

# **The Quest for Sovereignty: Native Nations, U.S. Domestic Dependence, and International Human Rights**

NCAIS Summer Institute  
July 13, 2015 –August 8, 2017  
The Newberry Library, Chicago, Illinois

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## **Description:**

This NCAIS institute will examine foundational doctrines of law that have informed the history and contemporary shape of the government-to-government relations between Native Nations and the United States. Through a close consideration of executive, legislative and judicial modes of US law-making often referred to as Federal Indian Law, and the many different, enduring strategies of Native Nations and their citizens to define themselves on their own terms, participants will be guided through key moments that played, and continue to play, a profound role in the political and legal landscape occupied by Native Nations in the United States. Over the course of the institute, we will read case studies, primary documents, and theoretical interventions that raise questions of modern Native nation-building and the ways in which Native leaders have addressed the challenges that face their respective peoples, including questions of belonging related to blood quantum and citizenship; family, marriage, and sexuality; Western notions of property and land use; Indigenous forms of governance and justice, and impositions of Western democratic principles. We will also devote time to examining the significance of UNDRIP and the United Nations forum to advance Indigenous nations and peoples' efforts to reclaim their sovereignty and self-determination grounded in their own cultural, legal, and ethical commitments. We will focus on shifting logics of Federal Indian Law that have effectuated misappropriations of indigenous lands, territories, resources, and labor. We also plan to consider historical and contemporary conditions facing Native nations' efforts to exert legal and political authority over different populations (native and non-native), territories (on and off reservation lands) and the effects these shifts have had on the provision of justice in Indian Country. We will ask what it might mean and look like to return to a nation and life based upon original teachings and principles? In what ways have modern notions of nation and democracy reshaped tribal nations to naturalize concepts of heteropatriarchy? We will end the seminar by asking participants to consider the differences between US-based and International legal regimes concerning the rights of Native peoples, and the limits and possibilities afforded by these different systems for addressing their grievances against settler states and revitalize their own forms of governance and notions of citizenship and belonging?

## Seminar Requirements:

The seminar requirements come in three general areas described below. If you are taking the course for a grade, you will find the percentages below describing how those areas are weighted.

Reading/Participation	50%
Critical Reviews	20%
Seminar Facilitation	30%

### Reading/Participation

Given the condensed nature of the seminar, attendance is required in all meetings of the institute. Students are expected to arrive at each class having completed that day's readings as specified below in the Summer Institute schedule. We expect engaged, prepared, and appropriate participation in class discussions based on a close, careful read of the material.

### Critical Reviews

Students will prepare short, critical written reviews for each reading session. These short summaries should be thorough, thoughtful and carefully written and based on a close read of the material. They will be due by **10PM** on the day *before* class. Upload these reviews to the course Dropbox folder [in the "Critical Review" file] as a one-page PDF using the following file name standard: [Student Last Name\_Author Last Name].

Each review will include a four sentence précis of the reading (described in more detail below). In addition, for each review you will provide a second paragraph in which you will offer a critical reaction/appraisal of the text under consideration—this is an opportunity for you to respond to what you find most interesting, challenging, or troubling in the text. This should include one or more critical questions for discussion.

Below are some **specific** guidelines for writing a précis:

**A précis is NOT a reaction paper or an opinion piece**, rather it is a summary of the author's argument in as close and precise a form as possible, concisely written.

The structure of a précis:

1. Begin a précis by identifying the author and the main argument, thesis or idea in the first sentence. This is accomplished as follows:
  - a. Identify the author and title of the work;
  - b. Use an appropriate action verb (such as "asserts," "argues," "denies," "refutes," "proves," "disproves," etc.) followed by;
  - c. a clause that identifies the major claim (thesis statement) of the work. For example: "Denetdale and Richland explain in the syllabus that a précis should summarize the arguments in a text following a four-sentence model."
2. In a second sentence explain how the author develops or supports the major claim (supporting argument statement). For example: "In developing their argument, Denetdale

and Justin argue that the four-sentence model narrows the focus of reading to allow for the better identification of the main ideas and key points in the text.”

3. In a third sentence state the author's purpose in writing the piece, using an "in order" phrase to be explicit. For example: “The authors of the syllabus developed this model in order to help improve the critical reading and analytical writing skills of their students.”
4. In a last sentence describe the intended audience and/or the relationship the author establishes with the audience.

### Facilitation

Each participant will facilitate at least one seminar discussion during the four-week institute, most likely as a co-facilitator with another student, depending on class size. We will determine the facilitation schedule during our first meeting. Facilitators should prepare a facilitation plan that is aimed towards leading us as a class through the author’s arguments and interventions. Your plan should explain how the class will explore the central theoretical and methodological questions raised by the text. [Note: You will not be responsible for writing a critical review on the day you lead discussion.] You will email a draft of the facilitation plan to Drs. Denetdale and Richland **by 5pm** (or sooner) on the evening *prior* to class (so we can offer suggestions or make changes to your plan, if needed). Please note that sometimes we need to make adjustments to your facilitation plan *during* our class session.

### Graduate Student Conference

In addition to seminar requirements, participants will also present their initial findings at the graduate student conference, to be held at the end of this summer institute. Students will prepare a 10 to 15-page paper to present at the conference. Faculty will be available to consult on paper topics.

## **Institute Schedule:**

### Week One

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#### **Monday, July 10, 2017:** The Question of Indigenous Sovereignty and Self-Determination

9:00a – 11:30a: Introductions/Discussion, Towner Fellow’s Lounge (TFL), **Room 281**

11:30a-12:00p: Introduction to McNickle Center Staff and group photo; catered lunch

**READINGS:** Audra Simpson, “Indigenous Interruptions: Mohawk Nationhood, Citizenship, and the State” and “The Gender of the Flint: Mohawk Nationhood and Citizenship in the Face of Empire,” *Mohawk Interruptus: Political Life Across the Borders of Settler States* (Duke University Press, 2014)

#### FEDERAL INDIAN LAW READINGS:

Johnson v. M’Intosh, 21 U.S. (8 Wheat.) 543 (1823)

Cherokee Nation v. Georgia, 30 U.S. (5 Peters) 1 (1831)

Worcester v. Georgia, 31 U.S.(6 Peters) 515 (1832)

**Tuesday, July 11, 2017: The Question of Indigenous Sovereignty II**

9:30a – 10:30a: Newberry Tour, Kristen Emery, *Fellowships and Seminars Manager*, Newberry Library (meet in TFL)

10:30-12:00: Discussion

1:30-2:30p: Library Services Orientation with Will Hansen and Okumi Crocoll, Newberry Library

**READINGS:**

Mark Rifkin, “Erotics of Sovereignty” in *Queer Indigenous Studies: Critical Interventions in Theory, Politics, and Literature* ed. Quo-Li Driskell, Chris Finley, Brian Joseph Gilley, and Scott Laurie Morgensen (Univ. of Arizona Press, 2011)

Heidi K.Stark, “Marked by Fire: Anishaabe Articulations of Nationhood in Treaty Making with the U.S. & Canada,” *AIQ*, vol. 36, no. (2012)

**Wednesday, July 12, 2017**

9:00a – 12:00p: Discussion

1:00-5:00p: Special Collections Research Time

**READINGS:**

Lindsey G. Robertson (2011). “The Judicial Conquest of Native America: The Story of Johnson v. M’Intosh.” In Goldberg, Washburn & Frickey, eds. *Indian Law Stories*. New York: Foundation Press. pp. 29-60.

Rennard Strickland (2011). “The Tribal Struggle for Indian Sovereignty: The Story of the Cherokee Cases.” In Goldberg, Washburn & Frickey, eds. *Indian Law Stories*. New York: Foundation Press. pp. 61-80.

**Thursday, July 13, 2017**

9:00-12:00 **Individual Research** (Items may be requested 9:00a –12:00p and 1:00p – 4:00p)

1:30-2:30 pm: Introductions to Newberry Collections with Will Hansen, *Curator of Americana*, Newberry Library, 2 West

2:30-5:00pm **Individual Research** (Items may be requested 9:00a –12:00p and 1:00p – 4:00p)

**Friday, July 14, 2017:** Settler Colonial Dispossession

9:00a-12:00p: Discussion

**FEDERAL INDIAN LAW READINGS:**

Lone Wolf v. Hitchcock, 187 U.S. 553 (1903)

Tee-Hit-Ton Indians v. United States 348 U.S. 272 (1955)

Week Two

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**Monday, July 17, 2017:** Settler States and/of Violence.

9:00a – 12:00p: Discussion/Video lecture:

**READINGS:**

Sherene H. Razack, *Dying From Improvement: Inquests And Inquiries Into Indigenous Deaths In Custody* (U. of Toronto Press, 2015), The Introduction, Chapters 1, 2, and 6

Sarah Deer. 2015. *The Beginning and End of Rape. Confronting Sexual Violence in Indian Country*. Minneapolis: University of Minnesota Press. Introduction, Chapters 1 and 2

**FEDERAL INDIAN LAW READINGS:**

*Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 (1978)

*Duro v. Reina*, 495 US 676 (1990)

Sarah Krakoff, (2011) “Mark the Plumber v. Tribal Empire, or Non-Indian Anxiety v. Tribal Sovereignty?: The Story of *Oliphant v. Suquamish Indian Tribe*. In Goldberg, Washburn & Frickey, eds. *Indian Law Stories*. New York: Foundation Press. pp. 261-297

**Tuesday, July 18, 2017:**

9:00a – 12:00p: Discussion

**READINGS:**

Glen Coulthard, Introduction and Chapter One from *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*, (Minnesota, 2014)

Audra Simpson, “The State is a Man: Theresa Spence, Loretta Saunders at the Gender of Settler Sovereignty,” *Theory & Event*, vol.

Heidi Kiwetinepinosilk Stark, “Criminal Empire: The Making of the Savage in a Lawless Land,” *Theory & Event*, vol.

**Wednesday, July 19, 2017:** Property, Representation, Sovereignty.

9:00a – 12:00p: Lecture by Justin Richland/Discussion

1:00-5:00p: Special Collections Research Time

**READINGS:**

Justin B. Richland. 2009. Hopi Sovereignty as Epistemological Limit. *Wicazo Sa Review* 24(1): 90-112

Kristen a. Carpenter, Sonia K. Katyal, Angela R. Riley. 2009. "In Defense of Property." *Yale Law Journal*. 118: 1022-1125

**OPTIONAL:** Michael F. Brown. 2010. "Culture, Property, Peoplehood. A Comment on Carpenter, Katyal, Riley's 'In Defense of Property.'" *International Journal of Cultural Property*, 17: 569-579; Kristen A. Carpenter, Sonia K. Katyal, Angela R. Riley. 2010 "Clarifying Cultural Property." *International Journal of Cultural Property*, 17: 581-598

**Thursday, July 20, 2017**

9:30a-10:30a: Item presentation by Jennifer Denetdale on using photographs and oral histories for research, 2 West

10:30a-11:00p: Conference presentation information with McNickle Center staff, TFL

11:00-5:00pm Individual Research

**Friday, July 21, 2017:**

Time TBD: Field Museum of Natural History Tour (Meet at Field)

Week Three

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**Monday, July 24, 2017** Tribal Nations and the Making of the Indigenous Subject I

9:00a – 12:00p: Lecture by Jennifer Denetdale/Discussion

**READINGS:**

Jennifer Denetdale, "Return to the 'Uprising at Beautiful Mountain in 1913': Marriage & Sexuality in the Making of the Modern Navajo Nation" in *Critically Sovereign: Indigenous Gender, Sexuality, and Feminist Studies*, ed. Joanne Barker (Duke University Press, 2017): 105-153

Qwo-Lii Driskill, "Double-weaving Two-Spirit Critiques: Building Alliances between Native and Queer Studies," *GLQ: A Journal of Lesbian and Gay Studies*, vol. 16, No. 1-2, 2010, pg. 69-92

**Tuesday, July 25, 2017:**

9:30a – 10:00a: Dr. Kelly Wisecup, Northwestern University, Presentation

10:00-11:00a: Collection Items presentation, Dr. Kelly Wisecup, 2 West

**Wednesday, July 26, 2017:** Tribal Nations and the Making of the Indigenous Subject II

9:00a – 12:00p: Discussion

1:00-5:00p: Special Collections Research Time

**READINGS:**

Scott Richard Lyons. 2010. *X-Marks: Native Signatures of Assent*. Minneapolis: U Minnesota Press.

**FEDERAL INDIAN LAW READINGS:**

Santa Clara Pueblo v. Martinez, 4346 U.S. 49 (1978)

Gloria Valencia-Weber. 2004. "Santa Clara Pueblo v. Martinez: Twenty-five Years of Disparate Cultural Visions," *Kansas Journal of Law & Public Policy*. 14: 49-

Catherine A. MacKinnon. 2012 "Martinez Revisited" in Carpenter, Fletcher, and Riley Eds. *The Indian Civil Rights Act at Forty*. Los Angeles, CA: UCLA American Indian Studies Center.

**Thursday, July 27, 2017**

9:00-12:00 Individual Research (Items may be requested 9:00a –12:00p and 1:00p – 4:00p)

1:30-2:30 pm: Newberry Collections Item Presentation with Will Hansen, *Curator of Americana*, Newberry Library, 2 West

2:30 – 5:00p: Individual Research

**Friday, July 28, 2017:** Individual Research Day

Week Four

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**Monday, July 31, 2017:** Race, Indigeneity, Settler Colonialism.

\*All Conference Powerpoint Presentations Due at 5:00p to Patrick Rochford\*

9:00a – 12:00p: Discussion

**READINGS:**

Robert Nichols, "Contract and Usurpation: Enfranchisement and Racial Governance in Settler-Colonial Contexts," *Theorizing Native Studies*.

**FEDERAL INDIAN LAW READINGS:**

Morton v. Mancari, 417 U.S. 535 (1974)

Addie C. Rolnick, 2011. "The Promise of Mancari: Indian Political Rights as Racial Remedy." *New York University Law Review*. 86: 958-1045

Film: *Hearing Radmilla!*

**Tuesday, August 1, 2017: Sovereignty's future?**

9:00a – 12:00p: Discussion

**READINGS:**

Sheryl Lightfoot, "Global Indigenous Politics: A subtle revolution."

Joanne Barker. 2017. *Critically Sovereign*. (Duke University Press) Chapters by Jodi Byrd and Mishuana Goeman.

David J. Carlson. 2016. *Imagining Sovereignty: Self-Determination in American Indian Law and Literature*. Norman: University of Oklahoma Press, Chapters 1-3

**Wednesday, August 2, 2017**

9:00a – 12:00p: *Research Presentations/ Individual Meetings with Professors?*

**Thursday, August 3, 2017**

Individual Research Day

**Friday, August 5, 2017**

9:00a – 5:00p: NCAIS Graduate Student Conference

5:45-7:30p Annual Reception

**Saturday, August 6, 2017**

1:00-4:00: NCAIS Graduate Student Conference