

INDIAN NATIONS & INDIGENOUS PEOPLES

Fall 2020 Newsletter



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MESSAGE FROM THE CHAIR

I HOPE THIS MESSAGE FINDS EACH OF YOU WELL. WE HAVE REACHED THE MIDPOINT OF 2020, A YEAR MARKED BY DEVASTATING ILLNESS, WHOLESAL CLOSURES, SUDDEN ONLINE TEACHING, UPRISINGS AGAINST POLICE VIOLENCE, AND A NATIONAL RECKONING WITH RACISM AND COLONIZATION. MANY OF YOU ARE ALSO WORKING HARD TO MANAGE NEW AND EXPANDING PROFESSIONAL OBLIGATIONS WITH UNEXPECTED HEALTH, FINANCIAL, AND CHILDCARE STRAINS.

In our field, the lows (the coronavirus outbreaks that devastated the Navajo Nation and the Hopi Tribe; delayed relief funding; the South Dakota governor's antagonism toward Cheyenne River and Oglala efforts to keep out the virus) have been balanced by unexpected victories, including the Washington football team's name change and a landmark Supreme Court win for the Muscogee Creek Nation. I know that members of our Section had a hand in each of these victories. The Executive Board congratulates you, and we are grateful for your work.

Following the lead of many universities and conferences, the AALS 2021 Annual Meeting has moved online. The virtual meeting will take place Tuesday, January 5 through Saturday, January 9, 2021 from 11:00 a.m. until 7:00 p.m. Eastern time each day. A preliminary program will be released soon. AALS has arranged for a school-level registration option, which will allow law schools to register so that all interested faculty may attend. Reduced individual rates are available for faculty not covered by school registration. Our section will hold a virtual business meeting outside the scheduled sessions. Please look out for the announcement of date and time.

I am excited for this year's Section program on "Language of Traditional Power and Words of Colonization." Our program incorporates the theme of the 2021 Annual Meeting, "The Power of Words," and reflects the work of our entire Executive Board. The Section has issued a call for abstracts (due August 15). I encourage members to consider submitting relevant work and to share the call with attorneys, advocates, judges, and non-law professors. In addition to our main program, we are also co-sponsoring a program on "Mental Health and Vulnerable Populations in the Era of COVID-19" with the Section on Law and Mental Disability and the Section on Sexual Orientation and Gender Identity. I look forward to seeing you virtually in January and hope to be able to gather in person soon.

Addie Rolnick, Professor, UNLV Boyd School of Law, Section Chair

**INDIAN NATIONS AND
INDIGENOUS PEOPLES SECTION**

CHAIR:

Addie Rolnick
University of Nevada, Las Vegas
William S. Boyd School of Law

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Angelique EagleWoman
(Sisseton-Wahpeton Dakota Oyate)
Mitchell Hamline School of Law

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Trevor Reed (Hopi)
Arizona State University
Sandra Day O'Connor College of Law

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Contact Us
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<https://www.aals.org/sections/list/indian-nations-and-indigenous-peoples/>

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Judicial Updates

MCGIRT V. OKLAHOMA: THE MOST SIGNIFICANT INDIAN LAW CASE EVER?

Prof. Robert J. Miller, Sandra Day O'Connor College of Law, Arizona State University

“On the far end of the Trail of Tears was a promise.”

On July 9, the U.S. Supreme Court issued a bombshell: *McGirt v. Oklahoma*, 591 U.S. ___, 140 S.Ct. 2452, 2020 WL 3848063 (2020). In a 5-4 decision, the Court held that the boundaries of the Muscogee (Creek) Nation reservation, as defined in its treaties with the United States, remain intact. Overnight, the Creek Reservation was recognized as comprising three and a quarter million acres, and one million Oklahomans found out they live on an Indian reservation (including 400,000 in Tulsa). The entire area is “Indian Country” as defined by federal law. 18 U.S.C. § 1151(a). This case has enormous implications that will involve the Muscogee (Creek) Nation, other tribes in Oklahoma, and perhaps across the country in future negotiations, litigations, and perhaps legislative efforts to address the issues that will arise.

Jimmy McGirt was convicted by Oklahoma for serious crimes. Because he is an enrolled Indian, he argued in postconviction proceedings that Oklahoma lacked jurisdiction to prosecute because his alleged crimes occurred in Indian Country on the Muscogee (Creek) reservation as set out in Creek/USA treaties. The Court stated the issue and its holding: “Today we are asked whether the land these treaties promised remains an Indian reservation for purposes of federal criminal law. Because Congress has not said otherwise, we hold the government to its word.” 2020 WL 3848063 at *3.

In reaching its decision, the Court utilized its well-established test to decide whether an Indian reservation has been diminished (decreased in size) or disestablished (completely erased). *Solem v. Bartlett*, 465 U.S. 463 (1984). In *Solem*, the Court stated the guiding principles that only Congress can diminish or disestablish a reservation and its intent to do so “will not be lightly inferred.” *Id.* at 470 & n.11. The Court set out a three step analytic process for courts to apply to diminishment and disestablishment questions. First, did “Congress clearly evince an ‘intent . . . to change . . . boundaries.’” *Id.* at 470. If Congress uses “statutory language [that makes] [e]xplicit reference to cession or other language evidencing the present and total surrender of all tribal interests[,] [that] strongly suggests that Congress meant to” diminish or disestablish a reservation. *Id.* Second, if Congress was unclear, a court can examine the contemporaneous events to determine whether there was a widely held understanding that the “reservation would shrink.” *Id.* at 471. Third, the Court has also looked, to “a lesser extent,” at subsequent events including how Congress and the Bureau of Indian Affairs treated the lands, “who

actually moved onto opened reservation lands,” and the “subsequent demographic history of opened lands.” *Id.* at 471-72.

The *McGirt* Court began and ended its analysis by reviewing the relevant acts of Congress. The majority found no explicit or clear statement from Congress to disestablish the Creek Reservation. The Court dismissed Oklahoma’s and the dissent’s arguments on *Solem* steps two and three as being irrelevant since the statutory language clearly had not disestablished the reservation. 2020 WL 3848063 at *10-14, 19-21. Thus, the Court enforced the United States’ treaty promises and held that the Muscogee (Creek) Nation reservation was never disestablished.

In my opinion, this case is enormously significant due to the ramifications and repercussions that will ensue. In fact, within days of the opinion being issued, the Attorney General of Oklahoma and the five “civilized” tribes announced that they had reached an agreement-in-principle about *McGirt*. Shockingly, the Indian nations and Oklahoma had agreed to ask Congress for legislation to ameliorate the complications that the parties assumed the case would produce. This agreement-in-principle appears to completely reverse the results of *McGirt*, and perhaps injures other Indian nations in Oklahoma. Vociferous opposition from tribal citizens and commentators across the country appears to have influenced at least two of the nations to change their minds and now reject the agreement-in-principle.

Under *McGirt*, the Muscogee (Creek) Nation will exercise criminal and perhaps civil jurisdiction, as defined by tribal and federal laws, over 3 million acres of Oklahoma and the state’s jurisdiction will be limited. In addition, if subsequent law suits and/or negotiations lead to similar results for other Indian nations in Oklahoma, then the impact of *McGirt* will increase exponentially. Obviously, Oklahoma and the Indian nations and peoples located there will have to negotiate and settle numerous issues in the decades to come. This is why I believe that *McGirt* is one of the most significant decisions the Supreme Court has ever rendered because it portends some of the most substantive and substantial legal, political, and societal changes for a state and the Indian nations therein that any Supreme Court case has ever created.

Noteworthy Litigation

Trevor Reed, Associate Professor, Sandra Day O’Connor School of Law, Arizona State University, Section Secretary

Brackeen v. Bernhardt:

On January 22, 2020, the U.S. Court of Appeals for the Fifth Circuit sitting en banc heard oral arguments in *Brackeen v. Bernhardt*. The full court granted the petition to rehear the case after a panel of the Fifth Circuit reversed a lower court decision holding the Indian Child Welfare Act unconstitutional under equal protection principles guaranteed in the Fifth Amendment. 937 F.3d 406 (5th Cir. 2019). Numerous AALS Indian Nations & Indigenous Peoples section members and over 300 Tribes have participated in the proceedings as *amicus curiae*.

Standing Rock Sioux Tribe, et al. v. U.S. Army Corps of Engineers:

Following a March 25, 2020 ruling by the U.S. District Court for the District of Columbia requiring the Army Corps of Engineers to prepare an Environmental Impact Statement for the Dakota Access Pipeline’s Lake Oahe crossing, *Standing Rock Sioux Tribe, et al. v. U.S. Army Corps of Engineers*, 440 F.Supp.3d 1, 29 (D.D.C. 2020), the court on July 6, 2020 granted the Standing Rock and Cheyenne River Sioux Tribes’ request for vacatur of the Lake Oahe easement and ordered that the pipeline be shut down within 30 days. *Cheyenne River Sioux Tribe v. U.S. Army Corps of Engineers*, 2020 WL 3634426 at *10-*11 (D.D.C. July 6, 2020).

CALL FOR PAPERS: LANGUAGE OF TRADITIONAL POWER & WORDS OF COLONIZATION

This call for papers seeks submissions for a special issue of the UCLA Indigenous Peoples' Journal of Law, Culture & Resistance in collaboration with the AALS Indian Nations and Indigenous Peoples Section. The Section will meet during the Association of American Law Schools' Annual Conference on January 5-9, 2021. In keeping with the theme of the 2021 Annual Meeting, "The Power of Words," the Indian Nations and Indigenous Peoples Section Session will focus on "Language of Traditional Power and Words of Colonization." For indigenous peoples, language (words and non-verbal forms of language) is closely tied to worldview, culture, and community values. These ideas, which may be communicated in writings, stories, songs, conversations, or ceremonies, often make their way into written laws. The way Native nations choose to encode those laws – the forms of language acknowledged and the words used – can shape entire justice systems.

Just as the choice of words is important for Native nations, the laws and courts of settler nations also choose the words to employ when speaking about indigenous peoples, and this choice can have significant consequences. In the words of the AALS theme, "[w]ords in the form of laws give rights and impose responsibilities." For example, the word "citizen" may invoke a different framework and attendant rights than the word "member." Similarly, the word "protector" may signal different positionality and potential legal protections compared to the word "protestor."

We seek articles, essays, and other works that engage with this theme. We encourage submissions from law professors, academics in other disciplines, and practitioners, including tribal judges and advocates. We also encourage submissions that engage law but do not fit the traditional law review format, such as fiction, creative non-fiction, poetry, and visual art.

Publication: Accepted papers will be published in the UCLA Indigenous Peoples' Journal of Law, Culture & Resistance. In addition to publication, selected authors may be invited to present at the AALS 2021 Annual Meeting.

Form and length of submission: Please submit a 1- to 2-page abstract that describes your project. Submissions may be articles (more than 20,000 words, or 80 double-spaced pages), essays (typically 2,500-10,000 words, or 10-40 double spaced pages), or alternative formats (such as short essays, poetry, or art). Please note that the journal can publish illustrations and visual art.

How to submit: Abstracts should be submitted electronically to the journal at ipjlcrl@lawnet.ucla.edu , copying Addie Rolnick at addie.rolnick@unlv.edu .

Dates: The deadline for abstracts is August 15, 2020, but submissions will be accepted and reviewed on a rolling basis and may be accepted later if space and time permit. Authors will be notified of acceptance by September 1, 2020. Complete drafts are due January 1, 2020. Our selection process will reflect our awareness that many scholars face unusual and significant hurdles in finding time to do academic work this year. We encourage the submission of abstracts for work in the early stages and are committed to working with scholars to revise drafts prior to publication.

LUMINARY LAW PROFESSORS TAKING EMERITUS STATUS:



Professor Vicki Limas received her J.D. in 1984 from Northwestern University School of Law and her B.A. and M.A. in philosophy from the University of Illinois at Chicago. Prior to joining the Tulsa University College of Law faculty in 1988, she practiced labor and employment law with a major Tulsa law firm. She is an adjunct settlement judge for the U.S. District Court for the Northern District of Oklahoma and an arbitrator for the Financial Industry Regulatory Authority. She chairs the Oklahoma Advisory Committee to the U.S.

Commission on Civil Rights and serves on The University of Tulsa's Diversity Advisory Council and Northwestern University's Native American Leadership Council. Her scholarly interests focus on employment law, particularly employment issues affecting Indian tribes and individuals. She is a contributing author to Cohen's Handbook of Federal Indian Law (2005 ed.).



Professor Frank Pommersheim was born in New York City, but has lived in South Dakota for more than 40 years. Prior to joining the faculty in 1984, he lived and worked on the Rosebud Sioux Reservation for ten years. He currently serves on a number of tribal appellate courts throughout Indian country including Chief Justice for the Cheyenne River Sioux Tribal Court of Appeals and Associate Justice for the Rosebud Sioux Supreme Court. Professor Pommersheim writes extensively in the field of Indian law. He is the author of *Braid of Feathers* (American Indian Law and Contemporary Tribal Life), *Broken Landscape: Indians, Indian Tribes, and the Constitution*, more than 40 law review articles, and more than 125

judicial opinions. His newest book entitled *Tribal Justice: 25 Years as a Tribal Appellate Justice* came out in 2015. Professor Pommersheim has received the University of South Dakota Belbas-Larson Award for Excellence in Teaching, the South Dakota Peace and Justice Center Reconciliation Award, and the John Wesley Jackson Award as the Outstanding Professor of Law. He has also been nominated for the University of South Dakota President's Award for Research Excellence. Frank is also a poet. His most recent chapbook is *Local Memory and Karma* (The Buddha Correspondence, Vol. 2). In addition, Frank is an amateur but avid bird watcher, who is well-acquainted with the works of Bob Dylan, and has played a lot of hoops all over this land.



Professor Judith Royster retired from The University of Tulsa Law where she taught Administrative Law, Civil Procedure, Federal Indian Law, and Native American Natural Resources Law. Her scholarly interests are in the field of American Indian Law, with an emphasis on water rights, energy and mineral issues, and jurisdictional matters. She is an editor of Cohen's Handbook of Federal Indian Law, the premier treatise in the field; co-author of the first specialized Indian law

casebook, Native American Natural Resources Law; and author of more than two dozen law review articles and book chapters. Two of her articles have been cited in U.S. Supreme Court opinions. Professor Royster received the University Faculty Teaching Award in 2007-2008. She is a 1986 graduate of the University of Wisconsin Law School, and clerked for the chief judge of the Western District of Wisconsin.

LAW PROFESSOR RETURNING TO PRIVATE PRACTICE STATUS:



Professor Jeanette Wolfley, enrolled in the Shoshone-Bannock Tribes, joined the University of New Mexico Law School in fall 2013. She teaches federal Indian law, Indian water rights, federal jurisdiction and Tribal natural and cultural resources courses. Beginning in Spring 2017, Professor Wolfley will teach in the new Natural Resources and Environmental Law Clinic, providing students with a wide array of natural resources administrative and judicial matters. Prior to joining the School of Law faculty, Professor Wolfley practiced law for over 30 years representing exclusively Tribal clients' interests in a wide variety of matters including, federal Indian law issues, tribal law, water law

adjudications and implementations of water settlement agreements, environmental and land use regulation, hunting and fishing treaty rights, gaming law, taxation, employment rights, and natural - cultural resource protection.



Upcoming events – save the date

November 4-6, 2020*

17th Annual ILPC/TICA (Virtual) Indigenous Law Conference Hosted by the Tribal In House Counsel Association and Indigenous Law and Policy Center at Michigan State University College of Law. Like organizations nationally, TICA and ILPC will turn the annual Indigenous Law Conference virtual in response to COVID-19. This conference aims to provide timely information to those working in house for tribes. Check Turtle Talk for up to date information.*Tentatively scheduled with an agenda and registration forthcoming.

Red Rising Series

The UCLA School of Law's Native Nations Law and Policy Center will host the Red Rising Series, a full year of programming to highlight and examine the most critical issues impacting Indigenous peoples today. Through a virtual setting, we seek to connect the UCLA law and American Indian Studies community with Native Nations alumni, tribal law and federal Indian law practitioners, and Indigenous people, communities, and governments across Turtle Island and around the globe.

Proposed 2020-21 Programming:

- *McGirt v. Oklahoma: A Mvskoke Triumph* – September 16, 2020
- Indigenous Peoples and Political Participation – Dates throughout October 2020

In light of the upcoming November 2020 U.S. national election, Red Rising will feature a cluster of programs focused on indigenous political participation. The subject-matters will include voting, indigenous political office holders both within and external to the tribe, political influence and strategy, and international advocacy.

- o Indigenous Peoples and Voting Rights Challenges
- o Indigenous Diplomacy
- o The United Nations Declaration on the Rights of Indigenous Peoples
- o Indigenous Representation in Political Systems
- o Indigenous Peoples and Political Strategy
- Other issues Red Rising may cover throughout the year include:
 - o Reframing “discovery”: The Fall of Columbus and the Conquistador Statues
 - o The Washington Team: #notyourmascot
 - o Police Brutality & Native Communities
 - o American Indians in the Legal Profession: Another Tale in Erasure
 - o MMIW: How Jurisdiction Has Created a Crises of Violence
 - o Indigenous Communities and COVID-19

January 2021

The Indian Legal Program of the Sandra Day O'Connor College of Law at Arizona State University will put on its **7th Annual Wiring the Rez** conference.

SECTION MEMBER ACCOMPLISHMENTS



Michael Blumm, Jeffrey Bain Faculty Scholar & Professor of Law, Lewis and Clark Law School

Publications:

The Belloni Decision and Its Legacy: United States v. Oregon and Its Far-Reaching Effect After a Half-Century, 50 *Envtl. L.* 347 (2020) (with Cari Baermann, part of a symposium on U.S. v. Oregon, including articles by Charles Wilkinson and Monte Mills)

Democratizing Treaty Fishing Rights: Denying Fossil-Fuel Exports in the Pacific Northwest, 30 *Colo. Nat. Res., Energy & Env'tl. L. Rev.* 1 (2019) (with Jeffrey Litwak). With co-authors Elizabeth Kronk Warner (Utah) and Monte Mills (Montana),

He produced the 2020 Teachers' Update to Royster, Blumm & Kronk Warner, *Native American Natural Resources Law: Cases and Materials* (Carolina Press, 4th ed. 2018).

Angelique EagleWoman, Professor and Co-Director of the Indian Law Program, Mitchell Hamline School of Law

Promoted: July 1, 2020: Professor and Co-Director of the Indian Law Program

Publications:

MASTERING AMERICAN INDIAN LAW 2d. ed. (Carolina Academic Press 2019)(co-authored with Dean Emeritus and Professor of Law Stacy Leeds, Cherokee Nation, University of Arkansas)

"Indigenous Historic Trade in the Western Hemisphere" in *Indigenous Peoples and International Trade: Building Equitable and Inclusive International Trade and Investment Agreements*, J. Borrows & R. Schwartz (Eds.), (Cambridge: Cambridge University Press 2020).

Matthew L.M. Fletcher, Foundation Professor of Law, Michigan State University College of Law. I received a new title this year.

Promoted: July 1, 2020 Foundation Professor of Law

Publications:

American Indian Tribal Law (2d ed. 2020) (Aspen Coursebook Series, Wolters Kluwer Legal Publishing)

Politics, Indian Law, and The Constitution, 108 *California Law Review* 495-555 (2020)

Indian Lives Matter: Pandemics and Inherent Tribal Powers, 73 Stanford Law Review Online 38-47 (2020), available at <https://www.stanfordlawreview.org/online/indian-lives-matter/>

Indian Law Reality Television, or How to Stop Worrying When Losing in the Supreme Court, 67 Federal Lawyer, March/April 2020, at 46-51

Buddha, Felix Cohen, and Nanaboozhoo Walk Into a Bar: A Tribute to Frank Pommersheim, 65 South Dakota Law Review ii-x (2020)

Why Tribes Should Have the Power to Enforce Strict Coronavirus Policies, The Atlantic, July 18, 2020, available at <https://www.theatlantic.com/ideas/archive/2020/07/tribes-coronavirus-enforcement/614242/>

How the 'only family' argument is used against Indigenous families, High Country News, July 9, 2020, available at <https://www.hcn.org/articles/indigenous-affairs-justice-how-the-only-family-argument-is-used-against-indigenous-families>

◇The Necessity for the Indian Child Welfare Act, The Atlantic, January 22, 2020, available at <https://www.theatlantic.com/ideas/archive/2020/01/fifth-circuit-icwa/605167/> (with Leah Litman) Amicus briefs (along with others on this list)

◇Brief of Indian Law Scholars as Amici Curiae in Support of Defendants, Brackeen v. Bernhardt, ___ F.3d ___ (5th Cir.) (No. 18-11479), available at <https://turtletalk.files.wordpress.com/2019/01/indian-law-scholars-amicus-as-filed.pdf> (co-author and amicus)

◇Memorandum of Amici Curiae American Indian Law Professors, The Center For Indian Law & Policy, and The Fred T. Korematsu Center For Law and Equality In Support Of Review, In re the Dependency of Z.L.G. and M.G., ___ P.3d ___ (Wash.) (No. 98003-9), 2020 WL 2063674 (co-author and amicus)

◇Brief of Amici Curiae Law Professors in Support of Plaintiff/Appellant and Reversal, Navajo Nation v. Dept. of the Interior, ___ F.4th ___ (9th Cir.) (No. 19-17088), 2020 WL 1171707 (co-author and amicus)

◇Brief in Amici Curiae American Indian Law Professors, The Center For Indian Law & Policy, The Fred T. Korematsu Center For Law and Equality, and American Civil Liberties Union of Washington, In Re Dependency of Z.J.G. and M.E.J.G., ___ P.3d ___ (Wash.) (No. 98003-9), 2020 WL 3270279 (co-author and amicus)

Along with my co-reporters Wenona T. Singel and Kaighn Smith, Jr., I completed Tentative Draft No. 4 of the Restatement of the Law: The Law of American Indians, published April 29, 2020. We also completed Council Draft. No. 6 on December 2, 2019.

John W. Head, Wagstaff Distinguished Professor of Law, University of Kansas

Publication:

A GLOBAL CORPORATE TRUST FOR AGROECOLOGICAL INTEGRITY (Routledge, Earthscan Food & Agriculture Series, 2019). "Book #2" in a three-book series examining legal, institutional, and cultural aspects of transforming global agriculture.

Dylan R. Hedden-Nicely, Associate Professor, Director, Native American Law Program, University of Idaho, College of Law

Publications:

Federal Indian Law at the Crossroads. Publication forthcoming, 50 N.M. L. REV. ____ (2021) (co-authored with Dean Emeritus Stacy Leeds).

Indigenous Rights and Climate Change: The Influence of Climate Change on the Quantification of Reserved Irrigation Water Rights for American Indian Tribes. Publication forthcoming, 2020 UTAH L. REV. 1 (2020) (co-authored with Dr. Lucius Caldwell).

The Contemporary Methodology for Quantifying Reserved Instream Water Rights for American Indian Tribes. 50 ENVTL. L. REV. 257 (2020).

The Historical Evolution of the Methodology for Quantifying Federal Reserved Instream Water Rights for American Indian Tribes. 50 ENVTL. L. REV. 205 (2020).

Cultural Linguistics and Treaty Language: A Modernized Approach to Interpreting Treaty Language to Capture the Tribe's Understanding. 50 ENVTL. L. REV. 101 (2020) (co-authored with Samuel Matsaw and Barbara Cosens).

Events Organized at the University of Idaho:

- 2020 Convening on Tribal Nation Building in Higher Education, Moscow Idaho (three-day)
- 2019 Affiliated Tribes of Northwest Indians Water Summit, Moscow Idaho (two-day)
- 2019 Idaho Tribal Court-State Court Forum, Worley Idaho (Co-organizer)
- 2019 Bellwood Panel moderator, Federalism and Native American Lands, Moscow, Idaho (panelists: Chief A. Allan, Chairman, Coeur d'Alene Tribe; McCoy Oatman, Councilmember, Nez Perce Tribe Executive Committee; Ken Salazar, former Secretary of the Interior)

Elizabeth Kronk Warner, Dean, S.J. Quinney College of Law, University of Utah.

Promotion: Dean of the S.J. Quinney College of Law on July 1, 2019.

Publications:

Indian Law in 2019 Kansas Annual Survey of Law Volume XXX (Hon. Steve Leben, et al. eds. Kansas Bar Association) (2019)

Avoiding Genocide: Factors Applicable to Adaptation Planning for Arctic Indigenous People in Big Thaw: Policy, Governance, and Climate Change in the Circumpolar North (SUNY Press 2019)

Co-Author, Learning From Tribal Innovations: Lessons in Climate Change Adaptation, 49 Environmental Law Reporter 11130 (December 2019)

Presentations: She has also given numerous presentations, including:

Reflections on Leadership by a Law School Dean, Profiles in Leadership, Eccles School of Business, University of Utah (Jan. 17, 2020)

Tribal Environmental Law, Global Change and Sustainability Center Seminar, University of Utah (Jan. 14, 2020)

Future of Legal Education, Law and Leadership Conference: Regulating the Legal Profession, BYU Law School, Provo, UT (Oct. 18, 2019)

Keynote, First Nations Vote Rights – Planting for the Future, Salt Lake City, UT (Sept. 26, 2019)

Tribal Environmental Law, Annual Utah Indian Law Section Seminar, Salt Lake City, UT (Sept. 16, 2019)

Learning from Tribal Innovations: Lessons in Climate Change Adaptation, S.J. Quinney College of Law Faculty Workshop (Aug. 28, 2019).

Robert J. Miller, Professor, Sandra Day O'Connor College of Law at Arizona State University

Promotions: Appointed the Willard H. Pedrick Distinguished Research Scholar, Sandra Day O'Connor College of Law September 1, 2019-2024; Appointed to the Shawnee Tribe Court of Appeals in 2020.

Publications:

Robert J. Miller et al., *Creating Private Sector Economies in Native America: Sustainable Development through Entrepreneurship* (Cambridge University Press 2019).

American Indian Sovereignty versus the United States, in *Handbook of Critical Indigenous Studies* (Routledge 2020).

Virginia's First Slaves: Indigenous Peoples, 10 *Wake Forest J. L. & Policy* 195 (2020).

Presentations:

Keynote Addresses, Canadian Department of Justice, Ottawa, February 2020

Keynote Address, Wisconsin Law School, Economic Development Conference, March 2020

"All Roads Lead to Chaco Canyon", Louisiana, 2020

Lewis & Clark National Trail Heritage Foundation 50th Annual Conference, St. Louis, 2019

Kevin Noble Maillard, Professor of Law, Syracuse University

Publication:

Fry Bread, my children's book published by Macmillan, won the 2020 Robert F. Sibert Medal, the American Indian Youth Literature Honor, and the Charlotte Zolotow Honor.

Monte Mills, Associate Professor, Director, Margery Hunter Brown Indian Law Clinic, Alexander Blewett III School of Law, University of Montana

Publications:

A Third Way: Decolonizing the Laws of Indigenous Cultural Protection (Cambridge University Press, 2020) (with Hillary Hoffmann)

Beyond the Belloni Decision: Sohappy v. Smith and the Modern Era of Tribal Treaty Rights, 50 *ENVTL. LAW* 387 (2020) (part of a symposium on *U.S. v. Oregon*, including articles by Charles Wilkinson and Michael C. Blumm)

2020 Teachers' Update to Royster, Blumm & Kronk Warner, Native American Natural Resources Law: Cases and Materials (Carolina Press, 4th ed. 2018) (with co-authors Michael C. Blumm (Lewis & Clark) and Elizabeth Kronk Warner (Utah))

◇Brief of Amici Curiae Law Professors in Support of Plaintiff/Appellant and Reversal, Navajo Nation v. Dept. of the Interior, ___ F.4th ___ (9th Cir.) (No. 19-17088), 2020 WL 1171707 (co-author and amicus)

Bill Piatt, Professor of Law, Former Dean (1998-2007), St. Mary's University School of Law

Publications:

Slavery in the Southwest: Genizaro Identity, Dignity and the Law, with Moises Gonzales (Carolina Academic Press, 2019);

Law Schools Harm Genizaros and other Indigenous People by Misunderstanding ABA Policy (with Moises Gonzales and Katja Wolf) 49 N.M. L. Rev. 236 (2019);

Remember the Alamo. It's Also a Cemetery. San Antonio Express-News (9/18/19) A 12.

Angela R. Riley, Professor of Law and Director, Native Nations Law and Policy Center, UCLA School of Law

Publications:

Aunt Jemima Is Gone. Can We Finally End All Racist Branding?, New York Times, Friday, June 18, 2020 (with S. Katyal).

Decolonizing Indigenous Migration, _ Cal. L. Rev. _ (forthcoming 2020) (with K. Carpenter).

Privatizing the Reservation?, 71 Stanford L. Rev. 791 (2019) (with K. Carpenter).

Select Scholarly Presentations:

Expert Seminar: Repatriation of Ceremonial Objects and Human Remains Under the UN Declaration on the Rights of Indigenous Peoples, United Nations Expert Mechanism on the Rights of Indigenous Peoples, University of British Columbia, March 4-5, 2020.

Seas of Grass: Introduction to and Conversation with Walter Echo-Hawk, UC Berkeley School of Law, Berkeley, California, February 21, 2020.

Supreme Court Update, California Indian Law Association, Graton Rancheria, Santa Rosa, California, September 4, 2019.

Keynote Address: Violence Against Native Women and the POWER ACT, United States District Court, Western District of Washington, Seattle, Washington, Friday, September 20, 2019.

Lighting a Path Forward: A Conference on the University of California as a Land-Grant Institution on Indigenous Lands, UCLA American Indian Studies Center, UCLA American Indian Studies IDP, UCLA Institute of American Cultures, University of California, Los Angeles, October 15-16, 2019.

Addie C. Rolnick, Professor, UNLV Boyd School of Law

Publication:

Indigenous Children in The Oxford Handbook of Children's Rights Law, Jonathan Todres & Shani M. King, eds., Oxford Univ. Press (2020)

Ezra Rosser, Professor, American University

Promotions: Visiting Professor, University Jean Moulin Lyon 3, Lyon, France, Nov. 2019; named Associate Dean for the Part-Time and Evening Division, Summer 2020

Awards: Public Interest/Public Service Scholars Faculty Award, 2019 (teaching award, selected by American University Washington College of Law public interest scholarship students and alumni)

Publications:

Holes in the Safety Net: Federalism and Poverty (Ezra Rosser ed., Cambridge University Press 2019)

Reclaiming the Navajo Range: Resolving the Conflict Between Grazing Rights and Development, 51 Connecticut Law Review 953 (2019)

"Right-Sizing Use Rights: Navajo Land, Bureaucracy, and Home," in Creating Private Sector Economies in Native America: Sustainable Development through Entrepreneurship (Robert J. Miller, Miriam Jorgensen & Daniel Stewart eds., 2019)

Laura Spitz, Professor of Law, University of New Mexico

Promotion: Full Professor, University of New Mexico School of Law (July 1, 2020).

Publications:

Red River, White Law, TRIBAL L. J. BLOG (2019), available at <https://triballawjournalblog.wordpress.com/2019/06/19/red-river-white-law>.

More or Less Human: Colonialism, Law and the Social Construction of Humanity on Vancouver Island, 1849-1864, in CEL'AN'EN, LAND, AND JAMES DOUGLAS: INDIGENOUS AND TREATY RIGHTS IN THE COLONIES OF VANCOUVER ISLAND AND BRITISH COLUMBIA (Graham Brazier, Peter Cook, Hamar Foster, John Lutz, and Neil Vallance eds., forthcoming); available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3280526.

Laura Spitz & Eduardo M. Peñalver, Nature's Personhood and Property's Virtues, 45 Harv. Envtl. L. Rev. (forthcoming); available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3538522.

Presentation:

The Work of Personhood in Rights of Nature Claims, Faculty Colloquium, Arizona State University Sandra Day O'Connor School of Law, Tempe AZ (January 13, 2020).

Michalyn Steele, Professor, BYU Law

Promotion: Full Professor and

Awards: The Francis R. Kirkham Professorship in Law for the 2020-2021 school year and the University's Early Career Scholarship Award for 2020

Publication:

Indigenous Resilience, 62 Ariz. L. Rev. 305 (2020)

Victoria Sutton, MPA, PhD, JD, Paul Whitfield Horn Professor, Associate Dean for Digital Learning and Graduate Education, Texas Tech University School of Law, Member, Lumbee Indian Tribe

Publication:

Documentary and Book: "The Court Martial of Apache Kid" at <http://courtmartialofapachekid.com>

Blog posts:

Native Americans and Discriminatory Administration with Facially Neutral Rules, Symposium on Racism in Administrative Law, July 15, 2020 available at

<https://www.yalejreg.com/nc/native-americans-and-discriminatory-administration-with-facially-neutral-rules-by-victoria-sutton/>

Guest Post: Native American Exclusion as a Form of Paper Genocide, July 17, 2020 available at <https://lsse.indiana.edu/category/blog/>

Melissa L. Tatum, Research Professor of Law, University of Arizona

Awards: Recipient of The University of Arizona Graduate College Award for Excellence in Teaching and Mentoring Graduate Students (April 2020) (this is a campus-wide award and only two faculty receive the award each year).

2019-2020 Co-PI (along with Dr. Diane Austin, Chair of Anthropology and Dr. Noah Pleshet, a researcher at the Bureau of Applied Research in Anthropology) on an Innovation Farm Grant from The University of Arizona's Confluence Center for Indigenous Inequalities: Intersections of property, place, and rights in the United States and Australia (award supported interdisciplinary workshops for graduate students in Anthropology, Law, and American Indian Studies)

Publications:

Customary Law of Indigenous Communities: Making Space on Global Environmental Stage, 9 Mich. J. Envtl & Admin L. 77 (Fall 2019)

Co-editor, Reading American Indian Law: Foundational Principles (Cambridge University Press 2020) (with Grant Christensen) (released in Europe in December 2019 and in North American in January 2020)

Situating McGirt: SCOTUS and the Role of Precedent, Socio-Legal Studies Association's Blog, <http://silsablog.co.uk/blog/blog-posts/situating-mcgirt-v-oklahoma-scotus-and-the-role-of-precedent/> (July 2020) (co-authored with Dr. Jen Hendry)

Presentation:

Religious Studies, Native Americans and the Free Exercise of Religion: Tips for Sharing Scholarship with the Public, panelist on webinar sponsored by the Religious Freedom Center, March 27, 2020, available at <https://www.religiousfreedomcenter.org/resources/psp/archive/>

Ann Tweedy, Associate Professor at University of South Dakota School of Law.

Promotion: Associate Professor at USD School of Law in January 2020.

Publication:

“The Validity of Tribal Checkpoints in South Dakota to Curb the Spread of COVID-19,” U. Chi. Legal F., Forthcoming 2021.

Presentation:

Invited speaker, U. Chi. Legal F. symposium, “Law for the Next Pandemic,” on November 6.

Currently, the Chair of the FBA Indian Law Section and am completing term as Chair of Washington State Bar Association’s Indian Law Section this fall.

PROGRAM ACCOMPLISHMENTS

2020 SALT M. Shanara Gilbert Human Rights Award

The Indigenous Law and Policy Center (ILPC) was recognized for its work surrounding advocacy and education with the 2020 SALT M. Shanara Gilbert Human Rights Award in the “Organization” category by the Society of American Law Teachers (SALT). More information here:

<http://www.law.msu.edu/spartan-lawyer/winter-2019/indigenous-law-program-honored.html>



Newsletter Editors: Angelique EagleWoman with Trevor Reed and Adam Crepelle