

Fall 9-1-1998

NAS 400.01: Tribal Governments

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NATIVE AMERICAN STUDIES 400
TRIBAL GOVERNMENTS
Fall 1998

M/W/F * 1:10-2:00pm * Gallagher L09

INSTRUCTOR: Richard A. Sattler
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OFFICE: NAS Office/Rm 205
OFFICE HOURS: M/T 10:00-11:00am
W/R 2:00-3:00pm

COURSE DESCRIPTION

This is a one semester course that will examine the historical development of contemporary tribal governments and the scope of their powers. History will be important as a tool to place legislation, treaties, court decisions, tribal government actions, and personalities into an understandable framework. Special care will be taken to examine tribal diplomacy, treaties, evolution of tribal governments, and tribal lobbying efforts. The course will stress understanding tribal government relations with the United States government and with local and state governments, as well as the tribes continuing efforts to preserve tribal autonomy and tribal sovereignty. Emphasis will be placed on understanding issues of criminal and civil jurisdiction, tribal-state conflicts, and the United States and its role in tribal governance.

COURSE OBJECTIVES:

1. To develop appreciation for the nature, responsibilities, and powers of contemporary Native American tribal governments.
2. To understand the historical development and contemporary situation of Native American tribal governments.
3. To develop familiarity with the major scholarly sources on contemporary American Indian tribal governments.

COURSE REQUIREMENTS: This course is designed to include both lecture and discussion. All students are expected to read and evaluate all assigned readings and to be ready to discuss them on the assigned date. Your active and informed participation enriches the experience for everyone.

Course Evaluation:

Examinations - There will be a mid-term and a final exam. Both exams will consist of short answer questions and essay questions and each will be worth 100 points. The final exam will not be comprehensive.

Discussion: All students are expected to read all assigned materials and generally be ready to discuss them in class. A portion of class will be set aside for discussion each week and students are actively encouraged to ask questions and engage in discussion during lecture segments. Your informed participation enriches the classroom experience for everyone. Discussion is worth 100 points.

Research Papers - There is also a ten page research paper on a topic of your choice relating to the course content. You must submit your topic for approval by the instructor by the end of the **fifth**

week of class (Oct 6). Papers will be evaluated on content, originality, organization, and style. All papers must be typed, double-spaced, on one side of the page. Two (2) copies of all papers are due on **Friday, December 8.** The paper is worth 100 points. If you need assistance in starting your paper, please contact the instructor as soon as possible.

Undergraduate Grading Scale: Grading is on a straight point system:

400-360 = A; 359-320 = B; 319-280 = C; 279-240 = D; 0-239 = F

Graduate Students: Graduate students are required to write a fifteen (15) page research paper on a topic of their choice relating to the subject of the class. Graduate students will be graded on individual academic performance.

Extra Credit: Students wishing to earn extra credit may write a 3-5 page critical review of one of the recommended books listed below. Other books may be considered with the consent of the instructor. Reviews are worth up to 10 points and only two (2) review can be accepted per student.. See instructor for details. Students may also earn 5 points extra credit by showing proof that they have voted in the general election on November 7.

Late Work and Make-Ups: Students are expected to turn in all work on the scheduled due date listed in the syllabus. **Make-ups** will only be given in the case of **unavoidable** absences. It is the student's responsibility to contact the instructor as soon as possible in such cases and to arrange for a make-up. **Late work** is subject to a **1/3 letter** grade penalty **per day** (exclusive of weekends and holidays). **No late work will be accepted after the regularly scheduled final examine unless prior arrangements have been made with the instructor.**

Academic Honesty: The University of Montana expects its students to be academically honest, particularly in regard to plagiarism. "Plagiarism is the representing of another's work as one's own." Both copyright laws and University policies are rigid as concerns plagiarism. Consult the "Academic Policies and Procedures" section of the current University catalog for details regarding penalties for plagiarism.

Required Readings:

Barsh, Russel L., and James Y. Henderson. *The Road*. Berkeley: University of California Press, 1980.

Cornell, Stephen, and Joseph P. Kalt. *What Can Tribes Do?* Berkeley: University of California, American Indian Studies Center, 1995.

Lopach, James, J., Margery H. Brown, and Richmond L. Clow. *Tribal Government Today*. Boulder: University Press of Colorado, 1998.

Pommersheim, Frank. *Braid of Feathers*. Berkeley: University of California Press, 1995

ERes (Electronic Reserve) articles: available at the library or on-line at eres.lib.umt.edu.

Suggested Readings:

Ambler, Marjane. *Breaking the Iron Bonds: Indian Control of Energy Development*. Lawrence: University of Kansas Press, 1990.

Boxberger, Daniel L. *To Fish in Common*. Seattle: University of Washington Press, 1989.

Castile, George Pierre, and Robert L. Bee, eds. *The State and Reservation*. Tucson: University of Arizona Press, 1992.

- Deloria, Vine, Jr. *American Indian Policy in the Twentieth Century*. Norman: University of Oklahoma Press, 1985.
- Deloria, Vine, Jr., and Clifford M. Lytle. *The Nations Within*. Austin: University of Texas Press, 1984.
- Hagan, William T. *Indian Police and Judges*. Lincoln: University of Nebraska Press, 1966.
- Llewellyn, Karl N., and E. Adamson Hoebel. *The Cheyenne Way*. Norman: University of Oklahoma Press, 1941.
- O'Brien, Sharon. *American Indian Tribal Governments*. Norman: University of Oklahoma Press, 1989.
- Tooker, Elisabeth, ed. *The Development of Political Organization in Native North America*. Washington, DC: The American Ethnological Society, 1983.
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PROVISIONAL COURSE OUTLINE

WEEK 1 INTRODUCTION & ABORIGINAL GOVERNANCE

READINGS:

Assigned Articles: Week 1

WEEK 2 ABORIGINAL GOVERNANCE

READINGS: Barsh and Henderson

Assigned Articles: Week 2

WEEK 3 EUROAMERICANS AND TRIBAL SOVEREIGNTY

READINGS: Barsh and Henderson

Assigned Articles: Williams, Robert. "The Norman Yoke."

WEEK 4 EROSION SOVEREIGNTY AND THE EVOLUTION OF TRIBAL GOVERNMENTS

READINGS: Barsh and Henderson

Assigned Articles: Harring, Sydney L. "This High Pretension of Savage Sovereignty" & "U.S. Indian Law and the Indian Nations."

Sep 25

LAST DAY TO ADD/DROP (DIAL BEAR)

WEEK 5 MODERN TRIBAL GOVERNMENTS: OVERVIEW

READINGS: Lopach, Brown, & Clow

Assigned Articles:

WEEK 6 MODERN TRIBAL GOVERNMENTS: CASE STUDIES

READINGS: Lopach, Brown, & Clow

Assigned Articles:

WEEK 7 MODERN TRIBAL GOVERNMENTS: CASE STUDIES

READINGS: Lopach, Brown, & Clow

Assigned Articles:

Oct 16

LAST DAY TO ADD/DROP

WEEK 8 MODERN TRIBAL GOVERNMENTS: CASE STUDIES

READINGS: Lopach, Brown, & Clow

Assigned Articles: Goldberg-Ambrose, Carole. "Public Law 280", 45-140

Oct. 25

Midterm Exam

WEEK 9 TRIBES AS REGULATORS: CIVIL JURISDICTION

READINGS: Pommersheim

Assigned Articles:

WEEK 10 TRIBES AS REGULATORS: CRIMINAL JURISDICTION

READINGS: Pommersheim

Assigned Articles: Haring, Sydney L., "Corn Tassle" and "Imposed Law and Forced Assimilation"

Nov. 10

VETERANS DAY HOLIDAY

WEEK 11 TRIBES AS REGULATORS: REGULATORY JURISDICTION

READINGS: Pommersheim

Assigned Articles:

WEEK 12

READINGS: Cornell and Kalt

Assigned Articles:

Nov. 22-26

THANKSGIVING HOLIDAY

WEEK 13 TRIBAL GOVERNMENTS AND SOCIAL WELFARE

READINGS: Cornell and Kalt

Assigned Articles:

WEEK 14 TRIBAL GOVERNMENTS AND ECONOMIC DEVELOPMENT

READINGS: Cornell and Kalt

Assigned Articles:

Dec 8

LAST DAY TO WITHDRAW
RESEARCH PAPERS DUE

WEEK 15 TRIBAL GOVERNMENTS AND THE FUTURE

READINGS: Cornell and Kalt

Assigned Articles:

Dec 21 (Thurs) - 1:10pm

FINAL EXAM