

# **Federal Indian Law I**

## **Fall 2019**

### **(3 credits)**

Stacy Leeds  
(918) 931-0211 - Cell Phone (text only please)  
[sleeds1@asu.edu](mailto:sleeds1@asu.edu)

#### **Class Schedule**

The class is scheduled on Tuesdays and Thursdays 1:35-3:30 in Rm. 546. The in-class time has been intentionally overscheduled to provide for flexibility for my travel schedule, knowing that some weeks we will only meet on one of the class days. There will also be a few video recording sessions to supplement the face-to-face instruction time.

#### **Required Readings**

Reading assignments and materials will be posted on StacyLeeds.com under the course tab. All readings will be routinely with assignments posted 2 weeks in advance of each class period. Although a general outline of the course readings and content are provided at the beginning of the course, readings will be updated/adjusted based on the pace of the course.

Most of the required readings will be posted online but you will also be referred to Mastering American Indian Law 2<sup>nd</sup> Edition (EagleWoman and Leeds 2019). The second edition will be available near the beginning of the semester. Should readings be required in advance of the release, a PDF of the relevant chapter will be provided to you at no cost.

The paperback book is \$33 and can be purchased directly from the publisher:

<https://cap-press.com/books/isbn/9781611638967/Mastering-American-Indian-Law-Second-Edition>.

If you would prefer a digital copy, the price is \$24.37 at RedShelf:

<https://www.redshelf.com/book/1199662/mastering-american-indian-law-second-edition-1199662-9781531000301-angelique-wambdi-eaglewoman-and-stacy-l-leeds>

#### **Grading**

The final exam will constitute 70% of the grade for this course. A midterm exam will constitute 25% of the grade for this course. The remaining 5% is reserved for class participation.

## **Course Catalog Description**

American Indian Nations own 27% of the land within Arizona. This course provides a survey of the political and legal relationship of Native Nations to the United States government. The course provides a historical examination of the treaties and other instruments used to negotiate a political relationship between these separate governments and delves into a comprehensive examination of the legal relationship that developed between American Indian, Alaska Native, and Native Hawaiian peoples and the United States government. The emphasis of this course is on understanding the foundation of the contemporary relationship between Native Nations, the United States government, and the various state governments. Thus, particular attention is devoted to jurisdictional issues, including the framework for determining civil regulatory authority, and civil and criminal adjudicatory authority in Indian Country.

### **Overview and Outcomes**

This is an upper-level substantive law course that will provide a survey of the key domestic federal law of the United States as it applies to Native Americans and tribes. The general concept of tribal self-determination is the unifying theme of the course. Particular topics include tribal sovereignty and government; federal, state and tribal Indian country criminal jurisdiction, American Indian civil rights; civil adjudicatory and regulator jurisdiction; American Indian property, child welfare; Bureau of Indian Affairs; state and tribal taxation; individual and tribal treaty rights; federal Indian policy.

At the end of the semester, students will be able to (1) identify the Indian law issues that will be encountered by general practitioners, tribal advocates and tribal/federal/state officials; (2) discuss the history of federal Indian policy and know how that impacts tribal-federal-state modern relationships; (3) understand federal statutes and caselaw impacting tribes and individuals; (4) understand litigation strategies and remedies available to tribes and states in the context of federal Indian law. Although the course will teach critical thinking and analytic skills through examination of historical cases and statutory law, students will be immersed in modern-day applicability and have the ability to structure legal arguments for similarly situated facts and evaluate how those arguments will be resolved.

### **Attendance and Preparation**

Per Section VI of the Statement of Student Policies, attendance at classes, seminars, and other offerings is an essential element in successful academic performance. An instructor in any law school course, seminar, or other offering may withdraw a student for excessive absence.

Withdrawal for excessive absence in any course, seminar, or other offering shall presumptively be recorded as a failing grade (E). Students who believe that they have good cause for failing to attend may petition a committee designated by the dean, which any in tis discretion convert the grade to a W.

“Excessive absence” is defined as unexcused absence from more than 15% of class or other instructional time. This definition shall apply to all 500 level courses and 600 & 700 level courses with an enrollment of 20 or more students. An instructor in 600 or 700 level course or other offering with an enrollment of less than 20 may define “excessive absence” differently, with notice to students before the end of the first week of instruction.

Students should notify the instructor at the beginning of the semester about the need to be absent from class due to religious observances or due to university sanctioned events/activities pursuant to ASU’s Academic Affairs Manual §§ 304-04 and 304-02. Per ABA standards and law school policy, regular class attendance is required. Given that this class meets once per week, you are permitted no more than (2) absences this semester or your grade will be impacted. It is expected that students should spend an average of at least 2 hours outside of class reading, reviewing, outlining, studying or otherwise working on the material for every hour of class time.

### **Academic Integrity**

Per Section XVII of the Statement of Student Policies, the integrity and value of an Arizona State College of Law degree depends on a reputation for fair competition. The College of Law Honor Code is intended as a measure to preserve the integrity of this school's diploma and to create an arena in which students can compete fairly and confidently. However, the execution of the Honor Code depends on student participation. Students should actively discourage other students from committing an ethical or academic violation. Any student who has personal knowledge of a violation should report that violation to the Dean’s designee. Any student with questions about possible violations may in confidence contact the Dean’s designee, in person or in writing.

The College of Law’s Honor Code lists the specific conduct that is prohibited, including plagiarism, and students are obligated to understand and read those rules.

### **Classroom Behavior**

Respect for the thoughts, ideas, and speech of classmates and faculty is the foundation of the educational process. Threatening behavior in the classroom will be dealt with in accordance with SSM § 104-02, which requires that “all incidents and allegations of violent or threatening conduct by an ASU student (whether on- or off-campus) must be reported to the ASU Police Department and the Office of the Dean of Students.”

### **Accommodations**

The College of Law will provide reasonable accommodations for students with documented disabilities. College of Law accommodations can be made after the student requesting accommodations has met with the Disability Resource Center (DRC) staff and

eligibility has been established. Accommodations that fundamentally alter the prescribed course of studies must be approved by the College of Law. Students with disabilities that require accommodation(s) and/or adjustments should contact the law school registrar to make arrangements for the DRC-approved accommodations.

### **Title IX**

Title IX is a federal law that provides that no person be excluded on the basis of sex from participation in, be denied benefits of, or be subjected to discrimination under any education program or activity. Both Title IX and university policy make clear that sexual violence and harassment based on sex is prohibited. An individual who believes they have been subjected to sexual violence or harassed on the basis of sex can seek support, including counseling and academic support, from the university. If you or someone you know has been harassed on the basis of sex or sexually assaulted, you can find information and resources at <https://sexualviolenceprevention.asu.edu/faqs>.

As a mandated reporter, I am obligated to report any information I become aware of regarding alleged acts of sexual discrimination, including sexual violence and dating violence. ASU Counseling Services, <https://eoss.asu.edu/counseling>, is available if you wish discuss any concerns confidentially and privately.