

# **Federal Law and Indian Tribes**

Fall 2017

Professor Matthew L.M. Fletcher

T/Th 1:20-2:45 PM

Room 138/132 HUTCH

Email: [matthew.fletcher@law.msu.edu](mailto:matthew.fletcher@law.msu.edu)

Office Hours: By Appointment

## **Required Texts**

Getches et al., Cases and Materials on Federal Indian Law, 7th ed. 2017 (Getches) 2019-2020 Teacher's Memorandum (TM), available on the Turtle Talk Blog (<https://turtletalk.files.wordpress.com/2019/08/teachere28099s-memorandum-2019-2020.pdf>)

## **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 or will be available on the Turtle Talk blog (<https://turtletalk.blog/matthew-lm-fletcher/fletcher-class-materials/federal-indian-law-umls-fall-2019/>) (TT)

## **A Note on Fletcher's Teaching Style**

I prefer to not lecture all class period, but I don't like to call on people or rely too much on volunteers. I will ask each of you to think of a question to ask me (it is my understanding that the originator of the Socratic method, Socrates, didn't ask questions, he solicited them and answered them . . . at length) about the assigned material for the day. I will talk a little, but mostly call on people to ask me questions.

I am offering a final exam, take home. Old exams are here:  
<https://turtletalk.files.wordpress.com/2017/09/combined-indian-law-exams-fall-2017.pdf>.

### Assignments

Class #1 (9/3) – **Introduction – Indian Law Origins and *Johnson v. M’Intosh***

Getches Chapter 1

Getches Chapter 2

Class #2 (9/5) – **Trade & Intercourse Acts, *The Cherokee Cases*, and the Treaty Period**

Getches Chapter 3A-3D

Class #3 (9/10) – **Allotment and Plenary Power**

Getches Chapter 3E; 4A

Class #4 (9/12) – **Reorganization, Termination, and Self-Determination**

Getches Chapter 4B-4D

Class #5 (9/17) – **Tribal Property**

Getches Chapter 5A

**No class 9/19/19 – Replacement Class – 1819 Treaty Commemoration at MSU Law (9/20 & 9/21)**

Class #6 (9/24) – **The Federal-Tribal Relationship**

Getches Chapter 5B-5C

Class #7 (9/26) – ***Carciari* Exercise**

TM 3-6 + Other materials TBA (TT)

Class #8 (10/1) – **Tribal Sovereignty and *Martinez***

Getches Chapter 6A-6C

Class #9 (10/3) – **Sovereign Immunity and Tribal Justice Systems**

Getches Chapter 6D-6E + TM 21-24

Class #10 (10/8) – **“Indian Country” and Federal Criminal Jurisdiction**

Getches Chapter 7A-7B + TM 25

**No class 10/10/19 – Replacement Class – Tribal In-House Counsel  
Conference at MSU Law (10/10 & 10/11)**

**Fall recess**

**No class 10/17/19 – Out of Class Project – Labor Relations Exercise**

TM 10-16 + Fletcher/Fort/Singel Article (TT)

Class #11 (10/22) – **State and Tribal Criminal Jurisdiction**

Getches Chapter 7C-7D

Class #12 (10/24) – **Civil Regulatory Jurisdiction**

Getches Chapter 8A

Class #13 (10/29) – **Civil Adjudicatory Jurisdiction**

Getches Chapter 8B

Class #14 (10/31) – **Preemption**

Getches Chapter 8C + TM 26-38

Class #15 (11/5) – **Indian Child Welfare Act**

Getches Chapter 8D + TM 39-54

Class # 16 (11/7) – **ICWA Exercise**

Materials TBA (TT)

Class #17 (11/12) – **Indian Gaming**

Getches Chapter 9

Class #18 (11/14) – **Indian Religion and Culture**

Getches Chapter 10 + TM 79-81

Class #19 (11/19) – **Water Rights**

Getches Chapter 11 + Other Materials TBA (TT)

Class #20 (11/26) – **Hunting and Fishing Rights**

Getches Chapter 12 + TM 82-93

**Fall break**

Class #21 (12/3) – **Alaska & Hawai'i**

Getches Chapter 13

Class #22 (12/5) – **International and Comparative Perspectives**

Getches Chapter 14

**Review Session TBA**