

PUBLICATIONS

ROBERT N. CLINTON



PUBLICATIONS

Treatises

F. COHEN, HANDBOOK OF FEDERAL INDIAN LAW (1982 EDITION) (co-editor and contributor)

Books

CAROLE GOLDBERG, REBECCA TSOSIE, ROBERT N. CLINTON, ANGELA R. RILEY, *AMERICAN INDIAN LAW: NATIVE NATIONS AND THE FEDERAL SYSTEM*, (7TH ED., 2016)

CAROLE E. GOLDBERG, REBECCA TSOSIE, KEVIN K. WASHBURN, ELIZABETH RODKE WASHBURN & ROBERT N. CLINTON, *AMERICAN INDIAN LAW: NATIVE NATIONS AND THE FEDERAL SYSTEM* (6TH ED. 2011)

ROBERT N. CLINTON, CAROLE E. GOLDBERG, AND REBECCA TSOSIE, *AMERICAN INDIAN LAW: NATIVE NATIONS AND THE FEDERAL SYSTEM* (5TH ED. 2007) AND (4TH ED. 2003)

ROBERT N. CLINTON, CAROLE E. GOLDBERG, AND REBECCA TSOSIE, *SELECTED FEDERAL INDIAN LAW PROVISIONS FOR AMERICAN INDIAN LAW: NATIVE NATIONS AND THE FEDERAL SYSTEM* (4TH ED. 2006) (REVISED ANNUALLY)

ROBERT N. CLINTON, NELL JESSUP NEWTON, AND MONROE E. PRICE, *AMERICAN INDIAN LAW: CASES AND MATERIALS* (3D ED. 1991) AND 1994 & 1996 SUPPLEMENT

MONROE E. PRICE & ROBERT N. CLINTON, *LAW AND THE AMERICAN INDIAN: READINGS, NOTES & CASES* (2D ED. 1983) AND 1987 SUPPLEMENT

ROBERT N. CLINTON, MICHAEL G. COLLINS & RICHARD A. MATASAR, *FEDERAL COURTS: THEORY AND PRACTICE* (1996)

Book Chapters

Treaties with Native Nations: Iconic Historic Relics or Modern Necessity? in *Nation to Nation: Treaties Between the United States & American Indian Nations* (Suzan Shown Harjo ed., 2014)

Multimedia

Robert N. Clinton, Kevin Gover, and Rebecca Tsosie, *Colonial and American Indian Treaties: A Collection* (2004)

Major Articles and Essays

Enactment of the Indian Gaming Regulatory Act of 1988: The Return of the Buffalo to Indian Country or Another Federal Usurpation of Tribal Sovereignty?, 42 *ARIZONA STATE LAW JOURNAL* 17-97 (2010)

Comity and Colonialism: The Federal Courts' Frustration of Tribal↔Federal Cooperation, 36 *ARIZONA STATE LAW JOURNAL* 1-62 (2004)

There is No Federal Supremacy Clause for Indian Tribes, 34 *ARIZONA STATE LAW JOURNAL* 113-260 (2002).

Redefining Tribal Sovereignty for the Twenty-First Century, 12 *STANFORD LAW & POLICY REV.* 186-89 (2001).

Kennewick Man and the Native American Graves Protection and Repatriation Act Woes, 8 *INTERNATIONAL JOURNAL OF CULTURAL PROPERTY* 212-29 (1999) (with Larry Zimmerman).

Lone Wolf v. Hitchcock in the Supreme Court of the American Indian Nations, 1997 Term, Case No. 97-1, Per Curiam Opinion, 8 *KANSAS JOURNAL OF LAW AND PUBLIC POLICY* 174-205 (1998).

The Dormant Indian Commerce Clause, 27 *CONNECTICUT LAW REVIEW* 1055-1249 (1995).

Commentary on Lynn H. Slade, Dispute Resolution in Indian Country: Does Abstention Make the Heart Grow Fonder?, 71 *N. DAK. L. REV.* 541-68 (1995).

Commentary on Judith V. Royster, Federal Trust Responsibility and Conflicts of Interest: Environmental Protection or Natural Resource Development, 71 *N. DAK. L. REV.* 365-92 (1995).

Redressing the Legacy of Conquest: A Vision Quest for a Decolonized Federal Indian Law, 46 *ARKANSAS LAW REVIEW* 77-159 (1993).

Recognizing and Enforcing State and Tribal Judgments: A Roundtable Discussion of Law, Policy, and Practice, 18 *AMERICAN INDIAN LAW REVIEW* 239- 83 (1993) (co-authored with other co-panelists and contributors).

The Rights of Indigenous Peoples as Collective Group Rights, 32 *ARIZONA LAW REVIEW* 739-47 (1991).

Tribal Courts & the Federal Union, 26 *Willamette Law Review* 841-936 (1990) (also published in an earlier version in the *Harvard 1989 Indian Law Symposium*).

A Brief History of the Adoption of the United States Constitution, 75 *IOWA LAW REVIEW* 891-913 (1990).

The Proclamation of 1763: Colonial Prelude to Two Centuries of Federal-State Conflict Over the Management of Indian Affairs, 69 *Boston University Law Review* 329-85 (1989).

Original Understanding, Legal Realism, and the Interpretation of "This Constitution." 72 *Iowa Law Review* 1177-1279 (1987).

A Mandatory View of Federal Jurisdiction: Early Implementation of and Departures from the Constitutional Plan, 86 *COLUMBIA LAW REVIEW* 1515-1621 (1986).

The Curse of Relevance: An Essay on the Relationship of Historical Research to Federal Indian Litigation, 28 *Arizona Law Review* 29-46 (1986).

Reservation Specificity and Indian Adjudication: An Essay on the Importance of Limited Contextualism in Indian Law, 8 *Hamline Law Review* 543-597 (1985).

A Mandatory View of Federal Court Jurisdiction: A Guided Quest for the Original Understanding of Article III, 132 *University of Pennsylvania Law Review* 741-866 (1984).

Judges Must Make Law: A Realistic Appraisal of the Judicial Function in a Democratic Society, 67 *IOWA LAW REVIEW* 711-41 (1982).

State Power Over Indian Reservations: A Critical Comment on Burger Court Doctrine, 26 *South Dakota Law Review* 434-46 (1981) (also printed in 8 *Cornell Law Forum* No. 1 in an earlier version).

Isolated in Their Own Country: A Defense of Federal Protection of Indian Autonomy and Self-Government, 33 *STANFORD LAW REVIEW* 979-1068 (1981).

Judicial Enforcement of the Federal Restraints on Alienation of Indian Land: The Origins of the Eastern Land Claims, 31 *Maine Law Review* 17-90 (1979) (co-authored with Margaret Tobey Hotopp).

Rule 9 of the Federal Habeas Corpus Rules: A Case Study of the Need for Reform of the Rules Enabling Acts, 63 *Iowa Law Review* 15-84 (1977).

Criminal Jurisdiction Over Indian Lands: A Journey Through a Jurisdictional Maze, 18 *ARIZONA LAW REVIEW* 503-583 (1976).

The Right to Present a Defense: An Emergent Constitutional Guarantee in Criminal Trials, 9 *Indiana Law Review* 711-858 (1976).

Development of Criminal Jurisdiction over Indian Lands: The Historical Perspective.
17 Arizona Law Review 951-991 (1975).

Further Explorations in the Political Thicket: The Gerrymander and the Constitution.
59 Iowa Law Review 1-47 (1973).

Other Articles & Reviews

Review of *Blue Clark, Lone Wolf v. Hitchcock: Treaty Rights and Indian Law at the End of the Nineteenth Century*, 16 JOURNAL OF AMERICAN ETHNIC HISTORY 115-18 (1997).

Indian Sovereignty and Jurisdiction in the United States in Native America in the Twentieth Century: An Encyclopedia (Mary Davis ed., Garland Press, 1994).

Review of *Robert Williams, The American Indian in Western Legal Thought*, 35 THE AMERICAN JOURNAL OF LEGAL HISTORY 344 (1991).

Peyote and Judicial Political Activism: Neo-Colonialism and the Supreme Court's New Indian Law Agenda, 38 FEDERAL BAR ASSOC. J. No.2, p. 92 (1991).

Review of *William Canby, American Indian Law in a Nutshell*, 33 JOURNAL OF LEGAL EDUCATION 377 (1983).

The Eastern Indian Land Claims: A Reply, 53 NEW YORK STATE BAR JOURNAL 354 (1981).

Review of *Russell Barsh and James Henderson, The Road: Indian Tribes and Political Liberty*, 47 UNIVERSITY OF CHICAGO LAW REVIEW 846-60 (1980).

Reports and Testimony for Governmental Bodies and Professional Associations

Testimony in Hearings Before the Senate Committee on Indian Affairs on State Jurisdiction over Indian Claims and Waiver of Tribal Sovereign Immunity, Sept. 24, 1996, pending publication.

Testimony in Hearings Before the Subcommittee on Administrative Law and Governmental Relations of the United States House Committee on the Judiciary on Partition of Certain Lands Between the Hoopa Valley Tribe and the Yurok Indians, Sept. 30, 1988, 69-116.

Testimony in Hearings Before the United States Commission on Civil Rights on Enforcement of the Indian Civil Rights Act, January 28, 1988, pp 77-82, 266-96.

Testimony in Hearings Before the Judiciary Committee of the Nebraska Legislature on Retrocession of State Jurisdiction over the Winnebago Reservation, April 17, 1985.

IOWA ADVISORY COMMITTEE TO THE U.S. COMMISSION ON CIVIL RIGHTS, RACE RELATIONS IN TAMA COUNTY (1981) (consultant and primary contributor).

Testimony in Hearings before the United States House of Representatives Subcommittee on Criminal Justice on Proposed Federal Rules on Habeas Corpus Procedure (August, 1976).

Other Publications

Ted Cruz Isn't a "Natural Born" Citizen, U.S. News & World Report, Jan. 27, 2016

Once Again, Indian Tribes are Losing Ground, THE NATIONAL LAW JOURNAL, Monday, December 19, 1994, A21-22.

Watergate: Constitutional Thresholds, 27 IOWA ALUMNI REVIEW No. 3, p. 10 (1974) (co-authored with Randall P. Bezanson).