

SOCIAL SCIENCES

The Importance of Treaties

ESSENTIAL UNDERSTANDINGS

- Sovereignty
- History
- Tribal Government
- Treaties with the United States
- Genocide, Federal Policy, and Laws

LEARNING OUTCOMES

By the end of the lesson students will be able to:

- Define the terms “treaty,” “ratify,” “sovereignty,” and “governance.”
- Understand why and how governments work through the process of treaty negotiations by participating in an interactive model of the treaty process between the U.S. government and tribal nations.
- Conduct a close reading of an historical document between the U.S. government and the Cow Creek Band of Umpqua Tribe of Indians.
- Understand how to identify and use claims and evidence to evaluate multiple perspectives on the impact of the Cow Creek Umpqua Treaty of 1853.
- Write an argument to support a claim using valid reasoning and evidence about the impact of the Cow Creek Umpqua Treaty of 1853.

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Overview

From 1774 to 1871, the U.S. government negotiated hundreds of treaties with individual Native American tribes.¹ These negotiations were conducted on a government-to-government basis, with the understanding that tribes were sovereign nations with an inherent right to self-governance and self-determination. This lesson will provide students with an understanding of the history and impact of treaty-making between Native American tribes in Oregon and the U.S. government. There are six activities.

In the first activity students complete a vocabulary graphic organizer to gain essential understanding of key terms. In the second activity students role play treaty negotiations using an interactive model to gain a general understanding of why and how governments work through the process of treaty negotiations. In the next three activities students engage in a case study of the Cow Creek Band of Umpqua Treaty of 1853. This includes a close reading of the original treaty (activity 3), the citing of textual evidence (activity 4), and independent research to build evidence for claims regarding the impact of the treaty on the present day (activity 5). The lesson closes with individual reflection, journal writing, small-group discussion, and a whole-

¹ Wildenthal, B. H. (2003). *Native American sovereignty on trial: A handbook with cases, laws, and documents*. ABL-CIO.



ESSENTIAL QUESTIONS

- Why are treaties important?
- How do historical events impact the present?

LOGISTICS

- Where does the activity take place?
Classroom
- How are the students organized?
 Whole class Teams: 2 – 4
 Pairs Individually

TIME REQUIRED

Three hours

class share-out.

Background for teachers

U.S. Government Treaty Negotiations with Native American Tribes

The United States initially developed treaties with tribal nations in order to establish its own status as an independent sovereign nation. Early in the history of the United States that status was still very much in doubt. By establishing formal treaties, the United States hoped to impress upon France, Great Britain, and other world powers that it was an independent nation that had the right and the capability to negotiate with other governments. In effect, the early negotiations with tribes on the east coast of North America helped establish the nationhood of the United States.

STANDARDS

Oregon social sciences standards

Civics and Government

8.8 – Analyze important political and ethical values such as freedom, democracy, equality, equity, and justice embodied in documents such as the Declaration of Independence, the United States Constitution, and the Bill of Rights.

8.9 – Analyze the effect of historical and contemporary means of changing societies and promoting the common good.

Multicultural Studies

8.31 – Analyze intersecting identities and relationships within the living histories of racial/ethnic groups, religious groups, and other traditionally marginalized groups (women, people with disabilities, immigrants, refugees, and individuals who are lesbian, gay, bisexual, or transgender) in the United States.

Historical Knowledge

8.22 – Evaluating continuity and change over the course of U.S. history by analyzing examples of conflict, compromise, cooperation, interdependence, and social justice from multiple perspectives.

8.23 – Evaluate continuity and change over the course of U.S. history by analyzing the key people and events from the 1780s through Reconstruction.

8.24 – Evaluate the cause and effect of social, political, and economic factors that motivated westward expansion, the invasion of indigenous peoples, and the resulting impacts.

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STANDARDS *(Continued)*

Oregon English language arts standards

6-8. RH.4 – Determine the meaning of words and phrases as they are used in a text, including vocabulary specific to domains related to history/social studies.

6-8. WHST.10 – Analyze the effect of historical and contemporary means of changing societies and promoting the common good.

6-8. WHST.1 – Write arguments focused on discipline-specific content.

Based on the historical record, the United States did not negotiate with tribes in good faith. With tribe after tribe, the U.S. government failed to live up to the terms of the treaties almost as soon as it had signed them. The treaties served their purpose of allowing the U.S. government to present itself as a “civilized” nation that negotiated with other sovereign nations and offered legal justification and compensation for the land it obtained. The treaties were an attempt to justify the removal of Indigenous people from their ancestral territory, by whatever means necessary.

The U.S. government stopped negotiating treaties with Native American tribes in 1871, but the treaties it had already signed are still in place and have been upheld as legally binding in many important court cases since. Because of treaties, tribes across the country and in Oregon continue to function as independent nations with governments who work on behalf of their citizens.

When studying treaties between the U.S. government and Native American tribes, it is essential to consider the underlying context. Tribes were at an extreme disadvantage in the treaty-negotiating process. First, the negotiations were conducted in English (or in some cases English and a trade language such as Chinuk Wawa). Second, tribes had already been decimated by disease and, in many cases, starvation caused by the disruption of their traditional lifeways and the destruction or despoliation of critical elements of their food sources. Third, tribes were often faced with total annihilation—in many cases to be backed by U.S. military force—if they refused to accept the terms of the treaty.

MATERIALS

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

Teacher

- Internet access and screen for viewing the slide deck and video as a class
- Scratch paper or class journal
- Slide deck

Student handouts

- Ancestral Territory Map
- Argument Rubric
- Argument Paper Format
- Citation Hunt
- Cow Creek Resource Links
- The Cow Creek Story
- Cow Creek Band of Umpqua Treaty of 1853 Close Reading
- Cow Creek Band of Umpqua Treaty of 1853 Claims and Evidence
- End of Lesson Journal
- Vocabulary Graphic Organizer

U.S. Government and the Cow Creek Band of Umpqua Treaty Negotiations

All these factors were in play when the U.S. government and the Cow Creek Band of Umpqua negotiated a treaty in 1853. The treaty was written with the express purpose of removing tribal members from their ancestral territory in order to give that territory to white settlers. The U.S. government was under pressure from settlers and miners who felt they had already been promised the land due to legislation that promoted westward expansion and settlement, such as the Oregon Land Claim Act of 1850. When settlers and miners were refused access to land or when tribal members sought to resist encroachment on their ancestral territory—or simply sought to continue the seasonal rounds they had practiced since time immemorial—whites responded with violence. This violence was often perpetrated by volunteer “militia” who conducted massacres of Native women, children, and elders from the Cow Creek Band and other tribes of the Rogue River region. The U.S. government then used this escalating conflict as justification for the need to remove tribal members and relocate them to a reservation.

As with previous treaties, the U.S. government failed to uphold the terms of the Cow Creek Band of Umpqua Treaty of 1853. Ultimately, just over a century after it was signed, the U.S. Congress unilaterally passed the Western Oregon Indian Termination Act (Public Law 588) on August 23, 1954, suspending recognition of tribal status. In the process, it delegitimized the very sovereignty the United States had used to benefit itself.

VOCABULARY

Treaty – Formal (written) agreement between independent governments that have been ratified. An exchange of promises between governments.

Governance – To have the authority to make decisions for a larger group of people, land, or resources.

Sovereignty – A type of political power, exercised through a form of government over people, land, and resources.

Ratify – To gain the approval of all parties to the treaty before it can take effect.



In 1980, Public Law 96-251 passed, allowing the Tribe to sue for lands that had been taken and for the failure of the U.S. government to live up to its treaty obligations. The Tribe also sought the restoration of its tribal status and its government-to-government relationship with the United States. In 1987 the Tribe received a judgment of \$1.5 million for the land that had been taken. The Tribe created an endowment and used the interest to support tribal growth, education, economic development, land management, and social services for tribal members. The Tribe had also bought back some of its ancestral territory, which served as the basis for supporting tribal unity and identity and for restoring and promoting the Takelma language and traditional lifeways and cultural values.

Currently, the Cow Creek Band of Umpqua Tribe of Indians employs and provides services to the greater community of Southern Oregon through jobs, foundation grants, and the Umpqua Indian Utility Cooperative. The Tribe's story is one of persistence and survivance in the face of unbelievable odds.

For more information please see the National Archives webpage dedicated to information about Native American treaties: <https://www.archives.gov/research/native-americans/treaties>

The Cow Creek Band of Umpqua Tribe of Indians website: <https://www.cow-creek.com/>

Additional reading

The Oregon Department of Education website has additional lessons about Native American tribes in Oregon, including lessons on tribal sovereignty and treaty negotiations.

Adams, J. (2006). Awful hard time when I'm baby, 1855. In S. D. Beckham (Ed.), *Oregon Indians: Voices from two centuries* (pp. 151–155). Corvallis, OR: Oregon State University Press.

Beckham, S.D. (2006). *Oregon Indians: Voices from two centuries*. Corvallis, OR: Oregon State University Press.

Beckham, S.D. & Rondeau, M. (2007). *The first Oregonians* (pp. 105–119).

Portland, OR: Oregon Council for the Humanities.

Beckham, S. D. (Ed.). (2006). Imprisonment at Alcatraz: Chief John of the Rogue Rivers. In *Oregon Indians: Voices from two centuries* (pp.183–188). Corvallis, OR: Oregon State University Press.

Beckham, S. D. (Ed.). (2006). Lands worth only 2 1/3 cents per acre, 1979. In *Oregon Indians: Voices from two centuries* (pp. 517–530). Corvallis, OR: Oregon State University Press.

Beckham, S. D. (Ed.). (2006). The importance of congressional leadership, 1983. In *Oregon Indians: Voices from two centuries* (pp. 531–532). Corvallis, OR: Oregon State University Press.

Beckham, S. D., & Rondeau, M. (2007). Patience and persistence: The Cow Creek Band of Umpqua Tribe of Indians. In L. Berg (Ed.), *The first Oregonians* (2nd ed., pp. 105–119). Portland, Or: Oregon Council for the Humanities.

Whittlesey, D. J. (2006). The importance of congressional leadership, 1983. In S. D. Beckham (Ed.), *Oregon Indians: Voices from two centuries* (pp. 531–532). Corvallis, OR: Oregon State University Press.

Wildenthal, B. H. (2003). *Native American sovereignty on trial: A handbook with cases, laws, and documents*. Sacramento, CA: ABL-CIO.

Considerations for teachers

Assessment

- *Formative* – Review all student worksheets for understanding and completeness. During student discussions, circulate and monitor to clarify understanding with the whole group.
- *Summative* – Using the argument rubric, evaluate students’ written argument papers. Students will be successful when they can communicate a focused claim and support this claim with logical reasoning and relevant evidence. Argument papers should show a clear understanding of the impact of the treaty process between Native American tribes in Oregon (specifically the Cow Creek Band of Umpqua Tribe of Indians) and the

U.S. government.

Practices

- *Vocabulary routine* – In this lesson, students are expected to learn and demonstrate understanding of four key vocabulary terms. A vocabulary routine provides students with guided definitions and examples, which promotes easy recall of the terms and allows students to see them in multiple contexts. The Frayer model is one type of vocabulary organizer. This model was chosen because it promotes the comprehension, application, and synthesis of new terms. For each term, the model includes a student-friendly definition, a logical sentence that puts the term in context, a non-linguistic representation (illustration) of the term, and “non-examples” that show incorrect uses of the term.
- *Metacognition modeling* – Metacognition modeling makes visible the process a good reader uses while reading to comprehend text. It is not always intuitive for students to think about all the processes they go through to decode words, make meaning, and comprehend new content. A metacognitive script helps students begin to recognize the connections the brain is making while processing new written information. As students read the treaty and related documents in future lessons, it is critical that they begin to use metacognitive strategies such as identifying why they are reading (purpose setting) and determining whether what they are reading makes sense (self-monitoring).
- *Partner routines* – There are many instances in which students are expected to share information with each other. Students may have a designated shoulder partner, meaning someone who is close by and can quickly face the person to have a short one- to three-minute discussion that includes ways to equitably talk and listen. Teachers may take advantage of selective groupings and have dedicated partners based on students’ knowledge and understanding of the material, personal relationships, grasp of the English language, and need for adaptive supports. This pairing or triad strategy may take more time and space and should be used for discussions that are meant to bridge general thinking, clarify concepts, or scaffold knowledge.

- *Student discussions* – During student peer discussions, the teacher should circulate throughout the room and take note of students’ ideas and questions. It is important that the teacher promote productive struggle—the habits of mind that promote perseverance and flexible thinking. As part of this effort, the teacher should emphasize that all questions presented have multiple answers; it is up to the students to find the evidence that supports their claims. Students should expect to receive challenging and thought-provoking responses from their teachers and peers.

Learning targets

- I can define and give examples of the four key unit vocabulary terms (treaty, governance, sovereignty, and ratify) using a Frayer model graphic organizer.
- I can identify some imbalances and unfair aspects of the treaty negotiation, development, and ratification process between Native American tribes in Oregon and the U.S. government.
- I can examine history by investigating a primary source document (an historical treaty between the U.S. government and the Cow Creek Tribe).
- I can identify the main idea and supporting details from a reading about the Cow Creek Band of Umpqua Treaty of 1853.
- I can identify and cite evidence to support a claim.
- I can write an argument to support a claim using valid reasoning.

Lesson extensions

1. Students can view the video “Treaties and Sovereignty ” in the PBS Indian Pride series (<https://opb.pbslearningmedia.org/resource/0a35b09d-06f1-4ec7-8194-87831eab20e9/indian-pride-treaties-and-sovereignty-lesson-plan/#.XjSB3iN7nRY>) and create a PPT presentation on why treaties are living documents and why it is still important to Native American tribes in Oregon to protect and preserve the rights contained within treaties.
2. Select one of the nine federally recognized tribes of Oregon (other

than the Cow Creek Band of Umpqua Tribe of Indians) and conduct a complete investigation into the history of the tribe's treaty with the U.S. government and how it continues to impact the tribe today. Below are links to the tribal websites:

Burns Paiute Tribe - <http://www.burnspaiute-nsn.gov/> (Note: The Burns Paiute Tribe did not sign a treaty with the U.S. government and therefore never gave up its rights. The Tribe did sign a "peace and friendship" agreement with the U.S. government, but it was never ratified. The website contains additional information.)

Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians – <https://ctclusi.org/>

Confederated Tribes of the Grand Ronde Community of Oregon – <http://www.grandronde.org/>

Confederated Tribes of Siletz Indians – <http://ctsi.nsn.us/>

Confederated Tribes of the Umatilla Indian Reservation – <http://ctuir.org/>

Confederated Tribes of Warm Springs – <http://www.warmsprings.com/>

Coquille Indian Tribe – <http://coquilletribe.org/>

Klamath Tribes – <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0ahUKEwjRiY7668L-SAhVNy2MKHfg1Bc8QFgggMAE&url=http%3A%2F%2Fklamathtribes.org%2F&usg=AFQjCNEBqig3EVfDsCd3VPFqveCdU7Fy9g>

3. The Confederated Tribes of Grand Ronde created a lesson that also explores treaties: Grade 8, Lesson 6: Laws and Treaties <https://www.grandronde.org/media/1101/lesson-6.pdf>

Activity 1

Setting the Stage and Introducing Vocabulary Terms

Time: 20 minutes

Step 1

Set the stage by introducing the unit and lesson goals and describing the products students will create. Use the slide deck to help guide the lesson.

Step 2

Show slide 1

Say:

Have you ever had to work with family members, friends, or classmates on a compromise to share either an object or a space? For instance, how long someone can be on the phone or how much time to spend doing homework versus something else you want to do? (Allow time for a few student examples, either through paired or whole-group sharing.)

In this lesson, we will explore our two essential questions: Why are treaties important? How do historical events impact the present?

First, we will define and develop some examples of key terms, then you will have the opportunity to explore some examples of treaties, and finally you will participate in a model of treaty development.

Activity 1 (Continued)

Step 3

Show slide 2 and hand out the Vocabulary Graphic Organizer. It will be helpful to print out copies of actual treaties that students can use as a reference point.

Name _____		Date _____	
<p>Vocabulary Graphic Organizer</p> <p>Directions: For each key vocabulary, provide a definition and a meaningful sentence using the word in context. Create a simple illustration and list at least one non-example for the word.</p>			
Definition	Illustration	Definition	Illustration
Treaty		Ratify	
Sentence	Non-examples	Sentence	Non-examples
Definition	Illustration	Definition	Illustration
Sovereignty		Governance	
Sentence	Non-examples	Sentence	Non-examples

Say:

These are the four key terms that we're going to explore throughout this unit.

On a scale of one to five, with zero being "I've never heard of these words" a three being "I've heard of them, and I understand most of them to talk about" and a five being "I know them so well I can write a thesis statement combining all of them and submit it for college credit," hold up one hand and the amount of fingers for your current understating of these terms. This will help me determine how to support you, both individually and as a group.



Activity 1 (Continued)

Say:

Our next slide includes a five-minute video from National Public Radio that discusses what treaties are about and why they continue to matter. Use the back of your vocabulary sheet to take notes about the terms you hear. Be on the lookout for three things:

- One thing from the video that you think everyone should know
- One thing from the video that you think most people already know
- One thing from the video that people may have a misunderstanding about

Step 3

Show slide 3 and play the video

The video is also available at <https://youtu.be/bexvE4IZRGo>

Step 4

After the video, facilitate the following discussion:

Say:

What did you learn about treaties? Turn to a shoulder partner and spend one minute discussing what you learned from the video. Share your three things: the things people need to know, probably already know, and might have a misunderstanding about.

(Circulate throughout the room to listen in on student conversations. You may choose to share some students' thoughts.)

Step 5

Show slide 4

Say:

Now we're going to use our vocabulary graphic organizer to explore these four key terms. Remember: Your definitions must be in your own words, not just copied from the slide.

Activity 1 (Continued)

Treaty – A written agreement between governments. These agreements are sometimes called conventions, pacts, or accords. Article II of the U.S. Constitution gives the president the power to negotiate treaties with other nations or international corporations on behalf of the United States. In the case of treaties with Native American tribes in Oregon, it was taken in good faith that tribal members could live in peace on their homeland according to their traditions and customs but also that the tribes understood this agreement would open their traditional lands to non-Native settlement.

Governance – A structure for creating policies and taking actions on behalf of a group of people. Many groups that come together for mutual benefit end up creating some form of governance. Often, there is either a leader or a group of leaders who make decisions for the group based on their knowledge of the resources and the needs of the entire group. Sometimes these governance structures take the form of written rules. Other times they are more like agreed-upon routines.

Sovereignty – Sovereignty means having the authority to govern. The sovereignty of Native American tribes predates the U.S. Constitution. Long before their first contact with white settlers, tribes functioned as individual and independent governance structures. Although there is a misconception that tribes were uncultured or less civilized than their white counterparts, the fact is that each tribe had its own unique culture and its own governance structure. As you heard in the video, it was beneficial for the United States to negotiate treaties with tribes. The signing of treaties demonstrated that both sides recognized the sovereignty of the other. We know that the early U.S. government saw the Native American tribes in Oregon as sovereign nations because they negotiated government-to-government treaties with them.

Ratify – To ratify means to give formal consent. The process of ratifying a treaty can be time-consuming and problematic. For example, many of the treaties the U.S. government negotiated with Native American tribes ended up being held up in Congress, which disagreed about some of the terms that had been negotiated. In some cases, these disagreements were never resolved, and the treaties were

Activity 1 (Continued)

never ratified and were therefore considered invalid in the eyes of the U.S. government. However, this information was not always passed on to the tribes, who continued to believe that the treaties were final and binding. Once signed and ratified, a treaty becomes international law and is binding for all sides involved in the treaty. Treaties are made at the federal level, which means they override city, county, and state laws. In the U.S. Constitution, it states: "All Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land."

Step 6

Show slide 5

Say:

Look at your vocabulary graphic organizer. You will notice that each key term is in the center of its own box. There is room for a definition, a sentence, an illustration, and non-examples. The definition should clearly describe the term in a way that makes sense. The sentences should include the term and show a genuine understanding of its meaning. I will be checking your sentences.

The illustrations and non-examples are there to help you clarify your own thinking. Illustrations are one way our brains make sense of things: By drawing something, we get a clearer understanding of our own thinking about it. Your illustrations should be simple sketches that take less than one minute. Non-examples are another way our brain makes sense of things: We often come to an understanding of something by comparing other things to it. The only things I'm going to check for correctness are the definition and the sentences you create.

I'm going to show you some examples of how I approached this, then I'll give you some time to think before you jump in. If you need to work with a partner, you're welcome to do so, but you should each complete your own graphic organizer.

Activity 1 (Continued)

Top left corner:

*I'm using this picture to help me think about what a **treaty** is. A treaty is a written document between sovereign nations, in this case Canada and the United States, to document an agreement they have come to over a certain issue.*

My sentence would be: The U.S. government and Cow Creek Band of Umpqua Tribal leaders agreed to written statements in a treaty that made promises about land, support, and safety. This same picture could serve as my non-example, because a handshake is not a treaty. A treaty must be put in writing.

Top right corner:

*I'm using this picture to help me think about what **ratify** means. Ratify means it must be approved by all parties, and as we'll see as we continue to talk about treaties, they are not actually valid until Congress approves them, even if they are signed by tribal members and a Native American representative. This stamp helps me think that even if it's written, agreed upon, and signed, it still must have a stamp of approval for it to be ratified. My sentence would be: After the teacher and I create our treaty about the hallway space, it would have to go to the principal to have the agreement ratified. A non-example might be a contract that is not signed.*

Bottom right corner:

*I'm using this picture to think about **governance**. It shows a leader that is steering a ship full of people who seem to have something in common. My sentence would be: In our school, we have a form of governance in which our principal leads the teachers, students, staff, and families to use all our resources in a way that ensures all students are learning. A non-example might be individuals who are doing whatever they want without regard for others or for the rules.*

Bottom left corner:

*I'm using this picture to help me think about **sovereignty**. Sovereignty means that each group, including the Cow Creek Band of Umpqua Tribe of Indians, is viewed as its own nation, equal to the United States. My sentence would be: Many Native American tribes continue to have sovereignty, which means they can make their*

Activity 1 (Continued)

own decisions for their tribal members. A non-example might be that Oregon, as a state, is not sovereign because it has to follow the rules of the federal government.

I'll give you about 10 minutes to complete this organizer. The next slide will have the pictures I used and the definitions and you must work independently for at least five minutes then decide if working with a partner will help you understand these terms. I'm only going to review your definition and your sentence.

Activity 2

Treaty Negotiations Interactive Model

Time: 30 minutes

Step 1

Review the following key points with the whole class

Say:

In addition to understanding key terms, I want you to have some sense of what it might be like to participate in a treaty-making process.

From 1774 to about 1832, the newly developing U.S. government and Tribal nations negotiated several treaties. These treaties helped the fledgling United States establish its identity as a sovereign nation, while also satisfying the desire of white settlers for resources and space as they moved farther west.

Most treaties are developed to ensure peace during times of upheaval and change and are intended to provide for the “common good.” But what is common, and what is good, and who decides?

This next activity will help you begin to imagine what it must have felt like for tribes to participate in treaty negotiations.

Step 2

Next, show slide 6 and ask students to give specific examples of present-day equivalents for some of the terms. For example, “culture” might include language, music, choice of clothes, and art. “Home” might include giving up living in a house/apartment of your choice or giving up living in the city/state of your choice and being told where to live by someone else.

The Cultural Context Behind Treaties

Treaties were used early on in U.S. history. The treaties the U.S. government negotiated with tribes helped establish it as a sovereign government when that was still very much in doubt. Many of these treaties were not negotiated in good faith. This is a good opportunity to remind students that tribes were negotiating in a language and custom they did not understand and with concepts that were unfamiliar to them. For example, Native people did not share the concept of “ownership” over the land. Instead, they viewed themselves as stewards of the land, and for that reason they would not extract or harvest resources in a way that was not renewable and sustainable.

While many white settlers believed it was their right to encroach on land that others had been using since time immemorial, this is an opportunity to consider the harmful effects of the concept of manifest destiny and the notion of superiority some people have over others.

Activity 2 (Continued)

Step 3

Next, tell the students they must choose one thing to give up or do without.

Say:

What is one thing that you could live without?

Step 4

Have students turn and share with a partner to explain why they made that choice. Continue this process in rounds, with students choosing to remove one item each time and then explaining to a partner how they came to that choice.

Step 5

After the third round, acknowledge the anxiety students are feeling about having to give up these things. Let them know that this activity is meant to simulate, in however small a way, the treaty-negotiating process. Remind them that Native American tribes were forced to make the most difficult decisions imaginable. In the face of constant encroachment upon their land, violence perpetrated upon them, and devastating diseases, the tribes often entered into treaties as a final effort to save those things that were most valuable to them. For Native American tribes, the treaty-making process was often a matter of life and death, and it involved negotiating over things that went to the core of their culture and identity, including their right to live in their ancestral territory and their right to hunt and fish and move about in areas that provided sustenance.

Step 6

Show Slide 7 and ask students to reflect for a moment on this activity.

Say:

Now, let's think about how it feels to have someone else make decisions about the common good. How did it feel when one thing after another was taken away from you?

Activity 2 *(Continued)*

Step 7

Have students turn and share with a new partner which item they chose to keep and why and how it felt as the rounds went on and they had to give up one thing after another.

Activity 3

Case Study Part I: Citing Textual Evidence

Time: 10–15 minutes

Step 1

Begin the mini-lesson by asking students if they've ever had someone else take credit for a joke, idea, or piece of work that they created. How did it make them feel?

Say:

Most people want credit for the good work they do. Giving proper credit is an important part of doing research. A citation is a quotation from or reference to a book, paper, or author, especially in a scholarly work. There are four main reasons that citations are important:

- *To document evidence*
- *To support inferences, opinions, and claims*
- *To give ownership to original thought or work*
- *To review possible biases or to identify additional analysis that may be necessary to fully support a claim*

Most historical accounts are written many months or even years after an event took place, are often told from a single perspective, and may be misleading either because opinions are stated as facts or because the author has a bias. This is one reason it is so important to gather evidence from multiple resources. Citing these resources accurately helps support the claim you are making.

Activity 3 *(Continued)*

Step 2

Distribute a copy of The Cow Creek Story and the Citation Hunt worksheet for each student. Let students know The Cow Creek Story is from the Cow Creek Band of Umpqua tribal website.

Note: Remind students that as they review some resources for their claim, not all resources are high quality or trustworthy. For this reason, it is necessary to combine close reading and the citing of evidence as you build a case for your claim.

Step 3

Point out text features such as the headings, paragraph indentions, and photos with captions. Model and allow students to number the paragraphs within each of the headings for easier reference, since this document does not have page numbers.

Step 4

Direct students to the first example on the Citation Hunt worksheet. Show students that the claim has two pieces of evidence and therefore two locations. Give students a few minutes to scan the first heading of the reading and note the sample evidence and the location.

Step 5

Tell students to find another piece of evidence that can be used to support the claim. Allow time for students to identify their sample, then ask for volunteers to identify an appropriate sentence. Have students write correct examples on their worksheets.

Activity 3 *(Continued)*

Step 6

Allow students to independently take a few minutes to read the text and identify evidence for the second claim, “The Cow Creek Tribe was treated unfairly by the treaty process.” Then have them enter the evidence on their worksheet. Next, call for volunteers to share their findings and explain why they thought that piece of evidence supported the claim. Remind students that there may be multiple examples of evidence and that they must be able to justify why each one supports the claim.

Step 7

Have students continue to work independently to complete the Citation Hunt worksheet on their own while you monitor and provide support.

Activity 4

Case Study Part II: Close Reading of the Cow Creek Band of Umpqua Treaty of 1853

Time: 60 minutes

Step 1

Share slide 8 and share with students that much of our current U.S. land was acquired through treaties with Native American tribes or from European nations who had stolen tribal lands.

Say:

The United States did not negotiate with tribes in good faith. With tribe after tribe, the U.S. government failed to live up to the terms of the treaties almost as soon as it had signed them. The treaties served their purpose of allowing the U.S. government to appear to be a “civilized” nation that negotiated with other sovereign nations and offered legal justification and compensation for the land it obtained.

Step 2

Next, show slide 10, “Cow Creek Umpqua Tribe Ancestral Territory” and let students know that in this next activity they will have the opportunity to closely examine the Cow Creek Band of Umpqua Treaty of 1853 and its impact.

Say:

Important primary texts—particularly those that continue to have legal, ethical, and political consequences such as treaties—are worthy of close analytical reading. For this next activity you will be asking questions and pushing yourselves to think about what went into creating this treaty, the impact it may have had on the Cow Creek Band of Umpqua Tribe and the U.S. government, and how that impact continues to play out to this day.

Step 3

Distribute copies of the Cow Creek Band of Umpqua Treaty of 1853 Close Reading sheet.

Activity 4 (Continued)

Step 4

Model the use of the close reading sheet with the preamble and Article I.

Say:

So, as I read the preamble, which is an introduction to a legal document that states its purpose and justification, I'm going to practice close reading strategies. I will share my thought process as I read and try to understand this complex document. I want you to follow along and make the same notations—or a version of them—with me. I'm modeling what I expect you to be able to do by the end of this lesson.

From the treaty: "Stipulations of a treaty made and entered into on Cow Creek, Umpqua Valley, in the Territory of Oregon, this 19th day of September, A. D. 1853, by and between Joel Palmer, superintendent of Indian Affairs, on the part of the United States, and Quin-ti-oo-san, or Bighead, principal chief, and My-n-e-letta, or Jackson; and Tom, son of Quin-ti-oo-san, subordinate chiefs, on the part of the Cow Creek Band of Umpqua Tribe of Indians."

I'm going to note by underlining or highlighting that the main idea is "a treaty made and entered into." I'm also going to identify some of the facts and details that support this main idea. For example, the "19th day of September 1853" is when the treaty was formally entered into, so I will draw an arrow from it to the main idea. The names Joel Palmer, Quin-ti-oo-san, My-n-e-letta, and Tom are also supporting details since they identify the people who formally entered into the treaty as representatives of their respective sovereign governments.

I can also think of one question I have about the part that says "... on the part of the Cow Creek Band of Umpqua Tribe of Indians." I'm going to put a question mark next to that, and then in the box I'm going to write: "Did the United States make treaties with the other Umpqua bands?" Sometimes my questions will get answered in this text, while other times I will have to look at other texts to find an answer. The more I read, the more questions I may have, and that's the sign of a good reader.

Activity 4 (Continued)

Step 5

Ask students if anything they read was surprising to them. Did they make a connection between the main idea and another supporting detail? Did something they read raise a question for them?

Step 6

Next, divide the class into two groups. Group 1 will be responsible for closely reading and annotating Articles II and III, while Group 2 will be responsible for closely reading and annotating Articles IV, V, and VI. Both groups will be responsible for closely reading and annotating Articles VII and VIII and the signatures.

Step 7

After students have completed their close reading of Articles II-VIII and completed their notes, organize them into groups of four (two members from each group in the previous activity).

Step 8

In groups, students will now share their close reading analysis with their peers. Have students take turns reading the articles out loud and then sharing key annotations. Students from each group should be able to ask clarifying questions about the text and justification questions about why students chose their main ideas and supporting details. Students can collaborate to make additional connections and come up with additional questions.

Say:

OK, we're going to work in groups again, but this time each group will have two people from each of the previous groups, for a total of four. I want those of you who read Articles II and III to read those articles out loud and discuss what you saw as the main idea, what supporting details you identified, and what you found surprising or what connected to something you already knew. In addition, you should point out any words you circled and any questions you wrote in your boxes. I want those who didn't read those articles to listen and ask questions to clarify or better

Activity 4 (Continued)

understand the text. Next, those of you who read Articles IV, V, and VI will take your turn reading and discussing. By the end, each one of you will be responsible for knowing and understanding all the articles in the treaty. Finally, I want you to talk within your groups about what you have learned and any additional connections you made or questions you still have about what you read.

Step 9

Walk the room and answer questions and concerns. If helpful, show slide 10 and provide a brief overview of the key historical points on the Cow Creek Band of Umpqua Treaty of 1853 Treaty.

Activity 5

Case Study Part III: Independent Research

Time: 60 minutes

Note: This activity can also be structured so that students complete their research and their paper outside class time.

Step 1

Organize students into pairs and assign one claim to each pair. Divide the class so there is equal distribution of claim statements. (See claims and example of class distribution below.)

Step 2

Explain to students that they will work with their partner to research evidence to support their assigned claim. They may not agree with the claim, but it is the job of the team to find and cite evidence to support it. They are expected to use at least two new resources, as well as any information gathered from the previous lessons. Finally, let students know that they will be using the evidence from their research to independently write an argument paper.

EXAMPLE OF CLASS DISTRIBUTION

<p>Claim 1: Has been and continues to be beneficial for the Tribe.</p> <p>Students 1 and 2 Students 9 and 10 Students 17 and 18</p>	<p>Claim 2: Has been and continues to be beneficial for the U.S. government.</p> <p>Students 3 and 4 Students 11 and 12 Students 19 and 20</p>
<p>Claim 3: Has been and continues to be disastrous for the Tribe.</p> <p>Students 5 and 6 Students 13 and 14 Students 21 and 22</p>	<p>Claim 4: Has been and continues to be disastrous for the U.S. government.</p> <p>Students 7 and 8 Students 15 and 16 Students 23 and 24</p>



Activity 5 *(Continued)*

Step 3

Pass out the Cow Creek Band of Umpqua Treaty of 1853 Claims and Evidence handout for each student. Give students access to the list of Cow Creek Resource Links (or print them out) so that each team has access to at least three resources. Let students know they will be expected to use evidence drawn from these sources and that they will need to be able to cite exactly where they got the information. Despite the number of resources, encourage them to limit their evidence to two or three main resources, which can include information drawn from previous lessons.

Step 4

Let students know they will need to look for counterclaims—something the opposing side might use to argue against their viewpoint. They should be prepared to argue why their evidence is more compelling.

Step 5

Have students read and conduct research to find evidence to support their claim.

Step 6

Ask for volunteers from each group to share their claim and one piece of supporting evidence. Provide clarification and answer questions.

Step 7

Distribute the Argument Rubric and the Argument Paper Format handouts and challenge students to use their claim and evidence from this activity to write an argument paper (or let students select a different claim).

Step 8

Review the expectations using the Argument Rubric and inform student that this work should be completed independently and outside of class time.

Activity 6

End of Lesson Journal and Small-Group Discussion

Time: 10–15 minutes

Show slide 11

Step 1

Distribute the End of Lesson Journal handout.

Step 2

Teachers should allow students to spend time independently reflecting and writing their responses to each question.

Step 3

After students have had time to independently think and write, allow them to work with partners or in triads to discuss their thoughts and observations with each other and to come up with a summarizing statement.

Step 4

Close the lesson by allowing volunteers to share their summarizing statement with the whole class.