**Teaching Notes**

**Confronting Racism: Treaty Beer Comes to Washington**

**Learning Outcomes**

* Learn about organizing tactics and tools used in an Anti-Indian social/political movement
* Understand the circumstances that lead to the development of social/political movements
* Discuss some of the roots of racism and strategies for confronting it in the Treaty Beer case
* Learn about a significant period in American Indian history
* Understand the policy evolution and change process as it applies to these examples of Native American treaty rights and natural resources
* Explore intergovernmental issues and solutions to significant Native issues
* Explore ways to increase awareness and knowledge about Native issues and treaty rights

**Audience:** This case is suitable for high school or college classrooms with some adjustment of the discussion questions to the student population. It can be used in a wide variety of disciplines including sociology, political science/public administration, law, history, biology, environmental studies, and native studies.

**Related Cases:**

Robinson & Alesko, *The Return of a River: A Nisqually Challenge* (2010)

Footen, *Co-Management of Puget Sound Salmon* (2009)

Brown and Footen, *Salmon Habitat: The Culvert Case and the Power of Treaties*

Footen, *Ancestral Roots and Changing Landscapes: The Impact of Seattle’s Development on the Salish People of Central Puget Sound*, 2009

**Teaching Implementation Suggestions**

1. *Interrupted Case:* The case is divided into parts which makes it feasible to teach it as an interrupted case. In this situation students are given each part separately with discussion at the end of each section before handing out the next part. This process of progressive disclosure can be done with a small or large class with questions at the end of each section. The discussion at the end of each section can be done in small groups or as an all class exercise where the teacher poses the questions and asks the whole group for responses. The instructor may want to elaborate on the questions presented at the end of each section or pose their own questions.
2. *Small group discussion:* Another way to teach this case is to have students read the entire case at once and then divide the class into small groups of 4-7 students with each group working on different questions related to the case. Possible group themes and discussion questions are listed below. After discussing their questions and preparing a poster of their conclusions, each group should present to the entire class.

**Group 1: Roots of racism**

1. What is racism?
2. What are some of the roots of racism?
3. Who supported *Treaty Beer* and why?
4. Was this all about racism or were there other issues behind some of the supporters of Crist and *Treaty Beer*? If yes, what were they?
5. How can racism be confronted? What strategies were used and which seemed to be most effective in this case?
6. Steve Robinson said that “the days are numbered for political types to try and build causes around hatred.” Do you agree? Why or why not? What are the circumstances that might make this happen?

**Group 2 : Increasing knowledge about Native issues & treaty rights**

1. What are some of the ways of increasing public awareness of Native issues and treaty rights?
2. What avenues to increase public awareness and educate others were used in this case?
3. Washington offers training for state agencies on many topics including government to government relations with Indian tribes. Should states require state leaders to participate in state sponsored workshops on Native Issues and tribal sovereignty?
4. In both Wisconsin and Washington the states developed tribal sovereignty curriculum for the schools some years after these disputes. In what ways do you think this is a good approach ?
5. In the Wisconsin Chippewa fishing rights litigation the State of Wisconsin was opposing the tribes. When the opponents of Indian treaty rights protested at boating landings, the state of Wisconsin protested by dragging its feet in implementing court decisions, appealing the decisions in the courts, and not speaking out against the anti-treaty forces. In the Treaty Beer situation, Washington State took a very different position. What is the impact of a state’s action in this situation ? Why did Washington act so differently in the Treaty Beer case than they had acted right after the Boldt decision?

**Group 3: Sovereignty and Intergovernmental Collaboration**

1. What are some of the key lessons in this case about exercising sovereignty in a nation building way? What are some of the keys to the successful exercise of sovereignty that you see here?
2. Is developing relationships with other governments through co-management and other collaborations a loss of sovereignty or is this a way of exercising sovereignty?
3. Is inter-governmental and inter-organizational collaboration an important approach to use today? Why? On what kinds of issues? What kinds of skills do tribes need to have to do this effectively?
4. What kinds of alliances are evident in this case? Are some organizations natural partners for tribes? Which ones? Why?

**Group 4: The Development and Evolution of social/political movements**

1. Why did these protests emerge shortly after significant legal decisions?
2. What were the significant legal decisions that gave rise to the *Treaty Beer* movements?
3. Why is coalition building common in social/political movements? What groups were part of the anti-Treaty Beer coalition and what inspired them to participate? What was at stake for them?
4. Do you see any parallels between this case and the tactics used by current protest groups such as the Tea Party? What are they?
5. Discuss the various strategies and organizing tactics (legal, educational, action strategies, and organizing strategies) that can be used to lessen the appeal of anti-Indian groups.

**Group 5: The Medium is the Message**

1. What were some of the strongest messages in Crist’s campaign to stop “treaty abuse?”
2. What messages did he put out ? Which messages might appeal to different audiences?
3. How could Crist say he was inspired by Martin Luther King? In what ways might he justify this claim?
4. The word “rights” appears frequently in this case- equal rights, special rights? human rights? constitutional rights? Analyze the way the various “rights” arguments played out with both the pro and anti-Indian groups as they mobilized others and tried to justify their positions.
5. From Crist’s point of view, this is a clear case of a person pursuing their free speech rights. Where are the boundaries on this essential American right? Are there any? Should there be? What did Judge Barbara Crabb ultimately decide about this?

**Group 6: Standing in Other’s Shoes**

1. Should the Governor become involved in a situation like this? What are the pros and cons of the Governor becoming involved?
2. Was Crist treated fairly? Looking at this case from his point of view, what were some of the fundamental issues he was raising?
3. What role should the media play in disputes of this sort? What impact does the media have in situations like this?
4. Where is the common ground between some of the advocates and opponents in the Indian fishing rights controversies? What actions promoted seeking the common ground?

**Group 7: The Evolution of Policy and Change**

1. What is the impact of a state’s action in this situation ? Why did Washington act so differently in the Treaty Beer case than they had acted right after the Boldt decision? Why do you think the state of Wisconsin acted so differently? Does the passage of time itself change the dynamics of a situation like this? Why?
2. Why do you think Billy Frank said that the Treaty Beer situation might have turned out differently if Crist had tried to introduce Treaty Beer right after the Boldt decision some years earlier?
3. List the alternative actions considered and taken in this case in Washington by Crist’s supporters and opponents to deal with the *Treaty Beer* issue and explain the pros and cons of each action.
4. Some have said that science has taken a central role in decision making about fisheries management now. Where do you see evidence of this in this case?

**Additional research suggestions**

1. Research and describe the biological research that the legal decisions rested upon about fishing practices and harvests in Washington and Wisconsin.
2. Do research on the fish wars in Wisconsin and/or Washington comparing and contrasting the movements and organizing strategies and tactics used
3. Do research on the Boldt decision and subsequent implementation to understand the political-legal back drop of the case.
4. Do research on anti-democratic movements in the United States and look at the numerous websites and organizations focusing on this topic.

**Field Test Notes:** When this case was initially field tested two speakers who were activists in Wisconsin and Washington came to the class and provided valuable firsthand information. Since this case was part of a course focusing on Indian Activism, students also read and applied the “Naming the Moment” framework to this case. This framework is excellent and can be found at http://www.catalystcentre.ca/resources/morenamingthemomentresources

**Additional Resources:** Film: *Lighting the Seventh Fire* tells the story of the Chippewa fishing wars. *The Return of the Red Lake Walleye* is another very recent video that describes collaborative efforts to restore the walleye fish stock in Red Lake Minnesota.