

**PADM 590: Native American Policy and Administration
Fall 2016**

Instructor: Shane Day

Time: Tuesdays, 4:00pm - 6:30pm

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Office Hours: Thursdays, 11:00am to 2:00pm
Or by appointment

Course Description and Goals:

This course examines a variety of political and governance issues pertaining to indigenous groups, with a particular emphasis on the history and politics of Native Americans. While it is designated as a "special topics" course, it has been developed to serve as what may ultimately become the core introductory course for the forthcoming Native American Policy and Governance concentration within the MPA curriculum. Therefore it should be viewed as more of an introductory survey seminar than a specific special topics course, with each week's subject matter serving as an introduction to units which may be developed into other special topics courses in the future.

One of our first tasks will be to define what we mean by "indigenous groups". What constitutes an indigenous group? How do they relate to other social groups and the modern nation-state? What is meant by the concept of "indigenous sovereignty"? What similarities do all indigenous groups share, and in what ways are the experiences of Native Americans in particular somewhat different from other indigenous groups? Once these definitional questions are examined, we will begin to focus in on the legal and political history of Native Americans, from first contact to the colonial period, and then over the course of the 19th and 20th centuries. We will then examine issues of modern intergovernmental relations, focusing on the surprisingly diverse ways in which different American Indian groups deal with the Federal government as well as the different state governments within which their tribal lands lie. We will also explore the many different ways in which American Indian groups currently organize their own political systems. We will also examine issues such as domestic and international indigenous activism, the international relations of indigenous groups, and comparative indigenous group politics in other nation-states such as Australia, Canada, New Zealand, and Russia. We will then turn our attention to a variety of policy issues of particular political salience to many Native American groups.

Again, this course is designed as a survey seminar whose subject matter varies week to week. However, care will be taken to integrate each of the units in order to paint a holistic picture of indigenous governance issues. Several research and writing assignments will be key components in our endeavor to integrate the course material. Furthermore, as a survey seminar, students will be expected to be prepared to participate in class by doing the assigned readings and other assignments for that week, as student participation and debate will be central to the learning outcomes for the course.

By the end of the course students should come away with:

- 1) A clearer understanding of the problematic relationship between most indigenous groups and the nation-state.
- 2) Exposure to an alternative perspective on American history and politics.
- 3) A greater appreciation of the wide cultural, economic, and political diversity of indigenous groups, and Native Americans in particular.
- 4) A comparative introduction to experiences of indigenous groups in different country contexts.
- 5) An introduction to the relatively recent emergence of a collective indigenous group consciousness and pan-indigenous social activism.
- 6) An examination of several general policy issues which are commonly relevant to many Native American groups.

Each week's subject material will serve as an introduction to issue areas that students can explore in greater detail, either in the context of future courses in the MPA curriculum; other courses in political science, history, anthropology, or other fields; or through independent research. Special emphasis will be placed on helping students identify relevant potential research subjects which may ultimately develop into projects which could fulfill the thesis or professional paper requirements of the MPA program.

Required Materials:

There are two required textbooks for this course:

- 1) Pevar, Stephen L. 2012. *The Rights of Indians and Tribes*. 4th Edition. New York: Oxford University Press.
- 2) The Harvard Project on American Indian Economic Development. 2008. *The State of the Native Nations: Conditions under U.S. Policies of Self-Determination*. New York: Oxford University Press.

Additional readings will be available online through UNM Learn. Students should regularly consult UNM Learn through the University of New Mexico Homepage, as I will post the syllabus, course announcements, and other course materials throughout the semester.

Communication:

The easiest way to get a hold of me is through email at shaneday@unm.edu. I will check my email regularly and will respond as soon as I am able (*nota bene*: my availability over the weekend will often be limited). I will also be maintaining regular office hours, and am happy to meet with you in my office outside of established hours if I am available – arranging an appointment beforehand is helpful but not essential. I will also be using UNM Learn for posting course announcements – again, be sure to check it regularly. Furthermore, as per SPA policy, all students are REQUIRED to use their UNM email accounts for all electronic communications. This includes using only your UNM email account and Banner ID in the UNM Learn system. No communication will be conducted with outside (e.g. Gmail, Yahoo, etc.) email accounts.

Course Requirements and Grading:

This course will be run as a seminar, which will require a good deal of participation from the class. I will do some lecturing, but will often try to generate class discussion as a means of teasing out key lessons and issue areas. Therefore, I expect frequent attendance and ample

preparation before class – this assumes that students will have read the readings for any particular week *before* class is held. The overarching emphasis of this course is to introduce a wide range of issues pertaining to Native American and indigenous group governance, and to push students to identify potential areas for applied research in the future, whether independently or within the context of a Professional Paper or Thesis. Therefore, the requirements for this course will emphasize reading and video response papers and independent research and writing projects.

Response Papers:

Students will identify the three weekly units of most interest to them and write a one to two page single-spaced paper on the subject matter for that particular week. These papers should briefly summarize the readings for that week, provide a synthesis of the readings, and identify three to five discussion questions inspired from the readings. For weeks in which a video is assigned content, papers should also include thoughts and observations triggered by the video. Papers will be due by 5pm on the Monday *before* class session. For example, if writing on the readings for Week Two, your papers will be due by this coming Monday (8/29).

Tribal Government Profile Paper:

This paper assignment will be a more significant writing project (six to ten pages, double spaced) in which students will explore the governance structure of a tribal government for comparative purposes. For this paper you will examine a Native American government of your choosing. Bear in mind however that you are strongly encouraged to examine a Native American nation that you are not affiliated with. In writing your papers, you should examine the following issues:

- 1) How were the tribe socially and politically organized in the past (i.e. what was its "original indigenous government")?
- 2) How would you characterize this group's historical relationship with Federal and/or territorial/state governments? Did this group face significant "transitional" changes, as defined and described in Chapter 3 by Wilkins and Stark? (This component will likely be the most difficult to find detailed information on, but do your best - most decent history books should provide at least some rudimentary information).
- 3) How large is the tribal membership? How much land (both reservation and non-reservation) does the tribe own? Feel free to add any other descriptive statistics you may find interesting.
- 4) How is the tribal government constituted currently? What is the structure of its legislative, executive, and judicial branches? Examining the tribe's constitution may be particularly useful in answering these questions. Is this government structure a "good fit" with the socio-economic and cultural attributes of the current membership? Why or why not?
- 5) What functions does this government carry out? In answering this question, it may helpful to address the following questions: How do the terms of its treaty or treaties (if they have them) impact the range of activities the government is able to carry out? What specific compacts has the tribal government entered into with Federal and/or state governments (e.g. gaming, housing provision, child welfare, etc.)? What constraints does the tribal government face in terms of exercising functions it might otherwise wish to carry out? Is the tribe subject to state authority under Public Law 280? Does it lack federal and/or state recognition? Etc.

Because of the scope of the assignment, you will probably need to consult several sources. Tribal government websites are fine and in many instances provide a good deal of information, but there is a high range of variation in terms of the amount of information these governments put out there. Wikipedia is not a reliable or sufficient resource, although it might point you in the direction of some decent source material in its footnotes. You should seek out books or articles that examine tribal histories and their historical social and political organizations, as there is plenty of written work out there. Journal article indexes such as JSTOR, EBSCOhost, and Google Scholar should prove helpful in this regard. Additionally, you may wish to search the archives of journals such as the American Indian Quarterly, the American Indian Law Review, *Wicazo Sa Review*, and the American Indian Culture and Research Journal. Be sure to provide citations and a bibliography listing all of your source material. The paper is due in class on 10/18. Please send two copies: one with your name on it, and another without your name on it, so that I can post it to UNM Learn in order to serve as a reference to other students. Failure to do so will result in a full-letter grade penalty.

Research Paper:

The research paper is designed to allow you an opportunity to research in greater detail a subject of interest to you that directly relates to Native American governance, and result in a document that can be submitted to your pro paper or thesis committee as a formal research proposal (with some minor tweaking). Given that we are constrained to a semester's worth of work, emphasis on this assignment will be on identification of research questions, proposed research design, literature review, and any *preliminary* findings students may have made in the course of their research. Thus there are no expectations that this paper will be a fully fleshed out research paper.

Papers should explicitly perform the following tasks:

- 1) Specify your research question.
- 2) Identify what literatures (e.g. economic development, sovereignty, Indian law, etc.) are relevant to your subject.
- 3) Identify what others have written on the subject. Do NOT rely solely upon readings examined in the course, although inclusion of these is entirely appropriate. Push yourselves to identify as many outside sources as you can – as a guideline, try to identify at least ten additional sources beyond the readings covered in class.
- 4) Specify the empirical method you are proposing to use to answer your question (e.g. a statistical model, a comparative case study, a natural experiment, a single case study, etc.).
- 5) Provide any preliminary hypotheses you have developed.
- 6) Provided any data that you have already uncovered (e.g., data on annual economic growth rates, qualitative data derived from an interview you have conducted, etc.).
- 7) Identify any data that you need to collect in order to complete your study, and how you propose going about collecting this data.

Note that you are NOT required to present an explicitly articulated thesis – again, the primary thrust here is to conduct the preliminary stages of a research design in order to do a lot of the early work and for me to provide you with some feedback before you develop the paper further, either as a pro paper or a paper for another class. Papers should be at a minimum 10 pages long, double-spaced, 12pt. standard fonts, with 1" margins. There is no limit to the total number of pages. The paper will be due on our scheduled final exam date of 12/13 by 7:45pm.

Students are strongly encouraged to take into consideration lessons learned from PADM 596 – Research Methods for Public Managers, PADM 522 – Program Evaluation, and/or other equivalent research design and methods courses in the development of their research papers.

Research Presentation:

During Week Sixteen, students will present a formal presentation of their research paper. Each student is expected to give a brief (~15 minute) presentation of the work that they have completed thus far on their papers. Powerpoint presentations, while encouraged, are not required. If you will be doing a Powerpoint presentation, please forward to me your presentation via email before class on 12/6, in order to allow me time to pre-load the presentations on the classroom computer.

At a minimum, the presentation should present the following information:

- 1) Your research question
- 2) A brief outline of what others have written on the subject or specific case you are examining (i.e. a brief synopsis of your literature review)
- 3) Your research design, explaining why this is a good approach to the subject matter, as opposed to other feasible approaches
- 4) Any preliminary data and/or hypotheses

Students should also be prepared to answer two to three questions from the audience upon completion of their presentations.

Key Dates:

Each Monday, 5pm: Response Papers Due
10/18: Tribal Government Profile Paper Due
12/6: Research Paper Presentations
12/13: Research Paper Due (5pm)

Grading:

The weighting of the course elements for the semester grade is as follows:

Response Papers (Choose 3)	30% (10% each)
Tribal Government Profile Paper	20%
Research Paper	30%
Research Presentation	10%
In-Class Participation	10%

Course Schedule and Outline:

The following is a tentative schedule of weekly topics. Note: the schedule is subject to change. I reserve the right to make revisions to the syllabus and to make adjustments to the reading assignments. I will announce such changes in class and through UNM Learn.

Week One – 8/23: Introductions

Read: Ronquillo, "American Indian Tribal Governance and Management: Public Administration Promise or Pretense?"

Week Two – 8/30: Defining Indigeneity and the Meaning of Indigenous Sovereignty

Read: Cobb, "Understanding Tribal Sovereignty: Definitions, Conceptualizations, and Interpretations"
Elshtain, "Rethinking Sovereignty"
Holm, Pearson, and Chavis, "Peoplehood: A Model for the Extension of Sovereignty in American Indian Studies"
Krasner, "Abiding Sovereignty"
Excerpts from Maybury-Lewis, "Indigenous Peoples, Ethnic Groups, and the State"
Pevar, Chapter 2
Wirth and Wickstrom, "Competing Views: Indian Nations and Sovereignty in the Intergovernmental System of the United States"

Week Three – 9/6: The International Legal Context of Indigenous Rights

Read: Anaya, "Indigenous Peoples in International Law", Chapters 1 and 2
Keal, "European Conquest and the Rights of Indigenous Peoples", Chapter 1
O'Brien, "Federal Indian Policies and the International Protection of Human Rights", from "American Indian Policy in the Twentieth Century"
Wiessner, "United Nations Declaration on the Rights of Indigenous Peoples"
Optional: Read the UNDRIP, available at:
http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

Week Four – 9/13: The History of Federal-Tribal Relations in the United States – Pre-20th Century

Read: Pevar, Pages 1-8 and Chapter 4
D'Errico, "Native Americans in America: A Theoretical and Historical Overview"
DeLoria Jr., "The Evolution of Federal Indian Policy Making", from "American Indian Policy in the Twentieth Century"
Watch: "We Shall Remain: After the Mayflower" and "We Shall Remain: Trail of Tears", available at: <http://www.hulu.com/watch/196936> and <http://www.hulu.com/watch/196934>

Week Five – 9/20: The History of Federal-Tribal Relations in the United States – the 20th Century to Present

Read: Harvard Project, Chapter 3
Pevar, Pages 8-15 and Chapters 3 and 13
Excerpts from Deloria, Jr. and Lytle, "The Nations Within: The Past and Future of American Indian Sovereignty"

Week Six – 9/27: State-Tribal Relations

Read: Harvard Project, Chapter 4
Pevar, Chapter 7
Mason, "Tribes and States: A New Era in Intergovernmental Affairs"
Steinman, "American Federalism and Intergovernmental Innovation in State-Tribal Relations"
Excerpts from Champagne and Goldberg, "Captured Justice: Native Nations and Public Law 280"
Optional: Read Koenig and Stein, "Federalism and the State Recognition of Native American Tribes: A Survey of State-Recognized Tribes and State Recognition Processes Across the United States"

Week Seven – 10/4: Powers of Tribal Governments

Read: Harvard Project, Chapters 1-2
Pevar, Chapters 5-6 and 8-10

Week Eight – 10/11: Comparative Native American Governments in the United States

Read: Pevar, Chapter 15
Excerpts from Meredith, "Modern American Indian Tribal Government and Politics"
Excerpts from O'Brien, "American Indian Tribal Governments"
Wilkins and Stark, "American Indian Politics & the American Political System", Chapter 3

Week Nine – 10/18: Comparative Native American Governments (Cont.)

Read: Thornton, "From Clan to Kwaan to Corporation: The Continuing Complex Evolution of Tlingit Political Organization"
Other readings TBA

***Tribal Government Profile Paper due in-class

Week Ten – 10/25: Indigenous Activism and Social Movements

Read: Excerpts from Cobb and Fowler, "Beyond Red Power: American Indian Politics and Activism Since 1900"

Nagel, "American Indian Ethnic Renewal: Politics and the Resurgence of Identity"

Wilkins and Stark, "American Indian Politics & the American Political System", Chapter 8

Watch: "We Shall Remain: Wounded Knee", available online at:

<http://www.hulu.com/watch/196932>

Week Eleven – 11/1: Comparative Indigenous Group Politics around the World

Read: Cooke, et al., "Indigenous Well-being in Four Countries: An Application of the UNDP's Human Development Index to Indigenous Peoples in Australia, Canada, New Zealand, and the United States"

Donahoe, et al., "Size and Place in the Construction of Indigeneity in the Russian Federation"

Fleras, "From Social Control towards Political Self-Determination? Maori Seats and the Politics of Separate Maori Representation in New Zealand"

Moore, "From Council to Legislature: Democracy, Parliamentarianism, and the San Blas Cuna"

Newhouse and Belanger, "Beyond the 'Indian Problem': Aboriginal Peoples and the Transformation of Canada"

Short, "Reconciliation, Assimilation, and the Indigenous Peoples of Australia"

Optional: Read Harvard Project, Chapters 19-20

Week Twelve – 11/8: International Relations and Indigenous Groups

Read: Harvard Project, Chapter 5

Brysk, "Turning Weakness into Strength: The Internationalization of Indian Rights"

Quesenberry, "Recent United Nations Initiatives Concerning the Rights of Indigenous Peoples"

Wilmer, "Indigenous Peoples, Marginal Sites, and the Changing Context of World Politics"

Week Thirteen – 11/15: Policy Areas – Native American Economic Development

Read: Harvard Project, Chapters 6-8

Pevar, Chapter 16

Excerpts from Anderson, "Sovereign Nations or Reservations? An Economic History of American Indians"

Conner and Taggart, "The Impact of Gaming on the Indian Nations in New Mexico"

Cornell and Kalt, "Successful Economic Development and Heterogeneity of Governmental Form on American Indian Reservations"

Excerpts from Hosmer and O'Neill, "Native Pathways: American Indian Culture and Economic Development in the Twentieth Century"

Week Fourteen – 11/22: Policy Areas – Native American Health and Social Services

Read: Harvard Project, Chapters 12-14

Pevar, Chapter 17

Brown and Kraft, "Active Living as an Institutional Challenge: Lessons from the Robert Wood Johnson Foundation's 'Celebrate Fitness' Program"

Kunitz, "The History and Politics of US Health Care Policy for American Indians and Alaskan Natives"

Week Fifteen – 11/29: Policy Areas – Tribal Governments and Environmental Policy/Natural Resource Management

Read: Harvard Project, Chapters 9-10

Anaya, "Indigenous Peoples' Participatory Rights in Relation to Decisions about Natural Resource Extraction: The More Fundamental Issue of What Rights Indigenous Peoples Have in Lands and Resources"

Excerpts from Clow and Sutton, "Trusteeship in Change: Toward Tribal Autonomy in Resource Management"

Doolittle, "The Politics of Indigeneity: Indigenous Strategies for Inclusion in Climate Change Negotiations"

Lewis, "Native Americans and the Environment: A Survey of Twentieth-Century Issues"

Week Sixteen – 12/6: Research Paper Presentations

Final Week – 12/13: Research Papers Due by 7:45pm

Academic Integrity:

The University of New Mexico believes that academic honesty is a foundation principle for personal and academic development. All University policies regarding academic honesty apply to this course. Academic dishonesty includes, but is not limited to, cheating or copying, plagiarism (claiming credit for the words or works of another from any type of source such as print, Internet or electronic database, or failing to cite the source), fabricating information or citations, facilitating acts of academic dishonesty by others, having unauthorized possession of examinations, submitting work of another person or work previously used without informing the instructor, or tampering with the academic work of other students. The University's full statement on academic honesty and the consequences for failure to comply is available in the college catalog and in the Pathfinder. It is also the prerogative of the instructor to assign failing grades, either to a particular assignment or for the final course grade, to students who violate

academic conduct standards.

Students with Disabilities:

Accessibility Services (Mesa Vista Hall 2021, 277-3506) provides academic support to students who have disabilities. If you think you need alternative accessible formats for undertaking and completing coursework, you should contact this service right away to assure your needs are met in a timely manner. If you need local assistance in contacting Accessibility Services, see the Bachelor and Graduate Programs office.

Sexual Misconduct:

In an effort to meet obligations under Title IX, UNM faculty, Teaching Assistants, and Graduate Assistants are considered "responsible employees" by the Department of Education (see pg 15 - <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>). This designation requires that any report of gender discrimination which includes sexual harassment, sexual misconduct and sexual violence made to a faculty member, TA, or GA must be reported to the Title IX Coordinator at the Office of Equal Opportunity (oeo.unm.edu). For more information on the campus policy regarding sexual misconduct, see: <https://policy.unm.edu/university-policies/2000/2740.html>

Library and Tutorial Services:

UNM-Main campus provides many library services and some tutorial services for both on-campus and distance students. For library services, go to <http://www.unm.edu/libraries/> to link to a specific library or to contact a librarian. For tutorial services, go to <http://caps.unm.edu/online> to explore UNM's online services.