

FORMATION OF FEDERAL INDIAN POLICY
GOVT-336 (3 credits)
COURSE OUTLINE

OVERVIEW

The academic portion of the WINS program for first-time interns will be presented in two-hour evening classes twice a week for the 8-week program. Classes will be from 7:00 PM to 9:00 PM. Within the 16 classes, time will be made available for a mid-term paper, special speakers and a final exam. Office hours are available upon request.

COURSE SUMMARY

The course on the Formation of Federal Indian Policy will focus on the dynamics of the development of federal policy in the field of Indian affairs from a historical focus. The purpose of this course to learn the current status of both Indians and tribes within the United States today and to understand the history of the formation of federal Indian Policy resulting in today's reality. Accordingly, we will analyze, both historically and contemporaneously, the relationship between Indians and the states, federal government and other actors.

Class will be graded on attendance, participation, papers, group debates and the final exam. All class assignments (readings, papers) are to be completed before, and submitted, at the start of the class date posted. Percentage of grades will be divided accordingly:

Final exam/paper – 25%
2 short papers, topics assigned – 30%
In-class group debate – 20%
Class participation and attendance – 15%
In-class writings/pop quizzes – 10%

LEARNING OBJECTIVES

- Students will be able to explain the current status of tribes in the United States and point to at least five historical events to support their opinion.
- Students will be able to articulate three major obstacles currently facing the development of Indian Country.
- Students will effectively communicate their understanding of the formation of federal Indian policy both orally and in writing, supporting all assertions with extensive historical and contemporaneous evidence.

WRITING ASSIGNMENTS AND IN-CLASS DEBATE

During the course of the class, students will complete two short papers and one in-class debate. The short papers will build on each other and the in-class debate will offer students an

opportunity to synthesize all of the material of the course. Students should use the short papers and in-class debate as opportunities to highlight their mastery of topics covered previously in the course. Accordingly, should a student fail to show an understanding of an issue in a previous paper, he or she should use the subsequent paper or in-class debate to showcase their understanding of the issue.

In lieu of extra credit, students will have an opportunity to rewrite the short papers for a better grade. In such instances, the final grade on the short paper will be whichever grade is better, either the grade for the original short paper or the rewritten short paper.

Papers will be marked down by 10 percent for every day they are late. A paper that is more than 3 days late will not be accepted.

PARTICIPATION

Class participation constitutes 15 percent of the student's grade. Three areas will be considered in arriving at the student's final participation grade: attendance (more than 15 minutes tardy is considered an absence), in-class substantive participation and preparation. With regard to in-class participation, it is expected that students will contribute comments of substance to the class. It is also expected that students will be prepared for class. I anticipate that everyone will have read the assigned materials before coming to class and will be prepared to discuss the materials if called on.

Students will be informed twice during the course as to the status of their participation grade and any steps suggested to improve the grade.

ACADEMIC INTEGRITY CODE

Standards of academic conduct are set forth in the University's Academic Integrity Code, <http://www.american.edu/academics/integrity/code01.htm>. It is expected that all examinations, tests, written papers, and other assignments will be completed according to the standards set forth in this code. By registering, you have acknowledged your awareness of the Academic Integrity Code, and you are obliged to become familiar with your rights and responsibilities as defined by the Code. Violations of the Academic Integrity Code will not be treated lightly, and disciplinary action will be taken should such violations occur. Please see me if you have any questions about the academic violations described in the Code in general or as they relate to particular requirements for this course.

If you experience difficulty in this course for any reason, please do not hesitate to consult with me. In addition to the resources of the department, a wide range of services is available at the university to support you in your efforts to be successful in this course. Academic Support Center (202-885-3360, MGC 243, asc@american.edu, www.american.edu/ocl/asc) offers study skills materials and workshops, individual academic assistance, tutor referrals, and services for students with learning disabilities and ADHD.

Writing support is available in the ASC Writing Lab or in the Writing Center, Battelle-Tompkins 228, 885-2991.

Counseling Center (202-885-3500, MGC 214, www.american.edu/ocl/counseling) offers counseling and consultations regarding personal concerns, self-help information, and connections to off-campus mental health resources.

Disability Support Service (202-885-3315, dss@american.edu, MGC 206, www.american.edu/ocl/dss) offers technical and practical support and assistance with accommodations for students with physical, medical or psychological disabilities.

If you have a disability and might require accommodations in this course, please notify me via DSS or ASC early in the semester so that we can make arrangements to address your needs.

TEXT AND READING MATERIALS

Texts for the course will include:

Wilkins, David E., American Indian Politics and the American Political System, Rowman and Littlefield Publishers, Inc. (2002)

Course packet and supplemental materials.

Suggested Readings (Copies on the WINS Reserved Shelf):

These materials are merely suggested (although certain portions have been selected and assigned as required reading in the course packet) and may help to better understand the concepts presented in class.

Canby, Jr., William, American Indian Law – In a Nutshell, Fourth Edition, West Publishing (2004)

Cohen, Felix S., Handbook of Federal Indian Law, LexisNexis Publishing (1982)

Porter, Robert Odawi, Sovereignty, Colonialism and the Indigenous Nations: A Reader, Carolina Academic Press (2005)

Wilkinson, Charles, Blood Struggle: The Rise of Modern Indian Nations, W.W. Norton & Company (2005)

COURSE OUTLINE

Week One

June 2 (Thursday) – Class 1

Combined WINS Academic Orientation – Introduction of class and overview of course

Week Two

June 7 (Tuesday) – Class 2

Doctrine of Discovery

- Course packet, Tab 1 – Getches, David H; Wilkinson, Charles F.; Williams, Jr., Robert A., Federal Indian Law, pp. 41-72

June 9 (Thursday) – Class 3

A History of Federal Indian Policy

- Wilkins, pp. 103-118

Writing Assignment #1 – Distributed. Deadline June 16 (Thursday).

In-class group debates – Assignment topic distributed and groups assigned. In-class group debates will occur during Week Eight.

Week Three

June 14 (Tuesday) – Class 4

Indian Treaties

- Wilkins, pp. 273-275
- Course packet, Tab 2 - Getches, David H; Wilkinson, Charles F.; Williams, Jr., Robert A., Federal Indian Law, pp. 129-139; Porter, Robert Odawi, Sovereignty, Colonialism and the Indigenous Nations: A Reader, Carolina Academic Press, pp. 14-24 (2005)

June 16 (Thursday) – Class 5

Allotment and Reorganization

- Course packet, Tab 3 - Getches, David H; Wilkinson, Charles F.; Williams, Jr., Robert A., Federal Indian Law, pp. 140-153; 165-171; 191-200; Erdich, Louise, Tracks

Writing Assignment #1 due at beginning of class.

Week Four

June 21 (Tuesday) – Class 6

Tribal Sovereignty? “Plenary Power”, Federal Trust Responsibility and Termination – Part I

- Course packet, Tab 4 - *Ex Parte Crow Dog, United States v. Kagama, Mitchell II*, Wilkins, Charles, Blood Struggles, W.W. Norton & Co., pp. 57-86 (2005); Porter, Robert Odawi, Sovereignty, Colonialism and the Indigenous Nations: A Reader, Carolina Academic Press, pp. 30-35 (2005)

June 23 (Thursday) – Class 7

Tribal Sovereignty? “Plenary Power”, Federal Trust Responsibility and Termination – Part II

Writing Assignment #2 – Distributed. Deadline July 7.

Writing Assignment #1 – Returned. Deadline for revised writing assignment #1 June 30.

Week Five

June 28 (Tuesday) – Class 8

Who is an Indian? – Part I

- Wilkins, pp. 41-63
- Course packet, Tab 5 - *United States v. Sandoval; Crow Dog*; Deloria, P.S.; Laurence, Robert, *What’s an Indian?: A Conversation about Law School Admissions, Indian Tribal Sovereignty and Affirmative Action*, 44 Ark. L. Rev. 1107 (1991)

June 30 (Thursday) – Class 9

Who is an Indian? – Part II

Guest Speaker – Lawrence Baca, Deputy Director of the Office of Tribal Justice, United States Department of Justice

Revised Writing Assignment #1 due at beginning of class.

Week Six

July 5 (Tuesday) – Class 10

Indigenous Governments: Past, Present and Future

- Wilkins, pp. 119-140, 154-156; Appendix E
- Course packet, Tab 6 - Wilkins, Charles, Blood Struggles, W.W. Norton & Co., pp. 113-128 (2005)

July 7 (Thursday) – Class 11

Self Determination

- Course packet, Tab 7 - Indian Civil Rights Act, 1968; Indian Self Determination and Education Assistance Act; Indian Health Care Improvement Act, 1976; Indian Child Welfare Act (ICWA); Tribal Self Governance

Tribal Courts: Navajo Nation, Cherokee Nation Case Studies

- Wilkins – Chapter 5, pp. 141-151
- Course packet, Tab 8 - Strickland, Rennard, Fire and the Spirits: Cherokee Law from Clan to Court, University of Oklahoma Press, 120-157,183-189 (1975)

Writing Assignment #2 – Due at beginning of class.

Week Seven

July 12 (Tuesday) – Class 12

Judicial Activism

- Course packet, Tab 9 - *Oliphant; Montana; Wheeler*; Wilkins, Charles, Blood Struggles, W.W. Norton & Co., pp. 241-268 (2005)

July 14 (Thursday) – Class 13

Indian Political Participation

- Wilkins – Chapter 7, pp. 185-200

Indian Interest Group Activity and Activism

- Wilkins – Chapter 8, pp. 201-224

Writing Assignment #2 Returned – Revised Writing Assignment #2 due July 21.

Week Eight

July 19 (Tuesday) – Class 14

Guest Speaker – Heather Dawn Thompson, Deputy Director, Appleseed Foundation; Former staff member for Democratic Policy Committee

In-class group debates

July 21 (Thursday) – Class 15

The Rehnquist Court

- Course packet, Tab 10 - *Nevada v. Hicks; United States v. Lara*; Getches, David H., *Beyond Indian Law: The Rehnquist Court's Pursuit of States' Rights, Color-Blind Justice and Mainstream Values*, 86 Minn. L. Rev. 267 (2001)

In-class group debates

Revised Writing Assignment #2 due at beginning of class.

Week Nine

July 26 (Tuesday) – Class 16

International Indigenous Rights

- Course packet, Tab 11 - Getches, David H; Wilkinson, Charles F.; Williams, Jr., Robert A., Federal Indian Law, pp. 975-980, 1003-1021, 1026-1033

Final Exam review

July 28 (Thursday) – Class 17

Final Exam