In this seminar we will learn about legal protections for American Indian religion and culture. We will also consider the relationship between law and culture: to what extent have legal rights determined which aspects of American Indian religion and culture have survived? What have American Indian cultural and religious practitioners done in response to some of the limitations of the law? Are there aspects of American Indian religion and culture that defy conventional approaches to legal protection? Finally, a persistent question throughout will be to consider how we define culture, and why we think it matters.

For you, the main purpose of this class is to produce a high quality research paper. Much of your research will be independent of the reading list, so I advise you to begin immediately. A writing schedule is set out below, after the reading assignments.

Classes and Reading Assignments

Most of the assigned materials will be posted on the class TWEN site. The main “text” for the class is a draft chapter (by me) for a new American Indian Law casebook, referred to as “American Indian Religion and Culture Chapter;” that too is available on the TWEN site.


Vine Deloria, Jr., God is Red (entire book); American Indian Religion and Culture Chapter pages 1-3 (introductory materials and note on sovereignty).

[Monday, September 3: Labor Day]


3. Monday, September 17: Sacred Sites 1, Land Use Decisions

Wilson v. Block, 708 F.2d 735 (D.C. Cir. 1983); American Indian Religion and Culture Chapter pages 22-33 (excerpted version of Navajo Nation v. Forest Service.); Opening
and Reply Briefs from *San Juan Citizens Alliance v. Norton* (focus on the National Historic Preservation Act claims).

Guest Speaker: Mike Chiropolos, Western Resource Advocates, Attorney for San Juan Citizens Alliance, et al.

4. Monday, September 24, Sacred Sites 2, Land Management Agreements


Field trip to Valmont Butte if it can be arranged.

5. Monday, October 1, Religious Practices 1, Eagle Feathers


6. Monday, October 8, Religious Practices 2, American Indian Inmates

Religion and Culture Chapter, pages 48-50 (prisoner section); “The Fight for Native American Prisoners’ Rights,” in *A Seat at the Table*, Smith & Cousineau; *Hamilton v. Schriro*, 74 F.3d 1545 (8th Cir. 1996); *Werner v. McCotter*, 49 F.3d 1476 (10th Cir. 1995).

7. Monday, October 15, Sacred Objects and Cultural Remains


Guest Speaker: Walter Echo-Hawk, Jr., Senior Staff Attorney, Native American Rights Fund

8. Monday, October 22, Intangible Property; Climate Change and Culture


9. Monday, October 29: Student Presentations

10. Monday, November 5: Student Presentations
11. Monday, November 12: Student Presentations

[Monday, November 19—Fall Break]

12. Monday, November 26: Student Presentations

13. Monday, December 3: Last Class

**Student Discussion Leaders:** After the first class, two students will lead discussion each week. I will post a schedule for this by the end of the first week of class. *Discussion leaders must come to class with at least 4-5 questions designed to elicit thoughtful discussion of the reading material.* Feel free in addition to bring any audio or visual props.

**Weekly Thought Pieces:** After the first week, you are required to draft a one-page response to at least one of the readings each week. This can be a critique, analysis, or reflection of a more general nature.

**Writing Calendar for you Papers**

- **Paper topics due:** Class # 2, September 10. Provide a few sentences describing your topic. I will also ask you to sign up for dates to present your paper. Those who select an early date have the advantage of having more time to work on their final draft.

- **Outlines due:** Class # 6, October 8. Provide a moderately detailed outline for your paper.

- **Rough drafts due:**

- **Final drafts due:** Last day of finals, 5:00 p.m.

**Critiques of Student Papers:** You are all responsible for reading and providing feedback on one another’s drafts. For each paper, two students will be the main readers. As a main reader of a draft, you must provide at least one page of written feedback to the author of the paper (with a copy to me,) as well as a marked-up draft.

**Class Attendance and Participation.** The seminar is designed on a “graduate school model,” which means that class attendance and the quality of class discussions are essential elements of the seminar's success. I will make adjustments to final grades based
on class participation. Your grade will inevitably suffer if you do not attend class or do not participate.