

ROBERT JAMES MILLER
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EDUCATION

Lewis & Clark Law School

J.D. 1991 - *magna cum laude*

Natural Resources Merit Scholarship

American Indian Graduate Center Scholarship

Cornelius Honor Society

Class Standing: 3/95

AM JUR Awards: Criminal Procedure, Corporations, and Torts

Eastern Oregon University

B.S. 1988 - GPA: 3.95

EXPERIENCE

Professor - 2013 – present

Sandra Day O'Connor College of Law, Arizona State University

Jonathan and Wendy Rose Professor of Law 2024 -

Willard H. Pedrick Distinguished Research Scholar 2019-24

Director, Rosette LLP American Indian Economic Development Program

Assistant, Associate & Full Professor – 1999-2013

Lewis & Clark Law School. Tenured 2005

Instructor – 2001-2013, 2021

Portland State University Institute for Tribal Government & Tribal Leaders Forum

Adjunct Professor

Lewis & Clark Law School 1993-1998, 2014-2021

Federal Indian Law, Native Natural Resources, Economic Development, Clinical Seminars

Portland State University

Indian Tribes as Sovereign Governments 1996 & 1999

Tribal Judge

Northwest Intertribal Court System, Appellate Judge (1995 – present)

Justice & Chief Justice, Court of Appeals Grand Ronde Tribe (2001 – present)

Interim Chief Justice, Court of Appeals Pascua Yaqui Tribe (2018 – present)

Justice, Court of Appeals The Shawnee Tribe (2020 – present)

Attorney at Law - 1995-1999

Hobbs, Straus, Dean & Walker, LLP

Attorney at Law - 1992-1995

Stoel Rives Boley Jones & Grey

Judicial Law Clerk - 1991-1992
Judge O'Scannlain, U.S. Court of Appeals for the Ninth Circuit

Head Law Clerk & Law Clerk - 1989-1991
United States Attorney's Office for the District of Oregon
Supervised fourteen law clerks
Prosecuted petty offenses and drafted appellate briefs, motions, and memoranda

ACTIVITIES

American Philosophical Society - elected to membership 2014 (5,506 elected members since 1743)
Appointed Phillips Fund Committee 2015 - present; Library Committee 2017 – present

AARP Oklahoma Native American Honoree - 2023

Indigenous Advisory Group, Federal Reserve Bank of Minneapolis, 2021-23

Willard H. Pedrick Distinguished Research Scholar, Sandra Day O'Connor College of Law
September 2019-2024

National Congress of American Indians, Drafting and Editing Group, NCAI Economic Development
Materials 2020-24

Expert Witness – 2022; 2020 AAA arbitration; 2018 Utah; 2017 E.D. VA; 2004 NM

Eastern Shawnee Tribe Constitution Review Committee 2019-2020

Navajo Nation Council of Economic Advisors – 2016-2019

University of Nebraska Press - Co-Editor “New Visions in Native American and Indigenous Studies”
2015 - present

American Law Institute - elected to membership 2012 - present
Appointed to Adviser Group for the Restatement “The Law of American Indians” 2015-2022

Visiting Fellow - Australia - March 2010
Indigenous Studies Research Network, Queensland University of Technology

Board of Directors, Oregon Historical Society, 2009-2014

American Philosophical Society, Philadelphia - 2006 - present
Consultant American Indian projects; Chair Native American Advisory Board

Eastern Shawnee Tribe Representative 2003-2006
Circle of Tribal Advisors, National Council of the Lewis & Clark Bicentennial

Board of Directors 2002 - present, Tribal Leadership Forum, president 2007-2009

Board of Directors 1998-2010; secretary 2006-2010
Oregon Native American Business & Entrepreneurial Network

Board of Directors 1995-2004, National Indian Child Welfare Association, Inc.

Board of Trustees, Eastern Oregon University Foundation, 1999-2001

Organizer, Executive Committee Member, and Chair 1993-1999
Oregon State Bar Indian Law Section

Federal Practice & Procedure Committee Oregon State Bar 1992-1995

Assisted in Editing: Federal Indian Law (3d ed. 1993)

Environmental Law Review 1989-1991

Legal Journal of Northwestern School of Law, Research & Development Editor, 1990-1991

SCHOLARSHIP

BOOKS

A Promise Kept: The Muscogee (Creek) Nation and McGirt v. Oklahoma (University of Oklahoma Press Jan. 2023) (co-author)

Creating Private Sector Economies in Native America: Sustainable Development through Entrepreneurship (Cambridge University Press 2019; paperback 2020) (co-editor & co-author)

Reservation “Capitalism:” Economic Development in Indian Country (Praeger Publishers 2012; Univ. Neb. Press paperback 2013)
Native America Calling Book of the Month - May 2012

Discovering Indigenous Lands: The Doctrine of Discovery in the English Colonies (Oxford University Press 2010, Oxford paperback 2012) (co-author)

Native America, Discovered and Conquered: Thomas Jefferson, Lewis & Clark, and Manifest Destiny (Praeger Publishers 2006, Univ. Neb. Press paperback 2008)
Wordcraft Circle of Native Writers, Writer of the Year Non-Fiction, 2006-07
Native America Calling Book of the Month - December 2006

BOOK CHAPTERS

Oregon State Bar, Pleading and Practice in Tribal Courts, Oregon Civil Pleading and Practice, Chpt. 48 (2020 ed.) (Orig. Chpt. 1998, supplements 2001, 2006, 2010, 2012)

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

The Treaties of the Eastern Shawnee Tribe, in *The Eastern Shawnee Tribe of Oklahoma: Resilience through Adversity* (University of Oklahoma Press 2017)

The Federal, Tribal, and State Laws Impacting the Eastern Shawnee Tribe, in *The Eastern Shawnee Tribe of Oklahoma: Resilience through Adversity* (University of Oklahoma Press 2017)

Indian Entrepreneurship, in *Unlocking the Wealth of Indian Nations* (Lexington Books, 2016)

The International Law of Discovery: Acts of Possession on the Northwest Coast of North America, in *Arctic Ambitions: Captain Cook and the Northwest Passage* (University of Washington Press, 2015)

The Doctrine of Discovery, Manifest Destiny, and American Indians, in *Why You Can't Teach United States History Without American Indians* (University of North Carolina Press, 2015)

Tribal Constitutions and Native Sovereignty, *Oxford Handbook of Indigenous Peoples' Politics* (Jose Antonio Lucero, Dale Turner & Donna Lee VanCott editors, 2013), <https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780195386653.001.0001/oxfordhb-9780195386653-e-001>

Christianity, American Indians, and the Doctrine of Discovery, in *Remembering Jamestown: Hard Questions about Christian Mission* (Pickwick Publications 2010)

The Indian Child Welfare Act of 1978 and Its Impact on Tribal Sovereignty and Governance, in *Facing the Future* (Michigan State University Press 2009) (co-authored)

Indian Property Rights and American Federalism, in *Self-Determination: The Other Path for Native Americans* (Stanford Univ. Press 2006) (co-authored)

Sovereignty Can be a Liability, in *Self-Determination: The Other Path for Native Americans* (Stanford Univ. Press 2006) (co-authored)

Tribal Cultural Self-Determination and the Makah Whaling Culture, in *Sovereignty Matters* (Univ. Neb. Press 2005)

Oregon State Bar, Doing Business with Indian Tribes, 3 *Advising Oregon Businesses* chpt. 51 (1998, Supplements 2002, 2009, 2017) (co-authored)

Oregon State Bar, Rule 11 Sanctions, *Federal Civil Litigation in Oregon* (1994 & Supp. 1998) (co-authored)

ARTICLES

Unraveling the International Law of Colonialism: Lessons from Australia and the United States, 28 *Mich. J. Race & L.* 271 (2023) (co-authored)

The International Law of Colonialism: *Johnson v. M'Intosh* and the Doctrine of Discovery Applied Worldwide, *Canopy Forum-Emory University* (March 2023), <https://canopyforum.org/2023/03/30/the-international-law-of-colonialism-johnson-v-mintosh-and-the-doctrine-of-discovery-applied-worldwide/>

The Impact of *McGirt v. Oklahoma*, 56 *Arizona Attorney* 18 (July/August 2022)

Tribal Sovereignty and Economic Efficiency Versus the Courts, 97 *Wash. L. Rev.* 775-834 (2022)

The Indian Law Bombshell: *McGirt v. Oklahoma*, 101 *B.U. L. Rev.* 2049 (2021) (co-authored)

The International Law of Colonialism in East Africa: Germany, England, and the Doctrine of Discovery, 32 *Duke J. Comp. & Int'l L.* 1 (2021) (co-authored)

McGirt v. Oklahoma: The Indian Law Bombshell, *Federal Lawyer* 33-38 (March/April 2021)

Nazi Germany's Race Laws, the United States, and American Indians, 94 *St. Johns L. Rev.* 751 (2020)

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

Nazi Germany and American Indians, Indian Country Today op-ed, August 14, 2019
<https://newsmaven.io/indiancountrytoday/opinion/nazi-germany-and-american-indians-Uha07e3luUCaeLq1nJP5-Q/>

Sovereign Resilience: Reviving Private Sector Economic Institutions in Indian Country, 2018 BYU L. Rev. 1331-1405 (April 2019)

Creating Sustainable Economic Development on Indian Reservations Is an “Access to Justice” Issue, 27 J. Affordable Housing & Comm. Dev. 493 (2019)

The Doctrine of Discovery: The International Law of Colonialism, 5 UCLA Indigenous Peoples’ J. Law, Culture & Resistance 35 (2019)

Consultation or Consent: The United States’ Duty to Confer with American Indian Governments, 91 N. Dak. L. Rev. 37-98 (2015)

American Indians and the History of U.S. Foreign Relations, 39 Diplomatic History 943-54 (Nov. 2015)

American Indian Constitutions and Their Influence on the United States Constitution, 159 Proceedings of the American Philosophical Society 32-56 (2015)

The International Law of Colonialism: A Comparative Analysis, 15 Lewis & Clark L. Rev. 847 (2012)

American Indians, the Doctrine of Discovery, and Manifest Destiny, 11 Wyo. L. Rev. 329 (2011)

Brazil, Indigenous Peoples, and the International Law of Discovery 37 Brook. J. Int’l L. 1 (2011) (co-author Micheline D’Angelis)

The International Law of Discovery, Indigenous Peoples, and Chile, 89 Neb. L. Rev. 819 (2011) (co-authors Lisa Lesage and Sebastian Lopez Escarcena)

American Indian and Tribal Intellectual Property Rights, 13 Tulane J. Tech. & Intell. Prop. 179 (2010)

American Indian Entrepreneurs: Unique Challenges, Unlimited Potential, 40 Ariz. St. L.J. 1297 (2009)

An Indigenous Lens into Comparative Law: The Doctrine of Discovery in the United States and New Zealand, 111 West Virginia L. Rev. 849 (2009) (co-author Jacinta Ruru)

Inter-tribal and International Treaties for American Indian Economic Development, 12 Lewis & Clark L. Rev. 1103 (2008)

American Indian Nations, Indian Treaties, and Tribal Sovereignty, NY State Bar, Government, Law and Policy Journal 9 (Spring 2006) (co-author ex-Congresswoman Elizabeth Furse)

The Doctrine of Discovery in American Indian Law, 42 Idaho L. Rev. 1 (2005)

Can a Sovereign Protect Investors From Itself? Tribal Institutions to Spur Reservation Investment, 8 J. Small & Emerging Bus. L. 173 (2004) (co-author David Haddock)

The Doctrine of Discovery, We Proceeded On 26 (August 2004)

Agents of Empire: Another look at The Lewis and Clark Expedition, Oregon State Bar Bulletin 35 (February/March 2004)

A New Perspective on the Indian Removal Period, 38 Tulsa L. Rev. 181 (2002)

Economic Development in Indian Country: Will Capitalism or Socialism Succeed?, 80 Or. L. Rev. 757 (2002)

Exercising Cultural Self-Determination: The Makah Indian Tribe Goes Whaling, 25 Am. Indian L. Rev. 165 (2001)

The New Indian Housing Act and Its Environmental Implications, American Bar Ass'n Conference (1997) (co-author Dean Suagee)

The "Drunken Indian" - Myth Distilled into Reality through Federal Indian Alcohol Policy, 28 Ariz. State L.J. 223 (1996) (co-author Maril Hazlett)

Are you a Lobbyist Under the Lobbying Disclosure Act of 1995? Oregon State Bar Bulletin (April 1996) (Reprinted in The Journal of the Kansas Bar Association (August 1996)

Amended Federal Rule 11: Sanctions and Safe Harbors, Litigation Journal (June 1994)

Discipline for Sanctionable Conduct, Oregon State Bar Bulletin (October 1994) (co-author Peter Jarvis)

American Indian Influence on the United States Constitution and its Framers, 18 Am. Indian L. Rev. 133 (1993)

Speaking with Forked Tongues: Indian Treaties, Salmon, and the Endangered Species Act, 70 Or. L. Rev. 543 (1991)

Indian Hunting and Fishing Rights, 21 Env'tl. L. 1291 (1991)

Correcting Supreme Court Errors: American Indian Response to *Lyng v. Northwest Indian Cemetery Protective Ass'n*, 20 Env'tl. L. 1037 (1990)

MAJOR MEDIA APPEARANCES

New York Times, Wall Street Journal, Associated Press articles, etc.

Podcast July 2022 on the *Castro-Huerta* decision. Indian Legal Program, Arizona State University College of Law. <https://law.asu.edu/indian-legal-program>

Los Angeles Times editorials, @ 2007 & 2012; New York Times, interviewed and quoted, @ 2003-2005, 2022-23

Featured commentator, Frontiersmen, History Channel 2018 (episodes 2 & 4)

Numerous editorials in Indian Country Today, 2002-2020

Native America Calling appearances, national radio show interviewee, 2005-2022

Michael Smerconish, Sirius radio podcasts, 2021

The Indian Law "Bombshell": *McGirt v. Oklahoma*, American Philosophical Society Nov. 19, 2020, at <https://www.youtube.com/watch?v=SyEDomuAzmM>

The Indian Law “Bombshell”: *McGirt v. Oklahoma*, Oregon Historical Society July 16, 2020, Video on OHS website

Featured commentator, Broken Treaties, Oregon Public Broadcasting 2017

Featured commentator, The Good Mind, <https://vimeo.com/154921172>, Documentary 2017

Featured commentator, PBS, War of 1812 (Florentine Films 2012)

Featured commentator, Canadian Broadcasting Co., The War of 1812: Been There - Won That (2012)

International Law Doctrine of Discovery 2012

https://www.youtube.com/watch?v=EjSO_cffawY

MAJOR PRESENTATIONS

Keynote Speaker, 51st Annual Symposium on the American Indian, April 17, 2024, Tahlequah, Okla.

National Constitution Center, Philadelphia, “American Indian Influence on the U.S. Constitution and the Founding Fathers” Nov. 17, 2022 - <https://www.youtube.com/watch?v=jl4N85uKgbY>

Keynote, Alaska State Bar November 2022, “Captain Cook, the Doctrine of Discovery, and Alaska”

O’Connor Institute, Speech April 20, 2022, “How Tribal Governments and Indigenous Political Theories Impacted the Founding Fathers and the U.S. Constitution,” at

<https://www.youtube.com/watch?v=8McugLvWNhM>

University of Washington Law School CLE, The Indian Law Restatement (April 2022)

Keynote Address, Law and Economics for Tribal Judges, Law & Economics Center, George Mason Law School (Scalia School of Law), Washington D.C., Nov. 2021

Keynote Address, Constitution Day, Northeastern State University, Oklahoma, Sept. 2021

Keynote Address, American Society for Ethnohistory Annual Meeting, North Carolina, Nov. 2020

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

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

Keynote Addresses, First, Second & Third Annual “All Roads Lead to Chaco Canyon,” Tucson 2018, Louisiana 2019 & 2020

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

Oregon Historical Society, Kennedy School Lecture 2019 [250+ attendees] -

<https://ohs.org/events/oregon-indigenous-nations-manifest-destiny-and-the-doctrine-of-discovery.cfm> and at American Law Institute <http://www.thealiadviser.org/american-indian-law/oregon-indigenous-nations-manifest-destiny-and-the-doctrine-of-discovery/>

Stanford University, Hoover Institution, Indigenous Economies Forum, 2018, 2020-23

Keynote Address, 2018 Warm Springs Tribes’ Museum 25th Anniversary Conference, Warm Springs, OR

National Congress of American Indians 75th Annual Conference, Denver 2018

Coos Bay Historical Society, Coos Bay, Oregon, 2018 & 2019

American Association of Law Schools conferences, 2017, 2018, 2019

Queensland Univ. of Technology, Brisbane Australia, 2018

Arizona Bar Foundation for Legal Services and Education, 2018

Classroom Law Project, Portland, OR 2018 & 2019

24th Annual Haskell Lecture, ASU School of Social Work 2018

Keynote Speaker, Burlington Northern/Santa Fe RR Headquarters, Fort Worth 2015 & 2018

Plenary speaker, U.S. Air Force Masters College, Phoenix 2017 & 2018

Plenary speaker, panelist & moderator, Univ. Colorado Law School UN DRIP conference 2017

Keynote Address, University of Oregon Law School, 2017

Keynote Address, University of Canterbury, Christchurch New Zealand, 2016

Keynote Addresses, Slippery Rock University, PA 2016

U.S. Air Force Indian Law and Consultation Training, Missoula 2016

Winter Talk, Keynote Speeches, Tulsa, Oklahoma, Jan. 25 & 26, 2016

Collins Lecture, Keynote, Ecumenical Council of Oregon, Portland 2015

Nebraska Indian Commission Conference, Lincoln 2015

American Educational Research Association conference, Chicago 2015

Federal Bar Association Indian Law conference, Scottsdale 2015, Albuquerque 2019

Keynote, Eastern Shawnee Tribe of Oklahoma History Summit 2014

Neilly Series Speaker, University of Rochester, 2014

Simon Fraser University, B.C. Canada, 2014, President's Dream Colloquium on Entrepreneurship

American Philosophical Society, Annual Meeting 2013

Yale University, 2013

RUSSLR Annual Speaker, Adelaide Law School, Adelaide Australia 2012

University of South Australia and University of Tasmania 2012

Columbus Day speaker Washington State University 2020, Tulane University 2011, University of Oregon 2010, University of Virginia 2009

Oregon Historical Society, Annual Meeting speaker 2011

The Future of International Law in Indigenous Affairs Conference 2011

29th Annual Australian & New Zealand Conference on Law & History, Melbourne

6th International Conf. on Indigenous Education, Cairns, Australia
Queensland Univ. of Technology, Faculty of Law Public Lecture 2010

Queensland University and University of Technology Sydney 2010

University of Idaho Tribal Economic Development Conference 2010

Keynote – National Historic Trails Conference, San Antonio 2010

Keynote – Braddock Road Society Conference, Pennsylvania 2009

Oklahoma History Center & Mt. Vernon Association Conference 2009

Keynote - “New Worlds, New Sovereignties” University of Melbourne 2008

Albany Law School “God and the Land” Conference 2008

Alaska State Bar CLE 2008

U.S. Agency seminars, Portland 2007-08 & 2010-22; Texas 2021; Denver 2017; San Diego, Olympia, Tacoma, Sacramento & Denver 2009; Idaho, Washington & Washington D.C. 2008

Book Talks - Law Schools & Colleges - Yale, Michigan, Northwestern, Wisconsin, Stanford, Queensland University of Technology, Sydney University of Technology, Queensland University, Minnesota, Osgoode Hall Toronto, Michigan State, Tulane, Denver, Seattle, Colorado, Oregon, and Montana; Dartmouth College, Native American Rights Fund, Indian Land Working Group conference, Indian Land Tenure Foundation, Int’l Rights of Way conference, Lewis & Clark Nat’l Historical Park, Queensland State Library Australia; Portland State Univ., Syracuse Univ., Trent Univ. and Carleton University Ontario, LeMoyne College, University of Gloucester England; Auburn Seminary Columbia Univ. NY; Ecotrust; Nike; Native American Calling radio Book of the Month December 2006 & 2012, Albuquerque, Portland, Los Angeles radio programs

Keynote - Mashantucket CT, Native American Finance Conference 2007

The Stories We Tell Symposium, St. Louis Sept. 2006

Keynotes - Lewis & Clark Nat’l Signature Events, Oregon 2005 and N.D. 2006

Yakama Nation Theater, April 2006

Trading at the River conferences, Portland, OR 2005, 2008, 2010

Oregon Historical Society 2004, 2009, 2011, 2019, 2020

Portland Art Museum 2005

Washington State School Directors Conference 2005

Keynotes - Diplomacy Symposia, MO. ND. IA. NE. IL. KS. 2003-2008

Indian Treaties – Seattle, Vancouver, & Walla Walla, Wa. 2005-06, 2010, Coos Bay 2018

Oregon Supreme and Appellate Court Judges CLE 2004
Lewis & Clark Law & College Conferences 2004 & 2006

National Lewis & Clark Signature Events KY. KS. MO. IL. OR. ND. 2003-06

Washington State Bar, Seattle, 2004; State Bar CLE 2022

National Park Service, Tent of Many Voices, 2003-06

AALS Civil Procedure Conference, New York City, 2003

Bonneville Power Administration, Portland 2002-03, 2005, 2010-23

Sovereignty Symposium, Oklahoma City 2002, 2003, 2007, 2012, 2014, 2016, 2018, 2019, 2023

Idaho State Bar Annual Meeting 2002

Oregon Council for the Humanities Pendleton OR 2001

Society of Environmental Journalists, Annual Conference Portland 2001

Willamette University Race & Culture Symposium 2001

UC Santa Cruz Sovereignty Symposium 2000

Stanford University 7th Annual Native American Research Forum 2000

University of Oregon Ocean & Coastal Law Symposium 2000

U.S. Housing & Urban Dev. conference NM 1998, IL 1999, OR 2000

Utah State Division of Indian Affairs Conference 1998 & 1999

U.S. Small Business Administration Conference San Diego 1997

American Bar Association Conference Albuquerque 1997

U.S. BLM & Forest Service Seminars Portland 1996 & 2004, Utah 1997

Affiliated Tribes of NW Indians Conf, 1995, 1996, 1997, 1999, 2011, 2018

National Congress of American Indians Phoenix 1996, Santa Fe 1997, Denver 2018

Oregon State Bar Seminars, 1995, 1996, 2002, 2005-07, 2009-13, 2017, 2020-21; Washington State Bar CLE, 2022; New Jersey State Bar CLE 2021 & 2022