



Native and Indigenous Peoples in the Profession Task Force Glossary of Terms

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The NALP Native and Indigenous Peoples in the Profession Taskforce was charged to review barriers and challenges to inclusion of Native and Indigenous Peoples in the legal profession. This was done through a review of NALP’s data and meetings with community stakeholders to gain a better understanding of the challenges faced by Native and Indigenous students and lawyers. Using this information, the Task Force worked to identify and develop resources to help address the severe underrepresentation of Native and Indigenous Peoples in the legal industry. This Glossary is one of the resources developed by the Task Force and is meant as a guide to assist non-Native American and non-Indigenous folks in understanding important terminology and other important issues and challenges faced by Native American and Indigenous Peoples.

Data

United States

According to NALP, “law school graduates reported as Native American/Alaska Native, either alone or in combination with another racial/ethnic group, have numbered in the low hundreds in the past three decades, in contrast to the tens of thousands of law school graduates overall each year.”¹

In addition, “In all but six of the years since 1991, the employment rate for Native American/Alaska Native graduates lagged that of the class as a whole, in a few cases by less than one percentage point, but typically two to four percentage points and more than five percentage points in a few instances. After a stretch in recent years (2018-2021) where the gap was less than one percentage point or on the positive side, the gap returned to more historic levels for the Class of 2022.”²

Canada

The data on Indigenous lawyers is lacking in Canada, so there is not a completely accurate representation of the number of Indigenous lawyers across the country. The two jurisdictions that collect and share this data are British Columbia (BC) and Ontario.

In 2023, 3% of lawyers in BC³ and 1.4% of lawyers in Ontario⁴ identified as Indigenous. This is disproportionate to each province’s Indigenous population, with 5.9% of BC’s population and 2.9% of Ontario’s population.⁵

¹ [NALP - National Association for Law Placement | Native American and Alaska Native Law Students and Lawyers](#)

² [NALP - National Association for Law Placement | Native American and Alaska Native Law Students and Lawyers](#)

³ [Demographics of the Legal Profession](#)

⁴ [Statistical Snapshot of Lawyers in Ontario from the Lawyer Annual Report 2023](#)

⁵ [An update on the socio-economic gaps between Indigenous Peoples and the non-Indigenous population in Canada: Highlights from the 2021 Census](#)

Disclaimers and Limitations

This Glossary is non-exhaustive and is meant as an introductory guide. The definitions of terms were current as of publishing the Glossary and are subject to change.

It is important to understand that Native and Indigenous People are not a monolith. Each community has a rich and varied culture with differing ideas, values, practices, languages, and customs. While this Glossary contains certain terms, it is not meant as an authoritative source. The best sources of information are from the community and its Elders.

Note on Jurisdictional Differences

This Glossary considers terminology across jurisdictions, between what is now known as the United States and Canada. The Task Force acknowledges that certain terms may be used in one location and not in the other. Best efforts were made to make a distinction where applicable.

General Suggestions on Terminology

When referring to Native American or Indigenous Peoples in writing, it is important to capitalize the terms. Additionally, when speaking of Native and Indigenous Peoples, use the present tense and contemporary examples. Using the past tense reinforces the myth of the *Vanishing Indian*⁶ and negates the experiences and dynamic cultures of Native peoples today. This practice helps people to understand that Native cultures are living ones.⁷

Native American and Indigenous Peoples describe their cultures and the places they come from in many ways. The words *tribe* and *nation* are often used interchangeably but hold very different meanings for many Native people.

- Tribes may have more than one name because when Europeans arrived in the Americas, they used inaccurate pronunciations of the tribal names or renamed the tribes with European names (e.g., Nez Perce).

While this Glossary contains certain terms, it is ultimately up to the individual/community (e.g., people may identify as Anishinaabe, Mohawk, Algonquin, or others) how they identify. Never assume how someone wants to identify themselves or their affiliations.

Content Warning

This Glossary contains topics and terminology that may be distressing or triggering, and we acknowledge that this language can be traumatic for Native and Indigenous peoples. This may include language that is racist or otherwise offensive or discriminatory. Many terms, especially in the “Use This/Not That” section, are unacceptable today. The purpose of their inclusion is to provide historical context or to highlight common terminology that should be avoided.

⁶ <https://www.whitehousehistory.org/the-myth-of-the-vanishing-indian>

⁷ *The Impact of Words and Tips for Using Appropriate Terminology: Am I Using the Right Word?* National Museum of the American Indian

If you are in need of mental health support, please access the mental health services available in your jurisdiction. Some options include:

- **Canada**
 - [Indigenous Mental Health Resources](#)
 - [Other Canadian Resources](#)

- **United States**
 - [One Sky Center](#)
 - [Mental Health Resources for Native American Communities - Well Being Trust](#)
 - [TTAC Mental Health Resources | SAMHSA](#)
 - [How Trauma Gets Passed Down Through Generations](#)
 - [Resources for the Healing Process | Mental Health Communities of Indigenous American descent | Mental Health America](#)

Glossary of Terms

- **Band**
 - A term the Canadian government uses to refer to certain First Nations communities. The term often applies to the elected government overseeing governance on reserve land. Many communities prefer the term “First Nations.”⁸
- **Bureau of Indian Affairs**
 - The Bureau of Indian Affairs, also known as Indian Affairs or BIA, is a United States federal agency within the Department of the Interior. It maintains government-to-government relationships with Indian tribes, manages Indian reservation land, and implements programs and policies related to Native Americans and Alaskan Natives living in the United States.⁹ The agency also works acknowledges and works with Native Hawaiian organizations on protection of cultural heritage and sacred sites.¹⁰
- **Colonization**
 - Colonization occurs when one nation subjugates another, conquering its population and exploiting it, often while forcing its own language and cultural values upon its people.¹¹
- **Cultural Appropriation**
 - When a member of one culture adopts elements from another culture in a way that is inappropriate or unacknowledged. Examples include a non-Indigenous person wearing an Indigenous headdress as a costume or a non-Indigenous designer copying the jewelry or clothing of an Indigenous designer.
- **Federally Recognized Tribe (US)**
 - A federally recognized tribe is an American Indian or Alaska Native 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.¹²
- **First Nations**
 - One of the three federally recognized groups of Indigenous peoples in Canada. Within this group, there are two categories: Status and non-Status Indians. The determination of who falls under which category depends on whether they are registered with the Canadian government under the *Indian Act*.¹³

⁸ [First Nation Bands in Canada | The Canadian Encyclopedia](#)

⁹ <https://www.bia.gov/>; https://en.wikipedia.org/wiki/Bureau_of_Indian_Affairs

¹⁰ Best Practices Guide for Federal Agencies Regarding Tribal and Native Hawaiian Sacred Sites (accessible at www.bia.gov).

¹¹ [Colonialism facts and information | National Geographic](#)

¹² <https://www.bia.gov/frequently-asked-questions>

¹³ <https://laws-lois.justice.gc.ca/eng/acts/i-5/>

- **Hawaiian Home Lands**
 - In 1921, the U.S. Congress enacted the Hawaiian Homes Commission Act, placing approximately 200,000 acres of available lands into the Hawaiian Home Lands Trust. When Hawai'i was admitted as a state in 1959, Congress transferred title to the Hawaiian Home Lands Trust to the State of Hawai'i. The Trust is governed by both federal and state law, but it is managed by the State of Hawai'i's Department of Hawaiian Home Lands (DHHL). The state directly administers the land (resources such as homestead leases for residential, agricultural, or pastoral use for qualified Native Hawaiian beneficiaries), and the U.S. Department of the Interior and other federal agencies, such as the U.S. Fish and Wildlife Service, recognize and uphold the federal government's trust responsibility to the [Native Hawaiian community](#).
- **Indian Act (Canada)**
 - The primary law the Canadian government uses to administer Indian status, local First Nation governments and the management of reserve lands.
- **Indian Country (US)**
 - Indian Country is a term defined 18 USC § 1151 to describe lands held by the U.S. federal government in trust for Indian Tribes that exist outside of formal reservations and are informal reservations.¹⁴
- **Indigenous**
 - The term "Indigenous" is a collective term used to identify the original peoples of a land, including North America. While other terms such as "Aboriginal" or "Native" may be used in some areas, this term often encompasses a variety of identities.
 - In Canada, the government recognizes three groups of Indigenous peoples: First Nations, Inuit and Métis. In Canada, the terminology can sometimes vary between "Indigenous" and "Aboriginal." The latter term is generally considered outdated except for when it is used in the legal context; the term "Indigenous" is preferred.
 - When using the word "Indigenous" to refer to people, always capitalize the "I". The use of a lowercase "i" is used in relation to objects (for example, plants that are indigenous to a certain area).
- **Innu**
 - A distinct Indigenous group in Canada who inhabit the territory in the eastern part of the Labrador-Quebec peninsula.
- **Inuit**
 - One of the three federally recognized groups of Indigenous peoples in Canada. This term refers to specific groups of people generally living in the far north (Arctic) who are not considered "First Nations" under Canadian law.
 - The word "Inuit" means "the people" in the Inuit language of Inuktitut. Therefore, the phrase "Inuit people" is redundant and should be avoided. The singular of Inuit is Inuk.

¹⁴ <https://www.bia.gov/mmu/jurisdiction#:~:text=Indian%20Reservation%20land%20is%20located,of%20these%20lands%20may%20vary>; 18 USC 1151

- **Métis**
 - One of the three federally recognized groups of Indigenous peoples in Canada. The Métis are a distinct collective of cultures and identities that resulted from unions between the Indigenous peoples and European settlers in what is now Canada. Not everyone who is of Indigenous and European ancestry is considered Métis. Rather, it refers to distinctive peoples who, in addition to their mixed ancestry, developed their own customs, way of life, and recognizable group identity.¹⁵

- **MMIWG2S**
 - The acronym for Missing and Murdered Indigenous Women, Girls, and Two-Spirited People, which is a systemic issue impacting communities in the U.S. and Canada.

- **Native**
 - The term “Native” is often used officially or unofficially to describe Indigenous peoples from the United States (Native Americans, Native Hawaiians, Alaska Natives), but it can also serve as a specific descriptor (e.g., Native people, Native lands, Native traditions).¹⁶
 - A person who has origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment. This category includes people who indicate their race as “American Indian or Alaska Native” or report entries such as Navajo Nation, Blackfeet Tribe, Mayan, Aztec, Native Village of Barrow Inupiat Traditional Government, or Nome Eskimo Community, and others, etc.¹⁷

- **Native Hawaiian / Other Pacific Islander**
 - A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands. It includes people who indicate their race as “Native Hawaiian,” “Chamorro,” “Samoan,” and “Other Pacific Islander” or provide other detailed Pacific Islander responses such as Palauan, Tahitian, Chuukese, Pohnpeian, Saipanese, Yapese, etc.¹⁸ According to the Department of the Interior, “The term ‘Native Hawaiian’ with an upper case ‘N’ means an individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the state of Hawai’i. When spelled with a lowercase ‘n,’ the term “native Hawaiian” means an individual who meets the definition of “native Hawaiian” in the Hawaiian Homes Commission Act and thus has at least 50 percent Native Hawaiian ancestry.”

- **Orange Shirt Day (National Day of Truth & Reconciliation)**
 - A day in Canada to commemorate Residential School survivors and to commit to the ongoing process of reconciliation. The day is named as such after a Residential School Survivor, Phyllis Webstad, who on her first day of residential school had her new orange

¹⁵ <https://albertametis.com/metis-rights/metis-identification/>

¹⁶ *The Impact of Words and Tips for Using Appropriate Terminology: Am I Using the Right Word?* National Museum of the American Indian, Accessed 8.20.2024.

¹⁷ <https://www.census.gov/quickfacts/fact/note/US/RHI625219>

¹⁸ <https://www.census.gov/quickfacts/fact/note/US/RHI625219>

shirt taken away.¹⁹ The day was formalized into a federal holiday by the Canadian government in 2023, known as National Day of Truth and Reconciliation.

- **Powwow**

- A powwow is a gathering of dancing, singing, drumming, and socializing that Native Americans and Indigenous Peoples generally consider to be more celebration than ceremony. Today they are a central expression of an intertribal Native American and Indigenous identity that complements tribal identities. Each year there are more than 900 powwows held throughout the United States and Canada.²⁰

- **Reconciliation**

- A term often referred to in Canada when speaking of healing the relationship between Indigenous and non-Indigenous people and governments. The term is used mostly as a result of the [Truth and Reconciliation Commission of Canada](#) (TRC), which was created to inform all Canadians about the truths of residential schools. The TRC compiled survivor and family testimony, creating an extensive report along with 94 Calls to Action that speak to all sectors of Canadian society on ways to repair the relationship.²¹

- **Reservation (US)**

- In the United States there are three types of reserved federal lands: military, public, and 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.²²

- **Residential Schools/American Indian Boarding Schools**

- Government-sponsored religious schools that were established to assimilate Indigenous children into the Euro-centric culture of the U.S. and Canada. Indigenous children were often forcibly removed from their homes to attend the institutions, where they were stripped of their culture and language. In Canada, an estimated 150,000 children attended these schools, and an estimated 6,000 children died while attending (though records are incomplete). The schools ran between 1831 and 1996.²³

- **Sovereign Nation**

- Tribal sovereignty refers to the right of tribes to govern themselves and may be legally recognized by treaties, laws, courts, government entities, or a combination thereof.²⁴ Sovereignty for tribes includes the right to establish their own form of government, determine membership requirements, enact legislation, establish court systems, and enforce laws.²⁵

¹⁹ [Orange Shirt Society](#)

²⁰ [Native American Traditions Glossary Terms | The Pluralism Project](#)

²¹ [Truth and Reconciliation Commission of Canada - NCTR](#)

²² [Frequently Asked Questions | Indian Affairs](#)

²³ [Residential Schools in Canada | The Canadian Encyclopedia](#)

²⁴ [Policy Issues | NCAI](#)

²⁵ [Summary An Issue of Sovereignty](#)

- **Sovereignty**
 - Sovereignty is a legal term which refers to the independence of a state, political society, or other group, which has the right and power to regulate its internal affairs without foreign dictation.²⁶
- **Treaty/Treaties**
 - Formal agreements between peoples or nations that govern the relationship between each other and the land. Many Indigenous nations entered treaties with each other prior to the arrival of Europeans. Treaties were and are entered into between Indigenous and non-Indigenous governments.²⁷
- **Tribe (US)**
 - A social group composed chiefly of numerous families, clans, or generations having a shared ancestry and language.²⁸ There are currently 574 federally recognized tribes in the United States with approximately 2.5 million American Indian and Alaska Natives.²⁹ Each tribe is distinct, with its own culture, traditions, language, and community.
- **Tribal Member (US)**
 - Tribal membership criteria vary from tribe to tribe. Two common requirements for tribal membership are lineal descendancy from someone named on the tribe’s base roll, or relationship to a tribal member who descended from someone named on the base roll. A base roll is the original list of members as designated in a tribal constitution or other document specifying tribal enrollment criteria.³⁰
- **Turtle Island**
 - The name used by some Indigenous Peoples for North America.
- **Two-Spirit**
 - A term to describe Indigenous people who embody diverse sexualities, gender identities, roles, and/or expression. The definition can be applied differently from community to community and is a challenge against binary notions of orientation and identity.³¹
- **Unceded Lands**
 - Lands that were never given up by Indigenous communities by treaty or other agreement.

²⁶ [SOVEREIGNTY](#)

²⁷ [What is a Treaty?](#)

²⁸ [TRIBE Definition & Meaning - Merriam-Webster](#)

²⁹ [BIA](#)

³⁰ [Tribal Enrollment Process | U.S. Department of the Interior:](#)

³¹ [Meet the Methods Series: “What and who is Two-Spirit?” in Health Research - CIHR](#)

Terms to Avoid/Outdated Terminology or Use This/Not That

The English language has appropriated many Native and Indigenous terms that are incorrectly used or inaccurate. This section of the Glossary is intended to help identify some of these culturally appropriated or problematic words and phrases, and to provide alternatives.

The below terms are not an exhaustive list. If you are unsure about a term or phrase that refers to Native and Indigenous people, culture, or traditions, do some research about what it originally meant and think about what message your contemporary use or misuse may mean or imply.

- **Bury the hatchet: Reach a peaceful solution.**
 - Using this term trivializes the ancient ceremony in which two fighting nations symbolically buried or cached their weapons of war to make peace.³²
- **Calling Indigenous people “Chief”:**
 - If you are not referring to a tribal nation’s actual Chief, this is a racial slur. If you are using it to describe a non-Native leader, use terms like supervisor, director, manager, or boss. The term *chief* is not an Indigenous one; it is derived from the French, *chef*, meaning leader.
- **Circle the wagons:**³³ Let’s get ahead of this and be prepared; stand together
- **Do a rain dance:** Hope (or pray) for rain
 - Many Native cultures performed this ancient ceremonial dance believing that it would bring rain to keep their harvests safe.³⁴
- **Eskimo:** Although commonly used to refer to Inuit or Yupik peoples, its usage is considered problematic as it is a colonial name imposed by non-Indigenous people.³⁵
- **Lowest man on the totem pole: Lowest rung on the ladder**
 - This phrase is both culturally appropriative and, depending on the First Nation/Indigenous community, inaccurate because being lower on the totem pole is a higher honor.
- **Hold down the fort:** stand in substitute

³² *Why We Shouldn’t Say “Bury the Hatchet”*. Indigenous Corporate Training, August 2, 2022. Accessible online at <https://www.ictinc.ca/blog/why-we-shouldnt-say-bury-the-hatchet>.

³³ *Use These Culturally Offensive Phrases and Questions at Your Own Risk*. Indigenous Corporate Training, September 22, 2015. Accessible online at <https://www.ictinc.ca/blog/culturally-offensive-phrases>.

³⁴ *Use These Culturally Offensive Phrases and Questions at Your Own Risk*. Indigenous Corporate Training, Inc., September 22, 2015. Accessible online at <https://www.ictinc.ca/blog/culturally-offensive-phrases>.

³⁵ [Inuit or Eskimo: Which name to use? | Alaska Native Language Center](#):

- **Indian “costumes:”**
 - Halloween costumes designed to look like Indigenous or Native American clothing are inappropriate cultural appropriation. They do not take into account the multiple types of tribal clothing worn by different Nations for different purposes, and they tend to sexualize and dehumanize Native peoples.³⁶
- **Indian giver:** barter
- **Indian summer:** second summer
- **Indian princess:** This is often considered to be a derogatory, offensive term and racial slur.
- **Long time no see:** “It’s been too long since I’ve seen you” or “I haven’t seen you in ages.”
- **On the warpath:** Angry and ready for conflict
- **Off the reservation:** They’re acting on their own
- **Pass (or smoke) the peace pipe:** Bear no malice, end a disagreement, hold out an olive branch
- **Powwow:³⁷ Meeting**
 - Powwows are ceremonial and celebratory social gatherings that are conducted pursuant to strict protocols. Using this phrase to describe a business meeting diminishes the lengthy historical and cultural significance of the powwow.
- **Savages or wild Indians:** cruel, ferocious, fierce
 - Framing of Native and Indigenous peoples as “savages” or “wild” gives legitimacy to oppression and erasure. This terminology allowed settlers/colonizers to demonize Native and Indigenous people, and to cast themselves as victims of violence.³⁸
- **Sit Indian style:** Sit cross-legged on the ground (or for kids, crisscross applesauce!)
- **Spirit animal:** Kindred spirit, muse, or familiar.
- **Sports team mascots:** Such as the FSU Seminoles, Atlanta Braves, or William & Mary Tribe
 - Indigenous and Native mascot names and costumes are considered by many to be racist, offensive, and perpetuating harmful stereotypes.³⁹
- **This is my totem:** I identify with this

³⁶ Page, Marisa. That Indian Princess Costume if Not Honoring Native Culture. Native News Online, October 28, 2022. Accessible online at [That Indian Princess Costume is Not Honoring Native Culture | Opinion](#).

³⁷ Use These Culturally Offensive Phrases & Questions at Your Own Risk. Indigenous Corporate Training, Inc., September 22, 2015. Accessible online at <https://www.ictinc.ca/blog/culturally-offensive-phrases>.

³⁸ “Merciless Indian Savages”: Deconstructing Anti-Indigenous Framing - Ried E. Mackay, Joe Feagin, 2022.

³⁹ Kempner, Aviva and Ben West (Directors). (2022). Imagining the Indian: The Fight Against Native American Mascoting [Film]. Ciesla Foundation.

- **Too many chiefs, not enough Indians: We need fewer managers and more workers.**
- **Vision quest: Rite of passage, spiritual journey**
- **Wampum:**
 - This is an incorrect and outdated term for money. Wampum are beads made from white and purple mollusk shells and are still used by multiple Native nations in northeastern America for ornamental or ceremonial purposes.⁴⁰ Contrary to popular belief, wampum was not Native money, although it did have monetary value. In the Iroquois tradition, wampum was used as a historical memory tool, as the wampum beads were strung or woven in designs or patterns that depicted events in history.⁴¹

⁴⁰ Ganondagan State Historic Site, Wampum. Accessible online at <https://www.ganondagan.org/wampum>.

⁴¹ Jourdan, Judith L. Wampum: Our Historical Record. Oneida Cultural Heritage Record, September 2013. Accessible online at <https://oneida-nsn.gov/wp-content/uploads/2016/04/WAMPUM-OUR-HISTORICAL-RECORD-9.13.pdf>.

A few additional resources which contain explanations that might be helpful for the above:

- [Inclusive Language Series: Indigenous Terms – University Housing](#)
- [Thirty Everyday Phrases that Perpetuate the Oppression of Indigenous Peoples – Radical Copyeditor](#)
- [Use These Culturally Offensive Phrases & Questions at Your Own Risk](#)
- Dunbar-Ortiz, Roxanne. (2015). An Indigenous Peoples’ History of the United States. Beacon Press.
- Government of Canada website: [Indigenous peoples and communities](#)
- Indigenous Foundations, University of British Columbia: [Terminology | indigenous foundations](#)
- Information about the Native Hawaiian Community: <https://www.doi.gov/hawaiian/about-native-hawaiian-community>