

## 2019 Teaching Native American Histories

### Curricular Project\*

#### 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):** California's Unratified Treaties

**Grade Level :** 4 (can be easily adapted up to High School)

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

**TNAH Conceptual Focus:** Land

**Estimated Number of Days to Complete:** 5-6

**Submitted by\*:** Sarah McGillivray, Old Orchard School, California

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**Additional Creators (if any):** None

**School, district, and state:** Old Orchard School, private, California

Date Submitted:

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

Students will learn about and read California's unratified treaties with the Native nations of the state; students will map the promised land areas and write about how the state would be different had the treaties been ratified and honored. Students will finish by learning about modern Native efforts to reclaim land in their local area.

#### 1. Essential Questions / Historical Questions:

- Why do treaties matter?
- What would you give up so someone else could have justice?

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

- Students will be able to find a location on a map using the index and grid.
- Students will understand what treaties are and how they are created.
- Students will understand how the seizure of land promised by the unratified treaties contributed to California's agricultural boom.
- Students will know about modern efforts to recognize and protect Native land.

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

California State History Standards:

4.3 Students explain the economic, social, and political life in California from the establishment of the Bear Flag Republic through the Mexican-American War, the Gold Rush, and the granting of statehood.

4.4 Students explain how California became an agricultural and industrial power, tracing the transformation of the California economy and its political and cultural development since the 1850s.

### **4. Transfer Goals / Enduring Understandings:**

Transfer Goals:

- Students will be able to process material above their reading level by scanning for important words, breaking it into smaller chunks, and talking with classmates.
- Students will be able to use a map to compare the past and the present.
- Students will be able to use historical data to make connections and inferences.

Enduring Understandings:

- Native peoples in California and across the country signed treaties with the US government.
- California's Native people were promised protected land shortly after statehood.
- Treaties signed in California were never ratified, and California's native people were forced onto smaller reservations or, often, killed outright.
- Today, there are people working to recognize and protect Native land in California.

### **Assessment / Evidence**

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

- Students will complete two larger tasks as part of this unit:
  - A mapping task, during which students will use the description of locations in a historical text to find places on modern map
  - A writing task, where students are asked to use their knowledge of the time period and combine it with their imagination to show what California might be like today if the treaties had been ratified and honored.
    - Student success for this piece includes students using concrete details from our class to make connections and inferences based on what they have learned in other parts of our history class.

### **Formative / Student-Engaged Assessment:**

- Students will complete and correct several worksheets during the course of this project.

- Students will collaborate with classmates and their instructor to understand texts above their grade level.
- Students will also participate in class discussion.

**Summative Assessment:**

- At least one question on this topic will appear on the chapter test; the writing prompt from Day Four will also appear as the Extra Credit essay question on the test.

**Materials and Sources Used**

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

<https://americanindian.si.edu/nationtonation/unratified-california-treaty-k.html>

<http://www.kstrom.net/isk/maps/ca/caltreaties.html>

[https://digitalcommons.csUMB.edu/cgi/viewcontent.cgi?article=1004&context=hornbeck\\_usa\\_2\\_b](https://digitalcommons.csUMB.edu/cgi/viewcontent.cgi?article=1004&context=hornbeck_usa_2_b)

<http://calindianhistory.org/california-unratified-treaties-map/>

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

[https://www.huffpost.com/entry/native-women-oakland-land\\_n\\_5ab0f175e4b0e862383b503c](https://www.huffpost.com/entry/native-women-oakland-land_n_5ab0f175e4b0e862383b503c)

A Cartographic History of Indian-White Government Relations during the Past 400 Years, by Daniel Cole

The Secret Treaties with California's Indians, by Larisa K. Miller

State of California Executive Order N-15-19

<https://www.gov.ca.gov/wp-content/uploads/2019/06/6.18.19-Executive-Order.pdf>

**What other curricular materials do you plan to use to support the curricular project? (attach any student-facing documents and teacher resource documents needed to implement the lesson)**

Worksheets:

- Treaties
- Unratified Treaty K
- Unratified Treaty \_\_\_\_

#### Handouts:

- California Treaties Edited
- Unratified Treaty K

#### Teacher Reference:

- “The Secret Treaties with California’s Indians,” by Larisa K. Miller
- California Executive Order N-15-19
- See primary and secondary sources, above, for a fuller understanding of the topic.

#### 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?**

One of the foundational concepts this institute stressed was *Land*. Once we started talking about treaties between the Native peoples of the northeast and the English settlers, I asked myself about my home state of California, where I teach fourth grade history. I thought it was somewhat strange, though not particularly surprising, that I did not teach about any treaties in California— so I started researching, and found out about the Unratified Treaties, in which California’s Native peoples were promised thousands of acres. Those treaties went unratified, largely due to pressure from California’s newly-elected Senators, and soon went under a writ of secrecy. I wanted to show my students that not only did the US government not honor the promises its agents had made, but that Native peoples did not just “give up” land.

**TNAH Curriculum Project**  
**California's Unratified Treaties**  
Sarah McGillivray

**LESSON 1**

**Title:** What is a Treaty?

**Details:** Students will learn what a treaty is, how treaties are made, and how treaties can be both beneficial and harmful.

**Guiding Questions:**

What is a treaty?

How are treaties made?

What are good and bad parts of treaties?

**Lesson opening:**

Students will start by talking with their table partners/or in small groups about what they already know about treaties, or coming up with what a treaty is.

**Lesson:**

Students will watch the "What Are Treaties" video on YouTube. They will then watch it a second time and fill out the *Treaties* worksheet as they watch. Pause occasionally so students can write or ask questions. Students will check their answers with their table partner, then turn in their worksheets.

**Materials:**

- *Treaties* worksheet
- "What Are Treaties" video: <https://www.youtube.com/watch?v=ppjeFLkxKKs>

**LESSON 2**

**Title:** California's Unratified Treaty K

**Details:** Students will learn the general format of California's unratified treaties through the example of Treaty K (Temecula).

**Guiding Questions:**

What is an unratified treaty?

What does *sovereign* mean, and how does it relate to treaties?

What is the structure of a treaty?

**Lesson opening:**

Ask the students: "Yesterday we talked about how a treaty is made. Part of that process is *ratification*. What do you think it means for a treaty to be *unratified*?"

**Lesson:**

In small groups, students will receive a packet including a photograph of Unratified Treaty K (Temecula), as well as the full text of the treaty.

As a class, we will go over each article of the treaty, starting with Article 1, which states "The several tribes of the above mentioned nation do acknowledge the United States to be the sole and absolute sovereigns of all the soil and territory ceded to them by a treaty of peace made between them and the republic of Mexico."

We will discuss the meaning of the words *nation*, *absolute*, *sovereign*, and *cede*. We will specifically discuss what it means to be a *sovereign nation*, and how the treaties between Native people and the US government are different from international treaties made by the US government, as well as treaties made between Native Nations.

Then, we will go over the other articles more briefly so that students will know what to look for in small groups tomorrow.

**Materials:**

- *Unratified Treaty K* handout
- Optional: highlighters, markers, or post-its for students to annotate the text

**Instructional Tips/Strategies/Suggestions:**

Emphasize that students do *not* need to understand the entire text! They should be reading Article 1 in-depth, but can skim the rest of the treaty to get the information they are looking for.

**LESSON 3**

**Title:** Unratified Treaties in California

**Details:** Students will work in small groups to analyze and map California's unratified treaties.

**Guiding Questions:**

What parts of California were promised to the Native peoples under the treaties?  
Why were the treaties never ratified?

**Lesson opening:**

Ask for student volunteers to remind the class about what Article 1 states, and how it is different from international treaties.

**Lesson:**

Students will be divided into groups of 2-4; each group will be given the full text of a treaty to analyze. I have chosen treaties L, J, I, O, H, G, F, and E, as they all have a similar structure and content. Students will use a handout/worksheet to go through the treaty in their group. They will be given a post-it to place on a map to show the location of the land promised in the treaty.

**Lesson closing:**

Students will be given a slip of paper with the official rejection of their treaty on it, and asked *why* they think the treaty was rejected.

**Materials:**

- Copies of the treaties for each group
- *Unratified Treaties* worksheet
- Post-its
- Map of California— a AAA map with a legend and index should work; comparison to the map created by the California State Library Foundation map (here: <http://calindianhistory.org/california-unratified-treaties-map/>) is useful.

**Instructional Tips/Strategies/Suggestions:**

Continue to emphasize that students do *not* need to understand the entire text! They should re-read Article 1 in-depth, but can skim the rest of the treaty to get the information they are looking for.

**LESSON 4**

**Title:** What if?

**Details:** Students will complete a writing prompt based on their work with treaties.

**Guiding Questions:**

What might California look like today had the US Government signed and honored their treaties with California's Native peoples?

**Lesson opening:** Students will find someone who worked on another treaty and compare what they learned with them. Student volunteers will share what they learned/reinforced with the class.

**Lesson:**

As a whole class, students will discuss the current use of the land promised to California's Native peoples through the treaties. Students will be looking specifically for cities and agricultural use. If there is neither, ask the class *why* that land was reserved for Native use.

Then, students will spend the next twenty minutes responding to the prompt:

What might California look like today had the US Government signed and honored their treaties with California's Native peoples?

Reinforce with students the concepts of the treaties not only being ratified, but also *honored*. Essentially, they should be asking what California would be like today without access to that land. If students want to keep writing after their twenty minutes are up, they can continue working at home.

**Lesson closing:**

If time, ask students to share their writing with a classmate. How is what they each wrote similar? How is it different?

**Materials:**

- Worksheets from Days 1-3
- Writing materials (paper, pencils, iPads, etc.)

**Instructional Tips/Strategies/Suggestions:**

If students are having trouble writing, ask them to take a quick look at the maps in the Atlas section of their history textbook— what does the land use map show? What about population maps, or maps showing major industries?

**LESSON 5**

**Title:** What Can We Do?

**Details:** Students will learn about efforts in the early 20th century and today to get the treaties recognized and make amends for California’s treatment of Native peoples.

**Guiding Questions:**

What efforts are being made today to rectify what has been done in the past?

What would you give up so that someone else could have justice?

How can you be an upstander for an entire community?

**Lesson opening:**

Use the material in Larisa K. Miller’s “The Secret Treaties with California’s Indians” to explain to students that after the treaties were rejected, they were put under a writ of secrecy by the US Congress.

**Lesson:**

In this lesson, students will look at three instances where people were upstanders for Native rights in California.

- Lawyer Charles Kelsey and the Northern California Indian Association, in the early twentieth century, who worked to acquire and publicize copies of the unratified treaties.
- Governor Gavin Newsom’s Executive Order apologizing to the Native peoples of California, published June 18, 2019



- The work of the Sogorea Te' Land Trust, a group of Native women who are working to preserve and reclaim native land in California's East Bay.

All of these people worked hard for justice— not just for themselves or one person, but for entire communities. Ask the students: why do you think they felt their actions were necessary? What do you think you might do in a similar situation? If students are moved, discuss having a fundraiser for Sogorea Te', or asking one of the members to come speak to the class.

**Lesson closing:**

Have students journal for a few minutes with the following prompt:

What would you give up so that someone else could have justice?

**Materials:**

- "The Secret Treaties with California's Indians," by Larisa K. Miller
- California Executive Order N-15-19 (Newsom's apology)
- Student journals and writing materials.

Names: \_\_\_\_\_

### Treaties

1. What is a treaty?

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2. Who is a treaty usually between?

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3. What is the process a treaty needs to go through in order to come into effect?

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4. Read the paragraph on the back side. How are treaties between Native American nations and the US Government different from treaties between most nations?

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5. Why might it be necessary to have a treaty?

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6. What might be an advantage of having a treaty with a Native Nation for the US Government? A disadvantage?

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7. What might be an advantage of having a treaty with the US Government for a Native nation? A disadvantage?

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Names: \_\_\_\_\_

### Unratified Treaty K

1. When was this treaty made?

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2. Who is this treaty between?

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3. Read Article 1 closely with your table partner. What do you think the following words mean?

*absolute*

*nation*

*sovereign*

*cede*

4. Read Article 3— you may skim it, but underline or highlight locations mentioned in the paragraph. Find at least one location listed in Article 3 on your map. Are there any towns, cities, or other settlements nearby? If so, list at least one.

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5. Read Articles 4 and 5 with your partner. What are some of the things that the US government promised to the Native people in this treaty?

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6. Why do you think the US government agreed to give so many things to the Native peoples? What might they be used for?

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7. Do you think that the items and the land set aside for Native people “made up” for the loss of their ancestral lands? Why or why not?

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Names: \_\_\_\_\_

Unratified Treaty \_\_\_\_\_

1. When was this treaty made?

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2. Who is this treaty between?

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3. Read Article 3— you may skim it, but underline or highlight locations mentioned in the paragraph. Find at least one location listed in Article 3 on your map. Are there any towns, cities, or other settlements nearby? If so, list at least one.

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