PURPOSE: This course introduces you to, and more importantly, then requires you to analyze U.S. domestic policy and federal law as it pertains to Native nations as the original sovereign peoples in the U.S. and to their individual citizens/members. In Part I we engage in a critical analysis of the principal actors--Native nations (including the status of individual Indians), federal, and state governments--involved in this distinctive government-to-government and intergovernmental relationship. We also discuss the role that activism, the media, and organizations--both governmental and non-governmental (i.e., interest groups, the public, etc.)--play in the development or hindering of Native peoples and federal Indian policy, law, and governance. In Part 2 of the course, we generally examine the historical development of the major federal Indian policy eras and the initiatives generated during those periods from before the beginning of the Republic to the present. Finally, in Part 3 we engage in a focused examination of several specific indigenous policy issues and other topics: religious freedom, economic development, federal recognition, the contentious status of treaty rights, and international developments--topics that are particularly important at the moment. We conclude the course by suggesting some possible policy avenues the different sovereigns might consider to improve intergovernmental relations.

REQUIRED READING:


Vine Deloria, Jr. and David E. Wilkins, Tribes, Treaties, & Constitutional Tribulations (Austin, TX: University of Texas Press, 1999).


ADDITIONAL READING: An additional group of readings has been put together and is
available on Blackboard. The U.S. Supreme Court cases can be found at the Law School, the main library, or on-line. If you go online you can visit these sites: http://www.supreme/www.supremecourt.gov/opinions; https://caselaw.findlaw.com; https://www.tribal-institute.org/lists/supreme.htm. You might also visit the Native American Rights Fund website out of Boulder, CO. They have an extensive collection of Tribal law related materials that could prove useful.

EXAMINATION: A final exam is scheduled for the class, but it is optional. If you opt to take it you would be required to answer several broad essay questions. We’ll discuss this near the end of the term.

VERBAL PARTICIPATION: As our class is small and meets only once a week, we will operate as a seminar. Thus, you will all be expected to orally contribute to the critical analysis of each week’s readings. To quote a former colleague: “I see you as intellectual producers of knowledge; not as mere consumers of knowledge.”

PAPER: You will write a substantial research paper of 20 double-spaced typed pages. This paper may be either a detailed analysis of a particular federal Indian policy; a critical examination of a particular Supreme Court case; or you may choose a specific Indigenous nation and write about how that nation has responded to a congressional, administrative, or judicial policy, or is going about reviving or reconstructing particular cultural, social, economic, or political/legal institutions. Do not try to write an entire tribal history! Keep your focus on a specific issue, event, personality, etc.

Regarding format, all papers must follow the style outlined in Kate L. Turabian’s classic work, A Manual for Writers of Term Papers, Theses, and Dissertations. If your essay does not conform to the format described in this book it will be returned forthwith for appropriate revisions. Use footnotes, not endnotes. Your paper must also include a complete bibliography that provides evidence that you have thoroughly scoured the library’s main holdings. It should include government documents, legal documents, and whatever other materials are required to construct a powerful argument. Your bibliography must consist primarily of properly cited books, refereed journal articles, government documents, and other primary sources. I repeat, it must consist primarily of refereed sources. If it does not contain a sufficient amount of quality sources it will be returned unread. Due date: April 6th.

Note: I do not accept late papers, except when Acts of God are solely responsible for the delay. Computer or printer failure the day the paper is due is not a result of an Act of God! Unless, of course, lightning directly strikes your computer system! Note also that integrity is expected of every student in all academic work. "The principle of academic integrity is that a student's submitted work must be the student's own." In other words, plagiarism, which means intentionally or knowingly representing the words or ideas of another as one's own," is a serious and egregious violation and the perpetrator will be subject to any one or a combination of the following sanctions: loss of credit for the work involved; reduction in grade; failing grade in the course, written warning, probation, suspension, expulsion or other sanctions imposed by the university.
WEEKLY QUESTION ASSIGNMENT: All students will also be required to submit two broad essay questions to me no later than 5:00 pm each Sunday. Pitch these questions as if you were the instructor and I was the student and you were testing my knowledge of the materials read. These questions should address pertinent issues raised in the week’s readings. At least one of your questions should be comparative, when the readings allow for that. The other question may be about anything you find important in the works read. In particular, your questions should reflect your ability to compare and contrast information, to differentiate between facts and opinion, and to recognize and evaluate author bias, if that is detected. They should also indicate your competence to make critical judgments and draw firm conclusions about the materials read. Submit your questions via e-mail if possible. Note: For the first two weeks I will respond indicating I have received them and will offer suggestions on how they might be improved. Always save a hard copy of your questions and bring them to class. These questions are an important way for me to determine that you are actively engaging the assigned materials. You may inquire, at any time, how you’re doing on this important assignment. At mid-term I will provide you with a preliminary letter grade on this component of your course work.

OTHER EXPECTATIONS: In addition to the reading assignments, active participation, final exam, and written assignments, the only other requirement is that you regularly attend class. Three (3) unexcused absences and you will be administratively dropped from the course.

I weight the above requirements as follows:

Verbal Participation: 20%
Weekly Questions: 20%
Final Exam: 20%
Paper: 40%

I use the typical, if imperfect, 10-point scale—90 & above = A to A-; 80-89 = B to B-; 70-79 = C to C-, etc.

Let me reiterate, I expect a high level of intellectual discussion each time we meet. Remember, you are producers, not consumers in this class. It also behooves you to take copious notes of the readings, outline what you read, and write specific questions about anything you do not fully understand.

P.S. I reserve the right to add or delete readings from those listed below. I do not assign extra-credit projects, I do not loan my notes if you miss class, and I do not use a curved grading system. Finally, laptops and cell phones are not allowed in the classroom.

TOPICAL OUTLINE
(Read it and Reap!)

Introduction & Orientation
PART I: The Political Actors

A. Who are the Native Nations? Indigenous Government Powers and Political Status

READ:


B. Rights & Status of Urban Indians

READ:


Azusa Ono, “American Indian Homelessness in Cities,” in Donna Martinez, Grace Sage, and Azusa Ono, eds’ *Urban American Indians: Reclaiming Native Space* (Santa Barbara: Praeger, 2016):

C. What is the Nature of the Native Nations-Federal Relationship: Trade, Treaties, Trust, Jurisdiction & Territory?

READ:


Wilkins and Stark, American Indian Politics (2018): Chapters 2 and 4.


D. What is the Native Nations-State Relationship?

READ:


E. What role does image, the mass media, political participation, and indigenous activism play in the legal, political, and policy process?

READ:


PART II: The Political History of Native Nations: 1492-Present

READ:

Wilkins and Stark, American Indian Politics (2018): Chapter 5.


PART III: The Political Action

A. Native Religious Freedom?

READ:


B. Economic Development in Indian Country?

READ:


C. Federal (and State) Recognition (Acknowledgment) of Tribes, Bands, or Groups

READ:


D. Indigenous Peoples and the International Community

READ:


**CONCLUSIONS: Where do we go from here?**

**READ:**


**FINAL EXAM WEEK**