Promises and Protection

How treaties, laws, and courts shape federal duties to Tribal nations

USG.C.3.6.B "Describe the trust relationship between the United States of America and Tribal governments, including the federal government's legal obligations to protect Tribal lands, treaty rights, and resources..."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline the treaty fishing right, circle what the 1934 law changed about Tribal land, and write 1 beside the court ruling and 2 beside the federal action that defended treaty fishing.

A Fishing Right Kept

1 Along Puget Sound, salmon connect the Lummi Nation's food, economy, and traditions to its homeland. The Lummi Nation is a sovereign government, not a branch of Washington State. In the 1855 Treaty of Point Elliott, the Lummi and other Tribal nations gave up claims to large areas of land while reserving the right to fish at their usual and accustomed places. A reserved right is one the nations kept, not a gift the United States later offered. The United States made this treaty as a government dealing with other governments.

2 The treaty is one source of the federal trust relationship: the United States has legal duties toward Tribal nations, including protecting treaty rights, Tribal lands, and resources. Trust does not mean the federal government controls a Tribal government or may ignore its decisions. Federal laws also shape these duties. The Indian Reorganization Act of 1934 stopped further division of remaining Tribal lands into individual allotments and allowed the United States to take land into trust for tribes. When land is held in trust, the United States holds legal title for a tribe's benefit, while the tribe retains a governing role.

3 A court decision clarified what the fishing promise means when states regulate salmon. In 1974, a federal judge in United States v. Washington ruled that treaty tribes in the case could take up to half of the harvestable fish in shared fishing areas. The ruling did not create a new treaty right; it enforced rights that the tribes had reserved. The federal government brought the case against Washington State to defend those rights. Together, the treaty, the 1934 law, and the court decision show how promises, legislation, and rulings shape federal responsibilities while Tribal governments remain sovereign.

2 ANSWER WITH EVIDENCE

Use the passage

1. How did the 1855 treaty make fishing a federal responsibility rather than a right Washington State could simply grant or cancel?

2. How did the 1934 law change what the United States could do to protect Tribal lands?

3. How did the 1974 decision interpret the treaty, and what federal action helped enforce it?

4. Why is this a relationship between governments rather than federal control over the Lummi Nation?

3 YOUR TURN

Your own words

State leaders propose a public dock on land held in trust for a treaty tribe and a rule capping the tribe's catch at 10 percent of harvestable salmon in shared fishing areas. Write a four-sentence memo to a federal official explaining how the treaty, the 1934 law, and the 1974 ruling bear on the proposal, and recommend two federal actions.

ANSWER KEY

Promises and Protection

HIGH SCHOOL · USG.C.3.6.B

PART 1 · READ AND MARK

Underline the treaty fishing right, circle what the 1934 law changed about Tribal land, and write 1 beside the court ruling and 2 beside the federal action that defended treaty fishing. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How did the 1855 treaty make fishing a federal responsibility rather than a right Washington State could simply grant or cancel?	**The Tribal nations reserved their fishing right in a treaty with the United States. The federal government has a legal duty to protect that treaty right.**
2	How did the 1934 law change what the United States could do to protect Tribal lands?	**It stopped further allotment of remaining Tribal lands and allowed the United States to take land into trust for tribes.**
3	How did the 1974 decision interpret the treaty, and what federal action helped enforce it?	**The judge ruled that treaty tribes in the case could take up to half of the harvestable fish in shared fishing areas. The federal government had brought the case against Washington State to defend the treaty rights.**
4	Why is this a relationship between governments rather than federal control over the Lummi Nation?	**The Lummi Nation is sovereign. The United States has legal duties to it but does not control its government.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

The treaty protects the tribe's reserved fishing right, so the state cannot treat it as a right the state may withdraw. The 1934 law allows land to be held in trust for the tribe, rather than treated as state land for a public dock. The 1974 ruling says treaty tribes in the case could take up to half the harvestable fish in shared fishing areas, so the proposed 10 percent cap needs legal review. Consult the Tribal government about both proposals, and challenge any state action that violates the tribe's land or treaty rights.

Accept responses that connect federal duties to the treaty, land held in trust under the 1934 law, and the court's interpretation of fishing rights. Students should not claim that the ruling guarantees exactly half the catch in every situation.