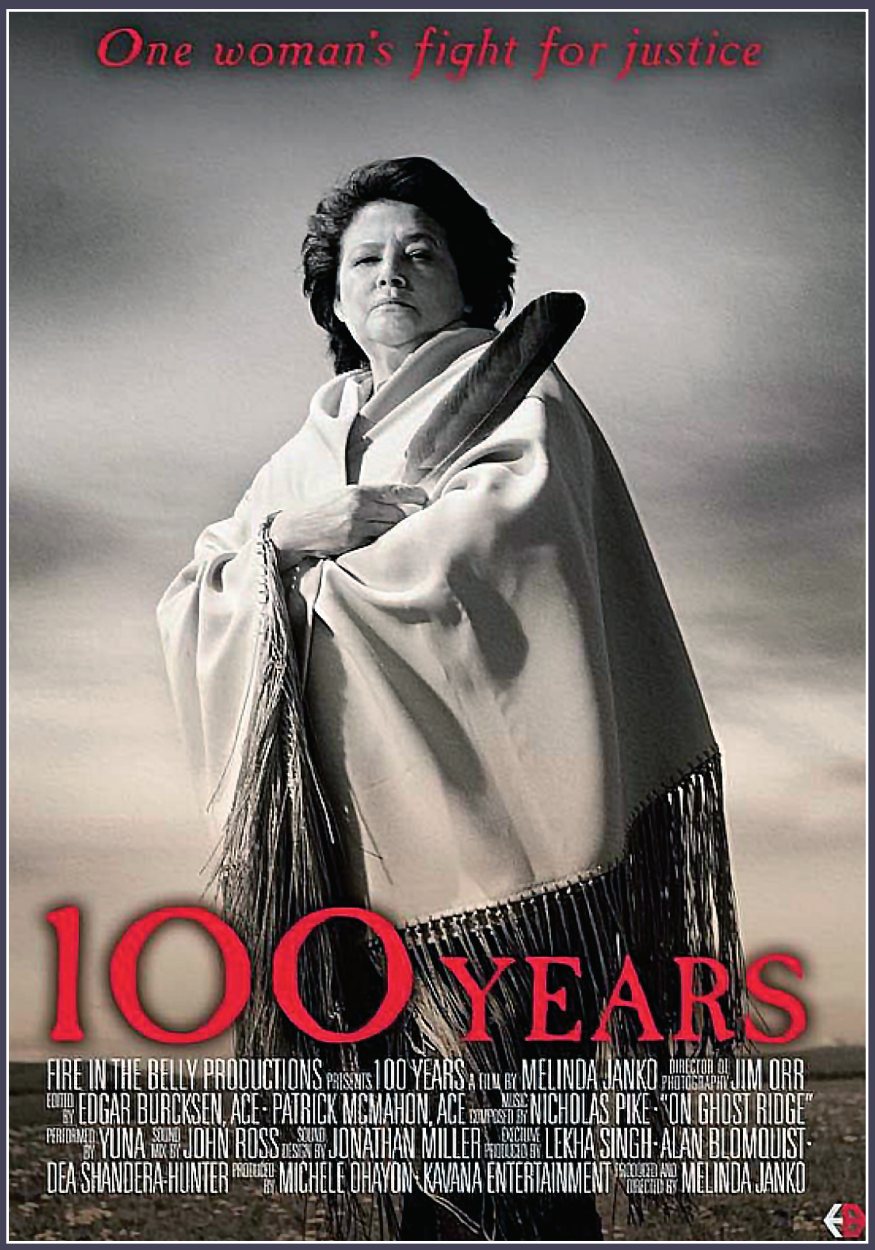

100 Years: One Woman's Fight for Justice

Model Teaching Unit

English Language Arts, Social Studies, Media Literacy

Middle and Secondary Level with Montana Common Core Standards

Written by Anne des Rosier Grant

Published by the Montana Office of Public Instruction, 2017

A+ Indian Education
opi.mt.gov Montana Office of Public Instruction

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100 Years: One Woman's Fight for Justice

Anchor Text: *100 Years: One Woman's Fight for Justice*
(DVD, available in all Montana high school libraries) Melinda Janko, director. © 2016 Fire in the Belly Productions, P.O. Box 270854, San Diego, CA 92198-0854.

Fast Facts

ITEM	INFORMATION
Genre	Film Documentary. Total running time: 01:15:05
Suggested Grade Level	8 -12
Tribes	Multiple tribes, including Blackfeet, Navajo, Potawatomi, Jicarilla Apache, Red Lake Chippewa, White Mountain Apache, Turtle Mountain Chippewa, and others where reservation lands were allotted
Places	American Indian reservations throughout the United States (including Montana, California, Arizona, New Mexico, Utah, Colorado, and Oklahoma) and Washington, DC
Time	Cobell Class-Action Lawsuit and Settlement (1996-2016) Dawes General Allotment Act (1881-1934) Treaty Era through Blackfeet Starvation Winter (1860s-1880s)

This unit includes the *100 Years* press kit, additional information from the filmmaker, and the *100 Years* website.

It is modeled, in part, on the *Playing For The World* DVD curriculum unit, written by Dorothea M. Susag for Montana OPI.

Overview

Suggested Timeline

Three to five days. This unit has been organized into segments by length and topic while also allowing flexibility for teachers to make adjustments for available time, curriculum, and student age and ability.

Teacher Tip: The DVD film, *100 Years*, is the foundation for this unit. This unit provides a general pacing guide for viewing the film in segments with guiding discussion questions. It also offers options for extending the instruction in the areas of reading, writing, speaking/listening, and research experience.

Materials

100 Years. DVD Documentary Film. Total running time 01:15:05.

Student journals (a ruled notebook with dates specific to each journal entry works well)

Supplementary Resources (1 copy per student)

Image of the front cover of the DVD (to show students)

Dawes Act (1887), URL *https://www.ourdocuments.gov/doc.php?flash=true&doc=50* (See also Appendix H.)

US Department of the Interior Bureau of Land Management Land Description Diagram and Table of Land Measurements, URL *http://www.blm.gov/or/pubroom/files/land-descript-diag.pdf*

Excerpts from Judge Lamberth's Memorandum, "Historical Accounting," and remarks. (See Appendix H.)

"On Ghost Ridge" (song lyrics) written by Nicholas Pike and performed by Yuna. See Appendix H.

Appendices A - H

Teaching and Learning Objectives

The *100 Years* DVD and this unit meet all of the Essential Understandings Regarding Montana Indians. See Appendices B and C for the *Essential Understandings Regarding Montana Indians* and relevant background information.

Students will explore the following themes and topics in this unit:

Montana history
Federal Indian policies
Indian land tenure
Cultural and personal loss and survival
Connecting the past, present, and future

Determination and fear
Stereotype and racism
Justice and injustice
Personal and communal quest
Media and critical literacy
Differing worldviews
Conflicting perspectives

During the course of this unit, students will:

- ✓ Analyze the impacts of federal Indian policies on American Indian cultures and communities.
- ✓ Summarize major relevant and interrelated issues, such as federal Indian policies, on American Indian identities, their histories, tribal sovereignty, and current status of American Indian people in Montana and in the United States.
- ✓ Make and explain inferences and conclusions using details and connections between multiple sources related to federal Indian policies, such as the Dawes/General Allotment Act of 1887, and the Cobell case.
- ✓ Compare and contrast important mixed-media information while using background knowledge to draw conclusions about federal Indian policy—particularly the Dawes General Allotment Act of 1887—and the Cobell case.
- ✓ Ask questions, check inferences, and summarize information from *100 Years* and additional resources articles and essays related to the themes and topics listed above.
- ✓ Respond to related themes and above topics on the basis of personal insights through discussions, blogging, or journaling experiences.

Alignment with the Montana Common Core Standards (Also see Appendix A)

CCRA.SL. With any of the questions or written responses included in the unit, students will prepare for and participate effectively in a range of conversations and collaborations with diverse partners. All of the questions and prompts will help develop students' skills to build on one another's ideas and to express their own ideas clearly and persuasively.

CCRA.SL.3. While viewing the film, students have the opportunity to evaluate the speaker's point of view, reasoning, and use of evidence and rhetoric.

CCRA.SL.4. The focus of this standard–speaking appropriately to task, purpose, and audience–is an integral foundation in this unit.

CCRA.R.1. Each day students will view specific segments (chapters) of the DVD and read the supplementary information texts closely. For each chapter, students will consider applying Reading/Writing Strategy #3 to determine what the text says explicitly. Students will draw inferences from what they see and read, always citing specific evidence to support their conclusions. This particular unit can help students develop media literacy while they practice their critical reading and thinking skills.

CCRA.R.2. Each chapter in *100 Years* focuses on themes or central ideas identified in the summary statements. Using these guidelines, teachers can help students determine central ideas and themes for themselves. Students may use these or their own determined themes to analyze their development over the course of the text, providing a complex analysis.

CCRA.R.3. *100 Years* shows the relationships between people directly affected by federal Indian policies, particularly people in reservation communities and their family members. A combination of historical narrative, research based on primary documents, and history of federal Indian policy, *100 Years* also includes narrative elements that involve characters and settings as the class-action lawsuit develops and takes twists and turns before ultimately reaching a settlement. Students can consider the impact of the various approaches the speakers use to tell their stories, how featured individuals are introduced and interviewed, and the ways speakers incorporate or cite evidence from research or personal experience. The film also examines how Cobell's challenges intertwined with those of other plaintiffs and allottees.

CCRA.R.4. The unit includes activities that focus on content-related terms such as *trust*, *paternalism*, *accountability, responsibility*, *accounting, mismanagement, theft, distrust, injustice, bias, etc*. Specific questions will help students consider the presence of irony, as well as connotative and figurative meanings. Students will consider how such word choices and images by the director or speakers, attorneys, historical figures, and others shape meaning or tone in the DVD.

CCRA.R.6. In the media literacy activity at the beginning of the unit, students will ask questions of what they see and hear to help them determine point of view or purpose. In several chapters, individual speakers share information while they also communicate perspective and point of view. Students will determine for themselves the perspectives of the speakers, especially as the speakers may contradict the narrative, other speakers, or accounts regarding the way they might shape the stories we tell about American Indians.

CCRA.R.7. The unit provides many opportunities for students to integrate and evaluate information presented in diverse media and formats. The DVD includes photographs, photocopies of newspaper articles and primary documents, graphics of a map of allotted lands, videos of pow-wows and subsequent activities, simulated trips to archives and storage retrieval centers, phone recordings, and actual footage of years of hearings, interviews, and other events stemming from the lengthy class-action lawsuit. All these resources are available for students to analyze either in the DVD itself or in supplementary readings.

CCRA.R.8. Section Six, Extending the Learning Experience, includes "Options for Reading and Writing Arguments" which provide opportunities and resources for students to delineate and evaluate the argument and specific claims in additional texts.

CCRA.W. 1, 2, 3. This *100 Years* unit specifically addresses the writing standards that identify three text types and purposes of writing with prompts requiring students to write either arguments, informative/explanatory essays, or narratives.

CCRA.W.4. Through several specific R.A.F.T.S prompts in the unit, as well as possibilities for creating such prompts from other questions, students have opportunities to develop writing that is appropriate to task, purpose, and audience.

CCRA.W.8. For any of the writing options, teachers can support students as they gather relevant

information from multiple print and digital sources while they determine the credibility and accuracy of each source.

CCRA.W.9. Throughout the entire unit, students should be encouraged to draw evidence from the text to support analysis, reflection, and research.

CCRA.W.10. Every day, students will write in shorter time frames or over extended time frames for a range of tasks, purposes, and audiences.

Text Summary

100 YEARS is the story of Elouise Cobell and her 30-year fight for justice for over 300,000 Native Americans whose mineral-rich lands were grossly mismanaged by the US Government for over a century.

As a young girl, Elouise never imagined that one day she would be taking on the world's most powerful government, but what she discovered, later, as the Treasurer of her tribe was a trail of fraud and corruption leading all the way from the Blackfeet Indian Reservation in Montana to Washington, D.C. In 1996, Elouise, along with the Native American Rights Fund (NARF), filed the largest class action lawsuit ever filed against the federal government. For fifteen long years and through three presidential administrations, her unrelenting spirit never quit. *100 Years* is the compelling true story of how she prevailed and made history. On December 8, 2009, President Barack Obama announced the $3.4 billion Cobell Settlement. The US Congress unanimously approved it on November 30, 2010, and on June 20, 2011, the D.C. District Court finalized approval of the Cobell Settlement. Just four months later, on October 16, 2011, Elouise Pepion Cobell passed on from cancer. She was posthumously awarded the Presidential Medal of Freedom from President Barack Obama on November 22, 2016. It is the nation's highest civilian honor (Janko 2017).

Rationale for DVD and Unit

Native populations have been dispossessed of their homelands since colonization of the Americas began in 1492. US Federal Indian policy has greatly impacted generations of Native Americans, and destructive consequences stemming from these policies are still felt today. Beginning in the late 1770s, land agreements were negotiated to establish borders and specify requirements between the United States and independent American Indian nations. Treaty making lasted for nearly one hundred years. Of eight hundred recorded treaties, the US Senate considered less than half of them for ratification, while insisting the Indian nations they pertained to live up to their promises within the written-in-English agreements. Of the more than three hundred ratified treaties, the government failed to maintain provisions in every one of them (VanDevelder 2010, 238).

Together with these broken treaties, a host of major federal policies the United States implemented concerning Native Americans has eroded land bases and complicated life for Native communities (Davies 2011). Westward expansion of the United States throughout the 1800s and an erroneous assumption that indigenous way of life was uncivilized both led to forced removal, displacement, loss, environmental degradation, and extreme cultural upheaval and genocide for our nation's original inhabitants. Before the turn of the twentieth century, Native peoples found they were rapidly becoming invisibly fenced-in on smaller and smaller areas of what

were once expansive, life-sustaining landscapes. The rush for gold in the West after 1849 led to an influx of prospectors and miners. The passage of the 1854 Kansas-Nebraska Act outlined an official designation of Indian Territory guaranteeing settlers access to large amounts of additional acreage further west. What followed in 1862 was the passage of the Homestead Act. As Native communities desperately attempted to adjust to this encroachment, they experienced violent conflicts with the newcomers.

In 1887, eleven years after the Battle of the Little Big Horn and just two years before Montana attained statehood, Congress passed the Dawes General Allotment Act which emphasized *severalty*, the treatment of American Indians as individuals rather than as members of tribal communities. The Dawes Act *severed* land, breaking up reservations into small parcels, or *allotments,* and registering them to individual Indian heads-of-households who were required to sign-up or enroll in the program on a tribal "roll" (census), leading to the term *enrollment*. Enrollment was based on age, family status, and blood quantum—an assumption of race-based identity. Enrollment severed families, and remains a very serious matter of contention and debate among tribal membership on many Indian reservations today. Enrollment reinforced paternalism and economic dependency on the government. The Dawes Act intended to force Native people into assimilating into American society and values. For nearly twenty years after it was enacted in 1887, the Allotment Act and consequent acts that extended its provisions caused nearly two-thirds of the total Indian land base that remained after treaties to be taken out of Indian ownership and control. During this era, millions of acres of "surplus" Indian lands were sold or transferred to non-Indians, and another 30 million acres were lost due to the 1906 Burke Act, forced sales, and other takings. Land that had been held in common by an entire tribal community was, and still is, divided into increasingly smaller sections and fractionated (fragmented) within reservation boundaries, rendering it difficult to manage, sell, or utilize.

100 Years is relevant to Montana students because it addresses a complex issue of land tenure and the impacts of a specific federal Indian policy: allotment, while documenting how one person can make a difference in a system encumbered with bureaucracy and legal complexities. Today, land fractionation continues to pose complex problems and hampers land use and management, but, as the film shows, the work of Elouise Cobell offers an opening for addressing the problems set in motion by the Dawes Act. The film clarifies how the US government is responsible under the federal trust system to protect Indian interests: assets, lands, water, income from trust property, and proprietary treaty rights. Yet, as *100 Years* clearly explains, the federal government has not always fulfilled its obligations as trustee. *100 Years* is a story of more than a century of injustices, exploitation of people, and mismanagement of their money. It provides real-life role models for students and shows the importance of determination, collaboration, and compassion. It shows students there is value in honesty and persistence against seemingly impossible tasks. Cobell's efforts demonstrate the lasting effects of a person's diligence and tenacity. The complex issues in *100 Years* resonate with significant American Indian and worldwide issues, such as environmental injustices and unethical practices that exist today in many forms and forums. Indian nations across the United States, especially those defined by reservations, have multifaceted relationships with federal, state, and county governments. As *100 Years* points out, individuals and tribes must continue to inform and contest decisions made by the government that are not in the tribal communities' best interests through further education, lobbying, and grassroots activism and litigation (Indian Land Tenure Foundation, 2015).

About the Film Producers

Melinda Janko (Producer, Director, and Writer) graduated cum laude from Emerson College in Boston, Massachusetts. She then formed Turning Point Productions, a company that specialized in promotional videos for the non-profit sector. She created Fire in the Belly Productions, Inc., in 2003 after reading an article about the broken Indian Trust and Elouise Cobell's fight for justice. Melinda traveled the country for the next two years creating relationships of trust with the lead plaintiff Elouise Cobell, Native leaders, Indian Trust beneficiaries, Senators, Congressmen, Federal Judge Royce C. Lamberth, and high-level officials of the Department of the Interior. She received exclusive access to both sides of the story and filmed in eight states, Washington, DC, and on many tribal lands. Melinda has been interviewed by BBC Radio, National Public Radio, and Indian Country Today. She wrote an article honoring Cobell for the Smithsonian National Museum of the American Indian Magazine (Janko 2016).

Michele Ohayon (Producer) is an Academy Award nominated filmmaker and the CEO of Kavana Entertainment based in Los Angeles, California. Michele's critically acclaimed documentaries include: *It Was A Wonderful Life* (1987), narrated by Jodie Foster with music by Melissa Etheridge, that aired on PBS and OXYGEN; Oscar® and DGA nominated *Colors Straight Up* (1997); WGA and IDA nominated *Cowboy Del Amor* (2005); *Steal A Pencil For Me*, a collaboration with Netflix that premiered at the Berlinale (2007); *S.O.S-State Of Security* (2011), which also opened at the Berlinale; *Solar Roadways*, (2012), which opened at the Tribeca Film Festival. Michele recently completed *Cristina* (2016), airing on Netflix 2017. Michele oversaw production of the CNN *Believer* docu-series. She is an active member of the Academy of Motion Pictures where she serves on the International committee, foreign film committee, and the educational grants committee. She is a founding board member of Cinewomen (Janko 2016).

About the Production Company

Fire in the Belly Productions, Inc., is an independent production company based in Southern California that creates and develops documentary films that seek to enlighten the public from all walks of life on a variety of social issues. The name, "Fire in the Belly," symbolizes commitment and passion for the stories they tell, with the common goal of "making films that make a difference." Fire in the Belly's mission is to develop, finance, and produce entertaining, high quality, commercial films that will appeal to mainstream audiences. Adding to that commitment, the company's long- range goal is to "pay it forward" by contributing a portion of the company's net profits to an organization identified in each film's story. Melinda Janko is the president of Fire in the Belly Productions, Inc. (Janko 2016).

Instructional Plan

Section One: Setting the Stage for *100 Years*

In discussion or writing, students think about their own experience. CCRA.R.1; CCRA.W.1, 2, 3, 4, 10; SL.1, 2, 6

Building Background Knowledge

Preparing and presenting background knowledge before watching the DVD *100* Years will provide an opportunity for students to learn about significant historical events that have greatly impacted American Indian people and inspired the making of the film. It may also create an opening for discussion about what students know about their own family histories during the early 1900s. The Resources section at the end of this unit provides a list of resources teachers may use to gather additional information prior to use in the classroom.

Working Definitions

Teacher Tip: CCRA.R.4 - Through the discussion of culture, history, personal experience, and perspective, students may construct working definitions that they will re-examine and possibly change as the unit progresses. The following preliminary definitions might help students:

CULTURE: Culture includes systems of language, governance, economics, religion and ceremony, education, defense (health and political), ways of defining identity, ways of manipulating space and time and giving them meaning, forms of recreation, and values systems surrounding truth, faith, justice, love, and beauty.

WORLDVIEW: Worldview is the underlying set of beliefs that define your sense of the world and your place in it. It is the way you interpret events such as time, space, happiness, wellbeing, what is good, what is important, what is sacred, etc. Worldview is shaped by one's culture and values and, in turn, shapes your relationship to your surroundings, other living beings, the natural environment, and events.

PERSPECTIVE: "History is a story most often related through the subjective experience of the teller. With the inclusion of more and varied voices, histories are being rediscovered and revised. History told from American Indian perspectives frequently conflicts with the stories mainstream historians tell." (See Essential Understanding #6, Appendix B.)

Additional vocabulary will be encountered during this unit. Teacher and students should be familiar with the definitions of *colonization, assimilation, paternalism, accountability, allotment, dispossession, genocide, litigation, appellate court, et al.* Teachers should emphasize the cultural and linguistic diversity of the indigenous peoples of this continent, so students are not under the impression that all American Indians share a single culture, history, or language. Although the terms American Indian and Native American are used interchangeably throughout this unit, it should be noted that until 1924, indigenous peoples in the United States were not considered universally to be citizens of the United States and, thus, were not American Indians or Native Americans, but were citizens of their own indigenous nations.

Introductory Prompts

Introduce the journal the students will be using throughout this unit. As an introductory exercise, have students answer the following introductory prompts or ask your own questions relevant to the film and unit Rationale.

- Are you familiar with any American Indian reservations and/or how they came to be?
- Does anyone in your family own their own home, or a piece of land, a farm, or a special place?
- Have you ever heard of Elouise Cobell? Or the terms assimilation, paternalism, enrollment, or allotment?
- Think about a person you would choose as a role model and list what characteristics that person has that you admire.

Writing and Speaking Options

Teacher Tip: Some students might find some of these topics disconcerting, so teachers could preface the assignment with a general discussion to ensure all students feel safe talking or writing about injustice, discrimination, or loss.

Distribute copies of Appendix B: *Essential Understandings Regarding Montana Indians*. Read through each Essential Understanding as a class. After reading, ask students which Essential Understandings they might learn about in this unit focusing on a film about the Cobell case. Students will need to keep their copy of the *Essential Understandings* for review throughout the unit. A copy could also be posted in the classroom for reference.

- Describe, retell, or narrate an instance where you or someone you know may have witnessed or experienced injustice or a serious loss. Begin your writing with this phrase: "I remember…" and conclude with a reason why this experience remains so strong in your memory. Imagine that you had to defend the individual or a group of people over the injustice. What would your strategy be? How would you go about encouraging someone who has experienced a serious loss?
- Explain a dream or a goal you have for yourself. How or when did that dream begin? What will it take for the dream to come true or for you to realize the goal? What inspires you to attain the goal or instills hope in you?
- At the beginning of the film, we hear the voice of Senator Ben Nighthorse Campbell speaking to those in attendance at the opening of the National Museum of the American Indian in Washington, DC (2004). Campbell opens his speech with, (00:30) *"What a glorious day the Grandfather Spirit and Creator of all things has given us."* He goes on to say that he is reminded of a stanza from the Navajo chant of The Beauty Way*: "In the house of long life, there I wander. In the house of happiness, there I wander. Beauty is before me. Beauty is behind me. Beauty is above me, and beauty is below me. Beauty is all around me, with it I wander. In old age traveling, with it I wander."* Campbell also talks about Native American ancestors, saying, *"How much we can learn from them. And yet, with all their collective wisdom* [they] *could not have known that earth mother would someday be called REAL ESTATE* (emphasis added)*."*

- After watching this section of the film, create a word map or cluster, with the word "house" in the center. Cluster for ten minutes, using sensory nouns and verbs. Use your unique images from your personal experience, and then write your very own extended definition or poem of "house" for you. The images in your poem may differ significantly from those of your friends and neighbors. Do the same for other words or phrases in the chant, for example "real estate" or "beauty,""wisdom," or "mother." Select a poem from *Birthright: Born to Poetry – A Collection of Montana Indian Poetry*, and repeat this exercise with similar words, like *justice* or *home*.
- Apply Reading/Writing Strategy #7–R.A.F.T.S. Informative/Explanatory writing assignment—to this topic: Have you ever felt you were discriminated against or treated unfairly? Explain or retell what happened (who, what, when, where, how, and why) and then how you handled it. Write a letter to a friend and explain what you learned from the experience. Include specific evidence (images and actions) that support your claims about what you learned. Students might use the information in this letter in an oral presentation to classmates, or students might role-play the situation as they explain to a friend what they learned.

Section Two: Introducing students to Federal Indian policy and Dawes General Allotment Act of 1887

Students will integrate and evaluate content presented in diverse media and formats as well as in words. CCRA.R.1, 4, 6; CCRA.W.2; CCRA.SL.1, 2, 6

Distribute to each student a copy of The Dawes Act (1887)

Distribute copies of Department of the Interior Land Description Diagram and Table of Land Measurements

Read aloud the following Introductory Statement and provide the questions ahead of time so students can respond to "Getting at the Meaning" Questions after they read the documents:

"Approved on February 8, 1887, 'An Act to Provide for the Allotment of Lands in Severalty to Indians on the Various Reservations,' known as the Dawes Act, emphasized severalty, the treatment of Native Americans as individuals rather than as members of tribes."

Getting at the Meaning Questions: Students will support answers with strong and thorough evidence from the documents. Read one of them aloud or silently.

1. What problems/struggles might arise from "*severalty,*" or the treatment of American Indians as individuals rather than as members of tribes or communities (with reservation lands previously held in common)?

2. How are the terms *assimilation* and *paternalism* related in the context of this document?

3. What types of events may have occurred to extend the act's provisions to those initially exempt from them?

4. Do you think the Dawes Act protected American Indians' property and ownership? Why or why not?

5. What long-term repercussions of one or more federal Indian policies can still be seen in Montana today?

Write or speak in response using Reading/Writing Strategy #2 (What **Disturbed, Interested, Confused**, or **Enlightened** you) as you read the handouts. As you write, include specific evidence from the documents that were read and the diagrams that were reviewed.

Students may also want to compare the above handouts with "A Simplified Six-Generation Example of Undivided Heirship Fractionated Values and Lease Payment Values of Undivided Interest,URL https://iltf.org/resources/other-resources/. Re-address question five above to discuss long-term repercussions stemming from the Dawes Act and students' understanding of it after reviewing the Indian Land Tenure Foundation chart.

Section Three: Media Literacy Analysis of DVD Feature Film *100 Years*

Teacher Tip: Make photocopies of the film poster (front cover of curriculum guide) and distribute to students, or scan and put it into a PowerPoint slide for viewing.

Students will read and ask questions of the film poster, preparing for and participating in a media literacy activity with questions to consider while viewing the film as a whole. Citing strong and thorough textual evidence for each of the two following activities, students will analyze the visual and verbal information on the poster and in the documentary. Students will ask themselves this question, "How do I know my answer is accurate or appropriate?" They should be able to identify specific images, words, or phrases that support their response. Each question requires students to draw inferences from what they see and hear.

Media Literacy Activity: Previewing the DVD Cover and Film Poster

1. What do you learn about the DVD from analyzing the film poster?
2. This DVD is a documentary. What does that mean (connotation and denotation)?
3. What assumptions do we make about documentaries?
4. What are the obligations of a producer of a documentary?
5. What could you infer about the DVD from the logos on the poster and from the photograph on the DVD cover?
6. Based on just the title *100 Years: One Woman's Fight for Justice*, what can you predict about this documentary?
7. Write a definition of "justice" or "trust" as you understand it. Discuss your definition with other students in class.

Media Literacy Analysis of DVD Feature Film *100 Years*

Teacher Tip: These following questions can be embedded in discussions within the lessons for each chapter, used as an anticipatory lesson about assumptions, or used as a summative lesson to recap important media literacy observations.

To use *100 Years* as a focused activity, teachers can show a portion of the DVD at a time. Before the viewing, they will assign each of the following numbered questions to individuals or groups who will share their responses and prepare a presentation that communicates their collaborative conclusions to the question or prompt. This media literacy activity may be applied to any film or video.

1. What **music and instruments** play in the background in different portions of the DVD? What is the effect of the choice of music on you as a viewer? How does the music affect you as you watch and listen?

2. What kinds of **photos or images** are shown while a person is speaking? How do some of those images support the speaker's comments or contradict them to create irony? Find examples.

3. Make notes of the **featured speakers**. (Teachers could assign specific speakers in each segment to different students for analysis.) Who are they and what are their backgrounds? How might their backgrounds and experiences influence what they say? What is the point of view of each regarding the Cobell case and/or the defendants? Why might the producers have selected specific individuals to speak in the DVD?

4. How are American Indian reservations, **allotted lands**, and/or the people who live on them portrayed in the video? What do you see? What don't you see? Why?

5. What do you notice about the **changes in scenery** throughout the DVD? How do these images affect your understanding of the events in the film?

6. What is the effect of the **primary documents**, such as photographs of newspaper articles, on your understanding of this story? Do they help or hinder your appreciation of the story?

Section Four: Viewing *100 Years* by Chapters

Students can focus on themes and central ideas while answering Getting at the Meaning, Interpretive, and Evaluative question strategies. Students can also build their vocabulary specific to this unit. CCRA.R.1, 2; CCRA.SL.1, 3, 4; CCRA.R.1, 2, 3, 6

Teacher Tip: Before beginning this section, teacher and students may wish to review the Reading and Writing Strategies in Section Five. These numbered strategies are referred to throughout this portion of the unit.

Teacher Tip: Students will view and respond to *100 Years* in ten different chapters. This unit provides a suggested pacing which can also be adapted as needed by the teacher. Although a summary of each chapter is provided below, teachers could encourage students to determine the theme or central idea after they have completed the viewing of each. Once students determine a theme or central idea, they can identify specific details (evidence) to support their conclusion.

The questions with each chapter will serve as **Study Guides** for students to perform a close reading of what is said or shown and the inferences they can draw. To support their responses to the questions, students will cite text-based evidence for each.
In the model prompts below, students will delete the preface to the underlined phrase or

sentence once they have determined the theme or central idea. This is a strategy for helping them articulate the central idea. In any given class, students will determine more than one theme or central idea. Teachers may use this opportunity to help students understand the way these themes and central ideas build on one another to produce a complex account.

Theme: To determine theme (a noun or noun phrase), students might complete the following sentence: "When I finished watching this chapter, I determined that _____ was an important theme."

Some themes in 100 Years:

Cultural and personal loss and survival
Determination and fear
Stereotype and racism
Assimilation and paternalism
Justice and injustice
Accounting and Trust standards
Personal and communal quest
Differing worldviews
Conflicting perspectives

Central Idea: To determine the central idea (complete sentence), students might complete the following sentence: "When I finished watching this chapter, I understood that _____.

The central idea is the larger picture, the way we make sense of the specific details that support the central idea. Examples of central ideas in *100 Years:*

- The DVD *100 Years* explains conflicts and challenges that occurred as a result of the *Cobell* case, a class action lawsuit filed on behalf of nearly half a million of individual American Indians against the US Government.
- The Dawes Allotment Act of 1887 and other federal Indian policies enacted by the US government adversely impacted American Indians, reinforcing paternalism and economic dependency on the government.
- The US government is responsible under the federal trust system to protect Indian interests, yet has not always fulfilled its obligations as trustee.
- *100 Years* is a story of more than a century of injustices, exploitation of people, and mismanagement of their money.
- Throughout their history, American Indians have suffered from stereotypes and racism, yet real-life role models from American Indian communities illustrate resilience and determination, along with the importance of collaboration and compassion. There is value in honesty, tenacity, and persistence against adversity.
- Land fractionation poses complex problems and encumbers land use and management.

Teacher Tip: The Interpretative-level questions, in particular, require students to determine the underlying or broader meaning, distinguishing what is directly stated in a text from what might be intended. As they respond through speaking and writing, students will cite evidence for their

conclusions about explicit statements or inferences or where the text leaves matters uncertain. (Teacher can review "Alignment with the Montana Common Core Standards" in the Overview before your students watch the film and respond in writing and speaking.) Teachers may use any of the **Reading/Writing Strategies** listed after this section of the unit as they address relevant standards and their students' needs.

Options for using the questions for each chapter:

- Teachers might allow individual students to choose Interpretative-level questions to respond to from the list.
- Students might ask their own Interpretative-level questions that begin with how or why.
- Teachers might assign small groups to respond to and discuss one or two selected questions.

Guidelines for collaborative discussion groups:

1. Follow the teacher's directions for grouping.
2. Select a scribe and a speaker who will share the group's conclusions.
   Respect your own right to learn.
3. Respect your neighbor's right to learn.

DVD Chapter One: 0:00-9:00

Summary: Introduction of the 1887 Dawes General Allotment Act and its effects on lands and people; Elouise Cobell and the process through which she was able to get a first hearing before Congress; Mad Dog Kennerly (*Siyeh*); theft

Getting at the Meaning Questions

1. What were the intentions of the 1887 Dawes Act?
2. Who was Elouise Cobell, and where did she live?
3. According to Cobell, what did the government want from the Indians?
4. How many oil wells did Mad Dog's father have on their property?
5. What did Mad Dog Kennerly learn about the oil wells on his property and how?
6. How many acres of land is in one section?

Interpretive-level Questions: The Dawes Act

1. Compare and discuss the terms "Mother Earth" versus "Real Estate." What emotions do they elicit? Are they ambiguous terms? Consider using Reading/Writing Strategy #2 or Strategy #3 to understand these terms.

2. In this section, Navajo people situated on one of the largest gas reserves in the world are described as living in *"abject poverty"* under a *"trust-me-trust"* system, also called an *"extraordinary situation."* Why do you think the authors chose to use these words? What do they suggest about the authors' opinions of the situation?

3. Elouise says the government wanted *"us to be good little Indians and behave like children."* She was told she didn't know how to read a report. How do you think these words made her feel? Do you think they were hurtful, helpful, or both? Consider using Reading/Writing Strategy #3 to help you answer these questions. (What does it say? What might it mean? Why does it matter?)

DVD Chapter Two (9:00-19:00)

Summary: Introduction to the Mose Bruno family and their story; 1926 Grisso-Henderson Mansion; Ghost Ridge and Old Agency on the Blackfeet Indian Reservation; Elouise's stories about the Indian agent; experiences in Washington, DC.

Getting at the Meaning Questions

1. What did allotment lead American Indian people to believe about themselves? The government?

2. Why did this government superintendent keep a ledger, and how was he portrayed by the Indians (according to the family interviewed in this section)?

3. Why do the Blackfeet people call Ghost Ridge "The Country of the Dead"?

4. What were some of the reasons Congress enacted the Dawes Act in 1887, and how was it viewed in 1915, nearly thirty years afterwards?

5. Elouise says her parents both *"fought hard to get a school."* Why? Why did Elouise want to go to school when she was just four years old?

Interpretive-level Questions: Ghost Ridge

1. What policies, events, or circumstances do you think led up to what the Blackfeet call the "Starvation Winter" (1883-1884)?

2. While Elouise was giving a talk on banking with then Attorney General Janet Reno, she says she *"used that opportunity."* How? Consider using Reading/Writing Strategy #5: What is the situation? What are the causes of the situation? What are the effects of the situation?

3. When Elouise finally got a meeting with the Department of Justice in Washington, DC, she says, *"All I could see was government."* How does she react? Why?

4. What does it mean to *"draw a line in the sand?"* Consider using Reading/Writing Strategy #3 to help you answer this question. (What does it say? What might it mean? Why does it matter?)

DVD Chapter Three (19:01-29:00)

Summary: Introduction to Cobell vs Babbitt class action lawsuit seeking to force the federal government to provide an accounting to individual Indian account holders; John Echohawk (NARF); Sandoval County Navajo Nation; Ervin Chavez; Mary Johnson and family/land/water/garden; Elouise wins the MacArthur Fellows "Genius" award

Getting at the Meaning Questions

1. Why does Elouise say in this section it was NOT an Indian issue? What IS the issue?

2. When did Elouise file the largest class action lawsuit in the history of the United States? *(June 10, 1996)*

3. In this section we hear our first Native language spoken. What does it refer to? In what context does it continue?

4. Why did it take over a year for Navajo elder Cora Bunnie to receive one of her checks?

5. What sorts of things resulted from the oil and gas development on Mary Johnson's property?

6. Ervin Chavez says, "*It's not that we're opposed to this kind of development, it's more of doing things right.*" What are they opposed to? What's not right?

7. How did Elouise learn she had received the MacArthur Genius award, and what did she do with it?

8. Do you think receiving the award made her feel differently about herself? About others? How do you know?

Interpretive-level Questions: Class action lawsuit

1. What is Elouise *"frightened"* of? Consider using Reading/Writing Strategy #2 to help you answer this question. (What is disturbing? Interesting? Confusing? Enlightening?)

2. When litigation was filed to correct the broken trust system, John Echohawk, Executive Director of Native American Rights Fund (NARF) says, *"We didn't have to live on our knees [anymore]."* Why? Consider using Reading/Writing Strategy #3 to help you answer these questions. What does it say? What might it mean? Why does it matter?

3. According to Ervin Chavez, real frustration comes from *"fighting this whole system without a face…you just wish you could find that person; the government."* Consider using Reading/Writing Strategy #4 to help you understand his meaning. (What's the problem? What are possible solutions?)

DVD Chapter Four (29:01-39:25)

Summary: Appointment of District Court Judge Royce C. Lamberth; his first order; Reconciliation Audit and Certification; Introduction to Alan Balaran, Special Master for Judge Lamberth; contempt of court trial of Babbitt, Rubin, and Gover

Getting at the Meaning Questions

1. What was Judge Lamberth's first order?

2. Why did Judge Lamberth appoint a Special Master to oversee production of records?

3. After the judge ruled that the United States breached its trust duties, did the government have to comply with *"common trust standards?"*

4. Elouise compares her battle with the government to what her Great Grandfather Mountain Chief fought for. What was he fighting for or against? How are they similar? How are they different?

5. Why did the judge say, *"It was a gigantic fiasco from beginning to end"*?

6. What is contempt of court? Why were Secretary of the Interior Babbitt, Secretary of the Treasury Rubin, and Assistant Secretary of Indian Affairs Gover found to be in contempt of court?

7. Congressman Tom Cole compares the Indian Trust issue to a grandparent's estate being *"plundered."* Do you think this is a valid comparison? Why or why not?

Interpretive-level Questions: "Stockholders, Stealing, and Shareholders"

1. Elouise initially said that she was *"nervous"* about Judge Lamberth, because he was Republican and conservative, yet she later expressed he was *"one of the most intelligent persons"* she had ever encountered. What changed her mind? Consider using Reading/Writing Strategy #6: What's changed? What's stayed the same? Why? What evidence leads to this conclusion?

2. Special Master Alan Balaran said *"I'm what you don't want to see."* What do you think he meant? At his first remarks, whose side do you think he's on? Consider using Reading/Writing Strategy #3: What does it say? What might it mean? Why does it matter?

3. When Balaran later referenced the conditions under which the trust documents were kept, he compares the records to individuals' social security documents, saying, *"There would be riots in the streets… [It's] no less a duty because these people are invisible."* Consider using Reading/Writing Strategy #2 to help you determine underlying meaning: D.I.C.E. prompt (what disturbs, interests, confuses, and enlightens you?).

4. Why do you think Mose Bruno family member, Ruby Withrow, gets very emotional while telling about their journey to the National Archives in Fort Worth, Texas? What emotions does she seem to be feeling? Why? Consider using Reading/Writing Strategy #5: What is the situation? What are the causes of the situation? What are the effects of the situation?

5. Tex Hall of the National Congress of the American Indian asks, *"What's the difference?"* when comparing the accounting of the trust to Enron and "*stealing*." Compare the two and list how they are similar and different.

DVD Chapter Five (39:26-49:16)

Summary: Introduction to Mary Johnson and "oil-well sabotage;" Cobell vs Norton "debacle;" Clinton and Bush administrations' stalling; Federal whistle-blowers and more hearings; grading the Department of the Interior; computer hacking and check disruptions wreak havoc throughout Indian Country (retaliation); Dorothy Wilson

Getting at the Meaning Questions

1. Why did Mary Johnson risk jail time and sabotage the oil well on her land by shutting off the valve?

2. In *Cobell vs Norton* (under the Bush Administration), whose money and land was at stake?

3. Were any positive actions suggested "to help increase trust on either side" or move the debate forward? Why or why not?

4. What is a federal whistle-blower? Who was it in this case? What did he do? Did it help?

5. Why did Judge Lamberth order an investigation of Indian trust funds held on the Department of the Interior's (DOI) website?

6. What grade did the Inspector General of the DOI give? Why?

7. What did Special Master Balaran end up doing?

8. How did the computer system-shutdown impact the Native American Rights Fund and Indian Country?

9. How long were some of the individual Indian account holders' checks delayed? (6 months)

Interpretive-level Questions: Escalating Issues

1. In this section, Elouise says, *"The Government caused this problem. In a fit of paternalism, they imposed this trust on us... Our only role was to suffer the consequences of their mistakes."* Use Reading/Writing Strategy #3 and Essential Understanding #5 to help you define *paternalism*. What does it say? What might it mean? Why does it matter? Then, use Reading/Writing Strategy #5 to help you understand her remarks: What is the situation? What are the causes of the situation? What are the effects of the situation?

2. When told there was a *"sour history here,"* what do you think the DOI Associate Deputy Secretary James Cason meant when he says his department *"attempted"* not to *"personalize the issues."* Consider using Reading/Writing Strategy #2 (D.I.C.E.) to help you determine underlying meaning.

3. Executive Director of Public Employees for Environmental Responsibility Jeffrey Ruch says, "… *If you go public, you can never go back to Kansas again.*" Consider using Reading/Writing Strategy #3 to help figure out his meaning. (What does it say? What might it mean? Why does it matter? Is it a good thing? Why or why not?)

4. Balaran says, *"The Judge shut them down."* Who was he talking about and why? Consider using Reading/Writing Strategy #4: What's the problem? What are possible solutions?

5. Note the DOI Special Trustee Ross Swimmer's reaction to the delay in checks and John Echohawk's comment on "retaliation" against the Native American Right's Fund clients/plaintiffs. Use Reading/Writing Strategy #3 and Essential Understanding #5 to help you define *retaliation*. What does it say? What might it mean? Why does it matter? Then, use Reading/Writing Strategy #5 to understand the significance: What is the situation? What are the causes of the situation? What are the effects of the situation?

DVD Chapter Six (49:17-58:59)

Summary: Bantering over attorneys and their fees; Blackfeet Reservation; Heart Butte pow-wow; Elouise office interview, son, Elvis; Keith Harper and Farmington, New Mexico, meeting; Senator John McCain and settlement hearings in Washington, DC.

Getting at the Meaning Questions

1. Did the Court of Appeals *affirm* Judge Lamberth's ruling? (yes)

2. What did Elouise say she was asking for when she spoke briefly to the pow-wow crowd?

3. Elouise was a big fan of someone who came through Browning on the train. Who was it?

4. What American Indian tribe is Keith Harper from, and what is his profession?

5. What does Keith Harper suggest are some of the problems they would struggle with if the case were to continue in the court system indefinitely?

6. Who was Chairman of the Senate Committee on Indian Affairs who met with Elouise regarding settlement of the case?

7. If the Court were to conduct a *"fairness hearing,"* what would the Court be testing the fairness of?

8. What were the issues Elouise was "arguing" about in the Senate Hearing in this section?

9. What did Elouise say the courts do *"all the time"* in a class action lawsuit? (weigh the evidence and decide what's fair)

10. What does Senator McCain say the courts *"also decide"?* (attorney fees)

Interpretive-level Questions: The Cobell case drags on…

1. Keith Harper says, *"Their house-of-cards"* fell apart (on February 1, 2001). Who is he talking about and why would he say this? Consider using Reading/Writing Strategy #3 to help you answer these questions. (What does it say? What might it mean? Why does it matter?)

2. In reminding senators of the plaintiff's testimony, the president of the National Congress of American Indians, Tex Hall, says, *"We feel the Court is more fair and impartial… The Treasury is named as a defendant, so…the impartiality…is not there."* Do you agree or disagree? Why or why not? Consider using Reading/Writing Strategy #4 to help you answer these questions. (What's the problem? What are possible solutions?)

3. According to Senator John McCain, the plaintiffs were asking the judge to take on an *"incredibly complex"* task. After much bantering back and forth between the senator and the plaintiffs, how does the mood in the room change? How did this change this make you feel? Do you find you are siding with one group or another? Consider using Reading/Writing Strategies #2 (D.I.C.E.) and/or #5 (What is the situation? What are the causes of the situation? What are the effects of the situation?) to help you answer these questions.

4. What is a Congressional Act?

5. In the back-and-forth exchange between Elouise Cobell and Senator McCain, Cobell says, *"We cannot find out."* What is she talking about? What is it that she wants to know? Consider using Reading/Writing Strategy #4 to help you answer these questions. (What's the problem? What are possible solutions?)

DVD Chapter Seven (59:00-1:09:39)

Summary: Settlement talks continue; Elouise Cobell returns to the Blackfeet Reservation in Montana; Lamberth's Memorandum (2005); Judge Lamberth is removed from case on charges of bias; Cobell vs Salazar; Victory March and Round Dance in Washington, DC; Elouise Cobell is compared to Rosa Parks

Getting at the Meaning Questions

1. How much money does Senator McCain say there is *"at play"* in this case? (initially $27.5 billion)

2. What was one of the problems with the legislation in the still-photo of the individual Indian claim settlement fund document? (The settlement amount was left blank.)

3. What is an adversary?

4. What pumped Elouise up with "*all kinds of energy*"?

5. How might *"assimilationist policies"* and *"dispossession"* lead to *"cultural genocide?"* (See Judge Lamberth quote.)

6. What does Judge Lamberth say about our nation's [the United States'] *"great democratic enterprise?"* (It's unfinished)

7. Why was Judge Lamberth removed from the case?

8. What does *"compromise"* mean?

9. What happened to the $8 billion settlement bill? Why?

10. When was the Claims Resolution Act passed, and who signed it? (December 8, 2010; President Obama)

11. How much money did Obama say the government failed to account for, and how many Indians were involved?

12. How many years was the Cobell case in litigation? (14 years)

13. Who is standing directly behind Obama when he signs the bill? (Senator Max Baucus, D-MT)

14. What was the final settlement amount both Congress and the DC District Court approved? ($3.4 billion)

15. According to Senator Tom Daschle (D-SD), where does Cobell's *"strength"* come from?

16. Whom does Congressman Tom Cole (R-OK) compare Cobell to and why? (Rosa Parks)

Interpretive-level Questions: Stars aligned for justice

1. Senator Byron Dorgan says Elouise Cobell feels *"aggrieved, not just for herself, but for all American Indians who have been victimized."* Can you think of a time in your life when you or someone close to you might have felt *aggrieved or victimized*? If so, what made you feel better? How did you overcome the feelings and/or deal with the situation? Consider using Reading/Writing Strategy #4 to help you answer these questions. (What's the problem? What are possible solutions?)

2. Consider the excerpts from Judge Lamberth's Memorandum "Historical Accounting" in Appendix H - Additional Resources. Read them aloud. Use Reading/Writing Strategy #3 to understand what the significance of his memorandum. (What does it say? What might it mean? Why does it matter?)

3. Attorney Steven Richardson, co-author of "The Misplaced Trust Report" (1992), says Judge Lamberth is *"very outspoken"* but is *"almost refreshing… [because] so often you wonder about the smoke-and-mirrors that come from the [Justice] Department."* What is he talking about? Consider using Reading/Writing Strategy #3 to help you understand his meaning.

4. Compare and contrast the Blackfeet Indian Reservation, where Elouise comes from, with Washington, D.C. Cobell says they are *"very different"* places. How are these places different? In what ways might they be similar? Consider using Reading/Writing Strategy #1 to help you understand Cobell's claim. Is it consistent with your conclusion about her opinion? What specific evidence leads to your conclusion?

5. As she's walking up the steps of the Lincoln Memorial after the government's "stall-tactics," Elouise says she has told people over and over, *"The stars are aligned for individual Indians to get justice."* Do you think she's right? Why or why not? Consider using Reading/Writing Strategy #6: What has changed? What's stayed the same? Why? What evidence within or without the text lead you to this conclusion?

6. President Obama said Cobell's argument was *"simple."* Why would he choose that term to describe her argument? What did he mean? What does he not mean? How can you tell?

DVD Chapter Eight (1:09:40-1:13:29)

Summary: Final ruling and case settlement; Elouise Cobell addresses Court; song *"On Ghost Ridge"* with black and white *"warrior-woman"* photograph of Elouise holding coup stick; funeral shot followed by text regarding settlement checks; DOI flags half-staff; Blacktail Ranch burial; Mad Dog Kennerly; Keith Harper; Director/Producer, etc.

Getting at the Meaning Questions

1. How and where do the plaintiffs end their *"victory march"*? (round dance at Smithsonian NMAI) In this scene, who does Elouise Cobell thank first?

2. Why was Elouise unable to attend the final ruling?

3. What did Elouise say she was *"deeply grateful for"*?

4. Where was Elouise Cobell laid to rest? (Blacktail, the family ranch on the Blackfeet Indian Reservation)

5. What was Cobell nominated for on October 17, 2011?

6. Who passed away on the same day as Elouise?

7. What did Attorney Keith Harper go on to do?

8. What did the DOI do when Cobell passed away?

9. Who is the film dedicated to? (There are several entities. Who are they?)

Interpretive-level Questions: A Measure of Justice

1. When Elouise Cobell addressed the Court via speaker phone, she said, *"It has been one of the most difficult challenges I have ever faced…and brings a measure of justice for some of the most vulnerable people in this country."* Have you ever been faced with a difficult challenge? If so, what did you do about it? Did you overcome it or adjust? How so? Consider using Reading/Writing Strategies #2 and/or #5 to help you answer these questions.

2. Why do you think the Department of the Interior flew the flags at half-staff when Elouise Cobell died? Explain.

3. Consider the lyrics to the song "On Ghost Ridge" and the imagery as the song is being played in the DVD, including the still photos and names of people the film was made in memory of. Also consider the song's performer Yuna. How does it make you feel, or what does it make you think about? Why?

DVD last chapter/end of feature (1:13:30-1:15:05)

Summary: Credits roll, begins with featured individuals (see Appendix E for film's main subjects.)

Assessment

Assessment can include a student journal of daily writing based on the assignments associated with each chapter viewing and discussion, in addition to written responses to the **Interpretive and Evaluative-Level Questions** listed below. (Teacher can also use the rubric provided in Appendix D, or create rubrics for the activities selected.) Students' written responses will address or touch on one or more of the following themes and topics:

Montana history
American Indian history
Federal Indian policy
Indian land tenure
Cultural and personal loss and survival
Connecting the past, present and future
Determination and fear
Stereotype and racism
Justice and injustice
Accounting and trust standards
Personal and communal quest
Differing worldviews
Media and critical literacy
Conflicting perspectives

Teacher Tip: The following **Interpretive and Evaluative-Level Questions** provide opportunities for students to respond to the DVD *100 Years* as a whole. Any question can serve as a writing prompt you or your students can convert to Reading/Writing Strategy #7 – R.A.F.T.S. prompts. Students will respond with the claim statements that might result in arguments. Whether students talk about or discuss the questions or prompts, they will cite strong and thorough textual evidence to support arguments, opinions, or claims.

1. All of the film subjects in *100 Years* came from a variety of places, professions, and backgrounds. What was a significant aspect of their identity and/or experience that made them effective in their efforts?

2. Who-what audience(s)-do you think the producers of this DVD had in mind (age level, ethnic background or heritage, gender)? How do you know?

3. What was the purpose of this DVD? What may the producers have wanted to persuade, inform, or inspire in their viewers? How do you know? Did they achieve that goal or purpose?

4. How did American Indians handle the challenges of a changing landscape? Did they change themselves? Did they adapt? How has the Dawes Allotment Act affected them collectively? Individually? Geographically?

5. How has the Dawes Allotment Act impacted the descendants of the original American Indian allottees and/or those living on allotted lands today?

6. In the beginning of the film, Mad Dog Kennerly mentions an ancestor, his Great Grandfather, Mad Dog. Later in the film, Elouise also talks about her ancestor, Mountain Chief. What role do you think their ancestors played in their lives? Do you think they share skills, values, or traits from their ancestors? Were those skills, values, or traits useful or beneficial in some way? How?

7. Having watched *100 Years*, how might you now define the highly connotative term "100 Years"? What is included in this word and what is excluded? Why? What does this word choice evoke in terms of time and place? Is the title appropriate for the story as portrayed in the documentary? How about the word "justice?"

8. Consider what's missing in the DVD. Who don't you see and whose voices and stories don't you hear?

9. Why? How might the story change if those people or voices were there? What would you include or exclude if you were the producer?

10. Is there a pattern in the individuals' stories of their allotted lands or reservation life, in general? If so, what is it?

Section Five: Reading and Writing Strategies

Reading and Writing Strategies: CCRA.R.1, 2, 3, 4, 6, 8, 10; CCRA.W. 1, 2, 9, 10

For each chapter studied in this unit, students are asked to read closely and draw inferences from the text. As they respond in speaking and writing, they will cite evidence for their conclusions about explicit statements or inferences or where the text leaves matters uncertain. Teachers can use any of the following reading/writing strategies as they address these standards and their students' needs.

Reading/Writing Strategy #1: Students will read the entire paragraph or essay or document and respond to the following questions:

What is the **subject or topic?** What specific evidence in the text leads to your conclusion?

What is the **author's opinion** about the topic? What specific evidence in the text leads to your conclusion?

Identify the author's **claim or thesis statement**. Is it consistent with your conclusion about the author's opinion?

Reading/Writing Strategy #2: After reading the document or essay or chapter, students will respond to the **D.I.C.E. prompt** and write about what…

Disturbs
Interests
Confuses (This is a place where students might identify words or phrases in the text that they don't understand. Discuss the denotative and possible connotative meanings of challenging vocabulary.)
Enlightens them about a topic, text, or issue?

Reading/Writing Strategy #3: Students will respond to specific phrases or sentences that leave matters uncertain or ambiguous in order to determine what it says explicitly and implicitly:

What does it **say?** (What is the literal or explicit meaning?)

What might it **mean?** (What is the author suggesting without directly stating it? What might readers infer or read between the lines? Conclusions might go beyond the text to larger contextual knowledge bases.)

Why does it **matter?** (How does the meaning that any particular audience might attribute to the statement result in actions or policy or consequences to other relevant groups? How does the inferential meaning, as opposed to or consistent with the explicit meaning, affect a goal of authentic and accurate information and to our understanding of ways perspective influences meaning and understanding?)

Reading/Writing Strategy #4: Students can use this strategy to help understand conflict and resolution in the text or in a problem presented to them:

What's the **problem**? What evidence in the text leads to this conclusion?

What are possible **solutions**? What evidence within or outside the text leads to these conclusions?

Do I have enough **information** to support or verify a conclusion?

Reading/Writing Strategy #5: Use this strategy to help uncover the significance of an event or situation:

What is the **situation**? What evidence in the text leads to this conclusion?

What are the **causes** of a situation? What evidence within or outside the text leads to these conclusions?

What are the **effects** of a situation? What evidence within or outside the text leads to these conclusions?

Do I have enough **information** to support or verify a conclusion?

Reading/Writing Strategy #6: This strategy can be used to explore change and constancy:

What's **changed**? What evidence in the text(s) leads to this conclusion?

What's **stayed the same**? What evidence in the text(s) leads to this conclusion?

Why? What **evidence** within or without the text(s) leads to this conclusion?

R.A.F.T.S Read-Write-Think Strategy #7:
R.A.F.T.S. information created by the International Reading Association and the National Council of Teachers of English is available online, URL *http://www.readwritethink.org/professional-development/strategy-guides/using-raft-writing-strategy-30625.html.*

Role: helps the writer decide on point of view and voice.

Audience: reminds the writer that he/she must communicate ideas to someone else; helps writer determine content and style.

Format: helps the writer organize ideas and employ the conventions of format, such as letters, informal explanations, interviews, or speeches.

Topic: helps the writer focus on main ideas.

Strong Verb: directs the writer to the writing purpose, e.g., to persuade, analyze, create, predict, compare, defend, evaluate, describe, inform, etc.

Text-dependent Questions:
Good text-dependent questions will often linger over specific phrases and sentences to ensure careful comprehension of the text. They help students see something worthwhile they wouldn't have seen on a more cursory reading. Typical text-dependent questions ask students to perform tasks, i.e., analyze paragraphs; investigate altered meanings of key words and author's choice of words; probe arguments in persuasive text, ideas in informational text, or details in literary text; examine shifts in argument direction and impact of shifts; assess patterns of writing; and consider uncertainties in text.

Section Six: Extending the Learning Experience

Options for Making Connections to Self

CRA.R.1, 2, 3, 4, 6, 7; CCRA.W.1, 2, 4, 9; CCRA.SL.1, 4, 5, 6

Teacher Tip: The following questions or prompts provide opportunities for students to process further what they have seen and discussed in this unit. Any will serve as writing prompts you or your students can convert to Reading/Writing Strategy #7 – R.A.F.T.S. prompts. Whether students talk about or discuss the questions or prompts, they will cite strong and thorough textual or personal evidence to support their opinions or claims.

Write in response to one or more of the following prompts:

A. What Disturbed, Interested, Confused, or Enlightened you as you watched the DVD *100 Years* and participated in the questions and writing activities? What has changed and what has stayed the same for you? Why?

B. Before watching the DVD, you wrote or discussed Essential Understandings, Federal Indian policy, and the Dawes General Allotment Act. How have your perspectives changed regarding American Indian reservations, Montana History, and/or American Indians?

C. Having watched the DVD *100 Years*, listened to the Navajo chant of The Beauty Way at the film's beginning, and participated in the writing and discussion activities, how have your beliefs, knowledge, and understanding of American Indians, their traditional territories, allotted reservation lands, or Montana History, or current issues around the country changed or stayed the same? How and why?

D. This is the story of money mismanagement, loss, centuries of injustice against American Indians, and one woman's very long battle to right the wrongs. What can you learn from Elouise Cobell's efforts and her character? From the US government's actions? From Judge Lamberth, Mary Johnson, or other individuals in the film?

E. After viewing this DVD, and after considering your own life and the expectations of those around you, what do you think success looks like? Who defines success? How would you define justice or injustice on a personal level? Why?

F. Where do you see or experience racism/injustice/prejudice? Where do you find compassion/collaboration/support? How do you respond?

G. Of all the speakers or persons (past or present) featured in the DVD, whom do you admire the most? Write a letter to that person and tell him/her how you feel and why. Explain how his/her story impacted you, contributed to your understanding of history, American Indians, Federal Indian policy, and the Dawes Allotment Act, or changed the way you viewed yourself and others who differ from you.

H. In Chapter 7, Judge Lamberth is removed from the case on charges of bias and Elouise is compelled to compromise. What is bias? Do you think the Judge was biased? Do you think Elouise should have compromised? How would you have responded to the same situation? Use Reading/Writing Strategy #5 to address this situation.

I. In Chapter 4, Elouise says the government argued they didn't have to comply with *common trust standards*, because it was a different kind of trust, and she says, *"They lost that argument."* Compare the Government's accounting/money management system (Treasury Branch and Department of the Interior) for the Indian Trust with a private trust and the common trust standards they are regulated by. Do you agree they are different? Why or why not? Apply Reading/Writing Strategy #4 or #5 to this topic.

Options for Reading and Writing Arguments

CCRA.R.1, 2, 3, 8, 10; CCRA.W.1, 4; CCRA.SL.1, 2, 4

Teacher Tip: The questions or prompts under Arguments or Informational Writing or Narrative Writing provide opportunities for students to extend their reading and writing - speaking/listening – experience to meet the Montana Common Core Standards for Literacy. However, they are just that – suggestions and possible models for other units and texts. Any reading/writing suggestions may convert to Reading/Writing Strategy #7 - R.A.F.T.S. prompts. Any of the prompts in "Options" B, C, and D may convert to speaking activities. Students will cite strong and thorough evidence to support their opinions or claims.

Several of the following suggestions make use of the same resources with a different emphasis or purpose, and recommendations for approaches to reading/writing may be applied to other resources as well.

1. Read the Abstract and Section 3.3, The Allotment Period (1887-1934), in the following review by Ryan W. Schmidt: "American Indian Identity and Blood Quantum in the 21st Century: A Critical Review," *Journal of Anthropology*, vol. 2011, Article ID 549521, 9 pages, 2011. [doi:10.1155/2011/549521] URL *https://www.hindawi.com/journals/janthro/2011/549521/.*

    a. Determine the thesis or major claim within the Abstract. What "substantial burden" has been "continually redefined and reconstructed over the last century and a half?" Why?

    b. Trace the arguments, claims, and evidence in the above Abstract and Section 3.3 to determine if all the evidence is valid or credible. Does Section 3.3 of the review recognize counter claims? How? What gives the review *credence* (believability)?

    c. Write a letter to the author in response to your reading the review. Recognizing an opposing claim-the idea that individual property ownership was believed by Europeans to be superior to collective property ownership-and agree or disagree with the position. Support your argument (opinion) with claims supported by credible evidence, similar to what the above review includes.

    d. Select a phrase from the review, such as "Congress could apply 'full administrative power' over tribes to dispose of Indian lands" and write a paragraph on whether you agree or disagree with the statement. Support your argument (opinion) with claims supported by credible evidence.

2. Read any of the following articles or essays listed below. Then, choose from **Activities A – D**.

- "Cleveland signs the Dawes Severalty Act." *This Day in History February 8, 1887*. URL *https://www.history.com/this-day-in-history/cleveland-signs-the-dawes-severalty-act*

- The Dawes Act (1887), transcript. URL *https://www.ourdocuments.gov/doc.php?doc=50&page=transcript*

- The 1851 Fort Laramie Treaty, *The History and Culture of the Standing Rock Oyate*. URL *https://www.ndstudies.gov/curriculum/high-school/standing-rock-oyate*

- "Wheeler-Howard Act (Indian Reorganization Act) shifts U.S. policy toward Native American right to self-determination on June 18, 1934." David Wilma, *History Link*, 2000. URL *http://www.historylink.org/File/2599*

- "The Treaty Lives On: Council Grove State Park commemorates 'the place of tall trees with no limbs,' where Indian tribes reluctantly gave up most of their homeland 150 years ago." Daryl Gadbow, 2005. *Montana Outdoors: The Magazine of Montana Fish, Wildlife & Parks.* URL *http://fwp.mt.gov/mtoutdoors/HTML/articles/2005/CouncilGrove.htm*

- "A Moral Imperative: Building a Strong Foundation for a Prosperous Future for American Indians and Alaska Natives." A speech by Ken Salazar in Sacramento, CA to the *National Congress of American Indians*, 2012. URL *https://www.doi.gov/news/pressreleases/A-Moral-Imperative-Building-a-Strong-Foundation-for-a-Prosperous-Future-for-American-Indians-and-Alaska-Natives*

- Vince Devlin, *Missoulian*, April 2015. "Clock ticking down to Kerr Dam's historic takeover by Indian tribes." URL *http://missoulian.com/news/local/clock-ticking-down-to-kerr-dam-s-historic-takeover-by/article_5c1b0831-0209-5fdb-a3bf-4fd433be05e8.html*

- "Can a legal victory make Indian Country whole again?" Sierra Crane-Murdoch in *High Country News*, 2016. URL *http://www.hcn.org/issues/48.6/a-land-divided-can-a-legal-victory-make-indian-country-whole-again*

- Chapter Four: The Allotment Period (1887-1934), in *History and Foundation of American Indian Education* written by Stan Juneau and revised and updated by Walter Fleming and Lance Foster MT OPI-IEFA Division, 2001, revised 2012-13. (pp.29-32). URL *http://opi.mt.gov/Portals/182/Page%20Files/Indian%20Education/Indian%20Education%20101/History_FoundationAmindianEd.pdf*

Activities A-D for articles and essays listed above:

A. Identify where evidence is sound/unsound, relevant/irrelevant, or accurate/fallacious.

B. Identify the purpose for writing and point of view and ways authors distinguish their own points of view from those of others.

C. With regards to a selected essay, answer the following questions: What does the text say? What inferences regarding American Indians, their past and future, may readers draw from the text?

D. Write a letter in response to one of the articles. Make a credible argument with claims supported by reasons and evidence about what you have learned from your readings and discussions following your viewing of *100 Years*.

Options for Reading Texts and for Writing Informational Essays

CCRA.R.1, 4, 6, 7, 8, 9; CCRA.W.1, 2, 4, 8, 9; CCRA.SL.1, 2, 3, 4, 5, 6

The Dawes Allotment Act had several long-lasting effects on American Indian reservations, landscapes, communities, families, and individuals.

- Trace and evaluate the supporting evidence in *100 Years* about the impacts. Were they mostly positive impacts or negative impacts? Explain. Then, using materials and additional resources identified in this unit and what you've learned from *100 Years*, list possible conflicts or impacts of allotment on American Indians living on Indian reservations. Some possible concerns and/or impacts students might address include the following:
- Differences in worldviews surrounding their immediate environments, i.e., nature and the natural world or "Mother Earth" versus agricultural land-use (farming, cattle ranching) and views on property ownership, land stewardship, natural resource development, and natural resource management styles;
- An increasingly predominant Euro-American culture, lifestyles, and values versus traditional knowledge systems, religious practices, and customs; and individual versus communal relationships, resiliency, and routines;
- Native languages passed down orally and American Indian sign language versus the English language, spoken and written (treaties, speeches, books, and other documents necessary for communication between the groups);
- In Chapter 2 of the DVD *100 Years*, Elouise talks about the Indian agent and *rations*. Mose Bruno's family talks about the Grisso Henderson Mansion built in 1926. Research one of these topics and write about the conflicts surrounding them, or pick another topic mentioned in *100 Years* and do the same.

A. Apply Reading/Writing Strategy #7 (R.A.F.T.S. prompt) to the Dawes Act and allotment. Since Congress passed the Dawes Allotment Act in 1887, how did American Indian people directly affected survive or reconcile the conflicts allotment created? How might their experiences and those of previous generations impact the generations that followed? Select one conflict and write an informative explanation for an oral presentation to adults and high school students in your community. Support your claims with evidence from *100 Years* and other materials within this unit.

B. Create a Venn diagram to compare and contrast impacts or conflicts from (A) above. In what ways does the DVD *100 Years* effectively portray them?

C. Read one or more of the following resources, then respond with one of the options (a or b) below:

- Selected excerpts from Judge Lamberth Memorandum "Historical Accounting" and additional remarks
- Song lyrics *On Ghost Ridge,* written by Nicholas Pike and performed by Yuna
- Chapter Four: The Allotment Period (1887-1934), in *History and Foundation of American Indian Education*, or other selected readings from Appendix F Resources.

a. Select one of the themes *100 Years* and these readings share, such as *differing perspectives, justice and injustice, cultural and personal loss and survival (or resilience), differing worldviews, stereotypes and racism*. Complete the following sentence: "When I finished watching the DVD and reading these materials, I believed _____ is the most important or most significant theme, because _____.

b. Select one of the themes *100 Years* shares with a poem from *Birthright: Born to Poetry: A Collection of Montana Indian Poetry* and complete a similar exercise. See *Birthright* at URL *http://opi.mt.gov/Portals/182/Page%20Files/Indian%20Education/Language%20Arts/Birthright%20Born%20to%20Poetry%20-%206-8%20and%20HS.pdf*

D. Read and analyze any of the following texts for its historical and literary significance, paying attention to themes, purposes, and rhetorical features, the language, purposes, and possible impacts on Indian people in Montana and/or elsewhere in the United States:

- The Declaration of Independence, URL *http://www.archives.gov/exhibits/charters/declaration_transcript.html* Delineate and evaluate the portions of the text relating to American Indians. What was Jefferson's perspective on Indians? What was his purpose in including these comments about Indians? How might those arguments have impacted federal Indian policy in the late 1900s? Search the document for references to "savages."
- 1855 Lame Bull Treaty with the Blackfeet, URL *https://dc.library.okstate.edu/digital/collection/kapplers/id/25853*
- Full text of the "Report of the Commissioner of Indian Affairs to the Secretary of the Interior 1908," URL *http://www.archive.org/stream/usindianaffairs08usdorich/usindianaffairs08usdorich_djvu.txt*
- "1887 Dawes Severalty Act," URL *https://www.ourdocuments.gov/doc.php?flash=false&doc=50&page=transcript* The Dawes Act begins with *"Be it enacted…"* and the verb *"shall"* appears throughout the document. What do those words mean in this context? What does the act say and suggest about Indians?
- Read other essays or articles (listed below) related to the issues presented in *100 Years*. Trace and evaluate the claims. How do the writings provide alternate evidence? Compare and contrast them with each other. Options:
- "Cleveland signs Dawes Severalty Act," *This Day in History February 8, 1887*. URL https://www.history.com/this-day-in-history/cleveland-signs-the-dawes-severalty-act
- "Wheeler-Howard Act (Indian Reorganization Act) shifts U.S. Policy toward Native American right to self-determination on June 18, 1934." David Wilma, *History Link*, 2000. URL *http://www.historylink.org/File/2599*
- "Can a legal victory make Indian Country whole again?" Sierra Crane-Murdoch, *High Country News*, 2016. URL *http://www.hcn.org/issues/48.6/a-land-divided-can-a-legal-victory-make-indian-country-whole-again*
- "Chapter Six: Tribal Histories Narrative – Allotment and Homesteading: Losing the Land," in *Montana Tribal Histories: Educator's Resource Guide* developed by Julie Cajune by MT OPI, 2011, revised 2013. (pp. 106-109). URL *http://opi.mt.gov/Portals/182/Page%20Files/Indian%20Education/Social%20Studies/K-12%20Resources/MT%20Tribal%20 Histories%20Educators%20Resource%20Guide.pdf*

- "The Dawes Act: Allotments Subdivide the Reservations" in *Montana: Stories of the Land* by Krys Holmes. Montana Historical Society Press, Helena, MT, 2008. (pp. 219-222, 303-305, 365-367, 406-407, 456-458). URL *http://svcalt.mt.gov/education/textbook/Chapter11/Chapter11.asp* For the entire textbook, see URL *http://svcalt.mt.gov/education/textbook/Introduction.asp*

E. Reading/Writing Strategy #7 – R.A.F.T.S. prompt: Write an Informative/Explanatory essay or review of the DVD *100 Years* where you identify the perspective of each and support your conclusion of the perspective with at least three comments or images from each to support your claims. Your thesis statement should represent a conclusion that reflects your understanding regarding all three. You might consider these questions: What characteristics do they share? How might one differ from the others? How do the speakers' comments change or add to your understanding of the story? Select an audience for your review: readers of *Indian Country Today*, a state newspaper, or one of Montana's tribal newspapers.

Options for Reading and Writing Narratives

CRA.R.1, 2; CCRA.W.2, 3, 8, 9

A. Read "Can a legal victory make Indian Country whole again?" by Sierra Crane-Murdoch, in *High Country News*, 2016. (URL *http://www.hcn.org/issues/48.6/a-land-divided-can-a-legal-victory-make-indian-country-whole-again*) Write an objective summary.

B. Read the 1887 Dawes Severalty Act at URL *https://www.ourdocuments.gov/doc.php?flash=true&doc=50&page=transcript*. Determine the central idea(s) and then examine how they are developed throughout the act. Write an objective summary. What does the article say explicitly and what might you infer from the words or phrases? For example: How does the text exhibit uncertainty about what this means?

Focusing on Engagement, Advocacy, Leadership, and Service

A. Ideas for engagement and advocacy:

- Subscribe to an online newsletter, such as the one found at *100 Years: One Woman's Fight for Justice* website, URL *https://www.100yearsthemovie.com/*.
- Write a movie review for *100 Years* and send it to a local newspaper or online review site.
- Sponsor an information dissemination session at your school or community center with like-minded individuals.
- Write a letter to the editor of your local newspaper supporting an issue you care about.
- Volunteer at a local shelter or nonprofit that serves the poor or disenfranchised in your community.
- Volunteer with a nonprofit organization that focuses on land stewardship or natural resource conservation.
- Donate to a local charity or help support a local nonprofit organization with their fundraising campaign.

B. There are many online sites with interesting newsletters or blogs to choose from. Start your search for opportunities for civic engagement here:

- Women's e-news: Covering Women's issues/changing women's lives, URL *http://us12.campaign-archive2.com/?u=f8aa48cf51fc5769dc5ce8dd9&id=33ed9efa50&e=870b250884*
- Teaching Montana History, Tarr's Toolbox and History Tech, URL *http://teachingmontanahistory.blogspot.com/2015/04/tarrs-toolbox-and-history-tech-two.html*
- Read any one of the following and write a review of it, or write your own article on a topic you feel passionate about to be printed in a local publication, or write an article about a person whose work you admire.
- "The U.S. Behaves Nothing Like a Democracy," by Noam Chomsky, *Salon,* August 17, 2013. URL *https://www.salon.com/2013/08/17/chomsky_the_u_s_behaves_nothing_like_a_democracy/*
- *Resilience: Stories of Montana Indian Woman*, by Laura K. Ferguson, published by the Montana Historical Society Press, 2016. URL *http://opi.mt.gov/Portals/182/Page%20Files/Indian%20Education/Language%20Arts/Resilience%20Stories%20of%20Montana%20Indian%20Women.pdf*
- "For America To Live, Europe Must Die," by Russell Means, 1980. Printed in *Attack The System,* October 23, 2012. *http://attackthesystem.com/2012/10/23/for-america-to-live-europe-must-die/*
- "Traditional Wisdom and Climate Change: Contribution of Wilderness Stories to Adaptation and Survival," by Alan Watson, Linda Moon-Stumpff, and Jennifer Neidinger, published by *International Journal of Wilderness*. 18, no. 2, August 21-25, 2012.
- *Red Alert: Saving the Planet with Indigenous Knowledge*, by Daniel R. Wildcat, published by Fulcrum, 2009.

C. For a classroom extension and alternate activity go to Tarr's Toolbox (URL *http://teachingmontanahistory.blogspot.com/2015/04/tarrs-toolbox-and-history-tech-two.html*). Then go to Classroom Debate/Discussion Strategies, Comparing, Contrasting (February 9, 2017) and read the Overview on Writing "Dialogue Poems" to compare and contrast viewpoints using the Case Study, "Two Woman," and then read aloud the poem "I am a woman." Write a dialogue poem from two differing perspectives. Then read the Taking it Further section, and compare and contrast film subjects from *100 Years*: for example, the lead plaintiff, Elouise Cobell, and Senator John McCain; the Special Master Alan Balaran, appointed by the Court, and the Associate Deputy Secretary for the Department of the Interior, James Cason; the Native American Rights Fund Executive Director, John Echohawk, and the Special Trustee, Ross Swimmer; the Elder Navajo woman, Mary Johnson who is speaking Navajo in the film, and her much younger daughter, Susie Philemon, who is speaking English; the first Special Trustee, Paul Homan, and Tex Hall, former President of the National Congress of American Indians; someone who lives on an American Indian reservation on allotted lands and someone who lives in a city similar to Washington, DC.

Use what you've learned and the "Taking it Further" section to write another dialogue poem. Compare and contrast topics (not people) from the film along with current issues. For example, use the Honor the Promises protestors and the more recent protestors at Standing Rock, North Dakota, who have been disputing the Dakota Access Pipeline.

On the same site, Tarr's Toolbox, go to Teaching Students about Themes, Personalities, Issues of Interpretation, Using "Character Cards" to understand the motives/actions of key individuals (April 2, 2016). Students will think through the issues in *100 Years* before watching the film and learning about what actually happened. The teacher must have watched the film at least once prior to students' viewing. Read the Overview and Method 1: Using "before" role cards to anticipate how key characters will react to circumstances, and then follow the example provided.

Appendix A: Grades 6-12 College and Career Readiness Anchor Standards

This unit addresses the Montana Common Core Literacy Standards. It offers levels of thinking and response to meet the needs of students from a variety of grade levels and abilities. The entire unit, with the standards identified and referenced, provides a model for language and activities that teachers can apply to other resources or texts. However, all activities easily meet a variety of MCCS, even though the standard isn't specifically named.

College and Career Readiness Anchor Standards for Speaking and Listening (CCRA.SL)

Comprehension and Collaboration

CCRA.SL.1 Prepare for and participate effectively in a range of conversations and collaborations with diverse partners, building on others' ideas and expressing their own clearly and persuasively.
CCRA.SL.2 Integrate and evaluate information presented in diverse media and formats, including visually, quantitatively, and orally.
CCRA.SL.3 Evaluate a speaker's point of view, reasoning, and use of evidence and rhetoric.

Presentation of Knowledge and Ideas

CCRA.SL.4 Present information, findings, and supporting evidence such that listeners can follow the line of reasoning and the organization, development, and style are appropriate to task, purpose, and audience.
CCRA.SL.5 Make strategic use of digital media and visual displays of data to express information and enhance understanding of presentations.
CCRA.SL.6 Adapt speech to a variety of contexts and communicate tasks, demonstrating command of formal English when indicated or appropriate.

College and Career Readiness Anchor Standards for Reading (CCRA.R)

Key Ideas and Details

CCRA.R.1 Read closely to determine what the text says explicitly and to make logical inferences from it; cite specific textual evidence when writing or speaking to support conclusions drawn from the text, including works by and about American Indians.
CCRA.R.2 Determine central ideas or themes of a text and analyze their development; summarize the key supporting details and ideas.
CCRA.R.3 Analyze how and why individuals, events, and ideas develop and interact over the course of a text.

Craft and Structure

CCRA.R.4 Interpret words and phrases as they are used in a text, including determining technical, connotative, and figurative meanings, and analyze how specific word choices shape meaning or tone.
CCRA.R.5 Analyze the structure of texts, including how specific sentences, paragraphs, and larger

portions of the text (e.g., a section, chapter, scene, or stanza) relate to each other and the whole.
CCRA.R.6 Assess how point of view or purpose shapes the content and style of a text.

Integration of Knowledge and Ideas

CCRA.R.7 Integrate and evaluate content presented in diverse media and formats, including visually and quantitatively, as well as in words.
CCRA.R.8 Delineate and evaluate the argument and specific claims in a text, including the validity of the reasoning as well as the relevance and sufficiency of the evidence.
CCRA.R.9 Analyze how two or more texts address similar themes or topics in order to build knowledge or to compare the approaches the authors take.

Range of Reading and Level of Text Complexity

CCRA.R.10 Read and comprehend complex literary and informational texts independently and proficiently.

College and Career Readiness Anchor Standards for Writing (CCRA.W) Text Types and Purposes

CCRA.W.1 Write arguments to support claims in an analysis of substantive topics or texts, using valid reasoning and relevant and sufficient evidence.
CCRA.W.2 Write informative/explanatory texts to examine and convey complex ideas and information clearly and accurately through the effective selection, organization, and analysis of content.
CCRA.W.3 Write narratives to develop real or imagined experiences or events using effective technique, well-chosen details, and well-structured event sequences.

Production and Distribution of Writing

CCRA.W.4 Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.
CCRA.W.5 Develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach.
CCRA.W.6 Use technology, including the Internet, to produce and publish writing and to interact and collaborate with others.

Research to Build and Present Knowledge

CCRA.W.7 Conduct short as well as more sustained research projects based on focused questions, demonstrating understanding of the subject under investigation.
CCRA.W.8 Gather relevant information from multiple print and digital sources, assess the credibility and accuracy of each source, and integrate the information while avoiding plagiarism.
CCRA.W.9 Draw evidence from literary or informational texts to support analysis, reflection, and research.

Range of Writing

CCRA.W.10 Write routinely over extended time frames (time for research, reflection, and revision) and shorter time frames (a single sitting or a day or two) for a range of tasks, purposes, and audiences.

For the sake of space, this document provides **Anchor Standards** (CCRA) without grade-level differentiation. Teachers at each grade level may access specific descriptions for their students' grade level at the following site.

Reading Informational Texts, Reading Literature, Writing, and Speaking and Listening *URL http://opi.mt.gov/Educators/Teaching-Learning/K-12-Content-Standards-Revision/English-Language-Arts-Literacy-Standards*

Appendix B: Essential Understandings Regarding Montana Indians

1. There is great diversity among the twelve sovereign tribes of Montana in their languages, cultures, histories, and governments. Each tribe has a distinct and unique cultural heritage that contributes to modern Montana.

2. Just as there is great diversity among tribal nations, there is great diversity among individual American Indians as identity is developed, defined, and redefined by entities, organizations, and people. There is no generic American Indian.

3. The ideologies of Native traditional beliefs and spirituality persist into modern day life as tribal cultures, traditions, and languages are still practiced by many American Indian people and are incorporated into how tribes govern and manage their affairs. Additionally, each tribe has its own oral histories, which are as valid as written histories. These histories predate the "discovery" of North America.

4. Though there have been tribal peoples living successfully on the North American lands for millennia, reservations are lands that have been reserved by or for tribes for their exclusive use as permanent homelands. Some were created through treaties, while others were created by statutes and executive orders. The principle that land should be acquired from tribes only through their consent with treaties involved three assumptions: I. Both parties to treaties were sovereign powers; II. Indian tribes had some form of transferable title to the land; III. Acquisition of Indian lands was solely a government matter not to be left to individual colonists or states.

5. There were many federal policies put into place throughout American history that have affected Indian people and continue to shape who they are today. Many of these policies conflicted with one another. Much of Indian history can be related through several major federal policy periods: a. Colonization/Colonial Period, 1492-1800s; b. Treaty-Making and Removal Period, 1778-1871; c. Reservation Period – Allotment and Assimilation, 1887-1934; d. Tribal Reorganization Period, 1934-1953; e. Termination and Relocation Period, 1953-1968; f. Self-Determination Period, 1975-Present

6. History is a story most often related through the subjective experience of the teller. With the inclusion of more and varied voices, histories are being rediscovered and revised. History told from American Indian perspectives frequently conflicts with the stories mainstream historians tell.

7. American Indian tribal nations are inherent sovereign nations and they possess sovereign powers, separate and independent from the federal and state governments. However, under the American legal system, the extent and breadth of self-governing powers are not the same for each tribe.

Appendix C: Background information for the Essential Understandings specifically addressed in this unit (listed on page 4)

Montana Context

A reservation is a territory reserved by tribes as a permanent tribal homeland. Some reservations were created through treaties, while statutes or executive orders created others.

RESERVATION	TRIBAL GROUP(S)
Flathead	Salish, Kootenai, Pend d' Oreille
Blackfeet	Blackfeet
Rocky Boy	Chippewa-Cree
Fort Belknap	Gros Ventre, Assiniboine
Fort Peck	Sioux, Assiniboine
Northern Cheyenne	Northern Cheyenne
Crow	Crow

The Little Shell Chippewa Tribe is without a reservation or land base, and members live in various parts of Montana. Their tribal headquarters is located in Great Falls, Montana.

About 35 percent of the Montana Indian population does not live on reservations. Instead, they reside in the small communities or urban areas of Montana.

The individual histories and circumstances of Montana urban Indian people are as diverse as the people themselves. The majority of Indian students in Montana attend public schools. There is one tribally controlled school on the Northern Cheyenne Reservation and one on the Flathead Reservation. Each reservation also has its own tribally controlled community college.

Essential Understanding 4

Indian Nations located in Montana Territory prior to the passage of the Montana Constitution in 1889 held large land bases as negotiated through their treaties with the United States. The treaties assigned tribes to certain areas and obligated them to respect the land of their neighbors. However, in the 1860s, as miners and others rushed into the prime gold fields that often lay along or within the designated tribal lands, tribal life was disrupted. The new inhabitants demanded federal protection. These demands resulted in the establishment of forts in Montana and the eventual relocation of the tribes to smaller and smaller reserves.

The federal government and many Montana citizens did not understand the lifestyles of Montana Indian tribes. Consequently, the tribes were often dealt with from non-Indian expectations and points of view. However, the federal government did understand that these tribal groups were sovereign nations and that they needed to enter into treaty negotiations with the tribes.

Essential Understanding 5

Colonization/Colonial Period 1492 – 1800s: Indian nations initially possessed and were in full control of their territories and resources, maintaining their right to use and occupy their lands. During this period, non-Indians developed the ideas which would later "justify" the taking of Indian lands. From Columbus' first expedition to the first colony at Jamestown, the Doctrine of Discovery proclaimed that non-Christian peoples have no legal right to their land and territories, affirming the right of European nations to acquire legal title to those lands. The concept of Manifest Destiny extended the idea that the US government had the sole right to buy lands from Indian tribal governments.

Treaty Period 1789 – 1871: The French, English, Spanish, and Dutch entered into treaties of commerce and military alliances with Indian nations as independent, sovereign nations. During the American Revolution, the colonies and Great Britain entered into various military alliances with Indian nations. Indian nations fought on both sides of the conflict. The 1830 Indian Removal Act exiled Eastern tribes to the west side of the Mississippi River. The 1862 Homestead Act and the Pacific Railroad Act were two pieces of legislation influential in threatening treaty obligations and opening western Indian lands to non-Indian settlement. In 1871, the federal government ended the practice of making treaties with Indian nations, although it still engaged in negotiations with Indian governments regarding land cessions. There are numerous treaties with Montana tribal nations that led to the establishment of reservations, e.g., 1851 Ft. Laramie Treaty with the Dakota, Cheyenne, Assiniboine, and Crow; 1855 Hell Gate Treaty with the Salish, Kootenai, and Pend d'Oreille; 1855 Lame Bull Treaty with the Blackfeet; 1866 Ft. Belknap Treaty; 1868 Agreement with the Gros Ventre. Primary documents can be found at - *http://digital.library.okstate.edu?Kappler/*

Reservation Period – Allotment and Assimilation1887 – 1934: During this era, the first wave of non-Indian settlers moved across the West. The federal government, desiring to free up treaty-protected Indian lands for successive waves of settlers, pursued a policy of dispossession and assimilation. The massive loss of Indian lands and resources impoverished tribes and impeded the development of reservation economies.

The General Allotment, or Dawes Severalty Act, passed in 1887. Parcels of land were allotted to individual Indian families, encouraging agriculture and breaking up communal tribal lands. Land that was not allotted was considered surplus and then authorized for sale to non-Indian buyers, resulting in a "checkerboard" pattern of Indian and non-Indian land ownership on reservations. The US policy during this period was to relocate Indian children to government-run or religious boarding schools, where they were forbidden to speak their language or practice their religions or cultures so they could be assimilated to the dominant culture. In 1924 American Indians became US citizens.

Tribal Reorganization Period 1934 – 1953: In 1934, Congress passed the Indian Reorganization Act (Wheeler-Howard) in response to the failure of assimilationist policies. Under the Act, allotment of Indian reservations ended; Indian allotments were put into permanent trust status - not alienable or taxable; Indian nations were allowed to establish governments or business committees, with constitutions, charters, and by-laws, to take over reservation governance, subject to the ultimate authority of the federal government. Under the IRA, 161 constitutions and 131 charters were adopted by Indian nations.

Termination and Relocation Period 1953 – 1968: During this period, Congress passed dozens of acts terminating the existence of specific tribal governments and reservations. In total, 109 Indian governments were terminated, affecting 1,362,155 acres of land and 11,466 Indian people. Under these acts, Indian lands were sold, state legislative and taxation authority was imposed, federal programs were discontinued, and the tribes' sovereign authority ended. These acts targeted specific tribes and did not repeal or modify existing tribal governments in Montana. The federal government pursued a policy of relocating Indians to urban areas under the assumption that training and employment opportunities there would improve their economic situation. Most people participating returned home in the '60s and '70s.

Self-determination Period 1975 – Present: Congress embarked on a policy of encouraging tribal self-government, shifting the management of federal programs from the Bureau of Indian Affairs (BIA) to tribal governments. In 1972, the Indian Self-determination Act affirmed tribal sovereignty. In 1994, the Tribal Self-Governance Act established permanent tribal self-governance while maintaining the trust responsibility of the federal government. Successive presidential administrations have affirmed a policy of protecting the integrity of tribal governments through the maintenance of federal-tribal government-to-government relationships. President Johnson first proposed self-determination as a goal in 1968. The latest Presidential Executive Order of December 2, 2011, reaffirms tribal integrity.

Essential Understanding 6

Much of America's history has been told from the Euro-American perspective. Only recently have American Indians begun to write about and retell history from an indigenous perspective.

Books such as *Lies My Teacher Told Me*, by James W. Loewen, expose the underlying bias within much of our history curriculum that has excluded certain voices. In examining current curriculum content, it is important to keep in mind:

Children's history books use terms such as "westward expansion" and "Manifest Destiny" to describe what would be more accurately called ethnic genocide. These books alternately portray Indians as "noble savages," "faithful Indian guides," or "sneaky savages" who lead "ambushes" and "massacres," while in contrast, cavalrymen fight " brave battles." These books propagandize the "glory and honor" of taking land and oppressing native people for European purposes that are portrayed as holy and valid (Skinner).

A transformation such as the following would benefit all Americans as we work on building a free and democratic society for all:

A multicultural history curriculum, by focusing on the experiences of men and women of diverse racial, ethnic, and religious groups in United States history, will provide students with a historical context in which to situate and understand the experiences and perspectives of these groups in American society today (Mehan, et al.133).

Essential Understanding 7

Before colonization, Indian tribes possessed complete sovereignty. However, given the governmental structure of the United States and the complex history of tribal-federal relations, tribes are now classified as domestic dependent nations. This means tribes have the power to define their own membership, structure and operate their tribal governments, regulate domestic

relations; settle disputes; manage their property and resources; raise tax revenues; regulate businesses; and conduct relations with other governments. It also means that the federal government is obligated to protect tribal lands and resources; protect the tribes' right to self-government; and provide social, medical, educational, and economic development services necessary for the survival and advancement of tribes (Echohawk).

A very important but often unappreciated point is that tribal sovereignty does not arise out of the United States government, congressional acts, executive orders, treaties, or any other source outside the tribe. As Felix Cohen puts it, "perhaps the most basic principle of all Indian law... is that those powers which are lawfully vested in an Indian tribe are not, in general, delegated powers granted by expressed acts of Congress, but rather inherent powers of a limited sovereignty, which has never been extinguished" (Cohen 122).

Sovereignty can be defined as: The supreme power from which all political powers are derived. It is inherent - it cannot be given to one group by another. In government-to-government negotiations, states and Indian nations exercise or use their sovereign powers. "Sovereignty ensures self-government, cultural preservation, and a people's control of their future. Sovereignty affirms the political identity of Indian Nations - they are not simply a racial or ethnic minority" (Chavaree).

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Appendix D: Rubric for Short Informative/Argumentative Essay Response

CRITERION #1 (check one)
_____**3 points** The FIRST SENTENCE provides a clear and engaging one-sentence answer to the question or prompt (claim) that reveals the author's purpose with this essay response.
_____**2 points** The FIRST SENTENCE is clear, but it may not incorporate the question in the answer.
_____**0 points** The FIRST SENTENCE does not reveal the writer's intent in this essay response.

CRITERION #2 (check one)
_____**10 points** IDEAS AND CONTENT: The examples the writer presents to explain the reasons behind his/her opinions are developed, specific, clear, with solid evidence from the text. They relate to the writer's intent, as introduced in the first sentence.
_____**8 points** IDEAS AND CONTENT: The writer begins to define the topic, even though development is basic or general.
The reader is left with questions and more information is needed. Ideas are clear but not detailed.
_____**6 points** IDEAS AND CONTENT: The writer has completed the required response, but examples used seem arbitrary or disconnected from any unifying purpose.

CRITERION #3 (check one)
_____**10 points** ORGANIZATION: The order or presentation of information is compelling, and it logically moves the reader through the text.
_____**8 points** ORGANIZATION: The writer uses appropriate paragraph breaks but lacks necessary transitions between sentences. The conclusion may not tie up all loose ends.
_____**7 points** ORGANIZATION: The writer has completed the required response, but it rambles and adds information without purpose, lacks useful transitions and paragraph breaks.

CRITERION #4 (check one)
_____**5 points** WORD CHOICE: The words are precise and engaging, and the paper maintains a consistent point-of-view with no slang.
_____**4 points** WORD CHOICE: The writing relies on generalizations, although at times it might have some specific color and interest.
_____**3 points** WORD CHOICE: The words are not specific; point of view shifts from first, to second, to third person, and the writer relies on slang.

CRITERION #5 (check one)
_____**2 points** CONVENTIONS: The writer demonstrates a good grasp of standard writing conventions (spelling, punctuation, and grammar, usage)
_____**1 points** CONVENTIONS: The writer makes many spelling, punctuation, and grammatical errors.
_____**Total Points** /30

Appendix E: Film Subjects

Elouise Cobell was the lead plaintiff of Cobell v. Salazar (original case Cobell v. Babbitt) and the main character of the film. The follows her on the Blackfeet reservation as she tends to her cattle on the ranch, manages the lawsuit from her tiny Blackfeet Development Office, attends the local powwow, testifies before Congress, travels across country to speak to Indian beneficiaries, and steadfastly fights for justice. She is a Blackfeet Warrior and the great-granddaughter of Mountain Chief, a Blackfeet Warrior who refused to compromise with the US government.

Cora Bunnie is a Navajo Indian who has three oil wells on her land. Oil crews were surveying the land when the production crew was filming. Her land was targeted as one of the 1200 new wells that were fast tracked for development under President George W. Bush. She received checks ranging from one penny to $30 a month. One time she received a check for $2,000. Her name was spelled wrong and it took her one year to get the funds.

Keith Harper is a member of the Cherokee Nation of Oklahoma and one of the lead attorneys for the plaintiffs in the Cobell lawsuit. He has represented the plaintiffs since the beginning of the case in 1996. He and Elouise frequently traveled through Indian Country updating Indian beneficiaries on the status of the lawsuit.

Tex Hall, Former Chief of the Mandan, Hidatsa and Arikara Tribes of North Dakota and the former two-term President of National Congress of American Indians, (NCAI), testified before the US Senate Committee on Indian Affairs Oversight Hearing on Potential Settlement Mechanisms for the Cobell lawsuit. He was a key player in the suit as a friend of the court and has been one of the biggest advocates of settlement of the case.

Joe Christie was the former special assistant to the first Special Trustee, Paul Homan, and served as the records manager for the Office of Trust Fund Management under the Clinton administration. He was considered the expert on all record management issues. Under his direction, records contaminated with the deadly hanta virus were discovered in old barns. He was wrongly stripped of his trust management and trust reform duties and threatened by defendants and their counsel.

Paul Homan was the first Special Trustee for American Indians during the Clinton administration under Secretary Bruce Babbitt. He testified the government ultimately might have to place the accounts in the hands of a receiver to cure the many problems he observed in the three years he served as the Department of the Interior's Special Trustee.

Federal Judge Royce C. Lamberth, a Reagan appointee, presided over the Indian Trust case for over ten years. He described the Department of the Interior's handling of the Individual Indian Money trust as, "the gold standard for mismanagement by the federal government." His July 12, 2005, harsh opinion of the Department of the Interior's handling of the Indian Trust Fund was the grounds for his removal in 2006.

Alan Balaran was the Special Master, appointed by Judge Lamberth to investigate the Department of the Interior's handling of the Indian Trust Fund. He worked on the case for five years and traveled thousands of miles in Indian Country talking to both the beneficiaries and Bureau of Indian Affairs employees. He uncovered right of way appraisals for Indian lands that were 1/10th of what non-Indians were paid and hired computer hackers to infiltrate the Indian Trust Fund online accounts to show the vulnerability to the court.

Ross Swimmer served as Special Trustee for the American Indians for the Department of the Interior under President George W. Bush since 2003. He was in charge of overseeing the Indian Trust Reform efforts of the Department of the Interior with a budget of $3 billion. He believes the problems of the Trust were mainly due to fractionation of the land.

James Cason was the acting Assistant Secretary of Indian Affairs in the Department of the Interior under President George W. Bush. He testified in the majority of Indian Trust Congressional hearings.

Mad Dog Kennerly was a Blackfeet Indian who owned oil and gas land in Cut Bank, Montana. He lived in a shack with no running water and made beaded necklaces to supplement his $89 a month oil payments from the government.

Earl Devaney was the Inspector General of the Department of the Interior. During his interview he said, "short of a crime, anything goes at the highest level of the Department of the Interior." He discussed the lack of auditing of oil companies by the Mineral Management Services and the re-creation of audits when audits could not be found.

Appendix F: Biographical and Informational Sketches

Elouise Pepion Cobell

Elouise's ancestry includes notable people from the fairly recent past whose lives have impacted history. Events surrounding some of these individuals are interesting to note, especially in relationship to traditional Indian lands, and past and present issues affecting American Indians.

Elouise was seventh of nine children. She was born November 5, 1945, to Polite Lawrence Pepion (b.1908) and Catherine Dubray (b. 1909). A Blackfeet Indian woman named Little Snake, whose birthdate and death have not been recorded here, was Elouise's paternal great grandmother. Little Snake's mother was called Charging Across Quartering. Little Snake was a sister to Wise Owl Child and Mountain Chief II (b. 1848), notorious half-brothers in a very large family. Little Snake's father was the prominent and celebrated Blackfeet leader, Mountain Chief, *ninna stakko*, Elouise's great-great grandfather.

The elder Mountain Chief apparently was the first Blackfeet Indian to bear the legendary name. According to one account, he acquired it from a fur trader while he was traveling to Canada from Montana. Telling the trapper he had traveled from *"far to the west"* where his home was located near the Chief of the mountains, the fur trader gave him the name. In another version of the story Yellow Kidney told to Claude Schaeffer in 1949 (Hungry Wolf 2006), the mountain itself, Chief Mountain, whispered its name to the young man while he was hunting in the area and the mountain's voice became his.

Mountain Chief I was also part of a large extended family and he kept a number of sacred objects to retain their power. The elder Mountain Chief used skin of the pine squirrel, *Ikaiisi* in his braided hair to protect himself from bullets (Hungry Wolf 2006). He regularly called upon the thunder with a small hand drum and hide-covered rattle, petitioning the Above Persons, *sspomitapiiksi* for aid near his namesake mountain they so often frequented. He wore a large, round medal, which he had made according to a dream that embodied the life-sustaining power of the sun.

Mountain Chief I emerged as a courageous leader early in life. His father was Kicking Woman and his mother was Chief Killer. According to information recorded by Donald Collier in 1938 and interpreted by Richard "Chief Bull" Sanderville in Pikunni Biographies (Hungry Wolf 2006), Mountain Chief had seventeen brothers, nearly thirty sisters, and fathered over twenty children with five wives. Mountain Chief became Chief of the Blood Band of Pikunni between 1804-1806, around the time Lewis and Clark made their historic journey west.

Mountain Chief I celebrated one of his young son's accomplishments with a sweat lodge ceremony, calling on male elders to pray for the child's future success after his boy, Big Brave, killed and processed his first buffalo calf. The day after the ceremony, Mountain Chief I moved his camp of about fifty lodges to Canada's Cypress Hills region in what is now southwestern Saskatchewan and southeastern Alberta (Hungry Wolf 2006). From there, Mountain Chief's Band traveled south to the Milk River and even further, to winter along the Marias or Bear River and then the Two Medicine River, finally moving their community the following spring southeast to the Teton River.

Mountain Chief I signed the 1855 Treaty (ccrh.org 2015) with his friend and fellow Chief Lame Bull, among others. The Blackfeet Treaty of 1855, also known as Lame Bull's Treaty delineated

a *"Common Hunting Ground"* along Montana's southern border between the Rocky Mountains and the Yellowstone River. The Blackfeet were to share this common ground with other buffalo hunting tribes in the area and west of the Rockies (Farr 2012). The "exclusive" Blackfeet territory's southern boundary stemmed from Hell Gate pass on the Continental Divide and extended eastward all the way to the Musselshell River, a tributary of the Missouri. The territory's northern boundary stretched to the 49th parallel.

Mountain Chief I lived until 1872. He is buried in Choteau near the area formerly known to Blackfeet as Four Persons agency on the Teton River, before it was moved in 1874. Chewing Black Bones recounted in 1949, how he had been around five when Mountain Chief died from a gunshot wound to the stomach after trying to stop a liquor-induced fight between two men (Hungry Wolf 2006).

Mountain Chief - Omahk katsi

Elouise's Great Uncle took his father's name Mountain Chief later in life. As a young boy, he was known as Big Brave, *omahk katsi*. Born to Charging Across Quartering in 1848, Big Brave was a half-brother to the infamous Blackfeet warrior Wise Owl Child. Their sister was Little Snake, who married Elouise's great grandfather, Polite Pepion.

Mountain Chief II also led a long, illustrious life. He was greatly admired and extensively chronicled by a number of writers, historians, photographers, and interpreters. Campbell, Collier, Dixon, Duvall, Ewers, McClintock, Sanderville (Sandoval), Schaeffer, Scott, Swims Under, Uhlenbeck, Wissler, and many of his ancestors' recorded Mountain Chief's stories. He exemplified leadership. He broke his first horse when he was only eight years old. He went on his first war raid with six of his older brothers at age fifteen (Hungry Wolf 2006). It was after this daring feat, which he hadn't asked permission to go on, that he was later honored for and given the name Big Brave. He was taken into the *"Front-Tails"* Society at age eighteen. He joined the *Pigeon* Society two years later and shortly after that, became their society leader.

Mountain Chief II traditionally recorded much of his own life story, accomplishments and significant events, by painting them chronologically on tanned buffalo hide. As an adult, Mountain Chief II was captured by Kootenai Indians and spent three weeks in captivity. During this time, he developed an affable relationship with his captor and was released, serving for a while as peacekeeper between the two nations (Hungry Wolf 2006). Like his father, the younger Mountain Chief employed power from a number of sacred objects throughout his lifetime, each of which required several songs to be sung whenever they were used. Having been in a leadership role for most of his life, he joined the Indian Police Force in 1879 and was a private (Farr 2012).

A December, 1938, Helena Independent Record article reported Donald Collier, son of John Collier, Commissioner of Indian Affairs, spent two months researching on the Blackfeet Indian Reservation for his doctoral thesis in anthropology. Donald had earlier been adopted and named Big Brave by Mountain Chief II. He was presented with Mountain Chief's beaded war shirt, having participated all of one day in a sacred pipe ceremony. Collier had traveled with members of the tribe in 1879, accompanied by James Willard Schultz to the place "down on Bear River" (Marias River), where, only nine years earlier in 1870, Major Eugene Baker, with the 2nd cavalry attacked Heavy Runner's Band of Blackfeet, mostly infirm, elderly men, women, and children in the sub-zero, early morning hours on January 23. In the harrowing aftermath, more than 200 people lay dead in the snow.

Called the *Baker Massacre* and *Murder on the Marias*, the attack was allegedly in response to the previous year's killing in 1869 of an influential Montana rancher, Malcolm Clark (Blackfeet Reservation Timeline Blackfeet Tribe, OPI 2010). Malcolm was descended from two generations of military men, but his quick temper and aggressive tendencies apparently got him expelled from West Point (Graybill 2013). Rather than face a court martial after having already been pardoned once by President Andrew Jackson for his expulsion after a fight, Malcolm went A.W.O.L. and headed west, eventually settling in southwestern Montana.

In 1864, Malcolm set up a stage-stop and built a trading post on the route between "Benton City" (Fort Benton) and *"Last Chance Gulch"* (Egan 2014), living on Prickly Pear Creek, now the vast 115,000 acre Sieben Ranch in Lewis and Clark County (Baumler 2014). Malcolm took two Blackfeet wives, one of which happened to be a sister to Wise Owl Child's wife. According to various reports, in 1867, Malcolm had raped and impregnated his sister-in-law, Wise Owl Child's wife (Graybill 2013, Hungry Wolf 2006, Wischmann, 2004 et al.). Wise Owl Child first retaliated by stealing some of Malcolm's horses, and then again in 1869 after several more conflicts, avenging his wife's assault by blatantly murdering Malcolm Clark with his gang of Blackfeet warriors.

When four companies of the US cavalry massacred Heavy Runner's Band in 1870, they had been intent on capturing Wise Owl Child, who was reportedly with his brother Mountain Chief. Knowingly or not, they struck the wrong camp. This grave mistake may very well have precipitated the Battle of the Little Big Horn in 1876.

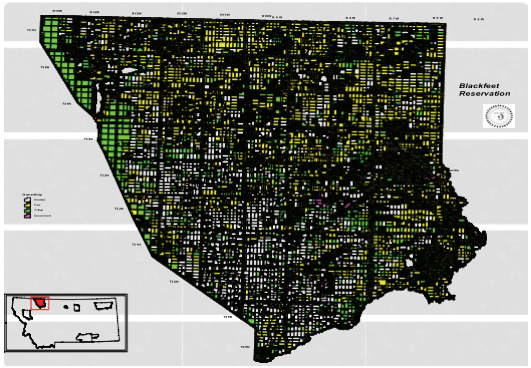
Reorganization

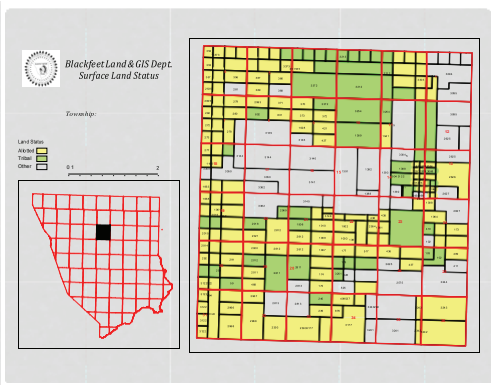
As tribes throughout the northwest fought against injustices incurred upon them by the US Government and rejected confinement on reservations, rising tensions between Indians and non-Indians continued to escalate. Before the turn of the Twentieth Century, Indians found they were rapidly becoming invisibly fenced in on smaller and smaller areas of what were once wide, sweeping landscapes. Non-Indians continued to encroach, treaties were made and broken, and in 1887, eleven years after the Battle of the Little Big Horn, Congress passed the Dawes Severalty Act.

The Dawes General Allotment Act emphasized "*severalty*," the treatment of American Indians as individuals rather than as members of tribal communities. It *severed* land, breaking up reservations into small parcels and registering them to individual Indian heads-of-households who were required to sign-up, or enroll in the program on a tribal "roll," hence the term *enrollment*. Enrollment was based on age, family status, and, unfortunately later, blood quantum. Enrollment severed families and is still a very serious matter of contention among tribal membership on reservations today. (See Chart 2 and 3 below).

Dawes focused on stimulating assimilation of Indians. For nearly twenty years after it was enacted in 1887, allotment and subsequent acts that extended its provisions resulted in nearly two-thirds of the entire Indian land base taken out of Indian ownership and control, sold or transferred to non-Indians (itlf.org 2015). Land that had been held in common by an entire tribe was then, and is now, divided up into increasingly smaller sections, or *fractionated* (See Chart 1 below).

Chart 1 – Fractionated Land Example from the Indian Land Tenure Foundation, URL *http://iltf.org/land-issues/issues/ © 2015*





Fractionated Section Detail
© 2015 Blackfeet Land and GIS Department

Chart 2 – Fractionated Blackfeet Indian Reservation Chart 3 – Fractionated Section Detail
© 2015 Blackfeet Land and GIS Department

Blackfoot Indian chiefs meet with John Collier in Rapid City, S.D. (1934)
Library of Congress, public domain. URL: *http://www.loc.gov/pictures/item/95513180/*

The foresight of John Collier, Commissioner of Indian Affairs during the time his son Donald spent on the Blackfeet Reservation, proved to be very advantageous to Indians around the country. With support from his colleagues Felix and Nancy Kramer Cohen, John got the Indian Reorganization Act (IRA) passed in 1934, essentially reversing allotment policy to restore lands to tribal ownership (Kehoe 2014). The fifty-two page IRA document attempted to secure new rights for Native Americans on reservations, restore to them management of their assets, prevent further depletion of reservation resources, build a sound economic foundation for reservation's inhabitants, and return to a system of local self-governance by tribes. One of the four major reforms of the IRA included teaching traditional arts and culture.

Indian Reorganization Act, URL *https://newdeal-renfrow.wikispaces.com/Indian+Reorganization+Act*

Elouise Cobell - Honors and Accomplishments

Elouise received many awards during her life, not all of which are included here. For more than a decade, she was treasurer for the Blackfeet Tribe, *"a bean counter,"* as she said (Cobell 2001). During the course of these thirteen years prior to 1988, Elouise discovered numerous irregularities in the management of money held in trust for individual Indians and tribes by the federal government. She attempted to seek reform from mid-1980 through late 1990, without a lot of success. Gaining support from The Native American Rights Fund (NARF) in 1996, she filed the largest class-action lawsuit against the Federal Government. The case came to be known later as Cobell v. Salazar.

Elouise was one of the founders of the Blackfeet National Bank (BNB) in 1987, the first Indian-owned financial institution in the United States (McDonald 2002). At that time, BNB supported financing for over 200 new business ventures on the Blackfeet Reservation. BNB is still the only bank in the town of Browning, currently in operation and thriving.

In 1993, Elouise helped host the Women and Foundations Corporate Philanthropy conference *"Native American Women in their Communities: Building Partnerships for Survival."* A goal of

the conference was to raise awareness among funders about issues facing Native American communities. Elouise formed new partnerships and collaborated with conference planners to ensure spouses and families were included in the three-day experience, organizing education activities for conference attendees and their children to celebrate cultural exchange.

Ten years after founding BNB, when she was fifty-two years old and only one year after she filed the lawsuit, Elouise was awarded The John D. and Katherine T. MacArthur Foundation Fellowship (MACF) *"Genius"* grant. She was still treasurer for BNB, and was recognized by the organization in 1997 for *"working tirelessly"* for her community on a number of issues, related to money management, trust funds and its monitoring, and *"abuses in the Bureau of Indian Affairs"* (macfound.org 2015).

The MACF recipients are chosen by the organization from across a broad field of professions who have a history of significant accomplishments and *"extraordinary promise."* With *no strings attached*, the MACF honorees are paid an ample amount of money over a number of years to work uninterrupted on their choice of creative projects (macfound.org 2015). Fellows are allowed to set their own agendas and are acknowledged by MACF for their commitment to building a more just and peaceful world. Elouise put her award toward settling a fifteen-year long battle for justice.

Elouise was instrumental in founding Native American Bank (NAB) in October 2001, following four years of study by a team of Indian leaders (Beans 2006) so that they could, *"provide better community bank services,"* Elouise said. At the time of the merger, Native Americans made up more than 60% of the new bank's employees. Nineteen out of 562 federally recognized tribes and four Alaskan Native Corporations were investors in NAB in its first four years of operations. NAB today continues to see a substantial amount of growth, and in 2015 they received a Department of the Interior Performance Lender Award, assigned by the Office of Indian Energy and Economic Development Division of Capital Investment, one of only three lenders in the US to earn this designation (nabna.com 2015). They also received an Economic Development Organization of the Year designation *"for sparking positive economic change in Native communities"* (nabna.com 2016).

In May 2002, as director of the Native American Community Development Corporation (NACDC), a nonprofit affiliate of NAB, which she also founded, Elouise was one of four recipients to be awarded an honorary doctorate from Montana State University (MSU) (McDonald 2002).

Founded in 1974 as a forum where women can exchange ideas and experiences, the International Women's Forum (IWF) and Leadership Foundation honored Elouise in 2002 with a *"Women Who Make a Difference"* award. In partnership with Harvard Business School, they are world leaders in women's executive development. IWF Hall of Fame awardees include Supreme Court Justices, Sandra Day O'Conner and Ruth Bader Ginsburg, the first woman to serve as Speaker of the House of Representatives, Nancy Pelosi, former U.S. Secretary of Health and Human Services, Donna Shalala, and former U.S. Secretary of State, Condoleezza Rice (iwforum.org 2015).

In 2004, the National Center for American Indian Enterprise Development (NCAIED) presented Elouise with the Jay Silverheels Achievement, Indian Progress in Business Award. Jay Silverheels, born Harold Smith in 1912, was a well- known First Nations actor for his "Tonto" role in The Lone Ranger series. NCAIED gives the award annually to an *"outstanding"* individual of Native descent for attaining personal and professional success *"while contributing to the community"* (ncaied.org 2015). NCAIED is the largest national "Indian specific" business organization in the country and has been supporting tribes for more than forty years with economic development.

The Lannan Foundation awarded Elouise the Cultural Freedom Fellowship (CFF) in 2005. Established in 1999 and first presented in 2003 to *"encourage and support leaders,"* recognize extraordinary and courageous works, and celebrate human rights to *"freedom of imagination and expression,"* as well as *"to protect valued and diverse ways of life currently threatened by globalization"* (Lannan.org 2015). The Lannan Foundation's CFF is dependent on political, economic, and environmental justice. Lannan Fellows are encouraged to write, study, research, and reflect on their personal experiences to they might educate the general public through effective communication.

Elouise shared in the American Association of Retired Persons (AARP) Magazine's 2006 Impact Award with other celebrated recipients, whom she met at their gala New York Public Library event, including actors David Hyde Pierce, Valerie Harper, Marlo Thomas, and Robert De Niro. Touting nearly 30 million readers, highlighting the individual's power to change the world and make a difference at any age, AARP gave ten "remarkable" people the Impact award for their *"innovative thinking, passion and perseverance,"* calling Elouise an advocate for financial security for Native Americans (aarp.org 2015).

In 2007, Rollins College in Winterpark, Florida's oldest post-secondary institution joined the Lannan Foundation, FORD Foundation and the Women's Leadership Exchange, among others, in *"celebrating the strength and passion"* Elouise brought to her *"advocacy for social justice"* (rollins.edu 2016). They bestowed upon Elouise an Honorary Doctor of Laws degree. Founded in 1885, Rollins is recognized as one of the top ten Liberal Arts Colleges in the country, originally forming the *"individualization in education"* concept, and removing class designations after hosting a curriculum conference with the famed psychologist and educational reformer, John Dewey. Maya Angelou and Salman Rushdie were among the speakers at Rollins Annual Colloquy that year, a *convening of intellectuals* discussing the future of liberal arts education.

In 2008, Potlatch Fund gave Elouise its Billy Frank, Jr. Natural Resource Protection Award, honoring her leadership in the potlatch *"spirit of giving"* (potlatch.org 2015). Since 2005, Potlatch's mission has been to *"inspire and build upon the Native tradition of giving,"* expanding philanthropy in Native communities throughout the northwest.

Elouise sat on a number of different boards during her career. Among them were: First Interstate Bank, Blackfeet National Bank, Native American Bank, Montana Community Foundation, Woman and Philanthropy, Smithsonian Institution's National Museum of the American Indian, National Rural Development and Finance Corporation, Tides Foundation, the Northwest Area Foundation, and The Nature Conservancy.

Completing the Circle

In May, 2010, University of Montana in Missoula dedicated The Payne Family Native American Center (PFNAC). This is the first structure of its kind for Native students on any campus in the country (Florio 2010). Elouise was one of the speakers at the event where several tribal leaders from Montana Indian reservations honored another Blackfeet woman warrior, Bonnie Heavy Runner, who founded the UM Native American Studies program. Calling the building *"a glorious reality…for a better Montana,"* Elouise would not live to see its construction fully completed.

In March, 2011, Elouise got another chance to speak at TPFNAC to college students, telling them lessons she had learned from the trust case she had taken upon herself fifteen years prior. It was here that she told the group of young people to "*stand up"* for their rights and to "*not take anything*

for granted." She said it had meant a lot to her when people would come up to her on the street and tell her the trust case was personal for them and *"not about the money"* (Briggeman 2011). Elouise talked about how complete strangers approached her and said to her it was the fact that she fought all those years on their parents and their grandparent's behalf that had made a real difference in their lives.

On June 12, 2011, Elouise received an Honorary Doctoral Degree of Humane Letters from Dartmouth College at their 240th

Commencement. Seated in a wheelchair with her legs draped in a blanket alongside former President George H. W. Bush and comedian Conan O'Brian, Elouise looked content. Dartmouth's President Kim called her a *"tireless advocate for social, environmental and agricultural causes."* He said she was someone who saw only opportunities *"where others see deficits"* (Dartmouth.edu 2011). Kim told the large crowd gathered under bright blue skies, that Elouise *"walked in two worlds"* during her endless crusade for justice. She had stayed true to her roots, he said, remaining loyal to her community, and she was committed *"to her cultural identity."*

In August, 2011, along with Montana Trial Lawyers Association (MTLA) Public Service award winner, former Montana Governor, Brian Schweitzer, Elouise received the MTLA Citizen's award, an honor for recipients who have demonstrated *"selflessness, bravery, integrity, and remarkable character in vindicating the rights of all Montanans"* (monttla.com 2015). MTLA awardees are the people they represent, as they call for accountability in government and just compensation for wrongful treatment.

Introduced September 6, 2011, by Montana Democratic Senator, John Tester, Senate Bill 1514 authorized US President Barack Obama to award Elouise with a Congressional Gold Medal of Honor (Johnson 2011). On behalf of Congress, the award was: *"In recognition of her outstanding and enduring contributions to American Indians, Alaska Natives, and the Nation through her tireless pursuit of justice"* (112th Congress 2011-2012). With its sponsorship, Congress found: in part, Elouise had *"stayed invested in issues affecting the Montana community by serving as a trustee for the Nature Conservancy of Montana,"* she *"changed immeasurably the lives of individual Indians and women in the United States,"* and she served as an inspiration to all who seek to give *"voice to the voiceless."*

President Obama said, *"It's finally time..."*

The late Elouise Cobell meets President Barack Obama at the White House. December 8, 2010. Official White House Photo by Pete Souza (used with permission).

In Memory

Elouise was born in the eleventh month of 1945. She succumbed to ovarian cancer on October 16, 2011. She died on a Sunday, having lived for sixty-five years, eleven months, and eleven days. Her funeral mass a week later was scheduled to start at 11:00 in the morning. It was at the newly constructed Browning High School gymnasium, the only place big enough to accommodate such large crowds. She arrived under a warm sun and cool breeze to a host of traditionally dressed members of the Crazy Dog Society, the Blackfeet Warrior Society, veterans, dignitaries, lawyers, and a throng of community. Drums reverberated against the surrounding hills with a deep, melancholy drift of voices carrying the fallen soldier home. In typical fashion, the ceremony started late.

The nearly thirty mile procession from Browning to Elouise's place of burial at Robare was bumper to bumper and came to a complete stop about three-quarters of the way there when the hearse broke down with mechanical problems. A handful of best-dressed cowboys transferred the casket to the back of their old run-down truck, making their way ever so slowly to the Cobell Family Blacktail Ranch. This was where Elouise had grown up, surrounded by a large, loving family on her Grandfather's allotment.

A group of young women all dressed alike stood beside a freshly dug hole in the ground. Their long black skirts fluttered like raven wings in the breeze and identical polka-dot scarves held their coiled bangs tightly in place. They were Elouise's neighbors from the Big Sky Hutterite Colony just down the road. Instead of delivering fresh vegetables, today they were singing. As they raised their faces to an infinite expanse of cerulean blue sky, their German Hymn danced with songbirds, in perfect, celestial harmony. Their friend Elouise had come back to the land she loved and she was home to stay.

When Senator Tester addressed Congress and President Obama the following week, he spoke eloquently of Elouise and said how proud he was to have nominated her for the Congressional Gold Medal. He said it was a highly distinctive award that she truly deserved (youtube.com 2011). He talked about how Elouise would forever be a role model for Native children everywhere, how she had *"set this nation on a new course,"* and how she would always be remembered as an American hero who fought long and hard for change. *"What she accomplished,"* he said, *"reminds us that any person in any part of this country has the power to stand up and make right a wrong."*

On October 18, 2011, Montana Senator Max Baucus, who had helped sponsor Bill 1514 and worked with Elouise on the legislative plan to settle the 1996 lawsuit, offered an expression of Native American insight into Elouise's *life well lived* (youtube.com 2011). He said he had lost a good friend, and, *"...the world cried when Elouise left the earth."* Among seven co-sponsors of the bill's legislation, Nevada Senator Harry Reid, issued a statement that said he was honored to recommend Elouise for the Congressional Gold Medal, the highest honor Congress can bestow upon a civilian, calling Elouise a true *"champion for justice,"* for Indian and non-Indian people around the country.

A year later, in 2012, Humanities Montana recognized Elouise as a Humanitarian Hero. Former board member Sidney Armstrong, remembered Elouise as a valued member of the Montana Community Foundation Board of Directors. She had made the world a better place, he wrote, *"serving as an inspiration to us all. Her courage, spirit and determination were an integral part of… many other initiatives which she began and then inspired others to continue"* (Egan 2015).

Elouise Catherine Pepion Cobell, *ootah koi piksakii*, Yellow Bird Woman, had come full circle. Construction was finally completed on the UM Payne Family Native American Center. In October, 2014, UM dedicated the newly constructed Elouise Cobell Land and Culture Institute, finishing off the entire garden level of the US Green Building Council LEED Platinum-certified structure. The $1.2 million Institute is *"focused on tribal land…directly linked"* to Elouise Cobell and her achievements (Szpaller 2014). It provides students with education, modern technology, and a great space for learning about the land, the environment, American Indian cultures, Blackfeet Language, Montana History, and a host of other issues so dear to her heart.

Appendix G: Film Press Kit for *100 Years: One Woman's Fight For Justice*

Filmmaker statement

How did this film come about?

In 2002 I was looking for a story to tell. I had just moved to southern California and formed Fire in the Belly Productions with a goal of "making films that make a difference." I found a small article in Mother Jones Magazine about a broken trust and Elouise Cobell's fight for justice. I was amazed that this story was not front-page news and I was shocked by the injustice perpetrated by the United States Government.

During my research and investigation, I was shocked to find that most Americans do not know about the Cobell court case, the largest class action lawsuit ever brought against the Federal Government. How can billions of dollars belonging to some of the most impoverished people in America be unaccounted for and not be front-page news? It troubled me that mainstream media always focused on Indian wealth through gaming. Unfortunately the facts about casinos and the nouveau riche American Indians are distorted, and ignore the truth---- one in three live in poverty. Among them, Mad Dog Kennerly, a Blackfeet Indian who makes beaded necklaces to supplement his $89 monthly oil payments; Mary Johnson, an 93-year old Navajo woman who has never been able to afford running water despite the four oil wells on her land; and Ruby Withrow, a Potawatomi Indian, who searched for years for answers to why her grandfather died penniless despite the oil wells that pumped 24/7 on his land. These are the invisible Indians that most Americans never see. And that is why I decided to tell this story. For if the standards of fiscal responsibility are compromised for one group of people, how safe are the rest of us? And as Judge Royce C. Lamberth said, "Justice delayed, is justice denied."

How long did it take to make the film, from concept to completion?

14 years from concept to completion. I spent about one year researching the story. It is the largest class action lawsuit ever filed against the U.S. Government and I was a bit overwhelmed. In addition, I had never set foot on an Indian reservation, I didn't know any Native Americans and I certainly didn't know any officials at the Department of the Interior. But this story got under my skin.

In 2003 I had my first pre-interview with John Echohawk, the Executive Director of the Native American Rights Fund. NARF had filed the lawsuit in 1996 with Elouise Cobell and I couldn't get Elouise to talk to me so I started my journey with John. He saw my passion for the story and spent the entire day at the NARF headquarters in Boulder, Colorado, talking to me about the lawsuit and the people who were suffering at the hands of the government. He promised to connect me to Keith Harper, one of the lead attorney's on the case and Tex Hall, President of the National Congress of American Indians, and a friend of the court.

In 2004 we started production at the opening of the National Museum of the American Indian in Washington, DC. Production continued until 2008 in eight states, the District of Columbia, and on many Indian Reservations.

In 2009, the Obama Administration began negotiations with Elouise Cobell and her attorneys and she was placed under a "gag order" and could not talk to anyone about the lawsuit.

Why did you make this film?

I made this film because I was outraged by the injustice by the U.S. Government and I wanted to bring this little known story to the world. I wondered if the U.S. Government could abuse the rights of one minority of people how safe are the rest of us? I also wanted to honor the life work of Elouise Cobell. I could not have imagined that she would pass away just four months after the approval of the $ 3.4 billion Cobell Settlement.

Share a story about filming.

We spent five days in production on the Blackfeet Reservation with Elouise. We followed her to her office, her ranch, the Heart Butte Pow Wow, the Native American Bank she started and to Ghost Ridge, the sacred burial site where 500 Blackfeet Indians starved to death. She told us that the Blackfeet Indians were living on the reservation and at the mercy of the Indian Agent. Hunting tools had been taken away from them and they had no means to survive except for the food rations distributed by the Agent. It was a harsh winter in 1884 and their food rations had been black-marketed. One by one; women, children and men died from starvation, and their bodies were thrown in a mass grave. Elouise grew up with the story and Ghost Ridge was a very special place that she visited often when she needed courage and strength to fight the most powerful government in the world. It was for them that she fought!

On the day we filmed Elouise on Ghost Ridge, I could feel the sadness as we spoke about the events that took place in 1884. The wind blew strong and there was an eeriness unlike anywhere I have ever been. After she finished, Elouise got in her car on Ghost Ridge and drove off. Just as she did, a rainbow appeared. You will see the rainbow in the film.

Did the film change from your original idea for the film as you were filming or in edit or post?

When we began production of *100 Years: One Woman's Fight for Justice* it was my desire to shed light on this little known story in hopes that the film would enlighten Americans on this grave injustice and perhaps bring about change. After several years of filming, we had depleted our funding and I was looking for more when, in late 2008, I heard that Senator Barack Obama had made a campaign promise to Native Americans to resolve the Cobell lawsuit if he was elected. Shortly after, he was elected President and in June of 2009 negotiations began between Elouise Cobell and her attorneys.

I had always believed in Elouise Cobell's fighting spirit and when she told me over and over, "The stars are aligned for Indian people to get justice." I never doubted her. In December of 2009, she triumphed when President Obama announced the $3.4 billion Cobell Settlement. It is the largest award against the Federal Government in U.S. history. The ending I had hoped and dreamed of finally came to pass! What Elouise Cobell, a petite warrior woman from the Blackfeet Tribe accomplished was historic!

Sadly on October 16, 2011, the story changed again when Elouise, who fought 30 years for justice, died of cancer just four months after the final approval of the Cobell Settlement. As her lead

attorney said at her funeral, "She saw the finish line but she was never able to cross it!" She never received a penny from the Settlement that bore her name.

On choosing the story:

When I first decided to shoot a feature length documentary about the Cobell lawsuit I was faced with many doubts; I was a non-Native and had never set foot on an Indian reservation. I did not know any Native Americans and certainly not any officials from the Department of the Interior. I felt like Elouise after she filed the largest class lawsuit in the history of America; I was frightened, but I knew I had to do this.

Determined to bring this story to the world, I set out on a two-year journey of relationship building. I traveled all over the country attending Native conferences and meeting government officials. I sought the advice of Native leaders, and Elouise Cobell, and I heard the many stories of Indian Trust beneficiaries who were the victims of the broken trust.

What I saw was heart breaking; Indians who were land rich with oil wells pumping 24/7 were living dirt poor without running water and electricity. They trusted me to tell their story, for which I am very grateful. No matter where I went, they welcomed me into their homes and their lives.

Quotes about the broken Indian Trust
"If this type of egregious action had been inflicted on any other ethnic group, there would have been a tremendous public outcry."

- Senator John McCain (R) Arizona

"The United States government made a commitment, through solemn treaty obligations when it divided Indian lands in 1887, to hold those lands in trust, to manage them wisely, and to give any income from the sale or lease of the land to its Indians owners. Our government has never fulfilled that promise."

- Former Senator Tom Daschle (D) South Dakota

"After a century of mismanaging Indian assets, it's time for our nation to keep our promises."

- Senator Maria Cantwell (D) Washington

"The Department's handling of the Individual Indian Money trust has served as the gold standard for mismanagement by the federal government for more than a century."

- Federal Judge Royce Lamberth

"The Interior Department has been the Enron of federal agencies when it comes to managing Indian trust assets."

- Representative Nick J. Rahall II, (D) West Virginia

"The way these trust fund holders have been treated….is a national disgrace. If 40,000 people were cut off Social Security, there would be an uproar in Congress."

- Representative Tom Udall (D) New Mexico

What were the challenges in making the film?

There were many challenges making *100 Years: One Woman's Fight For Justice*. The first was that I was a non-Native and I had to build relationships of trust with the Native American community. In addition, many people had reached out to Elouise Cobell for her story. But for two years,

while I was waiting for Elouise to make a decision, I traveled all across the country attending Native American conferences and meeting Native leaders and government officials. I met John Echohawk, the Executive Director of the Native American Rights Fund, who filed the lawsuit with Elouise. He became my mentor in Indian country. When I finally convinced Elouise to let me tell her story she agreed. Several years later she told a group of college students from Moorpark College, "*Every time I turned around, there was Melinda, in fact Melinda reminds me a lot of myself, she doesn't take No for an answer!*"

Another challenge was getting the government officials to agree to be interviewed. The two years I spent attending Native conferences were very valuable because I also met the women who managed the men in the Department of the Interior. I became friends with them, but they told me their bosses would not talk to me because they knew what side I was on. I told them that if they didn't talk to me I would put that in the film. They agreed to talk, but only if I followed strict protocol. We then went through an exchange of emails of questions I wanted to ask. They chose which ones I could and couldn't. That was how I got my foot in the door at the Department of the Interior.

After two years of researching and writing this story, I knew I wanted the best of the best with regards to production quality so I approached Panavision and was lucky enough to secure a grant for all principal photography. However, once I realized that many Native people do not like to have their picture taken I decided to honor their wishes and use a smaller digital video camera that was not as obtrusive.

What were the successes that you had in making this film?

The greatest success I had in making this film was the relationships of trust I built with Elouise Cobell, Native Americans and Judge Lamberth.

Every time I would film a Native family they would thank me for telling their story and many, including Elouise, gave me gifts from their own personal possessions. After we finished shooting five days with Elouise on the Blackfeet Reservation, however, she told me it was harder than fighting the lawsuit!

In addition, I considered it a huge success to interview the Honorable Judge Royce C. Lamberth, who presided over the Cobell case for ten years. At the time we spoke he was awaiting the decision from the DC District Appellate Court regarding his removal on the charges of "bias towards the Indians." He was limited in talking to me about the case and shortly after we filmed he was removed. To this day, we remain friends.

What do you want audiences to take away from this film?

I want the audience to know about the U.S. Government's gross mismanagement of Indian lands that has occurred for over 100 years. I also want them to know who Elouise Cobell is and how hard she fought for justice. Since her death, Elouise has been nominated for a Congressional Gold Medal and the Governor of Montana has declared November 5, Elouise Cobell Day in Montana. I hope that in the future her name will go down in the history books next to other great women like Rosa Parks and Harriet Beecher Stowe. I also want other indigenous groups around the world to know that there is hope for them too. Elouise often spoke to those groups. I also want the audience to recognize the environmental destruction of the Indian lands.

Talk about something with the filming process- editing; score; cinematography- if you used a new technology that had impact on your film.

When I was deciding on the music for the film, I was asked why I didn't choose to use Native American music. The reason was simple, as Elouise said in the film, "*This is not a story about Native Americans, this is a story about mismanagement of money belonging to people*." I felt that I needed this film to appeal to the mainstream audience. As I began interviewing composers I looked for someone who not only had the credentials but also had the passion for this story. My producer introduced me to Nicholas Pike, an Emmy award-winning composer. He was so interested in the film that he wrote a tribute song before I even hired him. I was very touched by the song, "On Ghost Ridge," and asked him to score the film.

I had always envisioned bringing on a top singer and when Nick approached Universal Music Group they suggested a break out artist named Yuna. She had just co-written "Crush" with Usher and the music video on You Tube already has 12 million hits. I loved her voice and we recorded Yuna at Nick's recording studio in August, 2016. Her voice was perfect for the song! "*On Ghost Ridge"* was short-listed for a Best Song for the 2017 Academy Awards.

Anything else you want to add about the making of the film and its importance.

In the past several years, I have seen a phenomenal interest in *100 Years: One Woman's Fight For Justice* by filmmaking professionals in Hollywood. As was the case with Nicholas Pike, the film also attracted veteran and Academy nominated Producer, Michele Ohayon to join me as my Producer, three years ago. In addition, veteran Executive Producer Alan Blomquist, known for his work on *Walk the Line, Chocolat*, and *The Cider House Rules*, joined me as my Executive Producer and Sound Mixer, John Ross, known for his work on *Silver Linings Playbook*, *American Hustle* and *Joy* joined to mix the sound for *100 YEARS: ONE WOMAN'S FIGHT FOR JUSTICE*. Many were working for greatly reduced rates. I believe it is the spirit of Elouise Cobell that has brought so many talented people to the film.

Production schedule and locations:

2004 - Production began in September 2004 at the opening of the National Museum of the American Indian in Washington, DC with 40,000 Native people marching along the National Mall.

Production continues in California, Montana, Arizona, New Mexico, Utah, Colorado and Washington, DC until 2008 - 120+ hours of footage are captured and condensed into a 76 minute documentary.

2009 - Negotiations begin with Elouise Cobell, her attorneys and the Obama Administration. She is prohibited from further filming and discussion of the Cobell lawsuit.

December 2009 - President Obama announces the $3.4 billion Cobell Settlement.

2010 - Congress approves the Cobell Settlement.

2011 - The federal district court approves the Cobell Settlement.

Cobell – Fight Timeline

1964 - At the age of 18, Elouise Cobell starts questioning the Bureau of Indian Affairs about her Individual Indian Monies. She is told she doesn't know how to read an account statement.

1976 - After receiving an accounting degree, she is appointed the Treasurer of the Blackfeet Tribe and discovers the accounts in "total chaos." She begins a letter writing campaign to her Senators and Congressmen.

1980s -She meets with President G.H.W. Bush's Administration to fix the broken Indian Trust. Elouise Cobell's efforts lead to the 1994 Indian Trust Reform Act passed by Congress. Two years later, nothing has changed.

June 10, 1996 - Elouise Pepion Cobell, and the Native American Rights Fund file, Cobell vs Babbitt, against the US Department of the Interior and the Department of the Treasury. The lawsuit seeks an accounting of all Individual Indian Monies held in trust by the US Government for 300,000 Native Americans.

November 1996 - US District Judge Royce C. Lamberth signs an order requiring the government to produce all records and documents pertaining to the Individual Indian Money (IIM) accounts of five named plaintiffs in the class.

March 1997 - The US Government certifies to the Court that it has produced all such documents for the five named plaintiffs.

May 1998 - Almost two years after the suit was filed the Court again orders the government to produce relevant documents and records for the five named plaintiffs.

November 1998 - Department of the Treasury's Financial Management Service destroys 162 boxes of documents.

December 1998 - Judge Lamberth issues an order to show cause why Interior Secretary Babbitt, Treasury Secretary Rubin, and Assistant Interior Secretary Gover should not be held in contempt of court for failure to produce the documents for the five named plaintiffs.

February 1999 - Judge Lamberth rules that Secretary of the Interior Bruce Babbitt, Secretary of the Treasury Robert Rubin, and Kevin Gover, Assistant Secretary of Indian Affairs, are in civil contempt of court for their failure to produce court-ordered records.

June 1999 - The first phase trial begins. It focuses on fixing the trust fund system. Secretary Babbitt admits the "fiduciary responsibilities" of the United States are "not being fulfilled."

August 1999 - Judge Lamberth orders Interior and Treasury to pay $600,000 in penalties for their long delay in reporting the destroyed documents.

October 1999 - Judge Lamberth appoints a mediator in an attempt to settle the case.

December 1999 - Judge Lamberth issues a 126-page opinion ruling that the "*United States has breached its trust duties to individual Indian trust fund beneficiaries and has unreasonably delayed trust reform efforts.*" The Court ordered continued judicial oversight for a period of at least five years.

January 2000 - The government appeals Judge Lamberth's order.

November 2000 - Treasury discloses that it has destroyed more Indian trust documents.

February 2001 - The US Court of Appeals, DC Circuit, affirms the federal government has a legally enforceable duty to properly manage and account for Indian trust assets.

March 2001 - The Treasury Department reports Indian trust document destruction by at least 16 Federal Reserve banks and branches.

April 2001 - The Special Master Alan Balaran orders a senior Treasury official to give specific, written approval before any trust documents are destroyed by Federal Reserve banks and branches, and to inform the Special Master and the plaintiffs immediately of any such approvals.

June-Sept, 2001 - Computer experts, approved by the court and hired by Special Master Alan Balaran, hack into the computer system that maintains IIM trust records.

November 2001 - Special Master Alan Balaran delivers his report documenting "deplorable and inexcusable" computer security lapses.

November 2001 - Judge Lamberth orders Secretary Norton and Assistant Secretary for Indian Affairs McCaleb to stand trial for contempt.

December 2001 - Judge Lamberth orders the Department of the Interior to disconnect its Indian trust related Internet systems because they lack security safeguards. Seventy-one thousand employees in Interior's fourteen bureaus are disconnected from the Internet and trust payment for more than 43,000 Native landowners are stopped.

December 2001 - Contempt trial begins for Secretary Norton and Assistant Secretary McCaleb.

March 2002 - Plaintiffs in the class action suit file a motion to hold Interior Secretary Norton in contempt for allowing the destruction of IIM electronic documents as a cover-up.

September 2002 - Judge Lamberth issues a decision holding Secretary of Interior Gale Norton and Assistant Secretary Neal McCaleb in contempt of court on four of five counts.

July 2003 - Court of Appeals affirms Judge Lamberth's contempt ruling.

April 2004 - Department of the Interior and Native American plaintiffs enter into mediation.

June 2005 - Cobell and Echohawk hold press conference about settlement figures.

July 2005 - SR 1439 bill introduced, Senate Hearing about Settlement bill, Judge Lamberth issues harsh opinion.

November 2005 - Appellate Court affirms the Department of the Interior does not have to complete an historical accounting.

July 2006 - Judge Lamberth removed from the Cobell case.

August 2006 - Meetings in Navajo Country about the McCain/Dorgan Settlement bill.

December 2006 - Judge James Robertson appointed to Cobell case.

August 2008 - Judge Robertson awards the plaintiffs $455 million

October 2008 - Plaintiffs and the government both appeal Judge Robertson's ruling.

January 2009 - President Obama is elected. Settlement talks begin in June.

December 2009 - President Obama announces the $3.4 billion settlement of the Cobell lawsuit.

November 2010 - Congress approves the Cobell Settlement.

June 2011 - The Federal Court approves the Cobell Settlement.

October 16, 2011 - Just four months after the final approval from the DC District Court, Elouise Pepion Cobell passes on from her battle with cancer.

December 2012 - The first round of settlement checks are mailed to 300,000 Indian Trust beneficiaries.

December 2014 - The second and final round of settlement checks are mailed to 300,000 Indian Trust beneficiaries.

The Historic Cobell Settlement Agreement

The $3.4 billion Cobell Settlement for 300,000 Individual Indian Money Account Holders is the largest settlement award against the Federal Government in US history.

$1.5 billion was paid to 300,000 Indian beneficiaries of the Indian Trust Fund in two payments from 2012 to 2014.

$1.9 Billion Land Buy-Back Program for Tribal Nations implements the land consolidation component of the Cobell Settlement, to purchase fractional interests in trust from willing sellers at fair market value. Consolidated interests are immediately restored to tribal trust ownership for uses benefiting the reservation community and tribal members.

A $60 million Cobell Scholarship Fund is established for Native Youth.

Frequently Asked Questions:

Q. Why wasn't this suit filed before 1996? Why not earlier or later?

A. For years the federal government acknowledged the need for comprehensive reform of its Indian trust fund management system. Administration after administration promised to fix the system, but failed to keep those promises. Congress recommended Indian trust fund management reform as early as the 1960s, and beginning in the mid-1980s, issued a series of explicit directives to that effect. Fed up with the Interior Department's continued disregard for these repeated recommendations and directives, Congress passed the American Indian Trust

Fund Management Reform Act in 1994. The Act reaffirmed the government's duty to account for Indian trust funds, and appointed a Special Trustee to oversee comprehensive reform of the trust management system. Even after the Act was passed, however, the government made little or no effort to commence systematic reform and to account for its management of individual Indian trust funds. This lawsuit was brought because it was abundantly clear by June, 1996, that the system would remain broken unless the government was forced to fix it, and that individual Indians would never be provided with an accounting unless a Federal Judge ordered it.

Q. If the federal government has mismanaged the trust funds, why have individual Indian beneficiaries *never heard about the mismanagement before this suit?*

A. Despite decades of mismanagement, the government never informed its individual Indian trust beneficiaries that their Individual Indian Money (IIM) account balances were unreliable. Indian account holders never received an account statement. During a six-week trial beginning in June 1999, Interior Secretary Babbitt admitted that this information had been intentionally withheld in order to reduce the risk of lawsuits.

Q. Where does the money managed by the United States come from?

A. Individual Indian Money trust fund income is derived from individual Indian allotments. Companies lease the land from the government who manages the leasing of Indian property. Indian beneficiaries are not informed about who is leasing their land. In many instances, such allotments produce income from farming and grazing leases, timber sales, or oil and gas production.

Q. Who is currently holding these trust funds?

A. The funds are held in trust by the federal government, specifically by the US Department of the Treasury. The funds are pooled into a single account and invested until such time as they are disbursed to the rightful Indian beneficiary.

Q. How much money are we talking about?

A. The federal government currently holds over $500 million in approximately 500,000 separate Individual Indian Money accounts. Additionally, more than $400 million flows through these accounts each year. Because the government has failed for over one hundred years to account for Indian trust funds, it remains at this point impossible to estimate with any accuracy the amount by which any particular IIM account has been misstated. However, to give some perspective, we can look to similar mismanagement of tribal trust accounts. A report prepared by the Arthur Andersen accounting firm following a limited effort to reconcile the tribal accounts, revealed that $2.4 billion could not be accounted for just for the nineteen year period from 1973 through 1992.

Q. Does this lawsuit seek to eliminate the government's role in trust management?

A. No. This lawsuit seeks to compel the government to carry out its fiduciary duties to individual Indian trust beneficiaries in accordance with the law, including the most fundamental duty of every trustee---the duty to account.

Appendix H: Unit Bibliography, Additional Resources, Film Extensions

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Extensions: Using Film in the classroom

These are films with mainly indigenous and environmental themes:

Homeland: 4 Portraits of Native Action Homeland: 4 Portraits of Native Action (URL *http://www.katahdin.org/films/homeland/intro.html*), a feature-length film chronicling *"the efforts of five remarkable Native American activists"* who, along with support from their communities are refusing energy companies and rejecting the dismantling of environmental laws…an in-depth look at explicit environmental issues endangering Indian nations. This documentary is filmed in parts of Montana, Alaska, New Mexico, and Maine. Similar movies may be found at Peace and Justice Films, URL *http://www.peaceandjusticefilms.org/blog/*

People of a Feather (URL *http://www.peopleofafeather.com/*) Quote from the New York Times: *"Featuring stunning footage from seven winters in the Arctic, People of a Feather takes you through time into the world of the Inuit on the Belcher Islands in Canada's Hudson Bay. Connecting past, present and future is a unique relationship with the eider duck. Eider down, the warmest feather in the world, allows both Inuit and bird to survive harsh Arctic winters. Traditional life is juxtaposed with modern challenges as both Inuit and eiders confront changing sea ice and ocean currents disrupted by the massive hydroelectric dams powering New York and eastern North America. Inspired by Inuit ingenuity and the technology of a simple feather, the film is a call to action to implement energy solutions that work with nature."* (90 minutes)

Where the Spirit Lives (URL *http://www.imdb.com/title/tt0103244/*), follows the 1937 story of a young First Nations (Canadian Native) girl named Ashtecome, later Amelia, who is kidnapped with other children and taken out of their indigenous community to a boarding school, in order to assimilate them into white Canadian/British society. Written by Kenneth Chisholm.

Reel Indians (URL *https://www.culturalsurvival.org/publications/cultural-survival-quarterly/hollywood-oscars-and-reel-injuns*), A documentary by Cree First Nations filmmaker Neil Diamond, records Hollywood depictions of Native Americans from the silent-film era to the present. Reels range from *"stereotyped images depicted by white actors in "red face" to contemporary films like Clint Eastwood's Flags of Our Fathers."* The film also shows *"Native-directed productions like Smoke Signals…and Atanarjuat: The Fast Runner by Inuit director Zacharia Kunuk [with] interviews [of] Indigenous directors, actors, writers, and political activists."* Tribes represented in the film include Cheyenne/Arapaho, Apache/Yaqui, Lakota Sioux, Salteaux, Seminole, Ojibwe, and a number of Native activists, including Sacheen Littlefeather and Russell Means, among others.

Crooked Arrows (URL *http://www.imdb.com/title/tt1954352/*) Quote from site: *"Crooked Arrows is an original, uplifting sports movie in the tradition of such classics as Mighty Ducks, Bad News Bears, Hoosiers, and Bend It Like Beckham–set in the fresh, contemporary worlds of Native American reservations, prep schools, and lacrosse…"*

Playing for the World (URL *http://watch.montanapbs.org/video/1430384159/*), a documentary by Montana PBS about the a Native American girls basketball team in 1902 at the Fort Shaw Indian Boarding School, located in the Sun River Valley outside Great Falls, Montana, one of the first schools in the state to feature basketball as a recreational sport for girls. Proclaimed *"Champions of the World,"* the team dealt with racial and gender stereotypes, but enthralled crowds, played in exhibition games, defeated all their opponents, and formed a team that became well known for its *"skill, tenacity and mature dignity — on and off the court."* This documentary was adapted from a book

called "Full Court Quest" by Peavey and Smith, although the story of team's accomplishments *"quickly faded… [and] were lost over time."*

Tatanka vs Montana (*http://www.bigskyfilmfest.org/archives/past-films-view/tatanka_vs_montana/2017/*), by Claudio Duek, 2016, Brazil, USA, 28 minutes**.** Quote from site: *"Almost hunted to extinction, the last herd of pure American Buffalo, now living in peace inside Yellowstone National Park, is once again in danger. In order to survive during the winter, buffalo eventually step across the park boundaries and enter into Montana, where they are welcomed with guns and bullets."*

Our Last Refuge (URL https://www.ourlastrefuge.org/), by Daniel Glick, 2016, USA, 25 minutes**.** Quote from site: *"Our Last Refuge tells the story of the Badger- Two Medicine, the sacred homeland of the Blackfeet Nation, and the decades-long struggle to protect it from gas exploration. One of the highest profile conservation efforts in recent history, Our Last Refuge is the first in-depth telling of this critical struggle."*

The World We Used to Live In, published on July 10, 2014 51:01, by Vine Deloria, Jr. Professor Emeritus of History, Law, Religious Studies, University of CO From Jessie and John Danz Lecture Series URL *https://www.youtube.com/watch?v=QOL0Gm22Jy0&t=1824s*

A speech by Russell Means, American Indian Activist, and published on October 22, 2013, URL *https://www.youtube.com/watch?v=QVYShOZkZG*s. This speech from 1989 was given before a Senate Special Committee on Investigations (w/John McCain), from American History TV-CSPAN 3/I Love Ancestry

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