

The 10-Cent Treaty

Lesson 2

Guiding Question for the Lesson

- What was the outcome of the Ten-Cent Treaty and how was this outcome achieved?

Standards

Essential Understandings Regarding Montana Indians

EU 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.

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.

Social Studies Standards

SS.CG.6-8.5 Identify events and leaders that ensure that key United States principles of equality and civil rights are applied to various groups, including American Indians.

SS.H.6-8.3 Analyze how, since European contact, historical events and policies have mutually impacted American Indian and European societies.

Materials

[Class Action Settlement Brings \\$59M to Descendants \[sic\] of Pembina Band of Chippewa Indians](#) by Andrew Bennard, Native News Online, June 18, 2021.

[Class action payments go out to Little Shell, Chippewa Cree members](#) by Nora Mabie, Missoulian, September 21, 2023. (Appendix A)

Class action payments go out to Little Shell, Chippewa Cree members (Appendix A)

Quotes (Appendix B)

Length

One class period

Key Vocabulary

class action per capita settlement



Steps

Step One

Provide students with the following quotes, no context from the "Class Action Settlement Brings \$59 Million to Descendants [sic] of the Pembina Band of Chippewa Indians" article. You could print/cut and hand a quote to each student (several will have the same quotes) and ask them to mill about the classroom and compare quotes, trying to make a prediction about the article. (Large-print, spaced quotes are provided in Appendix B.)

- "It took them way too long and it's way too little,"
- leaders . . . "were dismayed at the overall lack of money available for distribution"
- ". . . on this issue, 'you don't need an accounting firm, you need a law firm.'"
- "The Department of the Interior is wholly committed to strengthening our government-to-government relationship with tribes, . . ."
- When students have finished chatting about their quotes, ask for predictions on what happened after the 10-Cent Treaty.

Step Two

Provide the "Class Action Settlement . . ." article to students after covering the key vocabulary in this lesson (remind them of "cede" from Lesson 1). Based on what you know about your students, plan a reading strategy for this article, whether it is independent reading, oral reading by the teacher with commentary/guidance, small-group reading, or some other approach.

Before they read, provide the following dates (see below) from the article. Ask students to copy these down and fill in what happened in each year as they read. You might stop halfway through to ensure comprehension, explain a "trust account" etc.

- 1863 and 1904: Pembina Band ceded lands to US government
- 1905 and 1964: Pembina Band received compensation for lands ceded, but it was put in a trust account (not accessible in the form of actual dollars that could be spent)
- 1984,1988, 1990, 1994: per capita payments from this account were made available to eligible tribal members
- 1988: (going backwards a little) Tribal members were disappointed at the small payment size and requested an audit of the account
- 1992: Peltier v. Haaland lawsuit filed
- 2021: Settlement achieved.

Clarify what happened according to the myriad and somewhat confusing dates in the article.

How many years did it take from lawsuit to settlement? How many years did it take from first cession (Treaty of Old Crossing) to settlement? Why do the students think Gerald Gray believes it was "too little"?

Step Three

Provide the brief Missoulian article follow-up from September 2023. This article describes the payments that finally went out, over two years after the settlement was reached.

Step Four

On the timeline from Lesson 1 add the dates from Steps Two and Three using a similar approach, assigning a pair of students to add each new event. Be sure to include the 2023 payments.

Assessment

Ask students to reflect on what they learned about the 160 years from 1863 to 2023. You might ask them to summarize the events or imagine how they would feel if they received a check from this settlement. You want them to acknowledge in some way the significant efforts of tribal members for over a century and a half to be compensated for the dishonorable actions of the US government, even though many felt the amount fell short.

Extension Option

The Native American Rights Fund provides a higher-level, but comprehensive and very readable, version of this entire [story](#). You might choose to replace one or both resources with this one if you have more advanced readers.

Consider assigning brief research projects to learn more about cases handled on behalf of tribes. The Missoulian article mentions Elouise Cobell, perhaps the most famous local example. There are others. Review the [cases page](#) on the Native American Rights Fund website for ideas.

Not all tribes want financial compensation. Famously the Sioux tribe has rejected payment for the Black Hills which they say were stolen when gold was discovered in them. Here is an [article](#) from Smithsonian Magazine about that. Consider engaging students in a discussion about when an asset might be more valuable than cash.

Appendix A: Class action payments go out to Little Shell, Chippewa Cree members

Missoulian, Sept. 21, 2023 by Nora Mabie.

Members of the Little Shell and Chippewa Cree tribes have begun to receive payments from a class action distribution totaling \$59 million.

Leslie Ann Wilkie Peltier, et al. v. Deb Haaland, et al., also called Pembina, is a nearly 30-year-old case concerning the Pembina Band of Chippewa Indians' agreement with the U.S. government.

In the agreement, the Pembina ceded what is now the North Dakota-Canada borderlands to the federal government in the early 20th century. The U.S. paid pennies per acre in the deal.



Gov. Steve Bullock and First Vice President for the Little Shell Tribe Clarence Sivertsen, left, work together to secure the Little Shell's flag on a flagpole outside of the Capitol in Helena on Dec. 20, 2019, the day the Little Shell Tribe gained federal recognition.

In 1946, when Congress established the Indian Claims Commission, the Pembinas brought a claim alleging the agreement they entered into was not fair.

Thirty-four years later, in 1980, the claims commission awarded the Pembina \$53 million, but because the band no longer existed, money was to be distributed to its modern day successors — members of the Chippewa Cree Tribe, Little Shell Tribe of Chippewa Indians of Montana, Turtle Mountain Band in North Dakota and White Earth Band in Minnesota.

However, because the Department of the Interior didn't start distributing the money until eight years later, Turtle Mountain leaders requested accounting and documentation of the funds. When the government didn't produce the information, the four tribes entered a lawsuit against the Interior Department claiming the funds had been mismanaged.

In 2020, the Pembina claims were settled, and now payments from the \$59 million settlement will be distributed to more than 30,000 class members via check or online banking. Depending on one's relationship to the case, class members will receive between \$50 and \$1,500.

Checks were mailed on Sept. 20 and can be cashed until March 18, 2024. Eligible recipients have until May 15, 2024 to update their name and address and request a check be reissued.

The Native American Rights Fund represented the tribes in the lawsuit, and staff attorney Melody McCoy commended the group "for their perseverance and patience."

"Many are unaware of the tremendous impact the Pembinas have had in holding the U.S. accountable to Indian tribes and individuals," she said in a statement.

The Pembina case isn't the first time tribes in Montana alleged federal mismanagement of funds. In 1996, Elouise Cobell, a Blackfeet woman, was the lead plaintiff in a class action lawsuit, demanding back payment and better accounting on Individual Money Accounts managed by the Bureau of Indian Affairs. The federal government settled 13 years later for \$3.4 billion — the largest settlement in U.S. history.

Appendix B: Quotes

“It took them way too long and it’s way too little,”

“leaders . . . ‘were dismayed at the overall lack of money available for distribution’”

“ . . . on this issue, ‘you don't need an accounting firm, you need a law firm’”

“The Department of the Interior is wholly committed to strengthening our government-to-government relationship with tribes, . . .”