

**ETHST 25 Course Outline as of Spring 2023****CATALOG INFORMATION**

Dept and Nbr: ETHST 25 Title: AMER INDIAN&amp; US POLITICS

Full Title: The American Indian and the U.S. Political System

Last Reviewed: 10/11/2021

Units		Course Hours per Week		Nbr of Weeks	Course Hours Total	
Maximum	3.00	Lecture Scheduled	3.00	17.5	Lecture Scheduled	52.50
Minimum	3.00	Lab Scheduled	0	6	Lab Scheduled	0
		Contact DHR	0		Contact DHR	0
		Contact Total	3.00		Contact Total	52.50
		Non-contact DHR	0		Non-contact DHR	0

Total Out of Class Hours: 105.00

Total Student Learning Hours: 157.50

Title 5 Category: AA Degree Applicable

Grading: Grade or P/NP

Repeatability: 00 - Two Repeats if Grade was D, F, NC, or NP

Also Listed As:

Formerly: ETHST 71

**Catalog Description:**

This Ethnic Studies course surveys the role of American Indian people in the United States and state political systems, institutions, and legal precedent. Students will use an ethnic studies lens to examine tribal nations' government political structures and functions from pre-contact through settler colonialism to contemporary times, as well as analysis of Federal Indian Policy and leading issues such as, but not limited to, sovereignty, tribal citizenship, and identify that affect American Indian people and Native nations.

**Prerequisites/Corequisites:****Recommended Preparation:**

Eligibility for ENGL 1A or equivalent

**Limits on Enrollment:****Schedule of Classes Information:**

Description: This Ethnic Studies course surveys the role of American Indian people in the United States and state political systems, institutions, and legal precedent. Students will use an ethnic studies lens to examine tribal nations' government political structures and functions from

pre-contact through settler colonialism to contemporary times, as well as analysis of Federal Indian Policy and leading issues such as, but not limited to, sovereignty, tribal citizenship, and identify that affect American Indian people and Native nations. (Grade or P/NP)

Prerequisites/Corequisites:

Recommended: Eligibility for ENGL 1A or equivalent

Limits on Enrollment:

Transfer Credit: CSU;UC.

Repeatability: Two Repeats if Grade was D, F, NC, or NP

## **ARTICULATION, MAJOR, and CERTIFICATION INFORMATION:**

<b>AS Degree:</b>	<b>Area</b> G	American Cultures/Ethnic Studies	Effective: Fall 2022	Inactive:
<b>CSU GE:</b>	<b>Transfer Area</b> F	Ethnic Studies	Effective: Fall 2022	Inactive:
<b>IGETC:</b>	<b>Transfer Area</b> 7A	Ethnic Studies	Effective: Fall 2023	Inactive:
<b>CSU Transfer:</b>	Transferable	Effective:	Fall 2022	Inactive:
<b>UC Transfer:</b>	Transferable	Effective:	Fall 2022	Inactive:

**CID:**

**Certificate/Major Applicable:**

Major Applicable Course

## **COURSE CONTENT**

### **Student Learning Outcomes:**

At the conclusion of this course, the student should be able to:

1. Understand the unique nation-to-nation relationship between the U.S. and tribal nation governments through analysis of treaties, Congressional acts, and case law.
2. Analyze the intersection of Native identity and sovereignty with race, ethnicity, class, gender, and sexuality through analysis of federal, state, and tribal policies.
3. Recognize and differentiate between traditional and contemporary tribal governments in the practice of sovereignty and the delivery of essential services.

### **Objectives:**

At the conclusion of this course, the student should be able to:

1. Identify and examine the unique nation-to-nation relationship that exist between the Native governments and the U.S. government.
2. Analyze the difference between traditional and contemporary Native nations in the practice of sovereignty and the delivery of essential services.
3. Analyze the role of the Congressional, Executive, and Judicial branches of the U.S. government in relation to Native nations.
4. Analyze the rights and obligations of citizens based on specific tribal constitutions, the California constitution, and the U.S. Constitution.
5. Apply American Indian traditions and knowledge to contemporary political and legal issues in American Indian communities.

6. Evaluate federal policy shifts regarding economic development, natural resources, land, and tribal sovereignty.
7. Distinguish and identify the processes and events that have led to the legal status of Native people and Native Nations under the Articles of Confederation, Constitution, and other federal statutes.
8. Analyze modern jurisdictional laws, issues, and conflicts between Native governments, local governments, state governments, and the federal government.
9. Evaluate how colonialism and racism have impacted the policies and politics of federal and state governments' relationships with Native peoples.
10. Analyze how the European doctrine of discovery and conquest impacted Indigenous land and people in the United States and globally.
11. Explain how Native people and Native nations have organized politically and legally to resist racism and other forms of discrimination.

#### Ethnic Studies Objectives:

1. Analyze and articulate concepts such as race and racism, racialization, ethnicity, equity, ethno-centrism, eurocentrism, white supremacy, self-determination, liberation, decolonization, sovereignty, imperialism, settler colonialism, and anti-racism as analyzed in Native American Studies.
2. Apply theory and knowledge produced by Native American communities to describe the critical events, histories, cultures, intellectual traditions, contributions, lived-experiences and social struggles of those groups with a particular emphasis on agency and group-affirmation.
3. Critically analyze the intersection of race and racism as they relate to class, gender, sexuality, religion, spirituality, national origin, immigration status, ability, tribal citizenship, sovereignty, language, and/or age in Native American communities.
4. Critically review how struggle, resistance, racial and social justice, solidarity, and liberation, as experienced and enacted by Native Americans are relevant to current and structural issues such as communal, national, international, and transnational politics as, for example, in immigration, reparations, settler-colonialism, multiculturalism, language policies.
5. Describe and actively engage with anti-racist and anti-colonial issues and the practices and movements in Native American communities to build a just and equitable society.

#### Topics and Scope:

##### I. Indians and the Law

###### A. Contemporary Relevance of Tribal Sovereignty - Tribal Sovereignty and Settler Colonialism

###### B. Traditional Tribal Governments

###### C. Contemporary Tribal Governments - Peacemaker Courts

##### II. Eurocentrism the Doctrine of Discovery and American Indian Rights

###### A. Spanish

###### 1. Romanus Pontifex

###### 2. Inter Caetera Divinae

###### 3. Victoria's "Law of Nations"

###### B. French

###### C. English

###### 1. Calvin's Case

###### 2. Campbell v. Hall

###### 3. Contradiction of Indians and "Savage" and Sovereign

###### 4. Royal Proclamation

##### III. The Formative Years

###### A. Treaty of Tradition

1. Treaty of Hopewell
2. Reserved Rights
3. Cannons of Construction
- B. Articles of Confederation - Northwest Ordinance
- C. U.S. Constitution
  1. Iroquois Confederacy
  2. Commerce Clause
- D. Trade and Intercourse Acts
- E. Doctrine of Discovery
  1. Johnson v. McIntosh
  2. Global perspective: Mabo v. Queensland
- F. Indian Removal
  1. Cherokee Nation v. Georgia
  2. Worcester v. Georgia
- IV. Centuries of Shifting Law and Policy
  - A. Congressional Plenary Power Doctrine
    1. Ex Parte Crow Dog
    2. U.S. v. Kagama
    3. U.S. v. Sandoval
  - A. Policy of Allotment - Lone Wolf v. Hitchcock
  - B. Indian Reorganization
    1. Meriam Report
    2. Inherent Sovereignty
    3. IRA Constitutions
  - C. Termination
    1. HCR 108
    2. California Rancheria Act
    3. Public Law 280
    4. Menominee v. U.S.
  - D. Self Determination
    1. Morton v. Mancari
    2. Modern Trust Doctrine
- V. The Federal-Tribal Relationship
  - A. Tribal Property Interests
    1. U.S. v. Shoshone
    2. Montana v. U.S.
- VI. Tribal Sovereignty and the Challenge of Nation Building
  - A. Sovereign Powers of Tribes
    1. Williams v. Lee
    2. McClanahan v. Arizona Tax Commission
    3. Talton v. Mayes
    4. U.S. v. Wheeler
  - B. Tribal Sovereign Immunity
    1. Indian Civil Rights Act
    2. Santa Clara Pueblo v. Martinez
    3. Kiowa Tribe of Oklahoma v. Manufacturing Technologies, Inc.
- VII. Tribal Sovereignty and Jurisdiction
  - A. Indian Country Defined - Solem v. Bartlett
  - B. Federal Criminal Jurisdiction
    1. Major Crimes Act
    2. U.S. v. Antelope
  - C. State Criminal Jurisdiction - Bryan v. Itasca County

- D. Tribal Criminal Jurisdiction
  - 1. Oliphant v. Suquamish
  - 2. Tribal Law and Order Act
  - 3. U.S. v. Lara
- VIII. Tribal and State Conflicts over Civil Regulatory and Adjudicatory Jurisdiction
  - A. Tribal Civil Regulatory Jurisdiction
    - 1. Montana v. U.S.
    - 2. Merriion v. Jicarilla Apache Tribe
  - B. Tribal Civil Adjudicatory Jurisdiction
    - 1. Strate v. A-1 Contractors
    - 2. Nevada v. Hicks
  - C. Indian Child Welfare Act
    - 1. Mississippi Band of Choctaw v. Holyfield
    - 2. Adoptive Couple v. Baby Girl
- IX. Tribal Sovereignty and California Government
  - A. Tribes and California Statehood - California Constitution
  - B. Conflict between Tribes and California
  - C. Concurrent Jurisdiction Between Tribes and California
- X. Native-building Challenge (Gaming Economic Development)
  - A. Indian Gaming Regulatory Act
    - 1. California v. Cabazon
    - 2. Seminole v. Florida
- XI. Indian Religion and Culture
  - A. Sacred Sites
    - 1. American Indian Religious Freedom Act
    - b. Lyng v. Northwest Indian Cemetery Protective Association
  - B. Cultural Property
    - 1. Oregon v. Smith
    - 2. American Indian Religious Freedom Restoration Act
    - 3. Native American Grave Protection and Repatriation Act
- XII. Water Rights
  - A. Winters' Doctrine
    - 1. U.S. v. Winters
    - 2. Arizona v. California
  - B. McCarran Amendment
  - C. Non-Judicial Quantification - San Luis Rey Water Settlement Act
- XIII. Fishing and Hunting Rights
  - A. Regulation of on-reservation - New Mexico v. Mescalero Apache
  - B. Regulation of off-reservation
    - 1. United States v. Winans
    - 2. Pacific Northwest
    - 3. Great Lakes
- XIV. Diversity of Indian Law: Oklahoma, Alaska, and Hawaii
  - A. Oklahoma - McGirt v. Oklahoma
  - B. Alaska Natives
    - 1. Alaska Native Claims Settlement Act
    - 2. Alaska v. Native Village of Venetie
  - C. Native Hawaiians - Rice v. Cayetano

### **Assignment:**

- 1. Reading of approximately 35-50 pages per week.

2. Writing assignment(s) for a minimum of 1,250 words that may include research, experiential, response, journal reviews, cultural assessment, or project.
3. Quizzes and exams.
4. Optional: oral presentation and/or group project.

### Methods of Evaluation/Basis of Grade:

**Writing:** Assessment tools that demonstrate writing skills and/or require students to select, organize and explain ideas in writing.

Writing Assignment(s)	Writing 30 - 60%
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**Problem Solving:** Assessment tools, other than exams, that demonstrate competence in computational or non-computational problem solving skills.

None	Problem solving 0 - 0%
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**Skill Demonstrations:** All skill-based and physical demonstrations used for assessment purposes including skill performance exams.

None	Skill Demonstrations 0 - 0%
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**Exams:** All forms of formal testing, other than skill performance exams.

Quizzes and Exams	Exams 40 - 60%
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**Other:** Includes any assessment tools that do not logically fit into the above categories.

Oral presentation and/or group project	Other Category 0 - 10%
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### Representative Textbooks and Materials:

American Indian Law in a Nutshell. 7th ed. Canby, William C. West Publishing Co. 2019.

An Indigenous People's History of the U.S. Dunbar-Ortiz. Beacon Press. 2014 (classic)

American Indian Politics and the American Political System. 4th ed. Wilkins, David and Heidi Kiiwetinepinesiiik Stark. Rowman and Littlefield. 2018.