

UNIT 6: HIGH SCHOOL – UNITED STATES HISTORY

ENTERING A NEW ERA: NATION-BUILDING, GAMING, AND SELF-DETERMINATION

Level 3

Instructional Support Materials

[*Smallpox or New Buffalo: What's the Right Analogy for Indian Gaming*](#)

(Add Elise Washine's Questions—Being Updated)

[*Setting the Rules for Indian Gaming*](#)

[*Native Gaming Case – Instructor Notes*](#)

[*Oliphant and Its Discontents: An Essay Introducing the Case for Reargument before the American Indian Nations Supreme Court*](#)

[*Constitutional Issues CBA*](#)

[*You and the Economy CBA*](#)

Learning Goals

By the end of instruction, students will:

- Recognize landmark court decisions and legislation that affected and continue to affect tribal sovereignty
 - Understand that tribal sovereignty enables tribes to protect their ways of life and the development of their nations
 - Understand that tribal, state, and federal agencies often work together toward common goals
 - Evaluates how well court decisions and government policies have upheld key ideals and principles in the United States
 - Analyzes and evaluates ways of influencing local, state, and national governments to preserve individual rights and promote the common good
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Time: Approximately 9 class periods

Teacher Preparation

- Students will compare the competing perspectives on Indian gaming and defend a position on Indian gaming on a local reservation.
- Students will analyze and evaluate how the outcome of *Oliphant v Suquamish Tribe* affects tribal sovereignty, examine civil or criminal jurisdiction of a local tribe, and defend a position on the criminal jurisdiction a local tribe has over non-Indians on a local reservation.

- **Plan Ahead**
 - Contact local tribal and/or city law enforcement.
 - Ask for four situations involving tribal, state, and federal jurisdiction. Be prepared to modify the scenario appropriately for your class if needed. Ask the law enforcement individual to be a guest speaker in your class in approximately a week.
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Learning Activities

Day 1

1. Complete Level 1 and Level 2 learning activities.
2. Students should work in the same cooperative groups from level 2. They will continue studying the economy and jurisdictional issues of the same tribe from level 2.
3. Students will read Case 2: The Social and Cultural Frame *"Smallpox or New Buffalo: What's the right analogy for Indian gaming?"*
4. Distribute the hand-out "QUESTIONS: 'Smallpox or New Buffalo: What's the right analogy for Indian gaming*.'" As students answer the questions in their group have them decide as a group whether Indian gaming is analogous to smallpox or 'new buffalo' for their tribe.
5. Distribute poster paper and markers.
6. Tell students to create a poster representing their position of the social and cultural impact of Indian Gaming on the tribe by putting either "Smallpox" or "New Buffalo" at the top of the poster.
7. Tell students to give 4-10 reasons to support their position.

Day 2

1. Allow students time at the beginning of class to complete their posters making them attractive.
2. Tell students to practice their presentation at least once in their group before presenting to the class.
3. Have students present their posters defending their position and take questions from the audience.

Day 3

1. Students should work in the same cooperative groups.
2. Students will read Case 3: The Political Frame *"Setting the Rules for Indian Gaming."*
3. (This article is originally available as a word document from the [Evergreen State College Enduring Legacies Native Cases website](#)).
4. Distribute the hand-out "QUESTIONS: 'Setting the Rules for Indian Gaming*'"'. As students answer the questions in their group have them decide as a group to think about the future of Indian gaming in terms of the tribe they've been

- profiling. Specifically, students must consider how the tribe off-sets heavy federal, state, and tribal regulation of their gaming enterprise with effective leadership.
5. After students have answered all the questions, distribute poster paper and markers.
 6. Tell students to create a poster representing their position of the political impact of Indian
 7. Gaming on the tribe by putting creating a slogan they believe represents the future of
 8. Indian Gaming and writing it at the top of the poster.
 9. Tell students to give 6-10 reasons to support their position.
 10. Ask students to contribute a question to a class quiz based on their presentation. The class should be able to answer the question at the end of their presentation.
 11. Collect the questions from each group and create a class quiz.

***Obtaining updated “QUESTIONS” for inclusion soon.**

Day 4

1. Allow students time at the beginning of class to complete their posters making them attractive.
2. Tell students to practice their presentation at least once in their group before presenting to the class.
3. Have students present their posters defending their position and take questions from the audience.
4. Distribute the class quiz.

Day 5-6

1. Students will work in cooperative groups.
2. Students will analyze and evaluate the effect that *Oliphant v. Suquamish* case has on tribal sovereignty. They may use the article, *“Oliphant and Its Discontents: An Essay Introducing the Case for Reargument before the American Indian Nations Supreme Court”*.
3. Students will create a storyboard (like in level 1) of *Oliphant vs. Suquamish Tribe*. In the storyboard, students will create both narrative descriptions and illustrations that give the background of the case and the outcome.

Day 7

1. Students will write an speech, make a poster, or create a PowerPoint slide(s) to criticize the ultimate outcome of the case in terms of economic, social, and political factors.
2. Groups will share their final product with the class.

Day 8

1. Distribute the scenarios collected from the law enforcement individual earlier.
2. Ask students to create a response to the situation describing whether the tribe, state, or federal law enforcement has jurisdiction in the case. Explain their choice.
3. Ask students to weigh the pros and cons of jurisdiction in the case. For example: if they group decided the federal government has jurisdiction in the scenario, how might it be better or worse if the tribe had jurisdiction?

Day 9

1. Welcome the law enforcement officer to your class.
2. Students will share their scenario with the class and defend their choice of jurisdiction and share their analysis of the pros and cons of tribal, state, and federal jurisdiction.
3. Allow the officer to explain who has jurisdiction in the scenario after each presentation.

NOTES: _____

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