

AMERICAN INDIANS and U.S. LAWS

Catalog Description

Introduces students to the legal foundations governing relations between the United States and Indigenous nations from the colonial period to the present. Examines sovereignty, jurisdiction, treaty rights, and the federal trust responsibility through landmark cases, federal statutes, and contemporary conflicts involving land, environmental governance, and family regulation. Emphasizes law as both a tool of settler colonialism and a site of Indigenous resistance, self-determination, and nation-building.

Course Overview

This course offers an interdisciplinary introduction to the laws, institutions, and political forces that structure the United States' relationship with Indigenous nations. The course traces the development of Federal Indian law from its colonial origins—including the Doctrine of Discovery, the Marshall Trilogy, and early assertions of federal supremacy—through allotment, the rise of the administrative state, and the modern era of tribal self-determination. Students examine how sovereignty, citizenship, territorial authority, and jurisdiction are defined, constrained, and contested through constitutional doctrine, congressional power, treaty interpretation, and the federal trust responsibility. Emphasis is placed on understanding law as a dynamic site of nation-building, settler colonial governance, racial construction, and Indigenous political struggle.

Drawing on case law, legislative history, political development, and critical theory, the course situates legal doctrine within broader social, cultural, and historical contexts. Students analyze how structures of authority shape everyday governance in Indian Country, from policing and land management to religious freedom, environmental protection, and child welfare. Throughout the quarter, we examine how Native nations assert sovereignty through litigation, institutional reform, and activism, and how contemporary conflicts—from jurisdictional disputes to conflicts involving child welfare—carry profound implications for Indigenous rights and the future of federal Indian policy. By the end of the course, students will be able to interpret major cases, apply legal reasoning to complex scenarios, and evaluate the political and ethical dimensions of U.S.–tribal relations.

Student Learning Objectives

1. Explain the foundations and evolution of Federal Indian law from the colonial era to the present
2. Identify and interpret key Supreme Court cases defining tribal sovereignty, jurisdiction, and the federal trust relationship.
3. Analyze how law, colonialism, and U.S. nation-building shape the political status of Native nations.
4. Evaluate how Native nations assert sovereignty through legal, political, and cultural strategies.
5. Apply legal reasoning to case studies
6. Develop clear, evidence-based written arguments on the relationship between U.S. law and Indigenous self-determination.

Course Material

All course material is available free of charge via Canvas or the University library. The Echo-Hawk text can be found as a free eBook here.

Echo-Hawk, Walter R. 2010. *In the Courts of the Conqueror: The 10 Worst Indian Law Cases Ever Decided*. Golden, CO: Fulcrum Publishing.

Navigating Canvas

Everything you need for this course is located on Canvas, our online course platform. The Canvas homepage includes Quick Links to current materials and answers to common questions. For everything else, click “Modules” on the left side of the course homepage to find all readings, assignment prompts, and submission links. Access your grades by clicking “Grades” on the left-side menu. Please alert me if you have trouble locating anything or if something is not working correctly. For technical support, contact Information Technology Services.

ASSIGNMENT SUMMARY

Assignment	Points	% of Final Grade
Attendance and Participation	400	20
History Quiz	100	5
This Land Responses (TLRs)	300 (4 at 100 points each, lowest score is dropped)	15
Field Trip (or alternative)	200	10
Midterm Exam	500	25
Final Exam	500	25
TOTAL	2000	

Extra Credit	60 (up to 3 at 20 points each)	3
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Description of Assignments

An overview of each assignment is provided below.

Full instructions, rubrics, and submission details are available on Canvas.

Attendance and Participation

All students begin with full credit. You maintain this score by attending regularly, and arriving on-time, prepared to actively participate in discussion, analysis, small-group work, and collaborative problem-solving. Thoughtful contributions, respectful listening, and meaningful engagement with peers are expected. You have two “free” absences. After that, each additional absence deducts 20 points from your

score. All absences count the same, and you do not need to notify me or provide a reason. If you miss class, the FAQ section on Canvas has everything you need to catch up on the material. If your in-class participation becomes a concern, I may request a meeting to create a shared plan for improvement. Continued lack of participation may result in 20-point deductions. Lost points can be mitigated by completing extra credit assignments.

History Quiz

You will complete a short multiple-choice quiz based on Chapter 1, “A History of Federal Indian Policy” from Stephen Pevar’s *The Rights of Indians and Tribes* (available as a PDF on Canvas) which outlines key eras of American Indian history from 1492 to the present. The purpose of the quiz is to ensure you have a historical foundation to contextualize the material we will cover in class. Complete the quiz on Canvas at your own pace. There is no time limit, and you may log in and out, saving your work as you go. The quiz will open on the first day of class and is due the following Sunday by 11:59pm. This quiz is open-note/open-book; however, you may not collaborate with other students or consult outside sources.

This Land Responses (TLRs)

This Land is an award-winning investigative podcast on major cases and political conflicts in Federal Indian law, created and hosted by Rebecca Nagle (Cherokee Nation). You will listen to the first and second seasons and submit responses based on the episodes. There are four This Land Response assignments at 100 points each. Your lowest score will be dropped. Episodes are approximately 30 minutes long and each TLR draws from about three to four episodes. The podcast is available in both audio and transcript form on Canvas. Each TLR includes approximately three multiple-choice questions to check comprehension and one short-answer reflection (200–300 words) in which you share your own thoughts and connect the episodes to course concepts. TLRs are completed on Canvas at your own pace with no time limit. You may log in and out freely as long as you submit by the deadline. The assignment is open-note/open-book. While you are free to discuss the content with your peers, you may not collaborate with other students to complete the assignment.

Field Trip

I will arrange a field trip during the term that takes place outside our regular class time. Field trips vary depending on timing and availability and may include film screenings, community events, museum visits, or other relevant activities. I make every effort to ensure accessibility by choosing local events reachable by public transit, selecting free or low-cost opportunities, and prioritizing ADA-accessible locations. If you are unable to attend the field trip, you will instead complete a short research paper (approximately 1,800–2,200 words) on a course-relevant topic of your choice. The paper is due at the end of Week 8. Full guidelines and a grading rubric are posted on Canvas. Students who attend the field trip automatically begin with full credit for the assignment. Points may be deducted for lack of engagement, inappropriate or disruptive behavior, or otherwise not meaningfully participating.

Midterm Exam

You will complete the midterm at home on Canvas. The exam is open note/open book and covers all material from the beginning of class through the end of Week 5. It consists of multiple choice and short answer questions. The exam opens on the Monday of Week 6 and closes the following Sunday at 11:59pm. You may take the exam any time within this window. You have 3 hours to take the exam.

Unlike TLRs, you must complete this assignment in one sitting. Electronic devices may only be used only to access Canvas or course materials. You may not collaborate with other students or consult outside sources. You will be provided with a review guide and opportunities to attend review sessions prior to the exam.

Final Exam

You will take the exam in person during the three-hour final exam period scheduled by the University during finals week. The exam is open note and open book and you may refer to an unlimited amount of printed material (e.g., word-processed notes, handouts, physical books) while taking the exam. All material must be on paper. Electronic devices are prohibited unless their use is in accordance with a DRC accommodation. The exam will focus on material covered since the Midterm Exam, though you will need a solid understanding of core concepts from earlier in the semester in order to apply them effectively in the second half of the course. You will be provided with a review guide and opportunities to attend review sessions prior to the exam.

Extra Credit

Students may complete up to three short extra credit papers at 20 points each. To complete an extra credit assignment, select from a list of approved material posted on Canvas which include community events, films, articles, and more. After you have completed the opportunity, follow the prompt on Canvas to complete a short write-up (about 400-500 words). Here you will summarize what you did and share your thoughts on it, while making specific connections to course themes. Submit Extra Credit assignment(s) on Canvas at any time up until the deadline at the end of Week 9.

Extensions

You may request a one- to three-day “no questions asked” extension for the History Quiz and/or any of the *This Land* Responses. Your request for an extension will be granted as long as you submit the online request form before the regular deadline for the assignment. Exams and Extra Credit are not eligible for extensions.

CLASS SCHEDULE

The course schedule is subject to change; you will be given advanced notice and Canvas will be updated accordingly. Readings should be completed by the Monday of the week on which they are listed. All assigned materials and links are posted on Canvas. You may read or listen to the *This Land* podcast at your own pace, as long as you meet assignment deadlines. For an overview of how weekly activities support the Student Learning Objectives, please see the Appendix.

Week 1 Law, Colonialism & Foundations of U.S.–Tribal Relations

This week introduces the colonial legal frameworks that shaped early encounters between European powers, the United States, and Native nations. We examine how doctrines such as “discovery” and early assertions of federal authority constructed the legal foundations for territorial expansion and defined the political relationship between tribes and the United States. Special attention is given to understanding

these doctrines as tools of empire-building and political development. *Questions to consider:* How did colonial legal systems conceptualize land, power, and Indigenous nations? What assumptions about authority and sovereignty became embedded in early U.S. law?

In Class

- Introduction and syllabus overview; collaborative Community Agreements exercise to establish shared norms for respectful engagement.
- Structured analysis of primary sources including Papal Bulls and writings by Amerigo Vespucci and Christopher Columbus. Through small-group work and guided discussion we examine how law, ideology, Christianity, and European worldviews shaped early assertions of legal authority over Indigenous peoples.

To Do

- Carefully read the course syllabus
- Explore our Canvas course page and carefully read all course policies
- Read “5 Common Forms of Plagiarism”

Required (for Wednesday)

- Pevar, Ch. 1 “A History of Federal Indian Policy”
- Echo-Hawk, Ch. 1 “The Courts of the Conqueror”

Recommended

- Echo-Hawk, Ch. 2 “A Context for Understanding Native American Issues”

Due Sunday at 11:59pm via Canvas

- [History Quiz on Pevar Ch. 1](#)

Week 2 Constitutional Law, Sovereignty & Early Federal–Tribal Relations

This week focuses on the Marshall Trilogy and the constitutional status of tribes in the early United States. We examine how the U.S. Supreme Court articulated the category of “domestic dependent nations,” asserted federal supremacy in Indian affairs, and constructed the legal architecture of federal–tribal relations. Students will closely read judicial reasoning and consider the broader political stakes of these foundational cases—including their ongoing influence on contemporary doctrine. *Questions to consider:* How did the Marshall Court define tribal sovereignty? What constitutional visions of nationhood and governance shaped early federal–tribal relations?

In Class

- Close Reading Workshop: The Marshall Trilogy. Using primary-source excerpts from *Johnson v. M’Intosh*, *Cherokee Nation v. Georgia*, and *Worcester v. Georgia* (posted on Canvas), students work in small groups to unpack key passages, analyze foundational terms (e.g., “domestic dependent nations”), trace recurring themes in Marshall’s logic, and share insights in a full-class discussion. The workshop scaffolds close-reading skills and emphasizes how these cases continue to shape Federal Indian law today.

- Legal Fictions Lab: Students work in small groups and select one of the “legal fictions” in settler-state formation that Echo-Hawk presents in the reading for this week (e.g., discovery, dependency, federal guardianship). Students examine the fiction’s origin, purpose, legal effects, and broader political consequences. This activity builds on Week 1’s examination of colonial doctrines and complements this week’s Marshall workshop by showing how these fictions formed the early legal basis for federal authority and continue to influence tribal–federal relations today.

Required

- Echo-Hawk, Ch. 3 “Justice, Injustice, and the Dark Side of Federal Indian Law”
- Vinzant, Ch. 4 “The Court During the Conflict Period”
- Primary source excerpts from the Marshall Trilogy (posted on Canvas)

Recommended

- Echo-Hawk, Ch. 4 “Johnson v. M’Intosh: How the Indians Lost Legal Title to America”
- Echo-Hawk, Ch. 5 “Cherokee Nation v. Georgia: Shutting the Courthouse Doors”

Due Sunday at 11:59pm via Canvas: [This Land Response \(TLR\) 1](#)

- Based on Season 1: Episodes 1, 2, and 3

Week 3 Sovereignty, Citizenship & the Legal Construction of Identity

This week examines how law constructs political and racial identities, focusing on federal recognition, citizenship, and classifications that distinguish political status from racial categories. We consider how tribes and the federal government define belonging, and how these definitions carry social, political, and material consequences. *Questions to consider:* How does law shape ideas of who counts as a citizen, member, or subject? What are the political implications of treating Indigeneity as a political, rather than racial, classification?

In Class

- Short lecture on federal recognition, citizenship, and the distinction between political and racial classifications in Federal Indian law.
- Think–pair–share where students articulate definitions of race, ethnicity, and citizenship, compare perspectives with a partner, and bring insights into a full-class discussion highlighting why these distinctions matter legally and politically.
- Case-based discussion using real-world examples—such as tribal elections in the context of the 15th Amendment and the Voting Rights Act—to illustrate how Indigeneity functions as a political classification. A brief structured discussion helps students synthesize how these distinctions operate in doctrine and in everyday governance.

Required

- Wilkins and Stark, Ch. 1 “A Tour of Native Peoples and Native Lands”
- Wilkins and Stark, Ch. 2 “Indigenous Peoples Are Nations, Not Minorities”

Due Sunday at 11:59pm via Canvas: [This Land Response \(TLR\) 2](#)

- Based on Season 1: Episodes 5 and 10

Week 4 Federalism, Governance & Intergovernmental Power

This week explores how governance operates across tribal, federal, and state governments. We examine tribal constitutions, the three-sovereigns model, and the development of the federal trust doctrine, which has shaped both the federal government's asserted obligations and authority in Indian affairs. Students analyze how governing structures evolved historically and how power is allocated, negotiated, and contested across multiple sovereigns. *Questions to consider:* How do different levels of government exercise authority in Indian Country? What is the federal trust responsibility, and how has it been interpreted? What tensions emerge when tribal sovereignty interacts with federal oversight and state claims of authority?

In Class

- Short lecture on federalism, tribal sovereignty, “domestic dependent nation” status, and the three-sovereigns model.
- Students work in small groups to create visual maps of federal, state, and tribal authority, identifying exclusive, shared, and contested areas of jurisdiction. Groups compare maps to identify patterns, gaps, and conflicts in intergovernmental power.
- Short lecture on the federal trust responsibility followed by a screening of *100 Years: One Woman's Fight for Justice*, which documents longstanding breaches of federal trust obligations and the strategies Native activists use to challenge them.
- Post-film applied exercise: Students draw on their knowledge of federal Indian law to identify potential legal, policy, and governance avenues for addressing trust responsibility failures today.

Required

- Wilkins and Stark, Ch. 3 “Indigenous Governments: Past, Present, and Future”
- Wilkins, Ch. 2 “Convolutional Essence: Indian Rights and the Federal Trust Doctrine”

Recommended

- Canby, Ch. 4 “Indian Tribal Governments”
- Canby, Ch. 5 “Indian Tribal Sovereignty”

Due Sunday at 11:59pm via Canvas: [This Land Response \(TLR\) 3](#)

- Based on Season 2: Episodes 1 through 4
- Optional: complete an online survey to schedule review sessions for next week.

Week 5 Allotment, Assimilation & the Administrative State

This week examines the rise of federal plenary power and the assimilationist policies that reshaped Indigenous landholding, governance, and community life. We study the Dawes Act, the allotment bureaucracy, and the expansion of the federal administrative state. A major theme is how the U.S. Supreme Court's articulation of plenary power in *Lone Wolf v. Hitchcock* legitimized unilateral federal authority, enabling Congress to override tribal sovereignty and dismantle treaty obligations. *Questions to consider:* How did allotment transform land tenure, governance, and community? How did plenary power justify federal intrusion into tribal affairs? What does this era reveal about the racialized logic of paternalism in federal policy?

In Class

- Short lecture on the General Allotment Act, followed by small-group analysis of the law's goals, mechanisms, and consequences. Students connect allotment-era policies to issues raised in *This Land* Season 1 using guided prompts, and then share insights in a full-class discussion to reflect on the season as a whole.
- Close-reading workshop of the majority decision in *Lone Wolf v. Hitchcock*. In small groups, students unpack key passages, identify foundational concepts (e.g., congressional supremacy, guardian-ward logic, unilateral abrogation), and map recurring themes in the Court's reasoning.
- Policy-evolution mapping exercise: Students collaboratively trace the doctrinal and political developments leading to *Lone Wolf*, charting how federal policy and case precedent converged to authorize sweeping congressional control. The activity concludes with a forward-looking discussion in which students assess the long-term implications of this precedent.

Required

- Pommersheim, Ch 5. "Lone Wolf v. Hitchcock: The Birth of Plenary Power, Incorporation, and an Extraconstitutional Regime"
- Ahlstedt, "The General Allotment Act, 1887"

Recommended

- Echo-Hawk, Ch. 7 "Lone Wolf v. Hitchcock: Breaking the Treaties"
- Wilkins, Ch. 3 "The Doctrine of Plenary Power"

Nothing due — study for the Midterm.

- Optional review session(s) held outside of class this week. Time/date determined by student survey.

Week 6 Self-Determination, Reform & Political Development

This week examines the modern self-determination era, focusing on how tribal nations rebuilt political institutions through constitutional reform, the Indian Reorganization Act, and the Indian Self-Determination and Education Assistance Act (ISDEAA). We explore how tribes used these reforms to expand governance capacity and assert greater control over internal affairs. A key theme is the tension between collective sovereignty and individual rights, highlighted through *Santa Clara Pueblo v. Martinez*. *Questions to consider:* How did self-determination reshape the meaning of sovereignty in practice? What does *Santa Clara* reveal about balancing collective tribal authority with individual rights claims? How have tribes navigated these tensions when building and revising their governing institutions?

In Class

- Brief lecture introducing the Indian Reorganization Act and the Indian Self-Determination and Education Assistance Act.
- Tribal Constitution Lab: Students analyze excerpts from a range of tribal constitutions to identify asserted powers, governance structures, and areas of overlap with federal and state authority, illustrating how tribal nations design institutions within a complex intergovernmental system.

- Case and theory workshop: A short lecture on *Santa Clara Pueblo v. Martinez*, paired with Kymlicka’s “Individual and Collective Rights,” followed by guided discussion in which students evaluate tensions between collective self-governance and individual justice claims.

Required

- Wilkins & Stark, Ch. 8 “Tribal Governments and the Modern Era”
- Kymlicka, Ch. 3 “Individual Rights and Collective Rights”

Recommended

- Bruyneel, Ch. 7 “The Third Space of Sovereignty: Political Possibility Beyond the Colonial Frame”

Due Sunday at 11:59pm via Canvas: **MIDTERM EXAM**

- See the Assignment Summary section of the syllabus for full instructions and policies.

Week 7 Jurisdiction, State Power & the Limits of Tribal Sovereignty

This week integrates criminal and civil jurisdiction in Indian Country with the study of gendered violence and the real-world consequences of overlapping sovereignties. We trace the trajectory of federal restrictions on tribal authority, examining how ideological portrayals of Native nations as “dangerous” or “unfit” for jurisdiction shaped policies that steadily eroded tribal sovereignty. Key developments include the Major Crimes Act, Public Law 280, *Oliphant v. Suquamish*, *United States v. Lara*, and provisions of the Violence Against Women Act (VAWA). Using *This Land* Season 1 as a narrative case study, students analyze how jurisdictional gaps shape policing, justice, and community safety—particularly for Native women and children. *Questions to consider:* Who holds jurisdiction in Indian Country? How do federal, tribal, and state authorities overlap or conflict? How do jurisdictional gaps affect the ability of individuals to seek justice? **Content Warning:** Discussion of physical and sexual violence, including child abuse.

In Class

- Lecture on the structure of contemporary tribal criminal and civil jurisdiction, explaining how authority is divided among federal, state, and tribal governments and how long-standing legal constraints limit tribal power in key contexts.
- Applied analysis of *This Land* Season 1: Students work in small groups to identify the central legal issues raised in the podcast, map the jurisdictional stakes for each sovereign, and connect *McGirt v. Oklahoma* to the subsequent ruling in *Oklahoma v. Castro-Huerta*.
- Practice Scenarios: Students apply jurisdictional rules to hypothetical fact patterns, determining which sovereign holds authority and explaining their legal reasoning.
- Social Consequences & Case Studies: Whole-class discussion of how jurisdictional complexity affects Native women and children. Using examples such as *Lavetta Elk v. United States*, students examine how gaps in jurisdiction shape safety, justice, and community responses, and explore Native activism and legal strategies aimed at addressing these harms.

Required

- Deer, “Sovereignty of the Soul: Exploring the Intersection of Rape Law Reform and Federal Indian Law.”
- Canby, Ch. 7 “Criminal and Civil Jurisdiction”

Recommended

- Casselman, selections from *Injustice in Indian Country: Jurisdiction, American Law, and Sexual Violence Against Native Women*.

Due Sunday at 11:59pm via Canvas: [This Land Response \(TLR\) 4](#)

- Based on Season 2: Episodes 5 through 9
- Optional: complete an online survey to schedule review sessions for next week.

Week 8 Sacred Sites, Religion & Cultural Survival

This week examines how U.S. constitutional law treats Indigenous religious freedom and sacred places. We analyze why doctrines governing “religion,” “burden,” and “neutral law” often fail to protect spiritual practices rooted in land, ceremony, and relational responsibility. Through *Employment Division v. Smith* and *Lyng v. Northwest Indian Cemetery Association*, students explore how constitutional categories reflect Euro-Christian assumptions and how these frameworks contribute to the ongoing destruction of sacred landscapes. The documentary *In the Light of Reverence* centers Indigenous perspectives on land-based spiritual traditions and illuminates the challenges Native nations face when defending holy places. *Questions to consider*: What assumptions about religion and land shape federal law? Why are sacred sites so difficult to protect under the First Amendment? How do Indigenous nations articulate spiritual relationships that U.S. law cannot easily recognize?

In Class

- Constitutional Foundations: Short lecture introducing the Establishment and Free Exercise Clauses and the central questions raised in *Employment Division* and *Lyng*.
- Case Analysis: In small groups, students examine selected passages from *Lyng*, identifying how the Court conceptualizes harm, spirituality, and “religion,” and contrast these interpretations with Indigenous understandings of sacred responsibility and place-based ceremonial practice.
- Film and Discussion: Screen of *In the Light of Reverence*. Guided prompts help students analyze how the film’s tribal communities conceptualize sacred places, connect those perspectives to the cases, and evaluate why current First Amendment doctrine offers limited protection for land-based religious practices.

Required

- Echo-Hawk, Ch.11, “Employment Division v. Smith: Taking the Religion”
- Echo-Hawk, Ch. 12, “Lyng v. Northwest Indian Cemetery: Taking the Holy Places”

Due Sunday at 11:59pm via Canvas

- [Research Paper](#) (only for students who did not attend the field trip)

Week 9 Environmental Sovereignty, Water, Treaty Rights & Land Defense

This week examines environmental sovereignty, treaty-reserved rights, and contemporary struggles to defend land and water. We explore doctrines governing water, fishing, hunting, and habitat to understand how treaty rights structure tribal authority and environmental stewardship. We analyze *Tee-Hit-Ton*, water-rights doctrine, and key treaty-rights principles alongside the resistance to the Dakota Access Pipeline. Students connect legal doctrine to lived struggle, examine how treaty rights function as powerful tools of environmental protection, and analyze how those rights are contested by states, corporations, and federal agencies. *Questions to consider:* How do treaty-reserved rights structure control over land and water? How do cases like *Tee-Hit-Ton* shape federal attitudes toward Indigenous habitat? What do Standing Rock and other land-defense movements reveal about the limits and possibilities of environmental sovereignty today?

In Class

- Brief lecture introducing treaty-reserved rights in water, hunting, and fishing, along with habitat and title doctrines. Students work in small groups to analyze key cases—including habitat decisions like *Tee-Hit-Ton* and water-rights cases—to identify how federal courts define resource authority, title, and the scope of tribal stewardship.
- Screen selections from *RISE: Standing Rock* to situate doctrine within contemporary land-defense movements. Using guided prompts, students analyze how treaty rights were invoked at Standing Rock, how states and federal agencies challenged or ignored those rights, and how Indigenous activists organized to protect water, land, and community.

Required

- Echo-Hawk, Ch. 13 “Tee-Hit-Ton Indians v. United States: Confiscating Indigenous Habitat”
- Canby, Ch. 14 “Indian Water Rights”

Recommended

- Canby, Ch. 15 “Indian Hunting and Fishing Rights”

Due Sunday at 11:59pm via Canvas

- Optional: Extra Credit is due
- Optional: Complete online survey to schedule review sessions for next week.

Week 10 The Future of American Indian Law: Challenges and Possibilities

This week examines the Indian Child Welfare Act as a central site of contemporary debate over tribal sovereignty, and self-determination. Drawing on *This Land* Season 2, students explore the legal, political, and racial dynamics of child-removal systems and the state’s longstanding use of child separation as a tool of control. We analyze how recent challenges to ICWA frame arguments around race, parental rights, and child welfare in ways that undermine tribal authority and raise far-reaching implications for federal Indian policy and the future of tribal sovereignty. *Questions to consider:* How do legal actors frame race, citizenship, and family autonomy—and to what ends? What is at stake for tribal sovereignty and federal Indian policy in these ongoing challenges to ICWA?

We then pivot to forward-looking visions for Indigenous rights through UNDRIP and Echo-Hawk's "In the Light of Justice," considering how Indigenous scholars and advocates imagine legal transformation grounded in human rights, relational governance, and collective liberation. *Questions to consider:* How can UNDRIP guide future reforms? What does it mean to imagine Indigenous futures beyond the limits of U.S. constitutional law?

In Class

- Short lecture introducing ICWA and its historical background.
- Structured discussion of *This Land* Season 2, with students identifying how child-removal practices function across legal, political, and racial dimensions.
- Case Workshop: Small-group analysis of the majority and dissenting opinions in *Adoptive Couple v. Baby Girl*, focusing on judicial dialogue, interpretive method, and how the Court frames race, citizenship, and sovereignty.
- Future Directions: Guided discussion of Echo-Hawk's "In the Light of Justice," using UNDRIP as a framework for envisioning legal reform rooted in self-determination, cultural survival, and Indigenous human rights. Students apply UNDRIP principles to consider areas for contemporary policy transformation.
- Closing Reflection: Students reflect on what they have learned throughout the course, how their understanding of Federal Indian law has evolved, and what responsibilities and possibilities they see moving forward.

Required

- Casselman-Hontalas, Ch. 2 "Taking the Children to Take the Land: Indian Child Welfare and the Enduring Epidemic of Family Separation"
- Echo-Hawk, Ch. 10 "In the Light of Justice"
- United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

Recommended

- Echo-Hawk, Ch. 9 "In re Adoption of John Doe v. Heim: Taking the Kids"
- Echo-Hawk, Ch. 15 "Reforming the Dark Side of Federal Indian Law"

Nothing due

- Study for the Final Exam
- Optional review session(s) held outside of class this week.

Final Exam

- Take the exam in person during the three-hour final exam period scheduled by the university.
- See the Assignment Summary section of the syllabus for full instructions and policies.

COURSE POLICIES & GRADING

See Canvas for additional information and links

Syllabus

You are required to thoroughly read the syllabus and are responsible for all information in it.

Canvas

You are required to review all policies on Canvas and are responsible for all information posted.

FAQ: Frequently Asked Questions

Please see Canvas for answers to frequently asked questions including attendance, requests for extensions, late work policy, how to submit extra credit, and more.

Grading Policy

All scores will be entered into Canvas throughout the term as I grade each assignment. You are responsible for monitoring your grades and alerting me in a timely manner if you think I have made an error. Be aware that the final grade shown on Canvas may not match your final grade in the class due to missing or unentered grades, rounding, dropping lowest scores (when applicable) etc. Your grade will be calculated as a percentage of points earned out of points total. Your final grade will be based on the following breakdown:

A 93% - 100%	A- 90% - 92.99%	B+ 87% - 89.99%
B 83% - 86.99%	B- 80% - 82.99%	C+ 77% - 79.99%
C 73% - 76.99%	C- 70% - 72.99%	D+ 67% - 69.99%
D 63% - 66.99%	D- 60% - 62.99%	F 0-59.99%

Late and Missing Work Policy

All late work will be marked down by 1 full grade (10%) every day that it is late, starting the minute it is late. For example, if it is due Sunday at 11:59pm and you submit it 30 minutes late (Monday morning at 12:29am), you will be marked down 10%. Work that is more than 10 days late will receive a "0" and be considered "missing." Exemptions to late and missing work penalties will be considered on a case-by-case basis. Students are expected to contact me as soon as possible regarding issues with late or missing work and may be required to submit supporting documentation such as a doctor's note. See Canvas for more information.

Incompletes

You must complete at least 70% of the course work with a score of at least 70% to be eligible for an Incomplete.

Enrollment

Students are responsible for their enrollment status (e.g. ensuring that they are properly enrolled in order to receive a grade; meeting deadlines to change grading status to Credit/No Credit; not assuming that they have been dropped due to lack of attendance).

Grading Process and Turn-Around Time

During the regular ten-week quarter, minor assignments will be graded within one week of the due date, and major assignments will be graded within two weeks. I will provide direct comments and feedback on your assignments through Canvas. All relevant assignments will include a grading rubric that you can review before submitting your work. Please make sure you know how to access both written comments and rubrics in Canvas; if you need help, I can show you how, or you may contact ITS for additional support.

General Instructions for Assignments

Unless otherwise noted: No working with other students • No outside research • No use of artificial intelligence (AI) • Your work will be scanned by plagiarism software which includes flagging work that was generated by AI programs such as ChatGPT. See Canvas for additional details on: General instructions for assignments • Late work and requests for extensions • Content for written work • College-level thinking • College-level writing • Appropriate use of language • Academic honesty • Citing your sources • Thin paraphrasing • Over-quoting • Formatting • Help with writing, and more. Full policies on Canvas.

Generative Artificial Intelligence

Generative AI tools—including ChatGPT, Claude, Gemini, Co-Pilot, Grammarly Premium, and similar platforms—may not be used for any part of your work in this course. All assignments must reflect your own thinking, reading, analysis, and writing. This prohibition applies to all stages of coursework, including brainstorming, outlining, summarizing readings, drafting, and editing. Because AI-generated content misrepresents your understanding and undermines the goals of this course, unauthorized use of generative AI will be treated as academic misconduct. Violations will be addressed under applicable course and university academic-integrity procedures and may result in a failing grade on the assignment or course and referral to the appropriate university office.

No Audio, Photo, or Video Recording without DRC Accommodations

Students may not capture audio, photos, or video from class sessions on their own devices without the explicit permission of the instructor and everyone present, unless part of a DRC-authorized accommodation. Students may not post any course materials to any third-party sites or post any recordings, screenshots, audio, or chat transcripts in any setting outside the class. Violations of this policy are subject to disciplinary action. If the instructor grants permission or if the teaching team posts videos themselves, students may keep recordings only for personal use and may not post recordings on the Internet or otherwise distribute them. These policies protect the privacy rights of instructors and students, and the intellectual property and other rights of the university. Students who need lectures recorded for the purposes of an academic accommodation should contact the Disability Resource Center.

Content Advisory

Some course materials address difficult topics, including physical and sexual violence and child abuse. If you are concerned about engaging with this material, please contact me to discuss how I can best support or accommodate you. You will not be penalized academically, and you do not need to share any personal details with me. Your well-being is important, and I want to ensure you can participate in this course in a way that feels safe and manageable.

APPENDIX

Alignment of Weekly Curriculum with Student Learning Objectives

This appendix provides an overview of how the course content systematically builds toward the Student Learning Objectives (SLOs). Each row identifies the week's theme, the SLOs emphasized during that week, and a short description of how the readings, discussions, and in-class activities help students develop those competencies.

Student Learning Objectives

1. Explain the foundations and evolution of Federal Indian law from the colonial era to the present
2. Identify and interpret key Supreme Court cases defining tribal sovereignty, jurisdiction, and the federal trust relationship.
3. Analyze how law, colonialism, and U.S. nation-building shape the political status of Native nations.
4. Evaluate how Native nations assert sovereignty through legal, political, and cultural strategies.
5. Apply legal reasoning to case studies
6. Develop clear, evidence-based written arguments on the relationship between U.S. law and Indigenous self-determination.

Week 1

Law, Colonialism & Foundations of U.S.–Tribal Relations

Introduces the origins of Federal Indian law and situates early doctrines such as discovery and Christian imperialism within broader systems of colonialism, empire-building, and U.S. political development.

SLO 1, SLO 3

Week 2

Constitutional Law, Sovereignty & Early Federal–Tribal Relations

Students practice close case reading of the Marshall Trilogy and connect constitutional reasoning to the formation of federal–tribal relations, early sovereignty doctrine, and U.S. nation-building.

SLO 1, SLO 2, SLO 3

Week 3

Sovereignty, Citizenship & the Legal Construction of Identity

Examines how law constructs political/racial categories and how tribes assert authority over belonging; students develop analytical writing and evaluate the political stakes of federal recognition and citizenship classifications. SLO 3, SLO 4, SLO 6

Week 4

Federalism, Governance & Intergovernmental Power

Students map federal, state, and tribal authority; analyze the federal trust doctrine; and apply legal reasoning to understand how Native nations assert governance within a multi-sovereign system.

SLO 1, SLO 3, SLO 4, SLO 5

Week 5

Allotment, Assimilation & the Administrative State

Connects allotment-era policy and plenary power to the expansion of federal control, using case analysis to strengthen interpretation of precedent and understand colonial restructuring of governance.

SLO 1, SLO 2, SLO 3, SLO 5

Week 6

Self-Determination, Reform & Political Development

Students examine constitutional reform and sovereignty-building strategies; analyze tensions between collective and individual rights; and practice evidence-based argumentation in case and policy contexts.

SLO 3, SLO 4, SLO 5, SLO 6

Week 7

Jurisdiction, State Power & the Limits of Tribal Sovereignty

Through jurisdiction mapping, case simulation, and narrative analysis, students apply doctrine to real-world outcomes and evaluate how federal constraints undermine tribal authority and community safety.

SLO 2, SLO 3, SLO 4, SLO 5

Week 8

Sacred Sites, Religion & Cultural Survival

Case comparison and film analysis deepen understanding of how First Amendment doctrine limits Indigenous religious freedom, revealing structural biases in constitutional categories of “religion” and “harm.”

SLO 2, SLO 3, SLO 5

Week 9

Environmental Sovereignty, Water, Treaty Rights & Land Defense

Students connect treaty-rights doctrine to contemporary land and water defense; analyze how courts define resource authority; and evaluate how Native nations assert sovereignty through environmental stewardship and resistance.

SLO 2, SLO 3, SLO 4, SLO 5

Week 10

The Future of American Indian Law: Challenges and Possibilities

Students evaluate legal and political challenges to federal Indian law, analyze contemporary threats to sovereignty, and synthesize doctrine, history, and human-rights frameworks to envision future directions for Indigenous self-determination.

SLO 2, SLO 3, SLO 4, SLO 5, SLO 6