

# Federal Indian Law

## Class 5

### Problems

Instructions: Please review each statement below, and identify the relevant issue of law and any applicable rule from the cases the cases reviewed in class so far.

1. The fictional state of Settlelandia enters into a treaty with the Happy River Band in which it agrees to pay \$3,000,000 in exchange for a vast portion of the Band's traditional territory.
2. Settlelandia's legislature enacts a law making it illegal to hunt and fish without a state permit on the Happy River Band's retained reservation lands.
3. The Happy River Band attempts to challenge Settlelandia's legislation by suing the state and invoking the Supreme Court's original jurisdiction.
4. Settlelandia claims that the Happy River Band has fully relinquished all aspects of its sovereignty by entering into a treaty with the United States and agreeing that the Band a) accepts the protection of the United States and b) accepts that the United State shall have the sole and exclusive right of regulating trade with the Band and managing all their affairs.
5. Two years later, Settlelandia seeks judicial affirmation that its laws apply within the Happy River Band's reservation on the theory that the tribe has fully assimilated and is conquered in accordance with Justice McLean's prediction in his Worcester concurrence.
6. In the year 1884, a member of the Happy River Band sets fire to the home of another member of the tribe in retaliation for an accidental death caused by the victim's negligence. The local federal marshal attempts to prosecute the alleged perpetrator in the local federal territorial court.

7. Members of the Band learn that Congress has enacted a law mandating that all children of the tribe be moved to an Indian boarding school. The Band files a lawsuit challenging the authority of Congress to pass this law.
8. Another tribe, the Little Manistee Band, challenges the above federal boarding school statute on the basis that it should not apply to its community because they own land communally in fee simple rather than as a reservation held in trust by the federal government.