

## FEDERAL INDIAN LAW I - FALL 2025

Prof. Bob Miller - Tues & Thu - 1:35 - 3:00 pm - Room 650

Text: Getches, et al. *Federal Indian Law* (2017) & Handouts on Canvas.

Office Hours: Drop by Room 374, or email [Robert.j.miller@asu.edu](mailto:Robert.j.miller@asu.edu), or arrange a Zoom meeting - Zoom link: <https://asu.zoom.us/j/7405127168>

Class participation: Will affect your grade up or down.

Student attendance: As required per the ABA and ASU policies.

1	Tu-8/19	Discovery ( <b><u>Thumb thru</u></b> 1-68); 69-80; 85-86; 96-106
2	Th-8/21	The Cherokee Cases 116-50
3	Tu-8/26	Shifting Policies 167-205; 212-14
4	Th-8/28	Shifting Policies 216-25; 230-42; 247-62
5	Tu-9/2	Treaties 154-66; 344-50; 359-61; 942-51
6	Th-9/4	Fed-Tribal Relationship 279-314
7	Tu-9\9	Property Rights 106-16; 320-44
8	Th-9\11	Trust Relationship 361-80; 392-97; 402-13
9	Tu-9\16	Tribal sov. 415-40; 447-51; 455-62; <u>Handout #1</u>
10	Th-9\18	Tribal Courts, Const & Law 463-501
11	Tu-9\23	Indian Country 509-25; <u>McGirt</u>
12	Th-9\25	Sov. & Pub.L. 280 558-74; 601-17
13	Tu-9\30	Civil Juris 618-43; 647-53
14	Th-10\2	Criminal Juris. 531-57; 574-87
15	Tu-10\7	Crim. 588-99; <u>Means</u> ; <u>Handouts 2 &amp; 3</u> ; <u>Castro-Huerta</u>
16	Th-10\9	Tax conflicts 653-83; <u>Wash. v. Colville</u>

### FALL BREAK Oct. 13 - 17

17	Tu-10\21	Regulate Non-citizens <u>Water Wheel</u> ; <u>Attorney's Process</u> ; <u>Mosbarger</u> ; <u>DolGenCorp</u> ; and <u>Carciieri</u>
18	Th-10\23	Indian Child Welfare 686-703; <u>Brackeen</u> ; <u>Handout #5</u>
19	Tu-10\28	Rez Economic Dev 719-33; <u>Handout-Miller article</u>
20	Th-10\30	Eco Devo & Gaming 734-63; <u>Handout #6</u>
21	Tu-11\4	Religion & Culture 765-806

22	Th-11\6	Envtl & Water issues	<u>Handout-pgs-635-47,</u> 815-32
TUES Nov. 11 NO CLASS - School closed for Veteran's Day			
23	Th-11\13	ZOOM class Water Rights	832-47; 850-59; 872-82
24	Tu-11\18	Fishing & Hunting	893-920, 937-42
25	Th-11\20	Alaska Natives	955-93
26	Tu-11\25	Hawaiian Natives	994-1002, 1011-21, 1030-41

**COURSE OBJECTIVES** - The objectives of this course are to introduce students to a wide array of issues and subjects involving Indian Law. In addition, the course will contribute to students developing the legal skills to research, analyze, and communicate about legal issues.

**GRADING**

Grades are assigned pursuant to Section VII of the JD Statement of Student Policies. Grades will be determined on the following basis: a final exam and students participation, or lack thereof, in class discussions.

**ATTENDANCE POLICY** - As required per the ABA and ASU policies.

Section IV.B. of the JD Statement of Student Policies. Attendance is an essential element of successful academic performance. Students are expected to attend all classes. Faculty members may grant excused status for a student's absence for all or part of a class period at their discretion. Permissible reasons may include illness, a serious medical condition, a family emergency, or other extraordinary circumstances. Faculty members may not treat a student who misses class but watches a recording of that class as having attended class, although it may be an excused absence.

**A. Excessive Absences**

A faculty member in any law school course, seminar, or other offering may withdraw a student for excessive absence.

"Excessive absence" is defined as more than two unexcused absences for a class that meets once a week and more than four unexcused absences for a class that meets twice a week. For courses the administration designates as a "special attendance course" and which are so noted in the course description and syllabus, a faculty member may define excessive absence differently.

Withdrawal for excessive absences in any course, seminar, or offering for credit shall presumptively be recorded as a failing grade (E). Students who believe they have good cause for failing to attend may petition a

committee designated by the dean, which may in its discretion convert the grade to a W.

**B. Total Absences**

If a student's total absences (including both excused and unexcused absences) reach the limits set forth below, the faculty member and the Associate Dean for Academic Affairs must approve any additional requests for an absence, excused or otherwise. Absent extraordinary circumstances, such requests must be made before the class is missed. If additional absences are not approved, the student will be withdrawn from the course.

For a class that meets twice a week, the limit on total absences is six.

The observance of religious holidays or cultural celebrations and practices (activities observed by a religious or cultural group of which a student is a member) are an important expression of identity and diversity. As your instructor, I am committed to providing equivalent educational opportunities to students of all belief systems. At the beginning of the semester, you should review the course requirements to identify foreseeable conflicts with assignments, exams, or other required attendance. Per ASU Policy ACD § 304-4, please contact me within the first two weeks of the first class meeting to allow time for us to discuss and make fair and reasonable adjustments to the schedule and/or tasks.

Students should notify the instructor at the beginning of the semester or as soon as they become aware about the need to be absent from class due to university-sanctioned events/activities pursuant to ASU's Academic Affairs Manual § 304-02.

**ACADEMIC INTEGRITY AND STUDENT CODE OF CONDUCT**

All students are subject to ASU Law's Academic Integrity Code. The Code "is intended to preserve the integrity of the educational process at the Sandra Day O'Connor College of Law, to promote principles of ethics and professional responsibility, and to ensure an environment in which students can advance their education fairly and confidently. In addition, integrity and honesty are important elements of every state's bar admissions process."

"The Code is not self-enforcing, nor can it be enforced by the faculty or administration alone. Its value depends upon the commitment of students to its norms. Not only must students observe it individually, but they should actively discourage their peers from committing any ethical or academic violation. We expect any student who has personal knowledge of an AIC violation to report that violation to the dean's designee."

Students are obligated to abide by this Code, which can be found at <https://law.asu.edu/cs/student-resources>.

Students are also subject to ASU's Student Code of Conduct, which

among other things prohibits engaging in conduct that constitutes discrimination or harassment on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status, or socioeconomic status and may be subject to discipline by the University according to ASU's Student Code of Conduct Procedures.<sup>1</sup> Anyone who becomes aware of such conduct by a student should contact the law school's Director of Student Services or report it directly to the Dean of Students Office.<sup>2</sup>

#### **EXPECTED WORK PER CREDIT HOUR**

Students should expect to work approximately two hours out of class for every hour spent in class.

#### **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."

The use of electronic devices during class is prohibited with the exception of laptops used for class purposes. Recording the class in any manner without the permission of the instructor is prohibited.

#### **POLICY ON THREATENING BEHAVIOR**

Students, faculty, staff, and other individuals do not have an unqualified right of access to university grounds, property, or services.

Interfering with the peaceful conduct of university-related business or activities or remaining on campus grounds after a request to leave may be considered a crime.

#### **DISABILITY ACCOMMODATIONS**

Per ASU Law and university policies, "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 Student Accessibility and Inclusive Learning Services (SAILS) 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 SAILS-approved accommodations."

<sup>1</sup> The University's Student Code of Conduct and procedures can be found at <https://eoss.asu.edu/dos/srr/codeofconduct>.

<sup>2</sup> Information about the Dean of Students Office may be found at <https://eoss.asu.edu/dos>.

**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. ASU online students may access 360 Life Services, <https://goto.asuonline.asu.edu/success/online-resources.html>.

**SYLLABUS REVISIONS**

Information in this syllabus, other than grading and attendance policies, is subject to change with reasonable notice.

**COPYRIGHT MATERIAL**

Pursuant to § 304-06 of the Academic Affairs Manual, "all contents of the lectures, including written materials distributed to the class, are under copyright protection."

In accordance with ACD 304-10, students must refrain from uploading to any course shell, discussion board, or website used by the course instructor or other course forum, material that is not the student's original work, unless the students first comply with all applicable copyright laws; faculty members reserve the right to delete materials on the grounds of suspected copyright infringement.

Students may not share class materials outside the class, including uploading, selling, or distributing course content or notes taken during the conduct of the course. Any recording of class sessions is authorized only for the use of students enrolled in this course during their enrollment in this course. Recordings and excerpts of recordings may not be distributed to others.