Who Decides Here?

Tribal self-government and federal authority

8.C.4.3.C "Explain that Tribal governments retain powers of internal self-government, including making and enforcing laws, determining citizenship, and managing lands and natural resources..."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline three kinds of decisions the Tribal government can make. Circle the statements that explain how Congress's authority can affect Tribal decisions.

Decisions Along the River

1. On a Saturday morning, a Tribal council meets to discuss a river that runs through its reservation. Several families have reported litter near a fishing area. Council members consider a rule limiting trash disposal at the site and a plan to pay staff to clean it. If the government adopts the rule, authorized officers can enforce it where the Tribe has legal authority. These choices are examples of internal self-government: a Tribal government can make and enforce laws for its community rather than waiting for Congress to decide every local rule.

2. The council also hears from residents who want to restore plants along the riverbank. The Tribal government can decide how to manage land and natural resources under its authority, such as setting rules for protecting the fishing area. A different office reviews applications for Tribal citizenship using that Tribe's own citizenship rules. Citizenship determines who belongs to the Tribal nation; it is not the same as living nearby or holding United States citizenship. Both the river plan and citizenship rules show that a Tribal nation governs important parts of its own affairs.

3. Tribal self-government exists within the United States constitutional framework. Congress holds authority over American Indian affairs and can pass federal laws that affect Tribal lands, resources, and government powers. For example, a federal law might set conditions for a program that helps restore the riverbank. The Tribal government would still decide how to carry out its own projects within applicable law. Congress's authority does not mean a federal office chooses every Tribal rule or every Tribal citizen. To understand a decision, ask what the Tribe controls and how federal law affects it.

2 ANSWER WITH EVIDENCE

Use the passage

1. How could the proposed litter rule show both the power to make laws and the power to enforce them?

2. Why would rules protecting the fishing area be an example of Tribal self-government?

3. How is the citizenship office's work different from managing the river, and how are both examples of self-government?

4. How could Congress affect the riverbank project without deciding every part of it?

3 YOUR TURN

Your own words

Imagine a Tribal government wants to protect a forest on its land, and a law passed by Congress affects how that land can be used. Write four sentences explaining a rule the Tribe could make, how it could enforce the rule, and how Congress's authority fits with those decisions.

ANSWER KEY

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GRADE 8 · 8.C.4.3.C

PART 1 · READ AND MARK

Underline three kinds of decisions the Tribal government can make. Circle the statements that explain how Congress's authority can affect Tribal decisions. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How could the proposed litter rule show both the power to make laws and the power to enforce them?	**The Tribal government could adopt the rule, and authorized officers could enforce it where the Tribe has legal authority.**
2	Why would rules protecting the fishing area be an example of Tribal self-government?	**The Tribal government can set rules to manage land and natural resources under its authority.**
3	How is the citizenship office's work different from managing the river, and how are both examples of self-government?	**The office applies the Tribe's citizenship rules to determine who belongs to the nation. Managing the river concerns land and resources. Both are decisions about the Tribe's own affairs.**
4	How could Congress affect the riverbank project without deciding every part of it?	**A federal law could set conditions for a riverbank restoration program, while the Tribal government decides how to carry out its project within applicable law.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

The Tribal government could make a rule protecting places where people gather food in the forest. Authorized officers could enforce that rule where the Tribe has legal authority. Congress can pass federal laws affecting Tribal lands, including the law that affects this forest. The Tribe would make its own forest decisions while following applicable federal law.

Accept other plausible forest rules if the response distinguishes the Tribe's authority to make and enforce rules from Congress's authority over American Indian affairs. Enforcement should be limited to places or matters where the Tribe has legal authority.