

### Teacher Materials

## Summative Performance Task

### Student Tasks

- **Summative Performance Task: *The Independent Observer: Constructing Evidence-Based Arguments***—Create your own news article that addresses the motivations, intentions, and outcomes of treaty making between Native Nations and the U.S. government.



### Student Outcomes

#### KNOW

Article VI of the United States Constitution defines treaties as the “supreme law of the land.” Therefore, the violations of treaties represent a gross disregard for the Constitution. European settlement and American expansion had devastating impacts on Native Nations, who continue to resist and act against policies that seek to damage their sovereignty and cultures.

#### UNDERSTAND

Sovereign nations make their own laws and those laws often reflect a society’s values and beliefs—or worldview. Treaty-making, like most other aspects of U.S. Indian policy in the nineteenth century, was solidly rooted in the worldview of the Europeans who colonized the Americas and in what became known as the Doctrine of Discovery. Implicit in the concept of the Doctrine of Discovery was the “right” of the discovering nations to gain title to Native lands. As the Europeans and, later, the Americans hunger for land grew, the concept of Manifest Destiny evolved and was embraced as inevitable progress. This worldview contrasted starkly with Native philosophy and political ideology.

#### DO

Is a treaty intended to be forever? Construct an argument (e.g., detailed outline, graphic, presentation, or essay) that addresses the intentions, motivations, and outcomes of treaty making between Native Nations and the U.S. government as demonstrated in the 1851 Horse Creek Treaty and 1868 Fort Laramie Treaty, using specific claims and relevant evidence from historical and contemporary sources, while acknowledging competing views.

## Standards

### [C3 Dimension Standards]

**D1.5.9-12.** Determine the kinds of sources that will be helpful in answering compelling and supporting questions, taking into consideration multiple points of view represented in the sources, the types of sources available, and the potential uses of the sources.

**D4.1.9-12.** Construct arguments using precise and knowledgeable claims, with evidence from multiple sources, while acknowledging counterclaims and evidentiary weaknesses.

**D4.3.9-12.** Present adaptations of arguments and explanations that feature evocative ideas and perspectives on issues and topics to reach a range of audiences and venues outside the classroom using print and oral technologies (e.g., posters, essays, letters, debates, speeches, reports, and maps) and digital technologies (e.g., Internet, social media, and digital documentary).

### [CCSS: 9-12 Grade Specific Standards]

**CCSS.ELA-LITERACY.WHST.9-10.1:** Write [construct] arguments focused on discipline-specific content.

**CCSS.ELA-LITERACY.WHST11-12.1:** Write [construct] arguments focused on discipline-specific content.

### [CCSS: Corresponding Anchor Standards]

**CCSS.ELA-LITERACY.CCRA.W.1:** Write arguments to support claims in an analysis of substantive topics or texts using valid reasoning and relevant and sufficient evidence.

## Summative Performance Task

### Lesson Procedures

#### Anticipatory Set

- Return to the compelling question: *Is a treaty intended to be forever?*
- You might revisit the supporting questions with students to refresh their understanding of key content and concepts.
- Students could reflect on the extent to which their understanding of the compelling question might have changed as they moved through the inquiry.

#### Guided Practice, Instruction, and Summative Assessment

- At this point in the inquiry, students have examined sources that convey differing interpretations of whether a treaty is intended to be forever. Students should see that treaty-making, like most other aspects of U.S. Indian policy in the nineteenth century, was solidly rooted in the worldview of the Europeans who colonized the Americas. Implicit in the concept of the Doctrine of Discovery was the “right” of the discovering nations to gain title to Native lands. And, as the Europeans and, later, the Americans desire for more land grew, the concept of Manifest Destiny evolved and was embraced as inevitable progress. This worldview contrasted starkly with Native philosophy and political ideology. It is important to help students see and appreciate that treaties are formal agreements between two or more sovereign nations about something of mutual interest and importance. Thus, making treaties with Native Nations reflected a clear recognition by the United States government of the inherent sovereignty Native Nations. Although Article VI of the United States Constitution declares treaty law as the supreme law of the land, Native Nations found out that treaty promises—solemn legal obligations—would not always be honored by the United States government.
- Students should be expected to demonstrate the breadth of their understandings and their abilities to use evidence from multiple sources to support their claims and refute counterclaims. In this task, students construct an evidence-based argument using multiple sources to answer the compelling question: *Is a treaty intended to be forever?*

#### Summative Argument

- To support students’ application of evidence in building an argument, this inquiry features an interactive online news-article generator [\*The Independent Observer: Constructing Evidence-Based Arguments\*](#). Students can build a news article to construct a written argument about the compelling question. After selecting a predesigned template, students determine what featured sources from the inquiry best support their argument. Students will be able to write captions, quotations, headlines, body text, and bylines.
- It is important to note that students’ arguments could take a variety of forms, including a detailed outline, graphic, presentation, or essay. Students should construct an argument in one of these forms that addresses the compelling question and acknowledges competing views, using specific claims and relevant evidence from historical sources.

- Students' arguments will vary but could include any of the argument stems presented below. Note that students should support their arguments with specific evidence from the sources they examined in the inquiry and be prepared to acknowledge competing claims or counterarguments.

## Argument Stems

*Teacher TIP: An argument stem serves as the thesis statement for students' arguments.*

- A treaty **is** intended to be forever because Article VI of the U.S. Constitution states that treaties are the "supreme Law of the Land." Treaties are binding legal agreements between sovereign nations; when countries agree to the terms of the treaty they are honor-bound to keep their word. In the case of the 1851 Horse Creek Treaty and the 1868 Fort Laramie Treaty, the U.S. government did not honor its treaty obligations and, therefore, violated the Constitution. When Native Nations agreed to the terms of these treaties, they believed in the sanctity of the promises made by all sides and assumed that those promises would be kept.
- A treaty **is not** intended to be forever because nations can violate treaties; however, there should be legal consequences for breaking treaty promises. When Native Nations of the Northern Plains entered into treaty negotiations with the U.S. government, they did so in an effort to protect the safety, security, and well-being of their people. Their ways of life were under attack by Westward Expansion and treaties were an attempt at using diplomacy to make peace with the United States government. However, when the U.S. government did not follow through on their legal promises to Native leaders and Nations, there should have been a legal mechanism for Native Nations to demand restitution. When a treaty is broken, the offending party should have to answer for their misdeeds.
- While a treaty **may be intended** to last forever, in some cases intentions do not match the outcomes. Native Nations of the Northern Plains believed that words exchanged during treaty making were sacred and that all parties entering into the treaty intended to keep their promises. Native leaders and Nations faced enormous pressures and had to make difficult choices on behalf of their people. Treaty making with the U.S. government was meant to protect the well-being and sovereignty of their nations. The U.S. government, influenced by beliefs and values expressed in the Doctrine of Discovery, wanted to acquire lands to support westward movement. While their intentions as stated in the treaty articles maintained that they would honor Native Nations' sovereignty, ultimately the U.S. government did not honor its word.