



SOCIAL SCIENCES

Native American Law and the Supreme Court

ESSENTIAL UNDERSTANDINGS

- Tribal Government
- Sovereignty
- History
- Genocide, Federal Policy and Laws

LEARNING OUTCOMES

Upon completion of the lesson, students will be able to ...

- Identify standard parts of a written U.S. Supreme Court decision.
- Read and summarize a written U.S. Supreme Court decision.
- Explain how U.S. Supreme Court decisions influence tribal nations and the lives of Native Americans.

ESSENTIAL QUESTIONS

- What is the role of the Supreme Court in the United States?
- How has the U.S. Supreme Court impacted tribal nations and the lives of Native Americans?

LOGISTICS

- Where does the activity take place?
Classroom
- How are the students organized?
 - Whole class Teams
 - Pairs Individually

TIME REQUIRED

80 minutes of class time

Overview

The U.S. Supreme Court is an institution with the power to change and shape the lives of all Americans. This lesson asks students to review what they already know about the Supreme Court and to build on that knowledge by examining the court's relationship with tribal governments and Native American people. For most students this will be new information, and this lesson provides an opportunity for students to learn about the unique relationship between the Supreme Court and tribal nations. Students will read summaries of Supreme Court decisions and reflect on what they've learned with peers. If resources allow, students can practice their research skills and find information about Supreme Court cases beyond those provided.

Background for teachers

- Review all materials including worksheets, articles, and summaries
- For a deeper understanding of U.S. government policy regarding Native Americans, the teacher should become familiar with the following legislative acts:
 - Indian Removal Act (1830)
 - Dawes Act (1887)
 - Indian Reorganization Act (1934)
 - Indian Child Welfare Act (1978)



Considerations for teachers

Assessment

- Students correctly identify parts of a written Supreme Court opinion.
- Students explain how certain Supreme Court decisions have impacted life for tribal nations and American Indians.
- Students begin a KWL worksheet and add to it throughout the lesson.

Practices

- *Advanced vocabulary* – Due to its subject matter, this lesson contains advanced vocabulary words that are unavoidable and that may be difficult for some students, particularly English language learners. In addition to the key vocabulary terms, it may be necessary to review the Supreme Court case summary handouts in advance, identify challenging vocabulary words, and be prepared to support students as necessary. Examples include legal terms such as plaintiff, jurisdiction, discriminatory, infringed, applicable, overruled, reinstated, and complying.
- *Small group* – Activity 3 includes the option for students to work in small groups. If you have not yet used small-group discussion, be sure to set the stage by explaining norms and expectations for group dynamics. As necessary, group students heterogeneously to allow for multiple strengths in each group. Anticipate any students who may have difficulty with group work (or difficulty reading the handouts

STANDARDS

Oregon social sciences standards

Civics and Government

HS.4 - Examine institutions, functions and processes of United States government.

HS.5 - Evaluate the relationships among governments at the local, state, tribal, national, and global levels.

HS.6 - Examine the institutions, functions, and processes of Oregon's state, county, local and regional governments.

HS.9 - Examine and evaluate documents related to the Constitution and Supreme Court decisions (such as Declaration of Independence, Federalist Papers, Anti-Federalist Papers, the Constitution, the Bill of Rights, and Constitutional amendments).

HS.12 - Examine the power of government and evaluate the reasoning and impact of Supreme Court decisions on the rights of individuals and groups (for example, Marbury v. Madison, Roe v. Wade, D.C. v. Heller, Loving v. Virginia, Plessy v. Ferguson, Obergefell v. Hodges, Brown v. Board, Cherokee Nation v. Georgia, Reed v. Reed, Oregon Employment Division vs. Smith, Korematsu v. US, Dartmouth v. Woodward, Mendez v. Westminster, etc.).

HS.13 - Examine and analyze provisions of the Oregon Constitution and the U.S. Constitution.

Multicultural Studies

HS.9 - (see above)

HS.12 - (see above)

HS.55 - Analyze the complexity of the interaction of multiple perspectives to investigate causes and effects of significant events in the development of world, U.S., and Oregon history. (History)

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for this lesson) and match them with other students who will help them be successful.

- *Individual work* – The second activity relies heavily on students completing work independently, including use of the internet.

Learning targets

- I can read and understand a U.S. Supreme Court decision.
- I can summarize and explain how a U.S. Supreme Court decision impacted tribal nations and the lives of Native Americans.

Options/extensions

- Activity 3 can conclude with:
 - Two student pairs discussing their findings with each other
 - Students presenting on the case they researched
 - Classroom discussion of themes and patterns students found
- Select one Supreme Court case and have students debate the ruling

Reflection/closure

- Ask students to share their main take-aways from the lesson.
- Ask students to share what they learned regarding the Supreme Court’s relationship with Native Americans and Alaska Natives.

STANDARDS *(Continued)*

Oregon social sciences standards

Multicultural studies

HS.60 - Analyze the history, culture, tribal sovereignty, and historical and current issues of the American Indian/Alaska Native/Native Hawaiian in Oregon and the United States. (History)

HS.62 - Identify historical and current events, issues, and problems when national and/or global interests have been in conflict, and provide analysis from multiple perspectives. (History)

HS.63 - Identify and analyze ethnic groups (including individuals who are American Indian/Alaska Native/Native Hawaiian or Americans of African, Asian, Pacific Island, Chicano, Latino, or Middle Eastern descent), religious groups, and other traditionally marginalized groups (women, people with disabilities, immigrants, refugees, and individuals who are lesbian, gay, bisexual, or transgender), their relevant historic and current contributions to Oregon the United States, and the world. (History)

HS.65 - Identify and analyze the nature of systemic oppression on ethnic and religious groups, as well as other traditionally marginalized groups, in the pursuit of justice and equality in Oregon, the United States and the world. (History)

Historical knowledge

HS.54 - Evaluate continuity and change over the course of world and United States history.

HS.55 - *(see previous page)*

HS.60 - *(see above)*

Historical thinking

HS.67 - Evaluate historical sources for perspective, limitations, accuracy, and historical context.

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- Return to the KWL worksheet from Activity 1 and ask each student to share one thing from their “What I Learned” column.

VOCABULARY

Note: See the explanation of “advanced vocabulary” in the “considerations for teachers” section of the lesson plan.

U.S. Supreme Court – The highest court in the United States.

Supreme Court opinion/decision – A written explanation of why the Supreme Court ruled a certain way on a case.

Syllabus – As part of a Supreme Court opinion, the syllabus is a summary of background information.

Main opinion – As part of a Supreme Court opinion, the main opinion is the final ruling on a case.

Concur – To agree with the main opinion on a case.

Concurring opinion – A written opinion that presents an argument in favor of a decision made by the court.

Dissent – To disagree.

Dissenting opinion – A written opinion that presents an argument against a decision made by the court.

Dispute – A disagreement.

Legal dispute – A disagreement between opposing parties that is resolved by a court or equivalent legal process.

STANDARDS *(Continued)*

Oregon social sciences standards

Social science analysis

HS.69 - Create and defend a historical argument utilizing primary and secondary sources as evidence.

HS.71 - Construct arguments using precise claims, integrating and evaluating information provided by multiple sources, diverse media, and formats, while acknowledging counterclaims and evidentiary strengths and weaknesses.

HS.74 - Analyze an event, issue, problem, or phenomenon, critiquing and evaluating characteristics, influences, causes, and both short- and long-term effects.

MATERIALS

What materials are needed for students to engage in this activity?

- **For projector**
 - Slide Deck – G10_Supreme Court
- **Teacher handouts** - none
- **Student handouts**
 - KWL Chart (Activity 1)
 - Article: How to Read a U.S. Supreme Court Opinion (Activity 1)
 - Supreme Court Case Summaries 1-5 (Activity 2)
 - Supreme Court Case Summaries 6-12 (Activity 3)

Activity 1

Anatomy of a Supreme Court Decision

Time: 25 minutes

Distribute the KWL Chart Worksheet. Ask students to talk with their neighbors about what they already know about the U.S. Supreme Court. Have them talk with their neighbors (think-pair-share) to discuss what they know. Instruct students to fill in the first two columns of the worksheet: What I Know and What I Want to Know. Ask a few students to share out what they already know about the Supreme Court. Encourage students to write in new facts they learn in the What I Learned column of their worksheet. If not mentioned, discuss the following:

- The Supreme Court is considered the highest court in the United States and is located in Washington, D.C.
- The Supreme Court is composed of nine justices.
- The Supreme Court writes an opinion document for each case it votes on.
- The Supreme Court decides which cases it will hear; at least four justices must agree to hear the case.

Ask if students know how a case gets to the Supreme Court. Allow responses. If not mentioned, discuss the following:

- There are three ways a case can reach the Supreme Court:
 1. Original jurisdiction
 - Least common route
 - Case goes directly to the Supreme Court (does not go to any other court prior to the Supreme Court)
 - Example: Dispute between two different states
 2. Appeal from a circuit court
 - Most common route
 - One party appeals the decision of the circuit court

Activity 1 *(Continued)*

3. Appeal from a state supreme court

- Supreme Court usually will not challenge a state court's ruling if it concerns state law
- A case usually makes it to the U.S. Supreme Court from a state supreme court if it deals with constitutional issues

Ask what Supreme Court cases the students have heard of and allow a handful of responses.

Say:

The decisions made by the Supreme Court can influence life for all Americans. Depending on the case, the decision can impact one tribal nation, one state, one region, or the entire country. In this lesson you will get a chance to learn about a few different Supreme Court opinions and to think about how those opinions continue to impact the daily lives of Americans. First, we'll learn how to read a Supreme Court decision.

Distribute the handout How to Read a U.S. Supreme Court Opinion.

Facilitator note

Students can read silently on their own, read with a partner, or the teacher can ask for volunteers to read the document out loud as the rest of the class listens. Select the option that works best for your students.

When students are finished reading the handout, ask for volunteers to provide definitions or explanations for the following parts: syllabus, main opinion, concurring opinion, and dissenting opinion.

Say:

As you read in the article, every opinion written by the Supreme Court will contain certain parts. The syllabus appears first and is a summary of background information. Next is the main opinion, which is the official decision of the case. Concurring and dissenting opinions provide the opportunity for the justices to explain their beliefs on the case. Supreme Court decisions are often very long documents

Activity 1 *(Continued)*

that use a lot of technical legal language and can be very hard to read. For our purposes, we will be using summaries of Supreme Court decisions rather than reading the official opinion. However, if you are interested in reading full Supreme Court opinions, they can be found online.

Activity 2

Reading a Supreme Court Case

Time: 25 minutes

Say:

I have printed out a few summaries that will help us get familiar with the structure and language of a Supreme Court case. When your work time starts, you can select the case you want to use for this activity. Once you have an opinion selected, follow the instructions on the “Find and label the parts” slide on the screen. These summaries are not legal documents, so they may not have every part listed on the slide. You may have time to read through more than one case summary.

Display the first slide of the PowerPoint and allow time for students to work. If students finish early, encourage them to repeat the activity with another opinion that interests them.

Allow 5 to 10 minutes for final discussion. When students are done reading the summaries, ask for responses to the following question: “What do you know about these famous Supreme Court cases now that you didn’t know before this activity?”

Facilitator note

There are two options for Activity 3. Activity 3a focuses on cases that apply to Native Americans in various parts of the United States. Activity 3b focuses on the two Supreme Court cases that impact Native Americans in Oregon. Select the version of Activity 3 that would benefit your students most.

Activity 3a

The Supreme Court's Impact on Tribal Nations and the Lives of Americans and Alaska Natives

Time: 30 minutes

Say:

You've had a chance to learn more about a Supreme Court decision of your choice. Now we're going to spend time learning about the Supreme Court decisions that are relevant to Native American people. On the screen is a list of Supreme Court decisions and their related topics. With a partner, choose one or two to read over and get to know really well. As you read, focus on answering two questions: What is the impact on Native Americans? What made this case significant enough to reach the Supreme Court? You will have about 15 to 20 minutes.

Facilitator note

Encourage students to learn more about these cases by using other available resources (e.g., textbooks, internet). If students do extra research, adjust time accordingly.

After pairs have had time to research the case(s) of their choice, instruct them to join with another pair that researched a different case. At this point, students should be in groups of four. In their groups of four, instruct them to share with each other the cases they researched and what they learned. They should focus on the legal issue and the impact of the case on Native Americans.

Activity 3b

The Supreme Court's Impact on Native Americans in Oregon

Time: 30 minutes

Say:

You've had a chance to learn more about a Supreme Court decision of your choice. Now we're going to spend time learning about the Supreme Court decisions that are relevant to Native Americans in Oregon. On the screen is a list of Supreme Court decisions and their related topics. The two in bold are the cases specific to Oregon. With a partner, choose one of the bolded cases to read over and get to know really well. As you read, focus on answering two questions: What was the impact on Native Americans in Oregon? What made this case significant enough to reach the Supreme Court? You will have about 15 to 20 minutes.

Facilitator note

Encourage students to learn more about these cases by using other available resources (e.g., textbooks, internet). If students do extra research, adjust time accordingly.

After pairs have had time to research the case(s) of their choice, instruct them to find a pair that researched the other Oregon case (the one they did not research). At this point, students should be in groups of four. In their groups of four, instruct them to share with each other the cases they researched and what they learned. They should focus on the legal issue and the impact of the case on Native Americans in Oregon.