Who Decides Here?

Trace how government actions have affected Tribal sovereignty in Idaho.

6-12.US1.37 "Understand how the interactions between the five federally recognized Idaho Tribal governments of Coeur d'Alene Tribe, Kootenai Tribe of Idaho, Shoshone Bannock Tribes, Nez Perce Tribe, and Shoshone-Paiute Tribes and national, state..."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline each action by a federal, state, or local government. Circle the words that show how the action affected a Tribal government's land, rights, or authority.

Rights Across Boundaries

1. At a riverbank, a fishing rule can raise a larger question: who has authority to make it? Tribal sovereignty means a Tribal government can govern its people and lands, although federal law limits some powers. This authority existed before the United States. Idaho has five federally recognized Tribal governments: the Coeur d'Alene Tribe, the Kootenai Tribe of Idaho, the Shoshone Bannock Tribes, the Nez Perce Tribe, and the Shoshone-Paiute Tribes. U.S. treaties and later federal policies reduced Tribal landholdings, but they did not erase Tribal governments. Federal recognition confirms a government-to-government relationship; it did not create the original authority of these Tribal nations.

2. Consider two disputes over water. In an 1855 treaty with the United States, the Nez Perce Tribe reserved the right to fish at usual places. That earlier federal agreement limits how Idaho may apply fishing rules to treaty fishing. In 2001, the U.S. Supreme Court ruled that the United States held title to part of Lake Coeur d'Alene for the Coeur d'Alene Tribe, rather than Idaho. The court's decision upheld a Tribal interest against a state claim. Neither example means a Tribal government controls every river or lake. The specific treaty, law, and place matter.

3. In 1974, the Kootenai Tribe of Idaho declared a nonviolent "war" on the United States to press for a land base. The federal government later transferred land to the Tribe, strengthening its ability to govern a place of its own. Today, the Shoshone Bannock Tribes and Shoshone-Paiute Tribes govern their reservations while interacting with state and local governments about shared concerns, such as roads and emergency services. A county and a Tribe might plan for an ambulance to cross a boundary. That cooperation can improve services, but it does not give the county the Tribe's power to make Tribal laws.

2 ANSWER WITH EVIDENCE

Use the passage

1. How does the Nez Perce Tribe's 1855 treaty affect Idaho's authority over fishing rules?

2. What claim did the 2001 court decision reject, and how did the decision affect the Coeur d'Alene Tribe's interest?

3. How did the federal government's response to the Kootenai Tribe of Idaho's 1974 protest affect the Tribe's ability to govern?

4. If a county and the Shoshone Bannock Tribes or Shoshone-Paiute Tribes plan emergency services together, what can change, and what authority stays with the Tribe?

3 YOUR TURN

Your own words

Imagine that one of the five named Tribal governments plans a clinic on its land. In four sentences, name the Tribe, describe how it could work with a state or county government, connect one earlier federal action in the passage to the Tribe's ability to govern, and explain why cooperation does not give the other government Tribal lawmaking authority.

ANSWER KEY

Who Decides Here?

GRADES 6-12 · 6-12.US1.37

PART 1 · READ AND MARK

Underline each action by a federal, state, or local government. Circle the words that show how the action affected a Tribal government's land, rights, or authority. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How does the Nez Perce Tribe's 1855 treaty affect Idaho's authority over fishing rules?	**The treaty reserved the Tribe's right to fish at usual places, so Idaho must take that right into account when applying fishing rules to treaty fishing.**
2	What claim did the 2001 court decision reject, and how did the decision affect the Coeur d'Alene Tribe's interest?	**The decision rejected Idaho's claim to part of the lakebed and upheld a Tribal interest in that area.**
3	How did the federal government's response to the Kootenai Tribe of Idaho's 1974 protest affect the Tribe's ability to govern?	**The federal government transferred land to the Tribe, giving it a land base where it could exercise its governing authority.**
4	If a county and the Shoshone Bannock Tribes or Shoshone-Paiute Tribes plan emergency services together, what can change, and what authority stays with the Tribe?	**Cooperation can improve services across a boundary. The Tribe keeps its authority to make Tribal laws.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

Imagine the Kootenai Tribe of Idaho opens a clinic on Tribal land. The Tribe could work with a county health office to share vaccination schedules for nearby residents. The federal land transfer described in the passage helped the Tribe gain a land base for governing, which could support projects like this clinic. Sharing schedules would not give county officials the authority to make Tribal laws.

Accept other plausible clinic partnerships that distinguish coordination from a transfer of Tribal authority. The federal action cited must match the named Tribe's history as described in the passage.