

# NAS 310 TRIBAL LAW AND GOVERNMENT

Wednesday 6:00 p.m. to 9:20 p.m.

Northern Michigan University

Winter 2018

Instructor: Violet M. Friisvall Ayres Office: Keweenaw Bay Tribal Court, L'Anse Indian Reservation  
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 Class Location: JMX1315 Office Hours: By Appointment.

## Required Text and Readings:

- 1) Canby, William. (2014). *American Indian Law in a Nutshell*, Sixth Edition. St. Paul: West Publishing. ISBN-13: 978-1628100082 / ISBN-10: 1628100087
- 2) Richland, Justin B. and Deer, Sarah. (2016). *Introduction to Tribal Legal Studies: Third Edition*. Unk: Rowman and Littlefield.
- 3) "Xerox" material distributed in class and articles drawn from the Internet may be utilized and will be handed out in class, posted on EduCat, or emailed to you.
- 4) Students are expected to be informed about recent political developments in Indian Country as reported in newspapers, magazines, radio reports, television, and online news sources. Sources such as [www.indianz.com](http://www.indianz.com) and [www.indiancountrytoday.com](http://www.indiancountrytoday.com) are good online sources.

## Course Goal, Objectives, Outcomes, and Assessment Strategies:

**Goal:** To provide students with a broad overview of the relationships between American Indian tribes, the federal government, and states with an emphasis on modern tribal governments and their citizens within the State of Michigan.

**Objectives:** Students in this course will obtain basic levels of learning as it pertains to the following themes in Native American Studies: identities, culture and lifeways, oral traditions and histories, and traditional ecological knowledge. Students in this course will obtain emerging levels of learning as it pertains to the following themes in Native American Studies: governance and sovereignty, and family and community issues.

**Outcomes:** After completing this course successfully, students will be able to:

1. Explain different Federal Indian Policy's and their impact on tribal governments and Indian people;
2. Articulate what tribal sovereignty is;
3. Distinguish the differences in the organization and legal structures of tribal governmental systems;
4. Differentiate, define, and apply terminology and concepts found within Native American Studies specifically associated with identity, citizenship, federal Indian law, tribal law, governance, land, and jurisdiction; and
5. Describe the current conditions and issues that face tribal governments and tribal citizens.

Assessment Strategies / Outcomes:
1. First Mid-Term (Outcomes: 1, 2, 4)
2. Online Discussions (Outcomes: 1, 2, 3, 4, 5)
3. Second Mid-Term (Outcomes: 2, 3, 4)
4. Analysis of component of Tribal Government – Field Trip – KBIC Natural Resources Department (Outcomes 1, 2, 3, 4, 5)
5. Final Exam (Outcomes: 2, 4, 5)
6. Extra Credit (Outcomes: 1,2,3,4,5)

**Requirements & Expectations:**

Students are expected to be familiar with major news stories in Indian country every week and come to class on time. Students are required to 1) attend all classes and be prepared with your books, a pen or pencil, and paper; 2) do all assigned readings and coursework; 3) take examinations when scheduled, unless *prior* arrangements have been made; 4) periodically use the Internet in this course; 5) engage in discussion groups, reading, writing, research, note-taking and some teacher directed activities; 6) not use their laptops during class unless otherwise directed or a recording device, if you would like to use your laptop or a recording device for taking notes please make your request via email; 7) not use their cell phones in class; and 8) attend the field trip. If you cannot get off work, have a game, or another class that your supervisor, coach, or professor will not excuse you from. You will need to provide an email from your supervisor, coach, or professor to that effect that includes the contact information of your supervisor, coach, or professor so that I may speak to them personally.

**Plagiarism:**

Plagiarizing is academic dishonesty. I will not tolerate plagiarism, intentional or accidental. If I find that you have plagiarized someone's work, you may receive an F for the assignment or for the entire course. Worse yet, you may be charged with *academic dishonesty* -- which is then put in your *permanent* academic file (See Student Code - Section 1.2.3, *Student Rights and Responsibilities*. USE THE WRITING CENTER located in the LRC, also check out [www.nmu.edu/writingcenter](http://www.nmu.edu/writingcenter) .

**Writing and Research:**

You will be required to write during the course of this class. Writing may be an essay, summary, "critical-thinking" (analytical) paper, opinion paper, or a research paper. Each piece of writing or paper you write MUST adhere to these guidelines as a minimum requirement:

1. The paper must be at least the minimum pages in length required (not including the cover page, addendums, or works cited page).
2. Written using APA or MLA style ONLY (unless otherwise directed) and indicated under your name on the cover page (i.e. 'APA' or 'MLA').
3. Must not contain "hypertext" codes.
4. All writing assignments must be typed, double-spaced, with one-inch margins all around, using Times New Roman, 12 point font, a cover page, and a Works Cited page (when required). By following these parameters 23 lines of text will equal 1 page of work. Paragraph titles are not considered as a line.
5. All pages must be numbered using the format: "Last Name page # of total # of pages". Do not put a page number on your cover page.
6. Quotes that are 3 or more sentences long MUST be single-spaced and double-indented. Also, an entire paper of quotes is unacceptable -- there is a THREE (3) QUOTE LIMIT -- your quotes must be of reasonable length and add to your original work.
7. Do not include the entire text of a law in your writing. It may be included as an appendix and does not count toward the minimum number of pages for the assignment.
8. Make sure your writing is well developed and has the basic elements of an introduction, body, and conclusion; correct spelling; and, sentence structure.
9. Use good scholarly sources. You may not use Wikipedia.
10. Make sure your information is accurate! Cross-reference your facts for accuracy.
11. Your paper must be written in third person -- unless it is an opinion paper.
12. All sources used in the preparation of your paper MUST be cited in-text and included in the Works Cited.
13. Research Paper Specific: An "A" research paper is well-rounded and shows both sides of the topic, historical information, and statistical information, with clear and concise statements. You may use your class texts as sources; however, each paper must also have at least one (1) additional source per page outside the texts used in class. For example, if you write a 7 page paper, you may use your class texts AND must also have 7 other sources. All sources used in the preparation of your paper MUST BE CITED IN-TEXT. Write your

research paper as if the reader knows nothing about the topic!! A **research paper**, is NOT an opinion paper -- be sure back yourself up with facts, not your feelings. Support your statements with your research!

14. You are required to submit an electronic copy of all papers you write to [violet@kbic-nsn.gov](mailto:violet@kbic-nsn.gov) AND [vfriisva@nmu.edu](mailto:vfriisva@nmu.edu) prior to handing in your paper. Failure to provide an electronic copy of your paper prior to the due date will result in a zero (0) for the paper. Failure to hand in a hard copy on the due date will result in a zero (0) for the paper.

### **Graded Coursework:**

All homework assignments & coursework will be due the next class period, unless otherwise specified, and will be graded. Quizzes may be announced or unannounced and will be graded as well. There may also be in-class group assignments that are graded. **I will not accept late assignments.** If for some reason you get sick the day an assignment is due, you must email it to me *by the time the paper/assignment is due* to the following two (2) addresses/locations – 1. [violet@kbic-nsn.gov](mailto:violet@kbic-nsn.gov), and 2. [vfriisva@nmu.edu](mailto:vfriisva@nmu.edu). In addition, you may also fax it to me at 906.353.7279. The EduCat Forums (blogs) will be graded – these are open for a minimum of 5 days, 24 hours a day. There is no reason that someone cannot participate in the EduCat discussions during the week.

### **EduCat & The Internet:**

Students will be required to use EduCat and the Internet in this course. Class news, assigned reading, etc. will be posted by the instructor on EduCat or emailed. Also, some of the classes and exams will be “held” online via EduCat. On-line classes will consist of assigned readings, articles and video, posted articles by other students, and on-line discussions (blogging and/or chatting). Students are encouraged to use the “Forum” aspect of EduCat to communicate with classmates, as well as discuss weekly topics, general questions, and other interesting things that you may find and want to share. Students are also encouraged to use the Internet during this course. If you have any issues with EduCat please contact the help desk immediately, and then send me an email. Please be aware -- LAPTOPS, CELLPHONE/SMARTPHONE USAGE, AND RECORDING DEVICES ARE PROHIBITED DURING LECTURE. If I observe you using one of these devices during class you will receive 0 points for class participation and attendance for that day.

### **Evaluation of On-line Class Discussion:**

Students are required to participate in all on-line discussions, whether it is a chat session or blogging on the EduCat / NAS 310 Forum. Students will be evaluated on their advancement of the on-line discussion posted by their classmates or instructor. **It is very important that students respond to each others postings.** All postings must be done in a timely fashion. Last minute postings will have points deducted. Student who post on Monday and do not participate the rest of the week will also receive a reduction in points. Continuous last minute postings and/or limited postings will not receive credit. I will review the discussion throughout the week and respond when appropriate. I will be evaluating your online discussions using the following format:

<u>valuation Criteria</u>	<u>Good</u>	<u>Average</u>	<u>Below Average</u>
Number of Postings	4+	3 Postings	1 or 2 Postings
Quality of Postings	Advancing and adding to the conversation in a timely fashion.  Supporting your responses with outside	Advancing and adding to the conversation in a timely fashion. (Limit Opinion)	Limited one and two line responses or off topic postings. Not participating on a regular basis.

research and reference to the textbook readings.
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**Examinations:**

This course will include two mid-term examinations and one final exam (three examinations in all). These exams may be a mixture of multiple-choice, true-false, definitions, short answer, and essay questions. Examinations will be drawn from reading, lecture, class discussions on current affairs, etc. Two of the exams will be on EduCat. Each exam will cover ALL of the assigned readings and ALL lectures in the core area completed – First Midterm will cover the 1<sup>st</sup> Core, Second Midterm Exam the 2<sup>nd</sup> Core, and the Final Exam will cover the 3<sup>rd</sup> Core (unless otherwise indicated). You are required to take these exams at the times provided. You may not leave your seat to use the restroom, get a drink of water or a bite to eat, or take a phone call once the exam has begun – doing so will result in the immediate conclusion of your exam. You must also have a “Green Book” to take your essay exams – they are available at the bookstore for a small fee or you may get them for free at the ASNMU (1203 University Center) [as of Winter 2015]. No make-up exams will be given to any student unless that student has made **PRIOR** arrangements with the instructor.

**Extra Credit:**

I will offer extra credit in this course, and is limited to 50 points per semester. You will not be eligible for extra credit if you have missed more than one class period; or if you are unexcused from the field trip. Also, extra credit is not replacement credit. If you do not hand in all of your regular work, you will not receive extra credit.

**Grading Policy:**

Each examination will be assigned only grade points and not a letter grade. Final grades for the course will be calculated on the basis of total point's earned and total possible points together with class standing. In borderline cases, demonstrated improvement and class participation during the semester will be taken into account. The paper and the exams will count as follows:

- 20% first mid-term exam
- 20% second mid-term exam
- 20% final exam
- 20% assignments & coursework
- 20% active class participation

**Grading Scale:**

A	100-95	C-	73-70
A-	94-90	D+	69-67
B+	89-87	D	66-64
B	86-84	D-	63-60
B-	83-80	F	59 or below
C+	79-77	I	Incomplete
C	76-74	W	Withdrawal

**Active Participation: Attendance & Contribution; and Classroom Conduct:**

Active participation is required and enhances the educational experience for everyone in the class. You are expected to read the assigned readings before each class. Readings and assignments are due on the date they are listed on the Course Schedule. Thus, readings listed for August 26<sup>th</sup> are to be read for the class to be held on August 26<sup>th</sup>. Active participation includes:

- respectfully speaking in class and responding to classmate and instructor comments
- sharing internet sites, events, news articles, and other materials relevant to our course with the class
- completing and submitting coursework on-time

- using the academic resources of the college and instructor office hours

Please tell me prior to class if you are unable to attend. Absences may be excused if they are not excessive and you inform me PRIOR to class, personally and via email that you are unable to attend. You may also be required to submit documentation regarding your absence. Failure to inform me prior, or submit documentation when requested, will result in the loss of active class participation points and the inability to make-up any course work you have missed. Excessive absenteeism will result in loss of active class participation points and ability to make-up missed work. Exams may not be made up if missed, unless prior arrangements have been made.

Classroom Conduct that undermines the academic success of students during classroom or other instruction is prohibited and includes, but is not limited to, the following:

- Initiating or participating in inappropriate conduct that disrupts classroom activities.
- Using any device that causes disturbance inside or outside the classroom during instruction, i.e. cell phones, texting, etc.
- Engaging in inappropriate interaction with the instructor and/or to classmates after student has been directed to stop adverse behavior.

Failure to follow this policy will result in may result in your removal from NAS 310.

#### **Class Cancellation:**

Class will be cancelled whenever NMU closes due to inclement weather. If classes need to be cancelled for any other reason, I will do my best to contact you via email. Call the CNAS if you have any doubt.

#### **Conferences:**

Students are encouraged to seek individual conferences with the instructor. These can be useful both in helping the student understand the required material as well as in providing an opportunity to explore class-related topics in depth. Those students who are having trouble keeping up with, or understanding, the material should make an appointment with me. **IF YOU ARE IN THE L'ANSE/BARAGA AREA - please contact me for a visit! I would be happy to give any of you a personal tour of the L'Anse Indian Reservation, KBIC Tribal Court, and the KBIC Government Offices.**

#### **NMU's Non-Discrimination Statement:**

Northern Michigan University does not unlawfully discriminate on the basis of race, color, religion, sex, national origin, age, height, weight, marital status, familial status, handicap/disability, sexual orientation, or veteran status in employment or the provision of services, and provides, upon request, reasonable accommodation including auxiliary aids and services necessary to afford individuals with disabilities an equal opportunity to participate in all programs and activities. Anyone having civil rights inquiries may contact the Equal Opportunity Office, 502 Cohodas Hall, telephone number 906-227-2420.

#### **ADA Statement:**

If you have a need for disability-related accommodations or services, please inform the Coordinator of Disability Services in the Dean of Students Office at 2001 C. B. Hedgcock Building (227-1700 or [disserv@nmu.edu](mailto:disserv@nmu.edu)). Reasonable and effective accommodations and services will be provided to students if requests are made in a timely manner, with appropriate documentation, in accordance with federal, state, and University guidelines.

**E-Mail:** [violet@kbic-nsn.gov](mailto:violet@kbic-nsn.gov)

My email address is – [violet@kbic-nsn.gov](mailto:violet@kbic-nsn.gov) – I check this email address several times a day. **DO NOT USE [vfriisva@nmu.edu](mailto:vfriisva@nmu.edu)**, unless you have been directed to use this address. I will do my best to respond in a timely manner. Please do not expect an immediate response, especially during evenings, weekends or holidays.

**Reading Assignments & Organization of the Course:**

The amount of assigned reading will vary from week to week, so students should try to pace themselves so as not to fall behind on those weeks which require more time. Lectures may not be strictly based on assigned readings and students are encouraged to bring up specific points found therein. In general, the readings are expected to provide a background for class lectures and discussions. At the beginning and end of class, an opportunity for questions and discussion will be provided. The course outline and approximate date by which assigned readings should be completed follows (Syllabus, including exam dates, are subject to change):

**THE FOUNDATIONS AND PRINCIPLES OF FEDERAL INDIAN LAW AND TRIBAL LAW AND GOVERNMENTS**

WEEK 1: INTRO TO THE STUDY OF TRIBAL LAW AND GOVERNMENT - JMX1315 January 17

- Review of Syllabus
- Readings: Text - Richland - Chapters 1, 2, 3, 4 & 14

WEEK 2: HISTORY OF INDIAN TRIBES AND FEDERAL INDIAN POLICY-JMX1315 January 24

- Readings: Text - Richland - Chapter 5  
Canby - Chapters 1, 2, & 3
- Lecture: The History of Federal Indian Policy

WEEK 3: HISTORY OF INDIAN TRIBES AND FED INDIAN POLICY (cont'd) -JMX1315 January 31

- Readings: Text - Richland - Chapters 16, 17, 18, 19, 20, & 21  
Canby - Chapters 13, 14, & 15
- Article - “Forced Sterilization of Native Americans: Twentieth Century ...”  
(available on Educat)
- Lecture: The History of Federal Indian Policy
- Movie 1: *Tribal Nations: The Story of Federal Indian Law*

WEEK 4: TRIBAL GOVERNANCE, SOVEREIGNTY, AND NATION-BUILDING-JMX1315

February 7

- Readings: 1) “Guest Editorial: Native Nation Building Through Economic Development” by Joan Timeche. SAY Economic Development 2015.  
2) “Honoring Nations: Honoree 2014”. The Harvard Project on American Indian Economic Development.  
3) “Myths And Realities of Tribal Sovereignty: The Law And Economics of Indian Self-Rule” by Joseph P. Kalt and Joseph William Singer. March 2004 (RWP04-016). Harvard University, John F. Kennedy School of Government.
- Lecture: Sovereignty and Nation-Building
- Study Guide for Exam 1

WEEK 5: FIRST MIDTERM EXAM- JMX 1315

February 14

## TRIBAL GOVERNMENT AND TRIBAL LAW

- WEEK 6: TRIBAL GOVERNMENT CASE STUDY: LAC VIEUX DESERT BAND and LITTLE TRAVERSE BAY BAND. – *Online Class - EduCat* *Week of February 21*
- Reading: All Article(s) Posted by Instructor on Edu Cat under Discussion Topics in Week 6, if any.
  - Class Participation, Attendance, & Homework: Edu Cat Forum: Available from Sunday Evening @ 6:00 p.m. to Friday Afternoon @ 4:30 p.m.

- WEEK 7: TRIBAL COUNCIL AND PRESIDENT-JMX1315 February 28
- Readings: Text - Canby - Chapters 4, 5, 6, & 11
  - Guest Speaker: Jennifer Misegan, Vice-President of the Keweenaw Bay Indian Community

- WEEK 8: SPRING BREAK – NO CLASSES March 7

- WEEK 9: TRIBAL ADMINISTRATION-JMX1315 March 14
- Readings: Potential Handouts from Guest Speaker.
  - Lecture: Traditional Tribal Governments & Modern Tribal Government.
  - Movie 2: *Waasaa Inaabidaa*, 2<sup>nd</sup> episode [Leadership/Governance]

- WEEK 10: TRIBAL COURT, LAW, & LEGAL PROCESS-JMX1315 March 21
- Readings: Article - Prucha #97 and Prucha #115 (available on EduCat)  
Text - Richland - Chapters 6, 7, 8, & 9, 22-30  
Canby - Chapters 7 & 8
  - Lecture: Tribal Courts: Types, History, Structure

\*\*Pow-wow Week – March 24<sup>th</sup> – Extra credit opportunity

**WEEK 11: SECOND MIDTERM EXAM – *EduCat* – *Online Exam*.** The Second Midterm Exam will be available on EduCat from Wednesday, March 28<sup>th</sup> @ 8:00 a.m. to Friday, March 30<sup>th</sup> @ 4:00 p.m.

## SPECIAL TOPICS IN INDIAN COUNTRY

*Amended February 7, 2018*

- WEEK 12: INDIAN LANDS, ROADS, AND PROPERTY TAXATION – JMX 1315 April 4
- Readings: Text - Canby - Chapters 9 & 12  
Potential Handouts from Guest Speaker.
  - Guest Speaker: Jason Ayres, Realty Director – Keweenaw Bay Indian Community (confirmed).

- WEEK 13: TREATY RIGHTS – JMX 1315 April 11
- Readings: Text - Canby - Chapters 13 & 15  
Potential Handouts from Guest Speaker.
  - Guest Speaker: Joseph P. O’Leary, Baraga County Prosecuting Attorney (confirmed)

\*\* Anishinaabe Social Justice Conference – L’Anse Indian Reservation – Details to be announced.

- WEEK 14: FIELD TRIP: KEWEENAW BAY NATURAL RESOURCE DEPARTMENT April 18
- Readings: Text - Canby - Review Chapters 7, 8, & 11
  - Field Trip: NAS 310 Students will meet at 8:15 a.m. at 112 Whitman Hall to be transported

by van/bus to the KBIC Natural Resource Department in Pequaming, Michigan with expected arrival time for 10 a.m. and students will participate in a four (4) hour session that includes a tour of the KBIC Natural Resource Department and Hatchery facility; presentations on the programs of the KBNRD; and hands on work sessions. Students should dress appropriately, e.g. nothing they are not afraid to get dirty, as the hands on sessions include “fin clipping” and working in the bio-dome with native plant species. KBNRD also provides lunch. There may also be a tour of the walleye ponds and other project sites, weather and time permitting. NAS 310 students will return to NMU by 4 p.m. (tentative).

- Part 1 of Final Exam will be available today on EduCat.

WEEK 15: DE-CRIMINALIZATION OF MARIJUANA IN INDIAN COUNTRY – *EduCat – Online Class*  
*Week of April 25*

- Reading: All Article(s) Posted by Instructor on Edu Cat under Discussion Topics in Week 15, if any.
- Class Participation, Attendance, & Homework: Edu Cat Forum: Available from Sunday Evening @ 6:00 p.m. to Friday Afternoon @ 4:30 p.m.

WEEK 16: **FINAL EXAM**– *EduCat – Online Exam*

- Part I – Take Home Paper will be due via email at [vfriisva@nmu.edu](mailto:vfriisva@nmu.edu) AND [violet@kbic-nsn.gov](mailto:violet@kbic-nsn.gov) by Wednesday, May 3, 2017, at 6 p.m.
- *Part II – Online Class - EduCat – Part II of the Final Exam will be available on Tuesday, May 1<sup>st</sup> @ 8:00 a.m. to Thursday, May 3, @ 4:30 p.m.*