

APPENDIX A

List of *Amici Curiae*

Gregory Ablavsky (Ph.D., J.D., University of Pennsylvania) is an assistant professor at Stanford College of Law. Dr. Ablavsky's scholarship focuses on early American legal history, particularly on issues of sovereignty, territory, and property in the early American West. A lawyer and historian, his publications examining the history of Native sovereignty under federal law include "Beyond the Indian Commerce Clause," 124 *YALE L.J.* 1012 (2015) and "The Savage Constitution," 63 *DUKE L.J.* 999 (2014). His book project "Federal Ground: Sovereignty, Property, and Law in the U.S. Territories, 1783-1802," is under contract with Oxford University Press. His work has received the Cromwell Article Prize and the Kathryn T. Preyer Prize from the American Society for Legal History.

C. Joseph Genetin-Pilawa (Ph.D., Michigan State University) is Associate Professor of History at George Mason University, and co-editor of the *Journal of the Gilded Age and Progressive Era* (2017-2022). Dr. Genetin-Pilawa is the author of *Crooked Paths to Allotment: The Fight over Federal Indian Policy after the Civil War* (University of Nebraska Press, 2012), and the co-editor of *Beyond Two Worlds: Critical Conversations on Language and Power in Native North America* (SUNY Press, 2014). He has held fellowships at the Smithsonian Institution and at the Kluge Center (Library of Congress).

Frederick Hoxie (Ph.D. Brandeis University) is Professor Emeritus of History at the University of Illinois,

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Urbana-Champaign. His scholarship focuses on the history of indigenous peoples in North America. He has written numerous books, book chapters and articles, including *A Final Promise: The Campaign to Assimilate the Indians, 1880-1920* (1984), and “*The Reservation Period, 1880-1960*,” in *The Cambridge History of the Native Peoples of the Americas, North America* (1995). Dr. Hoxie’s research has been supported by fellowships from the Rockefeller and Mellon Foundations, the National Endowment for the Humanities, and the Huntington Library.

Stacy Leeds (J.D., University of Tulsa College of Law, LL.M. University of Wisconsin Law School) is Dean Emeritus and Professor, University of Arkansas School of Law.¹ Her publications include *Mastering American Indian Law* (2016), “Reassessing Concurrent Tribal-State-Federal Criminal Jurisdiction in Kansas,” *Kansas Law Review* (2011), and “Defeat or Mixed Blessing – Tribal Sovereignty and the State of Sequoyah,” *Tulsa Law Review* (2007). Professor Leeds has received many awards, including the American Bar Association’s Spirit of Excellence Award. She is an elected member of the American Law Institute and was an Alphonse Fletcher, Sr. Fellow with affiliation to the W.E.B. DuBois Institute at Harvard University and a William H. Hastie Fellow, University of Wisconsin. Professor Leeds is a Cherokee citizen, has served as a Cherokee Nation Supreme Court Justice and is the only

¹ This brief is filed on behalf of Stacy Leeds in her personal capacity. Title is for identification purposes only.

American Indian woman to have served as law school dean in the United States.

Tom E. Luebben (G.Pe., Colorado School of Mines, J.D., New York University School of Law) has taught as adjunct professor of law at the University of New Mexico, guest lectured at the University of Arizona School of Law, and has taught seminars on tribal jurisdiction, Indian land rights, and many other areas of federal Indian law. Mr. Luebben's practice focuses on tribal government representation and protection of tribal natural resources. He served as lead counsel for the plaintiffs in *Harjo v. Kleppe*, and has represented Indian tribes, organizations and individuals located throughout the United States, including Oklahoma, Alaska, Arizona, California, Colorado, Hawaii, Nevada, and New Mexico.

Devon A. Mihesuah (Ph.D., Texas Christian University) is the Cora Lee Beers Price Teaching Professor in International Cultural Understanding, University of Kansas. Dr. Mihesuah, a Choctaw member, is the author of *Ned Christie: The Creation of an Outlaw and Cherokee Hero* (University of Oklahoma Press 2018), *Choctaw Crime and Punishment: Intersections of Resistance, Politics and Justice, 1884-1907* (University of Oklahoma Press 2009); and has published numerous journal essays, book chapters, and commentaries. She served as editor of the American Indian Quarterly for nine years, and is the recipient of grants, fellowships and awards from the Ford Foundation, National Endowment for the Humanities, Smithsonian Institution,

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Oklahoma Writers' Federation, and Oklahoma Historical Society, among many other organizations.

Lindsay Robertson (M.A., Ph.D. History, J.D., University of Virginia) is the Faculty Director of the Center for the Study of American Indian Law and Policy, University of Oklahoma College of Law; Chickasaw Nation Endowed Chair in Native American Law; and Sam K. Viersen Family Foundation Presidential Professor. Dr. Robertson teaches courses in Federal Indian law, comparative and international indigenous peoples law, and constitutional law and legal history. He is the author of *Conquest by Law* (Oxford University Press 2005). He is the founding director of the International Human Rights Law Clinic, was the recipient of the first David L. Boren Award for Outstanding Global Engagement, is an elected member of the American Law Institute and the American Bar Foundation, and serves as a justice on the Supreme Court of the Cheyenne and Arapaho Tribes.

Casey Ross (J.D., M.B.A., Oklahoma City University) is the Director of the American Indian Law and Sovereignty Center at Oklahoma City University (OCU) School of Law, where she oversees the American Indian Law program, teaching the American Indian wills clinical course and doctrinal courses that include tribal law and Federal Indian law. Professor Ross also serves as OCU general counsel and as faculty for the Native American Enterprise Management Certificate Program, OCU Meinders School of Business. Professor Ross' scholarship focuses on Indian land and property issues in Oklahoma. She has published works in the

areas of Indian child welfare, domestic violence and taxation in tribal communities. Professor Ross is a member of the Cherokee Nation.

Mark R. Scherer (J.D., Ohio State University; Ph.D. University of Nebraska-Lincoln) is Professor of History at the University of Nebraska-Omaha, where he teaches and publishes primarily in the fields of U.S. political, legal, and constitutional history, the regional history of Nebraska and the Great Plains, and Native American legal history. His publications include *Imperfect Victories: The Legal Tenacity of the Omaha Tribe*; and *Voices of Native American History: Challenges of the Contemporary World, 1933 to the Present*. He has recently completed *Echo of Its Time: The History of the Federal District Court of Nebraska, 1867-1933*, co-authored with John R. Wunder.

Rennard Strickland (J.D., S.J.D., University of Virginia), is the senior scholar in residence at the University of Oklahoma School of Law and the Knight Dean Emeritus at the University of Oregon School of Law. Dr. Strickland, a member of the Cherokee Nation, is the only faculty member tenured at all three of the ABA approved law schools in Oklahoma. He was the editor-in-chief of the revision of *Cohen's Handbook on Federal Indian Law* (1982 ed.). His many books include *The Indians of Oklahoma* (University of Oklahoma Press 1980) and *Fire and the Spirits, Cherokee Law from Clan to Court* (University of Oklahoma Press 1975). Dr. Strickland has served as president of the Association of American Law Schools and dean at four different law schools.
