NAS-238  American Indian Law and Policy  3 credits

I. Catalog Description: An overview of major treaty law, legislation, and policy in relation to Native Americans in the U.S. Will include discussion of historical contexts for the development of Native American law and the one social cultural ramification of federal law and policy.

II. Prerequisites, pre-/co-requisites, co-requisites, recommended: There are no prerequisites for this course, but it is a course required for the Native American studies degree. However, while this course has no prerequisites, it is advised that the student test clear of reading comprehension, and be at least placed in ENG-096.

III. Rationale For Course Level: This course is a one hundred level course, but it probably should be relisted as a 200 level course because of its rigorous nature. In the future, this class should be split into two parts: American Indian law, and Federal American Indian Policy. As it stands now, it is the most demanding course in the NAS program.

IV. Suggested Textbooks:

Indian Tribes as Sovereign Governments—American Indian Resource Institute


The Nations Within. New York: Pantheon books, 1984


Wilkins, David E. American Indian Sovereignty and the US Supreme Court. Austin, TX: University of Texas Press

V. Student Learning Course Objectives:

SCTC Institutional Learning Goals

1. Students will demonstrate competency in reading, writing, oral communication, and numerical literacy
2. Students will be able to evaluated information
3. Students will consider multiple perspectives from the diversity of human experience.
Native American Studies Goals

1. Students will be able to identify the impact of Native American historical experiences on contemporary Native American experiences.
2. Students will demonstrate an understanding of Anishinaabe culture and traditional values.

Course Student Learning Outcomes

1. Describe in detail and from a legal standpoint how American Indians arrived at where we are today (all of the above books)
2. Delineate how our sovereignty eroded over time through specific Supreme Court decisions (American Indian Law in a Nutshell; American Indian Sovereignty)
3. Categorize specific rights according to federal, state and local jurisdictions (The Rights of Indians and Tribes)
4. Identify the origin of modern tribal governments and federally recognized tribes (Nations Within)
5. Memorize and differentiate the specific clauses in the United States Constitution from which the entire body of Native American law originates (American Indians American Justice)

VI. Suggested Course Outline:

Weeks 1 - 3  Introduction to Federal Indian Policy -US Constitution
18th and 19th Century Policies (Deloria- Amer.Indians/Justice).
-Three important Supreme Court decisions
-Treaties
20th Century Policies (Deloria-American Indian Policy in 20th C.)
-Lone Wolf
-IRA
-Termination

Week 4  Monday QUIZ ON POLICY
Readings Chapters 1&2 in Pevar (P)
(History of Federal Indian Policy)

Week 5  Monday QUIZ ON CHAPS. 1&2
Readings Chapters 2&4 (P)
(The Trust Responsibility/Indian Treaties)

Week 6  Monday QUIZ ON CHAPS 2&4
Readings Chap. 5
(Federal Power over Indian Affairs)
Week 7  Monday QUIZ ON CHAP. 5  
Reading: Chap. 6  
(Tribal Self-Government)

Week 8  Monday QUIZ ON CHAP. 6  
Reading Chaps. 7&8  
(State Power over Indian Affairs/Criminal Jurisdiction)

Week 9  Monday QUIZ ON CHAPS 7&8  
Reading Chap 9  
(Civil Jurisdiction in Indian Country)

Week 10 Monday QUIZ ON CHAP 9  
Reading Chap. 10  
(Taxation)

Week 11 Monday QUIZ ON CHAP. 10  
Reading Chap 11  
(Indian Hunting and Fishing Rights)

Weeks 12 Monday QUIZ ON CHAP. 11  
Readings chap. 13  
(Civil Rights of Indians)

Week 13 Monday QUIZ ON CHAP 13  
Readings Class Choice

Week 14- 16 Class Choice

VII. Suggested Course Evaluation:

Because of the rigorous nature of this course and the large amount of material that must be retained by the students, it is highly recommended that students be tested early and often. During the American Indian Policy aspect of the course students are usually tested every two weeks. During the American Indian law portion students are tested every week because they read one chapter out of the Pevar book every week. It is also suggested that instructor’s revisit the material every week throughout the course. This will aid students in identifying the more important aspects of the material. Instructors can plan on creating 10 to 12 quizzes, a lengthy midterm, and final.

Quizzes  50%  
Midterm Exam  20%  
Final Exam  20%  
Attendance  10%
IX. Bibliography


Black Elk. 1979, Black elk speaks as told to John Neihart


DeMallie, Raymond. *The Six Grandfathers*


Syllabus Prepared By:

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