

Federal Advocacy for the Tribal Client – 2 Credit Hours

Instructor: Derrick Beetso
Location: ASU, Washington, D.C.
1800 I Street, NW – Eight Floor Events Pavilion
Washington, D.C. 2006

- Classes will meet Monday, October 11 through Friday, October 15, 2021.
- Class times will be 8:00 am – 1:00 pm Monday through Friday (please note that Thursday’s class time fluctuates to accommodate speakers).

Course Summary

This course, held in Washington, D.C. during fall break, will introduce students to the practical application of the government-to-government relationship between Indian tribes and the federal government. Students will focus particularly on Congress and the Administration and those bodies’ respective duties pertaining to federal Indian law and policy. Students will also learn about the various professionals working on behalf of Congress, federal agencies, tribal coalitions and/or intertribal organizations and the important roles they play. Students will be graded on participation (35%) and a final writing assignment (65%). Attendance each day is mandatory because of the compressed schedule.

Additional Information:

Grading Option:	Letter Grade
Flexible Writing Requirement:	Yes
Skills Requirement:	No
Prerequisites:	No
Limited Enrollment Number:	N/A
Final Exam Given:	No
Paper or In-Class Presentation:	Yes
Participation Points:	Yes
Attendance Policy:	Per Statement of Student Policies
Additional Attendance Policy:	Yes
Canvas Course Site:	Yes

Syllabus

Readings

Readings will be posted on Canvas a full week prior to the first class. Readings are intended to be informational and will help fine-tune the successful student’s understanding of how law and policy is shaped inside the Beltway. The larger more voluminous reading assignments have been

tailored to only those pages we intend to cover in class, but interested students with extra time on their hands should feel free to read more if they choose.

Attendance

Attendance each day is mandatory due to the compressed structure of the course.

Guest Lectures & Tours

There will be guest lectures at the classroom (in-person or virtually), potential guest lectures at the offices of the speaker(s), and visits scheduled to various locations. Students will need to carry government-issued identification, and plan to arrive at all scheduled site locations 10-15 minutes early to ensure timely attendance.

Dress Code

We will meet with various professionals either in class or at their office, and we will be visiting with staff at various agencies and congressional committees. If you decided to seek a career in or involving Washington, D.C. you may work with these offices in a professional capacity in the near future. Students are encouraged to dress professionally. Business casual attire is appropriate.

Laptop

Laptops may be used for notetaking purposes and for in-class work assignments, if applicable. Use of social media, surfing the internet and instant messaging, and similar non-class uses of laptops, are strongly discouraged and shall result in poor participation grades for that class.

Grading

Students will receive a letter grade based on participation and the quality of the research paper.

1. Participation (35%):

Thirty-five percent of the grade will be based on the quality of your class participation. It is in your interest to review the course, as outlined in the syllabus, and come to class prepared to have engaging discussions with our guest lecturers, your colleagues, and myself.

2. Research Paper (65%):

This seminar is for two credits only. Students must complete a research paper of at least 15 pages in length (double-spaced). The grade for the paper is based on the quality of the thesis, research, organization, and analysis.

COVID-19

In addition to any existing ASU policy or policies, all students are required to follow all applicable federal and local governance health and safety laws, regulations, and policies for the entire duration of the class, which includes travel to and from each student's home residence and each student's lodging while in Washington, D.C.

Schedule:

OCTOBER 11, 2021:

Introduction to the Course

Overview of the federal trust responsibility, the development of tribal self-governance, and the evolution of Congress' role, and the Administration's role, in federal Indian policy.

Students will review the establishment of the United States, including the varying federal policies undertaken to address Indian Country and Native peoples in this new republic. Students will also discuss the emergence of tribal governments, tribal self-government, and how Congress and the Administration evolved to meet tribal needs. Students will also study how Indian tribes exercised their self-governance to support advocacy under this framework.

The class will be visited by a professional that works for the Congressional Research Service of the Library of Congress.

This day will conclude with a visit to the Smithsonian's National Museum of the American Indian.

Readings:

U.S. Constitution (Specifically Art. 1, § 8, Cl. 3; Art. 2, § 2, Cl. 2; Art. 4, § 3, Cl. 2, and Art. VI, Cl. 2)

Congress and Indians

Congress and the Legislative Web of Trust

Title 2, Navajo Nation Code, §§ 1150-1153

NCAI Constitution

OCTOBER 12, 2021:

Introduction to the Federal Budget Process

Overview of the congressional budget process, with a particular focus on Indian programs.

Students will learn about the budget process at a very high level. Particular attention will be given to Indian programs and the processes that are used to gather input from tribal leaders on budget priorities for each year.

The class will be visited by professionals from Powers Pyles Sutter & Verville, and Brownstein Hyatt Farber Schreck.

This day will likely include a virtual visit with the Senate Committee on Indian Affairs.

Readings:

Center on Budget and Policy Priorities

BIA FY 2022 Budget Justification (only read through the General Statement and stop at Summary Tables)

NCAI Budget Request (read Executive Summary only)

OCTOBER 13, 2021:

Working with Federal Agencies

Overview of how tribal advocates work with federal agencies to meet the needs of tribal constituents.

Students will explore how various agencies implement laws and policies that affect the day to day lives of American Indians and Alaska Natives. Specifically, we will look at the Department of the Interior's policies and processes. We will also explore the federal government's duty to consult with tribes and the rulemaking process.

This day will include a virtual visit with the Deputy Assistant Secretary-Indian Affairs at the Department of the Interior, as well as the Director, Office of Regulatory Affairs & Collaborative Action, at DOI.

Readings:

Federal Rulemaking Process: An Overview (you need only skim pages 14-23 to familiarize yourself with the basic premise of those sections, but read the rest of the Overview in its entirety)

Executive Order 13175

512 DM 2

512 DM 4

512 DM 5

Secretarial Order 3342

OCTOBER 14, 2021: (Class meets twice: 8:00 am – Noon, then again from 4:00 pm – 5:00 pm)

Working on Litigation Matters with the Departments of Interior and Justice

Overview of how the Department of the Interior works with the Department of Justice and how tribal advocates work within DOI and DOJ's structure to meet tribal needs.

Students will learn about how tribal advocates in Washington, D.C. work with lawyers in the Departments of Interior and Justice to advocate for tribal interests in litigation.

An attorney from the Native American Rights Fund (NARF) will join us for this class to share insight about the important litigation work NARF does. We will also be joined virtually by an attorney from Jenner & Block.

This day will likely include a visit with the Office of Tribal Justice within the Department of Justice, and a virtual visit with the House Subcommittee for Indigenous Peoples of the United States.

Readings:

None.

OCTOBER 15, 2021:

Wrap-Up for the Week

The class will be visited by professionals in Washington, D.C. who will share their experiences, including what led them to pursue careers in Washington, D.C. Our guests will also answer questions and engage in a dialogue with our class. Students will be provided an opportunity to share insights with each other from their week in Washington, D.C. as well as any relevant experience. A portion of this class will also be used to discuss the writing assignment for this course.

Readings:

None.