



American Indians and the 14th Amendment

ESSENTIAL QUESTION: To What Extent did the 14th Amendment Impact American Indians?

OBJECTIVES:

- Students will examine and understand the meaning of the 14th Amendment as it was written in 1865 and how it is applied in the 20th and 21st centuries to American Indians.
- Students will examine the legal standing of American Indians before and after the passage of the 14th Amendment.
- Students will be able to define the changing definition of citizenship in America.

Grades: 9-12

FRAMEWORKS:

American History

- EUS.2.AH.2 Investigate the major governmental ideas established in the colonial and early national periods using primary and secondary source documents.
- R.5AH.2 Identify the significance of the Civil War Amendments: 14th Amendment.
- R.5.AH.5 Examine the reaction of United States citizens to Civil Rights in the late 1800s.

American Government

- USC.3.AG.6 Examine the purpose of each of the constitutional amendments.
- USC.5.AG.2 Analyze fundamental rights of individuals: civil liberties, due process, and equal protection.
- USC.8.AG.5 Examine Supreme Court cases which have altered the interpretation of the United States Constitution.

Arkansas History

- TPS.4.AH.9-12.8 Investigate the decline and removal of American Indian tribes in Arkansas.

Civics

- C.1.C.3 Explain what constitutes a citizen.
- C.1.C.4 Discuss the process of becoming a citizen.
- USC.6.C.5 Analyze the consequences of constitutional amendments on citizenship .

World History

- MS.6.WH.1 Illustrate the movement of people over time to different locations using historical maps.

TIME FRAME: five class days on a block schedule

MATERIALS NEEDED: computer, projector, screen, student access to the Internet (at home or school), copy of 14th Amendment True/False questions (enclosed), copy of the 14th Amendment (enclosed), copy of the questions for the 14th Amendment writing activity (enclosed), video clip (link provided), copy of the Document Analysis Sheets (enclosed), teacher created photo gallery, copy of the RAFT activity sheet (enclosed), copy of How to Evaluate Websites (link provided), Socratic Seminar (enclosed), 5X7 index cards, paper, and pencil.

TEACHER BACKGROUND INFORMATION:

The 14th Amendment to the United States Constitution is one of the Reconstruction Amendments passed after the Civil War ended in 1865. Congress' intent in Section 1 of the amendment was to extend citizenship rights to formerly enslaved people. It was proposed on June 13, 1866, and ratified on July 9, 1868. The amendment provides a broad definition of citizenship and overruled the *Dred Scott v Sanford* (1857) case that stated no slave or descendent of a slave could be a U.S. citizen. Most importantly, the 14th Amendment requires states to provide "equal protection under the law" to all persons within their jurisdictions and often is cited in civil rights cases, particularly in the Supreme Court's *Brown v. Board of Education of Topeka* decision.

Congress passed the 14th Amendment to the Constitution, ratified in 1868, to extend the rights of citizenship to freedmen. The amendment, however, only included whites and African Americans as legal citizens. Section Two, in redefining apportionment of representatives to Congress, explicitly excludes "Indians." The protections of citizenship did not extend to American Indians, the very people whose ancestors had been residing in the country since before the United States was even conceived in the 1700s. They were not considered legal citizens of the United States at this time. Throughout the history of this country, American Indian tribes have claimed status as *sovereign nations* within the United States. They have their own tribal governments and have legal jurisdiction over their own tribal land and members, an arrangement that continues today. It was not until after the Civil War when western territories applied for statehood, that the question of whether American Indians should be considered citizens became an important issue.

Even though American Indians became eligible for citizenship under the *Dawes Act* in 1887, it was not until 1924 that Congress passed the *Indian Citizenship Act* recognizing American Indians as citizens of this nation. By the 1880s, some American Indian women could claim citizenship by marriage to male citizens and, in 1919, American Indian veterans of World War I were offered citizenship. The *Indian Citizenship Act* further defined a citizen as any person born within the boundaries of the country even if they were born as members of an American Indian tribe (this also included Eskimos, Aleuts, and other aboriginal tribes). Since then, the majority of American Indians hold dual citizenship in both the United States and their respective tribes and are subject to the protections provided American citizens under the 14th Amendment. Not all persons of American Indian descent are members of tribes, but they still have the protection of the 14th Amendment as citizens of the United States. Those who claim American Indian citizenship within a tribe must register with the tribe and have a blood quantum of one-quarter to qualify for their *Certified Degree of Indian Blood (CDIB)* card that the United States government and some tribes requires to prove tribal citizenship. Other tribes have different qualifications for membership, but many American Indians are both citizens of the United States and members of an American Indian tribe.

DAY 1

DAILY OPENER (10 minutes): As students enter the room distribute the following true/false questions as a handout.

True/False. Circle the correct choice.

1. True/False The 14th Amendment to the United States Constitution is one of the Reconstruction Amendments passed after the Civil War.
2. True/False Congress' intent in Section 1 of the 14th Amendment was to extend citizenship rights to American Indians.
3. True/False The 14th Amendment overruled the *Dred Scott v Sanford* (1857) case that stated no slave or descendent of a slave could be a United States citizen.
4. True/False The 14th Amendment is often cited in civil rights cases.
5. True/False Throughout the history of this country, American Indians have been treated as equals.

Answers: 1. True 2. False 3. True 4. True 5. False

UNIT INTRODUCTION (3 minutes):

Introduce the lessons' Essential Question and Objectives to the class.

BRAINSTORMING ACTIVITY (30

minutes): The materials for this activity include paper and a pen or pencil. Place students in cooperative learning groups of 2-3. Each group should choose a recorder, someone who will write for the group. The recorder should write American Indians as the title. Allow each group 5 minutes to list key people, places, or events associated with American Indians (see example). Next, give each group an additional five minutes to choose the three most important or interesting topics from their list. Students should elaborate on what they know about the key person, place or event. Allow each group to share with the rest of the class.

VIDEO CLIP (15 minutes): Discover Education. "Cherokee: The Trail of Tears." Discovery Education: <http://streaming.discoveryeducation.com/> (8:42). If time permits allow students to share and reflect.

ANALYSING PRIMARY DOCUMENTS

Distribute to each student only one of the documents and a Document Analysis Worksheet (i.e. if a student is given the map then the student would need the Map Analysis Worksheet). The Document Analysis Worksheets (enclosed) were designed and developed by the Education Staff, National Archives and Records Administration and can be download from their website <http://www.archives.gov/education/>

American Indians

- * John Redcorn
- * South dakota
- * Peconias
- * corn
- * Reserves
- * Casino
- * Thanksgiving
- * Apache Chief
- * Tobacco
- * fur trade
- * french
- * ~~de~~ disease
- * Gold
- * Tribes

in good repair. I hope some arrangement can be made by which a larger and better press and newer and more suitable type and fixtures can be secured for the office. Much work could be done and the trade thoroughly learned. For the Indian as well as for the white man the printing-press is in the fore front of the forces of civilization.

SANITARY.

The general health of the scholars has been good, aside from the tendency to consumption and scrofula, diseases so prevalent among the Indians of this coast. I think a majority of the children have the germs of one or the other, or both, lurking in their system, and generally it is fatal before they reach the meridian of life usually allotted to man. These diseases have produced more deaths during the past year in the school than all others combined.

The school has had a pretty severe scourge of scarlet fever. More than one-half of the scholars had the disease, and as many as 60 at one time, but it yielded to the good and skillful treatment of Dr. A. W. Hutchison, the then school physician, who carried them all safely through, without the fatal termination of a single case. There have been one or two deaths resulting from malarial fever. There have been about 500 cases treated during the year, of which 9 died at the school. The health of the school is now good.

Very respectfully,

JOHN LEE,
Superintendent.

The COMMISSIONER OF INDIAN AFFAIRS.

INDIAN INDUSTRIAL SCHOOL,
Carlisle Barracks, Pa., September 7, 1887.

SIR: I have the honor to transmit herewith my report for the year ending June 30, 1887.

The following table gives the population for the year:

Tribes.	Connected with school at date of last report.		New pupils received.		Total.	Returned to agencies.		Died.		Remaining at school.		Total.
	Male.	Female.	Male.	Female.		Male.	Female.	Male.	Female.	Male.	Female.	
Apache	45	4	69	38	156	2		3		109	42	151
Arapaho	10	5	13	4	32	5	3			18	6	24
Arickaree				1	1						1	1
Caddo	1				1					1		1
Cheyenne	14	5	13	11	43	4	5	1	1	22	10	32
Chippewa	5			2	11	6				2	3	5
Comanche					1					1		1
Creek	1				1	1						1
Crow	7	4	1		12		2	1		7	2	9
Gras Ventre	3				3	1		1		2		2
Iowa	1	1			2					1	1	2
Kaw	4				4	3				1		1
Keschie	1				1					1		1
Kiowa	3	3			6					2	3	6
Lipan	1	1			2					1	1	2
Menominee	2	1			3	1	1			1	1	2
Miami	1	2			3					1	2	3
Modoc	2	1		1	4	1				1	2	3
Navajo	6				6	1				5		5
Nes Percé	4	2			6					4	1	5
Omaha	14	2			16	8	1			6	1	7
Oneida	20	20			40	1	3			19	17	36
Onondaga	1	2			3		1			1	1	2
Otawa	1	4			5					1	4	5
Pawnee	13	6			19	4				9	6	15
Ponca					1					1		1
Pinto				1	1						1	1
Ponca				2	2						2	2
Pueblo	58	41	14	15	128	7	2		1	65	63	118
Quapaw	1	1			2					1	1	2
Sac and Fox					1						1	1
Seminole					2						2	2
Seneca	3	1		1	5					3	2	5

http://memorv.loc.gov/cgi-bin/auerv/r?ammem/ainn:@field(DOClD)+@lit(ainn0032321)

Document #2



[http://memory.loc.gov/cgi-bin/query/?ammem/hawp:@field\(NUMBER+:@band\(codhawp+10032903\)\)](http://memory.loc.gov/cgi-bin/query/?ammem/hawp:@field(NUMBER+:@band(codhawp+10032903)))

Library of Congress

www.loc.gov/teachers/

*Courtesy of Western History/
Genealogy Department, Denver
Public Library.*

Document #3



[http://memory.loc.gov/cgi-bin/query/r?ammem/hawp:@field\(NUMBER+@band\(codhawp+10032904\)\)](http://memory.loc.gov/cgi-bin/query/r?ammem/hawp:@field(NUMBER+@band(codhawp+10032904)))

Library of Congress

www.loc.gov/teachers/

***Western History/Genealogy
Department, Denver Public Library.***

Written Document Analysis Worksheet

1.	<p>TYPE OF DOCUMENT (Check one):</p> <table style="width: 100%; border: none;"> <tr> <td><input type="radio"/> Newspaper</td> <td><input type="radio"/> Map</td> <td><input type="radio"/> Advertisement</td> </tr> <tr> <td><input type="radio"/> Letter</td> <td><input type="radio"/> Telegram</td> <td><input type="radio"/> Congressional Record</td> </tr> <tr> <td><input type="radio"/> Patent</td> <td><input type="radio"/> Press Release</td> <td><input type="radio"/> Census Report</td> </tr> <tr> <td><input type="radio"/> Memorandum</td> <td><input type="radio"/> Report</td> <td><input type="radio"/> Other</td> </tr> </table>	<input type="radio"/> Newspaper	<input type="radio"/> Map	<input type="radio"/> Advertisement	<input type="radio"/> Letter	<input type="radio"/> Telegram	<input type="radio"/> Congressional Record	<input type="radio"/> Patent	<input type="radio"/> Press Release	<input type="radio"/> Census Report	<input type="radio"/> Memorandum	<input type="radio"/> Report	<input type="radio"/> Other
<input type="radio"/> Newspaper	<input type="radio"/> Map	<input type="radio"/> Advertisement											
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<input type="radio"/> Memorandum	<input type="radio"/> Report	<input type="radio"/> Other											
2.	<p>UNIQUE PHYSICAL CHARACTERISTICS OF THE DOCUMENT (Check one or more):</p> <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Interesting Letterhead</td> <td><input type="checkbox"/> Notations</td> </tr> <tr> <td><input type="checkbox"/> Handwritten</td> <td><input type="checkbox"/> "RECEIVED" stamp</td> </tr> <tr> <td><input type="checkbox"/> Typed</td> <td><input type="checkbox"/> Other</td> </tr> <tr> <td><input type="checkbox"/> Seals</td> <td></td> </tr> </table>	<input type="checkbox"/> Interesting Letterhead	<input type="checkbox"/> Notations	<input type="checkbox"/> Handwritten	<input type="checkbox"/> "RECEIVED" stamp	<input type="checkbox"/> Typed	<input type="checkbox"/> Other	<input type="checkbox"/> Seals					
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<input type="checkbox"/> Seals													
3.	<p>DATE(S) OF DOCUMENT:</p>												
4.	<p>AUTHOR (OR CREATOR) OF THE DOCUMENT:</p> <p>POSITION (TITLE):</p>												
5.	<p>FOR WHAT AUDIENCE WAS THE DOCUMENT WRITTEN?</p>												
6.	<p>DOCUMENT INFORMATION (There are many possible ways to answer A-E.)</p> <p>A. List three things the author said that you think are important:</p> <p>B. Why do you think this document was written?</p> <p>C. What evidence in the document helps you know why it was written? Quote from the document.</p> <p>D. List two things the document tells you about life in the United States at the time it was written.</p> <p>E. Write a question to the author that is left unanswered by the document:</p>												

**Designed and developed by the
Education Staff, National Archives and Records Administration,
Washington, DC 20408**

Map Analysis Worksheet

1.	TYPE OF MAP (Check one): <input type="radio"/> Raised Relief map <input type="radio"/> Topographic map <input type="radio"/> Political map <input type="radio"/> Contour-line map <input type="radio"/> Natural resource map <input type="radio"/> Military map <input type="radio"/> Bird's-eye map <input type="radio"/> Artifact map <input type="radio"/> Satellite photograph/mosaic <input type="radio"/> Pictograph <input type="radio"/> Weather map <input type="radio"/> Other
2.	UNIQUE PHYSICAL QUALITIES OF THE MAP (Check one or more): <input type="checkbox"/> Compass <input type="checkbox"/> Handwritten <input type="checkbox"/> Date <input type="checkbox"/> Notations <input type="checkbox"/> Scale <input type="checkbox"/> Name of mapmaker <input type="checkbox"/> Title <input type="checkbox"/> Legend (key) <input type="checkbox"/> Other
3.	DATE OF MAP: _____
4.	CREATOR OF THE MAP: _____
5.	WHERE WAS THE MAP PRODUCED? _____
6.	MAP INFORMATION A. List three things in this map that you think are important. 1. _____ 2. _____ 3. _____ B. Why do you think this map was drawn? C. What evidence in the map suggests why it was drawn? D. What information does this map add to the textbook's account of this event? E. Does the information in this map support or contradict information that you have read about this event? Explain. F. Write a question to the mapmaker that is left unanswered by this map.

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DAY 2

DAILY OPENER (20 minutes): Photo Gallery. Create a photo gallery by simple locating images of American Indians from the 20th Century through the Internet. Place the photographs in PowerPoint or Photo Story and show them as a slide show. The purpose of this activity is to get students to begin thinking about the time period. The Photo Gallery could include bibliography or general information about the image or you could exclude this information and have students draw conclusions and make inferences based on what they already know and what they observe in the photograph.

PRIMARY DOCUMENT: (45 minutes) Distribute the copy of the U.S. Constitution's 14th Amendment. Students could evaluate the document by using the Document Analysis Worksheet (enclosed) or students may simple read the document and do the following assignment.

Have students write a narrative, expository, or a persuasive piece of writing:

- The 14th Amendment is an important part of American history. Imagine that you were one of the Congressmen that helped pass the law. Tell a story about the day that the amendment was ratified and how it made you feel.
- You have learned many things about the events that lead to the passage of the 14th Amendment. Think about the causes of the 14th Amendment. Explain why the 14th Amendment was so important to African American, but your view on why the amendment excluding Indians.
- Many people agreed with Indians being excluded from the 14th Amendment since they had their own tribal governments. Many others felt the amendment discriminated against Indians. Think about whether you feel it was the right choice or the wrong choice for Indians. Convince your classmates to either support the 14th Amendment in the way it was written or protest against the exclusion of Indians.

If time permits allow students to share their writing to the class. In addition, students could place their work on display in the classroom or in the hallway.

HOMEWORK: Internet Research. Require students to search the Internet and locate three facts regarding the Trail of Tears. Take the assignment one step further by requiring students to evaluate the website and/or require the assignment to be word processed and to include an illustration. Use the form at the following url <http://www.ncsu.edu/midlink/www.eval.html> for evaluating websites.

Note**** For technological savvy teachers that have the right equipment in the classroom (projector, computer, and screen), suggest that students place the results of the homework assignment in a PowerPoint; give a limit of three slides. This encourages students to use technology with parameters.

The US Constitution: 14th Amendment
US Constitution - Fourteenth Amendment - Rights Guaranteed Privileges and Immunities of Citizenship,
Due Process and Equal Protection

AMENDMENT XIV of the UNITED STATES CONSTITUTION

Passed by Congress June 13, 1866. Ratified July 9, 1868.

Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

History and Ratification

The fourteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Thirty-ninth Congress, on June 13, 1866. It was declared, in a certificate of the Secretary of State dated July 28, 1868 to have been ratified by the legislatures of 28 of the 37 States. The dates of ratification were: Connecticut, June 25, 1866; New Hampshire, July 6, 1866; Tennessee, July 19, 1866; New Jersey, September 11, 1866 (subsequently the legislature rescinded its ratification, and on March 24, 1868, readopted its resolution of rescission over the Governor's veto, and on Nov. 12, 1880, expressed support for the amendment); Oregon, September 19, 1866 (and rescinded its ratification on October 15, 1868); Vermont, October 30, 1866; Ohio, January 4, 1867 (and rescinded its ratification on January 15, 1868); New York, January 10, 1867; Kansas, January 11, 1867; Illinois, January 15, 1867; West Virginia, January 16, 1867; Michigan, January 16, 1867; Minnesota, January 16, 1867; Maine, January 19, 1867; Nevada, January 22, 1867; Indiana, January 23, 1867; Missouri, January 25, 1867; Rhode Island, February 7, 1867; Wisconsin, February 7, 1867; Pennsylvania, February 12, 1867; Massachusetts, March 20, 1867; Nebraska, June 15, 1867; Iowa, March 16, 1868; Arkansas, April 6, 1868; Florida, June 9, 1868; North Carolina, July 4, 1868 (after having rejected it on December 14, 1866); Louisiana, July 9, 1868 (after having rejected it on February 6, 1867); South Carolina, July 9, 1868 (after having rejected it on December 20, 1866). Ratification was completed on July 9, 1868. The amendment was subsequently ratified by Alabama, July 13, 1868; Georgia, July 21, 1868 (after having rejected it on November 9, 1866); Virginia, October 8, 1869 (after having rejected it on January 9, 1867); Mississippi, January 17, 1870; Texas, February 18, 1870 (after having rejected it on October 27, 1866); Delaware, February 12, 1901 (after having rejected it on February 8, 1867); Maryland, April 4, 1959 (after having rejected it on March 23, 1867); California, May 6, 1959; Kentucky, March 18, 1976 (after having rejected it on January 8, 1867).

DAY 3

DAILY OPENER (20 minutes): Allow students to share the information gathered from the Internet Research assignment on the Trail of Tears from the previous class.

RAFT (60 minutes): The materials needed for this activity includes 2 index cards, copy of the RAFT writing chart, and a pen or pencil.

RAFT WRITING CHART:

American Indians and the 14th Amendment

The RAFT strategy forces students to process information, rather than merely regurgitate facts.

Each of the letters that spell RAFT represents a word. Each word must be a part of the writing. The first letter is R and it represents ROLE. The ROLE will be the character that students will be as they write. The next letter is A which represents AUDIENCE. Students will write the information to someone or for something. It is important that they know to whom they are directing the writing. Next is F which represents FORMAT. There are many types of writing, many formats. There are thank you notes, letters, brochures, reports, newspaper articles, etc. Lastly, T represents TOPIC. This is the subject that students are going to write about for their AUDIENCE.

ROLE	AUDIENCE	FORMAT	TOPIC	STRONG VERB
American Indian	American People	Journal	Protection	Persuade
cowboy	Chief Justice	Editorial	Courage	Analyze
American soldier	Tribal community	Thank you note	Democracy	Create
President	Students in 2008	Interview	Encouragement	Predict
slave	Injured soldier	Song lyric	Justice and Fairness	Describe
clergy	immigrants	Invitation	Sacrifice	Evaluate
child	President	Newspaper Article	Peace	Explain
school teacher	U.S. Senators	Official Orders	U.S. Constitution	Defend
judge	Nurse	Business Letter	Truth	Understand

Display the RAFT chart (see example). Complete the RAFT activity by using the ME-WE-TWO-YOU strategy. First, model by thinking aloud (ME), then practice with students (WE), next allow students in pairs (TWO) to practice and finally, ask students to work independently (YOU). Note*** The selection of the ROLE does not dictate the AUDIENCE, FORMAT, or TOPIC. For example, an **American Indian** could write an **Invitation** to the **President** on the topic of **Peace**. Upon completion of this activity, allow students to peer edit one of their classmates independent work.

DAY 4

DAILY OPENER (10 minutes): Distribute to students as they enter the classroom a 5x7 index card. Ask students to respond to the following questions. After students complete the question, allow several to share their response.

Did the 14th Amendment guarantee citizenship to all Americans? Why or why not?

SOCRATIC SEMINAR (35 minutes): If the Socratic is new to you or your class, take time to go over the rules the day before. Materials needed for this activity include three pennies for each student (optional), copy of the questions for the Socratic Seminar (enclosed), Student Observer sheet (see below), and pen or pencil. Introduce what a Socratic Seminar is to your students. The purpose of the Socratic is to teach and encourage polite patterns of dialogue and to gain a deeper understanding of the text.

A good example of the process for a Socratic Seminar can be found at <http://www.nwabr.org/education/pdfs/PRIMER/PrimerPieces/SocSem.pdf> or simply do an Internet search with the keywords “Socratic Seminar.” The following site includes the handout that each observer will need. Try something a little different, give each student three pennies. When students want to speak they must slide their penny up. After all three pennies have been used, students can not engage in dialogue. This teaches students to think critically and to value their opinions. There are typically no wrong answers in a Socratic Seminar, but remember to convey the importance of this authentic assessment.

HOMEWORK: Assign students the reading from the textbook, which may include information on American Indians including the Trail of Tears and the *Indian Removal Act*, the War Amendments (13th, 14th, and 15th Amendments), and the *Indian Citizenship Act of 1924*.

COMPLETION activity (25 minutes): distribute the following as a handout. Allow student to share.

1. Complete: The most confusing thing today was _____.
2. Complete: The 14th Amendment is _____.
3. Complete: American Indians and African Americans were similar because _____.
4. Complete: Today we learned about something called _____.
5. Complete: It is important to analyze the changing definition of citizenship because _____.

DAY 5

SOCRATIC SEMINAR (Authentic Assessment)

Before students enter, have the room arranged for the Socratic and place handouts on each desk. For example, those students who are Observers, should have the Observer worksheet and for those students who are directly participating they should have their handout and three pennies.

Before you begin:

- 1) Assign roles: Participants and Observers
- 2) Remind students of the rules
- 3) Remind students that the Socratic Seminar is the assessment for the Unit

**Socratic Seminar:
American Indians and 14th Amendment**

IRC. "Indian Mode of Traveling, Seth Eastman, 1869.."

Discovery Education: <http://streaming.discoveryeducation.com/>



In 1857, the Supreme Court ruled in *Dred Scott v. Sanford* that neither slaves nor their descendents could ever be considered U.S. citizens. This ruling denied the rights of citizenship to the nearly four million slaves and free blacks in the country. However, Congress passed the 14th Amendment to the Constitution, ratified in 1868, to extend the rights of citizenship to freedmen. Section Two, in redefining apportionment of representatives to Congress, explicitly excludes "Indians." The protections of citizenship did not extend to American Indians, the very people whose ancestors had been residing in the country since before the United

States was even conceived in the 1700s. They were not considered legal citizens of the United States at this time. In the early 1800s, white expansion grew with the search for fertile soil. Settlers venturing away from the populated cities of the northeast began to encounter American Indians in their quest for farmland. Pressure began to mount as white settlers encroached American Indian's sacred land. As unrest continued, newly-elected President Andrew Jackson formed a policy to relocate eastern Indians to lands further west. In 1830, Congress authorized Jackson's policy creating the *Indian Removal Act*.

This act forced thousands of American Indians away from their homelands to this new area specified by Congress as "Indian Territory." With the Indian Removal Act, each tribe still had to agree to a treaty to exchange land in the east for land west of the Mississippi River. Within 10 years, more than 70,000 American Indians had crossed the Mississippi River. Many thousands died along the way. Most of the tribes crossed through Arkansas via several land and water routes to make their way into Indian Territory in present-day Oklahoma. In fact, Little Rock and North Little Rock locations on the Arkansas River served as a crossroads and encampment area for tribes making their way across the state. As the Indian Removal Act and other actions demonstrate, white Americans often did not accept American Indians as equals in society, business, or politics.

- 1. Why did it take so long for the United States government to recognize American Indians as citizens and extend to them the "equal protection under the law" other Americans enjoyed?**
- 2. In the United States citizens are afforded rights and privileges, what were some of these rights and privileges that Indians were not afforded.**
- 3. Early English colonists and eventually the United States government wanted more land to expand westward. Whom did the land belong to?**
- 4. Many American Indians journey west along the Trail of Tears after being forced from their homeland. Today, many families are also forced to move and/or give up their homes. How does relocating affect families as well as the community?**

REFLECTIONS: If this is your first time using the Socratic in your class, allow students to give you feedback.

Note***If the Socratic Seminar will be used as the authentic assessment for the Unit, there are many ways to assess students.

- If students participate they receive the points (i.e. 50 points).
- Use a rubric and keep track of student responses.
- Use a student evaluation form and let them evaluate themselves.
- Use the Student Observer worksheet to evaluate students.
- If students are absent that day, require a written response from all of the questions presented during the Socratic.

ADDITIONAL ACTIVITIES FOR THE CLASSROOM:

- Consider inviting a lawyer, historian, prosecuting attorney, defense attorney, or judge to talk to students on how the 14th Amendment has affected American Indian tribes.
- See how the U.S. Supreme Court has used the 14th Amendment to assist minorities like American Indians and African Americans throughout the 19th and into the 20th century. Watch the PBS series, *The Supreme Court, Episode 2, A New Kind of Justice*.
- By using your textbook and the Internet, research and create a timelines entitled "U.S. Indian Policy." Explain on the timeline the purpose of policies adopted by the federal government since the late 1700s to regulate the American Indian and explain how each affected American Indians.

RECOMMENDED SOURCES FOR USE IN THE CLASSROOM:

American Native Press Archives, www.anpa.ualr.edu.

Arkansas Historic Preservation Program, an agency of the Department of Arkansas Heritage, www.arkansaspreservation.org/preservation-services/trail-of-tears/removal-routes.asp.

Bureau of Indian Affairs, U.S. Department of Interior, <http://www.doi.gov/bia/>.

Duthu, N. Bruce and Colin G. Galloway, eds. *American Indians and the Law: The Penguin Library of American Indian History*. Viking Adult Press, 2008.

National Archives and Records Administration, www.archives.gov.

National Trail of Tears Association, www.nationaltota.org.

PBS, *The Supreme Court* (DVD and teacher/student activities, www.pbs.org/wnet/supremecourt/educators/lp2.html).

The Trail of Tears National Historic Trail, <http://www.nps.gov/trte/index.html>

United States Supreme Court, <http://www.supremecourtus.gov/>.

Wildenthal, Brian. *Native American Sovereignty on Trial. A Handbook with Cases, Laws, and Documents*. ABC-CLIO, 2003 (limited print, available for view on Internet).