

The Ins and Outs of Indian Law: Federal Indian History and Policy Spring 2020 – 2 Credits

Faculty:

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Schedule:

May 15-17, Fri 5-9pm, Sat-Sun 9am-5pm

Location:

SEM 2 D2107 - Seminar

Description:

This course will explore the historical, legal, and political background necessary to understand Federal Indian Law. This class will provide a survey of Federal Indian Law including jurisdiction and sovereignty, as well as various historical and contemporary issues facing Indigenous Peoples. We will examine developments that shape Indian policy and law by focusing on specific acts and cases that target Indians.

Through seminar, lecture, and debate we will cover vast ground and examine the veins of thinking that have shaped and control Indian Policy in the United States in an effort to understand a complicated and difficult area of Federal Law. We will examine court cases, treaties, acts, and other documents to help us in our understanding.

Needed Supplies:

Please come prepared with a laptop capable of internet connection. Also bring a notebook and old fashioned writing implement like a pencil or pen.

Suggested Readings:

Readings will be assigned in class.

There are two books, not required, that will help with your understanding of this course and the subjects covered.

Documents of United States Indian Policy: Francis Paul Prucha ISBN 978-0-8032-8762-4

Indian Law Stories: Caroline Goldberg, Kevin K. Washburn, Philip P. Frickey ISBN 978-1-59941-729-5

Course Schedule:

This weekend intensive course will be organized into five sections, each section exploring specific areas of Indian law and Policy.

The following schedule is aspirational and will progress according to the pace and needs of the class. Cases not included in this syllabus will be assigned and dissected.

Section 1:

Introduction.

What is American Indian Law?

Origins of Federal Indian Policy

What is sovereignty? How do the concepts of “discovery” and “conquest” shape Indian policy?

Colonial Influences

Writing a case brief

Section 2:

Experiments in Federal Indian Policy: Marshall trilogy

Removal

The Reservation Period 1848- 1886

Allotments and Assimilation

Federal power in Indian affairs

Section 3:

Tribal Jurisdiction

Criminal Jurisdiction

State-Tribal struggles over jurisdiction

Authorization of State Jurisdiction in Indian Country, Public Law 280

Decline of tribal authority

Taxation

Section 4:

Miriam and Kennedy Reports

Self-governance

Gaming

Indian Child Welfare

Section 5:

The missing pieces Tribes and the Environment, Boldt Decision (Us v Washington)

Indian Religious Freedom Act

NIAGPRA

Tribal Consultation

VAWA

Conclusion

Participation:

Participation is crucial for this course. Students will be required to engage in the course materials. We will examine a multitude of source material including court cases, federal acts, reports, and academic papers. Students will report on these materials and actively seminar on the meanings of chosen materials.

Research Paper:

A research paper will be required from each student on a topic within the broad umbrella of Federal Indian Policy. The paper will strive to define the topic, describe multiple views of the topic (either in a pro- con fashion, or a more nuanced approach) and explain why the subject was chosen. For example, it will be important to answer the following questions:

Why did you choose this subject?

Why is this important?

When did this happen?

Who does this effect?

What is the history of this subject?

Do you forecast anything to change regarding this topic/subject?

What are the arguments in both support and against this topic/subject?

Evaluation:

The final evaluation of this course will be based on participation and a final paper. Each student will earn 2 graduate credits upon completion and submission of their paper. One credit will be earned for class participation; the second credit will be earned with the submission of a research paper. Failure to submit a paper or participate in class may result in loss of credits.

Papers will be written in an appropriate academic format. APA and Chicago will both be accepted. The paper will be as long as it needs to be, but no shorter than 5 pages. Papers must include citations.