

# January 2011 Schedule

## WEEK 1 AMBIVALENCE AND ITS LEGACIES

Date	Reading Assignment for class	11 AM Posting or Print for Class Discussion; # Refers to Project Preparation	*Topics
Mon 3	Gede/Gover NPR discussion of September, 10 2001 <a href="http://www.justicetalking.org/ShowPage.aspx?ShowID=188">http://www.justicetalking.org/ShowPage.aspx?ShowID=188</a>	Develop Expectations for this Course Question for Gede or Gover	Introductions & Expectations * Constitutional framework * Environmental policy * Indian policy
Tues 4	McGOVERN, Prologue, Ch. 1,2 and 5 Anderson, AMERICAN INDIAN LAW, CB 1-13 PEVAR definitions, of "Indian," "tribe" and "reservation,"pp 18-21 & 23-24.	Post: How is assimilation different for Native Americans than for other U.S. Minorities? Background: Wiki sites on Ethiopia and Zimbabwe	*Diversity of Indian Country;Land use Regulation
Wed 5	<i>Brendale v. Yakima Nation</i> ; CB 14-30 BACKGROUND: KOMERS & FINN, summary on federal courts CB 34-56 OPTIONAL: <i>Montana v. U.S.</i> CB 31-33	Print News paragraphs on assigned <i>Brendale</i> opinion; comment on teammate paragraphs # Print Paragraphs on each of three Tribes of interest for your research project	*Overview of judicial process; Court Simulation
Th 6	<b>Quiz Preparation</b> <i>Cherokee Nation v. Georgia</i> and explanatory material CB 57-74B; PEVAR, Ch. 1 (History) & 9 (Civil Jurisdiction) OPTIONAL: PEVAR, Ch. 3 (Trust), 4 (Treaties) & 5 (Federal Power)	Post: News clip comparing/contrasting <i>Cherokee</i> and <i>Brendale</i> opinions	Quiz ## 1 *How to brief a case Review
	<b>WEEK 2: ENVIRONMENTAL REGULATION</b>		
Mon 10	<i>Worcester v. Georgia</i> , and explanatory material, CB 74C -89 PEVAR, Ch. 3 (Trust), 4 (Treaties) & 5 (Federal Power); McGOVERN, Ch 6, 7 & 8; OPTIONAL: McGovern, Ch. 3 & 4; <i>Plains Commerce</i> CB 90-93	## Post 1000 word factual memo on Project tribe and neighbors; Post: <i>Worcester</i> holding Print for class: <i>Worcester</i> brief	*"Domestic Dependent Nations" *Commerce Clause

<p><b>Tues 11</b></p>	<p><i>California v. Cabazon</i> CB 94-104 <i>Rice v Rehner</i> CB 105-113 PEVAR, Ch. 6 (Self-Gov't) &amp; 7 (State power) OPTIONAL: PEVAR Ch. 16 (Indian Gaming)</p>	<p>Print: <i>Cabazon &amp; Rice</i> Briefs ## Post a review comment on each of two project pages; one from Gede perspective and one from the Gover perspective.</p>	<p>* Externalities and exemption from state laws * Preemption &amp; Self-determination</p>
<p><b>Wed 12</b></p>	<p><i>Albuquerque v. Browner</i> CB 114-19 <i>New Mexico v. Mescalero</i> CB 120-26 GETCHES, "Federal Environmental Regulation in Indian Country;" CB 140-157; <i>BAD v. EPA</i></p>	<p>Brief <i>Albuquerque &amp; Mescalero</i> Post question on McGovern, Chs 1,2,5, 6,7,8 ## Post: Revise and expand your project fact page in light of reviewers' comments.</p>	<p>* Federal Environmental regulation; Clean Water Act</p>
<p><b>Thurs 13</b></p>	<p><b><u>Quiz Preparation</u></b> McGOVERN, Ch 9 &amp; 10</p>	<p>Post: best discussion questions ### Reviewers: Delete or revise comments on two project papers.</p>	<p>Quiz #2 Best Questions</p>
	<p><b>Week 3: ECONOMIC DEVELOPMENT</b></p>		
<p><b>Mon 17</b></p>	<p>60-Minute DVD: TRIBAL NATIONS: Story of Indian Law Except from FINDLAY, ENVIRONMENTAL LAW (NEPA) CB 127-33 <i>Blue Legs</i> CB 134-39 Policy Signposts, CB 175-85 UN Declaration on Rights of Indigenous Peoples CB 214-21 Web sites on Ethiopia and Zimbabwe</p>	<p>## Project Post: Complete factual web pages and email fact paper page with citations.  ## Locate proposed landfill site on map for XYZ. Post comment on UN Declaration and also on its application to Zimbabwe and Ethiopia.</p>	<p>* NEPA * Ethiopia and Zimbabwe contrasts * Background for EPA simulation</p>
<p><b>Tues 18</b></p>	<p>Cornell, "Keys to Successful Economic Development in Indian Country," CB 167-74 EPA Indian Policy Materials on Penobscot Nation/Maine relationship</p>	<p>## Comment on two different project memos ## Post memo applying Cornell to your project. Post description of assigned EPA office</p>	<p>*Tribal economic development. * EPA Simulation;</p>
<p><b>Wed 19</b></p>	<p><i>Morton v. Mancari</i> CB 20 2-03 <i>Carcieri v. Salazar</i> CB 19 9-200 <i>Nash v. Cherokee Nation</i> CB 229-32 <i>McGOVERN, Ch. 11, 12 &amp; Epilogue</i></p>	<p>Comments on <i>Nash v. Cherokee Nation</i> Brief <i>Morton v. Mancari</i></p>	<p>Consitution and treaty rights Racial and Indian classification Cherokee Freedman</p>

<p><b>Thurs 20</b></p>	<p><b><u>Quiz Preparation</u></b>  PEVAR Ch 14 (ICRA) pp 278-85  <i>Santa Clara v. Martinez</i> including note CB 185-98  BIA</p>	<p>## Post response to Will Power on 2001 Land-into-trust regulations  Brief Santa Clara</p>	<p>*Sovereign Immunity  *Tribal membership</p>	
	<p><b>Week 4: LOOKING AHEAD</b></p>			
<p><b>Mon 24</b></p>	<p><i>Maine v. Johnson</i>, and context CB 158-66  Brimley article on 1980 settlement (see Field Trip page for attachment)  Obama announcement of support for UN Declaration</p>	<p>CB ## Post 1800 word draft Policy Memo  Brief <i>Maine v. Johnson</i>  Post two draft questions for Penobscot hosts</p>	<p>*Penobscot Nation and River  * 1980 Maine settlement &amp; MITSC  Tribal courts</p>	
<p><b>Tues 25</b></p>	<p>Materials on Penobscot River dam removals, MITSC and the Penobscot Nation</p>	<p>## Print one-page Project outline and maps for discussion during travel to Indian Island  ## Post by 8 AM: review of references in 2 policy memos.</p>	<p>Field Trip to Indian Island</p>	
<p><b>Wed 26</b></p>	<p><i>Sherrill v. Oneida summaries</i>, CB 204-08  Excerpt from WILKINSON, AMERICAN INDIANS TIME &amp; THE LAW</p>	<p>Post comments on PIN trip; Two Course Best Questions  Brief <i>Sherrill v Oneida</i>  ## OK deletion of Project review comments</p>	<p>*Time and the Law  Maine Legislature briefing  Legislative simulation</p>	
<p><b>Thurs 27</b></p>	<p>Review policy briefs.</p>	<p>## ORAL PRESENTATIONS  ## Final project due at 5 PM on Thursday , January 27.</p>		