Federal Indian Law
Spring 2017, Room 285-D

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Office Hours: Wednesdays, 1:00 – 4:00 PM, and by appointment

Welcome to Federal Indian Law. The required text for this course is Getches et al., Cases and Materials on Federal Indian Law, 6th ed. 2011 (Getches). In addition, readings will be assigned from the authors’ supplemental Fall 2016 Teacher’s Memorandum (Supp.), which will be distributed to class participants as an emailed pdf. document, and Newton et al., Cohen’s Handbook of Federal Indian Law, 2012 ed. (Cohen’s), which is on reserve in the library and also available on Lexis.

For optional and supplemental materials, I suggest Matthew L.M. Fletcher, Federal Indian Law, (2016) from West’s Hornbook Series, as well as William C. Camby, American Indian Law in a Nutshell, 6th ed. 2015.

Class topics and readings are as follows:

January 9: Introduction of course and materials
Getches Chapter 1 (skim); noon on January 9, please email me a short paragraph explaining why you chose to take this course. This is not graded, but rather simply a way for me to understand the interests of the students in the class, so as to make sure we cover them if at all possible.

January 11: Indian Property, Colonialization
Getches Chapter 2

January 12: Treaty Making and the Cherokee Cases
Getches Chapter 3A-D

January 18: Special Class – Indian Law and the Dakota Access Pipeline
Before class, conduct your own research on the history and current state of Indian Tribes’ and Indian people’s opposition to the Dakota access pipeline. Try to get your information from a diverse set of sources.
January 23: Indian Treaties and the Canons of Construction
Getches Chapter 3E; Cohen’s § 2.02

January 25: Allotment, Reorganization, and Assimilation
Getches Chapter 4A-B

January 30: Termination
Getches Chapter 4C

February 1: Indian Self-Determination, and the Political/Racial Distinction
Getches Chapter 4D

February 6: Tribal Property Interests
Getches Chapter 5A; Supp. 3-7

February 8: The Federal-Tribal Relationship
Getches Chapter 5B; Supp. 8-14

February 13: Federal Accountability under the Trust Relationship
Getches Chapter 5C: Cherokee Nation v. Leavitt, 543 U.S. 631; Salazar v. Ramah Navajo
Chapter, 132 S. Ct. 2181

February 15: Tribal Sovereignty and the Indian Civil Rights Act
Getches Chapter 6A-C; Supp. 35

February 20: Tribal Sovereign Immunity
Getches Chapter 6D; Tamiami Partners v. Miccosukee Tribe of Fla., 177 F. 3d 1212 (11th Cir.
1999); Fluent v. Salamanca Indian Lease Authority, 928 F. 2d 542 (2d Cir. 1991)

February 22: Tribal Courts and Justice Systems
Getches Chapter 6E

February 27: Indian Country
Getches Chapter 7A; Supp. 49-65

March 1: Federal Criminal Jurisdiction
Getches Chapter 7B (except Section 4)

March 13: Public Law 280 and Divestiture
Getches Chapter 7C-D, Section 1; Getches Chapter 7B, Section 4; Supp. 65-70

**March 15 and 20: Civil Adjudicatory Jurisdiction**
Getches Chapter 7D, Section 2; Getches Chapter 8A; Supp. 77-78

**March 22: Taxation and Regulation**
Getches Chapter 8B

**March 27: Federal Statutes and Civil Jurisdiction in Indian Country; the Indian Child Welfare Act:**
Getches Chapter 8D; Supp. 82-101

**March 29: Non-Gaming Economic Development**
Getches Chapter 9A

**April 3: Indian Gaming**
Getches Chapter 9B; Supp. 102-104

**April 5: Protection of Religious and Cultural Practices**
Getches Chapter 10; Supp. 105-106

**April 10: Indian Water Rights**
Getches Chapter 11

**April 12: Hunting and Fishing Rights**
Getches Chapter 12; Supp. 107-109

**April 17: Governmental Roles of Tribes**

**April 19: Alaska Natives**
Getches Chapter 13A

**April 24: International and Comparative Perspectives**
Getches Chapter 14