

AMERICAN INDIAN ECONOMIC DEVELOPMENT

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COURSE DESCRIPTION: This course explores strategies for fostering economic development in Indian Country. In the modern era of Native American tribal sovereignty and nation-building, economic development depends on creating and sustaining tribal institutions that create a legal environment conducive to increased business opportunity and investment. It also means encouraging tribal citizens to invest in Native American lands and enterprises, and to forge relationships with non-Indian companies that may have little or no prior experience doing business in Indian Country.

After surveying selected “hot topics” in American Indian economic development, each student will propose a substantive white paper on an economic development topic of his or her choice. Students will work with the course instructors, and with designated officials from selected Native American tribal governments, to refine these topics so that the final white papers can be presented to senior tribal leaders. In this way, students can expect to get hands-on experience in dealing directly with Indian tribal experts on real-world economic development issues.

CLASS SCHEDULE: This class meets once per week in downtown Denver, not at the Law School, from 4 pm to 6 pm on Mondays, beginning January 23rd and ending April 23rd. Class will be held at the law firm of Greenberg Traurig LLP, the Tabor Center office building, 1200 17th Street, Suite 2400, in Denver. Please note that parking is beneath the building (Level C or below) and is accessible on either Lawrence or Larimer Streets. Parking for students is free and can be validated at Greenberg Traurig’s office.

COURSE PAPER REQUIREMENTS: All students must complete a substantive piece of writing (“white paper”) that meets the course requirements (30 to 40 pages approximately). Proposed paper topics must be submitted in the form of a concise outline (one to three pages) to Professors Eid and Weddle for comment and approval no later than Monday, March 19th. White paper drafts are due Monday, April 9th. Each student will present a brief overview of his/her paper topic for class discussion and feedback, as scheduled by the instructors. Final papers are due at 5:30 pm Mountain time on Monday, April 30th.

READINGS: Unless otherwise indicated, all readings should be completed prior to class.

GRADING: The course paper will count for 75 percent of the student's final grade. The remaining 25 percent will be based on class participation.

COURSE READING MATERIALS:

- Champagne, Duane, NOTES FROM THE CENTER OF TURTLE ISLAND, AltaMira Press (Lanham, MD, 2010) ("Champagne").
- COHEN'S HANDBOOK OF FEDERAL INDIAN LAW, 2005 EDITION, LexisNexis, American Indian Law Center, Inc. (Albuquerque, NM 2005) ("Cohen's").
- Cornell, Stephen, and Kalt, Joseph P., eds., WHAT CAN TRIBES DO? STRATEGIES AND INSTITUTIONS IN AMERICAN INDIAN ECONOMIC DEVELOPMENT, American Indian Studies Center, UCLA (Los Angeles, 1992) ("Cornell and Kalt").

AGENDA

January 23

Enhancing Tribal Sovereignty Through Economic Development (Jennifer Weddle & David Lester, Executive Director, Council of Energy Resource Tribes, Denver, CO)

Readings:

Champagne, Chapters 1, "Community," and 4, "Citizens or Members?" pp. 1-18 and pp. 63-81.

Cohen, Chapter 21, "Economic Development," Section 21.02 through 21.02[5][b], pp. 1277-1292.

January 30

Working with (Ernest House, Jr., Executive Secretary, Colorado Commission of Indian Affairs, Denver, CO)

Readings:

Champagne, Chapters 7, "20th Century Indian Policy," and 8, "21st Century Indian Policy," pp. 127-162.

Cohen, Chapter 21, "Economic Development," Sections 21.02[5][c] through 21.02[7], pp. 1292-1305.

Cornell and Kalt, Chapter 1 (Stephen Cornell and Joseph P. Kalt), "Reloading the Dice: Improving the Chances for Economic Development on American Indian Reservations," pp. 1-59.

February 9

Gaming (D. Michael McBride, Director, Crowe & Dunlevy, Tulsa, OK)

Readings:

Cohen, Chapter 12, "Indian Gaming," pp. 857-892.

February 13

Tribal Energy Development (Rob Thompson III & Robert "Daubs" Thompson IV, Greenberg Traurig LLP, Denver, CO)

Readings:

Cohen, Chapter 17, "Natural Resources," pp. 1073-1118.

Cornell and Kalt, Chapter 5 (Matthew B. Krepps), "Can Tribes Manage Their Own Resources?" pp. 179-203.

February 20

Environmental & Land Use Regulation (Peter Ortego, General Counsel, Ute Mountain Ute Tribe, Towaoc, CO)

Readings:

Cornell and Kalt, Chapter 4 (Paul Nissenbaum and Paul Shadle), "Building a System for Land-Use Planning: A Case Study for the Puyallup Tribe," pp. 134-178.

Cohen, Chapter 10, "Environmental Regulation," pp. 773-817.

Robert W. Lawrence, "Environmental Law on Indian Lands: What's New?" presentation to CLE International conference, Bidtah N. Becker and Troy A. Eid, Co-Chairs, Pojoaque, NM, June 2011 (unpublished) (used with permission).

February 27

Strategies for Tribal Service Delivery, Capacity-Building and Workforce Development (Troy Eid and Janelle Doughty, Director of the Department of Social Services, Ute Mountain Ute Tribe, Towaoc, CO)

Readings:

Cohen, Chapter 22, "Government Services for Indians," Sections 22.01 through 22.02 (Public Law 93-638 contracting), pp. 1335-1355

"*Sah-gwah-ghowhidz* ('The Green Basin'): The Animas-LaPlata Ute Water Rights Project," U.S. Bureau of Reclamation (undated brochure)

March 5

Tourism, Hunting and Fishing (Ernest House, Jr., Executive Secretary, Colorado Commission of Indian Affairs)

Readings:

Cohen, Chapter 18, "Hunting, Fishing, and Gathering Rights," pp. 11119-11166.

March 12

Water Marketing & Development (Celene Hawkins, Associate General Counsel, Ute Mountain Ute Tribe, Towaoc, CO)

Readings:

Cohen, Chapter 19, "Water Rights," pp. 1167-1226.

March 19

Consumer Finance/E-Commerce (Jennifer Weddle and Maranda Compton, Greenberg Traurig LLP)

Readings:

Champagne, Chapters 3, "Self-Government," and 5, "Economic Development," pp. 43-62 and pp. 83-102.

Cohen, Chapter 21, "Economic Development," Sections 21.03 through 21.04[5], pp. 1306-1334.

Paper Outlines DUE

March 26

No class (Spring Break)

April 2

Taxation & Finance (Penfield Tate, Greenberg Traurig, LLP, Denver, CO)

Readings:

Cohen, Chapter 8, "Taxation," pp. 671-728.

April 9

The Future of Tribal Business and Economic Development (Padraic McCoy, Tilden McCoy + Dilweg LLP, Boulder, CO).

Readings:

Padraic I. McCoy, "Sovereign Immunity and Tribal Commercial Activity: A Legal Summary and Policy Check," presentation to the Federal Bar Association/Indian Law Section, Pojoaque Pueblo, NM (April 8-9, 2010) (unpublished).

Draft Papers DUE

April 16

Paper Presentations and Discussion

April 23

Paper Presentations and Discussions

April 30

No class, final papers DUE