

**Federal Law and Indian Tribes**

**Fall 2013**

**Professor Wenona T. Singel**

**Professor Matthew L.M. Fletcher**

**Classroom: 345**

**Class time: M/W 2:30 – 3:45 PM**

**Prof. Singel**

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**Office Hours: T/Th 1:00 – 3:00 pm**

**Prof. Fletcher**

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**Office Hours: TBA**

**Course Overview**

This course explores the law and policy of the United States regarding Indian tribes and their citizen members. Throughout the course, we will study the relationships between the federal, state and tribal governments and the source and scope of federal, state and tribal authority in Indian country.

**Organization of the Course**

**Required Texts:**

Getches et al., CASES AND MATERIALS ON FEDERAL INDIAN LAW, 6th ed. 2011 (Getches), including the 2013-14 Teacher's Memorandum (TM), available on the Turtle Talk Blog (<http://turtletalk.files.wordpress.com/2010/08/teachers-memorandum-2013-20141.pdf>)

**Recommended Texts:**

Canby, AMERICAN INDIAN LAW IN A NUTSHELL, 5th ed. 2009 (West)

Pevar, RIGHTS OF INDIANS AND TRIBES, 4th ed. 2012 (Oxford)

**Turtle Talk Materials:**

Additional materials listed in the syllabus, including the 2013-14 Teacher's Memorandum, are available on the Turtle Talk blog (<http://turtletalk.wordpress.com/>)

**Office Hours:**

See above. Please come by if you have questions or even just to say hello. We're also happy to talk with students about law school, current developments in Indian law, and professional opportunities in Indian law.

**Class Preparation, Participation, Attendance and Punctuality:**

Every student is expected to come to class on-time, prepared and ready to discuss all assigned materials. Attendance, preparation, professionalism and engagement in class discussions all count toward the class participation grade. We also encourage students to review the Law College's attendance policy at <http://www.law.msu.edu/academics/ac-polic-attend.html>.

**Exam:** The final exam is scheduled for Wednesday, December 11 from 8:30 – 12:00. The exam will be a closed book test with essay and multiple choice questions.

**Grading:** Final grades will be based upon the following:

- Final exam (100%), with the caveat described below for class participation.
- Grades may be bumped up or down 1/3 of a letter grade based on class participation (e.g. from A- to A or from B- to C+).

**Assignments**

Class #1 (8/26) – **Introduction – Indian Law Origins**

Getches Chapter 1

Class #2 (8/28) – ***Johnson v. M'Intosh* and the Doctrine of Discovery**

Getches Chapter 2

Class #3 (9/4) – ***The Cherokee Cases***

Getches Chapter 3A-3D

Class #4 (9/9) – **Indian Treaties in U.S. Law: Canons of Construction & Reserved Rights**

Getches Chapter 3E

Class #5 (9/11) – **Allotment and Reorganization**

Getches Chapter 4A-B

Class #6 (9/16) – **Termination and Self-Determination**

Getches Chapter 4C-4D

Class #7 (9/18) – **Tribal Property**

Getches Chapter 5A + TM 3-6

Class #8 (9/23) – **The Federal-Tribal Relationship**

Getches Chapter 5B-5C + TM 6-27

Class #9 (9/25) – **Catch-Up**

Class #10 (9/30) – **Tribal Sovereignty and *Martinez***

Getches Chapter 6A-6C

Class #11 (10/2) – **Sovereign Immunity and Tribal Justice Systems, Part 1**

Getches Chapter 6D-6E + TM 28-30

Class #12 (10/7) – **Tribal Justice Systems, Part 2**

Supplemental Tribal Law Materials (see Turtle Talk)

Class #13 (10/9) – **“Indian Country”**

Getches Chapter 7A-7B + TM 31-39

Class #14 (10/14) – **Divestiture**

Getches Chapter 7C-7D

Class # 15 (10/16) – **Civil Adjudicatory Jurisdiction, Part 1**

Getches Chapter 8A + TM 40-46

Class #16 (10/21) – **Civil Adjudicatory Jurisdiction, Part 2**

Supplemental Civil Jurisdiction Materials (see Turtle Talk)

Class #17 (10/23) – **Taxation and Regulation**

Getches Chapter 8B-8C + TM 46-49

Class #18 (10/28) – **Indian Child Welfare Act**

Getches Chapter 8D + TM 50-65

Class # 19 (10/30) – **Reservation Resource Management**

Getches Chapter 9A

Class #20 (11/4) – **Indian Gaming, Part 1**

Getches Chapter 9B + TM 66-68

Supplemental Indian Gaming Materials (see Turtle Talk)

Class #21 (11/6) – **Indian Gaming, Part 2**

Gaming Compact Negotiation Exercise

Class #22 (11/11) – **Indian Religion and Culture**

Getches Chapter 10

Class #23 (11/13) – **Water Rights**

Getches Chapter 11

Class #24 (11/18) – **Hunting and Fishing Rights**

Getches Chapter 12

TM pp. 92-102 + TM 69-71

Class #25 (11/20) – **Alaska and Hawai'i**

Getches Chapter 13

Class #26 (12/2) – **International and Comparative Perspectives**

Getches Chapter 14

Class #27 (12/4) – **Michigan Indians**

Supplemental Materials on Michigan Indians (see Turtle Talk)

Class #28 (12/6) – Review

**Exam: Wednesday, December 11 at 8:30 am**