Who Decides Here?

Trace how Tribal governments make decisions about people, land, and resources.

OKH.C.8.3.D "Examine the structure and authority of modern Tribal governments, including constitutional or traditional governing systems and the powers exercised over Tribal citizens, lands, and resources."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline two ways Tribal governments organize or select leaders, circle two actions they can take concerning citizens, land, or resources, and write a 1 beside one sentence that shows why authority can overlap.

A Decision at the River

1 Imagine that the Cherokee Nation plans a public boat launch on land it owns. This is a hypothetical proposal, not an account of an actual project. The Cherokee Nation is a sovereign government with a written constitution, elected leaders, and courts. Its citizens elect a Principal Chief and members of the Council. The chief directs executive agencies, while the Council makes laws and approves budgets. Tribal courts interpret Cherokee Nation law in cases within their authority. These branches have different jobs, so a proposed launch could require decisions from more than one part of the government.

2 First, the Council might debate rules for using the tribally owned site and protecting the riverbank. A Cherokee Nation agency could then manage construction and enforce applicable tribal rules. Citizens could speak at a public meeting or contact elected representatives about access and costs. This example concerns land the Nation owns, but Tribal authority is not limited to property ownership. A Nation's jurisdiction can also depend on treaties, federal laws, court decisions, and the location and people involved. State and federal governments may have roles too; a river project might require permits from another government.

3 Not every Tribal nation organizes leadership the same way. Some use written constitutions and elections; others give leaders authority through long-standing traditions, and some combine both approaches. For example, a community might select leaders according to customary rules instead of holding a general election. Such leaders can still make public decisions about citizens, land, and resources under that Nation's governing system. A traditional system is not an earlier stage that all Nations outgrow. To understand any decision, ask who has authority under that Nation's own laws or customs, what the decision concerns, and whether another government shares authority.

2 ANSWER WITH EVIDENCE

Use the passage

1. In the boat launch proposal, how would the Council's authority differ from the chief's and the courts' authority?

2. How could Cherokee Nation citizens and an agency each have a different role in decisions about the launch?

3. How might a leader's authority in a traditional governing system differ from the way Cherokee Nation leaders gain authority?

4. Why might the Cherokee Nation need to work with another government even if it owns the proposed launch site?

3 YOUR TURN

Your own words

A Tribal nation is considering a rule for collecting medicinal plants on land it owns. In five or six sentences, propose either a constitutional or traditional way to make and carry out the rule, explain how it would affect citizens and the plants, and identify one possible limit on the Nation's authority or a reason to work with another government.

ANSWER KEY

Who Decides Here?

HIGH SCHOOL · OKH.C.8.3.D

PART 1 · READ AND MARK

Underline two ways Tribal governments organize or select leaders, circle two actions they can take concerning citizens, land, or resources, and write a 1 beside one sentence that shows why authority can overlap. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	In the boat launch proposal, how would the Council's authority differ from the chief's and the courts' authority?	**The Council could make laws and approve a budget. The chief directs agencies that carry out decisions, while Tribal courts interpret Cherokee Nation law in cases within their authority.**
2	How could Cherokee Nation citizens and an agency each have a different role in decisions about the launch?	**Citizens could speak at a public meeting or contact elected representatives. An agency could manage construction and enforce applicable Tribal rules.**
3	How might a leader's authority in a traditional governing system differ from the way Cherokee Nation leaders gain authority?	**Cherokee Nation citizens elect the chief and Council under a written constitution. In a traditional system, a community might select leaders according to customary rules.**
4	Why might the Cherokee Nation need to work with another government even if it owns the proposed launch site?	**Ownership does not settle every question of jurisdiction. Federal laws and other factors may apply, and the project might require a permit from another government.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

Under a written constitution, an elected council could hear citizens' views before making a plant-collection rule. The rule could limit how many plants each citizen may collect so the plants can keep growing. A Tribal agency could explain the rule and monitor collection on the Nation's land. Citizens would need to follow the rule when collecting plants there. The Nation should also check whether federal law requires a permit for any work planned at the site.

Accept other plausible constitutional or traditional structures if the response connects a source of authority to a decision about citizens and resources. Students should not assume that owning land eliminates all other governments' roles.