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Spring 2-1-2009

### NASX 475.01: Tribal Sovereignty

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Spring Semester, 2009  
University of Montana  
Hours: T Th 8:30-9:30, T 2-3  
& by appointment

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### **Native American Sovereignty NAS 400/PSC475 Syllabus**

**Course description:** “An examination of tribal governments from a historical and political perspective. Particular attention is devoted to the issues of tribal sovereignty and tribal-state relations.” There are currently over 550 federally recognized American Indian nations with which the United States maintains government to government relations based on a sovereign status which is both inherent (i.e. pre-dates the coming of Europeans to this hemisphere) and treaty based. This course explores the legal, cultural, historic, and political foundations of American Indian sovereignty in the U.S. in order to develop an understanding of its meaning for the 21st century.

**Course Objectives:** This course will provide the student with an understanding of tribal sovereignty, including the historical and modern nature of tribal government, impacts of European and American legal systems and thought, and political, economic and cultural developments. Students will also gain an understanding of the concept of sovereignty as it relates to the political, economic and social realms of American Indian societies. Students will be able to articulate these understandings in writing and orally.

#### **Readings—Books to Purchase:**

Clark, Blue. *Lone Wolf v. Hitchcock: Treaty Rights and Indian Law at the End of the Nineteenth Century*. Lincoln: University of Nebraska Press, 1994.

Clow, Richmond and Imre Sutton, eds., *Trusteeship in Change: Toward Tribal Autonomy in Resource Management*. Boulder: University Press of Colorado, 2001.

Miller, Bruce Granville: *Invisible Indigenes: The Politics of Nonrecognition*. Lincoln: University of Nebraska Press, 2003.

Pevar, Stephen L., *The Rights of Indians and Tribes*, 3d ed. New York: New York University Press, 2004.

Wilkins, David E. *American Indian Sovereignty and the U.S. Supreme Court: The Masking of Justice*. Austin: University of Texas Press, 1997.

## **Readings on ERES:**

Kipp, Darrell R. *Encouragement, Guidance, Insights, and Lessons Learned for Native Language Activists Developing their own Tribal Language Programs*. Browning: Piegan Institute, 2000.

Margold, Nathan. "Solicitor's Opinion," October 25, 1934, pp. 445-478 in *Opinions of the Solicitor of the Department of the Interior Relation to Indian Affairs, 1917-1914, Vol. 1* (Washington: Government Printing Office, n.d.)

**Schedule:** Note: Students are expected to complete readings prior to class discussion.

### ***Historical:***

Week 1, January 27, 29

Week 2, February 3, 5

Read Miller, Introduction and Pevar, Chapter 1-4

Week 3, February 10, 12

Week 4, February 17, 19

Read Pevar Chapter 5-7

Week 5, February 24, 26

Read Wilkins, *Precis 1 due February 26*

### ***Governance and Economics***

Week 6: March 3, 5

***March 3, Exam I***

Week 7, March 10, 12

Read Clark; ***Precis 2 due March 10***

Week 8, March 17, 19

Read Margold, Pevar chapter 8-12

Week 9, March 24, 26

*Trusteeship in Change* Part I & II

***Group 1 Presentation March 24, Group 2 March 26***

Week 10, March 31, April 2 **SPRING BREAK**

Week 11, April 7, 9

*Trusteeship in Change* Part III

***Group 3 Presentation April 7***

***Social/Cultural/World***

Week 12, April 14, 16

***April 14: Exam II***

Complete Pevar reading

Week 13, April 21, 23

Presentations 1-15

Week 14 April 28, 30

Complete Miller, ***Precis 3 due April 28***

Presentations 16-30

Week 15, May 5, 7

Read Kipp

Presentations 16-30

***Term Paper Due May 5***

***Final Exam: Tuesday May 12, 8-10***

**Graded Assignments:**

***Group Presentations:*** For *Trusteeship in Change*, each student will work in a group to present part of the material to the rest of the class, and to lead discussion. All students must turn in typed or computer-generated outlines of the presentations

***Precis/Book Analysis:*** Each student will write 3 précis (1-2 pp.): on Wilkins, Clark and Miller. This consists of a summary and analysis of the book.

***Exams*** consist of both essay questions and short answer questions. Study questions and lists of terms will be distributed before examinations

***Term Paper:*** Select a contemporary issue relating to American Indian sovereignty, conduct research, and write a 7-10 page paper on the topic. Develop a thesis and support it. Use a minimum of 5 sources, no more than one from the Internet. You will make an oral presentation to the class on your topic.

<b>Points</b>			<b>Grading</b>	
Exam I	15		93-100: A	90-92: A-
Exam II	15	87-89: B+	83-86: B	80-82: B-
Final Exam	15	77-79: C+	73-76: C	70-72: C-
Term Paper	20	67-69: D+	63-66: D	60-62: D-
Group Presentations	10		↓ 60: F	
Précis	15			
Class Attendance	10			

**NOTE:** P/NP is ***not*** an option in Native American Studies Courses  
*Please be familiar with the Student Conduct Code, part IV, and follow it.*