INDIGENOUS GOVERNMENTS AND POLITICS  
(LDST 390)

Spring 2020  
David E. Wilkins, Professor

Time: Mondays 3-5:40  
Office: Jepson 133

Place: Jepson Hall 108  
Office Hours: Mondays 11-12am and 1-2pm or by appointment

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Course Description:

This course is designed to provide students with a general background of the history, development, structures, and politics associated with Indigenous governments. This will require a necessarily brief historical examination of North American Indigenous societies from pre-colonial times to the present. We will focus on both the evolution and alteration of these governments and the difficult political decisions Native peoples faced when confronted by the colonizing forces of European states, the U.S., and individual states. We will also examine the modifications developed by Indigenous nations in their efforts to retain and exercise their sovereign powers. We will use comparison, political and legal analysis, historical assessments, institutional approaches, and a number of crucial case studies to facilitate the learning process. There are currently 573 federally-recognized Native polities in the U.S., so our discussions and analysis will of necessity be general. Nevertheless, our multidisciplinary approach, rooted in politics, history, and the law should enable us to leave the course with a clearer understanding about Native polities and the politics they engage in and are a part of inter-governmentally as the original sovereigns of North America.

Required Texts with Additional Readings:


Other readings and materials will be available through Blackboard.

Examination:

An optional final exam consisting of broad essay questions will be administered in class during the final exam period. Incompletes are not given in this course except in extraordinary circumstances.
circumstances.

Paper:

You will write a 15-page term paper examining the governmental/political dynamics of one of the Indigenous nations situated in or connected to the U.S. You will have several options to choose from:

You may choose to describe and analyze what the pre-contact system of kinship/governance was for a given First Nation;
You may opt to assess what the impact of the various intruding governments was on your nation’s governing institutions and how the people and leadership strategically responded to the colonizing forces during the 17th, 18th, and 19th centuries;
You may opt to describe how your nation’s governing institutions evolved in the 20th & early 21st centuries--was the Indian Reorganization Act of 1934 a factor, if so, how--if your nation opted not to participate in the IRA what kind of political decisions did it make and how does it stand in comparison to the U.S. and the state it is in? Was your nation subjected to federal termination? If so, how did it respond? And what of the self-determination and self-governance era of the 1970s-2000s? How did your nation fare during these vital decades?
Another option is to examine an aspect of the nation-building (or more aptly titled “nation reconstruction”) process and write an essay on that. For example, this might include a paper assessing what are the external (i.e., local, county, state, national, or international) pressures (jurisdictional, environmental, modernity, power-sharing, social services, etc..) which most impinge or facilitate your nation’s efforts to regain and assert a measure of self-determination.
Or you might analyze what the internal issues are that are most exciting or problematic as your nation continues its efforts to rebuild itself after generations of colonial rule (i.e., factionalism from pressure groups, environmental issues, disenrollment, corruption, etc.).
Yet another approach would be to analyze the nation’s political leadership--the elites--and determine how they are selected, how they function, assess whether they are accepted as the legitimate expression of the people’s sovereignty, and how they are perceived by the outside world.
Or you might wish to critically assess the nation’s electoral process; analyze one of the branches of government and discuss how the issue of separation of power and checks and balances is being played out in the nation; or write a detailed report about the nation’s bureaucracy; or discuss 1st Amendment issues of freedom of the press and the role the media plays in the nation’s governance; etc.
Of course, if none of these topics tickle your fancy, I’m willing to hear you make a case for a different but related topic.

You are required to turn in a 1-page description of your proposed topic to me within the first three weeks of the semester’s beginning. I will review your proposal to ensure that your topic is appropriate and manageable. Reminder: This is not an Anthropology or Literature class.
Political, legal, or historical perspectives must be used to frame your research and writing. The paper must be typed, double-spaced, and copiously documented using legitimate published sources. By published sources I mean books, government documents (Indigenous, state, federal, international), refereed journal articles, newspaper articles, archival materials, etc. You are encouraged to utilize the Internet, but the majority of your sources must be from traditional research sources. Your paper must also include a lengthy bibliography of works perused. [Note: If your essay does not contain a sufficient number of primary and/or secondary sources from refereed materials it will be rejected. A great deal of material on the Internet is not refereed, including Wikipedia, and is therefore unreliable as data for the purpose of bona fide research.] All papers must follow the style format outlined in Kate L. Turabian’s A Manual for Writers of Term Papers, Theses, and Dissertations or the Chicago Manual of Style. If your essay does not conform to the structure provided in this book it will be returned forthwith for appropriate revisions. Use footnotes to document and identify your source material.

One of your most important jobs as a research writer is to document your use of source material carefully and clearly. Failure to do so will create confusion, reduce the effectiveness of your paper, and perhaps make you vulnerable to a charge of plagiarism. Plagiarism is the use of someone else’s words or ideas without proper credit. It includes quoting directly without acknowledging the source; paraphrasing without acknowledging the source; and constructing a paraphrase that closely resembles the original language and syntax without crediting the source (Scott and Garrison, 1995: 85). If you plagiarize you will fail the course and I will report you to the appropriate University of Richmond officials for further disciplinary action.

Your final paper is due April 13th. Remember: late papers are not tolerated and will not be accepted unless you have a documented medical or family emergency.

Weekly Questions:

In addition to the reading assignments, exams, and paper you will be required to hand in a weekly set of questions (two will be sufficient) based on that week’s readings. These will be due, via email, no later than 5pm on Sundays. Pitch these questions to me as if you were the instructor and I the pupil and you were testing my knowledge of the materials read. The purpose of this exercise is to let me know that you are actively and critically engaging the reading materials. Format: These should be broad essay type questions which indicate any of the following: your ability to differentiate between facts and opinions; your ability to recognize and evaluate author bias; your ability to recognize logical fallacies and faulty reasoning; your ability to compare and contrast information and points of view; and your ability to make judgments and draw conclusions about the materials read. If you agree or disagree with an author’s findings be prepared to offer argue why. Your arguments need to be based in facts not opinions. I expect you to have at least one comparative question in your set each week.

This exercise will help you focus on the readings and sharpen critical thinking skills. Because you will have already analyzed the materials, you will be prepared for class and more confident about engaging in the substantive discussions we will have each class.
Note: For the first two weeks I will respond to your emailed questions indicating I have received your queries and will offer suggestions, if called for, on how they might be improved. After that, you may inquire at any time on how you’re doing with this assignment. Always retain a hard copy of your questions and bring them each week to class in case there are transmission problems.

Other Expectations and Requirements:

The final requirement is active and informed participation in class discussions. As our class is relatively small and meets only once a week, we will operate as a seminar. This means that each of you, as seminarians, will be expected to participate in critical discussions of each week’s readings and some weeks you will have the lead role in analyzing and discussing the materials read. Your insights and your ability to share them are central to your academic development. In this class you are expected to be producers and sharers of knowledge, not consumers. If you are leading the discussion of a given work you must submit your written briefing comments in the form of a one-page synopsis to me the day before you are scheduled to speak. I encourage you, class size and personal budget permitting, to make copies of your briefs for your classmates prior to class.

Cell phones must be turned off and never used in class. Laptops are not allowed unless you have a documented need recognized by the Disability Services Office.

Besides the above requirements, I also expect you to be punctual and regularly attend class. Three unexcused absences and you will be administratively dropped from the course.

I weight the above requirements as follows:

Final Exam  = 20%
Questions   = 20%
Verbal      = 20%
Paper       = 40%
Total       = 100%

For the exam, I use the typical, albeit imperfect, 10-point scale (plus and minus).

Class Protocols, Respect and Civility:

I have a somewhat formal approach to teaching based in respect for learning and the privacy of my students. Therefore, I will address you by your last name and ask that you let me know your preferred honorific, such as Ms., Mr., or Mx. Like most people of my generation I am still learning and getting accustomed to more inclusive identification and will do my best to address everyone appropriately.

I encourage you to form small groups to discuss the lectures and the readings. This give and take process with a few friends proved invaluable to me during my undergraduate and graduate days. It also behooves you to take copious notes of the readings. A hi-liter does only that, it hi-lites. If
you wish to retain the knowledge gleaned from what you read this requires the act of writing—
taking detailed notes of everything you read. Of course, the same applies to our classroom
discussions.

I reserve the right to add or delete readings from those listed below. Finally, I do not assign extra-
credit projects, I do not loan my notes, and I do not use a curved grading system.

Topics & Readings (Read it and Reap!)

A. Introduction

B. How are Indigenous nations defined? What is their status under federal law? What are
Native lands? What are the demographics of Indian Country?

READ:

Wilkins and Stark, American Indian Politics 4th ed. (2018) “Note on Terminology,” skim the
“Timeline” and read the “Introduction” and Chapters 1-3.

C. Traditional Indigenous Kinship and Governing Systems (with a brief comparison to the
U.S. Government)

READ:

George Bird Grinnell, The Cheyenne Indians: Their History and Ways of Life, Vol. 1 (Lincoln,

Ella Deloria, Speaking of Indians (Lincoln, NE: University of Nebraska Press, 1998, originally
published in 1944), Chapter 4, “Kinship’s Role in Dakota Life.”

Sharon O’Brien, American Indian Tribal Governments (1989), Chapter 2, “Traditional Tribal
Governments.”

Alexis de Tocqueville Democracy in America, (Garden City, NY: Doubleday & Company, Inc.,
Discussing the Government of the Union,” pgs. 61-98; Part II Chapter 9, “The Main Causes
tending to Maintain a Democratic Republic in the United States,” pgs. 277-315; Vol. 2, Part I,
Chapter 1 “Concerning the Philosophical Approach of the Americans,” pgs. 429-433; Chapter 2,
“Concerning the Principal Source of Beliefs Among Democratic Peoples,” pgs. 433-436; Part IV,
1, Chapter 1, “Equality naturally gives men the taste for free institutions;” Chapter 2, “Why the
ideas of democratic peoples about government naturally favor the concentration of political
power;” Chapter 3, How both the feelings and the thoughts of democratic nations are in accord in
concentrating political power;” Chapter 4, “Concerning certain peculiar and accidental causes
which either lead a democratic people to complete the centralization of government or divert them from it,” pgs. 667-679.


D. The Effects of Native-White Relations on Indigenous Governments: A Political/Legal History

READ:

Wilkins and Stark, American Indian Politics (2011): Chapters 4-6.

E. Transitional Native Governments

READ:


Duane Champagne, Social Order and Political Change: Constitutional Governments Among the Cherokee, the Choctaw, the Chickasaw, and the Creek (Stanford, CA: Stanford University Press, 1992): Chapter 6 “Political Institution Building After Removal.”


David E. Wilkins, ed. Documents of Native American Political Development: 1500s to 1933 (New York: Oxford University Press, 2009). Read pgs. 67-133. [These pages feature materials covering several Native nations’ political development between 1829 and 1868.]

Winnebago Agency, Nebraska (Commissioner of Indian Affairs, Annual Report, 1872).
Osage Agency, Indian Territory (Ibid, 1877).

Colorado River Agency, Arizona (Ibid, 1879).

Pueblo Indian Agency, New Mexico (Ibid, 1879).


Reports of Agents in Indian Territory (Ibid, 1888).


F. The Indian Reorganization Act of 1934: The Enshrinement of American Constitutionalism among many Native Nations?

READ:


Constitution, By-Laws, and Corporate Charter of the Lower Sioux Indian Community (June 11, 1936 and July 17, 1937).


G. Termination, P.L. 280, & Relocation
READ:


H. Native Self-Determination & Self-Governance: Politics and Litigation (Red Power & Beyond)

READ:


Talton v. Mayes, 163 U.S. 376 (1896) (See Appendix B of American Indian Politics).


Nebraska v. Parker, 136 S.Ct. 792 (2016).

I. Modern Native Governments, Indigenous Politics, and Constitutional (or other) Developments

READ:


Revised Constitution and By-Laws of the Red Lake Band of Chippewa Indians, 1958, amended

[Http://thorpe.ou.edu](http://thorpe.ou.edu) “Native American Constitution and Law Digitization Project.” (Click on Constitutions and read the Revised Constitution & By-Laws of the Minnesota Chippewa Tribes, established 1964, amended in 1972. [This is an excellent site to browse for Indian treaties, other tribal and Alaska Native Constitutions and By-Laws, case law, etc.].


**J. Political, Legal, Social, Cultural, and Economic Issues Confronting Indigenous Governments: Internal Conflicts, External Irritants, and Suggested Reforms**

READ:


**Final Exam (optional)**