

American Indian Politics and Policy  
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We would strongly recommend that the United States government face the Indian problem squarely. That it acknowledge to the nations of the world the international status of Indian nations as perhaps among the smallest and weakest nations of the world but yet as nations with an inherent right to political and cultural existence comparable to any other nation.

Vine Deloria, Jr. (Sioux) *Behind the Trail of Broken Treaties*

The relationship between American Indian tribes and the US federal government is an ongoing contest over sovereignty. At stake are fundamental questions of identity, jurisdiction, power and control. ...Inconstancy, indeterminacy, and variability characterize the uneven ground of federal Indian policy.

David Wilkins and K. Tsianina Lomawaima *Uneven Ground*

Indigenous peoples have the right to self-determination.

*United Nations Declaration on the Rights of Indigenous People, 2007*

### **Course Description**

Examines contemporary American Indian politics and policy. Through readings, government documents, case law, current events students analyze the historical and contemporary tensions existing between tribal nations and federal and state governments around such issues as sovereignty, treaty rights, jurisdiction, taxation, treaty lands, sacred lands, political economy, and citizenship. Particular attention will be paid to the cultural and historical roots of those tensions.

### **Required Texts**

- The Rights of Indians and Tribes (ACLU)  
ACLU
  - Documents of United States Indian Policy (DOCS)  
Francis Paul Prucha, ed. (Required)
  - All Our Relations: Native Struggles for Land and Life (Struggles)  
Winona LaDuke
  - The State of Native Nations (Nations)  
The Harvard Project on American Indian Economic Development
- Additional Readings will be handed out in class* (HO)

## Course Requirements

- Attendance is required. Participation in class discussion is expected (15%)
- Tribal Profile (10%)
- Facilitation of a class discussion
  - 5-page discussion paper on issues or ideas gleaned from a particular week's readings
  - Distribute copies of your paper to students during the class *before* the day you will be leading the discussion
  - Create a 1–3 page bulleted version of your discussion paper to hand out to the class (20%)
- Take-home mid-term (25 %)
- 10 page policy paper analyzing...(30%)
  - a. a contemporary federal Indian policy issue and its impact on the Indian nation, tribe, pueblo, band, village you have chosen to study
  - b. the political, religious, legal, social or cultural strategies the Indian nation employed in response to that policy
  - c. the consequences of that policy for the tribal nation you are studying *and* other Indian nations

## Course Standards

**Attendance.** It counts. Poor attendance, defined as 3 or more absences, will result in your final grade being lowered. Tardiness counts as an absence.

**Participation.** I assume that if you stay in the course you agree to carefully prepare all class assignments and come to class ready to actively listen, take meaningful notes, and thoughtfully participate in class discussions.

**Late Papers.** I don't accept them except under extraordinary circumstances and then only with prior permission

**Academic Integrity.** Do your own work.

**Equity.** I assume that if you stay in the course you have agreed to the terms of the course as outlined above. I do not make exceptions for individual students.

*This syllabus is a "living and flexible document." I reserve the right to amend the syllabus, reading lists and assignments when "necessary and proper for carrying into the execution the foregoing" goals and objectives.*

<b>Date</b>	<b>Topics</b>	<b>Readings</b>
9/8	Introduction to the Course	<ul style="list-style-type: none"> <li>• HO UN Declaration of Rights</li> <li>• HO US formal review of “Rights”</li> <li>• HO Iroquois National Lacrosse Team</li> <li>• HO Pascua Yaqui Tribe</li> </ul>
9/10	Four Principles of American Gov’t	<ul style="list-style-type: none"> <li>• US Constitution</li> <li>• ACLU: III - The Trust Responsibility</li> </ul>
9/13		<ul style="list-style-type: none"> <li>• ACLU II - Definitions</li> <li>• HO: “<i>Indians Peoples are Nations, Not Minorities</i>”</li> </ul>
9/15-17		<ul style="list-style-type: none"> <li>• ACLU IV: Indian Treaties</li> <li>• DOC: #4, 5, 6 (Treaties)</li> <li>• ACLU V: Federal Power over Indian Affairs</li> <li>• US Government and Indian Tribes</li> <li>• BIA <a href="http://www.doi.gov/bia/">http://www.doi.gov/bia/</a></li> <li>• DOC: #49</li> </ul>
9/20-/24	History Matters	<ul style="list-style-type: none"> <li>• ACLU: I, II,</li> <li>• NATION: Intro</li> <li>• SACRED: 11-15</li> <li>• HO: US Indian Policy Timelines</li> <li>• Articles of Confederacy &amp; US Constitution</li> <li>• DOCS: 12, 13, 18, 19, 29, 30, 33, 35, 40, 42, 44, 45, 49, 50, 54, 56, 66, 68, 70, 83, 85, 86, 93, 97, 98, 101, 102, 104, 105, 106, 122, 124, 134, 137, 141, 145, 146, 148, 149, 151, 157, 160, 162, 163, 164, 165, 176, 181, 182, 183, 187, 188, 189, 194, 201, 204, 206, 214, 216, 221, 222, 223, 229</li> </ul>
9/27-10/1	Treaties	<ul style="list-style-type: none"> <li>• HO Treaty with the Delawares, 1778</li> <li>• Treaty with the Creeks, 1814</li> <li>• HO: <i>The Anomaly of Indian Treaties</i></li> <li>• HO: <i>Trail of Broken Treaties 20 Points</i></li> <li>• FILM <i>In the Spirit of Crazy Horse</i></li> </ul>
10/04	Treaties & Land Claims	<ul style="list-style-type: none"> <li>• HO: <i>The New York Indian Land Claims</i></li> </ul>
10/6	& Hunting/ Fishing Rights	<ul style="list-style-type: none"> <li>• ACLU XI; <i>Sacred 0</i></li> </ul>
10/8	& Indian Water rights	<ul style="list-style-type: none"> <li>• ACLU XII</li> <li>• <i>Sacred: Klamath, p 47+</i></li> </ul>

10/11-15	Sacred Lands Columbus Day	<ul style="list-style-type: none"> <li>• <i>Recovering the Sacred</i>, 19+, 33+</li> <li>• DOCS: 231</li> <li>• DOCS: 204+ Brennan's dissent</li> <li>• <i>Navajo Nation v. USFS</i></li> <li>• <i>Indigenous Lands as Cultural Property</i></li> </ul>
10/18-20	Elusive Tribal Sovereignty	<ul style="list-style-type: none"> <li>• <i>State Part One</i></li> <li>• ACLU VI</li> <li>• DOCS: 223</li> </ul>
10/25-29	Criminal Jurisdiction	<ul style="list-style-type: none"> <li>• ACLU VIII</li> <li>• DOCS: 98, 101 <i>reprise</i></li> <li>• DOCS: Indian Tribal Justice Act</li> <li>• <i>State</i> ch. 15</li> <li>• <a href="http://www.tribaljusticeandsafety.gov/">http://www.tribaljusticeandsafety.gov/</a></li> <li>• HO <i>Maze of Injustice</i>, excerpts</li> </ul>
11/1-5	Indian Economies	<p><i>State</i> chs. 7-8  <i>Sacred: The Tree Sisters</i> p153+  <i>Sacred: Wild Rice</i> 167+</p>
11/8-12	Indian Gaming	<p>State: ch: 18  HO:</p>
11/15-19	Public Law 280 Tribes Pueblos	<p>DOCS: 148  DOCS: 138</p>
11/22	Alaska Natives	<p>DOCS: 164, 202, 212, 219, 225, 235, 236  FILM <i>Homeland</i></p>
11/29-12/3 12/6-10		<p>Presentations</p>