871, United States relations with individual Native American nations were conducted through treaty negotiations. These contracts among nations created unique sets of rights for the benefit of each of the treaty-making tribes and the U.S. government. For the Seneca Nation, the Buffalo Creek Treaty of 1842, is a milestone treaty guaranteeing the Nation will have full use and enjoyment of the Allegany and Cattaraugus Territories in perpetuity.

Those rights, like any other treaty obligations of the United States, represent, according to Article VI of the U.S. Constitution, *the supreme law of the land*. As such, the protection of treaty rights is a critical part of the federal American Indian trust relationship. Treaties exchanged tribal land for certain protections and benefits. Those treaty rights often include, among other things, hunting and fishing rights for tribal members that may extend beyond reservation boundaries, education of tribal children, protection from the state by the federal government, and first priority to water rights.