

Words to Reflect Upon

In Cherokee Nation v. the State of Georgia, 1831, Chief Justice Marshall wrote, “They may, more correctly, perhaps, be denominated domestic dependent nations. They occupy a territory to which we assert a title independent of their will, which must take effect in point of possession when their right of possession ceases. Meanwhile they are in a state of pupilage. Their relation to the United States resembles that of a ward to his guardian.”

http://www.law.cornell.edu/supct/html/historics/USSC_CR_0030_0001_ZO.html

The Marshall trilogy, a series of three Supreme Court cases decided by Chief Justice John Marshall beginning in the 1830's, set forth the legal framework for defining tribal sovereignty. In defining tribal sovereign powers, Justice Marshall described tribes as “domestic dependent nations,” meaning that although tribes were “distinct independent political communities,” they remained subject to the paternalistic powers of the United States.

https://en.wikipedia.org/wiki/Cherokee_Nation_v._Georgia

Student Reading

American Indian Tribal Governments

American Indians who live on reservations are citizens of the United States but they are also citizens of their reservation. They live on federally protected trust land and must obey federal laws. They must also obey laws of their state and local governments whenever they travel off the reservation, and their own tribal laws and regulations when at home. The tribes must often work with the federal or local governments on issues that concern them both.

Federally recognized Indian tribes are considered to be **domestic dependent nations** and have the right to govern their own people on their reservations. However, not all tribal governments are alike; the type of government they have might have been decided by the treaty they made with the United States government or their own constitution.

You have learned how the United States and your state government are structured and how they run. Now you will read a brief overview of a tribal government; the Navajo Nation Tribal Government. As you read, think about the ways in which it is similar to the U.S. and your state government and ways in which it is different from them.

The Navajo Nation Tribal Government

The Navajo Nation is the largest Indian reservation in both area and population. It lies within three state boundaries. These states are not allowed to interfere into Navajo affairs. The first representative Navajo government was established in 1923 mainly to deal with mineral leases on the reservation. The government was reorganized in 1938 by the Secretary of the Interior as an agent of the federal government. It is a representative/legislative form of government outlined in the Navajo Nation Code. The *Code* includes information such as the Navajo Bill of Rights, the structure of the government, who qualifies for tribal membership and other important matters. The tribe does not have a constitution. The *Code*, although not a true constitution, functions in a similar manner. The capital of the Navajo Nation is Window Rock, Arizona.

In 1991, the Navajo Nation's government was reorganized to form a three-branch system. The Legislative Branch is the Navajo Nation Council. It is made up of 88 members, called council delegates, elected by registered voters from the 110

Chapters, the unit of local government. Delegates must be at least 25 years of age, serve a four year-term, and currently there are no term limits. Their primary role is to make laws for the reservation; however, they also confirm the appointment of judges and justices. The Speaker presides over the Council and oversees the Legislative Branch. The Speaker is elected by the delegates for a two-year term. There are currently four standing committees which address needs and continue legislative work when the Council is not in session.

The Executive branch is headed by the President and Vice-President. The President is elected by popular vote every four years. Among the duties of the Navajo Tribal President are that he/she presides over the Navajo Nation Council; appoints all standing committee chairs and members; appoints judges; carries out the laws; and oversees the Executive Branch. In addition, he/she is responsible for the financial management of tribal funds and represents the Navajo Nation in talks with government and business groups.

The third branch is the Judicial Branch. It receives its power from the Navajo Nation Council and its role is to interpret and enforce the Council's laws. There are two levels within the court system; Navajo Nation Supreme Court and District Courts. There are currently three Supreme Court Justices. The Chief Justice of the Navajo Nation is the head of the Judicial Branch. All justices and judges are appointed by the President after being recommended by the Judiciary Committee of the Navajo Nation Council. Judges must then be confirmed by the full Council. The tribal courts have jurisdiction over all issues that arise within the Navajo Reservation.

Sources:

Navajo Nation Government <https://www.navajo-nsn.gov/history.htm>

Navajo Nation Code <http://www.nnols.org/navajo-nation-code.aspx>

Student Worksheet

Name _____

Compare and contrast the Navajo Nation Tribal Government with the federal government by using the charts below.



HOW ARE THEY
ALIKE?



1.

2.

3.

4.

5.

6.

7.

8.

Student Worksheet **Answer Key**

Charts

Answers may include:

How alike:

1. Both have the same three branches.
2. Legislative branch members are elected by the people.
3. Both Legislative branches have a Speaker position.
4. Both have a President elected every four years.
5. Both have a Vice President.
6. Federal judges and Navajo judges are both appointed by their President.
7. Both Presidents carry out laws and represent their constituents in talks.
8. Roll of Judicial Branches the same in both.
9. Both have a Supreme Court.
10. Both have Chief Justices.

How different:

1. Navajo Nation does not have a constitution. U.S. does.
2. Navajo Legislative Branch has only 1 house. U.S. has two (bicameral legislature).
3. Judges and Justices are confirmed by the Navajo Legislative Branch. Only the Senate confirms U.S. judges and Justices.
4. U.S. President has more power and duties than Navajo President.
5. There are 9 U.S. Supreme Court Justices and 3 Navajo Supreme Court Justices.

Accept other answers if appropriate.

Writing Assignment

You will write a multi-paragraph summary about your knowledge of tribal government. You need to include information explaining the role of tribal governments within the political organization of our country and then compare and contrast the Navajo Nation government with the United States federal government.

When writing, include the following:

- a. Introduce your topic clearly.
- b. Develop the topic with important, well-chosen facts, definitions, details, or other information and examples.
- c. Use transitions to create organization and explain the relationships among ideas and concepts.
- d. Use precise language and vocabulary specific to social studies to explain the topic.
- e. Establish and maintain a formal style.
- f. Provide a concluding statement or section that supports the information presented.

Scoring will be based on the following:

The summary:

1. Has an introduction – 10 points
2. Explains the role of tribal governments within the political organization of our country – 20 points
3. Includes at least 6 ways in which the Navajo Nation government and the U.S. federal government are alike – 20 points
4. Includes at least 3 ways in which the Navajo Nation government and the U.S. federal government are different – 20 points
5. Uses appropriate social studies vocabulary – 5 points
6. Has a concluding statement or section – 10 points
7. Uses clear and consistent writing in which the development, organization, and style are appropriate to a summary (includes punctuation, spelling, grammar and usage, sentence fluency, use of transitional words and phrases) – 15 points

Total points possible – 100 points