

**Lesson at a Glance**

**The Pacific Northwest Fish Wars:  
What Kinds of Actions Can Lead to Justice?**

**Grades**

- 9-12

**Subjects**

- History
- Government and Civics
- Social Studies

**Key Message**

Despite treaty laws that legally protected lifeways of Pacific Northwest Nations, Native communities faced immense challenges to abandon their “usual and accustomed” fishing grounds. In response, Native communities petitioned the United States government to honor treaty language. In addition, they planned and implemented diverse strategies to achieve justice. The Fish Wars of the 1960s and 1970s were pivotal in enforcing treaty fishing rights at “usual and accustomed” locations. Indian fishers staged fish-ins to challenge state forces. In return, these modern-day warriors faced harassment, violence, and arrests. Native Nations turned to the courts and sued the states of Washington and Oregon. Ultimately, the courts reaffirmed tribes’ treaty fishing rights; however, the decision was not met with widespread acceptance. The outcomes of the Boldt Decision continue to carry weight for Native and non-Native communities alike.

**Pedagogical Approach**

- This online lesson provides teachers and students with Native perspectives about an important campaign initiated by Native communities and their supporters to honor the treaty rights and sovereignty of Native Nations of the Pacific Northwest. This lesson asks the question: *What kinds of actions can lead to justice?* in order to compel students to think about the agency of Native Nations to rectify injustices. This question however, also encourages students to think about the actions, agency, and outcomes that might be universal to all social or political movements. In any social or political movement that addresses a perceived wrong, differing perspectives should be considered. In this lesson, we feature the perspectives of Native Nations while also offering the viewpoints held by other stakeholders—namely, the states of Washington and Oregon along with commercial and sports fishers.
- This module utilizes the Inquiry Design Model (IDM), which implements the C3 Inquiry Arc and the C3 Framework Dimension Standards into a student-centered inquiry-based approach to teaching and learning. Like the IDM, our approach seeks to “honor teachers’

knowledge and expertise and avoids over prescription by highlighting key elements, offering pedagogical suggestions, and relying on teacher expertise and experience.”<sup>1</sup> Likewise, our module includes an inquiry blueprint that outlines supporting questions, featured sources, and performance tasks necessary for students to construct arguments that pertain to the compelling question. In addition to embodying the C3 Framework and IDM, this module utilizes elements of Understanding by Design (UbD) and Universal Design for Learning (UDL).<sup>2</sup>

## Overarching Standards

Performance tasks in this module revolve around the skills outlined in the Common Core State Standards (CCSS) and the C3 Framework Dimension Standards, which seek to elaborate on the CCSS by diving deeper into skills necessary for college, career, *and civic life*.<sup>3</sup> In an effort to provide skills-based assessments and to meet the needs of a diverse body of teachers, we have elected to use these two nationally recognized sets of skills-based standards. The standards we list correlate to measureable objective-based assessment through formative and summative performance tasks. The content and themes in this module are highly influenced by the National Council for the Social Studies National Curriculum for Social Studies, specifically in the ten themes of social studies and NMAI’s own Framework for Essential Understandings about American Indians. We also considered other nationally recognized sets of standards, such as the Framework for Twenty-First Century Learning and the Council for Exceptional Children’s Ethical Principals and Professional Practice Standards for Special Educators. While exploring the stages of this inquiry notice that corresponding Common Core Anchor Standards follow each set of grade-level standards.

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1 S. G., Grant, Kathy Swan, and John Lee, *Inquiry-based Practice in Social Studies Education: Understanding the Inquiry Design Model* (New York: Routledge and C3 Teachers, 2017).

2 Grant Wiggins and Jay McTighe, *Understanding by Design*, (Alexandria, VA: Association for Supervision and Curriculum Development, 2005); Ron Mace, Center for Universal Design, (1997).

3 John Lee and Kathy Swan, “The C3 Framework and the Common Core State Standards,” in *Social Studies For The Next Generation: Purposes, practices, and implications of the College, Career, and Civic Life (C3) Framework for Social Studies State Standards*, *NCSS Bulletin 113*, (2013): xxii-xxiii; NCSS, “How to Read the C3 Framework,” *NCSS Bulletin 113*, (2013): 12-13.

**[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.

# IDM Blueprint

<b>Compelling Question</b>	<b>What Kinds of Actions Can Lead to Justice?</b>		
<b>Standards</b>	<p>D1.5.9-12. Determining sources from multiple points of view. . .  D4.1.9-12. Constructing evidence-based arguments from multiple sources. . .  D4.3.9-12. Present adaptations of arguments. . .using print and oral technologies. . .  <b>CCSS.ELA-LITERACY.WHST.9-10.1</b> and <b>CCSS.ELA-LITERACY.WHST11-12.1</b>  Write [construct] arguments focused on <i>discipline-specific content</i>.</p>		
<b>Staging the Question</b>	Watch the short video <a href="#">The Fish Wars: Four Simple Truths</a> and identify evidence that supports facts about what was at stake for Native People and Nations during the Fish Wars.		
<b>Supporting Question One</b>	<b>Supporting Question Two</b>	<b>Supporting Question Three</b>	
How did people take action during the Fish Wars?	What happened after the Fish Wars went to court?	Were the Fish Wars resolved?	
<b>Formative Performance Task</b>	<b>Formative Performance Task</b>	<b>Formative Performance Task</b>	
Introduce concise claims by crafting a headline and lead sentence of a journalistic report that highlights the ways that people took action.	Cite evidence and make claims using an interactive resources annotator to identify types of backlash Native peoples and their supporters encountered.	Craft a claim supported by evidence that addresses to what extent the Fish Wars were resolved.	
<b>Featured Sources</b>	<b>Featured Sources</b>	<b>Featured Sources</b>	
<p><b>Video:</b> <a href="#">The Fish Wars: Issues at Stake</a>  <b>Opposing Perspectives:</b> Native Nations and Washington State  <b>Narrative Case Study:</b> Strategies for Taking Action  <b>Timeline:</b> <a href="#">The Fish Wars: Time Immemorial to 1974</a></p>	<p><b>Video:</b> <a href="#">The Boldt Decision</a>  <b>Opposing Perspectives:</b> Native Nations and Washington State  <b>Case Study:</b> Backlash to Bolt  <b>Timeline:</b> <a href="#">The Fish Wars: 1974 to 1979</a></p>	<p><b>Case Study:</b> The Fish Wars: Examine the Evidence  <b>Timeline:</b> <a href="#">The Fish Wars: 1979 to 2014</a></p>	
<b>Summative Performance Task</b>	<b>Argument:</b> What kinds of actions can lead to justice? Construct an argument (e.g., detailed outline, graphic, presentation, or essay) that discusses how Native People and their supporters took action during the Fish Wars using specific claims and relevant evidence from historical and contemporary sources, while acknowledging competing views.		
<b>Mapping Informed Action</b>	<b>Understand:</b> The unique characteristics and challenges of art as civic action and how artist Matika Wilbur takes informed action by planning, organizing, and carrying out actions in order to rectify injustices and strengthen cultures.		
	<b>Assess:</b> How and why informed actions are organized in order to enact social or political change.		
<b>Taking Informed Action</b>	<b>Act:</b> <a href="#">NK360° Framework for Taking Informed Action</a>		

# Pedagogical Framework

## KNOW

Treaties are legal promises between nations and are the “supreme Law of the Land” as established through Article VI of the U.S. Constitution. Pacific Northwest Native Nations signed treaties with the U.S. government in order to secure a portion of their historical lands and guarantee perpetual access to ancestral fishing, hunting, and gathering sites, known as “usual and accustomed” grounds.

- **Staging the Question:** Leaders of Pacific Northwest Native Nations signed treaties ceding thousands of acres of lands to the U.S. government in exchange for lands and a guarantee of perpetual access to ancestral fishing, hunting, and gathering sites (“usual and accustomed” grounds). The ceded lands later became the states of Washington and Oregon; these states passed laws that restricted Indians’ treaty rights to fish.
- **Supporting Question One:** State laws attempted to limit Indian fishing to reservation lands only. The Fish Wars were an organized movement to reaffirm Pacific Northwest Native Nations’ treaty rights to fish at their usual and accustomed fishing places, both on and off their reservations.
- **Supporting Question Two:** Article VI of the U.S. Constitution defines treaties between nations as the supreme law of the land. *U.S. v. Winans* (1905) affirmed the treaty rights of the Yakama Nation and other Native Nations to fish and hunt in ancestral fishing locations or their “usual and accustomed” places. *U.S. v. Washington* (1974) reaffirmed Native Nations’ right to fish and hunt at usual and accustomed places and established a guarantee of fifty percent of the salmon harvest for treaty tribes.
- **Supporting Question Three:** The sustainability of fish runs remains a challenge for both Native Nations and Washington State.

## UNDERSTAND

Native Nations throughout the Pacific Northwest encountered legal and social barriers to exercising their treaty rights. Individuals and communities led strategic civil disobedience campaigns and used the U.S. court system to educate the public and reaffirm treaty rights. The total success of the Fish Wars is debatable: not all tribal nations benefitted and the sustainability of fish runs in the Pacific Northwest remains at risk.

- **Staging the Question:** Native People took different kinds of actions to challenge state laws restricting treaty rights to fish; their actions were met with fierce social and political backlash.
- **Supporting Question One:** The Fish Wars gained momentum in the mid-1960s. Despite enormous pressure to abandon their campaign, including violence from state officials, leaders of the Fish Wars implemented a series of strategies to achieve the movement’s goals, including building coalitions and educating the public, exercising civil disobedience, and garnering sustained regional and national media attention.



- **Supporting Question Two:** Since the nineteenth century, Pacific Northwest Native Nations have used the United States court system as a vehicle to affirm and reaffirm treaty rights. Federal Judge George Boldt's ruling in *U.S. v. Washington* set a precedent for reaffirming treaty rights of many Native Nations. Boldt's decision provoked backlash from the state of Washington and non-Indian fishing organizations.
- **Supporting Question Three:** There are competing viewpoints about the success of the Fish Wars, and not all issues raised were resolved.

## DO

What kinds of actions can lead to justice? Construct an argument (e.g., detailed outline, graphic, presentation, or essay) that discusses how Native People and their supporters took action during the Fish Wars using specific claims and relevant evidence from historical and contemporary sources, while acknowledging competing views.

- **Staging the Question:** Cite supporting evidence for facts that explain the issues at stake for Native People and Nations of the Pacific Northwest during the Fish Wars.
- **Supporting Question One:** Introduce concise claims by crafting a headline and lead sentence of a journalistic report that highlights the ways in which people took action during the Fish Wars.
- **Supporting Question Two:** Cite evidence and make claims using an interactive resource annotator to identify types of backlash Native People and their supporters encountered.
- **Supporting Question Three:** Craft a claim supported by evidence that addresses to what extent the Fish Wars were resolved.

# Suggested Pacing Guide

**Traditional Schedule:**

Stage	Assessment Materials	Standards
<b>Day 1</b> Staging the Question	<u><a href="#">Agency and Action</a></u> [Parts A-B]	[C3] D2.Civ.1.9-12. Distinguish the powers and responsibilities of . . .civic and political institutions. [CCSS Anchor Standards] CCSS.ELA-LITERACY.CCRA.R.2: Determine central ideas or themes of a text. . .summarize the key supporting details and ideas. CCSS.ELA-LITERACY.CCRA.W.9: Draw evidence from literary or informational texts. . .
<b>Day 2</b> Supporting Question 1	<u><a href="#">Taking Action</a></u> [Part A]	[C3] D2.Civ.14.9-12. Analyze historical, contemporary, and emerging means of changing societies, promoting the common good, and protecting rights. D2.Civ.12.9-12. Analyze how people use and challenge. . .laws to address a variety of public issues.
<b>Day 3</b> Supporting Question 1	<u><a href="#">Taking Action</a></u> [Parts B-C] <u><a href="#">The Fish Wars: Time Immemorial to 1974</a></u>	[CCSS Anchor Standard] CCSS.ELA-LITERACY.CCRA.W.2: Write informative/explanatory texts. . .
<b>Day 4</b> Supporting Question 2	<u><a href="#">Resource Annotator Example</a></u> <i>Teacher Tip: Students can save their annotations as a PDF for the next class or for their summative performance task.</i> <u><a href="#">Backlash to Boldt</a></u> [Parts A-B] <u><a href="#">The Fish Wars: 1974 to 1979</a></u>	[C3] D2.Civ.12.9-12. Analyze how people use and challenge. . . laws to address a variety of public issues. [CCSS Anchor Standards] CCSS.ELA-LITERACY.CCRA.R.1: Read closely to determine what the text says explicitly and to make logical inferences from it; cite specific textual evidence. . . CCSS.ELA-LITERACY.CCRA.R.2: Determine central ideas or themes of a text. . .summarize the key supporting details and ideas.
<b>Day 5</b> Supporting Question 3	<u><a href="#">Resource Annotator Example</a></u> <i>Teacher Tip: Students can save their annotations as a PDF for the next class or for their summative performance task.</i> <u><a href="#">Were the Fish Wars Resolved?</a></u> [Part A] <u><a href="#">The Fish Wars: 1979 to 2014</a></u>	[C3] D1.5.9-12. Determine the kinds of sources that will be helpful in answering compelling and supporting questions. . . D2.His.14.9-12. Analyze multiple and complex causes and effects of events in the past. [CCSS Anchor Standard] CCSS.ELA-LITERACY.CCRA.W.1: Write arguments to support claims. . .using valid reasoning and relevant and sufficient evidence.
<b>Day 6-7</b> Summative Performance Task	<u><a href="#">The Fish Wars: Time Immemorial to 2014</a></u> <u><a href="#">The Independent Observer Constructing Evidence-Based Arguments</a></u> What kinds of actions can lead to justice? Construct an argument addressing the compelling question.	[C3] D1.5.9-12. Determining sources from multiple points of view. . . D4.1.9-12. Constructing evidence-based arguments from multiple sources. . . D4.3.9-12. Present adaptations of arguments. . .using print and oral technologies. . . [CCSS Anchor Standard] 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.
<b>Day 8</b> Mapping Informed Action	<i>Optional Extension</i> <u><a href="#">Project 562</a></u> [Parts A-C]	[C3] D4.7.9-12. Assess options for individual and collective action. . . D4.6.9-12. Use disciplinary and interdisciplinary lenses to understand the characteristics and causes of. . .problems. . . [CCSS Anchor Standard] CCSS.ELA-LITERACY.CCRA.R.9: Analyze how two or more texts address similar themes or topics in order to build knowledge or to compare the approaches the authors take.
<b>Day 9</b> Mapping Informed Action	<i>Optional Extension: Expository Writing</i> <u><a href="#">Standards-Based Rubric</a></u> [Part D]	[CCSS Anchor Standard] CCSS.ELA-LITERACY.CCRA.W.2: Write informative/explanatory texts to examine and convey complex ideas and information clearly and accurately through the effective selection, organization, and analysis of content.
<b>Extension</b> <b>1-3 Days</b> Taking Informed Action	<u><a href="#">NK360° Framework for Taking Action</a></u>	[C3] D4.7.9-12. Assess options for individual and collective action. . . D4.8.9-12. Apply a range of deliberative and democratic strategies. . .make decisions and take action. . .

**Block Schedule:**

Stage	Assessment Materials	Standards
<b>Day 1</b> Staging the Question  Supporting Question 1	<u><a href="#">Agency and Action</a></u> [Parts A-B]	<p>[C3] D2.Civ.1.9-12. Distinguish the powers and responsibilities of . . .civic and political institutions.            [CCSS Anchor Standards] CCSS.ELA-LITERACY.CCRA.R.2: Determine central ideas or themes of a text. . .summarize the key supporting details and ideas.            CCSS.ELA-LITERACY.CCRA.W.9: Draw evidence from literary or informational texts. . .</p>
	<u><a href="#">Taking Action</a></u> [Part A]	<p>[C3] D2.Civ.14.9-12. Analyze historical, contemporary, and emerging means of changing societies, promoting the common good, and protecting rights.            D2.Civ.12.9-12. Analyze how people use and challenge. . .laws to address a variety of public issues.            [CCSS Anchor Standard] CCSS.ELA-LITERACY.CCRA.W.2: Write informative/explanatory texts. . .</p>
<b>Day 2</b> Supporting Question 1  Supporting Question 2	<u><a href="#">Taking Action</a></u> [Parts B-C]  <u><a href="#">The Fish Wars: Time Immemorial to 1974</a></u>	<p>[C3] D2.Civ.12.9-12. Analyze how people use and challenge. . .laws to address a variety of public issues.            [CCSS Anchor Standards] CCSS.ELA-LITERACY.CCRA.R.1: Read closely to determine what the text says explicitly and to make logical inferences from it; cite specific textual evidence. . .            CCSS.ELA-LITERACY.CCRA.R.2: Determine central ideas or themes of a text. . .summarize the key supporting details and ideas.</p>
	<u><a href="#">Backlash to Boldt</a></u> [Part A]	
<b>Day 3 Short Day</b> Supporting Question 2	<u><a href="#">Resource Annotator Example</a></u> <i>Teacher Tip: Students can save their annotations as a PDF for the next class or for their summative performance task.</i>  <u><a href="#">Backlash to Boldt</a></u> [Part B]  <u><a href="#">The Fish Wars: 1974 to 1979</a></u>	<p>[C3] D2.Civ.12.9-12. Analyze how people use and challenge. . .laws to address a variety of public issues.            [CCSS Anchor Standards] CCSS.ELA-LITERACY.CCRA.R.1: Read closely to determine what the text says explicitly and to make logical inferences from it; cite specific textual evidence. . .            CCSS.ELA-LITERACY.CCRA.R.2: Determine central ideas or themes of a text. . .summarize the key supporting details and ideas.</p>
<b>Day 4</b> Supporting Question 3	<u><a href="#">Resource Annotator Example</a></u> <i>Teacher Tip: Students can save their annotations as a PDF for the next class or for their summative performance task.</i>  <u><a href="#">Were the Fish Wars Resolved?</a></u> [Part A]  <u><a href="#">The Fish Wars: 1979 to 2014</a></u>	<p>[C3] D1.5.9-12. Determine the kinds of sources that will be helpful in answering compelling and supporting questions. . .            D2.His.14.9-12. Analyze multiple and complex causes and effects of events in the past.            [CCSS Anchor Standard] CCSS.ELA-LITERACY.CCRA.W.1: Write arguments to support claims. . .using valid reasoning and relevant and sufficient evidence.</p>
<b>Day 5</b> Summative Performance Task	<u><a href="#">The Fish Wars: Time Immemorial to 2014</a></u>  <u><a href="#">The Independent Observer Constructing Evidence-Based Arguments</a></u>  What kinds of actions can lead to justice? Construct an argument addressing the compelling question.	<p>[C3] D1.5.9-12. Determining sources from multiple points of view. . .            D4.1.9-12. Constructing evidence-based arguments from multiple sources. . .            D4.3.9-12. Present adaptations of arguments. . .using print and oral technologies. . .            [CCSS Anchor Standard] 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.</p>
<b>Day 6</b> Mapping Informed Action	<u><a href="#">Optional Extension</a></u>  <u><a href="#">Project 562</a></u> [Parts A-C]  <u><a href="#">Standards-Based Rubric</a></u> [Part D]	<p>[C3] D4.7.9-12. Assess options for individual and collective action. . .            D4.6.9-12. Use disciplinary and interdisciplinary lenses to understand the characteristics and causes of. . .problems. . .            [CCSS Anchor Standards] CCSS.ELA-LITERACY.CCRA.R.9: Analyze how two or more texts address similar themes or topics in order to build knowledge or to compare the approaches the authors take.            CCSS.ELA-LITERACY.CCRA.W.2: Write informative/explanatory texts to examine and convey complex ideas and information clearly and accurately through the effective selection, organization, and analysis of content.</p>
<b>Extension 1-2 Days</b> Taking Informed Action	<u><a href="#">NK360° Framework for Taking Action</a></u>	<p>[C3] D4.7.9-12. Assess options for individual and collective action. . .            D4.8.9-12. Apply a range of deliberative and democratic strategies. . .make decisions and take action. . .</p>