

Syllabus
University of Wisconsin-Superior

Class: FNS/LSTU 410 American Indian Law – Spring M/W/F 1-2 McCaskill 115

Instructor: Gary W. Johnson

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Course Description:

American Indian Law examines the unique relationship between Indigenous tribes of the United States and the United States government through the context of tribal sovereignty. The course will explore the impact of the Supreme Court and the court's interpretation of legislation and judicial decisions of the past. The course will also explore the future of the domestic dependent nations' status and tribal sovereignty.

Objectives:

1. The student will be able to define tribal sovereignty.
2. The student will be able to interpret major Supreme Court decisions and their impact on tribal sovereignty.
3. The student will be able to evaluate major legislation effecting tribal governmental powers.
4. The student will be able to envision the future of the government-to-government relationship and the judicial climate toward tribal sovereignty.

Texts:

Required

American Indian Sovereignty and the U. S. Supreme Court, David E. Wilkins, University of Texas Press, 1997

Additional reading

Tribes, Treaties, and Constitutional Tribulations, Vine Deloria, Jr. and David E. Wilkins, University of Texas Press, 1999

American Indians American Justice, Vine Deloria, Jr. University of Texas Press, 1983

Procedure:

Lecture/Discussion/Briefs

Presenter

Research and Papers

Evaluation:

Papers 25% Topic Papers and Semester research paper

Mid-Term 25%

Final 50%

Course Outline

I Introduction

Legal Masks-Wilkins Chapter One

II Cherokee Nation Cases

Aboriginal Land title, Political status, treaties

Johnson v McIntosh
US v Rogers
Cherokee tobacco

Wilkins Chapter Two

III Plenary Power of Congress

State authority over tribes, treaties as temporary privilege

US v Kagama
Ward v Race Horse
Lone Wolf v Hitchcock

Wilkins Chapter Three

IV Criminal Jurisdiction over non-Indians

Success stories

Oliphant v Squamish
US v Sioux Nations

Wilkins Chapter Five

Mid-Term

V Court Cases

Peyote Case-Freedom of Religion
Applebee's Case-Recognition of Tribal Authority
Gaming-States blocking trust status
Voight Decision-Treaty Rights
Others

VI Moot Court

Accommodations policy can be reviewed at

[:http://www.uwsuper.edu/provost/StdInfo-SyllabusAtt.pdf.](http://www.uwsuper.edu/provost/StdInfo-SyllabusAtt.pdf)

