

SYLLABUS**NAS 426/530****FEDERAL INDIAN LAW & POLICY**

NAS 426 & NAS 530 CO-CONVENE: MW 1:10 – 2:25 PM ~ TRAPHAGEN 204

Professor: Kristin Ruppel, PhD**Office hours:** MW 10am – noon, or by appointment**Office:** 2-186 Wilson Hall**Office telephone:** 406.994.5261**Email:** ktruppel@montana.edu**Course Description:**

In this course, we cover some of the most important issues affecting American Indian lives and livelihoods, the histories of these issues from a legal perspective, and the generations of actors who have pursued, and continue to pursue, resolution of these issues through legal, legislative, and other means.

Course Goals:

By the end of this course, you should be able to do at least the following:

1. Critique current issues in Indian Country in legal and historical terms.
2. Analyze Indian legal issues from the different perspectives involved (e.g., Indian, non-Indian...), and draw conclusions based on often complex and confusing sets of facts rather than assumptions and stereotypes.
3. Understand the ongoing affects (i.e. influences) of colonialism for indigenous as well as non-indigenous people/s.
4. Recognize the relative nature of all legal systems, and apply this recognition to your growing appreciation of the ideal of a pluralistic society.

Required Texts:

Wilkins, David and Heidi Kiiwetinepinesiik Stark. 2011. *American Indian Politics and the American Political System*. Lanham, MD: Rowman & Littlefield.

Goldberg, Carole E., Kevin K. Washburn, and Philip P. Frickey. 2010. *Indian Law Stories*. Eagan, MN: Foundation Press

Any good law dictionary. Gilbert's *Pocket Size Law Dictionary* is available on Amazon. Let me know if you need help finding or buying a copy.

Recommended Texts:

Anderson, Robert T., Bethany Berger, Philip P. Frickey, and Sarah Krakoff. 2008. *American Indian Law, Cases and Commentary*. St. Paul, MN: Thomson/West.

Canby, Jr., William C. 2004. *American Indian Law in a Nutshell* (4th Ed.). St. Paul: West.

Carrillo, Jo. 1998. *Readings in American Indian Law: Recalling the Rhythm of Survival*. Philadelphia: Temple University Press.

LaDuke, Winona. 1997. *Last Standing Woman*. St. Paul: Voyageur Press.

Ruppel, Kristin T. 2008. *Unearthing Indian Land: Living With the Legacies of Allotment*. Tucson: University of Arizona Press.

Wilkinson, Charles. 2005. *Blood Struggle: The Rise of Modern Indian Nations*. NYC, NY: W.W. Norton & Co.

Williams, Jr., Robert A. 2005. *Like a Loaded Weapon: The Rehnquist Court, Indian Rights, and the Legal History of Racism in America*. Minneapolis: University of Minnesota Press.

****Any additional readings will be held on reserve at Renne Library, and/or online.****

All electronic course materials (including this syllabus) can be accessed by logging on to MSU's course management system, Desire2Learn or "D2L", at: <http://ecat.montana.edu>

Your **Desire2Learn username and password** are the same as your MyPortal Username and Password. To find your Desire2Learn/MyPortal username:

- 1) From the MSU home page <http://www.montana.edu> click on "MYINFO" in the menu on the left hand side of the page.
- 2) Click on "Enter Secure Area".
- 3) On the User Login page, enter your Student ID number and PIN number.
- 4) Once in the MyInfo secure area, select the "*Personal Information*" tab then click on "View Desire2Learn ID".

Course Requirements:

This class co-convenes undergraduate (NAS 426) and graduate (NAS 530) students. All students are expected to complete the following activities. Graduate students will be held to a more rigorous grading standard than undergraduates, a requirement that takes on particular nuances with regard to our course Wikipedia Project (see below).

Attendance & Participation ~ 100 points

You are paying for this class, so I expect that you'll make every effort to be here for every class meeting. Absences are excusable **ONLY** for totally unavoidable reasons... usually these are ones for which you can supply documentation. Late arrivals and early departures lose points. You can earn up to 60 points for coming to class on time and not leaving early (that's 2 points per class day for 15 weeks). You all get 4 freebie points over spring break.

The remaining 40 points are for participation, the grading of which is sort of subjective on my part. Come prepared to offer your thoughts and answer questions on the assigned readings, films, etc., and you won't have a problem.

In-Class Panel Presentation ~ 100 points

Starting early in the semester, you will be expected to choose a topic on which to present concurrently with the discussion of assigned readings on that topic. Presentations will occur in a panel format, where you will be expected to coordinate your research and presentation on the topic with one or two of your classmates. Your panel presentation may be the same as your Wikipedia Project (see below).

Wikipedia Project ~ 200 points

Using the 4 course goals in the syllabus as a basis, NAS graduate students (and other grad students if they feel capable) will collaboratively produce a comprehensive literature review on the subject of Federal Indian Law and Policy. This will be produced most likely in the WP:USPP course space for MSU (more explanation of this in class).

As part of the literature review, the grad students will identify the major gaps in WP articles and content relative to the course goals. This analysis will become the basis for establishing individual undergraduate assignments.

Once assignments for undergraduates become clear, each graduate student will also take a mentoring role (subject matter wise) for a small number of undergraduates.

5% each (x4): Participation grade for early Wikipedia exercises

15%: Participation in Wikipedia discussions in class

15%: Peer reviews and collaboration with classmates

50%: Quality of your main Wikipedia contributions, evaluated in light of your reflective essay

Exams ~ 200 points

Two exams—the traditional midterm and final—will give you the feeling that you've really accomplished something in the class. Both will be over the factual/historical/legal aspects of federal Indian law. Both will be comprehensive.

**SPRING 2011 SEMESTER CALENDAR
NAS 426/530**

WEEK	MONDAY	WEDNESDAY
1		<p>JANUARY 12 INTRODUCTION, REVIEW OF SYLLABUS, COURSE REQUIREMENTS, ETC.</p> <p>READ FOR NEXT WEEK:</p> <ul style="list-style-type: none"> • Wilkins & Stark: Preface, Timeline, Introduction, Ch.1, pp. xiii-32
2	<p>JANUARY 17—NO CLASS MARTIN LUTHER KING, JR. DAY - HOLIDAY</p>	<p>JANUARY 19 DEFINITIONS</p> <p>READ FOR NEXT CLASS: Wilkins & Stark: Ch. 2, pp. 33-50 Wikipedia's Five Pillars (http://en.wikipedia.org/wiki/Wikipedia:Five_pillars) “Welcome to Wikipedia” booklet</p>
3	<p>JANUARY 24 NATIONS WITHIN A NATION WIKIPEDIA CAMPUS AMBASSADOR VISIT #1</p> <p>READ FOR NEXT CLASS: Wilkins & Stark, Ch. 3, pp. 51-82</p>	<p>JANUARY 26 INDIGENOUS GOVERNMENTS</p> <p>READ FOR NEXT CLASS: Wilkins & Stark, Ch. 4, pp. 83-120</p> <p><i>Wiki assignments (due week 4)</i></p> <ul style="list-style-type: none"> • Create account, create a user page, and add your name to the course page's list of students • Contact an Online Ambassador (via discussion/talk pages) as a mentor, who will be available to offer advice and assistance as you start editing. • Leave a message for a classmate on their user talk page.
4	<p>JANUARY 31 ACTORS</p> <p>READ FOR NEXT CLASS: Wilkins & Stark, Ch. 5, pp. 121-134</p>	<p>FEBRUARY 2 HISTORY OF FEDERAL INDIAN POLICY WIKIPEDIA CAMPUS AMBASSADOR VISIT #2</p> <p>READ FOR NEXT CLASS: Wilkins & Stark, Ch. 6, pp. 135-164</p> <p><i>Wiki assignments (due week 5)</i></p> <ul style="list-style-type: none"> • Critically evaluate an existing Wikipedia article related to this course and leave suggestions for improving it on the article's discussion page. • Research & list 3-5 articles on your user page that you will consider working on as your main project. Ask your Online Ambassador mentor for comments.

WEEK	MONDAY	WEDNESDAY
5	FEBRUARY 7 TRIBAL POLITICAL ECONOMY READ FOR NEXT CLASS: Wilkins & Stark, Ch. 7, pp. 165-188	FEBRUARY 9 POLITICAL PARTICIPATION READ FOR NEXT CLASS: Wilkins & Stark, Ch. 8, pp. 189-210 Goldberg, et al., Introduction, pp. 1-25
6	FEBRUARY 14—NO CLASS	FEBRUARY 16 INDIGENOUS ACTIVISM READ FOR NEXT CLASS: Wilkins & Stark, Ch. 9, pp.. 211-228 <i>Wiki assignments (due week 7)</i> <ul style="list-style-type: none"> • Decide the article you will work on & list it next to your user name on the course page. Compile a bibliography and begin studying the sources
7	FEBRUARY 21 PRESIDENTS' DAY - HOLIDAY	FEBRUARY 23 THE MEDIA WIKIPEDIA CAMPUS AMBASSADOR VISIT #3 READ FOR NEXT WEEK: Wilkins & Stark, Ch. 10, pp. 229-239 Goldberg, et al., Ch. 1-2, pp. 29-107 <i>Wiki assignments (due week 8)</i> <ul style="list-style-type: none"> • Write a 3-4 paragraph summary version of your article (with citations) in your sandbox • Begin working with mentor to polish short starter article and make sure it matches Wikipedia norms. • Continue research in preparation for expanding your article.
8	FEBRUARY 28 CONCLUSIONS THE MARSHALL TRILOGY (1823, 1831, 1832) MIDTERM EXAM REVIEW	MARCH 2 EXAM #1—FOUNDATIONAL LAWS, CASES, CONCEPTS READ FOR NEXT CLASS: Goldberg, et al., Ch. 3. pp. 81-108

WEEK	MONDAY	WEDNESDAY
9	<p>MARCH 7 INDIAN LAW STORIES—<i>Winters v. U.S.</i> (1908)</p> <p>READ FOR NEXT CLASS: Goldberg, et al., Ch. 4, pp. 109-145</p> <p>WIKIPEDIA CAMPUS AMBASSADOR LAB/WORKSHOP, TIME, PLACE TBA</p>	<p>MARCH 9 INDIAN LAW STORIES—<i>U.S. v. Sandoval</i> (1913)</p> <p>READ FOR NEXT CLASS: Goldberg, et al., Ch. 5, pp. 149-188</p> <p><i>Wiki assignments (due week 11)</i></p> <ul style="list-style-type: none"> • Move your sandbox article into main space. • Compose a one-sentence "hook," nominate it for "Did you know," and monitor the nomination for any issues identified by other editors. • Begin expanding your article into a comprehensive treatment of the topic.
10	<p>MARCH 14 SPRING BREAK!!!</p>	<p>MARCH 16 NO CLASSES!!!</p>
11	<p>MARCH 21 INDIAN LAW STORIES—<i>U.S. v. Kagama</i> (1886)</p> <p>READ FOR NEXT CLASS: Goldberg, et al., Ch. 6, pp. 189-228</p>	<p>MARCH 23 INDIAN LAW STORIES—<i>Lone Wolf v. Hitchcock</i> (1903)</p> <p>READ FOR NEXT CLASS: Goldberg, et al., Ch. 7, pp. 229-260</p> <p><i>Wiki assignments (due week 12)</i></p> <ul style="list-style-type: none"> • Expand your article into an initial draft of a comprehensive treatment of the topic
12	<p>MARCH 28 INDIAN LAW STORIES—<i>Tee-Hit-Ton Indians v. U.S.</i> (1955)</p> <p>READ FOR NEXT CLASS: Goldberg, et al., Ch. 8, pp. 261-296</p>	<p>MARCH 30 INDIAN LAW STORIES—<i>Oliphant v. Suquamish Indian Tribe</i> (1978)</p> <p>READ FOR NEXT CLASS: Goldberg, et al., Ch. 9, pp. 297-324</p> <p><i>Wiki assignments (due week 13)</i></p> <ul style="list-style-type: none"> • Peer review two classmates' articles (on article discussion pages) • Copy-edit peers' articles

WEEK	MONDAY	WEDNESDAY
13	<p>APRIL 4 INDIAN LAW STORIES—<i>Nevada v. U.S.</i> (1983)</p> <p>READ FOR NEXT CLASS: Goldberg, et al., Ch. 10, pp. 325- 355</p>	<p>APRIL 6 INDIAN LAW STORIES—<i>U.S. v. Dann</i> (1985)</p> <p>READ FOR NEXT CLASS: Goldberg, et al., Ch. 11, pp. 359-388</p> <p><i>Wiki assignments (due week 14)</i></p> <ul style="list-style-type: none"> • Further improve your article based on peers' feedback. • Nominate article for “Good Article” status.
14	<p>APRIL 11 INDIAN LAW STORIES—<i>Williams v. Lee</i> (1959)</p> <p>READ FOR NEXT CLASS: Goldberg, et al., Ch. 12, pp. 389-420</p>	<p>APRIL 13 INDIAN LAW STORIES—<i>Morton v. Mancari</i> (1974)</p> <p>READ FOR NEXT CLASS: Goldberg, et al., Ch. 13, pp. 421-450</p> <p><i>Wiki assignments (due week 15)</i></p> <ul style="list-style-type: none"> • Add final touches to Wikipedia article • Write a reflective essay (2-5 pages) about your experiences editing Wikipedia
15	<p>APRIL 18 INDIAN LAW STORIES—<i>Bryan v. Itasca County</i> (1976)</p> <p>READ FOR NEXT CLASS: Goldberg, et al., Ch. 14, pp. 451-488</p>	<p>APRIL 20 INDIAN LAW STORIES—<i>Santa Clara Pueblo v. Martinez</i> (1978)</p> <p>READ FOR NEXT CLASS: Goldberg, et al., Ch. 15, pp. 489-534</p>
16	<p>APRIL 25 INDIAN LAW STORIES—<i>Lyng v. Northwest Indian Cemetery Protective Association</i> (1988)</p> <p>READ FOR NEXT CLASS: Goldberg, et al., Ch. 16, pp. 535-590</p>	<p>APRIL 27—LAST DAY OF CLASS INDIAN LAW STORIES—<i>Montana v. U.S.</i> (1981)</p> <p>READ FOR FINAL: Goldberg, et al., Ch. 17, pp. 591-619</p> <p>FINAL EXAM REVIEW, LOOSE ENDS</p>
17	<p>MAY 2 INDIAN LAW STORIES—<i>Delgamuukw v. British Columbia</i> (1997)</p> <p>FINAL EXAM</p> <p>8:00 – 9:50AM, MONDAY, MAY 2ND</p>	