Who Holds Authority?

Land, government, and jurisdiction in Oklahoma

OKH.C.8.3 "Analyze the historical and contemporary relationship between the State of Oklahoma and Oklahoma's thirty-nine federally recognized Tribal governments..."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline two changes that weakened Tribal authority, circle two changes that strengthened it, and number the two court rulings. Use your marks to trace how the relationship between Tribal governments and Oklahoma changed.

Land, Laws, and Governments

1. Before statehood in 1907, many Tribal nations governed communities in Indian Territory through their own laws and courts. The 1887 Dawes Act promoted dividing communal lands into individual parcels, but it did not itself apply to the Five Tribes; later allotment laws did. Allotment opened land to non-Native ownership and weakened Tribal land bases. The 1898 Curtis Act abolished the Five Tribes' courts and restricted governing institutions. Tribal citizens warned that statehood could further erode their land, self-government, and legal authority.

2. Statehood did not erase every Tribal government or reservation. During the twentieth century, federal policy shifted toward rebuilding Tribal institutions. The 1934 Indian Reorganization Act encouraged Tribal self-government nationally; the 1936 Oklahoma Indian Welfare Act let Oklahoma Tribes organize governments and obtain federal charters. The 1975 Indian Self-Determination and Education Assistance Act enabled Tribes to run many federally funded programs, including health and education services. Today, Oklahoma's 39 federally recognized Tribal governments use constitutions or traditional systems to govern citizens, manage resources, and sustain languages and community institutions.

3. Court decisions shape how Tribal, state, and federal powers overlap. In 2020, McGirt v. Oklahoma held that Congress had not disestablished the Muscogee (Creek) Reservation. Under federal law, Oklahoma generally cannot prosecute Native defendants for crimes committed there; federal or Tribal courts may have authority. In 2022, Oklahoma v. Castro-Huerta held that the state can prosecute non-Native defendants who commit crimes against Native victims in Indian country, alongside federal authority. For people living within reservation boundaries, location and the parties' legal status affect which court may hear a case.

2 ANSWER WITH EVIDENCE

Use the passage

1. How did allotment and the Curtis Act weaken different parts of Tribal authority?

2. Why did some Tribal citizens fear the transition to statehood?

3. How did the Oklahoma Indian Welfare Act and the 1975 law strengthen Tribal governments in different ways?

4. How do McGirt and Castro-Huerta show that reservation boundaries alone do not settle state criminal authority?

3 YOUR TURN

Your own words

Imagine a Tribal government plans a language program on its reservation. Write four sentences explaining why the program matters, using one past threat to Tribal authority, one twentieth-century law, and one modern governing power. Include one accurate caution about what the reservation boundary does not automatically decide.

ANSWER KEY

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HIGH SCHOOL · OKH.C.8.3

PART 1 · READ AND MARK

Underline two changes that weakened Tribal authority, circle two changes that strengthened it, and number the two court rulings. Use your marks to trace how the relationship between Tribal governments and Oklahoma changed. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How did allotment and the Curtis Act weaken different parts of Tribal authority?	**Allotment weakened Tribal land bases, while the Curtis Act abolished the Five Tribes' courts and restricted their governing institutions.**
2	Why did some Tribal citizens fear the transition to statehood?	**They feared further loss of land, self-government, and legal authority after allotment and restrictions on Tribal institutions.**
3	How did the Oklahoma Indian Welfare Act and the 1975 law strengthen Tribal governments in different ways?	**The Oklahoma Indian Welfare Act allowed Tribes to organize governments and obtain federal charters. The 1975 law enabled them to run many federally funded programs.**
4	How do McGirt and Castro-Huerta show that reservation boundaries alone do not settle state criminal authority?	**McGirt affirmed that the Muscogee (Creek) Reservation remains in place, where Oklahoma generally cannot prosecute Native defendants. Castro-Huerta held that the state can prosecute non-Native defendants for crimes against Native victims in Indian country.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

Allotment weakened Tribal land bases, making it harder for communities to protect what they valued. The 1975 Indian Self-Determination and Education Assistance Act later helped Tribes run federally funded education programs. A Tribal government can use its authority to support a language program that sustains its community. The reservation boundary does not automatically decide which government can prosecute every crime there.

Accept other accurate connections between a historical threat, a twentieth-century law, and a modern Tribal power. For jurisdiction, look for recognition that the location of a crime and the legal status of the people involved both matter.