GEOGRAPHY OF NATIVE LANDS
AND INDIAN LAW

POLS 339
Tuesdays/Thursdays 1:40-2:55 pm
Maybank 307

Instructor: Dr. Annette Watson
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Office: Political Science Department, 114 Wentworth St., Room 207
Office hours: Wednesdays 10-12 and 2-3, or by appointment

COURSE DESCRIPTION:
This course examines the government-to-government relationships between Native American tribes and the United States’ federal and state governments. In studying this topic, we will draw on the fields of law, environmental geography, political science, Native Studies, ecological anthropology, and ethnohistory. We will explore the ways in which law-making produces cultures as much as our cultures produce law. We will hear about these relationships from the perspective of tribal peoples where the record permits, in both written and oral form. As the first peoples of North America, tribes developed distinctive economies and environmental philosophies; politically, they are not minorities, but nations in themselves. Although we will address a wide variety of political and economic issues faced by tribes and state/federal governments, we will primarily discuss natural resources and conflicts over environmental issues. Our focus will therefore be on historical and contemporary case studies of legal, political, and cultural conflicts over land and resource management, which will highlight indigenous knowledges of ecological systems and the distinctive political ideas that inform both historical and contemporary Native American life and politics.

Of interest to students pursuing careers in: law, politics, policy administration, environmental and natural resource management, geography, planning, GIS/mapping, teaching, journalism

OBJECTIVES:
Students will learn to articulate…

- Key cases that comprise the canon of Indian case law
- The cultural and political differences and similarities between tribal peoples in the US
- How law is made within a cultural context—and also how it makes culture
- Tensions between federal and state policy with regard to tribes
- Indigenous methods of governance and tribal law
- Indigenous knowledges of ecosystems
- Methods used to analyze issues in indigenous law and legal/environmental geography
- Contemporary creative political solutions to these legal and ecological problems

Students will increase their skills in…

- Critical thinking, reasoning; oral communication; written communication; legal/policy and geographic analysis; cross-cultural communication; environmental problem solving
READINGS:


Other readings will be available in PDF form on OAKS, available through MyCharleston.

ASSIGNMENTS AND GRADING

In-class essay on your current knowledge of Native peoples [3%]
Commentaries/discussion Qs (20 out of 21 @1.5% each) [30%]
Exam [in-class essay and short answer] [25%]
Report on a tribe and its legal/political battle(s) [25%]
   Annotated bibliography
   Media journal of that tribe/region and the issue
   In-class progress reports
   3-page summary analysis
Final exam, take-home essays [10%]
Participation [7%]

CLASS POLICIES:

This class will often run like a seminar and be highly interactive, which means that your participation in class will be central to the success of the course (and also to how much you learn). This class is about active learning—you cannot passively sit in the back of the room and do well in this course. I will expect you to ask questions of me, of the readings, and I will expect you to engage with each others’ ideas in discussion. Although I understand that sometimes it can be difficult to speak out in class, everyone is expected to participate. If you really fear public speaking, participation also includes emailing me questions before class about terms or points of clarifications you’d like us to cover during class discussion, or even posting additional thoughts on the class’ OAKS discussion board or on the Geography at CofC facebook page. To succeed in this class you will need to critically evaluate ideas, question them, dispute them, or make them your own. Speak out!

Attendance is mandatory; you may request that your absence be excused only if you are required to participate in college-sponsored activities. If so, you must fill out the appropriate forms at 67 George St., or call Constance Nelson (953-3390). Notices I receive from the Absent Memo Office do not constitute excused absences unless they are for college sponsored activities, and if you want to receive an excused absence for illness, you must provide to me directly your
evidence for that illness. You will be penalized for all unexcused absences, and are responsible for the work due that day.

This class is reading-oriented; you are expected to read approximately 75-90 pages per week—this amount is far less than the usual law course. Your grade distribution indicates that these readings and your responses (commentaries/questions) to them are important to achieving success in this course; commentaries need to be posted on the OAKS discussion board the evenings before class (Mondays and Wednesdays), and I mean by 11:59 p.m., so that others will have a chance to look at your comments/questions before class the next day. There is a separate instruction sheet posted on OAKS giving you pointers on how to write good commentaries and discussion questions.

General guidelines for grades:
A – achievement is outstanding relative to the level necessary to meet course requirement
B – achievement is significantly above the level necessary to meet course requirements.
C – achievement meets the course requirements in every respect.
D – achievement is worthy of credit even though it fails to meet fully the course requirements.
S/P – achievement is satisfactory which is equivalent to a C- or better.
F – achievement is inadequate and no credit will be given for the course.
I (Incomplete) – assigned due to extraordinary circumstances, e.g., hospitalization, which prevent the completion of work on time. Requires an agreement between student and instructor.

This course will use +/- grades, allocated as follows:
A =92% or above  C =77-72%
A- =91-90%    C- =71-70%
B+ =89-88%    D+ =69-68%
B =87-82%     D =67-62%
B- =81-80%    D- =61-60%
C+ =79-78%    F =below 59%

It is assumed that all students will act with academic integrity and will not engage in behavior such as plagiarism, academic dishonesty, misrepresentation, or cheating. Please refer to the college’s policy on academic honesty. Plagiarism and other forms of academic dishonesty will result in an XF in the class. The entire purpose of this class is to acquire useful skills; to cheat is to lose the opportunity to improve these skills. Please refer to the campus honor code for questions about academic dishonesty. Plagiarism refers to the presentation of someone else's ideas, work, or words as your own, without attribution. If you use someone else's exact words, then you must use quotation marks in addition to a citation; simply naming the source is not enough. If you completely paraphrase someone else's ideas in your own words, then you still have to cite the source, but you do not have to use quotations. When in doubt, cite the source. If you have questions about whether you have provided adequate citation, consult the citation guide on the political science home page.
SUPPORT SERVICES:

Please take advantage of the College’s Center for Student Learning; they have walk-in labs for writing and speaking—two skills you will need to improve (and be graded on!) during this semester. The Center for Student Learning is located in the Addlestone Library (953-5635).

The College will make reasonable accommodations for persons with documented disabilities. Students should apply at the Center for Disability Services/SNAP located on the first floor of the Lightsey Center, Suite 104. Students approved for accommodations are responsible for notifying me as soon as possible and for contacting me one week before accommodation is needed.

CLASS SCHEDULE:
Readings must be completed by the class time they are listed to be discussed. Additionally, you must complete a commentary on the readings due and post them to the OAKS discussion board the evening before (by 11:59 p.m.) they are to be discussed. You must do this 20 times, out of a possible 21 times (you can get a possible 1.5% for every commentary, worth up to 30% of your grade).

Look through others’ commentaries before coming to class.

Aug 23: Introductions and in-class essay (worth 5% of your grade)

Aug 25th: Colonial and Environmental Histories in North America
Read:
   1) “Timeline of American Indian Peoples: All Nations and Regions,” from Wilkins and Stark, pgs xix-xxvi.
   2) Chapter 1 of Wilkins and Stark, pgs 1-32.

Aug 30th: Colonial and Environmental Histories in North America
Read:

Sept 1st: Colonial and Environmental Histories in North America
Read:
   1) Hackel, Steven. 2007. “Shifting Patterns of Land Use in Monterey, California, Before 1850,” in Li, editor, To Harvest To Hunt: pgs 57-64.
Sept 6th: Native Colonial Pasts and Colonial Presents
Read:

Sept 8th: Native Colonial Pasts and Colonial Presents
Be prepared to talk about what tribal issue/geographical area you would like to study.
Read:

Sept 13th: The Canon of Indian Law and “Plenary Power”
Read:
1) Wilkins and Stark, Chapter 5, “A History of Federal Indian Policy”

Sept 15th: The Canon of Indian Law and “Plenary Power”
Read:

Sept 20th: The Canon of Indian Law and “Plenary Power”
Read:

Sept 22nd: “Plenary Power”
Discussion of the canon continues.
Be prepared to discuss some of your media sources and topics you’ve been collecting for your project.
Preliminary bibliography (in list form) DUE
Sept 27th: Government-to-Government Relationships at the Federal and State Scale
Read:
   1) Chapters 4 and 6 from Wilkins and Stark: “Actors in Indian Politics” and “Tribal Political Economy”

Sept 29th: Government-to-Government Relationships: at the Federal and State Scale
Read:
   1) Selections from “States and Tribes: Building New Traditions”

Oct 4th: Governance and Indigenous Knowledges of Ecosystems in Conflict
Read:
   1) Chapter 3 of Wilkins and Stark: “Indigenous Governments: Past, Present, and Future”

Oct 6th: Governance and Indigenous Knowledges of Ecosystems in Conflict
Read:
   1) Chapter 3 from *Indian Law Stories*: Royster on “Water, Legal Rights, and Actual Consequences: The Story of Winters v. United States”

Oct 11th: Governance and Indigenous Knowledges of Ecosystems in Conflict
Read:

Oct 13th: Governance and Indigenous Knowledges of Ecosystems in Conflict
Discussion continues, and review for exam.
Be prepared to give a project update to the class.

**Media Journal DUE**

Oct 18: **NO Class, Fall Break**

Oct 20th: **Exam**: Short answer and essay, in-class
Oct 25th: Indigenous Peoples Working Within Western Governance Systems
Read:
1) Chapters 7 and 8 of Wilkins and Stark, “Indian Political Participation: Patriotism, Suffrage, and Partisanship” and “Indian Interest Group Activity and Activism”

Oct 27th: Indigenous Geographies
Read:
3) To Harvest, To Hunt: Mathewson on “California Indian Basketweavers and the Landscape”

Nov 1st: Indigenous Geographies
Read:

Nov 3rd: Indigenous Geographies
Discussion continues; begin readings due next week; be prepared to give a project update
Annotated Bibliography DUE

Nov 8th Indigenous Geographies
Read:
1) Chapter 4 from Keith Basso’s book, Wisdom Sits in Places: Landscape and Language Among the Western Apache, pgs 105-149.

Nov 10th Indigenous Geographies
Read:
Nov 15th: The Institution of Co-Management for Natural Resources  
Read:  
   3) co-mgmt article TBA  

Nov 17th: The Politics of Thanksgiving  
Read:  
   1) Selections TBA  

Nov 22nd-24th: NO Class, Thanksgiving [and work on the final reports for your project!]  

Nov 29th: The Present and Possible Futures of American Indian Politics  
Read:  
   1) Chapter 10 of Wilkins and Stark, “American Indian Politics”  

December 1st: The Present and Possible Futures of American Indian Politics  
Discussion continues…and ends.  
Report DUE to be submitted on OAKS by 11:59 p.m. tonight.  

Final Exam questions will be handed out TODAY; must be submitted to your OAKS Dropbox by Thursday, December 8, 3pm [at the close of your scheduled final exam].  

Have a great winter break!