

Federal Law and Indian Tribes

Fall 2017

Professor Matthew L.M. Fletcher

MW 8:30-9:45 AM

Room 344

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Office Hours: By Appointment

Required Texts

Getches et al., Cases and Materials on Federal Indian Law, 7th ed. 2017 (Getches)

2017-2018 Teacher's Memorandum (TM), available on the Turtle Talk Blog

Recommended Texts

Fletcher, Federal Indian Law (West 2016) or Fletcher, Principles of Federal Indian Law (West 2017)

Turtle Talk Materials

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

Assignments

Class #1 (8/28) – **Introduction – Indian Law Origins and *Johnson v. M'Intosh***

Getches Chapter 1

Getches Chapter 2

Class #2 (8/30) – **Trade & Intercourse Acts, *The Cherokee Cases*, and the Treaty Period**

Getches Chapter 3A-3D

Class #3 (9/6) – **Allotment and Plenary Power**

Getches Chapter 3E; 4A

Class #4 (9/11) – **Reorganization, Termination, and Self-Determination**

Getches Chapter 4B-4D

Class #5 (9/13) – **Negotiation Exercise**

Class #6 (9/18) – **Tribal Property**

Getches Chapter 5A

Class #7 (9/20) – **The Federal-Tribal Relationship**

Getches Chapter 5B-5C

Class #8 (9/25) – ***Carciari* Exercise**

TM 2-5 + Cert stage briefs in case TBA

No class 9/27/17

Class #9 (10/2) – **Tribal Sovereignty and *Martinez***

Getches Chapter 6A-6C

Class #10 (10/4) – **Sovereign Immunity and Tribal Justice Systems**

Getches Chapter 6D-6E + TM 16-18

Class #11 (10/9) – **Labor Relations Exercise**

TM 6-12 + Fletcher/Fort/Singel Article

Class #12 (10/11) – **“Indian Country” and Federal Criminal Jurisdiction**

Getches Chapter 7A-7B

Class #13 (10/16) – **State and Tribal Criminal Jurisdiction**

Getches Chapter 7C-7D

Class #14 (10/18) – **Civil Regulatory Jurisdiction**

Getches Chapter 8A

Class #15 (10/23) – **Civil Adjudicatory Jurisdiction**

Getches Chapter 8B

Class #16 (10/25) – **DAPL Exercise**

TM 12-15 + materials TBA

Tribal In-House Counsel Association Conference 10/26-27/17

Attendance at Two Panels Mandatory

Class #17 (10/30) – **Preemption**

Getches Chapter 8C

Class #18 (11/1) – **Indian Child Welfare Act**

Getches Chapter 8D
Class #19 (11/6) – **Indian Gaming**
Getches Chapter 9
Class #20 (11/8) – **Indian Religion and Culture**
Getches Chapter 10
No class 11/13/17
Class #21 (11/15) – **Bears Ears Exercise**
TM 19-21 + materials TBA
Fall break
Class #22 (11/27) – **Water Rights**
Getches Chapter 11 + *Agua Caliente* Materials
Class #23 (11/29) – **Hunting and Fishing Rights**
Getches Chapter 12
Class #24 (12/4) – **Alaska**
Getches Chapter 13A
Class #25 (12/6) – **Hawai'i**
Getches Chapter 13B
Class #26 (12/7) – **International and Comparative Perspectives**
Getches Chapter 14
Review Session TBD