

JS 185: Federal Indian Law I; Jurisdiction in Indian Country

San Jose State University- Department of Justice Studies
JS 185 - SPRING 2022

Megan Siaoosi- Primary Instructor Megan Siaoosi email@sjsu.edu
Sarah Caligiuri- Lecturer
Andrew RedHawk- Lecturer

Are available by appointment, please email the course instructor to make an appointment.
Regular office hours are available every Friday from 12:00 to 1:00 pm (PST).

This is a 3 unit course. The study of the historical development of Federal Indian Law, beginning at the inception of the United States of America. This course covers Federal Indian Law from treaty making to current day case laws with a focus on jurisdictional issues that regularly occur in Indian Country. This course provides an Indigenous perspective on Indian Law. Students will have a one week concentration on MOU writing and analysis in order to be best prepared to fill the jurisdictional gam

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Computer labs and other resources for student use are available at [jcesce](#)

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Your course grade will be based on the following:

To measure participation each student can earn up to 3 points per class. This requires each student to make a minimum of three comments in the group chat at any point during class to get maximum participation points. The comments must reflect and assess the academic class discussion or elaborate on another student's previous comment. This discussion is to create space to enhance learning opportunities and explore new concepts, always keep an open mind and be respectful to others.

Students will be provided with an opportunity to prove their knowledge on jurisdiction and/or jurisdictional issues as it relates to Tribal, Federal, and State boundaries, regulations, and case law through a semester project. 80% Activity 20% Written Summary APA Format 500-word count (approx. 2 pages).

At the beginning of each class, there will be a 4 point quiz to demonstrate knowledge of the course reading materials. Five minutes will be allotted for each quiz.

The midterm will consist of an open book, open notes test over the duration of spring break. The test will be due on the first day of class after break.

The Final Paper will be an analysis of two Federal Indian Law case studies on how one case precedent supports the other. One case study should be selected from the course calendar before week six and the other case study should be more contemporary. Use a minimum of 5 sources and APA format. 2,000 to 2,500 word count (approx. 8- 10 pages).

This course includes intensive class sessions focused on concurrent jurisdiction contract writing to prepare future administrators, law enforcement, and legal professionals to collaborate between tribal and county law enforcement. Students will have an opportunity to submit a contract assignment for extra credit.

In order to set students up for a successful final paper, the instructors will require the first case study to be identified and shared with the course instructor before the end of week six. The second case study will be selected before week eight; a rough draft of the final paper will be due before the end of week 14; the final paper will be due the last day of class.

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An incomplete indicates that a portion of the required material has not been completed within the assignment due date. Earning credit is a possibility for unforeseen and justifiable reasons. It is the responsibility of the student to bring relevant information regarding the circumstances of the incomplete portion of class materials to the instructor along with the remaining course requirements.

Please visit [Incompletes SJSU School of Information](#) for details.

- Read all of the assigned materials
- Come to class every session
- Prepare for your Semester Final Paper
- Lesson Readings should be completed before class, always come prepared to engage in discussions on the readings
- Attend open office hours.

This class was developed and will be instructed through an Indigenous lens by Native American legal professionals. Our responsibility as your course instructors is to present you with the information needed to understand, analyze, and apply Federal Indian Law in regard to jurisdiction issues. It is your responsibility as a student in this course to be available to discussions surrounding sensitive topics while listening, understanding, and respecting your classmates. There may be moments when the instructors will need to address racially biased language and tone. Be advised that those corrections are not an accusation of your character, as we all make mistakes in ignorance in communication from time to time. Be gracious in accepting criticism. It is helpful to expect such corrections at some point in learning. If you do this, then you will be much more capable of navigating the course material.

We expect the most honorable behavior from you in all aspects of your conduct and communication. When contacting your instructors, please use precise and clear language. There may be times during the course where we will be receiving a lot of questions and comments, using concise language will make it easier for us to efficiently answer your questions in a timely manner.

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Please review the University's policy at [Presidential Directive 97-03](#) [pdf]

Please review the University's policy at [University Policy S12-7](#) [pdf]

Sarah Caligiuri (SC) Andrew Perera (AP) Megan Siasosi (MS)

Week	Date	Assignment/Activity/Assigned Text & Readings
1.	Thurs 1/27/22	Indigenous Lens, Class overview, Writing a Case Brief Unlearning the Language of Conquest; (pg 18 to 27) Documents of United States Indian Policies; Prucha (pg. 84 to 85). In the Courts of the Conqueror (pg. 1 to 51) SC, AP, MS
2.	Tues 2/1/22	

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None

AP, MS

6. Tues
2/28/22

Documents of United States Indian Policies; Prucha (pg. 160 to 161, 166, 201 to 202, 166 to 167);
The Rights of Indians & Tribes; Pevar (pg. 341, 339)
In the Courts of the Conqueror: Chapter 8 (pg. 189 to 214)
Select Case Study for Final Paper

SC, AP, MS

Thurs
3/3/22

Congressional Plenary Power;
Ex Parte Crowdog, Major Crimes Act;
Lone Wolf v Hitchcock, Kagama

None

Identify Case Study 1 for Final Paper

SC

7. Tues
3/7/22

Victim, Perpetrator, and Location: Why does it matter?

Documents of United States Indian Policies; Prucha (pg. 287 to 289, 223 to 225)

SC, MS, AP

Thurs
3/10/22

Slideshow Exercise
191's- I'm an Indian Too
Indian Reorganization Act
Santa Clara Pueblo v. Martinez

1, 23 to
Documents of United States Indian Policies; Prucha (pg. 223 t :

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	3/15/22	<p>US v. Wheeler Duro v. Reina; Duro Fix</p> <p>Documents of United States Indian Policies; Prucha(pg. 285 to 286, 234); In the Courts of the Conqueror: Chapter 12 (pg. 325 to 356) Select Case Study 2 for Final Paper</p> <p style="text-align: center;">MS</p>
	Thurs 3/17/22	<p>Oliphant v. Suquamish Indian Tribe Termination</p> <p>Documents of United States Indian Policies; Prucha (pg. 170 to 173, 233) In the Courts of the Conqueror: Chapter 13 (pg. 359 to 394)</p> <p style="text-align: center;">Case Study 2 for Final Paper AP</p>
9.	Tues 3/22/22	<p>Allotment Act Definition of Indian Country</p> <p>Read Nationalaglawcenter.org</p> <p>Read United States v. Dann</p> <p style="text-align: center;">AP</p>
	Thurs 3/24/22	<p>Discuss Rosebud Sioux Tribe v. McDivitt Discuss US v Dann</p> <p>American Outrage</p> <p>The Rights of Indians & Tribes; Pevar (pg. 81 to 107) This reading will prepare you for discussion in class 11 following Spring Break. Content will not be in the midterm. Complete Midterm over Spring Break</p>

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SC

10. 3/28-4/1

11. Tues
4/5/22

SC, AP, MS

Thurs
4/7/22

Intro to Jurisdiction
Federal, State, Tribal, Concurrent jurisdiction and how it affects Tribal Nations

Article: Protecting All Women: Tribal Protection Orders and Required Enforcement Under VAWA
The Rights of Indians & Tribes; Pevar (pg. 127 to 148)

MS

12. Tues
4/12/22

VAWA
TLOA

[Diane Milch Video](#)

The Rights of Indians & Tribes; Pevar (pg. 81 to 107)
AP, SC

Thurs
4/14/22

History of Tribal Courts
Tribal Courts and Restorative Justice Methods

In the Courts of the Conqueror: Chapter 14 (pg. 399 to 420)
The Rights of Indians & Tribes; Pevar (pg. 109 to 125, 333 to 335)

MS

13. Tues 4/19/22

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State Authority to tax Indian Tribes

In the Courts of the Conqueror: Chapter (pg. 423 to 460)

The Rights of Indians & Tribes; Pevar (pg. 165 to 204; pg. 275 to 306)

[C\]g & Tribes; P](#)

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Myths & Realities of Tribal Sovereignty

SC, AP, MS

16. Tues
5/10/22