# Richard A. Monette University of Wisconsin Law School Madison, Wisconsin 53706 (608) 263-7409

\* Associate Professor of Law, University of Wisconsin School of Law, August 1992 - present, (Faculty Director, Great Lakes Indian Law Center, 1992 - present)

Courses include Federal Indian Law, Special topics in Federal and Tribal Indian law, Water Rights law, Torts, Wisconsin Constitution and Government. Faculty Director of GLILC includes supervising students and working directly with Tribes on drafting various legal documents such as constitutions, codes, regulations, manuals, and contracts, and advising on various legal matters such as treatment as states under various federal statutes, P.L. 280 jurisdiction, gaming matters, etc.

- Chairman and CEO. Turtle Mountain Band of Chippewa in North Dakota. December 2000 July 2002; November 2002 September 2003. (On leave from UW)
- \* Director, Congressional and Legislative Affairs, U.S. Department of the Interior, Bureau of Indian Affairs, 1994. (On leave from UW)

Scheduled and participated in meetings between the Assistant Secretary-Indian Affairs and U.S. Senators and Representatives; interacted with congressional staff on a daily basis; advocated for the Department of the Interior, Bureau of Indian Affairs' position in legislation; coordinated the development of legislative proposals within the Bureau with other departmental bureaus and offices within the Bureau; drafted original proposals and compromises on existing legislation; researched laws affecting or affected by legislation; analyzed newly enacted laws affecting the Bureau, Tribes, or Indians; met with Tribes' representatives and lobbyists on legislation. Some successful legislation during my term included 1994 Self-Governance law, Self-Determination amendments, free religious use of peyote, and clarifying a fifty year old issue under the Indian Reorganization Act.

- \* Staff Attorney, U.S. Senate, Committee on Indian Affairs, Jan. 1989 July 1990
- \* Deputy Minority Counsel, Senate Committee on Indian Affairs, June 1988

Drafted Legislation, worked introduced bills through the legislative process, researched background law to proposed legislation. Personal highlights included playing key role in Army Corps of Engineers returning several "in lieu" fishing sites to Northwest Tribes along the Columbia River; being instrumental in attaining federal tax exemption for Indians deriving income from the exercise of treaty fishing rights, particularly in the Pacific Northwest; and assisting in process returning "mis-surveyed" land to the Quinault Tribe.

- \* Law Clerk, Ass't U.S. Atty's Office, Eugene, OR, Sept 1987 May 1988
- \* Law Clerk, U.S. Senate Committee IA, June 1987 August 1987
- \* Instructor, Belcourt High School, Turtle Mountain, 1984-1985

# **EDUCATION:**

- University of Wisconsin, LL.M, 1997
- \* University of Wisconsin, Madison, Judge William H. Hastie Fellowship, 1991-2
- \* University of Oregon, Juris Doctorate, 1985 1988, Oregon Law Review Associate Editor 1987-1988
- \* University of North Dakota, Graduate Teaching Assistant, 1982 1984
- \* Mayville State College, BS English/History, Mayville, North Dakota, 1978 1982

# PROFESSIONAL ASSOCIATIONS:

- North Dakota Bar Association
- \* Native American Bar Association (President 1997-8)

### **PUBLICATIONS**

- \* currently writing: Native American Citizenship: the Civil War Within (book under contract)
- \* currently writing: The Bureau of Indian Affairs (book under contract)
- \* invited for publication a chapter in a collection on Indian citizenship to be published by or through Syracuse Law School
- \* Chapter: 100 Years After Winters: the immovable object of tribes reserved rights meets the irresistible force of States' reserved rights under the Equal Footing Doctrine, accepted for publication in 2009.
- \* Contributing author new Cohen's HANDBOOK OF FEDERAL INDIAN LAW, PUBLISHED 2006. (Three separate sections)
- currently writing: When Three Sovereign Spheres Overlap: the Perils of Tricitizenship for Indians in a Federative Form of Government.
- Environmental Justice and Indian tribes: the double edged tomahawk of civil rights laws in Indian Country, 76 Detroit Mercy L. Rev. 721 (1999)
- American Constitutionalism and Indian Tribes: an old world to anew, book chapter accepted for inclusion in a collection edited by Sandra Van Burkleo, Wayne State University.
- Book Review. Braid of Feathers by Frank Pommersheim, 42 S.Dak. L. Rev. 579 (1998).
- \* Treating Tribes as States under Federal Statutes in the Environmental Arena: Where Laws of Nature and Natural Laws Collide, 21 VERMONT L. REV. 111 (1996).
- \* Governing Private Property in Indian Country: the Double-Edged Sword of the

Trust Relationship and Trust Responsibility Arising out of Early Supreme Court Opinions and the General Allotment Act. 25 NEW MEXICO LAW REVIEW 35 (1995).

- \* When Tribes Sue States: How "Federal Indian Law" Offers an Opportunity to Clarify Sovereign Immunity Jurisprudence. 14 QUINNIPIAC L. REV. 401 (1994).
- \* A New Federalism for Indian Tribes: The Relationship Between the United States and Tribes in Light of Republican Democracy and Our Federalism. 25 TOLEDO L. REV. 617 (1994).
- \* "Indian Country Jurisdiction and the Assimilative Crimes Act", 69 OR. L. REV. 269 (1990).
- \* Encyclopedia of North American Indians, entry on "Treaties", HOUGHTON MIFFLIN ENCYCLOPEDIA SERIES. (1996).
- \* "E Pluribus Unum": Diverse ideas from a Native American Perspective, ABA LAW-RELATED EDUCATION MAGAZINE, Winter 1995, Vol. 19, No. 1, p. 7.
- \* Drafted and Presented Congressional Testimony on the Nomination of Judge Stephen Breyer for Associate Justice of the U.S. Supreme Court, on behalf of the National Native American Bar Association, Hearings before U.S. Senate Committee on the Judiciary, 103rd Cong., 2d Sess., 1994.
- \* "A Contribution of Democracy and Seeds of Revival", CANADIAN LEGION MAGAZINE, July/August 1991.
- \* "Let Us Set Sail Together." Published Speech. SEA HISTORY MAGAZINE. August 1990.

### PROFESSIONAL ACTIVITIES

- Served on Executive Board Of the National Native American Bar Association as Member, President-Elect, President, and currently Past President. (1993-1995)
- Served as member of US EPA Federal Advisory Committee on Environmental Justice, Subcommittee on Indigenous Peoples. 1995 1998.
- Serving on US EPA Federal Advisory Committee on the Application of Civil Rights laws under environmental statutes.