

**STATE UNIVERSITY OF NEW YORK
COLLEGE OF TECHNOLOGY
CANTON, NEW YORK**



COURSE OUTLINE

LEST 410 – AMERICAN INDIAN LAW & FEDERAL INDIAN POLICY

**Prepared By: William T. Jones
Last Reviewed By: Alexander Lesyk**

**SCHOOL OF BUSINESS & LIBERAL ARTS
LEGAL STUDIES
MARCH 2015**

- A. **TITLE:** American Indian Law & Federal Indian Policy
- B. **COURSE NUMBER:** LEST 410
- C. **CREDIT HOURS:** 3
- D. **WRITING INTENSIVE COURSE:** NO
- E. **COURSE LENGTH:** 15 weeks
- F. **SEMESTER(S) OFFERED:** Spring.
- G. **HOURS OF LECTURE, LABORATORY, RECITATION, TUTORIAL, ACTIVITY:** 3 lecture hours per week
- H. **CATALOG DESCRIPTION:**

This course provides an introduction to American Indian Law & Federal Indian Policies. Students examine Indian sovereignty, jurisdiction, and federal/state government to Indian relations. Students analyze events that have shaped American Indian rights under the United States Constitution and the history of those legal developments. The course covers a detailed assessment of the 1924 Citizenship Act as well as the 1968 Indian Bill of Rights Act and impact that each has had on Indian peoples in the United States.

- I. **PRE-REQUISITES/CO-REQUISITES:**
 a. Pre-requisite(s): BSAD 202 or JUST 101 and junior level status or permission of instructor
 b. Co-requisite(s): none
- J. **GOALS (STUDENT LEARNING OUTCOMES):**
 By the end of this course, the student will be able to:

<u>Course Objective</u>	<u>Institutional SLO</u>
1) Identify legal and cultural issues facing the indigenous peoples of North America from the time of “discovery” to the present day.	2. Critical Thinking 3. Professional Competence
2) Formulate a basic understanding of the relationship between Indians and federal, state and local governments and the unique aspects of Indian sovereignty, with an emphasis on Indian land law.	1. Communication 2. Critical Thinking 3. Professional Competence
3) Analyze the political process underlying the creation of federal legislation that have shaped the ideology of American Indian Policy.	2. Critical Thinking 3. Professional Competence
4) Compare the current legal and cultural issues faced by Indian Nation throughout Indian Country.	2. Critical Thinking 3. Professional Competence
5) Critically analyze case studies of federal Indian law supreme court decisions.	1. Communication 2. Critical Thinking

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K. TEXTS:

Goldberg, Carole, Washburn, Kevin, & Frickey, Philip. Indian Law Stories. Foundation Press. 2010. ISBN# 978-1599417295.

Deloria Jr., Vine Custer Died for your Sins. University of Oklahoma Press, 1988. ISBN# 978-0-80612129-1

Nerburn, Kent Neither Wolf Nor Dog: On Forgotten Roads with an Indian Elder. 2nd ed, New World Library. 2002. ISBN# 978-1577312338

Treuer, David. Rez Life. Grove Atlantic. 2013. ISBN# 978-0802120823

L. REFERENCES:

1. Shattuck, George, The Oneida Land Claims A Legal History, Syracuse University Press, 1991.
2. Brown, Dee, Bury My Heart at Wounded Knee, Holt Paperbacks, 2007.
3. Deloria, Vine & Lytle, Clifford, American Indians, American Justice, University of Texas Press, 1983.
4. Wunder, John, Retained by the People, Basic Books, 2007

M. EQUIPMENT: None

N. GRADING METHOD: A-F

O. MEASUREMENT CRITERIA/METHODS:

- Essays
- Reaction Paper
- Research Paper/Project

P. DETAILED COURSE OUTLINE:

- I. Indian Lands
 - A. Aboriginal Title
 - B. The Eastern Land Claims
 - C. Recognized Title
 - D. Indian Land Claims
 - E. Indian Land Holding Today
 - F. Leasing Indian Lands
- II. Historical Overview of Federal Indian Law & Policy
 - A. Establishment of the Federal Role
 - B. The Cherokee Cases and Indian Removal
 - C. Movement to the Reservations
 - D. Allotments and Attempted Assimilation
 - E. Indian Reorganization and Preservation of the Tribes
 - F. Termination and Relocation

- G. Tribal Self-Determination
- III. Special Relationship Between the Federal Government & Tribes
 - A. Evolution of the Relationship
 - B. Enforcement of the Trust Responsibility
 - C. Role of the Bureau of Indian Affairs and the Department of the Interior
 - D. Termination of the Federal-Tribal Relationship
- IV. Indian Tribal Sovereignty
 - A. Origins and Development of Tribal Sovereignty
 - B. Tribal Sovereignty Today
 - C. Sovereign Immunity of the Tribes
- V. Indian Treaties
 - A. Treaty Rights, Past and Present
 - B. Construction of the Treaties
 - C. Abrogation of the Treaties
- VI. Criminal & Civil Jurisdiction in Indian Country
 - A. Indian Country
 - B. Historical Background of Jurisdiction in Indian Country
 - C. Present Division of Criminal Jurisdiction in Indian Country
 - D. Arrest and Extradition
 - E. Present Division of Civil Jurisdiction in Indian Country
 - F. Recognition of Judgments
 - G. Choice of law
- VII. Indian Gaming
 - A. California v. Cabazon Band of Mission Indians
 - B. The Indian Gaming Regulatory Act of 1988

Q. LABORATORY OUTLINE: None