Quantification of Federal Reserved Rights—Litigation, Legislation or Negotiation? [outline]

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QUANTIFICATION OF FEDERAL RESERVED RIGHTS -- LITIGATION, LEGISLATION OR NEGOTIATION?

1. The Merits of Litigation from a Colorado Perspective:
   a. The McCarran Amendment;
   b. Eagle County Case;
   c. Akin;
   d. United States v. New Mexico;
   e. Denver v. United States.

2. Inherent Advantages to the United States in Litigation:
   a. The ability to pick and choose adversaries and forums where which particular issues are litigated;
   b. Costs of litigation as a deterent as to full representation of private interests;
   c. This panelists' fundamental belief that courts are more likely than politicians to fashion decrees protecting private rights against overreaching federal claims.

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