Native American Law (Law 237)  
Prof. Jeff Dobbins  
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Office: Room 460 (503-370-6652)  
Office hours: W 11a-12:30p, Th 12:30-2p, & by Appointment

Spring 2017  
TTh 10:50am-12:20pm  
Room 217

SYLLABUS

Required Materials:
Text (in the bookstore): Goldberg, Tsosie, Clinton & Riley, American Indian Law: Native Nations and the Federal System (7th ed. 2015) and online supplement. I recognize that this is a real tome, but it’s comprehensive and I hope it will serve as a resource to you in future years.

When necessary, I will post supplemental material on the class’s WISE website; all students should register accordingly at http://wise.willamette.edu (click on Login at top).

Course Goals:
At the end of this class, you should be familiar with the major issues and current modes of analysis regarding the relationship between federal, state, and tribal governments, as well as the historical relationships that gave rise to the current law. You should understand legal considerations associated with definitional issues such as what is defined as “Indian Country,” what defines a Tribe and Tribal Government, and who is counted as Native American. Finally, you should have a sense of the broad scope of substantive areas implicated by the unique place of Native Americans and Native American Tribes within our governmental system.

Class Presentation:
While most of your grade (80%) will be determined by the flexed final at the end of the semester, twenty percent (20%) of your final grade will be determined by a 30-minute presentation that you (and possibly one or two others) will be responsible for. This will involve a 15-20 minute oral presentation, a 10-15 minute Q&A with the class, and the presentation of a visual aid of some kind that helps to illustrate the topic for which you are responsible. Details of the project, and options for topics, will be presented in early February.

Attendance & Participation:
The law school attendance policy applies. However, your presence in and preparation for class will affect your eligibility (and whether you ultimately receive) a half-point grade increase (i.e., B to B+) or decrease (i.e., B- to C+) for class participation (or the lack thereof). Unless you take a "pass" (see 2. below) I expect everyone to be prepared and to participate in the discussion. I give these “bumps” regularly, so it would be wise of you to take heed!

1. Attendance. You are eligible for a half-point grade increase for participation only if you miss fewer than four classes. Even then, such an increase is awarded only for exceptional participation. If you miss four or more classes, you are no longer eligible for the half-point increase (though your participation is always greatly appreciated!). Unique exceptions can be managed by Dean McAlpine.

2. Preparation. Come prepared for every class. If you are called upon and not prepared, your grade may be reduced by a half grade. You may have up to three “free passes” if you inform me, by note or email, more than 5 minutes before the beginning of the class that you are unprepared (no explanations necessary). If I get a note I won’t expect your participation. Free passes are not affected by absences; you can miss three classes and then take three free passes and still receive an increase in your final grade (though if you take that many passes you’d best be quite exceptional!).

1  Rev. 1/3/2017
Laptops:
You can use your laptops as you see fit, but you should not use them in a manner that distracts your classmates. If I find that happening I will ask you to desist, with repeated violations potentially affecting your grade.

Feedback and Office Hours:
I welcome feedback at any time (anonymous or otherwise) about the amount and nature of work in the class, about what topics you do and don’t understand, as well as about my own approach in trying to teach those topics. While I will answer the occasional email (and I will often do so by providing you with an answer but cc’ing the entire class), I am available to talk at almost any time.

Reading Chart
See separate document for the Reading Chart for the semester. This will definitely change to a substantial degree over the course of the semester. Whenever it changes, I will inform you in advance, email the revised document, and post it to the class WISE site as well.

FIRST ASSIGNMENT

For Tuesday, January 10:

Read GTCR, pages 1-44.

Come to class prepared to discuss not only the reading and your own interest in the class, but consider this fundamental question: Given the nature of the relationship between Native Americans and Native American tribes and the European Settlers, what kind of a legal relationship should have developed in United States between the federal, state, and tribal governments?

Option: Dakota Access Pipeline Reading Materials: The dispute over the routing of the Dakota Access Pipeline has been a significant part of the non-election news over the last several months, and the protests in North Dakota associated with the so-called #NoDAPL movement have proven to be a rallying point for an invigorated Native American sovereignty movement. We will have occasion to discuss the issue during the semester, and I’d encourage you to take a moment to review some of these resources as an introduction to the issues.

1) NYT Lesson Summary: http://www.nytimes.com/2016/11/30/learning/lesson-plans/battle-over-an-oil-pipeline-teaching-about-the-standing-rock-sioux-protests.html?_r=0
2) Earthjustice litigation FAQ: http://earthjustice.org/features/faq-standing-rock-litigation
4) Maps:
   #NoDAPL map: https://northlandia.wordpress.com/2016/11/01/a-nodapl-map/
   Energy Transfer Partners map: http://daplpipelinefacts.com/