

Excerpts from Recommended Books

### **American Indian Health and Nursing**

**Pgs. 5-6**

#### STATE-RECOGNIZED TRIBES

There are several tribes that have been granted *state* recognition but not federal recognition. There are also tribes that have been granted both. Tribes with state recognition number 66 and are found in 14 states: Alabama, Connecticut, Delaware, Georgia, Louisiana, Maryland, Massachusetts, Montana, New Jersey, New York, North Carolina, Texas, Vermont, and Virginia (see Appendix B). Of these Delaware, Georgia, Maryland, New Jersey, Vermont, and Virginia have state recognition only.

Note: Appendix B is the list of states in alphabetical order with their state-recognized tribes.

**Pg. 378**

Appendix B

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#### **Texas**

Lipan Apache Tribe

Source:

Moss, Margaret P. (December 16, 2015). American Indian health and nursing. Springer Publishing Company. pp. 5-6, 378. ISBN 9780826129840.

### **Cohen's Handbook of Federal Indian Law (2012 edition w/2023 supplement)**

**Pgs. 169-170**

State recognition can take a variety of forms, and federal laws extending to state-recognized tribes defer to the states' characterizations. Some states administer lands set aside for tribal groups that are not recognized by the federal government. Other states provide political recognition through representation on state Indian commissions or councils or administer benefit programs for non-federally recognized tribes located within their boundaries. At least one state has authorized a state-recognized tribe to create a police force, vested with most of the same powers as state or municipal officers. Another form of state recognition may consist of merely acknowledging that at a particular tribal group constitutes the indigenous people of a particular area in the state.[269]

Footnote [269]: See, e.g., J. Res. No. 96, ch. 146 (Cal. 1994) (Gabrieleno/Tongva Tribe acknowledged as aboriginal people of Los Angeles basin)

Source:

Cohen's Handbook of Federal Indian Law. Nell Jessup Newton ed., 2012 edition with 2023 supplement. ISBN 978-0-7698-5565-5. p.169. Publisher: LexisNexis

***Recognition, Sovereignty Struggles, and Indigenous Rights  
in the United States: A Sourcebook***

"Federalism and the State Recognition of Native American Tribes: a survey of state-recognized tribes and state recognition processes across the United States."  
By Alexa Koenig and Jonathan Stein.

**Pg.115-116**

**State versus Federal Recognition**

The federal government recognizes 566 tribes, but dozens of other tribal nations are recognized solely by the states in which they reside. According to our research, twenty-one states—Alabama, California, Connecticut, Delaware, Georgia, Hawai'i, Kentucky, Louisiana, Massachusetts, Michigan, Missouri, Montana, New Jersey New York, North Carolina, Ohio, Oklahoma, South Carolina, Texas, Vermont, and Virginia—recognize a total of 73 tribes that are not federally recognized. An additional four—Florida, Kansas, Maryland, and Tennessee—have considered or recently employed some form of state recognition. Because this area of law and practice is changing rapidly, this chapter is meant to be a starting place for further research, not a static overview of recognition states and state-recognized tribes.

**Pg. 127**

**The Four Types of State Recognition**

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In some states, numerous agencies coordinate interaction between tribes and the state, while in others, one entity is vested with sole responsibility. Some states have passed detailed legislation to determine the nature and extent of government-to-government relationships, while others use legislative resolutions to acknowledge historic tribes, offering surface recognition but no more. In the interest of providing a framework for describing the diversity of state governmental policies and practices that have been established, we group them into four categories: (1) state law recognition, (2) administrative recognition, (3) legislative recognition, and (4) executive recognition.

**Pg. 137**

**Legislative Recognition**

The third category, legislative recognition, refers to cases in which the state acts only through its legislature, without signature or other approval by the governor or the passage of a new state statute. Instead, a joint or concurrent resolution by one or both houses of the state legislature creates an official relationship with the Indian tribe. Legislative recognition has been

used in California, Louisiana, New Jersey, Ohio, Texas, and Virginia. In most cases it is questionable whether legislative recognition possesses the force of law and therefore carries any equal rights for tribes. Each state's constitution determines whether legislative enactments, without approval by the governor, have any legal significance. While legislative recognition constitutes official recognition of an Indian tribe, it is less clear whether legislative recognition creates any kind of government-to-government relationship. By comparison to state law recognition and administrative recognition, legislative recognition is a less formal, more uncertain, but often more easily accomplished process for achieving some measure of "official" recognition.

Despite these weaknesses, however, legislative recognition should be viewed as sufficient to express official recognition of an Indian tribe for at least two reasons. First, federalism permits various methods to be used to grant state recognition, since the federal government allows individual states to decide whether and how to recognize Indian tribes. Second, an abundance of legal precedents establishes joint legislative resolutions as an accepted method for garnering state recognition.

Turning to federalist principles first, the Tenth Amendment guarantees sovereign powers to individual states, and each state is free to decide how best to exercise its powers within the purposefully broad parameters of the U.S. Constitution. The Constitution certainly does not require states to recognize Indian tribes, let alone mandate that state recognition be pursued in any particular manner. That said, joint resolutions effectively express the state legislature's intent to acknowledge an Indian tribe, which, absent an express limitation in the state constitution, should be sufficient to officially recognize an existing Indian tribe for state purposes....

Source:

Koenig, Alexa, and Jonathan Stein (2013). "Federalism and the State Recognition of Native American Tribes: a survey of state-recognized tribes and state recognition processes across the United States." Den Ouden, Amy E., and Jean M. O'Brien, eds. *Recognition, sovereignty struggles, and indigenous rights in the United States: A sourcebook*. UNC Press Books.