Welcome to Federal Indian Law. This course provides an overview of the body of federal law regarding the legal relationships that exist between Federally Recognized Indian Tribes (and their citizens) and the other branches of the American federalist system. Throughout this semester we will dive into the study of the Constitution, federalism and the federal system, international law, the full span of American (and colonial) legal and political history, criminal and civil law and jurisdiction, administrative law, civil rights, the Commerce Clause, the Treaty Power, the First Amendment, resource rights, trust law, economic development and the laws of other nations. In addition, this course covers the ways in which other bodies of substantive law, such as contracts, torts, and statutory interpretation, are treated differently in the context of the law governing the relationship between American Indian tribes and others.

The intended learning outcome of this course is that students will understand a range of fundamental concepts in federal Indian Law, and will be able to apply them to novel situations as might be encountered by a legal practitioner.

The required text for this course is Getches et al., Cases and Materials on Federal Indian Law, 7th ed. 2017 (Getches). In addition, readings will be assigned from 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, as well as various publically-available sources as noted herein.
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. Canby, American Indian Law in a Nutshell, 6th ed. 2015.

Class topics and readings: In accordance with ABA Standard 310, students should expect to spend approximately 2 hours, on average, of out-of-class reading and preparation for each of the three in-class hours each week. This schedule is subject to change, based on the pace of class and student interest.

August 15: Introduction of course and materials
Getches Chapter 1 (skim); by noon on August 14, 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.

August 17: Indian Property, Colonialization
Getches Chapter 2

August 22: Treaty Making and the Cherokee Cases
Getches Chapter 3A-D

August 24: Special In-Class Exercise

August 28: Indian Treaties and the Canons of Construction
Getches Chapter 3E; Cohen’s § 2.02

August 30: Allotment, Reorganization, and Assimilation
Getches Chapter 4A-B

September 5: Termination
Getches Chapter 4C

September 7: Indian Self-Determination, and the Political/Racial Distinction
Getches Chapter 4D

September 12: Tribal Property Interests
Getches Chapter 5A

September 14: The Federal-Tribal Relationship
Getches Chapter 5B
September 19: 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

September 21: Tribal Sovereignty and the Indian Civil Rights Act
Getches Chapter 6A-C; Supp. 35

September 26: 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)

September 28: Tribal Courts and Justice Systems
Getches Chapter 6E

October 3: Indian Country
Getches Chapter 7A

October 5: Federal Criminal Jurisdiction
Getches Chapter 7B (except Section 4)

October 10 and 12: Public Law 280, Divestiture and Tribal Criminal Jurisdiction
Getches Chapter 7C-D; Getches Chapter 7B, Section 4

October 17: Civil Adjudicatory Jurisdiction
Getches Chapter 8A-B

October 19: Taxation and Regulation
Getches Chapter 8C

October 24: Federal Statutes and Civil Jurisdiction in Indian Country; the Indian Child Welfare Act:
Getches Chapter 8D

October 26: Non-Gaming Economic Development
Getches Chapter 9A

October 31: Indian Gaming
Getches Chapter 9B
November 2: Protection of Religious and Cultural Practices
Getches Chapter 10

November 7: Hunting and Fishing Rights
Getches Chapter 12

November 9: Governmental Roles of Tribes

November 14: Alaska Natives
Getches Chapter 13A

November 16: International and Comparative Perspectives
Getches Chapter 14

Grading and Final Exam: Grades in this course shall be based on performance on the final, which will be an eight-hour, open-book, take-home exam that may be taken on any day during the exam period. Students will be placed in the position of a legal practitioner tasked with presenting a more senior attorney a document laying out his or her best answer(s) to a specific question or set of questions pertaining to topics covered in this course. Students will be evaluated on their effectiveness in (a) applying the materials and law covered in class and in the assigned material, and (b) presenting answers in a clear and concise form that allows the reader to easily evaluate the student’s knowledge of the class topics and their ability to apply that knowledge to the task at hand. The final will be word limited.

Grade distribution shall be in accordance with Levin College of Law’s posted mean and mandatory grade distribution policy, with the following letter grade and point equivalence table.

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<th>Letter Grade</th>
<th>Point Equivalent</th>
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<td>E (Failure)</td>
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**Attendance:** Students are expected to attend class and participate in in-class discussions. If you will not be in class for a particular day, please let me know by email. Similarly, if you are not going to be prepared for a particular class’ discussion (because of not having done the reading, for example), please also let me know before class.

**Accommodations:** Students requesting accommodation for disabilities must first register with the Dean of Students Office (http://www.dso.ufl.edu/drc/). The Dean of Students Office will provide documentation to the student who must then provide this documentation to the Office of Student Affairs when requesting accommodation. You must submit this documentation prior to submitting assignments or taking the exam. Accommodations are not retroactive, therefore, students should contact the office as soon as possible in the term for which they are seeking accommodations.

**Academic Misconduct:** Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at http://www.dso.ufl.edu/students.php.

**Use of Laptops:** The use of laptops (or electronic tablets, or any other similar gizmos) shall not be permitted during class, except as noted by the instructor.