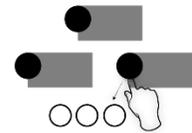


Teacher Materials

Supporting Question Two: What Happened After the Fish Wars Went to Court?

Featured Sources

- **Video:** [The Boldt Decision](#)—What was the Boldt Decision and why is it important? Watch this video to learn about how Native Nations took the Fish Wars to the courts.
- **Opposing Perspectives:** Native Nations and Washington State—Consider differing perspectives. See what the plaintiffs and defendants presented to the court in *U.S. v. Washington*.
- **Case Study:** Backlash to Boldt—See what happened after Judge Boldt issued his ruling in *U.S. v. Washington*. Review news articles, images, and testimony to uncover the kinds of backlash faced by Native communities.
- **Drag-and-Drop Timeline:** [The Fish Wars: 1974 to 1979](#)—Use this interactive timeline to review and sort key events of the Fish Wars, from 1974 to 1979.



Student Tasks

- **Resource Annotator Example**—This supporting question includes an interactive resource annotator. Students use the annotator tool to mark up each source and caption. They can use up to five pins for each source to make notes about the theme: *backlash*.
- [Backlash to Boldt](#)



Student Outcomes

KNOW

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.

UNDERSTAND

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.

DO

Cite evidence and make claims using an annotator tool to identify types of backlash Native People and their supporters encountered.

Standards

[C3 Dimension Standards]

D2.Civ.12.9-12. Analyze how people use and challenge local, state, national, and international laws to address a variety of public issues.

[CCSS: 9-12 Grade Specific Standards]

CCSS.ELA-LITERACY.RH.9-10.1: Cite specific textual evidence to support analysis of primary and secondary sources, attending to such features as the date and origin of the information.

CCSS.ELA-LITERACY.RH.9-10.2: Determine the central ideas or information of a primary or secondary source; provide an accurate summary of how key events or ideas develop over the course of the text.

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: Corresponding 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 when writing or speaking to support conclusions drawn from the text.

CCSS.ELA-LITERACY.CCRA.R.2: Determine central ideas or themes of a text and analyze their development; summarize the key supporting details and ideas.

Supporting Question Two Lesson Procedures

Anticipatory Set

- Ask students to identify the role of the judicial branch of the United States federal government (interprets the laws and makes sure that they are constitutional).
- Explain to students that if the president or another member of the executive branch chooses to ignore a federal court ruling, there is very little that the federal courts can do about it. You may cite the American Indian Removal Act or the delay enforcing *Brown v. Board of Education of Topeka*, regarding school integration. Lead a discussion with students about what might happen should there be a delay or lack of enforcement of federal court rulings (constitutional crisis).
- Show students the short video [The Boldt Decision](#) in preparation for Part A of the [Backlash to Boldt](#) worksheet.

Review

Teacher TIP: Students may need to watch the video multiple times in order to grasp the chronology and significance of the many cases that Native Nations brought to the federal courts.

Part A—Laws Matter

- After watching the video [The Boldt Decision](#), students use Part A of the [Backlash to Boldt](#) worksheet to explain why selected facts from the video are significant to the Fish Wars.
- Review with students the key issues at stake in the Fish Wars and the different actions Native People and their supporters took in order to effect change. Discuss with students the role of the courts as a vehicle for achieving justice. Ask students to think of other civil rights movements that used the courts to address issues of injustice. To what extent were these movements successful?

Guided Practice, Instruction, and Formative Assessment

Opposing Perspectives

Teacher TIP: Before students explore the case study Backlash to Bolt, have them review a summary of the arguments presented before the court by the plaintiffs (Native Nations) and defendants (Washington State, joined by General Fisheries Conservation and Management, Department of Fisheries Policies and Practices, and Department of Game Policies and Practices).

Part B—Identifying Backlash

- Remind students of the earlier discussion about the role of the judicial branch and the possibility of a constitutional crisis (when the court's ruling is not enforced).
- Have students examine the Backlash to Bolt case study using the interactive [Resource Annotator Example](#) to identify *backlash*. Sources will demonstrate what could happen if there is no enforcement of a federal court's ruling (constitutional crisis). Before students begin, define *backlash* (a sudden and adverse reaction, especially to a political or social event). Ask students to share out examples of backlash. Examples could be hypothetical or historical in nature.



- Preview the annotator tool with students: Students use the tool to highlight examples of backlash shown in the sources and then annotate their selections by typing explanations that describe why the source shows evidence of backlash.

Teacher TIP: Students can print or download and save their annotations as they review each source.

Check for Understanding

Teacher TIP: Students can use the second interactive timeline [The Fish Wars: 1974 to 1979](#) to review the events of the Fish Wars covered so far in the inquiry. The timeline is separated into three segments and presented in its entirety at the end of the inquiry. Students will see sources such as news articles, quotations, and images that correspond to the section of the inquiry they most recently explored. Students can drag and drop timeline entries for each segment of the timeline into the appropriate order. If an entry is dropped into the incorrect space on the timeline the event will bounce back; to find out more about the event students can click the entry.

- At this point in the inquiry, students should understand that 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 and Boldt's decision was met with backlash from the state of Washington and non-Indian fishing organizations.

Preview

- Return to the next supporting question: *What happened after the Fish Wars went to court?*
- Ask students—based on evidence presented so far in the inquiry—were the issues at stake in the Fish Wars resolved in the courts? Why or why not?
- In supporting question three, students will weigh evidence from contemporary sources to evaluate the extent to which the Fish Wars were resolved.