Who Regulates Trade?

Trace a federal power to its constitutional source.

8.C.4.3.A "Explain that the Constitution of the United States of America grants Congress authority to regulate commerce with Tribal Nations, forming the constitutional basis for federal authority in American Indian affairs."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline the words that give Congress a power, circle an example of Congress using that power, and number two statements that limit what the power means.

Trade and the Constitution

1. A Tribal Nation orders building supplies from a company in a nearby town for a community center. The order is a business exchange involving a Tribal Nation, not just two private shoppers. A town or state may have its own laws about businesses, but neither created the federal government's authority to regulate commerce with Tribal Nations. Tribal Nations are self-governing political communities. Their relationship with the United States includes trade, treaties, and other matters. To locate the federal government's power over this kind of commerce, look to the Constitution.

2. Article I, Section 8 of the U.S. Constitution gives Congress the power to regulate commerce "with the Indian Tribes." The Constitution uses that wording; today, many people say Tribal Nations. Commerce includes trade and other economic exchanges. Because this power is assigned to Congress, the national legislature can make federal laws regulating commerce with Tribal Nations. This clause is called the Indian Commerce Clause. It is a constitutional basis for federal authority in American Indian affairs. It does not say that Congress created Tribal Nations or gave them their power to govern themselves.

3. Congress put that authority into practice soon after the Constitution took effect. In 1790, it passed a law requiring people to obtain a federal license before trading with Indian Tribes. That rule connected a federal law to the Constitution's grant of power over commerce with those nations. The example does not mean every decision on Tribal lands belongs to Congress. Tribal Nations continue to govern many of their own affairs. It shows why federal officials, rather than only state or town officials, have a constitutional role in matters involving commerce with Tribal Nations.

2 ANSWER WITH EVIDENCE

Use the passage

1. Which words in the Constitution give Congress authority over commerce with Tribal Nations, and what can Congress do because of them?

2. Why does the Constitution, rather than a town or state law, provide the basis for federal authority over this commerce?

3. How does the 1790 licensing law show Congress using its constitutional authority?

4. Why does this grant of authority not mean Congress governs every decision on Tribal lands?

3 YOUR TURN

Your own words

A town official says, "Only our town can make rules for companies here that trade with a Tribal Nation." Write three sentences explaining what this claim overlooks. Name the constitutional source of federal authority, explain the power it gives Congress, and state one thing that power does not mean for Tribal self-government.

ANSWER KEY

Who Regulates Trade?

GRADE 8 · 8.C.4.3.A

PART 1 · READ AND MARK

Underline the words that give Congress a power, circle an example of Congress using that power, and number two statements that limit what the power means. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	Which words in the Constitution give Congress authority over commerce with Tribal Nations, and what can Congress do because of them?	**Article I, Section 8 gives Congress power to regulate commerce "with the Indian Tribes," so Congress can make federal laws regulating that commerce.**
2	Why does the Constitution, rather than a town or state law, provide the basis for federal authority over this commerce?	**The Constitution assigns the power to regulate commerce with Tribal Nations to Congress. Town and state laws did not create that federal power.**
3	How does the 1790 licensing law show Congress using its constitutional authority?	**Congress used its power over commerce with Indian Tribes to require a federal license for people trading with them.**
4	Why does this grant of authority not mean Congress governs every decision on Tribal lands?	**The clause grants power over commerce with Tribal Nations, while Tribal Nations continue to govern many of their own affairs.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

The town's claim overlooks Article I, Section 8 of the Constitution. It gives Congress authority to regulate commerce with Tribal Nations, so federal laws may also govern that trade. This power does not mean Congress created Tribal Nations or controls every decision on their lands.

Accept "Indian Commerce Clause" as the constitutional source if the response also identifies Congress's power to regulate commerce with Tribal Nations. Do not require students to claim that all town rules are invalid.