

GEOGRAPHY OF NATIVE LANDS AND INDIAN LAW

POLI 331

Spring 2017

Tuesdays/Thursdays 1:40-2:55 pm

Maybank 316

Instructor: Dr. Annette Watson
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Office: Political Science Department, 114 Wentworth St., Room 207
Office hours: Tuesdays 12-1, Wednesdays 3:15-5:15, 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 philosophies 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

LEARNING OUTCOMES:

Students will increase their skills in...

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

Knowledge Gained

Recognize key cases that comprise the canon of Indian law

Outline Indigenous methods of governance and tribal law

Describe Indigenous knowledges of ecosystems

Assessment: questions; participation; in-class exam; final

Comprehension Gained

Identify the cultural and political differences and similarities between US tribal peoples
Give examples of how law is made within a cultural context—and also how it makes culture
Assessment: commentaries; mid-term; final; class projects; participation

Application

Apply knowledge of cases in Indian Law to contemporary issues
Assessment: commentaries; class project

Analysis

Outline the tensions between federal and state policy with regard to tribes
Analyze issues in legal/environmental geography
Assessment: commentaries; mid-term; final; participation; class project

Synthesis

Summarize the contemporary creative political solutions to legal and ecological problems
Assessment: participation; final

Evaluate

Describe and defend solutions to legal and ecological problems
Assessment: commentaries; final

READINGS:

Wilkins, David E. and Heidi Kiiwetinepinesiik Stark. 2010. [Third Edition]. *American Indian Politics and the American Political System* (New York: Rowman and Littlefield).

Use only this edition.

Optional: [relevant chapters will be posted on OAKS]

Goldberg, Washburn, and Frickey. 2010. *Indian Law Stories* (Foundation Press).

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%]
Discussion Qs/participation (10 @2% each)	[20%]
Midterm Exam 1 [multiple choice, matching, and short answer]	[20%]
Midterm Exam 2 [in-class short essay]	[10%]
Documentary assignments (two written, one oral)	[15%]
Report on a tribe or issue and the legal/political battle(s)	[24%]
Media journal of that tribe/region/issue (6%)	
Annotated bibliography of peer review on same topic (7%)	
In-class oral report summarizing comparison of sources (5%)	
3-page summary analysis comparing media with peer review (6%)	
Final exam (take-home short essays)	[8%]

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 70 pages per week—this amount is far less than the usual law course. Your grade distribution indicates that these readings and your discussion questions for them are important to achieving success in this course. 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 AND DUE DATES:

This is a general outline of themes and deadlines for the assignments. Readings must be completed by the class time they are listed to be discussed. Discussion questions must be brought to every class, or submitted to an OAKS folder for that date. You must do this 10 times, out of a possible 18 times (worth up to 20% of your grade).

PART 1 Colonial and Environmental Histories in North America Native Colonial Pasts and Colonial Presents

Week 1

Th Jan 12th Introduction to the course; introductions to Native Nations and Indian Law

Week 2

Tu Jan 17th Native Peoples and Lands

Read: Chapter 1, A Tour of Native Peoples and Native Lands;

Th Jan 19th **Read:** Ch 2, Indigenous Peoples are Nations not Minorities”

Week 3

Tu Jan 24th The Doctrine of “Discovery”: *Johnson v. McIntosh*

Read: Ch 5, A Federal History of Federal Indian Policy, pg. 121-123 on “The Formative Years”;
Ch 1 of *Indian Law Stories*, by Robertson, pg 29-59.

Th Jan 26th **Read:** Ch 5, A Federal History of Federal Indian Policy, pg. 124-127 on “Indian Removals, Relocations, and Reservations,” and pg. 127-129 on “Allotment, Americanization, and Acculturation”

Week 4

Tu Jan 31st Indian Removals and the *Cherokee Cases*

Read: Ch 2 of *Indian Law Stories*, by Strickland, on the Cherokee Cases, pg 61-80

Th Feb 2nd Plenary Power: *Lone Wolf v Hitchcock*

Read: Ch 6 from *Indian Law Stories*, by Riley, pg. 189-228

Week 5

Tu Feb 7th : Cook-Lynn, Elizabeth. 2001. Chapter 18 of *Anti-Indianism in Modern America*, “Anti-Indianism and Genocide: The Disavowed Crime Lurking at the Heart of America,” pgs 185-195. Read remainder of Ch 5, History of Federal Indian Policy.
Documentary assignment #1 *Dakota 38* **Due:** Feb 12th (Sunday night)

Th Feb 9th: Guest Speaker from the Huslia Tribe

PART 2: Contemporary Political and Legal Issues of Native America

Week 6

Tu Feb 14th: Political economy in Native America

Read: Ch 6, Tribal Political Economy

Th Feb 16th Political economy and Natural Resources

Read: Hanson et al, 2008. In *The State of Native Nations*, Chapter 9, “Natural Resources,” pgs 159-176, and Chapter 10, “Environment,” pgs 177-195.

Week 7

Tu Feb 21st Land Use and Resource Rights

Read: Ch 3, by Royster, on “Water, Legal Rights, and Actual Consequences: The Story of *Winters v. United States* in Indian Law Stories

Th Feb 23rd Land Use and Resource Rights

Read: Ch 16, by LaVelle, on “Beating a Path of Retreat from Treaty Rights and Tribal Sovereignty: The Story of *Montana v. United States* [on fishing rights] in Indian Law Stories

Week 8

Tu Feb 28 Midterm Exam 1

Th Mar 2 Midterm Exam 2

Week 9

Spring Break!

Week 10

Tu Mar 14th No Class, Documentary essay assignment #2, online
Comparing Curtis photographs with the photographs of project 562

Th Mar 16th NO Class: work on essay assignment (due by midnight)

Week 12

T Mar 21st: Media and Native Americans
Read: Ch 9, Native Peoples, Images, and the Media

Th Mar 23rd Indigenous Political Activism
Read: Ch. 8, Native Interest Group Activity and Activism

PART 3: Modern Governance with Indigenous Knowledges

Week 13

Tu Mar 28th Native American Governments Yesterday and Today
Read: Ch 3, Indigenous Governments: Past, Present Future

Th Mar 30th Institutional Contexts of US-Tribal Relationships
Read: UN Declaration of Rights of Indigenous Peoples [find online]
Indigenous knowledge and technology: Creating environmental justice in the twenty-first century. *The American Indian Quarterly*, 26(2), 198-220.

Week 14

Tu Ap 4

No Class: Documentary report #3: choose from options in instructions (particular Netflix selections) or for free or here: <http://indiancountrytodaymedianetwork.com/2015/04/10/10-fascinating-documentaries-about-native-americans-you-can-watch-right-now-159964>
Sign up for these documentaries on Google Docs link provided: coordinate a presentation on that documentary with all people who sign up to view that documentary. Further instructions posted on OAKS.

Th Ap 6th

No Class: time to coordinate short presentations on the documentaries next week

Week 15

Tu Ap 11th Institutions and Political Identities
Read: Ch 7, Indigenous Political Participation

Th Ap 13th

Presentations (group or individual) on the **documentaries**; one student will also sign up to do their **Individual project presentation** (extra credit (+3%) for who goes first)

Week 16

Tu Ap 18th Institutions and Political Identities
Read: Ch 4, Actors in Native Politics
Presentations on individual projects for 2 more students

Th Ap 20th
Individual Project presentations for all remaining students

Week 17

Tu Ap 25th Career Trajectories

Read: Smith, Laura J. 2008. "Indigenous Geography, GIS, and Land-Use Planning on the Bois Forte Reservation." *American Indian Culture and Research Journal* 32(3): 139-151; USFWS "Visiting and Listening" publication on Alaska Native participation in natural resource management; teacher resource guide about thanksgiving

Take home final exam **DUE** May 4th

Have a great summer!!!