



SOCIAL SCIENCES

# Creating the Coast (Siletz) Reservation

## ESSENTIAL UNDERSTANDINGS

- **Treaties with the U.S.**
- **History**
- **Genocide, federal policy, and laws**

## LEARNING OUTCOMES

- Students will understand the purposes and uses of treaties and executive orders by the U.S. government in its relations with Native Americans.
- Students will understand the effects of executive orders and the unratified Coast Treaty of 1855 on the Confederated Tribes of Siletz Indians

## ESSENTIAL QUESTIONS

- What are treaties and executive orders and how do they relate to U.S. policy toward Native Americans?
- How was the Coast (Siletz) Reservation created? How is the history of its creation important to the history of Native Americans in Western Oregon?

## LOGISTICS

- Where does the activity take place?  
*Classroom*
- How are the students organized?
  - ☑ Whole class    ☑ Teams: 3 – 5
  - ☑ Pairs    ☑ Individually

## TIME REQUIRED

Two hours

## Overview

The United States has rarely honored treaties made with Native peoples, but the laws and constitutional provisions of treaty-making have had an enormous impact on the history and status of the hundreds of Tribal nations indigenous to the lands now constituting the United States. In this lesson, students will compare two mechanisms of U.S. federal Indian policy, treaties and executive orders, and examine how they play a key and controversial role in the history of the Confederated Tribes of Siletz Indians. Students will use close-reading strategies to review primary- and secondary-source documents focused on the November 9, 1855, executive order of President Franklin Pierce that created the Coast Reservation. Students also will write pre- and post-reading reflections focused on the executive order and how it—along with the failure of the U.S. Congress to ratify the 1855 Coast Treaty—contributed to the U.S. government neglecting to ensure a permanent land base for the Siletz Tribes.

## Background for teachers

After issuing the Declaration of Independence in 1776, the United States sought to establish its own sovereignty, separate from Great Britain. Since



the United States was so young, it was not recognized by many other European countries as a true nation. In contrast, these countries did recognize the sovereignty of multiple Tribal nations in North America and had negotiated government-to-government treaties with many of them. To legitimize its own claim to sovereignty, the U.S. government also began negotiating treaties with Tribal nations. The Constitution gives the president and their designees the power to negotiate treaties with sovereign nations—including Native American Tribes—while the power to ratify those treaties lies with the U.S. Senate.

The U.S. government agreed to 367 treaties with Native American Tribes between 1788 and 1868. These treaties typically asked Tribes to give up large areas of their ancestral homelands in return for promises of peace, protection, and support. The U.S. government often manipulated Tribes into signing treaties through coercion, threats, and falsehoods. Treaty negotiations often took place against the backdrop of looming fear of devastating total war. In many cases, barriers of language and culture prevented Tribes from fully understanding what they were agreeing to. In a time before easy travel and communication, signed treaties had to be sent across the country by horseback, stagecoach, or ship. Depending on the location of a Tribe, it might take weeks or even months for a treaty to arrive in Washington, D.C.,

## STANDARDS

### Oregon social sciences standards<sup>1</sup>

**HS.4** - Examine institutions, functions, and processes of United States government.

**HS.5** - Evaluate the relationships among governments at the local, state, Tribal, national, and global levels.

**HS.55** - Analyze the complexity of the interaction of multiple perspectives to investigate causes and effects of significant events in the development of world, U.S., and Oregon history.

**HS.60** - Analyze the history, culture, Tribal sovereignty, and historical and current issues of the American Indian/Alaska Native/Native Hawaiian in Oregon and the United States.

**HS.61** - Analyze and explain persistent historical, social, and political issues, conflicts, and compromises in regards to power, inequality, and justice and their connection to current events and movements.

**HS.63** - Identify and analyze ethnic groups (including individuals who are American Indian/Alaska Native/Native Hawaiian or Americans of African, Asian, Pacific Island, Chicano, Latino, or Middle Eastern descent), religious groups, and other traditionally marginalized groups (women, people with disabilities, immigrants, refugees, and individuals who are lesbian, gay, bisexual, or transgender), their relevant historic and current contributions to Oregon, the United States, and the world.

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<sup>1</sup> Oregon is in the process of revising its social sciences standards. This document references the draft 2018 standards for high school.

to be considered by the Senate for approval. Even then, the ratification process itself was prone to error and often led to political battles in Congress without the knowledge of Tribes that had signed the agreements in good faith.

As a result, many treaties were never ratified by the U.S. Senate, and almost all ratified treaties were subsequently broken by the U.S. government. The cumbersome treaty-making and ratification process also sometimes motivated U.S. presidents to take matters into their own hands. Rather than wait for Congress to officially ratify a treaty, presidents sometimes signed executive orders that established U.S. policy actions toward a Tribe or group of Tribes. This included establishing the boundaries of Native American reservations, either to support previously negotiated terms established in a treaty or as an independent executive action.

A reservation established by executive order has an ambiguous legal status. Reservation land established by a ratified treaty cannot be taken away by a sitting president; only Congress can alter the size of a treaty reservation, and only with full compensation as guaranteed by the Fifth Amendment of the U.S. Constitution. In contrast, reservations established by executive order can be rescinded or adjusted by subsequent executive orders. This means that a new president can unilaterally adjust or revoke a reservation (or any other Indian policy) that was established though executive order by their predecessors.

### **STANDARDS** *(Continued)*

**HS.65** - Identify and analyze the nature of systemic oppression on ethnic and religious groups, as well as other traditionally marginalized groups, in the pursuit of justice and equality in Oregon, the United States, and the world.

#### **Oregon English language arts standards**

**9-10.RH.2** - Determine the central ideas or information of a primary or secondary source; provide an accurate and evidence-based summary of how key events or ideas develop over the course of the text.

**9-10.RH.6** - Compare the point of view of two or more authors for how they treat the same or similar topics, including which details they include and emphasize in their respective accounts.

**9-10.RH.9** - Compare and contrast treatments of the same topic in several primary and secondary sources.

As detailed in a previous (grade 8) lesson, the Coast (Siletz) Reservation created for the Tribes who would become the Confederated Tribes of Siletz Indians illustrates both sides of this complex history. The Coast Reservation was established by an executive order of President Franklin Pierce on November 9, 1855, to be the “permanent” home promised in several ratified treaties with Western Oregon Tribes as well as the Tribes that signed the Coast Treaty of 1855. However, Pierce issued this executive order just days before the Coast Treaty arrived in Washington, D.C., for ratification—and the Senate ultimately never held a vote to ratify the agreement. As a result, the executive order establishing the Coast Reservation would be interpreted by future administrations not as an order fulfilling legal promises of several ratified treaties but as an expedient half-measure subject to changes by future presidents.

The Tribes that signed the unratified Coast Treaty were still forced to give up their land and relocate to the reservation. However, the government soon claimed that this promised home had fewer legal protections because the Coast Treaty was never ratified. Tribes that had signed ratified treaties and relocated to Siletz as part of treaty provisions faced an equally bitter reality: The government side-stepped the legal protections afforded in their treaties by administering the Coast (Siletz) Reservation as if it had been created in lieu of the Coast Treaty. Within a decade, the once-substantial reservation was already being hacked up by presidential and

## MATERIALS

The following instructional tools and materials will be needed to deliver this lesson. Unless otherwise indicated, copies of reading texts and handouts are provided as appendices or attachments to this lesson.

- **Classroom audiovisual technology** to display PowerPoint slides and online videos (see next items)
- **Reading: Chapter 7 (“The Coast Reservation”) of the *The People Are Dancing Again* (Wilkinson, 2010).** A reference and main source of material used in this lesson. A copy is provided to help teachers understand the lesson background.
- **“Why Treaties Matter”** video from National Public Radio on YouTube (available at <https://www.youtube.com/watch?v=bexvE4IZR-Go>)
- **“How Do Executive Orders Work?”** TED-Ed video on YouTube by Christina Greer (available at <https://www.youtube.com/watch?v=oy-Of3g-PJ94>)
- **Pre- and Post-Lesson Reflection Worksheet** handout (one copy for each student)
- **Executive Orders Relating to the Coast (Siletz) Reservation** handout (at least one copy per group of 3–5 students)
- **Siletz Original Reservation Boundaries** handout (at least one copy per group of 3–5 students)
- **Reading: Chapter 7 excerpt (p. 141-145)** of *The People Are Dancing Again* handout (at least one copy per group of 3–5 students)
- **Creating the Coast (Siletz) Reservation [The Real Story]** handout (at least one copy per group of 3–5 students)

congressional actions that often relied on this incorrect history for justification. Students will explore these reservation reductions in a subsequent lesson.

### To prepare for this lesson teachers should:

- Read Chapter 7 (“The Coast Reservation”) of *The People Are Dancing Again* (included in the appendices).
- Review all materials for this lesson.
- Ensure students will have access to all materials (printed and/or electronic) needed to participate in this lesson (see “Materials” section above).
- Prepare classroom audiovisual technology to play the “Why Treaties Matter” and “How Do Executive Orders Work?” videos (see “Materials” above).

## References

Confederated Tribes of Siletz Indians. (n.d.). *Our heritage*. <https://www.ctsi.nsn.us/heritage/>

Confederated Tribes of Siletz Indians. (n.d.). *History of the Siletz*. <https://www.ctsi.nsn.us/wp-content/uploads/2020/12/CTSI-Comprehensive-Plan-2005-2015-History-Pt1.pdf>

United States President. (1902). Executive orders relating to Indian reserves, from May 14, 1855, to July 1, 1902. Government Printing Office. <https://lccn.loc.gov/34008449>

## VOCABULARY

**Treaty** – A formal written agreement between two or more sovereign governments that has been signed by their representatives and ratified by the lawmaking authority of each government.

**Executive order** – A rule or order issued by a U.S. president to an agency of the executive branch with the force of law. An executive order does not have to be voted on, approved, or ratified by the Senate.

**Sovereignty** – The inherent authority of a nation to govern itself. Tribal sovereignty is the inherent right of a Tribal nation to create its own constitution, governance structure, and laws and to negotiate government-to-government treaties and other legal agreements with other sovereign nations.

**Ratification** – To gain the approval of all parties to a legal agreement—such as a treaty—before it can take effect. The U.S. Constitution gives the Senate the authority to ratify treaties with other sovereign nations.



Wilkinson, C. (2010). *The people are dancing again: The history of the Siletz Tribe of Western Oregon*. University of Washington Press

## Resources

United States, Executive Office of the President [Donald J. Trump]. Executive order on establishing the Task Force on Missing and Murdered American Indians and Alaska Natives. [Online]. <https://www.govinfo.gov/content/pkg/FR-2019-12-02/pdf/2019-26178.pdf>

## Considerations for teachers

### Assessment

Teachers can assess student learning by monitoring small-group discussions. Teachers can also develop and use a rubric for grading the pre- and post-lesson reflections written by students.

### Practices

- *Give One, Get One, Move On* – A sharing protocol in which students can share and gather additional ideas on topics. Students write information they know and then find a partner or triad to talk and “give” their ideas to. In turn, they must also listen and “get” ideas from their partner(s). They can add to the original writings and should cite who provided that information. After a designated time, the teacher announces time to “move on” in

## ADAPTIONS FOR DISTANCE LEARNING



**The lesson is primarily structured around group discussion and exploration, but much of it can be adapted for distance or independent learning purposes. A suggested sequence follows. Be sure all students have either print or electronic access to the materials described.**

1. Hold a class meeting online and, using the steps, talking points, and materials and video links referenced in Activity 1 (“U.S. Indian Policy – Treaties and Executive Orders”), introduce students to the history and uses of presidential executive orders in setting and enforcing U.S. government policy toward Tribal nations. Alternatively, you can direct students to review and respond to the discussion prompts provided in the activity and complete the activity steps independently during class time or as homework. Ensure students have access to any information or tools needed to complete the activity virtually. This may require adaptations of materials to make them accessible to students electronically, and/or restructuring activities as needed for students to complete the steps collectively or independently in either or both a synchronous and/or asynchronous format.
2. Using a web-conferencing or online meeting platform and the steps, talking points, and materials referenced in Activity 2 (“The Coast (Siletz) Reservation: A Promise Unfulfilled”),

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which partners/teams break apart to find a new group and repeat the process. For more information, see [https://nysed-prod.engageny.org/file/6361/download/give\\_one\\_get\\_one\\_move\\_on.pdf?token=bD5TKGy](https://nysed-prod.engageny.org/file/6361/download/give_one_get_one_move_on.pdf?token=bD5TKGy).

- *Save the Last Word for ME* – A protocol for a group of students to clarify and deepen thinking on an article through dialogue. The roles include a timekeeper and a facilitator who are responsible for establishing discussion goals. Independently, students read a text, identify the most significant idea, and highlight the passage where that idea appears. Next, one group member reads the passage they highlighted aloud but does not explain why they chose it. After pausing to reflect on the passage, each member has one minute to respond, including what the passage might mean, questions it raises, and connections they may have to it. Once all others respond, the first group member has three minutes to share why they chose the passage and respond to or build upon the others' questions and statements. The rounds are repeated until each student has shared their selection. For more information, see [https://www.nsrh-harmony.org/wp-content/uploads/2017/10/save\\_last\\_word\\_0.pdf](https://www.nsrh-harmony.org/wp-content/uploads/2017/10/save_last_word_0.pdf).
- *Close analytical reading* – Critical analysis of text to focus on its meaning and its connection to various elements of literacy. This strategy relies on the selection of quality texts, which students

## ADAPTIONS FOR DISTANCE LEARNING



(Continued)

support students to work together online in breakout groups of three to five students each to read and discuss documents related to the presidential executive orders and other federal policies contributed to both the creation and the eventual dissolution of the Coast (Siletz) Reservation. Alternatively, you can direct students to complete the activity independently during class time or as homework. You may need to adapt the reading materials to make them accessible to students electronically and/or restructure the activity for students to complete the steps in groups or independently in either or both a synchronous and/or asynchronous format.

3. Convene one or more follow-up online class meetings to review together and debrief student group (or individual) work, reflect on the lesson together (see steps in Activity 3, "Reflection"), and answer any remaining questions.



read and annotate. Finally, students use their annotations to answer text-dependent questions. For more information, see [https://nieonline.com/tbtimes/downloads/CCSS\\_reading.pdf](https://nieonline.com/tbtimes/downloads/CCSS_reading.pdf).

- *Small groups* – Small-group activities allow students to share and analyze ideas with three to five other people. This practice can be good for students who do not want to share their ideas with the whole class and/or may be afraid of others' reactions. The teacher should monitor group discussions to determine the degree to which students are understanding the concepts and contributing to the group.
- *Differentiation* – Activity 2 asks students to read various articles. You may choose to organize groups based on reading needs and supports or have students self-select their articles and identify appropriate scaffolds for understanding, if necessary.

### Learning targets

- I can describe the purposes and uses of treaties and executive orders by the U.S. government in its relations with Native Americans.
- I can describe the effects of executive orders and the unratified Coast Treaty of 1855 on the Confederated Tribes of Siletz Indians.

### Appendix

Materials included in the electronic folder that support this lesson are:

- Materials\_Wilkinson\_Ch7\_The\_Coast\_Reservation
- Materials\_Reading\_Ch7\_excerpt\_pp 141-145
- Materials\_Pre-\_and\_Post-Lesson\_Reflection\_Worksheet
- Materials\_Executive\_Orders\_Relating\_to\_the\_Coast\_Siletz\_Reservation
- Materials\_Creating\_the\_Coast\_(Siletz)\_Reservation\_[The\_Real\_Story]
- Materials\_Siletz\_Original\_Reservation\_Boundaries



## Options/extensions

Have students review and write a reflection on the November 2019 executive order from President Trump establishing a task force on missing and murdered American Indians and Alaska Natives. Ask students to reflect on the purposes of the task force and, based on what they learned about U.S. Indian policy in this lesson, what it means that the task force was established by executive order and not an act of Congress. A link to the text of the executive order can be found in the "Resources" section. Ongoing efforts by the task force can be found here: <https://operationladyjustice.usdoj.gov/>

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## Activity 1

# U.S. Indian Policy – Treaties and Executive Orders

*Time: 30 minutes*

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### Overview

In this activity, students engage in a short warm-up exercise and then learn about the purposes and uses of treaties and executive orders as relate to U.S. government policy toward Native American Tribes.

### Step 1

Review the learning targets and vocabulary for the lesson.

### Step 2

Activate students' prior knowledge with a pre-reading journal entry using the "Pre-and Post-Lesson Reflection Worksheet." Instruct students to think about anything they know about treaties, executive orders, reservations, and treatment of Native Americans by the U.S. government. Ask students to write their thoughts in complete sentences. Reassure students that they are at the beginning of the lesson and may not have a lot of knowledge about these topics yet. Once students have had time to write (no more than 10 minutes), have them participate in a "Give One, Get One, Move On" activity (see "Considerations for Teachers") to share with each other what they already know.

### Step 3

Prepare students to watch two brief videos—one about treaties between the U.S. government and Native American Tribes and one about presidential executive orders.

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## Activity 1 (Continued)

### Say:

*Let's watch a couple of videos. The first one will help us understand the role that treaties play in the relationship between Native American Tribes and the U.S. government. The second will help us understand how presidential executive orders work.*

### Step 4

Play the “Why Treaties Matter” video from National Public Radio on YouTube (see link in the “Materials” section).

### Step 5

Play the “How Do Executive Orders Work?” TED-Ed video on YouTube by Christina Greer (see link in the “Materials” section).

### Step 6

After playing the videos, ask students to share their thoughts with a partner. Each partner should share one key detail that stood out for them or surprised them. After a few minutes, invite pairs to share their reflections with the whole class.

### Step 7

Share the following points with students to deepen their understanding of the differences between treaties and executive orders and how both impact U.S. Indian policy:

- *Executive orders can be modified or reversed both by other presidents and by Congress*
- *Treaties—to the extent that they are honored—are much harder to change than executive orders*
- *Indian policies established via treaty offer more legal protection for Tribes (in theory) than policies established by executive orders*

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## Activity 2

# The Coast (Siletz) Reservation: A Promise Unfulfilled

*Time: 30 minutes*

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### Overview

In this activity, students will conduct a critical reading of primary and secondary sources that describe the problematic role of treaties and executive orders in the creation of the Coast (Siletz) Reservation as a “permanent” home for the Tribes of Western Oregon.

### Step 1

Divide students into groups of three to five using the sorting method of your choice.

### Step 2

Distribute to student groups copies of the handouts “Executive Orders Relating to the Coast (Siletz) Reservation,” “Siletz Original Reservation Boundaries,” “Reading: Chapter 7 excerpt (p. 141–145),” and “Creating the Coast (Siletz) Reservation [The Real Story]” (see the “Materials” section).

### Step 3

Have student groups read and briefly discuss the executive order written by President Franklin Pierce that established the Coast Reservation (on p. 95 of the “Executive Orders Relating to the Coast (Siletz) Reservation” handout).

### Step 4

Have student groups review and discuss the “Siletz Original Reservation Boundaries” handout for several minutes. Ask them to identify natural features and present-day counties, cities, and towns.

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## Activity 2 *(Continued)*

### Step 5

Ask the groups to discuss among themselves if it mattered that the Coast (Siletz) Reservation was created by an executive order and not a treaty, and why or why not. After a few moments, call on a couple of groups to share what they think.

### Step 6

Have student groups read together the “Reading: Chapter 7 excerpt (p. 141–145)” handout starting on p. 141 (the first page of the handout) through the first full paragraph on the fifth page of the handout (“The difference between reservations being altered by Congress ...”). (Alternatively, based on your assessment of the complexity of the text and your students’ reading ability, you may choose to read the handout together so you can fill in missing context, explain difficult terminology, and answer any questions students might have.)

### Step 7

Using the “Save the Last Word for ME” protocol (see “Considerations for Teachers”), facilitate group discussion and analysis of the reading.

### Step 8

Next, have groups read and discuss the second executive order (on p. 96 of the “Executive Orders Relating to the Coast (Siletz) Reservation” handout), in which a new president, Andrew Johnson, takes away land from the Coast (Siletz) Reservation.

### Step 9

Ask the groups to discuss among themselves what the two executive orders reveal about the difference between a ratified treaty and an executive order and what the negative consequences were for the Confederated Tribes of Siletz Indians. After a few moments, call on a couple of groups to share what they

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## Activity 2 *(Continued)*

think. Guide students to understand that because the Coast (Siletz) Reservation was established by an executive order and not a treaty—or at least was understood to be—there was less protection for the Confederated Tribes of Siletz Indians when a later president acted to remove land from their reservation.

### Step 10

Note that students will explore the 1865 executive order removing land from the Coast (Siletz) Reservation—along with several additional actions the U.S. government took that resulted in the Siletz people losing even more of the land promised to them—in greater detail in a future lesson (“Reservation Reductions and Allotments”). Explain that the Confederated Tribes of Siletz Indians protested the reduction of their reservation at the time of President Johnson’s executive order and—to this day—maintain that it was illegal. They point out that the treaties signed by Siletz ancestral Tribes in the 1850s guaranteed their right to a permanent home designated by the president, and so the reservation should have been fully protected by those treaties.

### Step 11

Have students groups read the “Creating the Coast (Siletz) Reservation [The Real Story]” handout together.

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## Activity 2 *(Continued)*

### Step 12

Using the “Save the Last Word for ME” protocol (see “Considerations for Teachers”), facilitate group discussion and analysis of the reading. Help students focus on the ways that what may at first seem like small legal distinctions can have large impacts on the lives of Tribal communities to this day. Possible questions for discussion include:

- How might life have been different for Siletz people if they had received timely compensation for ceded lands?
- How might Western Oregon look different today if the government had recognized the treaty basis of the Coast (Siletz) Reservation?



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## Activity 3 Reflection

*Time: 20 minutes*

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### Overview

In this activity, students reflect on and summarize what they learned in the lesson.

### Step 1

Restate or point to the learning targets for the lesson and review with students. Ask if they have any questions about what they learned.

### Step 2

Have students individually complete the post-lesson reflection section of the “Pre- and Post-Lesson Reflection Worksheet.” After about 10 minutes, have students participate in a second round of “Give One, Get One, Move On” to compare what they think are the most important takeaways from the lesson.