Rights and Decisions

How three federal laws changed tribal self-determination

USH.C.7.2.B "Explain changes in tribal self-determination gained through legislation, such as the Indian Civil Rights Act of 1968, Indian Self Determination and Education Assistance Act, and the American Indian Religious Freedom Act."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Circle each law's name, underline the change it made, and write a 1 beside a limit on what it did. Use your marks to compare how the laws affected tribal decisions.

Three Laws, Different Changes

1. In 1968, a tribal council debates how to handle a dispute over a member's public speech. For much of the twentieth century, federal officials had limited many tribes' control over their own affairs. The Indian Civil Rights Act of 1968 placed certain protections for individuals, including freedom of speech and due process, on tribal governments. A member could challenge a tribal government for violating those protections. The law did not hand tribes new power to run federal programs. Instead, it set limits on how tribal governments could use their existing authority. Self-determination involved both community decision-making and the rights of individuals within a tribe.

2. Now picture a tribal health center where federal officials once made most management decisions. The Indian Self-Determination and Education Assistance Act of 1975 let tribes enter contracts to administer certain federal programs serving their communities, including health and education programs. With federal funding, a tribe could hire staff and shape services around local needs instead of leaving daily management entirely to a federal agency. The act did not erase federal responsibilities or give tribes control over every program. Its change was practical: tribal governments gained a stronger role in deciding how eligible services would operate, not simply a chance to advise officials.

3. A different question arises when a community wants to hold a ceremony at a place managed by a federal agency. The American Indian Religious Freedom Act of 1978 stated a federal policy to protect and preserve Native Americans' religious freedom, including access to sacred sites and use of ceremonial objects. It called for federal agencies to review their policies in light of that goal. The act recognized practices that federal policies had often restricted, but it did not guarantee access to every site or create a general legal claim that could force an agency to allow a practice. Compared with the 1975 law, it addressed cultural freedom rather than program management.

2 ANSWER WITH EVIDENCE

Use the passage

1. How did the Indian Civil Rights Act change what a tribal government could do when a member spoke publicly?

2. How did the 1975 act change a tribe's role in a federal health program, compared with the role described before the act?

3. How did the American Indian Religious Freedom Act affect federal agencies' approach to religious practices, and what did it not guarantee?

4. Why would a tribe need more than the 1975 act to address both health services and access to a sacred site? Explain using the changes made by two laws.

3 YOUR TURN

Your own words

A tribal nation wants to run a federally funded school, protect students who criticize its council, and hold ceremonies at a site managed by a federal agency. Write a five-sentence advisory note explaining how each of the three laws affects these plans and identifying one important limit.

ANSWER KEY

Rights and Decisions

HIGH SCHOOL · USH.C.7.2.B

PART 1 · READ AND MARK

Circle each law's name, underline the change it made, and write a 1 beside a limit on what it did. Use your marks to compare how the laws affected tribal decisions. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How did the Indian Civil Rights Act change what a tribal government could do when a member spoke publicly?	**It required tribal governments to respect protections including freedom of speech, limiting how they could respond to a member's speech.**
2	How did the 1975 act change a tribe's role in a federal health program, compared with the role described before the act?	**A tribe could contract to administer an eligible program and make daily decisions about its services, rather than leaving management to federal officials.**
3	How did the American Indian Religious Freedom Act affect federal agencies' approach to religious practices, and what did it not guarantee?	**It established a policy protecting Native religious freedom and called for agencies to review their policies, but it did not guarantee access to every sacred site.**
4	Why would a tribe need more than the 1975 act to address both health services and access to a sacred site? Explain using the changes made by two laws.	**The 1975 act allowed tribes to administer eligible federal services, such as health programs. The 1978 act addressed Native religious freedom and federal policies affecting access to sacred sites.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

The 1975 act allows the tribe to seek a contract to run an eligible federally funded school. That would give the tribe a stronger role in shaping the school's services. The 1968 act limits the tribal government's ability to punish students for criticizing its council because it protects freedom of speech. The 1978 act supports the community's religious practices and calls for federal agencies to review policies affecting access to sacred sites. However, it does not guarantee that the community can use every federally managed site for ceremonies.

Accept explanations that distinguish limits on tribal governments, tribal administration of eligible federal programs, and federal policy toward Native religious practices. Students should not claim that any of the laws granted unlimited control or guaranteed access to a sacred site.