

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

Willard H. Pedrick Distinguished Research Scholar

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 - present

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

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

September 1, 2019-2024

Expert witness - 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 – Series Co-Editor “New Visions in Native American and Indigenous Studies” 2015 - present

American Law Institute - elected to membership 2012

Appointed to Adviser Group for the Restatement “The Law of American Indians”

Visiting Fellow - Australia - March 2010

Indigenous Studies Research Network, Queensland University of Technology

Board of Directors 2009-2014

Oregon Historical Society

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 1999-2001

Eastern Oregon University Foundation

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 2022) (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-authored)

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

The Indian Law Bombshell: *McGirt v. Oklahoma*, 101 *B.U. L. Rev.* __ (Dec. 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.* (forthcoming 2021-22)

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.* __ (2021) Feb. 2020, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3541009

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) (coauthors 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 PRESENTATIONS

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

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

The Indian Law “Bombshell”: *McGirt v. Oklahoma*, American Philosophical Society Nov. 19, 2020 & Oregon Historical Society July 16, 2020

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

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

Second & Third Annual “All Roads Lead to Chaco Canyon,” Louisiana, 2019 & 2020

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

Oregon Historical Society, Kennedy School Lecture 2019

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

Stanford University Hoover Institute, Indigenous Economies Forum, 2018, 2020 & 2021

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

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

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

Featured commentator, Broken Treaties, Oregon Public Broadcasting 2017

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

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

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

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 Sovereignities” 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 & 2010-21; 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

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

AALS Civil Procedure Conference, New York City, 2003

Bonneville Power Administration, Portland 2002, 2003, 2005, 2010-21

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

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