

INDI-3351/POLI-3351
Indigenous Peoples and the Law
Tues/Thurs, 11:30pm-1:00pm
ATAC-1003

Course Director: Dr. Travis Hay
Office: RB2031
Email : thay@lakeheadu.ca
Office Hours: By Appointment

Course Description:

This course investigates the legal, historical, and socio-economic politics of the relationship between Canadian law and Indigenous peoples. It does so through two avenues: first, a localized and place-based interrogation of the relationship between First Nations people in northern Ontario and the Thunder Bay Police; secondly, through a broad survey of major historical moments and legal acts that constituted Canadian Crown sovereignty and contemporary regimes of settler colonial administration. In this way, a contemporary focus will be placed on the developing situation in Thunder Bay whereas a more historical focus will give students a robust and rigorous background in matters related to the The Royal Proclamation, The British North America Act, the Indian Act, the White Paper, Bill C-31, and the emerging Indigenous rights recognition framework of the Trudeau government.

Required Texts:

Because this course works with government reports such as the OCPC and OIPRD report, there will be no required texts for students to purchase. All readings and course content will be emailed to students 1 week prior to the class in which they will be discussed. Students who want early access to these readings are encouraged to e-mail the professor.

Grade Breakdown:

Participation and Attendance:	20%
Meme Discussion Assignment:	15% (Due February 7 th by 11:59pm)
Midterm Exam:	20% (On February 26 th)
Mock Conference Paper:	15% (Final Two Weeks of Class)
Government Report Paper:	30% (April 11 th by 11:59pm)

Note on Paperless Course Process and Electronic Submission of Assignments:

This course aims to be paperless as far as possible; accordingly, students are expected to submit assignments electronically in .doc or .docx format and will need a valid Lakehead university e-mail to receive feedback. When assignments are submitted electronically, students will receive a confirmation of receipt email from the instructor within two business days.

Please use your last name and first initial followed by a dash/hyphen and the assignment name (ie: "Hay T – Final Paper.doc" or "Doe J – Meme Discussion Assignment.docx").

Note: this course does not have an online website (D2L), as this discourages discussions and interactions between the professor and students in the course and can cause other issues related to the limited access of course content. Accordingly, there is no need to upload assignments to a course website: please simply email them in the proper format and filename. Forwarding your Lakehead email to a Hotmail, Gmail, Yahoo or other type of e-mail account is not advised, as these servers (such as Hotmail, Gmail, and Yahoo accounts) often filter course emails as junk mail or spam. Failing to receive class updates, notifications, and announcements because of a faulty third party e-mail account will not be considered a legitimate excuse. Please use your Lakehead e-mail.

Assignments will be written in Times New Roman, sized 12, double-spaced format and will follow the Chicago referencing style. MLA, APA, and other in-text referencing formats will not be accepted, and students are expected to be familiar with footnote usage both as references and as chances to provide further context and elaboration. Failure to properly conform to standard Chicago referencing practices will result in penalties when calculating grades. As a quick tip: if your paper has brackets and in-text references, it is *not* in Chicago format. See (<http://www.werbr.ca/wp-content/uploads/2011/03/Chicago-Style-02-13-2015.pdf>) for the 16th edition format guidelines.

A Note on Tutorials and Documentary Days:

The class will be divided into two separate tutorial groups that will meet on days particular to that group. Tutorial Group 1 will be led by the course instructor, whereas Tutorial group 2 will be led by the teaching assistant. Students must show up to the tutorial they are assigned.

Details of Assignments

Participation and Attendance:

Student participation grades are, first and foremost, based on attendance, which will be taken in tutorials as well as lectures. Of secondary but similar importance will be the extent to which students engage with the course instructor and one another in classroom conversations. Though the course instructor welcomes questions and points of clarification during lectures, a significant amount of the non-attendance-based participation grade will come from student performances in tutorial. To be clear, this participatory portion of the grade is decided on the basis of whether or not the student appears to have done course readings and whether or not the student speaks and listens respectfully to the ideas of everyone in the room.

Special note on participation: because the course will discuss matters related to settler colonialism, law, genocide, identity, and racism, the course instructor will be open to creating alternative participatory grading schemas for students who don't feel comfortable speaking about these matters with others. Student boundaries will be respected and all conversations will be consensual.

Meme Discussion Assignment (Due: February 14th)

Students are to select a meme that speaks to politics of Canadian settler colonialism and spend 500 words articulating and expanding upon why it is funny, controversial, or poignant. Note: the purpose of this assignment is to provide students with an opportunity to receive early feedback on their writing. If students have difficulty incorporating the meme into the .doc file, it can be sent along as a JPEG or PNG file (read: screenshot).

Midterm (February 26th):

Students will write an in-class exam consisting of four questions. These questions are listed later in this course outline on the page titled: “Midterm Preview.” Students should note that unlike other assignments, there are right and wrong answers to these questions that will comprehensively covered in the first six weeks of class. Students seeking support for answers in addition to the lecture content are encouraged to email the professor.

Mock Conference Paper (Final Two Weeks of Class):

Students will prepare a ten-minute presentation based on their research in the course. Importantly, the assignment is *not* to produce additional academic content to present; rather, the purpose of the assignment is to have students share their final paper, meme discussion assignment, and other things that they may have learned or wish to teach the class. Students will *not* be graded on personal appearance or clothing (read: sweatpants are fine) and a slideshow presentation is *not* required. Those who wish to use a slideshow to assist their presentation must bring it on a flash/USB drive (as loading it from google drive or email service takes too long in terms of set up). Those who wish to write out every single word they plan to say as a presentation script would do well to note that a ten-minute presentation is approximately 8 pages of double-spaced, Times New Roman, size-12 text. Also, students seeking to get a high participation grade *must* attend class on days they do not present, as showing indifference to fellow students’ presentations will be considered less than collegial and will cause participation grades to suffer.

Government Report Paper (Due: April 11th)

This ten-page final paper will critically review and assess an inquest, inquiry, government report, or legal case that relates to Indigenous peoples and the law in Canada. Students may select one or many of these cases: for example, one student may choose to focus singularly on the OIPRD Report, whereas another may choose to compare the cases of Gerald Stanley, Raymond Cormier, and Brayden Bushby. Students can find a list of applicable cases below:

1. The OIPRD Report
2. The OCPC Report
3. The MMIWG Inquiry
4. The Brian Sinclair Inquest
5. The Royal Commission on Aboriginal Peoples

6. The Trial of Gerald Stanley
7. The Trial of Raymond Cormier
8. The Trial of Brayden Bushby
9. The Seven Fallen Feathers Inquest
10. The Trial of Jack Fiddler

A Note on Plagiarism

Lakehead University's policy on academic honesty can be found at the following url: <http://idc.lakeheadu.ca/wp/print.php?pg=14>. Students are encouraged to always contact the professor regarding questions related to plagiarism and academic dishonesty. A zero tolerance policy will be in effect, as the point of this course is to establish critical and creative capacities in students, which is heavily undermined by attempts to steal from other scholarly or creative productions. Please do not plagiarize: it is easy to catch and it is often more work to conceal the source material from which you are stealing; instead, cite the source.

Class Lecture and Tutorial Schedule

(Subject to Change and Re-Negotiation)

Week 1

Tuesday, January 8th:

Introduction: Course Outline, Grading Schemas, and Questions

Thursday, January 10th: Lecture

Conceptual Frameworks and Theoretical Foundations

Week 2

Tuesday, January 15th:

The Thunder Bay Police Since 2012

Thursday, January 17th:

Tutorial Group No. 1 Meeting: *OIPRD Report*

Week 3

Tuesday, January 22nd:

The Thunder Bay Inquest

Thursday, January 24th:

Tutorial Group No. 2 Meeting: *OIPRD Report*

Week 4

Tuesday, January 29th:

The History of Thunder Bay

Thursday, January 31st:

Meme Assignment Workshop

Week 5

Tuesday, February 5th:

The Royal Proclamation (1763), the BNA Act (1867), and the Indian Act (1876)

Thursday, February 7th:

Documentary Viewing: Colonization Road

Week 6

Tuesday, February 12th:

Indigenous Women Fight the Indian Act

Thursday, February 14th:

Meme Assignment Hand-In

Week 7

*****READING WEEK – NO CLASS*****

Week 8

Tuesday, February 26th:

Midterm Exam

Thursday, February 28th:

Tutorial Group No. 1 Meeting: Razack Article

Week 9

Tuesday, March 5th:

Queer and 2-Spirit Indigeneities

Thursday, March 7th:

Tutorial Group No. 2 Meeting: Razack Article

Week 10

Tuesday, March 12th:

AIM and the Modern History of Standoffs

Thursday, March 14th:

Tutorial Group No. 1 Meeting: OCPC Report

Week 11

Tuesday, March 19th:

UNGC AND UNDRIP

Thursday, March 21st:

Tutorial Group No. 2 Meeting: OCPC Report

Week 12

Tuesday, March 26th:

Presentations I

Thursday, March 28th:

Presentations II

Week 13

Tuesday, April 2nd:

Presentations III

Thursday, April 4th:

Presentations IV

Midterm Preview

1.) *Use examples from local or national history to describe the distinction or transition between colonialism and settler colonialism. How are these two systems different?*

2.) *With reference to the Royal Proclamation and the British North America Act, describe the vesting of Aboriginal title to land within the framework of Canadian Crown sovereignty.*

3.) *What was Bill C-31?*

4.) *What were the five provisions of Article II of the United Nations Convention on the Prevention and Punishment of Genocide?*
