

**To Be Recognized:  
Lessons on Contemporary Native American Issues**

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“One of the greatest obstacles faced by the Indian today in his desire for self determination is the American public’s ignorance of the historical relationship of the United States with Indian tribes and the lack of general awareness of the state of the American Indian in our society today.”

- American Indian Policy Review commission, 1977

“Tribes are continuing to recoil from oppressive policies perpetrated at every level of government from the earliest days of contact. These policies serve to break up the continuity of Indian culture.”

- Dr. Willard E. Bill, former supervisor of Indian Education at the Washington Office of the Superintendent of Public Instruction, 1987

## Introduction

**With approximately 105,000 Indians, Washington State has the fifth largest Native American population**, behind California (413,000), Arizona (294,000), Oklahoma (279,000) and New Mexico (approx. 200,000). As a percentage of the state's population, however, Alaska is highest (16% of Alaska's population is American Indian or Alaskan native). It is critical that educators in Washington State – especially at the secondary level – teach about contemporary issues facing Native Americans in our state and in the Northwest.

### Lessons at a glance

1) Myths vs. Realities - Beginning with students' assumptions and questions, the lesson reveals many little known facts to address widespread misconceptions concerning Native American history and contemporary issues.

2) Views of Land/Resource Use – a Venn diagram exercise on Native American and European differences regarding their historic interactions with the environment.

3) Structured Academic Controversy on Indian gaming – Students articulate arguments on both sides of the issue in a highly structured method; they then strive to reach consensus.

4) Treaty Rights and Wrongs – Students learn what a treaty is designed to do, and examine how basic tenets of Washington treaties concerning fishing rights have been realized or renege upon over time.

5) To Be or Not To Be – Students explore what it means to be a **federally recognized** tribe, and the efforts of some local tribes that are not currently recognized; they are asked to consider the costs and benefits of federal recognition and to take a specific action in line with their own conclusions.

6) Socratic Seminar on Sherman Alexie's essay "What Sacagawea Means to Me" - Students use the seminar method to engage with one another and enlarge their understanding of the ideas, issues and values in the text.

### Extension ideas:

Explore Kennewick Man (whose remains are currently housed at the Burke Museum) through a town meeting/role play on the question: What should be done with Kennewick Man's remains? Should we prioritize scientific inquiry or tribal rights to repatriation of artifacts? Students could play the roles of scientists, tribal representatives, the Army Corps of Engineers, members of Congress (currently debating NAGPRA – the Native American Graves Protection and Repatriation Act) and the media. In other cases involving human remains in the United States Native Americans tribes have sometimes allowed scientific testing and in others bones were repatriated to tribes or left in storage.

Analyze the United Nations Declaration of the Rights of Indigenous Peoples (adopted in June of 2006) and discuss whether the United States is in violation of its core principles, including elimination of discrimination and effective participation in all matters that concern them. (The U.S. – along with Australia, Canada and New Zealand – is not a signatory of the Declaration. While these 4 nations failed to support it, 143 nations did adopt it. Eleven others abstained from voting.)

**Washington State EALRs addressed in these lessons:**

**CIVICS 1**– The student understands and applies knowledge of government, law, politics, and the nation’s fundamental documents to make decisions about local, national, and international issues and to demonstrate thoughtful, participatory citizenship.

**CIVICS 1.2:** The student understands the purposes, organization, and function of governments, laws and political systems.

**HIST 2.2** The student understands how ideas and technological developments influence people, culture and environment.

**GEOG 3.1** The student can identify and examine people’s interaction with and impact on the environment.

**GEOG 3.2** The student analyzes how the environment and environmental changes affect people.

**GEOG 3.3** The student examines cultural characteristics, transmission, diffusion and interaction

**Skill objectives** are specifically addressed in each lesson, tailored to the content as well as the methods of instruction.

## Lesson 1: Myths versus Realities

**Time required:** one class period (at least 50 minutes)

**Materials needed:** One copy of the attached 3-sided Myths and Realities handout, cut into strips for students to stand and read one at a time. A class set of these should also be copied so students can keep them.

**Learning objectives:** *Students will*

- Practice articulating their own ideas and generating questions
- Challenge their own and others' pre-conceived notions about historic and contemporary aspects of Native American cultures and experiences
- Engage in concepts like sovereignty, citizenship, compensation and doctrines of “discovery” and “manifest destiny”

**Opening of the lesson:** Ask students to jot down on a piece of paper statements they believe to be true or have heard about Native Americans.

Next, ask them to write down generalizations about Native Americans they think the media or segments of the American population help perpetuate. Using a “think, pair, share” format, ask them to share what they wrote with the person next to them. Ask if any pairs would like to share what they wrote with the rest of the class.

Students may offer comments that, while negative, are also borne out by statistical evidence – for example, the high rates of poverty, alcoholism, smoking, dropping out of high school and chronic unemployment. The important thing is to encourage students to both differentiate between facts and assumptions and to consider the root causes of problems facing Indian peoples today.

**Body of the lesson:** Distribute the statements on myths and realities (to 10 or 20 students, depending on whether one will cover both the myth and the reality), and have the readers stand and read aloud. Follow each statement of reality with a brief discussion to ensure understanding.

You may first want to **define the term sovereignty**, which comes up in several lessons, as follows:

“The supreme power of the state, exercised within its boundaries, free from external interference.”  
- *The American Political Dictionary*

**Conclusion of the lesson:** Designed to be an introduction to some of the concepts to be covered in the unit, it is hoped that students will be motivated to further discuss – and independently explore – the topics touched upon. Ask what most surprised them. What questions do they have? (It would be a good idea to record these on a white board or piece of butcher paper.) Where would they go to find the answers? What challenges might they encounter?

## Myths vs. Realities

**The myth: Only Native Americans live on reservations.**

**The reality:** Government “checker-boarding” of tribal holdings since 1900 has basically ensured that a sufficient number of non-Indians would be residents in reservations, and that intermarriage would result.

**The Myth: Any war between the U.S. and Indian nations was initiated by Indians.**

**The reality:** These wars were defensive battles. Alcohol was – in fact - an early “experiment in chemical warfare” practiced by the American military (as were small pox-laced blankets). Indians who opposed the U.S. were often executed after they were defeated and the federal government would imprison leaders who refused to submit to authority (like Chief Joseph of the Nez Perce and Geronimo of the Apache). Instead, the U.S. would recognize or appoint Indian leaders of its own (causing many to be disgraced within their own societies) and others were bribed to accept terms their tribe had rejected. The idea was to **destroy the Indian ability to self govern** and to undermine any reconstitution of power after losing to the U.S. military.

**The myth: Native Americans were always able to become American citizens if they chose to live off reservations.**

**The reality: Native Americans could not be granted U.S. citizenship until 1924.** In that year, the Indian Citizenship Act conferred citizenship on all native people whether they desired it or not. In the early 1920s a Special “Committee of One Hundred” was tasked by the Interior Secretary to study the “*Indian Problem*” because of the “intolerable financial burden” on the U.S. The Committee **recommended dissolving native tribes and absorbing them into the U.S.**, “imposed by human considerations.”

**The myth: Native Americans were given the most barren, desolate land, completely lacking in natural resources.**

**The reality:** By official census the following lie on reservation land in U.S.:

- 15% of all oil and natural gas
- 25% of low sulphur coal
- Two-thirds of all uranium (ALL U.S. uranium production since 1955 has been on Indian land!)
- also, lots of copper, timber, water rights and other resources

***With their small population, Native Americans should be the richest*** group in the U.S.

***But they are the poorest***

- with highest rate of unemployment
- lowest rate of educational attainment
- highest rates of malnutrition, infant mortality and disease
- shortest life span

**The myth: Indian tribes were paid for the purchase of their lands.**

**The reality:** Fully half of the land area of the United States was “purchased” by treaty at an average price of less than \$1/acre. Another one-third of a billion acres (primarily in the West) was confiscated without compensation. Another two-thirds of a billion acres were claimed by the U.S. without any pretense of removing Native titles first.

The Shoshone tribe provides an illustration:

**In 1863 Treaty of Ruby Valley provided the Shoshone right-of-way over 24.5 million acres.** The treaty did *not* sell or give this territory away, or grant U.S. right to any activity other than mining, milling, ranching, agriculture.

**The value of the land *should* be \$40 billion, which would yield every Shoshone roughly \$20 million!** Instead, the U.S. government in 1979 was prepared to pay less than 1 cent/acre *and* most nuclear testing facilities lie in the heart of traditional Shoshone territory.

- 651 atomic bombs tested make it the *most bombed “country” in the world*
- The Shoshone oppose both testing and dumping of nuclear weapons in their homeland

In 1974 the Supreme Court actually ruled that Indians had a right to pursue *recovery* of *stolen land* (this resulted in measurable gains for the next 15 years).

**The myth:**

**The United States, after gaining independence from British rule in the Revolutionary War, was in a position to grant recognition to Native American tribes.**

**The reality:**

**After the Revolutionary War, the Indian nations – which had been formally recognized by many European crowns – were the ones in a position to recognize the legitimacy of the *new U.S. government* (not the other way around).**

**The myth:**

**The U.S. has been fair in its dealings with Native American tribes – treating them as nations with rights.**

American Indian tribes are *sovereign nations*; their sovereignty is inherent, pre-constitutional and explicitly recognized in the U.S. Constitution. The U.S. Senate ratified 371 separate treaties with Native governments between 1778 and 1871. But over time the status of tribes has been reduced to that of states within the union (and sometimes lowered to that of counties – and not even that in California). This is largely because of a series of Supreme Court decisions over time reducing the status of tribes. Chief Justice John Marshall described them as “domestic, dependent nations” in 1832. Key cases under Marshall favored the “Doctrine of Discovery.”

The Doctrine of “Discovery” gave titles (to new land) to European countries, which were later ceded to United States. The U.S. viewed tribes as **tenants with no property rights**. Terms like “Trust relationship,” “ward/guardian” were used to describe them, and taking over their territory was often portrayed as in the best interests of protecting tribal assets.

**The myth: Children on reservations could either stay home and live a traditional Indian life or attend mission schools (run by religious groups, not by the U.S. Dept. of Education).**

**The reality: Under Ulysses Grant, attendance at mission schools was made mandatory** (in violation of the First Amendment’s guarantee of freedom of religion and ban on establishment). On many reservations, the practice of indigenous religions and speaking native languages was prohibited for youths age 6 – 16. Day schools allowed too much proximity to family/community for de-culturation to occur. According to the 1886 Annual Report of the U.S. Commission on Indian Affairs, “They [Indian children] relapse more or less into their former moral and mental stupor.”

Half the day for these youths was typically spent working on farms. Kids were often taken at age 6 and didn’t see home again until 17 or 18 years of age. ***This practice today would violate the UN Convention on Punishment and Prevention of the Crime of Genocide (1948)*** referring to cultural genocide.

In 1887, the General Allotment Act mandated attendance for *all Native American children ages 5 – 18* (parents who violated the order would have rations or annuities withheld).

**The myth: Native Americans are exemplified by the lone Indian warrior on the plains. They are independent and individualistic.** This is why so many artists painted those “noble savage” portraits.

**The reality: Indian tribes are universally cooperative.** There was a very real need to relate with one another and with the environment in order to survive. When a member of the tribe was isolated s/he felt threatened. Over the centuries, customs have been passed down that emphasize one-ness with every facet of the environment. The goal of the traditional Indian was to live in harmony with nature (completely different from a conquering or taming mentality). The Sacred Circle illustrates the connected parts of every individual and his/her community; its four elements - mental, spiritual, cultural and physical - kept one in balance. It also reflected the cyclical nature of life.

This is why another impact of the General Allotment Act was so devastating. It allowed reservation land to be parceled out to individual Indians, who forfeited title of the land from the reservation to the U.S. Dept of the Interior. The American cultural emphasis on individual property ownership was completely alien to most Native Americans. Some (like Northwest tribes that lived in long houses) shared housing with more than one family.

**The myth:** The U.S. government's priority is to let Native Americans govern themselves on reservations, (coming up with their own preferred system of government, adopting their own constitutions and creating their own laws).

**The reality:** All constitutions had to be approved by the Secretary of the Interior. Many tribes shifted away from historic traditions and unwritten customs and values and took on the whites' form of government. Many tribes feared being terminated (no longer recognized by the federal government) if they did not use the model constitution provided by the Bureau of Indian Affairs (which is under the Secretary of the Interior). The Department of the Interior is also home to agencies like the Bureau of Land Management, the Fish and Wildlife Service and the Bureau of Reclamation, which often have policy goals in direct opposition to those of tribes.



## Lesson 2: Views of Land/Resource Use Contrasting Europeans and Native Americans

**Time required:** One class period (at least 50 minutes)

**Materials:** The attached reading plus butcher paper for Venn diagrams.

**Learning objectives:** *Students will*

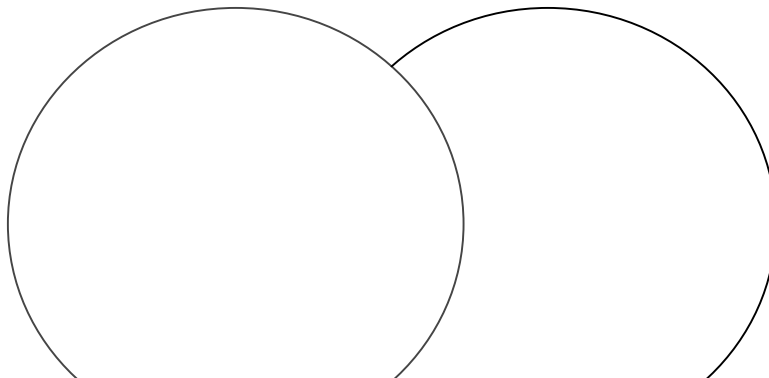
- Compare and contrast cultural perspectives related to human-environment interactions
- Gain a historical perspective with consequences today
- Understand how one's relationship to community and the environment has economic and social impacts
- Work collaboratively to create a diagram that sums up content mastery

**Introduction:** Ask students to imagine they are visiting a landscape for the first time (could be on Mars, in a foreign country, under water, etc.) They are traveling with fellow Americans. Their goal would first be to survive, and then to benefit the United States in some way. They will encounter other inhabitants of this environment. In a free-write (in a journal or on scratch paper) ask them to respond to the following questions: What factors would they survey as they took stock of the new environment? How would they meet their immediate needs? What are their other priorities (both interacting with the indigenous culture and in representing/benefiting the U.S.)?

**Body of the lesson:** Divide students into groups of 3 – 4 and ask them to read the 2-sided student handout. They will then draw a Venn diagram identifying ways that Europeans and Native Americans differed in their views and treatment of the natural environment. They will also note any overlapping characteristics that both groups shared.

To get them started, it might be a good idea to identify one shared characteristic, for example:

Both groups valued natural resources and saw them as necessary for survival.



## Views of Land/Resource Use

### Contrasting Europeans and Native Americans

#### Student Handout

When Europeans replaced native communities on the east coast of North America it was as much an ecological revolution as a cultural one. Colonists saw landscapes as **commodities** (things that could be bought and sold) – they focused on timber, furs, etc. Their descriptions of the land were basically lists of what could be shipped...no attention to ecological relationships (ecosystems).

Colonists' survival required **manipulation** of the environment (rather than harmony)

- They had an **ethnocentric** view (through their own culture - as superior and center)
- They introduced several species after 1620: horses, sheep, goats, cats and cattle (there were mice but no rats when they arrived)

To the colonists, Native Americans were surrounded with abundance but lived as the poorest did in Europe. The fact that they hunted for meat fueled Europeans' assumptions that they held no real claim to the land – this *helped justify conquest*.

Mobility was important to tribes, so collecting surplus property was not an advantage. Europeans set up villages to imitate villages in their home country, while Native American communities were not geographically fixed.

Locale of the tribe was

- **Seasonal**
- **Dense**
- **Temporary**
- not encumbered with lots of stuff
- Fishing/hunting sites were held in common
- Once crops were abandoned (as seasons changed) a field returned to brush until cleared by someone else
- There was no effort to set permanent boundaries – a user could not prevent others from trespassing (this ethic explains their generosity toward colonizers and eased European conquest)

**The biggest difference** was over **concepts of wealth, property and boundaries** on the landscape. For Native Americans: Property was given away *not* because property didn't exist, but because it was the way to establish one's position in society. Trade was among neighboring villages, not over long distances. For Europeans, amassing property was the way to show advancement. Trade was much more global (always looking for what they could ship/sell overseas)

Northern and southern tribes were different – as evidenced by how they named months

- In the north, months reflected lunar cycles, bear hibernation

- In the south, names reflected seeding/tilling, ripening of crops, catching of fish, thawing of ice (much more permanent, agriculture based but their fields were not mono-crops like colonists)
- 80% of the total native population lived in the South (which suggests that agriculture-based societies could support more people than hunter-gatherers)

Selective burning existed hundred of years ago and actually aided sustainability. (Fires helped thin forests so massive fires did not result.)

By the late 1600s, Indian lands were viewed as being within British jurisdiction (legal authority). De-population (due to epidemics like smallpox) left forests re-grown.

From the mid 1600s on, Indian tribes in New England lost most of their land as

- Colonists restricted hunting
- Fertility of fields declined
- Fur supplies (long their main trading commodity) fell due to Europeans' overhunting
- Caused northern tribes to be *territorial* for the first time as they tried to hang on to their share of the hunt

### **Manifest Destiny**

In 1845, an influential editor named John L. O'Sullivan gave the Westward Expansion movement its name. In an attempt to explain America's thirst for growth, and to present a defense for America's claim to new territories he wrote:

".... the right of our manifest destiny to over spread and to possess the whole of the continent which Providence has given us for the development of the great experiment of liberty and federated self government entrusted to us. It is right such as that of the tree to the space of air and the earth suitable for the full expansion of its principle and destiny of growth."

Today, American Indian tribes are ***sovereign nations***; their sovereignty (ability to self govern) is inherent and explicitly recognized in the U.S. Constitution. The Commerce clause contains words making tribes distinct from United States. **Tribes were militarily and politically powerful at the time Constitution was written.**

What caused this change in power?

- Ill health and epidemics
- Military defeats
- Shrinking land
- Relocation and removal
- Economic marginalization – taking away their livelihoods
- Colonial practices

Today, their sovereignty (self rule) is constrained by:

- Overlapping citizenships and competing jurisdictions (between tribes and state, local and federal governments)
- Reduced land bases

## Lesson 3: Structured Academic Controversy

### On Native American Gaming rights

**Time required:** 2 class periods (at least 50 minutes) or one 90-minute period

Working in pairs, students will explore a question from two opposing positions. The question for today is: *Should tribes be encouraged to pursue gaming as a way to raise revenue and increase their independence?*

Each student will articulate a particular position, listen to the arguments from an opposing pair, and then analyze similarities and differences in an effort to reach consensus on the issue.

**Day 1:** Teach the SAC format, read and briefly discuss background information, assign pairs. Pairs work on their individual presentations and argue their positions with an opposing pair

**Day 2:** Pairs work with their opposing team (in groups of 4) to discuss key similarities and differences, reach consensus and report out to the class.

**Materials:** Attached position statements on Indian gaming, and class copies of worksheets to record their main arguments.

**Learning Objectives:** *Students will*

- Understand and articulate the pros and cons of Indian gaming
- Learn how to reason dialogically (arguing both for and against their favored positions)
- Learn how to seek common ground (consensus) on an issue
- Demonstrate openness to opposing viewpoints by giving them a critical hearing
- Respond respectfully to others, challenging ideas not criticizing individuals
- Move beyond factual learning and make reasoned judgments
- Use supporting evidence to develop arguments

#### **Opening of the lesson**

Ask students what they know of casinos in Washington State (or elsewhere). Who runs them? Who benefits? Who are the primary customers? What impacts might this have on the communities who manage them?

Establish that most casinos in the United States are on reservation land, and this is a fairly recent and contested phenomenon.

**Body of the lesson:**

Let students know that they will use a discussion method that lends itself to issues where there are two clear positions, *and* that enables them to truly understand both perspectives. The question for today is ***Should tribes be encouraged to pursue gaming as a way to raise revenue and increase their independence?***

**Teacher Background** Indian casinos have seen dramatic growth since a Supreme Court decision (*California v. Cabazon Band of Mission Indians*) upheld the right of Indian tribes to conduct gambling operations in states where gaming was already legal. That court ruling led Congress to pass the Indian Gaming and Regulatory Act (IGRA) in 1988, which establishes 3 classes of gambling: Class I (social and traditional games) are not covered by the Act; Class II (bingo, pull-tabs and card games) and Class III (casino gambling) are covered.

The Indian Gaming Regulatory Act, popularly thought to have granted privileges to Indians, is actually a limitation on their sovereign power to conduct games as they choose. The Act *creates no rights* but instead *regulates rights* that rightfully belong to any sovereign nation.

The U.S. has long recognized the right of Indian tribes to govern themselves; that's why over 800 treaties were signed on behalf of the U. S. government, recognizing the sovereignty of tribes as separate from state or territorial governments. They are nations within a nation, and have been viewed this way by the U.S. Supreme Court since the 1830s. They control their own justice system, allocation of property, and education.

Yet federal laws *can* preempt a tribe's power; this was reiterated in 1980 when Supreme Court Chief Justice William Rehnquist said "Indian tribes come under the territorial sovereignty of the United States." The federal government has arrested tribal members for crimes committed on tribal land.

The Indian Gaming Regulatory Act (IGRA) was created to give states a way to regulate gaming on reservation land. States can only impose restrictions on casinos if Congress authorizes them to. The Act says that no traditional or ceremonial gaming will be infringed upon, that bingo and non-electronic games are allowed, and that casinos are allowed but *only* if a state allows gaming. A tribe can only benefit from casinos if any other organization could likewise build a casino for profit. States are prohibited from imposing fees or taxes on Indian gaming unless the tribe agrees during the negotiation process with the state to pay such fees.

Congress allows tribes to pursue gambling only if they spend their profits on the social programs that the federal government has traditionally funded. After covering welfare and economic assistance to their tribes, Indian leaders can pay out gambling profits to tribal members. Many tribes with casinos have not done this.

Gaming has increased tenfold since 1975. Tribes were especially encouraged to pursue casinos as a way to make up for budget cuts under President Reagan (when \$1 billion was cut from the \$3.5 billion budget for Indian affairs), which cut job-training and housing programs significantly. With the proliferation of gaming operations in recent years, many non-Indians and state policymakers are under the impression that tribes are now economically well off and no longer need financial aid. This perception – while completely false – leads them to recommend severe cuts in any kind of safety net for Native Americans.

### Why use Structured Academic Controversy (SAC)?

(Based on the work of Johnson and Johnson (1993))

The purpose of this method is to explore controversial topics effectively in a social studies classroom. The model ensures a “best case fair hearing” for the issue, followed by informed decision making and consensus building among students. It also demands engaged participation from every student in the room. By following a highly scaffolded process, participants will be able to advocate both for and against an issue/policy, determine the most relevant and convincing arguments, and search for consensus in small groups.

This is often an ideal method to introduce controversial issue discussions in a highly structured and non-threatening way, laying the foundation for large group and whole class discussions (like Socratic Seminars – which focus on powerful texts, Controversial Public Issue (CPI) Discussions – which ask students to work toward a public policy on an issue, and Town Meetings – which illuminate multiple perspectives on issues).

Note: this method works best in cases where there are two clear opposing viewpoints (as opposed to an issue with varying perspectives of equal merit)

#### Steps in a SAC:

1. All students are given a background reading or presentation on the issue to be discussed (could also be a documentary clip, audio recording, powerpoint, etc).
2. Place the students in **heterogeneous** groups of four.
3. Divide into pairs and assign one pair the position *in favor* of the position/policy and one pair *opposed to* the position/policy being discussed.
4. Give pairs a chance to read a handout or article containing arguments for their side. (You might also give students time to research the issue further to come up with arguments on their own.)
5. Pairs decide what their strongest arguments are and work on a presentation (with both presenting orally).

6. **Pairs present** their viewpoints (approximately 5 minutes) while the other pair takes notes and asks clarifying questions.
7. Pairs **reverse roles**, using their notes (those in favor are now opposed and those opposed must now argue in favor); this is a great way for students to see how effective they were in getting their points across to the others. If you want to extend the activity, you might give students a chance to separate meet again in pairs to do a little more research on their new positions and to incorporate their own content knowledge. Again, students decide who will say what.
8. Students present their new positions, and no clarifying questions are asked.
9. **A group discussion** follows, in which students abandon their assigned positions and now discuss what they found the most compelling arguments and credible evidence. The group attempts to achieve consensus on the issue.
10. **Students report out** on their group's decision.
11. Debrief the SAC, reflecting on how successfully the discussion taught them about the issue, gave them a deeper understanding of both viewpoints, and successfully led to informed decision making (and ideally consensus).

# Steps in a Structured Academic Controversy (SAC)

## Student Handout

Our goal in this discussion is to give both sides of a controversial issue a “best case” fair hearing, requiring you to understand the arguments of people on both sides. This process gives us a way to become informed decision makers after weighing the available evidence and logical reasoning of two opposing viewpoints.

### Steps in a SAC:

1. Highlight the background reading on the issue to be discussed. Be sure to ask questions about concepts or vocabulary you don't understand.
2. Meet in an assigned group of four.
3. Divide into pairs and assume a perspective *in favor of* or *opposed to* the position/policy being discussed.
4. Read the materials containing arguments for your side.
5. Decide with your partner what your strongest arguments are, and work on a presentation (with both of you presenting orally).
6. Meet in the original group of 4, where **each side presents** their “best case” in support of their position (approximately 5 minutes) while the other pair takes notes and asks clarifying questions.
7. Pairs **reverse roles**, using notes taken in step 6 (those in favor are now opposed and those opposed must now argue in favor). Decide who will say what.
8. Present your new positions (this time no clarifying questions are asked).
9. **A group discussion** follows; now you can abandon your assigned position and discuss what you found most compelling and credible believable. Try to achieve consensus on the issue.
10. **Report out** on your group's decision.
11. We debrief on the SAC. How well did the discussion:
  - Teach you about the issue
  - Give you a deeper understanding of both viewpoints
  - Successfully led to informed decision making in your group
  - Achieve consensus



## **Position A: In favor of Gaming**

Money is one of the conditions for sovereignty (self rule). Depriving tribes of gaming rights greatly harms their ability to earn a living and unconstitutionally forces them to be subservient to the U.S. government.

The economic success many tribes have had has given them pride and motivation to succeed. For the first time in over a century they are lifting themselves out of poverty. Profits can be used for social programs that support healthcare and education (and could ease this responsibility on behalf of the U.S. government). Gambling dollars feed, house and nurse elderly Indians, provide health care for Indian infants, daycare for Indian toddlers and dreams of college for Indian teenagers; build clinics and counseling and cultural centers, repair roads and replace rundown mobile homes (sent by Washington, DC) with more modern houses. In addition, gaming revenues are used for abuse treatment and prevention programs. With tribes taking care of more of their own needs, we can reduce the federal deficit.

A Supreme Court decision in 1987 was a big win for tribal gaming rights. It said state governments cannot tax a tribe's profits or wealth. It also said states cannot ban Indian gambling unless they ban all forms of gambling for all their citizens. (However, Congress reacted by passing the Indian Gaming Regulatory Act in 1988. This has enabled Connecticut to collect up to \$1 million a day from the most successful gaming tribe in the country – the Mashantucket Pequots.)

More casinos equals more jobs in places where unemployment has been a huge problem. And casinos don't just employ Native Americans. The Mashantucket Pequots' casino is the second-largest single employer in Connecticut. Tribes gain credibility by demonstrating that they can run businesses. And non-Indians benefit from job opportunities generated by gaming. Tribal gaming enterprises are the largest employer in rural Minnesota, and they contributed over \$7 million in state income taxes there. What's more: 73 percent of the casino jobs are held by non-Indians.

Twenty-four states currently have about 130 casinos. Of the 29 federally recognized tribes in Washington State, 27 have Class III gaming compacts. Twenty tribes operate 25 casinos under compact. These casinos create jobs (for both Indians and non-Indians), and an incentive for tribal members to return to their homelands. This renews their sense of pride and nationhood, which for so long was undermined by U.S. policies. Operating casinos is one way to turn things around. The tribes get to invest and spend the money without any intervention from the federal government (unlike other sources of income).

If tribes make enough through gaming they will not be enticed to let their lands be strip-mined, grazed or logged in ways that destroy the environment. In fact, they may have the money to clean up past degradation of land and to purchase lost lands. For many tribes, gaming is the first successful tribal enterprise and it creates both confidence and venture capital to start other businesses. More charitable contributions to tribal needs also result.

Finally, regulations put in place by the Indian Gaming Regulatory Act (IGRA) create an atmosphere that discourages crime; many casinos ban alcohol and have surveillance cameras. There is little data supporting the argument that Indian gaming increases crime either on or off reservations.

## Position B: Opposed to Gaming

Indian gaming is not the panacea for Indian country that tribes have been led to believe. Many tribes feel that gambling is immoral. Tribes like the Hopi and Navajo of Arizona had rejected gambling, citing a greater priority on cultural values than on money.

This issue threatens to divide the 557 federally recognized tribes into *haves* and *have-nots*. The large number without casinos are often impoverished. Even within tribes there is increasing disparity between those who benefit from gaming profits and those still left at the margins. In the words of Beverly Lewis, a Chippewa Indian, while her tribe “has grossed billions of dollars since the conception of casinos, our people – our true Native Americans – remain disgracefully poor... We have no idea where the money is going.” The people who keep traditions alive are often “left in the cold when profits are divvied up.” This causes internal friction, especially as more and more “mixed breeds” migrate to reservations that embrace gaming.

A clear trend is emerging as more and more tribes negotiate contracts with state governments to pursue casinos. In the rush to join the “new buffalo” (economic lifeline), tribal communities are not resolving basic issues beforehand: Who decides where the money goes? Where is all the money actually going? Disorganized, historically poor communities with little experience managing large sums of money are suddenly confronted with running multi-million dollar corporations. Corruption, greed, and ill informed decision-making are huge risks.

Increased self-government is the often stated aim of pro-gaming tribes. But since those tribes are the beneficiaries of gaming profits they will need to bear primary responsibility for the social costs related to gambling. Tribal governments, not the federal government, must address those problems – and that means financially.

The long-term costs of pathological gambling (addiction) threaten to destroy what remains of tribal culture. Collectivity, the importance of family and the role of elders will further diminish. Compulsive gambling can cause increases in suicide and divorce rates. It is also addictive, and Native Americans have a long history of negative impacts of addiction (to alcohol, cigarettes and caffeine). Studies by the Indian Health Service in Minnesota found a correlation between alcoholism, poverty and unemployment rates on reservations and the potential for increased gambling problems. Finally, there has been a rising tide of crime on Indian reservations that have instituted gaming.

Social decay will ultimately harm economic development. With this casino wave becoming the “new buffalo” the tribes are at increased risk. This time, extermination could come with the swipe of a pen (outlawing casinos) and they would have put all their eggs in one basket.

Some Native Americans see gaming as the complete opposite of the buffalo. It has increased conflict among some tribes as well as within tribes. Clay Akiwenzie, a writer

and member of the Ojibway tribe in Ontario, Canada, feels that “without the right leadership, discussion and understanding of gaming and all its implications, the ubiquitous construction of casinos on Indian lands across the continent could prove the most destructive and divisive element introduced to Native culture since Christopher Columbus brought the smallpox.”

## SAC WORKSHEET

**The issue:** *Should tribes be encouraged to pursue gaming as a way to raise revenue and increase their independence?*

Team members **for** Indian gaming

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Team members **opposed** to gaming

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**Main arguments FOR:**

**Main arguments AGAINST:**

**Clarifying questions** after presentation:

**Clarifying questions** after presentation:

How they answered:

How they answered:

**Key points for whole group discussion**

**Common ground reached**

## Lesson 4: Treaty Rights and Wrongs

**Time required:** one class period (50 minutes or more)

**Materials needed:** class set(s) of the attached student handout and computers to conduct additional research.

**Learning objectives:** Students will

- Understand the basic function of a treaty
- Draw conclusions about the negation of many treaties with Indian tribes
- Learn about key court decisions impacting tribes in Washington State
- Understand how Indian activists in the Northwest have fought to preserve treaty rights
- Conduct independent research and apply concepts learned to a treaty of interest

**Opening:** Let students know that today we will be talking about the strength of treaties in Native American-U.S. government relations. To begin, ask the students the following questions to see what they know thus far.:

Who engages in treaty negotiations? (Two independent nations – including, in this case, nations within a nation)

When do the agreements in a treaty cease to be legitimate? (When one side breaks this social contract)

Has the U.S. met its treaty obligations regarding Indian nations? Can you provide any examples? What has been the response of Native Americans to broken treaties?

Who settles disputes over treaties? (federal courts – with the highest being the U.S. Supreme Court).

**Body of the Lesson:** Have students read the handouts on **Treaty Rights and Wrongs** and **Treaties and Fishing Rights**. Let them know that this is intended to focus on Washington State and on treaties in general. With over 800 treaties in U.S. history, and numerous violations to talk about, the effort here is to look at possibilities for positive implementation. After giving them time to read and answer 3 comprehension questions, discuss their answers.

Next, ask students to consider whether fishing rights in Washington should include the ability to hunt whales (particularly in the case of the Makah, with a long tradition of

subsistence whale hunting).

Ask them to “take a stand” for their answer along an imagined continuum against the wall, with “completely agree” (that they should have the right to hunt whales) at one end, “completely disagree” at the other end, and undecided (or of both minds) in the middle. Ask volunteers to share why they decided the way they did.

**Conclusion:** With the remaining time, have them independently research a treaty of interest and prepare to report back to the class on its present status. Go to Yale University’s Avalon project for a complete list of treaties in chronological order at [www.yale.edu/lawweb/avalon/ntreaty/ntreaty.htm](http://www.yale.edu/lawweb/avalon/ntreaty/ntreaty.htm)

**Extension:** Look at the *Trail of Broken Treaties 20-Point Position Paper* put forth by the American Indian Movement (AIM) at [www.aimovement.org/ggc/trailofbrokentreaties.html](http://www.aimovement.org/ggc/trailofbrokentreaties.html)

# Treaty Rights and Wrongs

student handout

For Native Americans, the U.S. Bill of Rights has been largely useless. The Fifth Amendment has failed to prevent them from being deprived of property without “just compensation” and the First Amendment (ban on “establishment” of religion) has failed to prevent forced Christianization. In addition, Indian burial sites have been destroyed and remains and religious artifacts confiscated. The collection, transport and use of Peyote (used for religious ceremonies) has been regulated, and tribes have been forbidden to capture, kill or use endangered species (for sacred rituals) even though these species have been endangered by American policies (not Indian ones).

## What is a treaty”

A treaty is essentially a statement of peace between two nations who view each other as bargaining equals. President George Washington signed the first treaties for the newly created United States of America. Both sides at that time were militarily powerful.

## How useful is a treaty?

What many tribes did not realize was that every treaty – even when signed by the U.S. President or someone on his behalf – must be approved by the Senate (Article I, U.S. Constitution). The tribal representatives assumed the treaties took effect immediately. This was unfortunately never the case; even though over 800 treaties were signed by tribes between 1789 and 1871, fewer than 400 of them (including *all* of those negotiated by Governor Isaac Stephens of Washington Territory between 1854 and 1856) were never ratified.

### Essential Question:

#### **Do a tribe’s rights include anything not given away expressly in a treaty?**

Technically, tribes *should* exercise rights not because they were given them by Congress but because of tribes’ inherent sovereignty. They were not *given* rights because they already *possessed* rights; even according to the U.S. Constitution treaties are constitutionally privileged.

### For further study

What caused the change in power from 1789 (when Washington signed the first treaties)?

- Ill health and epidemics
- Military defeats
- Shrinking land
- Relocation and removal
- Economic marginalization
- Colonial practices

Today, their sovereignty (ability to self govern) is constrained by:

- Overlapping citizenships
- Relations w/ state, local and federal governments
- Reduced land bases
- Competing jurisdictions (areas of authority for tribe vs. U.S.)



## Treaties and Fishing Rights

### Student handout

In the northwest, when the U.S. negotiated treaties in the 1850s, '60s

- Tribes were more interested in access to customary fishing sites on the coasts and interior waterways than with territorial units of land
- Thus they gave away 64 million acres in exchange for cash and solemn guarantees of fishing rights
- Settlers were interested at that time in
  - #1: agriculture
  - #2: timber
  - #3: mining

By the late 1880s fishing rights were marginalized and certain techniques (like nets, salmon spearing) were banned; Indian fishers were now limited to fishing on reservations

In the 1920s the Washington Fish and Game Commission acted under *state* laws to suppress Indians. The federal government at the same time launched a campaign to wipe out the potlatch tradition.

**How to respond?** By the 1960s, Native Americans learned techniques from activists in the civil rights, women's and farm workers movements.

#### **With Civil Disobedience: "Fish-ins"**

The idea originated with Makah elders who appealed to 50 nations to attend a planning meeting in 1964 (and over 40 came)

- fished at times/places forbade by state law but guaranteed by treaties
- faced repeated jail, beatings, confiscation of fishing gear
- performed war dances on steps of the Capitol rotunda in Olympia, as well as Treaty Treks, Canoe Treks through Puget Sound
- 56 Indian nations from across the county came to join NW activists

**The Boldt Decision** gave impetus to new Indian initiatives in the NW during the '80s. Judge Boldt ruled (in 1974) that the 1855 treaty granting tribes fishing rights in their "usual and accustomed places" meant they were entitled to 50 percent of the catch in their traditional fishing locations.

*In U.S. v. Winans* the U.S. Supreme Court ruled (in 1905) on the Yakima tribe's right to fish the Columbia River. The majority opinion said:

***"The right to resort to fishing places in controversy was part of a larger right possessed by the Indians, upon which there was not a shadow of an impediment, and which were not much less necessary to the existence of the Indians than the atmosphere they breathed."***

Richard Sohapp Sr. used this quote when he went to the Supreme Court in 1976 representing 4 Washington tribes – the Umatilla, Yakima, Nez Perce and Warm Springs. The case tested whether the rights acknowledged by Judge Boldt two years earlier would be upheld. Sohapp used the 1855 Treaty in support and the Court agreed that these

Columbia River tribes were entitled to 50% of the catch in all of the “usual and convenient places” on the Columbia and Snake Rivers.

Another case (U.S. v. Sohapp, Sr. et al) did not go as well for Sohapp. He was arrested for selling to undercover agents a small number of salmon (which were caught under tribally issued permits to take fish for ceremonial purposes)

- The 9<sup>th</sup> Circuit Court of Appeals upheld the convictions of a Grand Jury, saying there was nothing wrong with a *state* imposing *federal* regulations over Indian fishing
- This was a huge setback, expanding federal authority in reservation areas
- The U.S. Supreme Court upheld the 9<sup>th</sup> Circuit decision in Sohapp’s appeal (in 1986), and the 13 defendants served almost 5 years in prison before parole
- Sohapp suffered a heart attack while incarcerated, and died less than a year after his release of a 2<sup>nd</sup> heart attack
- Nonetheless, since then, and partly due to publicity of his case, the fishing economy of treated nations has been thriving.

### The Good News

Many nations – the Quinalt is one – have established autonomous fisheries, using a blend of traditional and high tech methods and marketing strategies (young adults become professionals and return to tribes with fisheries degrees).

Consumption of fish in their diet is almost what it was in some areas.

Now there are collaborative working relationships between indigenous peoples, government, commercial and environmental groups (their common cause is to restore fish).

However, there is a **perpetual problem of white backlash, challenging implementation of legally affirmed treaty rights.**

**Back to the essential question:** Do a tribe’s rights include anything not given away expressly in a treaty?

*Established Court precedents admit **water rights cannot be separated from the concept of land if the tribe didn’t freely relinquish them.***

### Questions to sum it all up:

In what ways were tribal representatives misled in United States treaty negotiations?

What arguments can you make that tribes are guaranteed what they do not expressly relinquish (give up) in a treaty?

How did Indian leaders in Washington State use the courts to gain more rights?

## LESSON 5: To Be Or Not To Be

**Time Required:** one to two class periods (50 minutes or more).

Two will be required if class time is devoted to the written task

**Materials needed:** Class copies of the 4-page student handout and question/action sheet.

### **Learning Objectives:**

- List the criteria the federal government uses to recognize tribes
- Understand the pros and cons of federal recognition
- Empathize with actual tribal members who support or oppose recognition
- Advocate on behalf of a tribe seeking federal recognition

### **Opening of the Lesson:**

Ask students if they have ever felt “unrecognized” (unseen, un-acknowledged). What does this suggest?

Are there groups in society that lack recognition by the government? (Students will probably list those in poverty, illegal immigrants, the homeless, perhaps adolescents.)

What if you were literally unrecognized unless you met a comprehensive list of criteria that made you a member of a legitimate group? This is actually the case for Native American tribes today. They can be recognized and in recent years they could also be terminated.

### **Body of the Lesson:**

Distribute copies of the student handout: *To Be or Not to Be*. Give students a chance to read – either aloud or independently – and to answer the questions that follow.

**Conclusion:** Assign students to complete one of the suggested action steps (or come up with one of their own).

## **To Be Or Not To Be Student Handout**

### **Federal Recognition of Indian Nations**

There are 561 federally recognized tribes in the country today, and 29 in Washington State. Many tribes are recognized by the state but not by the federal government, and the benefits of being recognized vary state to state. As far as the federal government is concerned, there are certain criteria that have to be met in order to be recognized:

- Identifying as a tribe on a continuous basis from historical times to the present
- Viewed as “aboriginal” or “American Indian” by government, scholars and/or other tribes
- Existence on land identified as Indian
- Having a functioning government and a constitution
- Having a roster of members that is approved by the Secretary of the Interior (a cabinet department in the Executive Branch which oversees the Bureau of Indian Affairs)
- Not being a \* terminated tribe
- Not having members that belong to other tribes

This gets complicated, because as of the last census taking in 2000, 80 percent of Americans with Native American ancestry were of mixed blood. It is estimated that by 2100 that figure will rise to nine out of ten.

Some tribal nations have been unable to establish their heritage and obtain federal recognition. Recognition brings benefits to a tribe including healthcare and money for housing and education, the right to label arts and crafts as Native American and permission to apply for grants that are specifically reserved for Native Americans. Recognized tribes also can set up gambling facilities.

The Duwamish, Snohomish and Chinook are not among Washington’s recognized tribes (even though Seattle is named after the most famous Duwamish chief, Sealth, and its original inhabitants were members of the tribe). The Clatsop tribe in Oregon (with whom Lewis and Clark and their Corps of Discovery spent four months – longer than with any other tribe) is also unrecognized. Two years ago the three Washington tribes criticized a new law affecting education in Washington State (which mandates teaching about Native Americans). They felt the measure would exclude them from school curricula and would, in time, erase them from history. About a quarter of all Native Americans in Washington are of school age.

The federal government has denied federal recognition to at least seven tribal groups here. Gaining recognition as a tribe is extremely difficult; to be established as a tribal group, members have to submit extensive proof of tribal descent, by tracing genealogical records (a very European concept) and even submitting to DNA testing. Intertribal

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\* Under a “termination” policy adopted by Congress, 109 tribes were “terminated” between 1945 and 1960, and relocated from reservations to urban “relocation centers.”

mixing has been common and widespread for generations, making it very difficult to establish identity with one specific tribe. Because many tribes that *are* recognized are wary of outsiders claiming membership in order to get benefits (like federal scholarships), they require a certain “blood quanta.” The status is highly sought after because it exempts tribes from state and local laws and entitles them to ask for reservation and trust lands when it is granted. Some people fear that more federally recognized tribes could lead to more claims for land and gambling rights.

As recently as September of 2002, this issue was debated in the U.S. Senate. Connecticut's two United States senators sponsored a bill to impose a moratorium (freeze) on the federal Bureau of Indian Affairs' power to recognize new Indian tribes. The Senate' voted overwhelmingly to table the legislation. Senators Chris Dodd (currently a democratic contender for President) and Joe Lieberman argued that the moratorium was necessary to prevent groups calling themselves Indian tribes from unjustly gaining federal recognition as sovereign entities and, as a result, starting gambling operations.

Connecticut's two federally recognized tribes, the Mashantucket Pequots and the Mohegans, each operate enormously lucrative casinos on their reservations in eastern Connecticut. While beneficial to the tribes, casinos are often regarded by non-Indian residents of nearby towns as lowering property values and increasing traffic congestion.

### **Duwamish recognition**

On January 19, 2001, the Duwamish Tribe won federal recognition. However, less than 48 hours later, President George W. Bush reversed their status (as he did other last minute orders of Clinton's). The Duwamish are the indigenous inhabitants of the Seattle area and they have been seeking recognition since 1979, when U.S. District Judge George Boldt found that the tribe had **not existed continuously as an organized tribe** (within the meaning of federal law) from 1855 to the present, and was therefore ineligible for treaty fishing rights. A ten-year gap in the record (from 1915-1925) prompted Boldt's decision as well as a denial of recognition by the Bureau of Indian affairs in 1996.

The tribe responded by assembling additional evidence showing its active existence through the decade in question; this prompted the Bureau of Indian Affairs to reverse its 1996 decision (leading Clinton to recognize them). The Duwamish were among the signers of the Point Elliott treaty, signed on January 22, 1855, and ratified by the United States Senate in 1859. The treaty guaranteed both fishing rights and reservations.

In September 2001, in a "notice of final determination," tribal status was denied. The Bureau of Indian Affairs said the Duwamish failed to meet all seven required criteria for recognition: It wasn't identified as having a continuous history from early times to today and hasn't maintained a political authority.

### **Reparations?**

In 2007, the state of Virginia did something unprecedented by calling for reconciliation in

a legislative statement of regret over not only the harms of slavery for African Americans but also the “exploitation of Native Americans.” In February 2007, the Virginia legislature unanimously acknowledged “with profound regret the involuntary servitude of Africans and the exploitation of Native Americans, and call[ed] for reconciliation among all Virginians.” The legislative resolution recognized the manifold injuries inflicted upon Native Americans as well as African Americans by the state and, in turn, Virginia accepted responsibility for those harms.

Virginia is the first, and thus far the only, state to include Native Americans in its apology for historic injustices. The resolution formally recognizes the status of Native Americans in Virginia as the indigenous people of America: “Native Americans inhabited the land throughout the New World and were the ‘first people’ the early English settlers met upon landing on the shores of North America at Jamestown in 1607.” The resolution further acknowledges Virginia’s “maltreatment and exploitation of Native Americans” sanctioned by state law. For example, it highlights the exclusion of Native Americans from public education and the enjoyment of basic civil rights.

[P]ublic education was denied Native American children ... Virginia enacted laws to restrict the rights and liberties of Native Americans, including their ability to travel, testify in court, and inherit property, and a rigid social code created segregated schools and churches for whites, African Americans, and Native Americans.

The resolution further emphasizes the harsh impact of Virginia’s legal definition of “Native Americans.”

[T]he Racial Integrity Act of 1924 which institutionalized the “one drop rule,” required racial description of every person to be recorded at birth and banned interracial marriages, effectively rendering Native Americans with African ancestry extinct, and these policies have destroyed the ability of many of Virginia’s indigenous people to prove continuous existence in order to gain federal recognition and the benefits such recognition confers.

The stated goal of the resolution (to “promote reconciliation and healing”) includes applying the lessons of the past to Virginia’s future – to “avert the repetition of past wrongs and the disregard of manifested injustices.”

The reality, however, is that even with some support in Congress, the Virginia tribes face the near insurmountable hurdle of showing substantial documentation proving continuity of existence – an essential requirement when seeking federal recognition. Under Virginia’s Racial Integrity Act of 1924, Native American identity was erased from the public record. The Act reclassified Virginia Indians as “colored” – thereby removing their Indian racial designation from birth, marriage and death certificates. Until the United States Supreme Court overturned the Act in the late 1960s, claiming to be an Indian was punishable by as much as a year in prison.

At present, the state of Virginia has not only acknowledged the historical injustices it inflicted upon its tribal population, but has also taken responsibility as a state by supporting its Indian tribes' quest for federal recognition.

### **The Debate over federal recognition**

Some tribes are *against federal recognition* for the following reasons.

With an increase in the number of tribes recognized, there will be greater and greater splitting up of federal funds, appropriated by Congress for Indians, going to questionably-Indian groups, programs and individuals. This could mean slicing the "federal funding and service pie" too thin among beneficiary groups.

A tribe's integrity can be lessened by the proliferation of groups claiming to be "tribes," and the funding of questionable groups by the federal government. (Some feel the goal of these groups is to undermine legitimate tribal claims to sovereignty.)

Spreading the federal responsibility thin would mean the diminishment of the significance of federal recognition, possibly leading to termination of tribes. When tribes have been terminated (like the Klamath of Oregon, which is the largest terminated tribe) they are "freed from all federal supervision and control" but then become subject to state law; they also lose programs and services that were provided under treaty, and their lands are turned over to private ownership. All of this results in *less* not more self determination and independence, because they lose their tribal communalism.

Racial considerations are a sensitive issue, including opposition to black, white, or hispanic predominance in tribal groups aspiring for recognition as tribes.

Those who fear losing a sense of tradition sometimes oppose recognition, citing a loss of customs, language, and heritage (most notably those on the Eastern Seaboard).

Some tribal leaders say that the terminated tribes should not be up for federal recognition, because they chose termination and were paid for termination, in which cases they chose to give up their heritage and sold their rights as Indian tribes.

Finally, there is concern that attempts by newly-recognized tribal groups to assert rights in states and urban areas where they now exist could lead to greater and greater resistance to tribal sovereignty in general, and would result in support for legislation to repeal or weaken treaties and dissolve present tribal governments.

**Questions:**

1. What can tribes gain by becoming federally recognized?
2. What might a tribe risk losing if it was to be recognized by the federal government?
3. What makes the gesture of the Virginia State legislature historically significant?
4. How would you characterize the U.S. government's policies on recognition?

**Your task: take one of the following actions**

- Interview a member of one of Washington State's unrecognized tribes to determine whether they support or oppose federal recognition and *why*
- Write a letter to the U.S. Senate Committee on Indian Affairs and the President in support of a tribe seeking recognition (like the Duwamish)
- Write a letter to the editor (of your local paper) in support of a tribe seeking recognition
- Write a letter and/or try to schedule an appointment with a U.S. Senator from Washington (Maria Cantwell or Patty Murray) to seek their assistance in promoting Senate action to grant recognition
- Write a letter to the editor supporting some sort of apology for Washington tribes (similar to what the Virginia legislature did to apologize to enslaved peoples and Native Americans)



## Socratic Seminar

on Sherman Alexie's *What Sacagawea Means to Me*

**Time required:** one class period (ideally no shorter than 50 minutes) for the discussion, plus a second period to prepare (unless assigned for homework)

**Materials:** class copies of the attached reading and two-sided question sheet (students should bring their notes and annotated text to the discussion as a “ticket” to participate)

### Learning Objectives

- Students will be able to articulate the contradictions Sherman Alexie attributes to Sacagawea, the country at large, and himself
- Students will enlarge their understanding of the text by challenging their own interpretations as well as those of others
- Students will critically probe the text to support their ideas with evidence
- Students will improve their ability to listen, articulate ideas, and engage others in meaningful dialogue
- Students will state opinions and supporting arguments, and critique the ideas of others without critiquing individuals

**Opening:** Arrange all students in a circle. Reminds them that the **purpose of a Socratic Seminar is to enlarge our understanding of the text**. The following norms will be observed:

- 1) No hand raising (just respectfully jump into the discussion when appropriate)
- 2) Direct your comments to fellow students, not to the teacher
- 3) Ground comments in the text

Remind students that the primary goal of the Socratic Seminar is to *enlarge our understanding of the issues, ideas and values in the text*.

During the seminar, record student participation (especially using the text for support) and summarize the main points raised before moving on to the next question.

Name: \_\_\_\_\_

## Socratic Seminar

on Sherman Alexie's *What Sacagawea Means to Me*

**First, look at all the contrasting items Alexie introduces in the 2<sup>nd</sup> to last paragraph. Look up any of the references you are unfamiliar with. On the chart (back side of this sheet) jot a few words about each opposing pair.**

**Then, highlight lines in the text to support your answers to questions 1 – 3, and write below the major points you plan to make in discussion (don't need to write complete sentences).**

### Opening Question:

Why does Alexie think the Lewis and Clark journey should be “celebrated by liberals?”

### Interpretive Questions:

How does Alexie characterize Sacagawea's death?

How does Sacagawea exemplify the contradictory aspects of American society?

### Evaluative Question (Based on your ideas/experiences - don't need to use the text for support)

Alexie's closing line is that he, like Sacagawea, is a contradiction. He was raised on the Spokane reservation but attended a mostly white public high school (while all of his Native American peers attended the reservation school) and while he writes mostly about the Native American experience he is a best-selling author in mainstream U.S. culture. Do you think many contemporary Native Americans are products of two worlds? In what ways are *you* a product of two worlds?

(over)

Maria Tallchief

Ted Bundy

Geronimo

Joseph McCarthy

Nathan Bedford Forrest

Toni Morrison

Declaration of Independence

Executive Order 1066

Cesar Chavez

Richard Nixon

Smallpox

Smallpox Vaccine

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## **Other Resources:**

The Native American Documents Project at [www.csusm.edu/nadp](http://www.csusm.edu/nadp)

The American West Native American home pages at [www.americanwest.com/pages/indians.htm](http://www.americanwest.com/pages/indians.htm)

First Nations Histories at [www.tolatsga.org/Compacts.html](http://www.tolatsga.org/Compacts.html)

Native Web at [www.nativeweb.org/](http://www.nativeweb.org/)

Education World's map of Native American populations by county (nationwide) [www.educationworld.com/a\\_images/population\\_map.gif](http://www.educationworld.com/a_images/population_map.gif)

Suquamish Tribe website at [www.suquamish.nsn.us/](http://www.suquamish.nsn.us/)  
(includes the complete text of Chief Seattle's speech published in the *Seattle Sunday Star*, October 29, 1887)

For a list of Native American websites, go to [www.nativeculturelinks.com/indians.html](http://www.nativeculturelinks.com/indians.html)  
(published by the American Indian Library Association)

*Usual and Accustomed Places* (2000, 48 min. Documentary on fishing rights of Washington State tribes, including a focus on the Boldt decision, 1970). Producer: Sandra Sunrising Osawa (Makah)\_Director: Sandra Sunrising Osawa (Makah)\_Produced by: Upstream Productions.

Burke Museum virtual exhibit, *Kennewick Man on Trial*:  
[www.washington.edu/burkemuseum/kman/](http://www.washington.edu/burkemuseum/kman/)

Other lessons:

*American Indian Treaties: A Simulation on Conflict, Power, and National Sovereignty*  
Part of the First Nations Collection: American Indian Social Studies Curricula, at  
[www.marquette.edu/library/neh/general/curricula\\_by\\_topics.htm](http://www.marquette.edu/library/neh/general/curricula_by_topics.htm)

For information on using the Kennewick Man case as a teaching tool:  
[www.geog.unit.edu/~lnagaoka/saa2000.pdf](http://www.geog.unit.edu/~lnagaoka/saa2000.pdf)