

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



MASTER SYLLABUS

AMERICAN INDIAN LAW & FEDERAL INDIAN POLICY

LEST 410

Last Updated by: Jondavid DeLong

**SCHOOL OF BUSINESS AND LIBERAL ARTS
BUSINESS
SPRING 2019**

A. **TITLE: AMERICAN INDIAN LAW & FEDERAL INDIAN POLICY**

B. **COURSE NUMBER: LEST 410**

C. **CREDIT HOURS: 3**

D. **WRITING INTENSIVE COURSE: NO**

E. **GER CATEGORY: NONE**

F. **SEMESTER(S) OFFERED: FALL**

G. **COURSE 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.

H. **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

I. **STUDENT LEARNING OUTCOMES:**

<u>Course Student Learning Outcome [SLO]</u>	<u>PSLO</u>	<u>GER</u>	<u>ISLO</u>
1) Identify legal and cultural issues facing the indigenous peoples of North America from the time of “discovery” to the present day.	Demonstrate ability to effectively and professionally communicate orally. Understand and explain the structure and functions of the American legal system, including the interplay of constitutions, statutes, common law and administrative law. Understand and articulate the role of common law in the American legal system, including concepts of		Industry, Professional, Discipline Specific Knowledge and Skills Communication Skills Written [W]

	<p>mandatory (stare decisis) and persuasive authority.</p> <p>Demonstrate knowledge of Constitutional Law, Criminal Law and Procedure, Civil Litigation, and at least three of:</p> <ul style="list-style-type: none"> • Negligence and Intentional Torts • Family Law • Real Property • Immigration Law and Border Control • Wills, Estates and Trusts • Environmental Law • American Indian Law and Fed. Policy • Trial Courts and Rules of Evidence 		
<p>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.</p>	<p>Demonstrate ability to effectively and professionally communicate in writing.</p> <p>Understand and explain the roles of judges, attorneys, mediators, legal assistants, and others who act within the legal system.</p> <p>Understand and explain the jurisdictional requirements of federal and state courts.</p> <p>Understand and articulate the role of common law in the American legal system, including concepts of mandatory (stare</p>		<p>Industry, Professional, Discipline Specific Knowledge and Skills</p> <p>Communication Skills Written [W]</p>

	<p>decisis) and persuasive authority.</p> <p>Demonstrate knowledge of Constitutional Law, Criminal Law and Procedure, Civil Litigation, and at least three of:</p> <ul style="list-style-type: none"> • Negligence and Intentional Torts • Family Law • Real Property • Immigration Law and Border Control • Wills, Estates and Trusts • Environmental Law • American Indian Law and Fed. Policy • Trial Courts and Rules of Evidence 		
<p>3) Analyze the political process underlying the creation of federal legislation that have shaped the ideology of American Indian Policy.</p>	<p>Demonstrate ability to effectively and professionally communicate orally.</p> <p>Demonstrate knowledge of Constitutional Law, Criminal Law and Procedure, Civil Litigation, and at least three of:</p> <ul style="list-style-type: none"> • Negligence and Intentional Torts • Family Law • Real Property • Immigration Law and Border Control • Wills, Estates and Trusts • Environmental Law • American Indian Law and Fed. Policy • Trial Courts and Rules of Evidence 		<p>Industry, Professional, Discipline Specific Knowledge and Skills.</p> <p>Communication Skills Written [W]</p>

	<p>Integrate substantive and procedural elements of laws, regulations, and rules relating to specialized areas of law such as (but not limited to) business activities, contracts, criminal law, family relationships, immigration, real estate, the environment and wills and estates.</p>		
<p>4) Compare the current legal and cultural issues faced by Indian Nation throughout Indian Country.</p>	<p>Demonstrate ability to effectively and professionally communicate orally.</p> <p>Understand and explain the jurisdictional requirements of federal and state courts.</p> <p>Demonstrate knowledge of Constitutional Law, Criminal Law and Procedure, Civil Litigation, and at least three of:</p> <ul style="list-style-type: none"> • Negligence and Intentional Torts • Family Law • Real Property • Immigration Law and Border Control • Wills, Estates and Trusts • Environmental Law • American Indian Law and Fed. Policy • Trial Courts and Rules of Evidence <p>Integrate substantive and procedural</p>		<p>Industry, Professional, Discipline Specific Knowledge and Skills</p> <p>Communication Skills Oral [O], Written [W]</p>

	elements of laws, regulations, and rules relating to specialized areas of law such as (but not limited to) business activities, contracts, criminal law, family relationships, immigration, real estate, the environment and wills and estates.		
5) Critically analyze case studies of federal Indian law supreme court decisions.	<p>Demonstrate ability to effectively and professionally communicate in writing.</p> <p>Integrate substantive and procedural elements of laws, regulations, and rules relating to specialized areas of law such as (but not limited to) business activities, contracts, criminal law, family relationships, immigration, real estate, the environment and wills and estates.</p>		<p>Critical Thinking <i>Critical Analysis</i> [CA]</p>

KEY	<u>Institutional Student Learning Outcomes [ISLO 1 – 5]</u>
ISLO #	ISLO & Subsets
1	Communication Skills Oral [O], Written [W]
2	Critical Thinking <i>Critical Analysis [CA] , Inquiry & Analysis [IA] , Problem Solving [PS]</i>
3	Foundational Skills

	<i>Information Management [IM], Quantitative Lit./Reasoning [QTR]</i>
4	Social Responsibility <i>Ethical Reasoning [ER], Global Learning [GL], Intercultural Knowledge [IK], Teamwork [T]</i>
5	Industry, Professional, Discipline Specific Knowledge and Skills

J. **APPLIED LEARNING COMPONENT:** Yes ___X___ No _____

K. **TEXTS:** Burich, Keith R., The Thomas Indian School and the “Irredeemable” Children of New York. Syracuse University Press. (2016) ISBN # 9780815634362

Goldberg, Carole, Washburn, Kevin, & Frickey, Philip. Indian Law Stories. Foundation Press. (2010). ISBN# 9781599417295.

Deloria Jr., Vine Custer Died for your Sins. University of Oklahoma Press, (1988). ISBN# 9780806121291

Treuer, David. Rez Life. Grove Atlantic. (2013). ISBN# 9780802120823

L. **REFERENCES:** Articles of current interest and other resources placed on the course online learning site.

M. **EQUIPMENT:** Technology Enhanced Classroom.

N. **GRADING METHOD:** A-F

O. **SUGGESTED MEASUREMENT CRITERIA/METHODS:** Participation, in-class exams, final exam, and assignments.

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:** N/A