Layers of Authority

Trace how Tribal, federal, and state powers connect.

USG.C.3.6 "Analyze the constitutional and legal status of Tribal governments within the federal system. Explain how the Constitution of the United States grants Congress authority over Indian affairs through the Commerce Clause and how the Supreme..."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline sources of legal authority and circle the governments that act. Number the federal service agreement 1 and the gaming agreement 2 so you can compare them.

A Tribal Nation Makes Decisions

1. Suppose an Oklahoma Tribal Nation wants to run a health clinic. Tribal Nations govern their own communities, but their authority operates within the federal system. The Constitution's Indian Commerce Clause gives Congress power to regulate commerce with Indian Tribes. In Cherokee Nation v. Georgia (1831), the Supreme Court called tribes "domestic dependent nations," recognizing self-government alongside federal authority. The United States has trust obligations, shaped by treaties, laws, and court decisions, to protect Tribal lands, treaty rights, and resources.

2. Under the Indian Self-Determination and Education Assistance Act, a Tribal government can contract or compact with a federal agency to run an eligible service, such as a clinic previously run by that agency. A different agreement involves a state: the Indian Gaming Regulatory Act authorizes Tribal-state compacts for certain casino gaming. Federal permission alone does not authorize a state official to sign. State constitutions and legislatures shape that authority; in Oklahoma, state law and legislative approval matter for gaming compacts.

3. Jurisdiction also changes through laws and court decisions. The Major Crimes Act gives federal courts jurisdiction over certain serious crimes committed by Indians in Indian country. In McGirt v. Oklahoma (2020), the Court held that Congress had not disestablished the Muscogee (Creek) Reservation for purposes of that act. The Indian Child Welfare Act gives tribes a role in certain child custody cases involving Indian children; Haaland v. Brackeen (2023) rejected key constitutional challenges to the law. Neither decision erased Tribal self-government.

2 ANSWER WITH EVIDENCE

Use the passage

1. How do the Indian Commerce Clause and Cherokee Nation v. Georgia describe different parts of Tribal Nations' legal status?

2. What shaped the federal trust relationship, and what must it help protect?

3. Compare the clinic and gaming agreements. Who is the partner in each, and why does the gaming agreement also depend on state law?

4. How did McGirt v. Oklahoma and Haaland v. Brackeen address different legal areas involving Tribes?

3 YOUR TURN

Your own words

Write a four-sentence advisory note to a Tribal council considering taking over an eligible federal water service and making a compact with Oklahoma for certain casino gaming. Explain the legal route for each plan and name one federal trust obligation.

Layers of Authority

PART 1 · READ AND MARK

Underline sources of legal authority and circle the governments that act. Number the federal service agreement 1 and the gaming agreement 2 so you can compare them. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How do the Indian Commerce Clause and Cherokee Nation v. Georgia describe different parts of Tribal Nations' legal status?	**The clause gives Congress power to regulate commerce with Indian Tribes. Cherokee Nation recognized tribes as domestic dependent nations with self-government under federal authority.**
2	What shaped the federal trust relationship, and what must it help protect?	**Treaties, laws, and court decisions shaped it. Federal trust obligations include protecting Tribal lands, treaty rights, and resources.**
3	Compare the clinic and gaming agreements. Who is the partner in each, and why does the gaming agreement also depend on state law?	**The clinic agreement is with a federal agency; the gaming compact is with a state. State officials need authority under state law to enter the compact.**
4	How did McGirt v. Oklahoma and Haaland v. Brackeen address different legal areas involving Tribes?	**McGirt addressed whether the Muscogee (Creek) Reservation remained in place for Major Crimes Act jurisdiction. Haaland rejected key challenges to the Indian Child Welfare Act, which gives tribes a role in certain child custody cases.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

The Tribe can seek a contract or compact with a federal agency under the Indian Self-Determination and Education Assistance Act to administer the eligible water service. A casino gaming compact is instead an agreement with Oklahoma authorized by the Indian Gaming Regulatory Act. Oklahoma officials also need authority under state law, including any required legislative approval, to enter that compact. The federal government has trust obligations to protect Tribal lands, treaty rights, and resources.

Accept answers that distinguish federal permission from a state official's legal authority. Students need name only one trust obligation in the advisory note.