American Indian History Law and Government
AIS 475/ HIST 475

Professor: Cary Miller
Office: 365 Holton Hall
Office Hours: M/W 1:00-2:00 and by appointment
email: carym@uwm.edu

Course Description:
This course will examine the history of American Indian political systems and their interaction with United States Indian Policy. Properly stated, this is class pursues Ethnohistory - using the cultural framework of Native Communities themselves to interpret the historical record. Over the course of the semester we will examine Indigenous systems of governance, European legal justifications for colonization, American Indian sovereignty and its responses to colonial powers, and the development of the Federal-Tribal relationship including the foundations and structures for modern American Indian sovereignty and treaty rights.

Course Objectives:
By the end of this course students will:
1) understand ethnohistory as a methodology;
2) be able to conduct critical interpretation of primary source materials;
3) develop an understanding of Indigenous systems of government;
4) develop an understanding of the historical context of American Indian sovereignty in the US;
5) develop improved research and writing skills.

Assignments:
Your grade will be determined as follows:
Midterm 25%
Research Paper 20%
Response Papers 10%
Discussion Instigation 10%
Final 25%
Class Participation 10%
100%

Grading Scale:
Based on percentage correct:
A- 90-92
A 93-100
B- 80-82
B 83-86
B+ 87-89
C- 70-72
C 73-76
C+77-79
D- 60-62
D 63-66
D+67-69
F 59 or less

Research Paper - Due Wednesday Nov. 16
For this assignment, choose a topic of interest to you concerning Native American law and government. You may focus on a historical policy, a contemporary issue, or a specific cultural practice. You have the option of submitting a typed outline of your paper including its thesis on Oct. 27 for 5 pts extra credit awarded toward the midterm exam. (Graduate students must submit a typed outline and 5 page historiography for their paper as part of their midterm exam grade) This paper should be typed, double-spaced, 10 pages in length with one-inch margins and 12 point font. (Graduate student papers should be 25 pages in length and demonstrate graduate level critical analysis of primary and secondary sources contributing to an original thesis). Pages should be numbered, and endnotes and bibliography should be included. Chicago style is the approved format for the paper. History majors in particular may wish to get a copy of Kate L. Turabian’s book A Manual for Writers of Research Papers, Theses, and Dissertations, 7th ed. You can also find a great deal of the endnote and bibliographic formatting examples from her book at http://www.isr.bucknell.edu/img/assets/6535/turabian.pdf

Exams: Midterm due Wednesday October 19; Final due Wednesday December 21 at 5pm.
Both exams for this course will be take-home short-answer and essay papers. Exams will be distributed one week prior to the due date. Exams, while restricted to the use of class assigned texts for your resources, must still conform to all formatting rules for papers identified above for the research paper. (Graduate students will receive a graduate level exam for this assignment that focuses on methodological issues. As noted above, as part of this exam, graduate students must submit a typed outline and five-page historiography on their research topic.)
Class Participation and Instigation:
Each class day will be divided evenly between lecture presentation and class discussion of readings, particularly analysis of the primary sources assigned. We will have a class email reflector to which all students are required to post at least one question the ideas expressed in the articles and primary sources assigned for them by 5pm the day prior to the class meeting. (Graduate students are expected to submit one question per article assigned for the day’s reading) For each class day there will be two student instigators whose job it is to read these questions and present two questions chosen from or based on the questions submitted to spark our discussions. The discussion period should help not only to clarify the readings in general, but also, by focusing in on important issues in the readings, should assist you in preparing for exams. All students are expected to attend class regularly and participate in class discussions. Student discussion instigators may choose to divide the day’s readings between them so as to focus more specifically on the questions/issues pertaining to a given text. More than three absences will result in the loss of 1% of participation grade per absence.

Response Papers - Every Wednesday
Each Wednesday, a one page response paper addressing the readings assigned for that week is due. These are informal papers designed to help prepare you to discuss the texts in class. Please feel free to share first impressions, and unsubstantiated gut instincts about the texts and their writers as well as to pose questions to which you do not have the answer. These assignments need not conform to any particular essay format. I ask only that you use complete sentences and turn it in typed, double spaced, in 12 point font with one inch margins. These assignments will be collected at the end of each class session, so that you may refer to them for ideas, and to remind yourself in class of questions that came to you while you were engaged with the reading. There may, at times, be questions that you are uncomfortable raising in class, but would still like an answer to. Include these as well, and I will do my best to give you a complete response. These papers are not assigned a letter grade. Either they are complete, or they are not. Late papers will be given one half credit, unless there are extenuating circumstances. Since the value of these papers is to help you be prepared for class discussion, their value is greatly diminished if they are turned in late. Response papers will not be due the week of the midterm exam and the week the research paper is due. (Graduate Student response papers must indicate the thesis of the articles assigned and assess the strengths and weaknesses of the historical arguments they contain.)

General Stuff:
You are expected to be aware of the deadlines listed above and observe them. Late assignments (research paper) will be penalized 5% per class day, in other words, one full grade per week. Response papers will by half credit if received late. The midterm and final will not be accepted late unless there is a major emergency such as a UFO abduction that caused you to “loose” the entire space of time you had the assignment. Please see our kind counseling staff for the revealing post abduction hypnosis sessions. Papers should be submitted in one of the following ways: a) turned in to me in class; b) placed in my mail box on the third floor of Holton Hall; c) sent to me electronically; or d) handed to me during office hours. Do not slip papers under my door, as I will not be responsible for losing them in that case. If you are submitting work by any method other than handing it directly to me please make a copy of the work for yourself in case for some reason your assignment does not make it into his hands.

Students with disabilities. Verification of disability, class standards, the policy on the use of alternate materials and test accommodations can be found at the following: http://www4.uwm.edu/sac/SAClter.pdf

Religious observances. Policies concerning accommodations for absences due to religious observance can be found at http://www4.uwm.edu/secu/docs/other/S1.5.htm

Students called to active military duty. Accommodations for absences due to call-up of reserves to active military duty can be found at the following sites:
Incompletes. A notation of "incomplete" may be given in lieu of a final grade to a student who has carried a subject successfully until the end of a semester but who, because of illness or other unusual and substantiated cause beyond the student's control, has been unable to take or complete the final examination or to complete some limited amount of term work. http://www4.uwm.edu/secu/docs/other/S31.pdf

Discriminatory conduct (such as sexual harassment). Discriminatory conduct will not be tolerated by the University. It poisons the work and learning environment of the University and threatens the careers, educational experience, and well-being of students, faculty, and staff. Find UWM policy details here: http://www4.uwm.edu/secu/docs/other/S47.pdf

Academic misconduct. Cheating on exams or plagiarism are violations of the academic honor code and carry severe sanctions, including failing a course or even suspension or dismissal from the University. http://www4.uwm.edu/acad_aff/policy/academicmisconduct.cfm

Complaint procedures. Students may direct complaints to the head of the academic unit or department in which the complaint occurs. If the complaint allegedly violates a specific university policy, it may be directed to the head of the department or academic unit in which the complaint occurred or to the appropriate university office responsible for enforcing the policy. http://www4.uwm.edu/secu/docs/other/S49.7.htm

Grade appeal procedures. A student may appeal a grade on the grounds that it is based on a capricious or arbitrary decision of the course instructor. Such an appeal shall follow the established procedures adopted by the department, college, or school in which the course resides or in the case of graduate students, the Graduate School. These procedures are available in writing from the respective department chairperson or the Academic Dean of the College/School. http://www4.uwm.edu/secu/docs/other/S28.htm

Other: The final exam requirement, the final exam date requirement, etc. http://www4.uwm.edu/secu/docs/other/S22.htm

**Required Texts:**


Selections from my book Ogimaag will be available on D2L.

Readings not in one of the above texts are available via library electronic reserve.
Schedule:
Sept. 7 Introduction: Indigenous Oral Tradition and Tribal Ethics

Sept. 12 Indigenous Governing Systems
   Readings:

Sept. 14 European Justifications for Colonization
   Readings:

Native Encounters with European Colonial Systems
Sept. 19 The Political Implications of Missions
   Readings:

Sept. 21 Spanish Colonies
   Readings:
Sept. 26: Pueblo Revolt
Readings:

Sept. 28 English Encounters
Readings:
Pulsipher, Jenny Hale. “Our Sages are Sageles’: A Letter on Massachusetts Indian Policy after King Philip’s War.” William and Mary Quarterly, 3rd series, 58:2 (April 2001), 431-448.

Oct. 3 The Covenant Chain and Delegations to Petition the English King
Readings:
Pulsipher, Jenny Hale, ““Subjects… Unto the Same King”: New England Indians and the Use of Royal Political Power” The Massachusetts Historical Review. 5 (2003) pgs. 29-57.

Oct. 5 French Alliance
Readings:

Oct. 10 Intermarriage and the Political Place of Metis
Readings:
Oct. 12 Imperial Wars of the 18th Century and Indian Alliance Systems
Readings:

Oct. 17 American Indians and the American Revolution
Readings:
- Mann, Barbara Alice. “‘The Vile Hands of the Savages’ in *George Washington’s War on Native America*. Lincoln: University of Nebraska Press, 2009, p. 5-26
- Jefferson, Thomas, et. al. Declaration of Independence
  *Broken Landscape*. p.9-32.

Oct. 19 Midterm Due

Oct. 24 The Constitution, Expansion with Honor, and the War of 1812
Readings:
- Great Father p. 13-63
- US Constitution Transcript.

Oct. 26 The Rise of Southern Indian States and the Policy of Removal
Readings:
- Great Father p. 64-87; 94-107
- Broken Landscape. p. 87-124.

Oct. 31 American Expansion and Indian Affairs in the Great Lakes
Readings:
- Great Father p. 87-93
- Doherty, Robert. “Old-Time Origins of Modern Sovereignty: State Building among the Keweenaw Bay Ojibway, 1832-
Nov. 2 American Expansion, Manifest Destiny, and the Civil War  
Readings:  
Great Father p. 108-151  
Bilingual Treaty Statement, 1864, Wisconsin Historical Society Collections  

Nov. 7 Grant’s Peace Policy and Indian Reservations  
Readings:  
Great Father p. 152-210  

Nov. 9 Indian Allotment Act and Boarding Schools  
Readings:  
Great Father p. 211-251  
Broken Landscape p. 155-181.  
Talking Back to Civilization p. 36-65  

Nov. 14 Plenary Power and The Major Crimes Act  
Readings:  
Great Father p. 263-280  
Talking Back to Civilization p. 29-35  
Broken Landscape, p. 125-154.

Nov. 16 The Progressive Era and Challenges to Civilization Policy; **Research Paper Due**  
Readings:  
Great Father p. 280-310  
Talking Back to Civilization 66-163

Nov. 21 Indian Reorganization Act  
Readings:  
Great Father 310-339  

Nov. 28 Termination  
Readings:  
Great Father 340-356  

Nov. 30 Red Power and Urban Activism  
Readings:  
Great Father, p. 357-373  
Beyond Red Power, p. 142-160.  
Dec. 5 Religious Freedom, Environmental Policy, and Treaty Rights
   Readings:
   State of the Native Nations 69-82; 95-110; 159-196
   Broken Landscape, p. 183-208.

Dec. 7 Self-Determination
   Readings:
   Great Father 374-392.
   The State of the Native Nations 197-274.
   Broken Landscape, p. 211-257.

Dec. 12 Tribal Economic Development
   Readings:
   The State of the Native Nations p. 15-68; 83-94; 111-158.
   Beyond Red Power, p. 262-279.

Dec. 14 Review

**Wednesday Dec 21 Final Exam due at 5pm**