

ALEX TALLCHIEF SKIBINE

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EDUCATION:

Juris Doctor: Northwestern University School of Law, Chicago, Illinois.

Tufts University, Medford, Mass.

B.A. in Political Science and French Literature.

EMPLOYMENT HISTORY:

Professor of Law: S. J. Quinney College of Law, University of Utah.
1989-present.

Subjects: Constitutional law, Federal Indian Law, Administrative Law,
Legislative Process, Torts.

Visiting Professor of Law:

Harvard Law School: Spring, 2005.

Northwestern College of Law of Lewis and Clark University,
Portland, Oregon. Summers of 2000-2013.

Deputy Counsel for Indian Affairs: Committee on Interior and Insular
Affairs, United States House of Representatives, Washington, D.C.
(1980-89)

Regional Representative for the Commissioner of Indian Affairs: Bureau of
Indian Affairs, Department of the Interior, Washington D.C.

Attorney: Institute for the Development of Indian Law Washington D.C.

EXTERNAL SERVICE: Board of Directors, Osage Nation Foundation.

TRIBAL AFFILIATION: Osage Indian Nation, Oklahoma.

Bar Membership: District of Columbia.

PUBLICATIONS:

BOOK CHAPTERS:

Towards a Trust We Can Trust: The Role of the Trust Doctrine in the Management of Tribal Natural Resources. (Lead Chapter in “Tribes, Land, and the Environment,” (2012) Ashgate Publications, edited by Professors Rosser and Krakoff).

COHEN’S HANDBOOK OF FEDERAL INDIAN LAW (2005 Edition)
(Authored and Co-authored some of the Chapters).

The Federal-Tribe Relationship, in The Smithsonian National Museum of Natural History Handbook of North American Indians (2007).

Cabazon and its Consequences for Indian Gaming published in *Indian Gaming: Who Wins*, U.C.L.A. Native American Journal (Spring 2000)

LAW REVIEW ARTICLES:

From Foundational Law to Limiting Principles in Federal Indian Law (forthcoming in the Montana Law Review, 2019)

The Supreme Court’s Last 30 Years of Federal Indian Law: Looking for Equilibrium or Supremacy, 8 Columbia J. Race & Law 277 (2018).

Indians, Race, and Criminal Jurisdiction in Indian Country, 10 Alb. Gov’t L. Rev. 49 (2017).

Practical Reasoning and the Application of General Federal Regulatory Laws to Indian Nations, 22 Washington & Lee J. of Civ. Rights and Social Justice 123 (2016).

Using the New Equal Protection to Challenge Federal Control over Tribal Lands, 26 Public Land & Resources L. Rev. 3 (2015).

Constitutionalism, Federal Common Law, and the Inherent Powers of Indian Tribes, 39 Am. Ind. L. Rev. 77 (2014-2015).

The Indian Gaming Regulatory Act at 25: Successes, Shortcomings, and Dilemmas, 60 Federal Lawyer 35 (2013).

Towards a Balanced Approach for the Protection of Native American Sacred Sites, 17 Michigan J. of Race & Law 269 (2012).

Dismantling Indian Country in the Tenth Circuit: Lessons from HRI and Osage Nation, Paper No. 10, (2011, No. 2 Rocky Mt. Min. L. Foundation Institute.)

Indian Gaming and Cooperative Federalism, 42 Ariz. St. L. J. 253 (2010).

Culture Talk or Culture War in Federal Indian Law? 2009 Tulsa L. Rev. 89 (2009).

Tribal Sovereign Interests Beyond the Reservation Borders, 12 Lewis and Clark L. Rev. 1003 (2008).

Formalism and Judicial Supremacy in Federal Indian Common Law, 32 American Indian Law Review 391 (2007).

Redefining the Status of Indian Tribes within Our Federalism: Beyond the Dependency Paradigm, 38 Connecticut Law Review, 667 (Spring 2006).

Teaching Indian Law in an Anti-Tribal Era, 82 North Dakota Law Review 777 (2006)

Dualism and the Dialogic of Incorporation in Federal Indian Law: A Response to Professor Frickey, 110 Harvard Law Review Forum 28 (2005).

United States v. Lara, Indian Tribes and the Dialectic of Incorporation, 40 Tulsa Law Review 47 (2004).

Integrating the Indian Trust Doctrine into the Constitution, 39 Tulsa L. Rev, 247 (2003).

Respondent's Brief Re-argument of Santa Clara Pueblo v. Martinez, 14 Kansas J. of Pub. Policy 79 (2004)

The Dialogic of Federalism in Federal Indian Law and the Rehnquist Court: The Need for Coherence and Integration, 8 Texas Forum on Civil Liberties and Civil Rights 1 (2003).

Making Sense Out of Nevada v. Hicks: A Reinterpretation, 14 St. Thomas L. Rev. 347 (2001).

Scope of Gaming, Good Faith Negotiations and the Secretary of Interior's Class III Gaming Procedures: Is I.G.R.A. Still a Workable Framework After Seminole? 5 Gaming L. Rev. 401 (2001).

High Level Nuclear Waste on Indian Reservations: Pushing the Tribal Sovereignty Envelope to the Edge, 21 Journal of Land Res. & Env. Law 287 (2001).

Troublesome Aspects of Western Influences on Tribal Laws and Justice Systems, 1 Tribal Law Journal, (January 2001), <http://tlj.unm.edu> (U of New Mexico).

The Court's Use of the Implicit Divestiture Doctrine to Implement its Imperfect Notion of Federalism in Indian Country, 36 Tulsa Law Journal 267 (Winter 2000).

The Cautionary Tale of the Osage Indian Nation's Attempt to Survive its Wealth, 9 Kansas Journal of Law and Public Policy 815 (Summer 2000).

The Chevron Doctrine in Federal Indian Law and the Agencies' duty to Interpret Legislation in Favor of Indians: Did the EPA Reconcile the Two in Interpreting the Tribes as States? Section of the Clean Water Act, 11 St. Thomas Law Review 15 (1998).

Gaming on Indian Reservations: Defining the Trustee's Duty in the Wake of Seminole Tribe v. Florida, 29 ARIZONA STATE LAW JOURNAL 121 (1997).

Reconciling Federal and State Power Inside Indian Reservations with the Right of Tribal Self-Government and the Process of Self-Determination, 1995 UTAH L. REV. 1105 (1995).

Deference Owed Tribal Courts: Jurisdictional Determinations: Towards Co-Existence, Understanding and Respect Between Different Cultural and Judicial Norms, 24 NEW MEXICO L. REV. 191, (Spring 1994).

Using the Judiciary to Remove Race Sensitive Issues from the Political

Forum, 20 J. CONTEMP. LAW, University of Utah 1, (Spring 1994).

Duro v. Reina and the Legislation that Overturned It: A Power Play of Constitutional Dimensions, 66 S. CALIF. L. REV. 767 (1993).

Applicability of Federal Laws of General Application to Indian Tribes and Reservation Indians, 25 U.C. DAVIS L. REV. 85 (1991).

Book Reviews:

Jean Dennison's *Colonial Entanglement, Constituting a Twenty First Century Osage Nation*, UCLA's American Indian Culture and Research Journal (2013).

David Kemper's *The Work of Sovereignty: Tribal Labor Relations and Self-Determination at the Navajo Nation*, 36 American Indian Culture & Research Journal (Issue No. 4.) (2012)(UCLA).

Chief Justice John Marshall and the Doctrine of Discovery: Friend or Foe to the Indians? Review of Robert Miller's *Native America, Discovered and Conquered*.@ 42 Tulsa L. Rev. 125 (Fall 2006).

Robert Williams' *Like A Loaded Weapon: The Rehnquist Court, Indian Rights, and the Legal History of Racism in America*, American Indian Culture and Research Journal, Volume 30, Number 3, (U.C.L.A.) (Spring 2006).

Braid of Feathers: Pluralism, Legitimacy, Sovereignty, and the Importance of Tribal Court Jurisprudence, Review of Frank Pommersheim's *Braid of Feathers*), 96 COLUMBIA L. REV. 557-588 (Vol. 96, No. 2, March 1996).

SPEECHES, PAPERS, LECTURES, AND PRESENTATIONS: (since 2000).

Montana Law Review Symposium: Presented paper titled *From Foundational Law to Limiting Principles in Federal Indian Law*, October 2018.

Presented paper titled, *The Supreme Court's last Thirty Years of Federal Indian Law*, at the Pre-Law Summer Institute (PLSI) 50th year Anniversary Symposium, in Albuquerque (November 2017).

Panelist at AALS Annual Conference in San Francisco (January 2017). Presented paper on *Indians, Race, and Criminal Jurisdiction in Indian Country*.

Panelist at the Federal Bar Association mid-year Federal Indian Law Conference in Washington D.C. (November 2016). Topic was *The Recent Supreme Court decisions in Federal Indian Law*.

Panelist at Conference on E-Commerce and Reservation Economies at Arizona State University Sandra Day O'Connor College of law, (February 2015.)

Panelist on *Indian Gaming: Evolution and Modern Challenges*, at the Federal Bar Association midyear conference in Washington D.C., on November 14, 2014.

Conducted a Downtown CLE on Tribal Sovereign Immunity in Salt Lake City, October 30th, 2014.

Presented paper on reforming the federal-tribal trust relationship at Seattle University, October 3, 2014.

Presented paper at BYU Work in Progress Colloquium, September 25, 2014

Presented Paper at Oklahoma Supreme Court's Sovereignty Symposium: *Trust No More: Using Equal Protection to Reassert Tribal Control over Native American Lands*. June 2014.

Presented on: *Placing Land into Trust for the Purpose of Gaming*, at UCLA Law School conference, April 2014.

Made presentation on *The Future of Tribal E-Commerce*, Sandra O'Connor College of Law, Arizona State University (March 2014).

Presented Paper, Constitutionalism, Federal Indian Law, and the Inherent Powers of Indian Tribes, at AALS annual Conference in NYC (January 2014)

Witness at Hearing of U.S. House of Representatives' Natural Resources Committee on taking land into trust for off-reservation gaming. September 19, 2013.

Presented a Paper on Indian Gaming at the AALS Annual Conference in New Orleans (January 2013).

Made presentation to the Oregon Bar Association on Recent Supreme Cases concerning Native American Issues (July 2012).

Witness at Hearing of the United States Senate Committee on Indian Affairs on Internet Gaming, Wash. D.C., February 9th, 2012.

Economic Development in Indian Country, Lewis and Clark School of Law, (November 2011)(Respondent to a paper presented by Professor Robert Miller, Can Capitalism in Indian Country succeed?)

University of Colorado School of Law, Summer Workshop on Law, Religion and Culture, July (2011).

Witness at Hearing of the Committee on Resources of the U.S. House of Representatives on *Carciari* Fix legislation, H.R. 1234 and H.R. 1291, July 2011.

Arizona State University Sandra O'Connor School of Law, Conference on The Economic Future of Indian Lands, April 2011.

Federal Bar Association, New Mexico April 2011: Protection of Sacred Sites.

University of New Mexico School of Law, Federal Power over Indian Nation Reconsidered, March 2011

Natural Resources Development on Indian Lands, Rocky Mountain Mineral Law foundation, March 3-4 2011.

Michigan State School of Law: The Art of Persuasion in Federal Indian Law.
(Fall 2010).

University of Tulsa College of Law, Exhibiting Culture: Museums and Indians, May 15th, 2009

Harvard Law School Conference on Federal Indian Law and the Roberts Court, April 6th, 2009.

ABA Annual Conference on Gaming Law Minefield, Las Vegas, February 2009.

Federalist Society's Third Annual Western Conference: Federal Sovereignty, State Sovereignty, and the Sovereignty of 562 Native American Tribes, January 24, 2009, Ronald Reagan Presidential Library, Simi Valley, California.

Arizona State College of Law=s Conference on the 20th Anniversary of the Indian Gaming Regulatory Act: Gave a paper on Indian gaming and the federal tribal relationship. (October 2008).

Supreme Court of Oklahoma Symposium of Tribal Sovereignty: Delivered a paper on formalism and judicial supremacy in federal Indian law (June 2008).

Lewis and Clark Law School Symposium on Indian Economic Development: Delivered a paper on tribal economic development opportunities beyond the Reservations(April 2008).

Testified at a Hearing of the Committee on Natural Resources of the United States House of Representatives on issues relating to off-reservation Indian gaming. (March 2008).

Supreme Court of Oklahoma Sovereignty Symposium, June 2007:
Delivered a paper on Tribal State Relations.

Symposium on the Pedagogy of Teaching Native American law, U of North Dakota (Fall 2006).

Woodrow Wilson Center for International Scholars: Panelist at a conference on Federal Indian Law, Washington D.C. (Spring 2006).

University of Connecticut Symposium on Federal Indian Law (Fall 2005).

Supreme Court of Oklahoma Symposium on Tribal Sovereignty (Summer 2005).

New York University School of Law: Forum on current legal issues facing Native Americans: (Spring 2005).

University of Kansas School of Law, Symposium on Federal Indian Law: *Re-arguing Santa Clara Pueblo v. Martinez 25 years later*, (Fall 2003)

Wallace Stegner Center Symposium on TTe Nuclear West: Legacy and Future. Speaker on a panel on nuclear waste. (April 2003).

Conference at the Northwestern School of Law of Lewis and Clark College: Protecting Tribal Sovereignty in Indian Country, July 2002.

Association of American Law School's Conference on Constitutional Law, Washington D.C. Panel on Political and Cultural Pluralism, June 2002.

Federal Bar Conference on Federal Indian Law: Washington D.C. November 2001.

St. Thomas University School of Law, Symposium on Indian Sovereignty, September 2001.

University of Wisconsin Conference on Native American Law: Presented a paper on Tribal Inherent Sovereignty and the Implicit Divestiture Doctrine. (February 2001).

Green Bag Presentation for the University of Utah=s Stegner Center on whether the state has jurisdiction to regulate the storage of High Level Nuclear Waste on Indian reservations within Utah, (January 2001).

BYU School of Law: Presented a paper on the issues raised by the plan of the Skull Valley Band of Goshutes to have their reservation serve as a temporary repository for high level nuclear waste. (Fall 2000).

Federal Bar Association Annual Symposium on Federal Indian Law: Presented paper on the influence of American Law on Tribal Law@ (April 2000).

AALS Workshop on Administrative Law: Presented Paper on the application of doctrines of Administrative Law in the Federal Indian Law context.@ (March 2000).

St. Thomas University School of Law Symposium of Tribal Sovereignty: Presented paper on Indian Gaming Issues. (February 2000).