

Native Americans in New England Curricular Project

Title(255 characters or fewer): Mashpee Wampanoag Struggle for Land and Federal Recognition 1977-2007

Grade Level (K-2, 3-5, 6-8, 9-12): 9-12

Subject Area Focus *Math, Science, Social Studies/History, English Language Arts, Performing/Studio Arts, World Languages, Health/Wellness, Other*; List all that apply; if Other, please make sure your description mentions it: **Social Studies/ History**

Estimated Number of Days to Complete: 1-2

Submitted by* Shannon Ramah

Additional Creators _____

School Ludlow High School

District Ludlow

State Massachusetts

Date Submitted July 27, 2013

*This lesson plan will be submitted for inclusion into an on-line database of curricular projects for the NEH program Native Americans in New England.

Curricular Project Summary: (Please write a brief overview summary of the curricular project in 150 words or less.)

For this particular lesson, I will require students to examine the 1970's and the "me" generation a bit deeper. Students will examine the Mashpee case in conjunction with other reform movements of the 1970's. While examining environmental reform, feminism, and the Mexican American experience, I intend to have students learn about the Mashpee case. It is a major goal to make this topic cohesive with the others. I do not want this lesson or more importantly Native Americans, to seem like an afterthought, as this group is too often thought of.

Desired Results/Objectives

1. Essential Questions/Historical Questions:

1. What is a tribe? Why might people or governments define this term differently?
2. Where do Native Americans still exist today and why do most people think that they do not exist any longer?
3. Who are the Mashpee Wampanoags and why were they fighting for land in Massachusetts in 1977?
4. Why is land so important when talking about federal recognition?
5. How did the Mashpee get Federal Recognition what does it mean to have it?

2. Objectives: By the end of this project students what will students know, understand and be able to do?

Students will know...

- who the Mashpee are and where they reside.
- the significance of the term tribe
- what federal recognition is

Students will understand...

- Native Americans exist and continue to struggle for their rights
- Native Americans have a relationship with the United States government that is unlike any other group
- why federal recognition is so important to Native Americans
- how the struggles of Native Americans fit into the reform movements of the 1970's

Students will be able to...

- describe basic facts pertaining to *Mashpee Tribe v. New Seabury Corp.*
- compare, defend, and debate the arguments given by both parties
- define a tribe by definition of *Mashpee Tribe v. New Seabury Corp.* and by personal or group standards
- locate the town of Mashpee on a map
- analyze primary and secondary sources in an effort to make educated arguments

3. Curriculum Standards (National, State, Local):

[CCSS.ELA-Literacy.RH.11-12.1](#) Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

[CCSS.ELA-Literacy.RH.11-12.2](#) Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

[CCSS.ELA-Literacy.RH.11-12.3](#) Evaluate various explanations for actions or events and determine which explanation best accords with textual evidence, acknowledging where the text leaves matters

uncertain.

4. Transfer Goal:

- Question the definition of widely used terms.

Assessment/Evidence

Performance Task or Assessment used to gauge student learning: (Please describe)

This lesson contains an informal and conversation based assessment. Student conversation with a teacher or among colleagues is crucial for understanding. A formal writing assignment will ultimately assess student understanding.

Pre-Assessment:

Students will attempt to define a tribe based on both the factual the information given and the information provided in the additional sources provided. This should prove to be a difficult task.

I will compile a list of definitions the students provide and require students to debate the legitimacy and implications of their definitions. The goal is not to be able to come up with a complete or accurate definition but to force students to recognize the monumental task of defining a vast culturally diverse group with various histories and geographic localities. In addition, it will help students to recognize the implication of defining Indians thorough uneducated perceptions and incomplete histories.

Formative Assessment:

A formal writing assignment will be given to assess student understanding and questions.

Prompt: Why is the definition of tribe controversial and what implications does it have for current Native Americans? What is the current status of the Mashpee Tribe (think federal recognition)? Are you surprised and what do you think this means for the Mashpee?

Other Assessment Evidence:

Learning Plan

Lesson Summaries: (add lessons if necessary)

Lesson 1: Recognizing a Modern Indian

Learning Activity Details:

LESSON 1

Materials/Resources Tools: Timeline (link provided)

Instructional Tips/Strategies/Suggestions: Getting students to understand that Indians continue to exist and continue to fight for their culture will be challenging. Overcoming student bias and misconceptions is something to anticipate when teaching any lesson regarding Native Americans.

Historical Question/Essential Question: How does the struggle of Mashpee Indians demonstrate the difficulty of defining a tribe and achieving Federal Recognition?

Lesson 1 Details

Lesson Opening:

Do Now: What is a tribe? When have you used the term in this course?

During the Lesson:

I will begin my lesson by providing the basic information about *Mashpee Tribe v. New Seabury Corp.* I generally provide students with a powerpoint or a program such as Sliderocket. A timeline of events will be given for their reference. A major goal will be to keep my own opinions to myself. Though difficult, I would like my students to attempt to create a definition of tribe based on their own assumptions and biases. I will break students into pairs or small groups. It is my aim, that students will examination primary and secondary source documents together. Students will attempt to define a tribe based on both the factual the information given and the information provided in the additional sources provided. This should prove to be a difficult task.

I will compile a list of definitions the students provide and require students to debate the legitimacy and implications of their definitions. The goal is not to be able to come up with a complete or accurate definition but to force students to recognize the monumental task of defining a vast culturally diverse group with various histories and geographic localities. In addition, it will help students to recognize the implication of defining Indians thorough uneducated perceptions and incomplete histories.

Lesson Closing:

Students will be assigned a one page writing assignment to be completed independently. The following question will require students to research federal recognition and Mashpee's current status: *Why is the definition of tribe controversial and what implications does it have for current Native Americans? What is the current status of the Mashpee Tribe (think federal recognition)? Are you surprised and what do you think this means for the Mashpee?*

Materials and Sources Used

What primary source(s) is/are being used (full citation)? Please annotate each source.

Peters, Ramona. Interview by Jamie Brown. "Some Thoughts on Recognition." *Now and Always Wampanoag*. . Cultural Survival. 26 05 2010. Web. 25 Jul 2013.
<http://www.culturalsurvival.org/publications/cultural-survival-quarterly/united-states/now-and-always-wampanoag>.

Mashpee Tribe v Town of Massachusetts. Federal Supplement. United States District Court Massachusetts. 28 Mar. 1978. Google Scholar, n.d. Web.

What secondary sources are being used (full citation)? Please annotate each source.

Campisi, Jack. *The Mashpee Indians: Tribe on Trial*. Syracuse, NY: Syracuse UP, 1991. Print. Jack Campisi is a respected anthropologist from the Wesley College. Most other works on the Mashpee trial in 1977, reference his detailed but easily understandable review of the case mentioned. This served as a great starting point for basic as well as detailed information.

Brodeur, Paul. "Part 1." *Restitution, the Land Claims of the Mashpee, Passamaquoddy, and Penobscot Indians of New England*. Boston: Northeastern UP, 1985. N. page. Print. This text is a broader description of the Mashpee but does emphasize the 1977 court case.

Carrillo, Jo. "Chapter 1." *Readings in American Indian Law: Recalling the Rhythm of Survival*. Philadelphia: Temple UP, 1998. N. pag. Print. This text explores concepts such as identity. This is more of an analysis of the case as opposed to Campisi's factual account.

Clifford, James. *The Predicament of Culture: Twentieth-century Ethnography, Literature, and Art*. Cambridge, MA: Harvard UP, 1988. 277-346. Print. Clifford breaks his text down into essential topics. I will use the primary source documents within his text.

What other curricular materials do you plan to use to support the curricular project?

Timeline available here:

https://docs.google.com/document/d/1IYS1bey2QrI6ceW0ouYGymjxAeti2A_SnCh00N6d0U0/edit

Historical background (brief content context for fellow teachers):

In October of 1977, the Mashpee Wampanoag Tribe brought several private land owners to court in Boston, Massachusetts. Their aim was to recover thirteen thousand acres, which the Mashpee claimed to have been illegally taken. The central issue of *Mashpee Tribe v New Seabury Corp. et al* was not the issue of contested land, but rather the definition of the term "tribe." This term continues to affect the identity of Native people in the United States by attempting to define many diverse groups with a set of misguided stereotypes and courts of non-Indian creation.

The Mashpee took the opportunity to use United States' courts following *Oneida Indian Nation of New York v County of Oneida* (1974) which was the first modern court case involving Indian land and land reclamation. The *Oneida* ruling followed by an additional case in 1975 stated that the Indian Trade and Intercourse Act of 1790, which required federal approval in Indian to non-Indian land transactions, applied to "bona fide" Indians. This case provided a legal means to reclaim lands which had been lost over hundreds of years of "development," particularly in the 1960's. The Mashpee saw a legal recourse to protect their land and culture simultaneously. In this effort, the Mashpee had the contradictory task of proving the existence of their culture while trying to get it back.

Judge Walter Skinner attempted to define tribe by using the precedence established in *Montoya v United States* in 1901. Based on this definition and other undeniable preconceived notions of Indians, the Mashpee had the unobtainable task of proving their legitimacy as a tribe on six specific dates identified by the court. The Mashpee were determined not to be a tribe and thus the issue of land and its ownership was never decided.

Following this disappointing setback, the Mashpee continued their struggle to reclaim their land as well as gain federal recognition by the United States government. This battle for recognition was ultimately obtained in 2007.

Reflection

After teaching the lessons, what suggestions do you have for other teachers who might use this curricular project?

- Do not underestimate student perceptions about Indians. Examine commonly used words like "tribe" to break down misconceptions and biases.
- This lesson is most effective when previous lessons and units examine the Native American stereotypes.