

NAME	DATE	SUBJECT SOCIAL STUDIES
LESSON # T3.JAM.4A	GRADE 4-5	SCHEMA CHANGE
TITLE NATION 2 NATION		TIME NEEDED 30 MINUTES

DESCRIPTION We know Framers found inspiration in the Enlightenment, which was grounded in natural rights and segued into natural law. Does that mean, then, that when the US arranged to purchase France's claim on Louisiane that it would honor the natural rights of the Native nations who lived in those places since time immemorial?

LESSON FOCUS & GOALS The focus of this lesson is to examine how the Supreme Court established itself as a co-equal branch within the federal government. The goal of this lesson is to explore if "precedent's" precedent is scientifically valid.

MATERIALS NEEDED

Print enough copies of this packet so each student has (1) role to play T3.4A. Note, there are (4) roles/packet; if there are 20 students in your class, print 5 copies. Re, extensions 4B-G, print 1/student. Pencils

VOCABULARY

claim (n) an assertion of something as a fact;
(v) to assert or demand by right of virtue

natural rights God-given rights; principle or body of laws derived from nature

HOOK POST OR READ ALOUD

"The Indian nations had always been considered as distinct, independent political communities retaining their original natural rights as undisputed possessors of the soil...The Constitution, by declaring treaties already made... to be the supreme law of the land, has adopted and sanctioned previous treaties...consequently admits their rank among the powers capable of making treaties. The words "treaty" and "nation" are words of our own language, selected in our diplomatic and legislative proceedings by ourselves...We have applied them to Indians as we have applied them to the other nations of the earth. SC Chief Justice John Marshall

DIRECTIONS

- 1) Divide your class into groups of 4. For each group, print and deliver enough copies of this packet, giving one role/position to each student/group.
 - 2) Working in small groups, give individuals 10 minutes to read, annotate and complete prompts at the bottom of each page.
 - 3) Gathering as a class, take 10 minutes to work through as many GUIDING QUESTIONS as possible.
 - 4) Return to small groups and give students 10 minutes to collaborate on the EXIT TICKET found on the following page.
- *With any JAM, students are tasked with diagnosing the embedded conflict. The purpose of taking a role, therefore, isn't to sympathize, but to rationalize with the assigned viewpoint.

TEACHER NOTES

Each JAM package is structured identically, 16 pages, including five (5) extensions, B-G, plus a debrief to deepen comprehension & expand writing skills. *Tip: co-create a visual timeline during to illustrate scope & scale.*

T3.JAM.4A**GUIDING QUESTIONS****CLASS DISCUSSION**

1. Name and describe the (5) Native nations in this JAM, their location and timeline.
2. Name the U.S. 3rd President. Explain how the Enlightenment inspired TJ?
3. What are natural rights? What does self-evident mean?
4. Who is Tecumseh? Where and when did Tecumseh live? How did he aim to help all Native nations? Do you think Tecumseh knew about the Doctrine of Discovery?
5. How did Tecumseh's life work threaten to disrupt TJ's dreams for U.S. expansion?
6. Who is John Marshall? Explain how his background helped him ensure the Supreme Court could evolve into a co-equal branch of the federal government. How is the concept of Separation of Powers related to the rule of law?
7. How did the Supreme Court support Native nation sovereignty? How did treaties threaten to undermine Native nations' sovereignty?
8. What was the embedded conflict in this JAM?

T3.JAM.4B**FROM CONFUSION TO CLARITY****PARTNER/INDIVIDUAL**

This written re-tell incorporates 1) **retrieval practice** and 2) **complex syntax**.

T3.JAM.4C**STRUCTURED JOURNAL****INDIVIDUAL WORK**

This exercise uses **meta-cognition** to help students identify what they're thinking. Gaps in comprehension related to the JAM will reveal themselves; prepare to guide/clarify.

T3.JAM.4D**FROM CLARITY TO COMPLEXITY****PARTNER/INDIVIDUAL**

This graphic organizer will help students transfer acquired knowledge from long-term memory back into working memory by 1) **retrieval practice** 2) **elaborating** ideas & details, 3) **analyzing** acquired knowledge by comparing & contrasting viewpoints

T3.JAM.4E**BECAUSE, BUT, SO****INDIVIDUAL WORK**

Three sentence stems invite students to 1) **elaborate** details & ideas, 2) grapple with **complex syntax**, 3) manage **sequence**, flow & logic through conjunctions

T3.JAM.4F**CIRCLING THE TRUTH****GROUP WORK**

This graphic organizer asks students to **interleave** schema, themes & details as they synthesize information into an elaborate re-tell. Great prep work for summary essay.

T3.JAM.4G**LISTEN****CLASS DISCUSSION**

Students complete three sentence stems in preparation for a class-wide debrief.

HELPFUL HINTS

Conflict is inevitable, yet humans have the capacity to choose how they engage. In that sense, managing conflict is an artform we could strive to master. JAMs are “task conflicts” based on historical records that position students to practice conflict by wrestling with multiple viewpoints in dynamic situations. The goal is to practice feeling uncomfortable so as to create a habit of invoking **metacognition**, thinking about what we’re feeling and thinking, before engaging in conflict. If so, we might be more apt to think before we speak, analyze seemingly opposite viewpoints, and find common ground. This includes identifying affect from cognition, keeping competing thoughts top of mind, and sequencing events into one timeline.

Rooted in rigor, JAMs aren’t easy. Competing data sets are discovered through skilled reading, healthy dialogue, and **phenomena**, occurrences or circumstances observed in real time. Taken together, students in a JAM are creating a living model of the past! At that rate, they’re facing a golden opportunity to practice the scientific method! See: **PUTTING SCIENCE INTO THE SOCIAL SCIENCES**. This includes following a step-by-step process whereby they’re thinking and behaving like scientists as they record, organize and analyze all data sets.

Anticipate confusion but be prepared for your students to grow and shine as they adapt and outwit history through this new learning strategy. These one-liners might help steady ‘em.

- *You are not the center of the universe.*
- *No person, no role, has all the answers; each role is merely one piece of the puzzle.*
- *If each role only presents a sliver of the world, what potential problem(s) might prevent your group from making sense of reality?*
- *What's the wrinkle? What's the embedded conflict? What's the JAM?*
- *Can you name the “elephant in the room” without losing anyone’s confidence?*
- *Emotions are neither good nor bad; they’re merely signposts that offer guidance as we try to navigate learning.*
- *The trick is learning how to get out of a JAM without creating a bigger mess.*

PUTTING SCIENCE INTO THE SOCIAL SCIENCES

Science isn't just knowledge, it's a process. The scientific method is a step-by-step process that humans use to study phenomena. For our purposes, we'll use a 7-step process to run a JAM from start to finish. Use this template to help you organize a JAM.

BEFORE A JAM

- 1. OBSERVATION** Engage with HOOK
- 2. QUESTION** What do you find intriguing about this HOOK? _____

- 3. HYPOTHESIS** Based on the HOOK we predict this JAM is going to address

 _____.

DURING A JAM

- 4. EXPERIMENT** Divide your class into groups of four (4) students. If there are more than 4/group, that's fine! Some students can share a role. Next, run the JAM! Note, half-way through the JAM, re-convene small groups into one large group for a few minutes to answer GUIDING QUESTIONS found on next page.
- 5. ANALYZE DATA** Organize data by using extensions B-F.

AFTER A JAM

- 6. SHARE RESULTS** List the embedded conflict(s) here _____.
 _____.
 What could historical figures have done to prevent injustice, violence & instability?

- 7. NOTES** To prepare for the next JAM, list what students/players could do to maximize time, trust & creativity _____.
 _____.

Name _____

1. CHEROKEE, CHICKASAW, CHOCTAW, SEMINOLE & MUSCOGEE CREEK

The Cherokee, Chickasaw, Choctaw, Seminole and Muscogee Creek are five separate and unique Native nations that have laid aboriginal claim to parts of southeastern North America since time immemorial, or before recorded time. From the Mississippi River to the Atlantic Ocean, from the Gulf of Mexico to the Appalachian Mountains—these nations developed their own languages, passed down their ancestors' stories, governed themselves, and traded with other nations. In peace or war, they always had one thing in common: their worldview. To them, land was beloved. A relative.

Much later, new people arrived from across the ocean. These newcomers arrived at different times and represented different European nations. They dressed differently, behaved differently, and spoke different languages. They did, however, have one thing in common: their worldview. So intense, so furious was their desire to control North America that their arrows burst into flames and exploded once they found their mark.

Fires out, the newcomers gathered everyone to paint their paper. *Treaties*. Strangely, treaties acknowledged and threatened Native nation's sovereignty. Including their rights to their land. It was as if paper had the potential do more harm than arrows.

Who? _____

Where? _____

When? _____

What happened first? _____

What happened next? _____

Then what happened? _____

What happened after that? _____

Why? What was the intention? _____

Name _____

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2. THOMAS JEFFERSON

Thomas Jefferson (TJ) was born in 1743, almost three hundred years ago, yet he remains a beloved figure in U.S. history. Born in Virginia, Jefferson was a scholar with diverse talents as a planter, architect, lawyer, inventor, writer, diplomat, and 3rd U.S. President.

In his professional life, TJ drew on the European Enlightenment, natural rights rooted in science, to draft the Declaration of Independence. This document claimed what was then a radical idea, that all humans are inherently equal and therefore have unalienable rights, rights that cannot be taken away or violated. To do so, Jefferson used French philosopher Montesquieu's idea of Separation of Powers to divide the U.S. government into three, co-equal branches. The goal of having a judicial, executive and legislative branch is to give to give each branch several unique ways to "check & balance" the other two branches so that no branch or individual has more power than the others. *Brilliant.*

Moreover, TJ helped ensure the Constitution honored the natural rights of indigenous persons by explicitly highlighted the unique status of Native nations vis-à-vis the United States. Nevertheless, TJ believed in expanding the nation's boundaries. *But how?* As President, TJ knew the Constitution didn't give the Executive branch authority to purchase land. Nor did Native nations have written proof they owned their land, if they owned it at all. So if they didn't own it, how could they sell it? Was buying it even possible? Meanwhile, Native nations continued to purchase trade items from US citizens. So much so, they were going deeper and deeper into debt with no prospect of paying their bills.

"...There is perhaps no method more irresistible [sic] of obtaining lands from them than by letting them get in debt, which when too heavy to be paid, they are always willing to lop off by a cession of lands." **Thomas Jefferson**

Who? _____

Where? When? _____

When? _____

What happened first? _____

What happened next? _____

Why? What were his intentions? _____.

Name _____

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3. TECUMSEH

Tecumseh, a Shawnee Chief born in 1768, was a remarkable leader in the Ohio River Valley who inspired many Native nations to unite and defend their land, culture, and sovereignty. Understanding the context of Tecumseh's life and times—from British colonialism to American expansion—shows why his efforts to unite Native nations were vital to preserving Native nations' way of life, particularly in relation to land ownership.

Tecumseh grew up in the Ohio River Valley during a time of significant conflict, in the wake of the French & Indian Wars and the American Revolution. During these years, many Native nations were displaced from their lands through war, disease, and treaties that transferred communal lands to European monarchs and their citizens. After 1783, however, as the U.S. took shape, many Native nations, including the Shawnee, returned to the Ohio River Valley to rebuild political power and regain control over their land.

To promote unity, Tecumseh traveled extensively, encouraging all Native nations to form an intertribal confederacy. He emphasized their shared cultural belief in maintaining aboriginal land rights indefinitely by simply maintaining communal ownership of land. This versus individual nations signing treaties with the US, nation to nation, lest any written proof that reflected boundaries imply ownership. If so, the treaty itself extinguished aboriginal rights, which inevitably positioned Native nations to put their land into trust with the U.S., or convert it into deeded property so it could be sold to the lowest bidder as private property. Erasing Native worldview by erasing their relationship with land.

Who? _____

Where? _____

When? _____

What happened first? _____

What happened next? _____

What happened after that? _____

Why? What was Tecumseh's intention? _____

Name _____

4. JOHN MARSHALL

John Marshall was born in a log cabin in Virginia in 1755, yet over the course of his life he had the rare distinction of serving in all three branches of the federal government: legislative, executive and judicial. Marshall served his nation as a soldier, a lawyer, a Framer, Congressman in the US House of Representatives, as Secretary of State, and Supreme Court Justice. Using all of these perspectives to assess the government strengths and weaknesses, Marshall had the knowledge he needed to shape a system that would ensure the judicial branch could evolve as a co-equal branch of the federal government, effectively ushering in the rule of law.

As the nation's 4th Supreme Court Chief Justice, Marshall led a bench of several justices, or judges. The "Marshall Court" oversaw over a thousand cases in which they read and interpret the Constitution to determine if new laws or actions were legal. This process, called judicial review, provides the Court with the privilege of "checking & balancing" the other two branches' powers by striking laws if they're found to be inconsistent with the Constitution. If so, no branch or person is above the law. *Brilliant.*

How does the Supreme Court base these decisions? Often rulings depend on previous rulings, called precedent. In 1801, however, the Court lacked precedent, so at least once they looked to international legal doctrine for guidance. For example, in *Johnson v. M'Intosh*, the Marshall Court used the Doctrine of Discovery as precedent. Meaning the Supreme Court reinforced the Catholic Church 15th century blessing given to European monarchs to assert legal claim over and above Native nations who laid aboriginal claim to their land, occupiers rights, not ownership.

Who? _____

Where? When? _____

What happened first? _____

What happened next? _____

What happened after that? _____

Why? What was his intention?
_____.

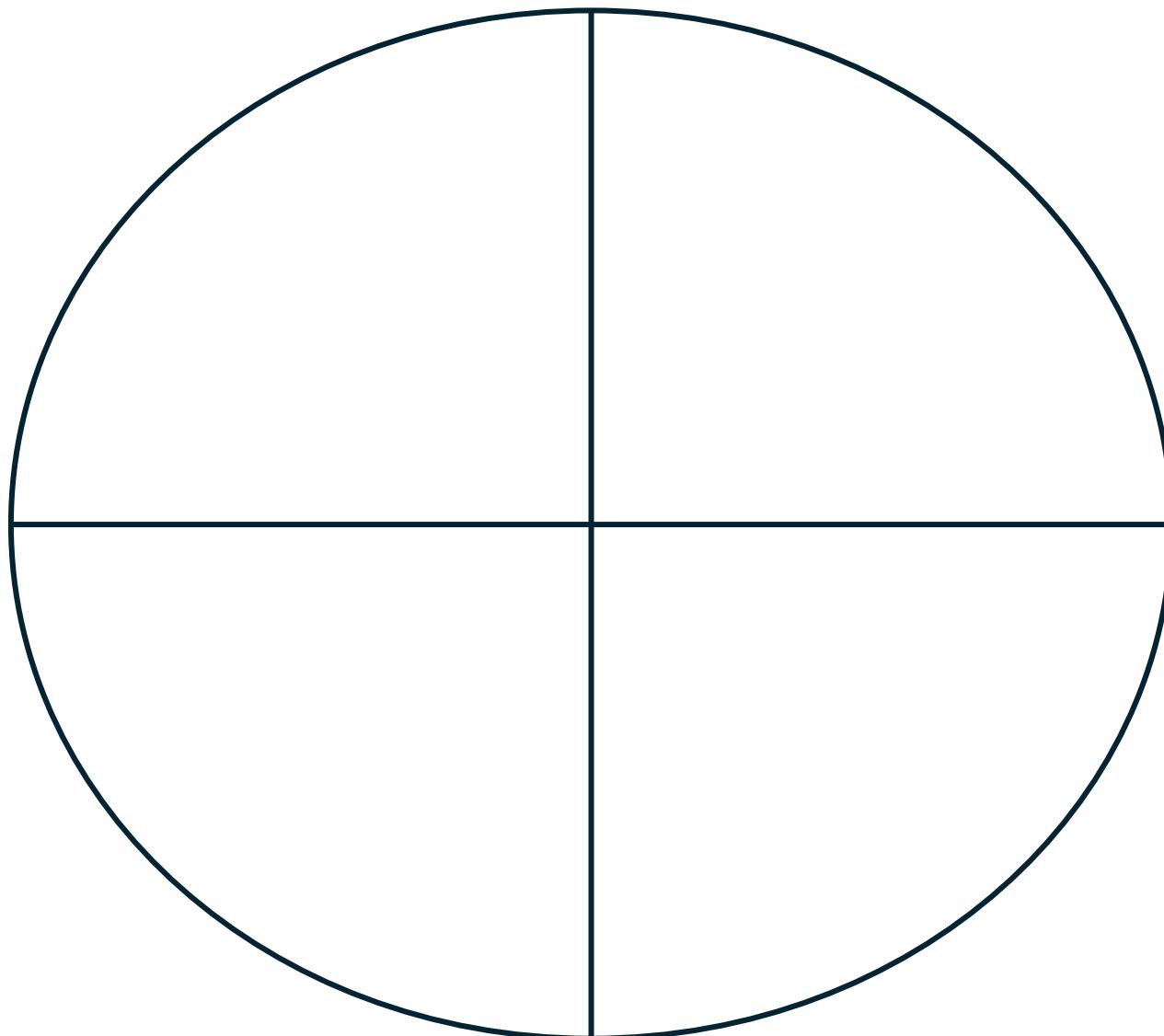
T3.JAM 4

Names _____, _____, _____, _____

EXIT TICKET WHAT'S THE JAM?

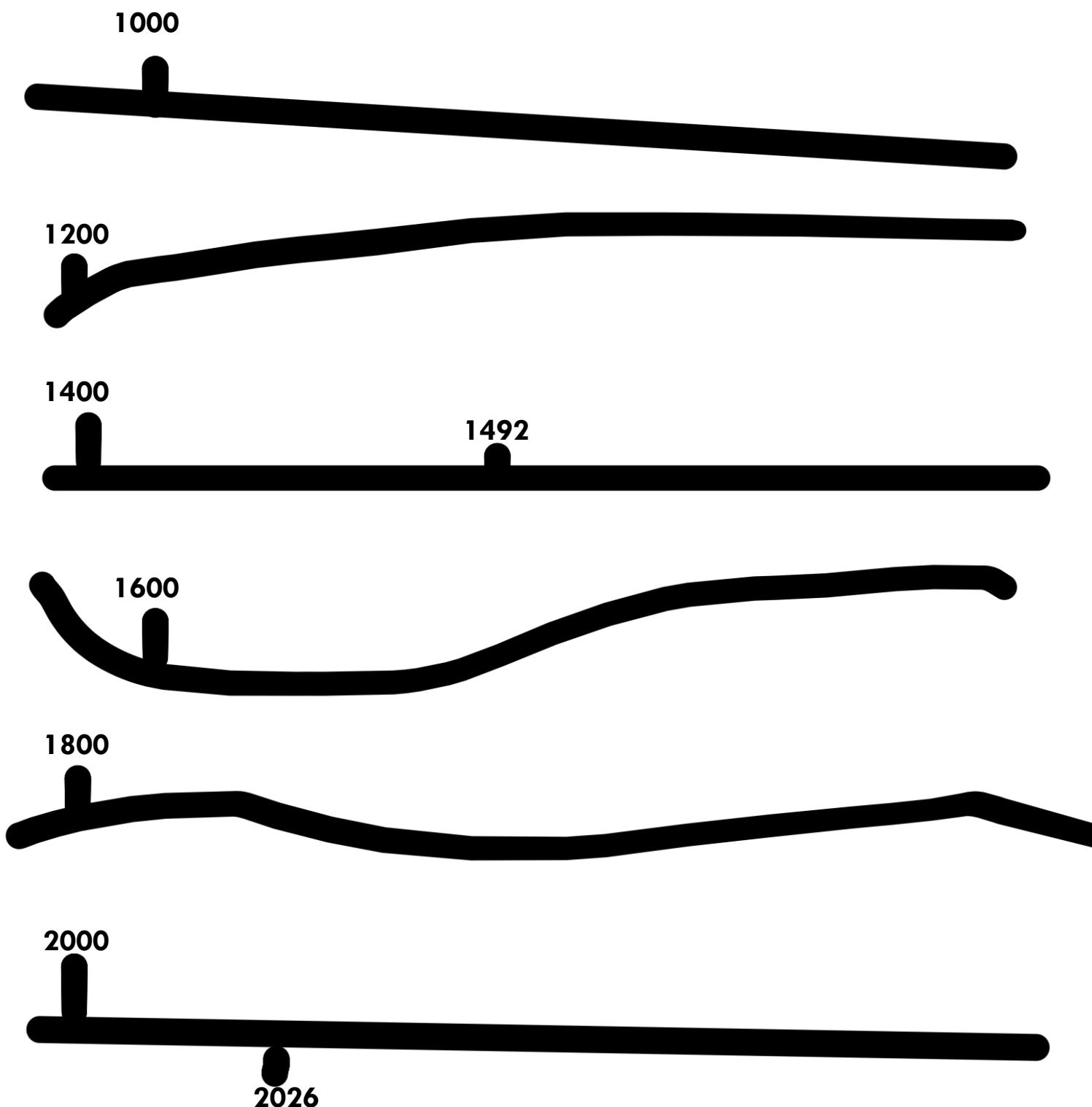
The JAM refers to the thread that connects the (4) viewpoints, the underlying issue few people say aloud. It's the sticky bit; the embedded conflict. *Delicate, nuanced & complex.*

DIRECTIONS 1) Label each quadrant: one role/quadrant. 2) Detail each quadrant with key events, players, including cause and effect—use your notes! 3) Gather as a class to answer GUIDING QUESTIONS. 4) Return to small groups to discuss/identify the wrinkle, aka, the “embedded conflict,” aka the JAM. 5) Name the JAM below.



The root cause of the JAM is _____.

TIMELINE



NAME	DATE	SUBJECT SOCIAL STUDIES
LESSON # T3.JAM.3B	GRADE 4-5	SCHEMA PERSPECTIVE
EXTENSION FROM CONFUSION TO CLARITY		

DIRECTIONS FILL IN THE BLANKS

In the southeast quadrant of North _____, between the Mississippi River and the _____ Ocean, and between the A_____ Mountains and the Gulf of _____, there were five Native nations. The C_____, C_____, C_____, M____ C_____, and the S_____ had lived across this region since time immemorial. These nations, separate & unique, passed down their unique _____, governed themselves, traded with other _____ & spoke their own languages. In peace or war, they always shared a similar worldview in which they _____.

Much later, newcomers arrived from _____. These people arrived at different times, representing different _____. They spoke different _____, dressed differently, and behaved differently. Yet, they had one thing in common: they wanted to _____.

Following the 13 Colonies War for Independence, a new nation formed, the _____. Many of their leaders, for example _____ Jefferson was inspired by the Enlightenment to embrace science as a source of understanding natural _____. The result was a D_____ of I_____, a revolutionary document that declared all men were born equal with unalienable rights.

Meanwhile, Shawnee Chief _____ realized the U.S. aimed to examine its political boundaries, over the A_____ Mountains, into the Ohio River, and beyond! To stop this, Tecumseh urged Native nations to NOT touch paint to paper, or _____, lest the treaties extinguish aboriginal claim eliminate occupiers rights to control their land.

Meanwhile, TJ's colleague, Supreme Court Chief Justice _____ was using the concept of S_____ of P_____ to ensure the judicial branch evolved into one of _____ co-equal branches within the federal government. This often involved interpreting the Constitution to determine if new laws were legal. Yet, sometimes Justice Marshall had to refer to international legal doctrine, for example, the _____ to determine which land claims held more power in court: Native nation aboriginal claims to North America, or the U.S. inherited claims. Nation to nation, is one more powerful?

T3.JAM 4

NAME	DATE	SUBJECT SOCIAL STUDIES
LESSON # T3.JAM.3C	GRADE 4-5	SCHEMA PERSPECTIVE
EXTENSION STRUCTURED JOURNALING		

1. What are the most important ideas in this JAM? _____

2. This is what I don't completely understand ..._____

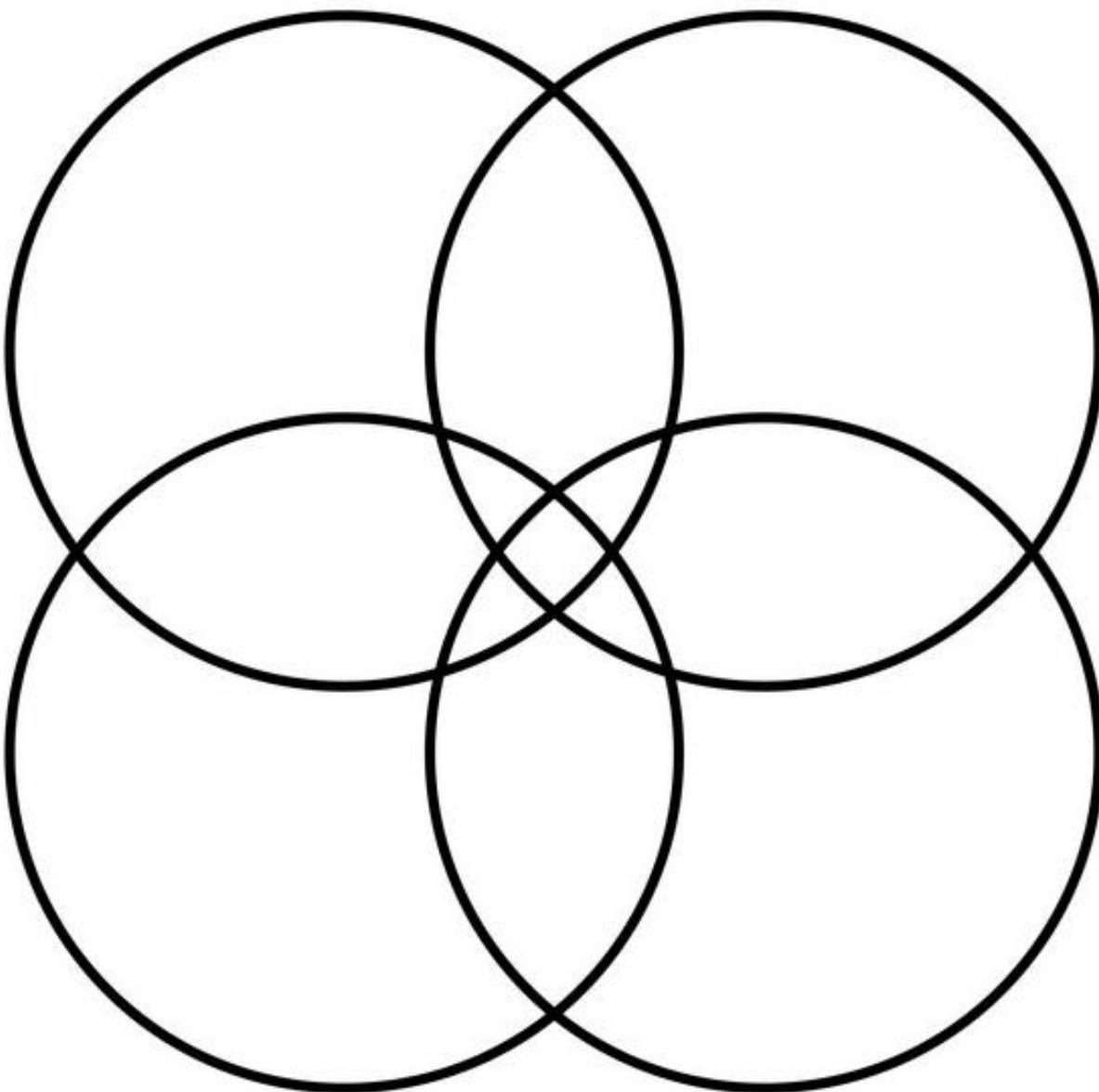
3. This JAM connects to my reality in that ..._____

4. I wonder... _____

5. I also wonder... _____

NAME	DATE	SUBJECT SOCIAL STUDIES
LESSON #T3.JAM.3D	GRADE 4-5	SCHEMA PERSPECTIVE
EXTENSION INTERLEAVING		

DIRECTIONS How is this graphic organizer different from the first one? 1) In the margin of this 4-Way Venn Diagram, label each circle with the JAM's (4) viewpoints. 2) Consider how some viewpoints' characteristics overlap, or share intentions, goals or actions. 3) In the shapes don't overlap with others, list what makes that viewpoint unique from all others.



T3.JAM 4

NAME	DATE	SUBJECT SOCIAL STUDIES
LESSON # T3.JAM.3E	GRADE 4-5	SCHEMA PERSPECTIVE
ASSESSMENT BECAUSE, BUT, SO		

DIRECTIONS Complete the following sentence stems.

1. Native nations had aboriginal claim to North America **because** _____

2. Native nations had aboriginal claim to North America **but** _____

3. Native nations had aboriginal claim to North America **so** _____

BONUS

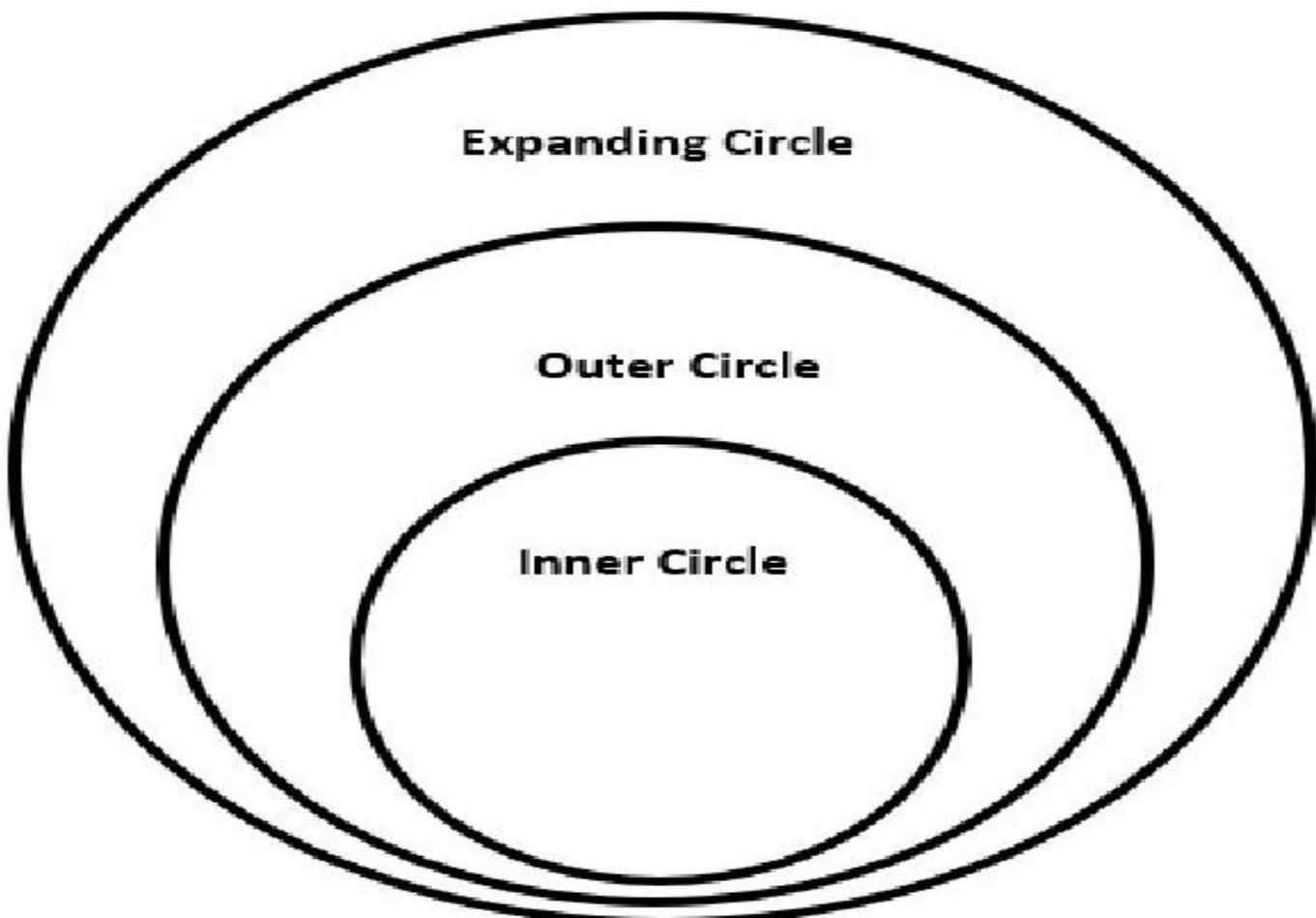
Nation to nation treaties threatened to extinguish Native nation aboriginal land claims by illustrating and certifying political boundaries, **yet** treaty signing acknowledge and certified each nation's sovereignty. Therefore, _____

T3.JAM 4

NAME	DATE	SUBJECT SOCIAL STUDIES
LESSON #T3.JAM.3F	GRADE 4-5	SCHEMA PERSPECTIVE
EXTENSION CIRLING THE TRUTH		

DIRECTIONS 1) Select ONE theme (perhaps the embedded conflict you named at the end of the JAM) that you believe unites all (4) viewpoints. Write it down in the *Inner Circle*. 2) Choose any (3) of the “5 Strands” of Social Studies—**geography, history, government, culture, economics**—that you think demonstrate how and why different roles chose the paths or strategies they did. Write those words in the *Outer Circle*. 3) Use “Retrieval Practice” to list details that support the three strands you listed in the outer circle. **BONUS:** Use this graphic organizer to write a one-paragraph summary essay.

POTENTIAL THEMES (CHOOSE ONE): POWER, MONEY, DEMOCRACY, AUTHORITY, MONEY, BALANCE, KNOWLEDGE,



T3.JAM 4

NAME	DATE	SUBJECT SOCIAL STUDIES
LESSON # T3.JAM.4G	GRADE 4-5	SCHEMA GAME THEORY
EXTENSION LISTEN: CLASS-WIDE DEBRIEF		

DID YOU KNOW? Oral storytelling is an integral component of Native nations culture that offers neurological and cognitive benefits. For example, storytelling supports resiliency by promoting early literacy through social cognition, language processing, and memory storage. This is evidenced by the fact that Native nation stories have been scientifically validated as reliable records of historical events going back thousands of years. In summary: *active listening is an unparalleled learning strategy.*

DIRECTIONS Complete these sentence stems to summarize your thoughts (5-7 minutes). Next, bring these pearls of wisdom to share in a class-wide debrief so you and your classmates can practice speaking & listening.

1. One historical event that happened during this JAM that the world needs to spend more time thinking about is _____

2. One behavioral pattern that I noticed during the historical events of this JAM that could support sustainability in the world today is _____

3. One thing my small group did well in this JAM, a behavioral pattern that I believe could make the world safer or more sustainable is _____
