



California Partnerships in Character Education

“Building Communities and Schools of Character”

A collaborative effort between the California Department of Education, Sacramento County Office of Education, the Center for Youth Citizenship and ten (10) K-8 California public schools.

Kids Law Lessons – GRADE 4

California: A Changing State

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- **Coordination with Instructional Materials**
- **Framework Connections**
- **Selected Topic(s):**

Exploration and Colonial History

Focus Lesson: *Problem Solving in a Pomo Council*

Extension Lesson(s):

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2. *E Pluribus Unum*
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Overview

The fourth grade History-Social Science curriculum focuses on **California: A Changing State**. Fourth graders are ready to expand on their third grade knowledge about how various cultures and individuals shaped the development of our nation's social laws and governance. Now they can see how similar dynamics shaped our state.

The fourth grade course of study offers an excellent opportunity for students to analyze how cultures, natural resources, and the environment intersected to shape the history of California. They have the opportunity to appreciate the richness of the contributions from other cultures.

Throughout the course, fourth graders are encouraged to respect and appreciate the native American culture that first flourished in California. As they study the impact of Westward expansion and colonization, they can discuss the ways values, beliefs, and religion affected the interaction between native people and settlers.

Coordination with Instructional Materials

The lessons and activities in this unit coordinate well with the fourth grade social studies textbook, *Oh, California!* (Houghton Mifflin). The Focus Lesson provides students with an excellent introduction to Native American culture and the contributions Native Americans made to the development of a social order. The Extension Lessons help students analyze early societies in relation to our modern system. In the lessons, students have a chance to put themselves in the place of early people who had to reach agreements about everyday challenges to group harmony. Using critical thinking skills, they are then asked to analyze similarities and differences between the early system and our own system of rules and justice.

The lesson fits well with the following material in *Oh California!*:

- Chapter 2 -- "The First Californians" (pp. 30-53)-- presents the historical Asian migration to North America and focuses on the culture of three California tribes -- the Yurok, the Chumash and the Mojave, and presents details of daily life of the Central Valley Miwok tribe.
- Pages 71-79 tell how life at the missions changed the culture of the Indians. They also discuss the governance structures that "outsiders" placed on the Indians.
- Pages 90-91 describe the difficulties faced by the Indians after the closing of the missions by the Mexican government.
- Pages 209-210 present the unfair treatment and discrimination faced by minorities in California.

Framework Connections

The unit supports the goals and curriculum strands of the *History-Social Science Framework* while connecting to the fourth grade topic, **California: A Changing State** (see pages 46-50 of the *History-Social Science Framework*.)

Topic Connection(s)

- Exploration and Colonial History

Goals and Curriculum Strand Connections

The chart below lists goals and curriculum strands from the Framework. The phrases printed larger and in **bold** type are History-Social Science Goals and Curriculum Strands that are addressed in the lessons and activities for fourth grade. The lessons include a wide variety of simulated activities to help students explore the multi-cultural approaches to the development of our systems of mediating disputes and developing laws. Through these experiences, students will develop an understanding of the reasons for systems of social order. Students will have an opportunity to develop thinking and communication skills as they work together to analyze how different groups of people reached agreements and settled conflicts.

Knowledge & Cultural Understanding	Democratic Understanding & Civic Values	Skill Attainment & Social Participation
Historical Literacy	National Identity	Basic Study Skills
Ethical Literacy	Constitutional Heritage	Critical Thinking Skills
Cultural Literacy	Civic Values, Rights and Responsibilities	Participation Skills
Geographic Literacy		
Economic Literacy		
Sociopolitical Literacy		

Selected Topic: Exploration and Colonial History

Focus Lesson: *Problem Solving in a Pomo Council*

BACKGROUND

Knowledge about the lives of the Indian tribes before they were affected by the arrival of the European settlers is very fragmented and suffers by being perceived by observers from another culture. Students should understand there was no *universal* Indian way. Each kinship group handled decisions differently. Not all had councils, not all had chieftains and consensus was not always required. However, in many of the tribes of the western United States, decision-making seemed to be fairly "democratic." Councils considered village issues, commentary was encouraged and consensus usually had to be reached. While an "eye for an eye" doctrine seemed to have been an accepted way of settling disputes between some Eastern tribes, the California kinship groups less influenced by European settlers utilized group and individual responsibility as a means of resolving social conflict. There are also indications of village chieftains "mediating" disagreements.

This lesson provides students with two models for resolving disputes based on the "consensus building" and "mediation" attributed to pre-European contact Indian life. The fictitious dispute situations are intended to provide some information on the Indians of the period and encourage further research. The dispute-resolving models can be used with current problems.

OBJECTIVES

1. To explain ways that California Native Americans (circa 1780) resolved disputes.
2. To demonstrate how to resolve issues through a consensus council.
3. To demonstrate how to resolve disputes through mediation.

MATERIALS

- Chalkboard or flipchart
- Chalk or felt-tipped pens
- Teacher Resource "A Pomo Village (circa 1780) and Problem-Solving Simulation Notes"
- "Models for Resolving Problems and Conflicts" Handout #1
- "Conflicts in a Pomo Village" Handout #2

Optional Resources

- Props to create an Indian council setting
- Books and periodicals with information on Pomo around 1750-1850 AD

TIME NEEDED

Approximately one and one-half hours

PROCEDURES

Into (Part I, Consensus Building)

1. Point out that although information about the Pomo before the white settlers arrived is scant, we do know something about how some tribal villagers decided issues and how disputes were resolved. Explain that in this lesson, the class is going to make some decisions in ways similar to those used by Native Americans at that time.
2. Provide some background on the traditional Pomo using the Teacher Resource handout and other materials. The section on leadership provides an opportunity for students to discuss the importance of character. Explain that (where they existed) Pomo councils would discuss and make decisions about village issues. They always sought to reach a **consensus** (or agreement) on their decisions. Describe the consensus building process on Handout #1. Be sure that students understand what consensus means. Consensus building requires people to take responsibility as a group and respect other people.

Through (Part I, Consensus Building)

1. Explain that for this lesson the class will "become" a Pomo village at about 1780 AD and resolve problems as the Pomo might have done. Select and present a problem situation from Handout #2, "Conflicts in a Pomo Village," or let students develop their own problem based on research about tribal life.
2. Identify and assign roles. These would include the heads of kinship groups making about ten persons on the council including the chief and problem or dispute spokespeople. Everyone else will be a villager.

The class could add to the Pomo village atmosphere by having students assume tribal names, which could be written on colored paper badges. Names might be of animals, of student attributes (Shining Eyes) or of elements of nature (North Wind). Whatever the names, they should be assumed with dignity and not humor. Stress respect for the culture.

The class could also prepare props and other staging. Clarify why the Indians smoked pipes during their ceremonies and important deliberations.

3. Allow time for preparation. Distribute Handout #1, "Models for Resolving Problems and Conflicts," so that students may become familiar with the consensus-building procedures.

4. When ready, the class should all gather in a council on the floor. The participants should then discuss and resolve the selected problem (see notes in Teacher Resource).

Beyond (Part I, Consensus Building)

1. After a solution is reached and the council disbursed, discuss the following:

- Is this method a good way to solve a problem?
- Is it fair to all sides?
- Does it lead to an effective solution?
- Does it lead to what is called a "win-win" solution in which each side is relatively satisfied? (Distinguish between this problem-solving method and the "win-lose" resolution of U.S. courts.)
- How would this method of resolving problems contribute to tribal order and harmony?
- Could it be used today?

2. If there is time and interest, the council could select and try to resolve another problem using this model.

Into (Part II, Mediation)

Explain that "issues" could be the results of disputes between two parties or groups. Discuss how, generally, *a clan responsibility* was followed in incidents of even accidental injury or death. However, intervention was sometimes appropriate. Then, a chieftain or third person might mediate between the parties (e.g. kinship groups or villages). The process used may have been similar to the one the class will use. Discuss the mediation model in Handout #1.

Through (Part II, Mediation)

1. Decide on a problem to be resolved using the mediation technique. Use a problem from Handout #2, "Conflicts in a Pomo Village," or let the class make up a situation derived from research about tribal life. The situations address such issues as trustworthiness, respect and fairness

2. Identify and assign roles within the selected problem. It is recommended that the teacher serve as the chieftain and/or mediator, at least for the first problem. Allow time

for preparation. Have students review the mediation model on Handout #1. The mediation can also be conducted in the tribal circle.

Beyond (Part II, Mediation)

1. If there is time and interest, select and resolve another problem using this model.
2. Use consensus building or mediation techniques to resolve disputes or make decisions in class.

ASSESSMENT

Without referring to Handout #1, have students write a description of either process. Their description should include its positive and negative aspects. They can illustrate their description with an example or pictures.

SOURCE

Adapted, by permission, from Ann Blum, Mary E. Stakes, and Alice F. Gay, "Problem Solving in a Cherokee Council Circle," *Using Law-Related Education in Georgia* (Athens: Carl Vinson Institute of Government, University of Georgia, 1993).

TEACHER RESOURCE

A Pomo Village (circa 1780) and Problem-Solving Simulation Notes

Pomo Life

Not a great deal is known about the day-to-day life and customs of the Native Americans of Central California before the white settlers arrived. We know that the land included grassy oak-dotted valleys, prolific salmon streams and offshore seal and sea lion rookeries. There were broad valleys and clear lakes, immense redwood forests and many tule marshes. The rivers were clearer than they are today. There was an abundance of animals. Some, such as wolves and elk, are no longer found in California.

What we call the Pomo today were not a tribe but several groups of people who spoke related languages living in the same general geographic area. This included most of what is now Sonoma, Lake and Southern Mendocino counties. Their settlements covered a broad area south of Santa Rosa to north of Clear Lake, west to the coast from Fort Ross to Fort Bragg.

The Pomo were primarily hunters and gatherers with acorns, berries, nuts, roots and edible greens as staple foods. Deer, elk, antelope and mountain lions were the chief big game hunted for hides. Rabbits, quail, ducks, turtles and squirrels were also captured.

Lake, stream and ocean fish were caught in traps and with lines. Sea lions, seals and sea otters were clubbed or harpooned and prized for both meat and furs.

The Pomo lived in villages. Pomo groups living on the coast and in the adjacent redwood belt built single-family conical dwelling houses of redwood slabs. Communal men's houses were built in the valleys inland along the Russian River and Clear Lake. These were circular and constructed with a conical slab roof and dirt-covered redwood sides. Temporary grass summer shelters built by the valley groups in the cooler foothills provided shade from the hot summer sun.

Women wore a long tulle skirt from the waist to the ankles. A mantle was tied to the neck and hung down to the waist to meet the skirt. Women also wore animal skins in colder weather. During cold weather, members of both sexes would use skin blankets which were fastened down the front with wooden skewers. Along the coast, sea otter skins were used for clothing, while inland groups used rabbit, puma, wildcat, gopher and bear.

The Pomo were well known for their expertise in uniquely designed and decorated baskets. They excelled at making and playing musical instruments and creating songs and games, counting, time and astronomy, and trade with other tribes.

Leadership of the Clan

The leader (chieftain) of the Pomo is not an authoritarian figure and may be difficult for students to understand at first. The primary qualification for the leader was that he was a **good** man whose own behavior served as a model for the community. (In some groups, the chieftain was an inherited position, on occasion the wife of a deceased chieftain.) He must be good to others, observing all kinship and family obligations willingly and graciously, but without pride or self-praise. He must be neither too poor, rich nor greedy; he must be modest but able.

The duties of the leader included settling disputes, organizing all the communal activities of the village community, such as the spring trapping of spawning fish, arranging of trade feasts with neighbors when there were surpluses of fish in the spring or acorns in the fall and scheduling of ceremonials. He did these things in consultation with heads of kinship groups, but it was his responsibility to reach a consensus. He had a very difficult job requiring great delicacy, tact and ability carried out primarily through speech making.

Every morning at dawn, the leader awoke the village/community with a moralistic speech telling them to practice correct behavior and announcing the group activities to take place that day. At marriages, funerals, trading feasts and ceremonials he opened the proceedings with a speech.

Many of the speeches were used to remind the community of their shared background and the traditional rules. If rules and taboos were not followed, offending individuals could be punished, although supernatural forces would take care of ritual prohibition of various sorts.

There appeared to be little major warfare among the Pomo. If there was a war action, a person of proven fighting and leadership ability would take over. Wars might start due to bad feelings over a trade, a reported poisoning or stealing of women and children. Following a relatively short-lived battle, the chieftain would arrange payment for the loss and settle the quarrel.

The various Pomo groups recognized that they shared a common cultural background. The village community was composed of related kinship groups ranging from 100 to 2,000 people. Each extended family had a leader or minor chief. The extended family chiefs together formed the principal ruling group, functioning as a kinship group council. (See *)

Notes on Problem-Solving Simulations

- Both of the models given are hypothetical and tailored for the lesson. The consensus-building model derives from descriptions of the council decision-making process. The mediation model is a modification of the process used today.
- In actuality, the council probably consisted of the tribe or village's elder men. For class purposes, a limited number of students, say ten, can be selected as council members. One will be chieftain. Other students can take non-council roles from the "problem" or be villagers, entitled to speak and persuade if not vote at the council meeting.
- Whereas in a real village, discussions could apparently last a very long time, you may want to set time limits for speakers.
- Students should understand that all Pomo generally wanted to reach a solution and that the harmony and unity of the group was more important than "individual rights."
- Suggest to the students that the actual process would have been conducted orally, since the Indians didn't have a written language. This would enable them to recognize the importance of memory and the oral traditions. If necessary, a chalkboard or butcher paper could be used to list choices in the consensus and mediation exercises.
- After decisions were reached, they were considered settled and silence was the rule.

Resources:

Heizer, Robert, editor. *California Handbook of North American Indians*, Volume 8. Smithsonian Institution, Washington D.C., 1978.

Kroeber, A.L. *Handbook of the Indians of California*. Dover Publications, New York, 1976 (originally published by the Bureau of American Ethnology. Smithsonian Institution, 1925).

Powers, Stephen. *Tribes of California*. University of California Press, Berkeley, 1976.

HANDOUT #1

MODELS FOR RESOLVING PROBLEMS AND CONFLICTS

Model 1: Consensus Building

1. Participants should sit in a group to discuss issues. Participants will include the council, the chieftain (who presides over the discussion) and people presenting the disputes.
2. The chieftain asks if there are matters the council should discuss. Someone raises an issue. Anyone present can speak about the issue. The chieftain can decide the order of speaking if two people want to speak at once. Everyone always treats all speakers with respect and politeness.
3. After everyone who wants to has spoken on the issue, the chieftain should state what the choices are for the council. The phrasing of the choices can be amended at the request of council members.

Then, the chieftain should ask the council members, in turn, which of the choices the village should make. If they all select the same one, a consensus is reached and the issue is settled.

4. If there is disagreement, council members can try to persuade other council members to their viewpoints. Other participants can also give support to a choice.
5. After everyone has had their say, the chief will review the choices available to the council. Council members will again vote in turn. They will try to agree, realizing that consensus is important.

If a consensus is not reached, the chieftain may request that the council accept the majority preference. All will agree to this and the discussion will be closed.

Model 2: Mediation

1. The chieftain (or mediator) asks each side to state the problem from its point of view. (The other side is not to interrupt.) After each side makes its statement, the mediator restates it. This is to be sure both sides understand the point of view and that all issues are clarified.
2. The mediator asks each side, in turn, how they would like the problem to be solved. If their solution is the same, agreement is reached. The mediator restates the solution. If their solutions differ, then...
3. The mediator asks each side to suggest solutions acceptable to them that they think would be agreeable to the other side. Villagers may also suggest solutions. List these

solutions. (Remind the students that villagers would be recalling past solutions from memory as there were no written records of decisions.)

4. The mediator asks the sides to talk together and agree upon a solution that is acceptable and fair to each of them. They can amend any of the suggested solutions.

HANDOUT #2 CONFLICTS IN A POMO VILLAGE

Note: The village in these stories is on the edge of a large grove of oaks and is called Oak Grove. The time is around the year 1780 AD

Taking a Wife

1. Among the Pomos, society was divided into related kinship groups. Kinship group members did not marry each other. Kinship group membership was through the mother's side of the family. The mother's brother, not her husband, was responsible for the training of her sons.

Tall Man's first wife died after a long illness, leaving him with three small children. He wishes to marry a young woman, Acorn Woman, from Big Village and she is willing. However, as part of the agreement, she wants Tall Man to build a larger house, as his current house is small and would not have sufficient room for both her expected family and the children from his first wife.

Tall Man visits Acorn Woman's father and brings a necklace of shells to show how much he values Acorn Woman. After a long silence, when the father does not respond, he leaves and returns with a second necklace. Again, the father does not respond. Tall Man leaves for the day, and next time returns with a present of a killed deer. When the father is again non-responsive, Tall Man agrees to build a larger house for Acorn Woman. Her father then spends some time giving them advice and pronounces them man and wife.

After a year has passed, Acorn Woman gives birth to a baby boy. Winter is nearing and the house has not been built. The present house is very crowded with the couple and four children.

Tall Man is well liked, but slow at doing tasks he doesn't want to do. His second wife is disappointed in him. When her two Big Village brothers (who live in another village) pass through Oak Grove, she complains to them about the house. "It is an insult to our village," she says, "if my husband does not treat me and the children as he should and as he promises." They agree.

When asked, Tall Man says he cannot build a house now. He is needed to hunt deer, and when he returns it will be cold and raining. The brothers disagree. They think he is still making excuses. They would like to settle matters now to avoid trouble between Oak Grove and their own village.

The Capture of Man of Many Beads

2. Major wars or great battles were virtually unknown among the Pomo. Two-thirds of the conflicts seem to have begun with economically motivated disputes over hunting or fishing territory, personal property, alleged "poisoning" (sorcery) or homicide (usually of women crossing over supposed boundaries to gather produce.) A peace settlement was usually offered immediately, was arranged through go-betweens and was based on the extent of personal injury. Damages were not canceled out; every family of an injured party received full settlement, often of acorns or shell money.

The Oak Grove warriors capture Man of Many Beads, a member of Big Village living on River Land, when he attempted to raid their village and acorn supply. Man of Many Beads fought strongly and bravely. He is brought back to the victorious village with other prisoners and is tied to a pole in the center of the Oak Grove village.

There are many arguments about what to do with him. One village elder, also a member of the Big Village would like to adopt him as his son. (He lost a son due to illness some years back.) This is an accepted practice. Others, angry over this conflict started by Man of Many Beads' village, want revenge. They want him to be killed, as an older warrior would be.

Death of the Hawk

3. Among many of the Pomos, most illness was thought to be due to human causes. Either the sick person had done something wrong (broken some rule) or some other members of the clan had reason to wish him ill and had caused the illness by a technique called "poisoning."

Many kinds of birds were hunted for food or their feathers but a number of species were considered taboo as food, among them crows, owls, seagulls and hawks. The hawk was considered a messenger to the spirit world.

Watchful Hunter kills a hawk with a bow and arrow. He claims that it has been attacking small animals that the villagers need. The shaman* washed the bow and arrow used in the kill in the river to cleanse them. But soon, many people in the village become ill, and game becomes scarce. Everyone says it is because the hawk was killed.

The villagers are divided about what to do. One shaman says that Watchful Hunter must be killed. Another says that he must be told to leave the village forever. His wife and brother beg that he be saved. Because Watchful Hunter is very brave, some villagers think he should not be killed or sent away because the village needs him. Perhaps the

hawks could be appeased in some other way. Perhaps Watchful Hunter could be punished less severely. The council must think about this issue.

* The shaman was believed to have special power or was believed to be a healer.

EXTENSION LESSONS

A. No Vehicles in the Park

BACKGROUND

How should laws be written? How difficult is it to write a law that everyone understands? How are laws interpreted? This simple activity explores the purpose and intent of law and helps students realize that overly simple laws are difficult to interpret and good laws are difficult to write.

OBJECTIVES

1. Analyze a law and discuss its strengths and weaknesses.
2. Differentiate between the letter of the law and the intent of a law.

MATERIALS

- Copies of "No Vehicles in the Park" Handout #3
- Response grid

PROCEDURE

1. Introduce the activity by telling the students they will be acting as members of the City Council of Beautifulica. The Council has passed a law stating "No Vehicles in the Park". Violation of the law carries a minimum fine of \$25 and a maximum fine of \$200. Since passing the law, the council has received many requests for exceptions to the law. Each request must be carefully reviewed by the council.

2. Distribute Handout #3 "No Vehicles in the Park" to each member of the class. Once students have read the basic law and noted which exceptions they would grant, count them off into small groups of 3-5 students each.

3. Ask each group to discuss their responses and try to reach a consensus. Tell each group that it will be expected to give reasons for accepting or rejecting each request. Groups should choose one or more spokespersons.

4. The groups will need about 10 to 15 minutes (or more) to arrive at decisions for the cases. During this time (once you have quickly checked to make sure that each group is

functioning properly), a grid should be drawn on the board. The grid should list the case numbers along one axis and the group numbers along the other.

5. Once groups have arrived at their answers, ask for their responses for each case, group by group, record them in the grid, and ask for the rationale. Note the categories of reasons students give for making them (e.g. health, safety, environment). At this time you may wish to use additional examples, e.g., an electric wheelchair, skateboards, motorbike. By this time students probably have developed a definition of a vehicle. Compare their definition to the dictionary definition. Be sure to address each student as Council Member Jones, Council Member Garcia, etc.

6. Probe with students the issues of rights and responsibilities, and fairness. In the debriefing, ask students whether the law can be redrafted to more accurately reflect its intent. Should laws be *written in detail* so that people can predict accurately what they mean? Should they be *flexible* so that they can be adapted to meet changing situations? Can they be both?

· How should "emergency" situations be provided for in the law? Who should determine what constitutes an emergency?

· What is an appropriate penalty for violation of this law? Should that be included in the law? Who should enforce the law? Is there any remedy available to citizens if the enforcers of the law break the law?

Point out how the decisions of the group reflect reasons based on: (1) the letter of the law; (2) what they thought the intent of the lawmakers actually was; and (3) their own sense of values.

7. Resource person: a lawyer or local legislator/city council member can react to the students' interpretations and help the students develop arguments on both sides of each case.

SOURCE

Adapted from an activity developed by Arlene Gallagher and Leigh Taylor. First published in an article, "Premises for Law," by Arlene Gallagher, in *Social Education* (Vol. 39, No. 3).

HANDOUT #3

NO VEHICLES IN THE PARK

The town of Beautifica has established a lovely park in the city. The city council wished to preserve some elements of nature, undisturbed by city noise, traffic, pollution and crowding. It is a place where citizens can go and find grass, trees, flowers, and quiet. In addition, there are playgrounds and picnic areas. At all entrances to the park the following sign has been posted:

"NO VEHICLES IN THE PARK"

The law seems clear but some disputes have risen over the interpretation of the law. Interpret the law in the following cases, keeping in mind the letter of the law as well as the intent of the law.

1. John Smith lives on one side of the town and works on the other side. He will save ten minutes if he drives through the park.
2. There are many trash barrels in the park so that people may deposit their litter, thereby keeping the park clean. The sanitation department wants to go in to collect the trash.
3. Two police cars are chasing a suspected bank robber. If one cuts through the park, he can get in front of the suspect's car and trap him between the patrol cars.
4. An ambulance has a dying victim of a car accident in it and is racing to the hospital. The shortest route is through the park.
5. Some of the children who visit the park want to ride their bicycles there.
6. Mrs. Thomas wants to take her baby to the park in his baby buggy.
7. A monument to the town's citizens who died in a war is being constructed. A tank, donated by the government, is to be placed beside the monument.

B. E Pluribus Unum

BACKGROUND

We are learning to appreciate the rich diversity of our cultural heritage and the unique complexity of our population, which began long ago.

When Columbus journeyed to the Americas in 1492 there were many groups of people who inhabited this land. One such group was the Iroquois. The League of the Iroquois consisted of the Mohawks, Onondagas, Senecas, Oneidas, and Cayugas. Later, when the Tuscarora tribe moved up from the Carolinas in the 1700's and joined the League, the Council was known as the Six Nations. These Indian nations of the Northeast moved from individual nations who often were at war, to a politically cohesive unit, whose founder was Dekanawida.

The first democratically governed federation in North America was created when five independent nations came together to form the League of the Iroquois. This confederacy prospered under the leadership of a Grand Council of 50 peace chiefs, or sachems, who represented the individual nations. They settled disagreements among the tribes because they had no courts of law. Disagreements were usually over rights to hunting grounds or tribal boundaries. The Council wanted to keep "The Great Peace" as their government was called, and worked hard to settle all disputes. Seats and titles were inherited by tribe and clan; however, women leaders chose the individual sachems. Each of the many tribes had one vote. All decisions had to be unanimous. Decisions were made after much oratory and diplomacy. The tribes valued this process. This system spread power and responsibility within the Council. Some historians think that when Franklin attended the Constitutional Convention he applied what he had learned from the Iroquois to the creation of the United States Constitution.

The League of the Iroquois may have served as a model to the colonists for unifying North American former colonies into a functioning whole. Consensus was the colonial method of arriving at decisions. Discussion that would lead to compromise was valued. Whereas European tradition relied on a single authority, the Native Americans used group councils for decision making. Continuing interaction with the Iroquois contributed to the development of participatory democracy.

Despite the progress made toward more democratic government, European nations were still monarchical in practice. No example of participatory democracy existed in Europe when the United States was created. Here on the North American continent, however, there was a functioning political system of representative democracy. The League of the Iroquois had survived for a long time. Its obvious success probably encouraged European Americans to believe that popular sovereignty could be translated from an ideal to a reality.

OBJECTIVES

1. To research and discuss the importance of government and values in a Native American group.
2. To identify and compare tribal values.

MATERIALS

- Research materials on a variety of Native American groups.

PROCEDURE

1. Ask the students to name some things that they think all human beings need in order to survive and to satisfy human wants.
2. Probe their responses beyond food, a place to live, clothing; emotional security, etc.
3. List responses and cluster group into categories of food, shelter, clothing, government, family, and religion.
4. Ask them to name ways in which we satisfy these needs.
5. Ask students to work in groups, select a major Native American group to study and compare. Possible groups for study;

- Iroquois - Northeast

- Haida - Northwest

- Hopi - Southwest

- Choctaw - Southeast

Develop a list of basic questions to be investigated;

Food

- What kinds of food did the people eat?
- How did they obtain the food?
- How was it prepared? By whom?

Government

- Who made the decisions and laws?
- How were leaders chosen?
- How were rules enforced?
- What were the rights?

- What were the responsibilities?
- What provision was made for those not in agreement?

Economy

- What was produced?
- How? By whom?
- How were goods exchanged?

Values

- Identify tribal values
- How are they expressed?

SOURCE

Friedrich, Linda, Compiler. *Discovering Our Fundamental Freedoms: The Bill of Rights in the Early and Middle Grades*, University of Pennsylvania Law School, Philadelphia, Pennsylvania, 1991.

C. Distributive Justice

BACKGROUND

The purpose of this activity is to have students practice making decisions about fair distribution of goods and to determine how the context can make a difference in what is considered fair. For a much more in-depth treatment of distributive justice that engages children in discussion and develops the concepts of need, capacity and desert, see materials from: *Law in a Free Society*, 5115 Douglas Fir Drive, Suite 1, Calabasas, CA 91302. The units on "Justice" and "Responsibility" are most applicable for this topic.

OBJECTIVES

1. To define the term "Distributive Justice."
2. To discuss ways to make decisions.

MATERIALS

- Bagels, donuts, or tootsie rolls
- Role cards

PROCEDURE

1. Divide the class into groups of six. Place four bagels in the middle of each group and tell them they are to decide among themselves on a fair way to divide the bagels. Tell them not to eat the bagels because there are two rounds to this activity. They can use any method they want to distribute the bagels as long as everyone in the group agrees that it is fair. Explain that when there is a limited resource, people often consider the following questions in making a fair decision:

- Does anyone need the bagels?
- Who can accept the bagels?
- Does anyone deserve the bagels?

2. Give them five minutes to make the decision, then have each group report its method of distribution to the class. Discuss the fairness of the various approaches.

3. For the second round tell the class that they each represent a fictitious character. Distribute sets of the following role cards to each group, have each student select a role at random and ask them to tell the rest of the group about their character.

4. Give each group five minutes to decide whether they want to redistribute the bagels based on this new information. Have the groups report on their new decisions and the reasons for any changes.

5. Eat the bagels. Be sure you have enough for everyone.

SOURCE

Gallagher, Arlene. "Equality and Property." *Update on Law-Related Education*, American Bar Association, Spring, 1987. Reprinted with permission.

Role Cards

You are on a diet to lose weight. You don't like this food and it's not on your prescribed diet.
You are a single parent with five children. They are all very hungry.

You own a factory that makes this food and can have as much as you want, any time you want.

You have not eaten for 24 hours and do not know when you will get some food.

You are not as hungry as the other people in your group.

You are not starving but on a scale of one to ten you would rate your hunger at ten.

ADDITIONAL ACTIVITIES

A. Growth of Cities

Looking at pictures that show the same part of a city over a long time period helps students understand how population changes during that time period may have affected the growth of local government. Ask students to study the pictures showing the same area in 1910, 1950, 1990 and 2030 on pages & of *Picture Yourself in Local Government*.

- If you lived in a house on the outskirts of town in 1910, how would your neighborhood have changed by 1950? By 1990? What factors contributed to these changes?
- As more and more people moved into the neighborhood, what kind of services would they want? (Police, courts, fire, roads, sewers, hospitals, snow removal, flood control, garbage pickup, libraries, parks, animal control, mail, etc.) Does the government have a responsibility to see that the people receive these services?
- How will people be able to get these services?

- How will they be able to pay for them?
- What changes do you presume will occur in the city by the year 2030? What additional services might people want then?

SOURCE

Picture Yourself in Local Government (An Elementary Student Guide to California Local Government). Institute for Local Self-Government. Sacramento, 1996.

B. Understanding Contracts

Prepare easy-to-assemble props of a black crepe-paper judge's "robe", enough chocolate bars (some with nuts and some plain) for the entire class and a tape recorder. One of the chocolate bars should look intact but actually only consist of the empty wrapper. Keep the chocolate bars hidden.

Place one of each type of chocolate bar on the table. Ask, the class to "show hands" voting preference for each type candy. Select two volunteers and have them stand behind the chocolate bar he *least* prefers. Assign one student to be the judge. Then tell the two students that even though each had received the bar he didn't particularly like, they were both free to talk to each other and work out an arrangement to exchange the assigned bar if they both want to do so. There is only one condition: That each student speak directly into the microphone. When both students have arranged a "deal", then each of them picks up the candy bar obtained in the "negotiated" exchange. The student who discovers that he/she received only an empty wrapper will feel cheated. Ask the student to talk into the microphone to explain his thinking. Explain that in a business "deal" one party does not always get what he thinks he bargained for. What should a person do before making a contract? What sort of character traits do they feel are important? Ask the student with the candy bar what he/she thinks of the exchange (and to state it directly into the microphone). If there is no agreement on splitting the candy bar, let the judge decide in a brief mini-mock trial. Once the judge gives his/her verdict you can distribute your cache of candy bars to the students.

SOURCE

Shefsky, Lloyd. "Legal Procedure". *LRE Project Exchange*. American Bar Association, Spring 1986. Reprinted with permission.

C. Paying For Services

Ask the students to close their eyes and take a "mind-walk" with you. Tell them to imagine what they are doing at the times that you describe and to think of what they use or is provided for them at those times. After each time mentioned, they should open their eyes and write down anything then can think of. You will have to help them with the first step of the walk, but if your students catch on, a student can do the describing.

A. You leave home after breakfast and take the school bus to school. You arrive at school. You take your seat. Your teacher greets the class and works on the attendance report. You go to your file folder on the shelf and review what you wrote yesterday. What items were provided for you that cost money? (e.g., school bus, school building, lights, heat, paper, chairs, tables, teacher, file folder, etc.)

B. Continue with each period in the school day, including recesses and lunch. Have students review all the items that are provided. Record the ideas on chart paper. Ask the students where the government gets the money to pay for all the things used in the school. Have students bring in examples of bills which show the tax deduction (or develop sample telephone bills, sales bills and paycheck - for a student working at McDonald's).

C. What other services do people want besides schools to be paid for by tax dollars? (Roads, parks, policemen, hospitals, street lights, sidewalks, prisons, courts, libraries, bridges, post office, etc.)

D. How is the idea of responsibility linked to taxes?

SOURCE

Education for Citizenship. Constitutional Rights Foundation. Aspens' Law-Related Education Series. Aspen Systems Corporation. Rockville, Maryland, 1982.

D. Survival: The Origins of Law

Divide the class into groups of 5 or 6. Tell the students they are part of a group marooned on an uninhabited island. The island has an abundance of water and animals. Identify the groups' concerns. How will they address their concerns? Allow the group 15 - 20 minutes to identify their concerns (on butcher paper) and decide on what rules they want to follow. Have each group tell their concerns and rules. Post the butcher paper lists. Classify the concerns/rules in categories: Food/Water Distribution; Communication/Governance; Building/Shelter; Transportation; Behavior.

SOURCE

Adapted from *Elementary Law-Related Education Resource Guide: Grades 3-6*. Cleveland Public Schools. Cleveland, Ohio, 1986.

RESOURCES

California Indians

Baylor, Byrd. *They Put on Masks*. Charles Scribner's Sons, 1974. Vivid paintings of masks from all tribes, some ancient and some being worn today.

Brown, Vinson. *Pomo Indians of California and Their Neighbors*. Naturegraph Publishers, 1969. History and culture of the Pomos, with a large, detailed map.

Byler, Mary G. *American Indian Authors for Young Readers*. Interbook, 1974. A short, selected bibliography of children's books and materials compiled by Native Americans. Oral literature suitable for storytelling is also included.

Curtis, Edward S. *Portraits from North American Indian Life*. Dutton and Co., 1972. A wonderful collection of photographs about American Indian life and culture.

Emanuels, George. *California Indians: An Illustrated Guide*. (Diablo Books, 1991) Distributed: Kings River Press, Lemoore, CA. Aimed at a younger audience, this work gives an overview of basic cultural aspects of 17 major California Indian tribes from all regions of the state. A study guide is included.

Keyworth, C.L. *California Indians, The First Americans*. Facts on File, New York, 1991. This volume gives a good general overview of both historic and present-day California Indian life. It examines the history, culture, subsistence, religion and beliefs, geographical distribution and environment of California's native population. Included are discussions of how the life of the Indians has changed and the contemporary situation of California Indians. A contemporary color photography essay supplements a wide selection of historical photographs.

Latt, Joan. *Travelers in the Dawn: Our California Indian History*. Los Angeles Unified School District, 1978. Story of an Indian family in California rediscovering the culture and traditions of the early California Indians. Includes a teacher's guide.

Lavine, Sigmund A. *Indian Corn and Other Gifts*. Dodd, Mead and Co., 1974. Survey of crops developed by Indians of the western hemisphere. Includes myths, legends and superstitions. Scientific facts are also presented. Information provided on each food.

Margolin, M. editor. *The Way We Lived: California Indian Stories, Songs and Reminiscences*. California History Society Reprint, 1993. In this volume of contemporary and historical reminiscences, songs and stories, native Americans from throughout the state are represented. Childhood, domestic relations, social life and customs, old age and death, the relationship with nature, supernatural power, dreams and myths, coyote tales, the coming of whites, and the current situation of California Indians are examined in narrative and poetry.

Films and Video

Colliding Worlds (Videotape) One Medicinebull, American Indian Center of Central California, P.O. Box 607, Auberry, CA 93602. Traces three generations of Mono women and the transition from their traditional culture to the modern culture. Mentioned: history, name derivation, means of cultivation, related tribal legends and sacred ceremonies.

Indians of California (Film, Part I - 15 minutes, color; Part II - 14 minutes, color) Barr Films, Pasadena, CA, 1964. Tells the story of the Indians as they lived before the white man came to the Pacific Coast. Part I deals with village life including trading, house-building, basket-making, making and use of the tube-boat, use of the swathes and songs and dances. Part II deals with the Yokuts ways of making bows and arrows, hunting, preparing food and telling stories.

Ishi in Two Worlds (Film, 19 minutes, color) Contemporary Films, New York, 1967. Story of the last Yuki known to have spent most of his life in totally traditional fashion.

Ishi: The Ending People (Videocassette from filmstrip to guide, 15 minutes, color) A visually striking eloquent reenactment of the true story of the last of the Yuki people. In Northern California in the late 1800s, encroaching white men wiped out all but four members of the Yuki tribe. The program follows the "Ending People"-Mother, Elder Uncle, Cousin Little White Sheet and Ishi-in their struggle to survive.

Treaties Made, Treaties Broken (Film, 18 minutes, color) McGraw Hill Films, Del Mar, CA, n.d. Presents a treaty dispute; comments by tribes who depend upon fishing for livelihood and their harassment by government.

Shenandoah Film Productions, 538 G Street, Arcada, CA 95521. This American Indian owned film company has produced numerous films depicting California Indian life.

Teacher Resources

Eargle, Dolan H. *The Earth is Our Mother: A Guide to the Indians of California*, Trees Company Press, San Francisco, 1988. This resource manual guides teachers to historic sites, museums and reservations. It includes festivals, pow wows and other events that are suitable for field trips within the state.

Heizer, Robert, editor. *California Handbook of North American Indians*. Volume 8, Smithsonian Institution, Washington, D.C., 1978.

Johansen, Bruce E. *Forgotten Founders. How the American Indian Helped Shape Democracy*. Harvard Common Press, Cambridge, MA. Traces how the founding fathers absorbed Iroquois' political and social ideas, and how these ideas combined with the cultural heritage they had brought from Europe created a rationale for revolution in the new land. (Available from Social Studies School Service.)

Kroeber, A.L. *Handbook of the Indians of California*. Dover Publications, New York, 1976. (Originally published by the Bureau of American Ethnology of the Smithsonian Institution in 1925.)

Native American Cultures. Educational Impressions, 1992 (Social Studies School Service). Tracing traditions, legends and histories of some of the nearly 240 Native American tribes before the arrival of the Europeans. These activities are designed to

develop critical, creative thinking and research skills, as well as demonstrate the error of racial stereotyping.

Powers, Stephen. *Tribes of California*. University of California Press, 1976. (Reprinted from contributions to *Worth American Ethnology*, Vol II, 1877). Powers was a true adventurer. In 1869, he completed a coast-to-coast walking trip. During the summers of 1871 and '72, he traveled on foot and horseback to study the California Indians. Powers appeared to genuinely like the various Indians he visited and was particularly appalled by their terrible experiences with the Americans of Gold Rush times. Unfortunately, Powers' writing also reflects some of the prejudices of white Americans about all Indians.

Government

Education for Citizenship. Constitutional Rights Foundation. Aspen's Law-Related Education Series. Aspen Systems Corporation. Rockville, Maryland, 1982.

Friedrich, Linda, Compiler. *Discovering Our Fundamental Freedoms: The Bill of Rights in the Early and Middle Grades, Teacher Resource Guide* - University of Pennsylvania Law School. Philadelphia, Pennsylvania, 1991. The lessons and activities in this resource guide were an outgrowth of a month-long PATHS/PRISM summer institute on teaching the Bill of Rights.

Elementary Law-Related Education Resource Guide: Grades 3-6. Cleveland Public Schools, Cleveland, Ohio, 1986.

Gallagher, Arlene. "Equality and Property." *Update on Law-Related Education*. Spring, 1987. Several activities for elementary students introducing the concept of distribution of limited resources. Students can usually grasp the idea of shared ownership, understanding shared responsibility and equal access.

Gallagher, Arlene and Leigh Taylor. "Premises for Law." *Social Education*. Vol. 39, No. 3.

George, Jean Craighead. *Water Sky*, Harper and Row, 1987. A young adult novel about a boy who joins an Eskimo whaling crew and learns how cultures can have opposing viewpoints about a natural resource.

Picture Yourself in Local Government: An Elementary Student Guide to California Local Government. Teacher's Edition. Institute for Local Self-Government, Sacramento, California, 1996.

Shefsky, Lloyd, "Legal Procedure". *LRE Project Exchange*. American Bar Association, Spring, 1986.

Steig, William. *Rotten Island*. Godino, 1984. Full-page illustrations show what can happen if every creature on land and sea were free to be as rotten as possible.

Weatherford, Jack. *Indian Givers - How the Indians of the Americas Transformed the World*. Crown, New York, 1988.