SEMINAR IN NATIVE AMERICAN LAW Fall 2013

Professor Hunter Fridays, 5:00 p.m.-7:10 p.m. 3 credits 240A

This seminar will focus on four major pieces of legislation that have shaped Native American Law. The effects of the Indian Reorganization Act (IRA), the Indian Civil Rights Act (ICRA), the Indian Child Welfare Act (ICWA) and the Indian Gaming Regulatory Act (IGRA) on the Native tribes and communities will be studied. The resulting effect on the relationships between tribes, states and the federal government will be explored through lecture and discussion. Students who take this course will be expected to select a related topic and present the topic orally to the class as well as draft a paper for their grade. An outline of the paper will be required mid-way through the seminar.

Text: American Indian Law, Cases and Commentary, Second Edition, Anderson, Berger, Frickley and Krakoff, West (2010). Recommended for review: American Indian Law in a Nutshell, Canby (West).

Paper Requirements: The Paper should be a thoughtful, scholarly work totaling 30-40 pages in length (certainly not less than 30 nor more than 50 pages long). Each student will have an assigned date on which s/he will be giving a presentation. We will do this on the first day of classes by drawing names from a hat. The paper's outline (complete with copies for all class members) must be submitted the Wednesday (by 8:00 am) prior to the presentation date. Drafts should be submitted to the class and me by e-mail, but a copy must also be on paper and in my box at that time. The completed final draft is due by the last day of exams.

Critiques of Student Papers: Students will be responsible for writing one-page critiques of the presentations and outlines submitted by their fellow students. These critiques are due by the beginning of the next class after the presentation is given. They may be sent to me via email.

Presentation Requirements: Each student will be allotted, and must fill, 35 minutes for the presentation. How that time is utilized will be left to the student's discretion. The goal is to draw the class members into a spirited discussion of the particular topic.

Attendance Policy: Students are expected to comply with the Law School's attendance policy. Missing more than two classes puts the student at risk.

Grading: Each student's grade will be based on three parts. The final paper will count 80%, and the first draft and oral presentation will be 20%. The final component will be class participation, which can increase or decrease a student's standing by ½ grade. The only other contributing factor would be the unexcused late submission of the first draft. Since the timely submission of that draft is key to the seminar's continuity throughout the semester, there will be a ½ grade reduction for missing the Wednesday, 9:00 am deadline, and further penalties will be assessed for any additional delay. This penalty will be enforced. No excuses!

1145450 25	Text, pp. 1-50; Cherokee cases pp. 53-77
August 30	Periods of Federal Oversight & Policy pp. 44-53; pp, 79-129
September 6	IRA (1934): Text pp. 130-142; Termination Era, pp. 142-151
September 13	ICRA (1968), Text pp 152-157, pp. 332-356
September 20	NO CLASS – Mid-term Break
September 27	ICWA (1978), Text pp 494-515; Readings to be assigned IGRA (1988), Text pp. 468-493
October 4	Tribal Sovereignty, Chapter 6, pp. 323-391 Impact on Tribes/States/Federal/Current Trends Make up/Review / Preparation for Presentations

Native American Law Overview

October 11 Student presentations

August 23

October 18 Student presentations

October 25 Student presentations

November 1 Student presentations

November 8 Student presentations

November 15 Student presentations

November 22 Student presentations

^{*} Note: Class reading assignments subject to revision.