



## LESSON 1

# Cow Creek and Sovereignty

### ESSENTIAL UNDERSTANDINGS

- History
- Sovereignty
- Treaties with the United States
- Genocide, Federal Policy and Laws

### LEARNING OUTCOMES

By the end of this lesson, students will be able to:

- Explain the importance of sovereignty to American Indians
- Describe how state and federal law impacts the Cow Creek Tribe
- Provide examples of how the Cow Creek Tribe practices sovereignty

### ESSENTIAL QUESTIONS

- What is sovereignty?
- How do federal and state laws impact the Cow Creek Tribe?
- How do sovereign tribal nations interact with the U.S. government?

### LOGISTICS

- Where does the activity take place?  
*Classroom*
- How are the students organized?  
 Whole class    Teams: 2 – 4  
 Pairs    Individually

### TIME REQUIRED

Five class periods

### Overview

The Cow Creek Band of Umpqua Tribe of Indians (or Cow Creek Tribe) is one of nine federally recognized tribal governments in Oregon. The Cow Creek Tribe has a rich history in southern Oregon that reflects hard work, perseverance, and the pursuit of self-reliance. Today, Indian tribes, the federal government, and states share a unique relationship. Because tribes are sovereign nations, they are responsible for the health, safety, and welfare of their citizens. Indian tribes and the federal government have unique government-to-government relationships unlike any other governance structure in the United States. In this lesson students will learn about tribal sovereignty and how various federal and state laws and policies impact the Cow Creek Tribe's inherent right to exercise self-governance. Students will also hear examples of how the Cow Creek Tribe puts sovereignty into practice.

### Background for teachers

Historically, Native Americans organized their communal lives in many ways. In addition to tribes, there were smaller groups such as clans and bands. The smallest grouping was the extended family, which involved grandparents, aunts, uncles, and cousins often living near one another and remaining in constant contact.



The language, customs, and ways of life of a particular band or tribe could be similar to those of related or neighboring groups, or very different. The Native people living along Cow Creek, a tributary of the South Umpqua River in Southern Oregon, spoke the Takelma language and shared lifeways and social norms with other Takelma-speaking bands to the south. They also gathered food, built shelters, and made clothing using techniques that were similar to other Native groups in the Umpqua and Rogue River watersheds. The Cow Creek people spoke their own dialect, however, and developed a unique culture shaped by the specific landscape and ecology they inhabited.

Groups of Cow Creek families lived together in independent villages. The villages loosely organized themselves into bands that took the names of the areas around Cow Creek where their people lived: Miwaleta, Quintiosa, Targunsan, Wartahoo, and Myrtle Creek. Due to limited documentation, little is known about the five Cow Creek bands and how closely related they were politically, linguistically, and culturally prior to contact with non-Indians.

Leaders of the bands signed a treaty with Joel Palmer, a representative of the U.S. government, in September 1853 that established the Cow Creek Band of Umpqua Tribe of Indians and required the Cow Creek bands to give up all of their ancestral lands in exchange for money and a small reservation. Superintendent Palmer's treaty with the Cow Creek, while quite meager, had more generous terms and conditions than he offered to subsequent tribes. Palmer copied the treaty for use with later Oregon tribes, while offering less and less in

## STANDARDS

HS.5; HS.60; HS.63; HS.66; HS.67

## MATERIALS

### What materials are needed for students to engage in this activity?

- *The Cow Creek Story* (Activity 1; one per student)
- *Text Reading Protocol* (Activity 1; teacher copy or optional one per student group)
- *Federal and State Laws and Policies That Affect the Sovereignty of the Cow Creek Band of Umpqua Tribe of Indians* (Activity 3; one per student and one copy with each of the 12 laws/policies cut into separate slips of paper)
- *Worksheet: Federal and State Laws and Policies That Affect the Sovereignty of the Cow Creek Band of Umpqua Tribe of Indians* (Activity 3; one per student pair/group)
- Draw a timeline on the board that spans 1750 to 2050 with time markers at approximately 50-year intervals. Have tape ready for students to post slips of paper from the laws and policies discussion
- *In Their Own Words: Cow Creek Tribal Sovereignty* (Activity 4; one copy that will be cut into 13 individual strips of paper, each with a single quote)
- *Worksheet: In Their Own Words: Cow Creek Tribal Sovereignty* (Activity 4; one copy per student)
- *Worksheet: Sovereignty Over Time* (Activity 5; one copy per student group)
- *Text of the Cow Creek Treaty of 1853* (Activity 5; one copy per student)

**Note:** Students will need to save copies of their handouts and notes for a poster activity that will take place in grade 10, lesson 2: Tribal Governance



exchange for their land. Worse, the U.S. government never ratified the treaty and never delivered on its promises to the Cow Creek Tribe, even though the Tribe was forced from its land as if the treaty had taken effect. The Tribe has persisted and grown strong despite the challenges it has faced due to this violation of its sovereignty.

The Cow Creek Band of Umpqua Tribe of Indians has a strong sense of identity and solidarity and a deep connection to its ancestral territory. This was essential for the Tribe's survival during the oppression of the non-Indian settlement era and also enables it to thrive in modern times.

Before delivering this lesson, review the Tribe's story at [www.cowcreek.com](http://www.cowcreek.com) to learn about its culture and history. As you teach this lesson, be sure to critically evaluate the perspectives that are presented by the sources used, as well as how you and your students think and speak about the stories that are told. For example, some people talk about American Indians using past tense verbs. The Cow Creek Tribe wants you to know that its members are still here and thriving in Southwest Oregon.

## VOCABULARY

This lesson has three key vocabulary terms.

**Sovereignty** – The inherent authority of nations, including Indigenous tribes, to govern themselves.

**Treaty** – An agreement formally determined and ratified between two sovereign nations.

**Tribal Sovereignty** – The inherent right of Indigenous tribes to retain and exercise the authority of self-governance as an independent nation. Tribes that are recognized by the U.S. government retain sovereign rights and maintain government-to-government relationships with federal and state governing bodies.

## Considerations for teachers

### Assessment

The activities in this lesson are primarily built around student discussion and engagement with the reading material. Teachers can assess student learning by monitoring student pair and small-group discussion and by reviewing the worksheets the groups create.

### Practices

- *Small group* – Small-group activities allow students to share and analyze ideas with one, two, or three other people. This practice can be good for students who do not want to share their ideas with the whole class and/or who may be afraid of others' reactions. The teacher should monitor group discussions to determine the degree to which students are understanding the concepts.
- *Classroom discussion* – Large-group, classroom-wide discussion allows students to express their thoughts and hear the thoughts of others. For the instructor, this practice is a good way to take the pulse of the group and see what general themes are emerging. For students, large-group discussion can be a way to express themselves or to hear differing perspectives from others.

### Learning targets

- I can explain the importance of sovereignty to the Cow Creek Tribe.
- I can describe how U.S. government policies have impacted the sovereignty of the Cow Creek Tribe.
- I can provide examples of how the Cow Creek Tribe practices sovereignty.

## Options/Extensions

- Research how treaties function. Compare and contrast treaties between the United States and other nations with the Cow Creek Treaty of 1853.
- Have students engage in online research to find more information about laws and policies that impact the Cow Creek Tribe. Write an essay exploring the Tribe's history and progress over time in regaining its rights as a sovereign nation.

## Reflection/Summary

- Ask students to work in pairs or small groups to identify three key things that they have learned about the nature of tribal sovereignty and how the Cow Creek Tribe puts its sovereignty into practice. Conduct a quick round-robin discussion to gather one or two ideas from each pair or group.

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## Activity 1

# Building Background Knowledge About the Cow Creek Tribe

Time: 30 minutes

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In this activity students read a high-level overview of the Cow Creek Tribe to understand some of its history and ways of living.

### Say:

*As we learn about history, civics, and government, it's important to consider multiple perspectives. In political discourse, there are always many sides to an argument and many opinions about what is best for the "greatest good." It's a deeply philosophical question to even consider who has the right to determine what the greatest good is and for whom it will be good.*

*One perspective that is only right to consider is that of American Indians. Indigenous people have lived in Southwest Oregon for millennia. Evidence shows that American Indians have lived in Oregon for at least 14,000 years, and the oral history of the Cow Creek Band of Umpqua Tribe of Indians supports this evidence, with stories that trace the Tribe's roots back to time immemorial. Sometimes, people think of Indians as a people of the past—a people who no longer exist—but this is not true. Native people continue to live and thrive throughout the United States. The tribe is still here. In fact, some of the members of our community are also members of the Cow Creek Tribe.*

*We will be spending the next few days learning about the Cow Creek Tribe and specifically analyzing what we learn from the perspective of civics and government. Before we begin, let's spend some time getting an overview of the Tribe's history and who they are today. This will give us some good context for the other things we're going to learn.*

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## Activity 1 *(Continued)*

Pass out the *The Cow Creek Story* and explain the following text reading protocol (available as an optional handout).

1. Sit in groups of three or four (ideally groups should be the same size). Identify one facilitator/timekeeper for the class (usually the teacher). The teacher should also join a group, if possible. (3 minutes)
2. Ask individuals to read the text and highlight or underline words, phrases, or sentences that catch their attention. Explain that they will be sharing those selections with the entire class. (10 minutes)
3. Have students select a single word, phrase, or sentence from the text that stands out the most to them and prepare to explain why. (1 minute)
4. Conduct discussion rounds. Be strict time limits.
  - Each person in the group has **one minute** to read the highlighted word, phrase, or sentence aloud to the group and explain why it stands out to them. If students need a sentence stem, they can say: I chose \_\_\_\_\_ because \_\_\_\_\_ .
  - Other group members have **two minutes** to response to what has been said. Consider providing sentence stems, such as:
    - What you shared makes me think \_\_\_\_\_ .
    - That connects to what I was thinking because \_\_\_\_\_ .
    - That makes me wonder \_\_\_\_\_ .
  - Repeat for each member of the group. Groups of three will take nine minutes. Groups of four will take 12 minutes.

### Say:

*OK, I want you to keep this overview in mind as we examine the intersection of the Cow Creek Tribe's story with that of the U.S. government.*

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## Activity 2

# Activate Prior Knowledge

*Time: 30 minutes*

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In this activity students will access their prior knowledge about how Oregon became a state to prepare them to understand that there is a long history of nation-to-nation and government-to-government interaction that has impacted the Tribe's inherent right to sovereignty.

### **Say:**

*One of the key terms we'll be discussing today is tribal sovereignty. We'll define that later, but first I'd like to hear your thoughts on a few key ideas. Let's talk about your historical understanding of how Oregon came to be part of the United States. In groups of three or four, discuss what you know.*

Give students time to talk about their understanding. Listen to student discussion. Topics you may hear are:

- In the 1840s and 50s many politicians and cultural leaders in the United States believed in the concept of Manifest Destiny. This was the notion that the United States was destined by God to expand its settlement across the continent, all the way to the Pacific Ocean.
- The concept of creating territories and states in the West is known as westward expansion.
- The U.S. fought with England over the rights to the Pacific Northwest.
- The opening of the Oregon Trail brought more than 400,000 settlers to the Oregon Territory.
- To many white settlers, the Oregon Territory appeared to be largely uninhabited and free for the taking.
- To promote settlement, the U.S. government offered free (or low cost) land to white settlers.



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## Activity 2 (Continued)

**Note:** Be prepared to address misconceptions students may have about westward expansion and manifest destiny. American Indians are sensitive to myths and lies that have been perpetuated about this era in U.S. history. For example, many people continue to believe the myth that the West was essentially uninhabited prior to white settlement. This could not be further from the truth. The U.S. government had clearly marked maps that showed the presence of Indigenous people in every region of the continent. Despite this presence, the U.S. embarked on a systematic approach to take the land from American Indians and replace them with white settlers. Students will have the opportunity to learn some of these realities in this lesson, but as a teacher you will want to attend to misconceptions among students, especially the untruthful idea that this land was free for the taking.

When students have finished their small-group discussions, have a few share their thoughts with the whole group. If students lack background knowledge about how Oregon became a state, be prepared to provide your own summary.

Next, prepare students to think about Oregon's formation and statehood from an American Indian perspective.

### Say:

*Alright, now let's shift our mindset a little bit. The state of Oregon is a human invention with imaginary borders and social agreements and structures that form the basis of government. We've talked about how Oregon became a state and how the U.S. government promoted westward expansion. Now, we're going to consider the perspective of the American Indians who had lived here for thousands of years before the United States even existed. From their perspective, the westward expansion was an invasion by a foreign nation. Talk with your groups again about these questions. (Post the questions on the board or a projector.)*

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## Activity 2 *(Continued)*

1. What thoughts and concerns would you have if our community was invaded by a foreign nation? What would you and/or others in the community do about it?
2. Why do nations invade other nations? What motives might there be for taking someone else's homeland?

Give students time to talk about their responses. Listen to student discussion. Topics you may hear from students are:

- Concern about the safety of their family
- Community leaders trying to decide whether to fight or surrender
- The pros and cons of fighting versus surrendering
- Nations invade other nations to expand land holdings (e.g., colonialism), for resources (e.g., gold or oil), for power and/or strategic positioning, to deter threats, and possibly other reasons

When students are finished discussing in small groups, have a few share their thoughts with the whole group. Collectively discuss any unique insights students may have about what it may have been like for tribes in Oregon to be invaded by a foreign government.

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### Activity 3

## The Cow Creek Tribe and Federal Policies

Time: 60 minutes

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In this activity students learn about various federal and state laws and policies related to the Cow Creek Tribe, their chronology, and how they impact the Tribe's ability to exercise self-governance and sovereignty.

**Say:**

*Now, let's focus on the Cow Creek Tribe. Like most American Indian tribes in North America, they were forcibly removed from their land as white settlement spread toward the Pacific Ocean. As an independent tribe that existed long before the foundation of the United States, the Cow Creek Tribe had the inherent right to govern itself without interference from other nations. This is known as tribal sovereignty. The actions of the U.S. government and states have impacted that right in multiple ways since 1853, but the Tribe has persisted in its pursuit of the fundamental right of self-governance. We're going to learn about tribal sovereignty and review some federal and state laws and policies that affect how the Cow Creek Tribe governs itself on behalf of its people.*

There are 12 laws or policies in the *Federal and State Laws and Policies That Affect the Sovereignty of the Cow Creek Band of Umpqua Tribe of Indians* document. Place students in pairs or small groups. Pass out the full document and the related worksheet to each student and assign each of the 12 laws/policies to a group by dividing the cut-out slips of paper. Depending on the size of your class, groups will need to review one or two slips of paper with an individual law/policy.

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### Activity 3 (Continued)

**Say:**

*In this document, you have a chronological history of 12 laws or policies that have influenced how the Cow Creek Tribe exercises self-governance and sovereignty. With your partner (or group), read through the entire document and complete the worksheet. When you're finished, I want you to focus on the law or policy that I've given you. Your task is to discuss it and make sure you understand what it's about. You can talk about other aspects, but here are some guiding questions.*

Write the questions on the board or projector. Select someone to be the reporter and be prepared to summarize your thoughts for the whole class.

- Who put it into effect?
- Brief summary: What is it about? What is its purpose?
- In what ways did/does it impact the sovereignty of American Indians in general or the Cow Creek Tribe in particular?

Provide students with time to discuss. Walk the room and monitor student discussions and correct any misconceptions as necessary. When students are finished, have them engage in a whole-class activity around the timeline and development of the laws and policies.

**Say:**

*Now that you've finished reading the document and discussing your assigned law or policy, let's work through it as a whole class. Each group will present its law or policy in chronological order by posting it on our timeline and summarizing your understanding of who made it, its purpose, and its effects on the Tribe.*

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### Activity 3 *(Continued)*

Have the reporter from each pair (or group) present in the following order:

- Northwest Ordinance (1787)
- U.S. Constitution (1789)
- Inherent Sovereignty (1831 and 1832)
- Cow Creek Treaty (1853-1854)
- Indian Reorganization Act (1934)
- Western Oregon Indian Termination Act (1954)
- Indian Child Welfare Act (1978)
- Cow Creek Band of Umpqua Tribe of Indians Recognition Act – P.L. 97-391 (1982)
- Indian Gaming Regulatory Act (1988)
- Indian Self-Determination and Education Assistance Act and Tribal Self-Governance Act (1994)
- Executive Order 13175 (2000)
- Oregon Senate Bill (SB) 770 (2001)

When students are finished, engage them in a whole-class discussion. Ask for their impressions on the 250-year history of the Tribe’s interaction with the state and federal governments. If students don’t make connections to the earlier discussion about being invaded by a foreign country, guide them toward that understanding.

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### Activity 3 *(Continued)*

In addition, help them consider the tribal perspective on more recent events. The U.S. Supreme Court has repeatedly upheld the sovereign status of American Indian tribes, and many other legal cases and policies have gone in the Tribe's favor in the past 50 years. Yet, state and federal governments have been reluctant to acknowledge this status and have frequently failed to uphold the terms of the original treaty with the Cow Creek Tribe. This is particularly ironic for the Tribe, given that the conditions of the original treaty were forced upon its people. Nonetheless, the Tribe persists and continues to use its sovereignty to pursue the best interests of tribal members, in particular, and the community as a whole.

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## Activity 4

# Sovereignty in the Words of Cow Creek Tribal Members

Time: 45 minutes

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In this activity students read aloud examples of how the Cow Creek Tribe practices sovereignty.

Prepare in advance by cutting the quotes from the handout *In Their Own Words: Cow Creek Tribal Sovereignty* into individual slips and taping each one at eye level around the room. Students will participate in a gallery walk, moving from quote to quote and taking notes.

### Say:

*Sovereignty is all about self-determination. In order to better understand how the Cow Creek Tribe demonstrates sovereignty as a nation, we can learn directly from Cow Creek tribal board members. We'll be engaging in a gallery walk to read and reflect on statements from the Tribe. I've posted 13 quotes around the room. The quotes that are lettered A through F are how Cow Creek tribal board members describe what sovereignty means to them. The quotes numbered 1 through 7 are quotes from the board members that provide examples of how the Tribe puts its sovereignty into practice.*

Give each student a copy of the handout *Worksheet: In Their Own Words: Cow Creek Tribal Sovereignty*.

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## Activity 5

# Sovereignty Over Time

Time: 45 minutes

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In this activity students will examine how the sovereignty of the Cow Creek Tribe has changed over time.

Engage students in a compare-and-contrast activity centered on the Tribe's right to sovereignty. Students will use the text of the *Cow Creek Treaty of 1853*, the laws and policies summary, and the statements from Cow Creek tribal board members to analyze the history of the Tribe's sovereignty over time.

### Say:

*Before the westward expansion of the United States and prior to contact with outsiders, the Cow Creek Tribe lived with sovereignty over all matters pertaining to its people. As we have seen in our review of the laws and policies that affect the Tribe and in the statements from the tribal board members, the Tribe's ability to put its sovereignty into practice has changed over time. In the next activity, you're going to work in small groups using a worksheet to discuss that in more depth. We're going to use three documents: Text of the Cow Creek Treaty of 1853, Federal and State Laws and Policies That Affect the Sovereignty of the Cow Creek Band of Umpqua Tribe of Indians, and In Their Own Words: Cow Creek Tribal Sovereignty.*

*OK, I want you to read the Cow Creek Treaty of 1853 and briefly review the other two documents. With your group, discuss your conclusions and inferences about two things:*

- *How and what aspects of the Tribe's sovereignty have remained unchanged over time?*
- *How and what aspects of the Tribe's sovereignty have been affected by the U.S. government?*

*Compare these elements prior to contact with outsiders, in the years and decades following the treaty, and in the present day.*



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## Activity 5 (Continued)

*Complete the Sovereignty Over Time worksheet together. Certain sections of the Cow Creek Treaty have been underlined to encourage you to think about the nuances of the language. Think about the power dynamic at play. Treaties are intended to be an agreement between two sovereign powers. Does the language seem fair or does it seem biased toward one party? Compare what the tribal board members had to say about sovereignty to the terms of the treaty and the changes in federal and state laws and policies over the past 170 years. Use your analysis to determine what has stayed the same and what has changed.*

Place students in groups of three to four and have each group fill out its own worksheet. Have each group select a recorder/note-taker and a reporter.

Walk around the classroom and monitor students as they work. Check for understanding and correct errors as necessary. When all groups have finished filling out the worksheet, lead students in whole-group discussion by having the reporter from each group discuss one or two findings.