

FEDERAL INDIAN LAW
Fall 2021

COURSE SYLLABUS

Instructor: Adam Crepelle
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Office Hours: Monday and Wednesday from 4:00pm-5:25pm

Course Description:

This 3-credit course explores the principles, doctrines, and texts governing the legal relations between the United States and Indian tribes, the history of federal Indian law and policy, tribal property, treaty rights and sovereignty, congressional plenary power, the trust doctrine, jurisdiction in Indian country, and tribal government. Topics specifically examined in the course include tribal lawmaking powers and jurisdiction, gaming and economic development in Indian country, protection of Indian religious rights and cultural property, water rights, fishing, hunting and other treaty based rights.

Learning Objectives

This course will provide students with a basic understanding of Federal Indian Law. Students who complete this course should be able to:

- Explain the unique legal and political status of Indian tribes and American Indians
- Explain the source and significance of tribal sovereignty
- Analyze jurisdictional issues arising in “Indian country”

Course Materials

D. Getches, C. Wilkinson, R. Williams, M. Fletcher, K. Carpenter, *Federal Indian Law: Cases and Materials* (7th edition, 2017).

Supplemental readings may be assigned throughout the semester.

Grading

The final grade will be based upon attendance and participation as well as a final exam. Attendance and participation will account for 10% of the grade, and the final exam will account for 90% of the grade. However, students may be given the option to write a final paper in place of a final exam.

Course Requirements

Completing the assigned readings is essential to this course. I call on people regularly and along with voluntary participation, this form of class participation will count as part of your final grade for the course. If you miss four classes during the semester, or are not prepared when called on in more than two classes during the semester, you cannot receive the class participation part of your grade for the course. If you habitually miss class, or are unprepared to discuss class assignments when called upon, then you

should not enroll in this course.

Laptop Use and Other Electronics

During class time, it is inappropriate to use laptops for purposes not related to the course. Therefore, the use of laptop computers can be suspended, individually or collectively, if it is abused. The use of cellphones, smartphones, and any other type of electronics is strictly forbidden during class time. Students using these devices during class time will be asked to leave the classroom. Recording the lectures, by any type of audio recorders, video recorders, or cameras is strictly forbidden, unless the student has received express and written authorization by the professor and the pertinent SULC authorities.

ADA Accommodations Statement

Reasonable accommodations can be provided to students with documented physical, sensory, systemic, cognitive, and learning and psychiatric disabilities. If you believe you have a disability requiring accommodation in this class, please notify Associate Vice Chancellor for Academic Support Programs.

Course Outline:

- I. Introduction: Indians and the Law
- II. The European Doctrine of Discovery and Indigenous Peoples' Rights
- III. The Formative Years (1789-1871)
- IV. A Century of Shifting Policy
- V. The Federal-Tribal Relationship
- VI. Tribal Sovereignty and the Challenge of Nation-Building
- VII. Tribal Sovereignty and Tribal Jurisdiction
- VIII. Tribal and State Conflicts over Civil Jurisdiction
- IX. The Nation Building Challenge: Modern Tribal Economies
- X. Religion and Culture
- XI. Water Rights

End of Syllabus

***The professor reserves the right to alter the syllabus at any time for any reason.