

2019 Teaching Native American Histories

Curricular Project*

***This lesson plan will be submitted for inclusion into an on-line database of curricular projects for the NEH program "Teaching Native American Histories."**

Title (255 characters or fewer): Manifest Destiny and the Doctrine of Discovery

Grade Level : 8th Grade

Subject Area Focus (Ex: Social Studies/History, English Language Arts, etc... List all that apply): Social Studies/History, Early American History, Legal History

TNAH Conceptual Focus: Land

Estimated Number of Days to Complete: 3

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Additional Creators (if any):

School, district, and state:

Date Submitted: 7/26/2019

Curricular Project Summary(Please write a brief overview summary of the curricular project in 150 words or less) : The United States Constitution sparingly covers the role and legal status of Native Americans and Alaskans. A complex series of treaties has set the basis for the relationship between tribes and the U.S. government, under a system most Americans assume gives native tribes sovereignty. The judicial system has instead asserted that native tribes are "dependent nations" and "wards of the United States", using this legal philosophy to seize native land and declare the supremacy of federal power. This surprising approach stems from the Doctrine of Discovery, a religious doctrine implemented by Pope Alexander VI in 1493, which has been ingrained in U.S. law for over 4 centuries. This activity will walk students through primary sources with document-based questions to help understand the reality of U.S. law regarding the Doctrine of Discovery and how it still plays a role into the modern day.

Desired Results/Objectives

1. Essential Questions / Historical Questions:

How are indigenous peoples' rights treated by the United States Constitution?

What is the relationship between the United States government and Native American tribal nations?

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

Students will know what the Doctrine of Discovery is, what legal and religious ideas caused it, and how it was enacted.

Students will understand that indigenous people are not considered sovereign nations by the United States government.

Students will be able to evaluate and close read primary and secondary sources.

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

NCSS - D2.His.1.6-8: Analyze connections among events and developments in broader historical contexts.

NCSS - D2.His.14.6-8: Explain multiple causes and effects of events and developments in the past.

NCSS - D3.3.6-8: Identify evidence that draws information from multiple sources to support claims, noting evidentiary limitations.

4. Transfer Goals / Enduring Understandings:

Students will know that indigenous people have repeatedly lost land claim suits and cases based on the Doctrine of Discovery, and will understand that the case law still stretches into the contemporary era.

Additionally, they will know that the federal government views Native tribal nations as a dependent and not sovereign.

Assessment / Evidence

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

- Submission of the completed document-based questions.

Pre-Assessment:

- Timed Pair Share asking "What are tribal reservations like?" "Are reservations their own country?"

Formative / Student-Engaged Assessment:

- Timed Pair Share on the question "How does this document view indigenous people?" whenever necessary

Summative Assessment:

- Submission of the completed document-based questions.

Other Evidence:

Learning Plan

Lesson Summaries:

Lesson 1: Introducing the Doctrine of Discovery

Learning Events and Instruction:

LESSON 1

Title: Introducing the Doctrine of Discovery

Details: The goal of this day is to give a review of Manifest Destiny and determine what the true state of Native American sovereignty is.

Guiding Questions: Why do tribal nations want to be sovereign? What is Manifest Destiny? What is the Doctrine of Discovery? What is colonization?

Lesson opening: Students will review their understanding of Manifest Destiny. Students will be asked to timed pair share “What are tribal reservations like?” “Are reservations their own country?” Students will be prompted to open the documents, noting that they are going to look at a legal principle called the Doctrine of Discovery. As a class complete the first two documents.

Lesson closing: Have students reflect on what they have learned and then acknowledge they will be looking at three more sources the following day.

Instructional Tips/Strategies/Suggestions: Have students Timed Pair Share the final question “How does this document view indigenous people?” before writing their answer.

Learning Events and Instruction:

LESSON 2 - 3

Title: Continuing Doctrine of Discovery

Details: Work will continue on evaluating sources and completing document-based questions.

Guiding Questions: Why do tribal nations want to be sovereign? What is Manifest Destiny? What is the Doctrine of Discovery? What is colonization?

Lesson opening: Have students review the sources viewed the day prior. Ask them to think how it has changed their understanding. On day 2, have students complete documents 3-5, and day 3, 6-8.

Lesson closing: Have students Timed Pair Share on the reflection question “How does the Doctrine of Discovery impact our country today?”

Materials and Sources Used

Primary sources:

Inter caetera by Pope Alexander VI (May 4, 1493)

Used to show the origin of the Doctrine of Discovery

Declaration of Independence, July 4th, 1776

Explains the perspective of the Founding Fathers towards indigenous groups

The Constitution of the United States, March 4, 1789

Explains the lack of inclusion of indigenous people in the United States

"Johnson & Graham's Lessee v. McIntosh." *Oyez*, www.oyez.org/cases/1789-1850/21us543. Accessed 25 Jul. 2019.

Is the basis for all Doctrine of Discovery based arguments in U.S. law

Justice Joseph Story, Commentaries on the Constitution of the United States, 1833

Part of case law on Doctrine of Discovery

Solicitor Simon Sobeloff US Brief in Tee-Hit-Ton v. US, 1954

Part of case law on Doctrine of Discovery

City of Sherrill v. Oneida Indian Nation of New York, March 29, 2005

Part of case law on Doctrine of Discovery

Secondary sources:

Robert J. Miller., The Doctrine of Discovery, Manifest Destiny, and American Indians (May 14, 2015).

Gives a formal, academic definition to the Doctrine of Discovery

Reflection / Rationale

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

How does the content of this lesson plan clearly tie to perspectives gained from TNAH Institute? This lesson focuses on an issue of land that is not talked about or covered in the standards of many states. The Doctrine of Discovery was talked about at length by Peter D'Errico, a guest speaker at our Institute, who clearly showed how the Doctrine has been used, in a subversion of our understanding of separation of church and state. Through the Institute, the understanding of land has been shaped to show that it is fact a resource that has been actively plotted to be stolen without the consent of any indigenous owners.

Manifest Destiny and the Doctrine of Discovery

Document 1: Inter caetera by Pope Alexander VI (May 4, 1493)

The Inter caetera was a papal bull written by Pope Alexander VI, who was the leader of the Catholic Church at the time. A papal bull is a directive given by the church to followers of the church about issues of the faith. In this bull, Alexander is instructing Ferdinand and Isabella, the monarchs of Spain, how they are to work as Christians to spread their faith into the newly discovered territory across the Atlantic Ocean.

Alexander, bishop, ... to the illustrious sovereigns ... Ferdinand, king, and ... Isabella, queen... that in our times the Catholic faith and the Christian religion be exalted and everywhere increased and spread, that the health of souls be cared for and that barbarous nations be overthrown and brought to the faith itself... We have indeed learned that you, who for a long time had intended to seek out and discover certain lands and islands remote and unknown and not hitherto discovered by others, to the end that you might bring to the worship of our Redeemer and profession of the Catholic faith their residents and inhabitants ... chose our beloved son, Christopher Columbus ... to make quest for these remote and unknown countries through the sea, where hitherto no one had sailed; and they at length ... discovered certain very remote islands and even mainlands, that hitherto had not been discovered by others; and therein dwell very many peoples living in peace, and, as reported, going unclothed, and not eating flesh. And, in order that you may enter upon so great an undertaking with greater readiness and heartiness ... give, grant, and assign forever to you and your heirs and successors, all countries and islands thus unknown and hitherto discovered by your envoys and to be discovered hereafter, provided however they at no time have been in the actual temporal possession of any Christian owner.

Vocabulary Terms:

Sovereign - a king, queen, or ruler of a country

Exalted - held in high regard

Barbarous - exceedingly cruel

Remote - far away or distant

Hitherto - "Until now"

Undertaking - A formal promise to do something

Successors - A person that comes after

Envoys - A messenger or representative

Temporal - "of this world"

Document 2: Robert J. Miller., The Doctrine of Discovery, Manifest Destiny, and American Indians (May 14, 2015).

In this scholarly secondary source, Robert Miller writes on the role of the Doctrine of Discovery in colonizing the “New World”. The Doctrine of Discovery was the idea that Christians were directed by their church to claim all new lands not owned by Christians.

All European countries that engaged in overseas exploration and colonization utilized the Doctrine to justify their claims. Official rituals were developed to try to prove first discoveries and to establish which country could legally claim the rights of Discovery. The explorers were primarily engaging in the legal rituals required by Discovery to establish their country’s claims.

In the 1400s, for example, Portuguese explorers erected stone and wooden crosses on the coasts of Africa and Brazil to assert their Crown’s sovereignty and rights to the lands they claimed to have discovered. In April 1500, Pedro Cabral landed in Brazil and conducted an official ceremony to take possession of the land. He named the country, proclaimed that the land belonged to Portugal, had priests conduct mass, unfurled the banner of Christ, and erected an enormous wooden cross to establish Portuguese sovereignty. All of these acts of possession, or rituals of Discovery, were designed to legally establish Portugal’s claim.

The Spanish government and its explorers also developed ritualized ceremonies to claim new lands and to establish Spain’s legal rights. Columbus always planted the Spanish flag and the cross to establish Spain’s ownership. In fact, Spain appealed to the pope in 1493 to validate Spain’s rights over the lands Columbus discovered and claimed through the Discovery rituals. Furthermore, in 1513, when Balboa crossed Panama and found the Pacific Ocean, he claimed the entire Ocean and all its adjoining lands for Spain. He also engaged in Discovery rituals and acts of symbolic possession by having a priest sing the Te Deum (a Christian hymn), and by having his men erect a stone monument, cut a tree into a cross, and mark other trees with crosses.

Vocabulary Terms:

Assert - state a fact confidently or forcefully

Mass - A Catholic religious service

Adjoining - Next to or joined with

Document 3: Declaration of Independence, July 4th, 1776

The Declaration of Independence was a letter written by The Second Continental Congress to the King of England, stating their inherent rights and the reasons why they were choosing to leave the rule of their king.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness...

The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world ...

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

Vocabulary Terms:

Endowed - made with

Unalienable - unable to be taken away

Usurpations - To seize or take something by force

Tyranny - a cruel, absolute ruler

Candid - Open and sincere

Insurrections - An act of rebellion

Endeavoured - To attempt

Document 4: The Constitution of the United States, March 4, 1789

The Constitution is the system of laws instituted after the failed Articles of Confederation. It sets forth the way in which the country will be governed, including how representatives and taxes should be spread out.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.

Vocabulary Terms:

Apportioned - To divide equally or fairly

Document 5: Johnson v. McIntosh, Feb. 28, 1823

In this Supreme Court case, Johnson had purchased a tract of land from the Plankeshaw Indians prior to the creation of the United States. McIntosh purchased the same land from the United States government approximately forty years later. Johnson's descendants sued McIntosh in court for trying to take the title of the land from them. The case reached the Supreme Court, where Chief Justice John Marshall and the entire court ruled against Johnson. The court's decision stated that the U.S. government was the sole original title holder of land in the United States and that Native Americans could not sell land. Marshall's reasoning is as stated:

They (the Plankeshaw Indians) were admitted to be the rightful occupants of the soil, with a legal as well as just claim to retain possession of it, and to use it according to their own discretion; but their rights to complete sovereignty as independent nations were necessarily diminished, and their power to dispose of the soil at their own will to whomsoever they pleased was denied by the original fundamental principle that discovery gave exclusive title to those who made it.

So early as the year 1496, her monarch granted a commission to the Cabots to discover countries then unknown to Christian people and to take possession of them in the name of the King of England. Two years afterwards, Cabot proceeded on this voyage and discovered the continent of North America, along which he sailed as far south as Virginia. To this discovery the English trace their title.

Vocabulary Terms:

Retain - To keep hold of

Discretion - personal judgement

Sovereignty - Being an independent country

Document 6: Justice Joseph Story, Commentaries on the Constitution of the United States, 1833

“...the title of the Indians was not treated as a right of propriety and dominion; but as a mere right of occupancy . As infidels, heathen, and savages, they were not allowed to possess the prerogatives belonging to absolute, sovereign and independent nations. The territory, over which they wandered, and which they used for their temporary and fugitive purposes, was, in respect to Christians, deemed, as if it were inhabited only by brute animals.”

Vocabulary Terms:

Propriety - Property

Infidels/heathens - Non-Christians

Prerogatives - The right to do something

Fugitive - Fleeing away from

Document 7: Solicitor Simon Sobeloff US Brief in Tee-Hit-Ton v. US, 1954

The Tee-Hit-Ton are a subgroup of the Tlingit Native Alaskans in Southeastern Alaska. In 1953, the U.S. Department of Agriculture removed timber to sell from land that was occupied by the Tee-Hit-Ton tribe. The tribe sued under the Fifth Amendment to receive compensation for the timber since they were the sole proprietor of the land. Arguing on behalf of the United States government, Simon Sobeloff wrote:

“...the Christian nations of Europe acquired jurisdiction over newly discovered lands by virtue of grants from the Popes, who claimed the power to grant to Christian monarchs the right to acquire territory in the possession of heathens and infidels...It is abundantly clear that the sovereign's ownership of the lands on this continent came, not from any grants by the native Indians, but rather from the principle of discovery. And it is likewise plain that the Indians retained only a right of occupancy through the grace of the sovereign.”

Vocabulary Terms:

Jurisdiction - The right to administer justice

Document 8: City of Sherrill v. Oneida Indian Nation of New York, March 29, 2005

The Oneida Nation of New York originally held lands numbering 6,000,000 acres, but through a series of treaties in the 1800's and land sales was brought down to 34 acres. In 2004, the Oneida Nation purchased some of the original land back on the open market. The town of Sherrill attempted to tax the land, demanding payment from the tribe. The tribe claimed the purchased land was now part of their territory and thus untaxable. The case reached the Supreme Court, where Justice Ruth Bader Ginsburg wrote the Court's decision:

Under the “doctrine of discovery ... “fee title to the lands occupied by Indians when the colonists arrived became vested in the sovereign—first the discovering European nation and later the original States and the United States,”

Vocabulary Terms:

Vested - Held completely

Document-Based Questions

Name: _____

Document 1

1. Who is the author of this document and how do you think that affects what he is choosing to write?
2. What is the author of this document telling those who are reading to do?
3. How does this document view indigenous people?

Document 2

1. What did the Doctrine of Discovery look like in action?
2. What were some of the rituals of discovery?
3. How does this document view indigenous people?

Document 3

1. This document states that “All men are created equal”. What people are not included in the group of “all men” according to the author?

2. How does this document view indigenous people?

Document 4

1. Are indigenous people included in being counted in voting?

Document 5

1. Why does the Supreme Court say the indigenous people do not have the right to own their land?

2. According to this document, what can indigenous people do on their land? What can indigenous people not do on their land?

3. How does this document view indigenous people?

Document 6

1. Does the author of Document 6 support or counter the views held in Document 5? How so?

2. How does this document view indigenous people?

Document 7

1. Does the author of Document 7 support or counter the views held in Document 5 and 6? How so?

2. How does this document view indigenous people?

Document 8

1. What do you think happened to the Oneida Nation?

2. Research the case and discover how the court ruled. Write your findings here.