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Associate Professor
University of South Dakota Knudson School of Law
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EDUCATION

- ◆ **University of California, Berkeley - School of Law:** J.D., 1999, *Order of the Coif*.
 - **Awards:** Jurisprudence Award in Indian Law;
Second Place Prize in *American Indian Law Review*'s 1998-99 Writing Competition.
 - **Activities:** BERKELEY WOMEN'S LAW JOURNAL (now called BERKELEY JOURNAL OF GENDER, LAW & JUSTICE);
Community Advocates for Police Review;
AFRICAN-AMERICAN LAW & POLICY REPORT;
East Bay Workers' Rights Clinic.
- ◆ **Hamline University:** M.F.A., Creative Writing, 2018.
- ◆ **Bryn Mawr College:** A.B., *cum laude*, English and Philosophy, 1993.

TEACHING EXPERIENCE

- ◆ **Associate Professor**, University of South Dakota Knudson School of Law (Jan. 2020-present)
 - Teach Property.
 - Teach Federal Jurisdiction.
 - Teach Federal Indian Law.
 - Teach Gender, Sexuality, & Law.
 - Teach Conflict of Laws.
 - Teach Tribal Law.
 - Serve on law school committees.
 - Participate in, and present at, faculty colloquia.
- ◆ **Adjunct Professor**, University of Tulsa College of Law (2016-2018)
 - Taught Principles of Federal Indian Law to Masters of Jurisprudence students.
- ◆ **Associate Professor**, Hamline University School of Law. (2014-2015; on leave)
Assistant Professor, Hamline University School of Law. (2011-2014)
 - Taught Property.
 - Taught Water Law.
 - Taught Federal Indian Law.
 - Taught Gender, Sexuality, & Law.
 - Taught Conflict of Laws.
 - Served on law school committees.
 - Participated in, and presented at, faculty colloquia.
- ◆ **Visiting Assistant Professor**, Michigan State University College of Law. (2010-2011)
 - Taught two sections of Property with approximately seventy-five students each.
 - Co-taught Federal Law & Indian Tribes and the Indigenous Law & Policy Center Course with Professor Matthew Fletcher.

- Participated in, and presented at, faculty colloquia.
- ◆ **Teaching Fellow**, California Western School of Law. (2008-2010)
 - Taught Federal Indian Law and Conflict of Laws.
 - Supervised students undertaking independent writing projects.
 - Participated in faculty colloquia.
 - Received mentoring from senior faculty on scholarly writing projects and teaching methods.
 - Presented works-in-progress to the faculty.

PUBLICATIONS

• *Law Review and Journal Articles*

- ◆ *The Validity of Tribal Checkpoints in South Dakota to Curb the Spread of COVID-19*, U. CHI. LEGAL F., forthcoming in 2021.
- ◆ *Has Federal Indian Law Finally Arrived at “The Far End of the Trail of Tears”?*, 37 GA. ST. U.L. REV. 739 (2021).
- ◆ *Insuring Breast Reconstruction*, 66 UCLA L. REV. DISC. 2 (2018).
- ◆ *Tribal Laws & Same-Sex Marriage: Theory, Process, and Content*, 46 COLUM. HUM. RTS. L. REV. 104 (2015).
- ◆ *Employment Discrimination Against Bisexuals: An Empirical Study* (with Dr. Karen Yescavage), 21 WM. & MARY J. OF WOMEN & L. 699 (2015).
- ◆ *Tribes and Gun Regulation: Should Tribes Exercise Their Sovereign Rights to Enact Gun Bans or Stand-Your-Ground Laws?*, 78 ALB. L. REV. 101 (2015) (invited essay).
- ◆ *How Allotment-Era Literature Can Inform Current Controversies About Tribal Jurisdiction and Reservation Diminishment*, 82 U. TORONTO Q. 924 (2013) (invited article) (peer reviewed).
- ◆ *Unjustifiable Expectations: Laying to Rest the Ghosts of Allotment-Era Settlers*, 36 SEATTLE U.L. REV. 129 (2012).
- ◆ *Polyamory as a Sexual Orientation*, 79 U. CIN. L. REV. 1461 (2011).
 - **Excerpted** in RUBENSTEIN ET AL., CASES AND MATERIALS ON SEXUAL ORIENTATION AND THE LAW (5th ed. 2014).
- ◆ *"Hostile Indian Tribes . . . Outlaws, Wolves, . . . Bears . . . Grizzlies and Things like That?" How the Second Amendment and Supreme Court Precedent Target Tribal Self-Defense*, 13 U. PA. J. CONST. L. 687 (2011).
 - **Reprinted** in 4 THE CRIT: CRITICAL STUD. J. 1 (2011).
- ◆ *Sex Discrimination Under Tribal Law*, 36 WM. MITCHELL L. REV. 392 (2010).
- ◆ *Connecting the Dots Between the Constitution, the Marshall Trilogy, and United States v. Lara: Notes Toward a Blueprint for the Next Legislative Restoration of Tribal Sovereignty*, 42 U. MICH. J.L. REFORM 651 (2009).
 - **Recognized** as one of the most influential Indian law articles of the past thirty years in Grant Christensen & Melissa Tatum, *Reading Indian Law: Evaluating Thirty Years of Indian Law Scholarship*, 54 TULSA L. REV. 82 (2018).
 - **Cited** in an amicus brief to the United States Supreme Court in *Michigan v. Bay Mills Indian Community*.
 - **Cited** in *Cohen's Handbook of Federal Indian Law* § 4.03 (Nell Jessup Newton ed., 2012).
- ◆ *Using Plenary Power as a Sword: Tribal Civil Regulatory Jurisdiction Under the Clean Water Act After United States v. Lara*, 35 ENVTL. L. 471 (2005).
 - **Selected** as one of the year's best articles on pollution and the law by RUTGERS COMPUTERS AND TECHNOLOGY LAW JOURNAL, 32 RUTGERS COMPUTER & TECH. L.J. 367, 453 (2006).
 - **Cited** in an amicus brief to the United States Supreme Court in *S.D. Warren Company v. Maine Department of*

Environmental Protection.

- ◆ *The Liberal Forces Driving the Supreme Court's Divestment and Debasement of Tribal Sovereignty*, 18 BUFF. PUB. INTEREST L.J. 147 (2000).
 - **Earned** Second Place Prize in *American Indian Law Review's* 1998-99 Writing Competition.

• **Book Chapters**

- ◆ *Commentary on Rewritten Judgment of Winnebago Tribe of Nebraska v. Bigfire* in FEMINIST JUDGMENTS: CRIMINAL LAW (Cambridge University Press), forthcoming in 2021.
- ◆ *Sex Discrimination Under Tribal Law in THE INDIAN CIVIL RIGHTS ACT AT FORTY* (Kristen A. Carpenter et al., eds., UCLA American Indian Studies Center, 2012) (peer reviewed).
- ◆ *Sex Discrimination Under Tribal Law in TRACY A. THOMAS, WOMEN AND THE LAW* (Thomson Reuters 2011 ed.).

• **Selected Other Writings**

- ◆ *Congressional Restoration of Tribal Civil Jurisdiction*, THE REGULATORY REVIEW, March 31, 2021, <https://www.theregreview.org/2021/03/31/tweedy-congressional-restoration-tribal-civil-jurisdiction/>.
- ◆ A REGISTRY OF SURVIVAL (poetry/memoir) (Last Word Press 2020).
- ◆ THE BODY'S ALPHABET (poems) (Headmistress Press 2016), Winner of a Human Relations Indie Book Award and a Bisexual Book Award; Lambda Literary Award Finalist; Golden Crown Book Award Finalist.
- ◆ Senior Editor and Contributor for *Jotwell: Equality – The Journal of Things We Like Lots*, <http://equality.jotwell.com/>;
- ◆ *Tribes, Same-Sex Marriage, and Obergefell v. Hodges*, FED. LAWYER, Oct./Nov. 2015
 - reprinted in Justin Richland and Sarah Deer's INTRODUCTION TO TRIBAL LEGAL STUDIES;
- ◆ *ClassCrits Mission Statement* (with Justin Desautels-Stein, Angela P. Harris, Martha McCluskey, Athena Mutua, and James Pope), 43 SW. L. REV. 651 (2014).

SELECTED PRESENTATIONS

• **Invited Presentations**

- ◆ Commenter on the Reservation Resources Section of the Final Draft of the Restatement of the Law of American Indians, Indian Law Restatement Symposium, University of Washington, Seattle, WA, on April 22, 2022.
- ◆ *Race and Firearm Regionalism from the Founding Era to the Modern Second Amendment* (panel participant), The Second Amendment at the Supreme Court: "700 Years of History" and the Modern Effects of Guns in Public, University of California Davis School of Law, Davis, CA, on October 1, 2021.
- ◆ *Poetics of Law: A Poetry Reading* (with Layli Long Soldier and moderated by Monica Sok), Stanford University Arts + Justice - Research Workshop (Virtual), Stanford, CA, March 5, 2021
- ◆ *The Validity of Tribal Checkpoints in South Dakota to Curb the Spread of COVID-19*, 2020 Legal Forum Symposium: Law for the Next Pandemic, University of Chicago School of Law (Virtual), Chicago, IL on November 6, 2020.
- ◆ *Indigenous Suffrage, Intersectionality, and Barriers Faced by Indigenous Women Voters*, Celebrating Women's Work: 100 Years of Suffrage, Black Hills State University (Virtual), Spearfish, SD on October 23, 2020.

- ◆ *Polyamory in the Media, Social and Identity Perspective* (panel participant), University of Vienna, Vienna, Austria on June 7, 2019.
- ◆ *Reservation Diminishment after Carpenter v. Murphy and in Yakama Nation v. Klickitat County* (panel participant), Washington State Bar Association 31st Annual Indian Law Section Seminar, Seattle, WA on May 10, 2019.
- ◆ *#MeToo: Tribes and Ethical Considerations of Workplace Sexual Harassment and Discrimination* (panel participant), 44th Annual Federal Bar Association Indian Law Conference, Albuquerque, NM, on April 12, 2019.
- ◆ *The Role of Historical Law in Treaty Rights Cases*, ABA Water Law Conference, Denver, CO, on March 26, 2019.
- ◆ *The Invisibility of Native Rights*, Indigenous Peoples Day Event, Seattle University School of Law, Seattle, WA, on October 8, 2018.
- ◆ *Stand Your Ground in Indian Country*, a CLE co-sponsored by Arizona State University College of Law and the American Bar Association, presented in Phoenix, AZ on January 13, 2017.
- ◆ *Bi/Sexuality at the Margins*, delivered the 2016 Distinguished Rubash Lecture in Law and Social Work at University of Pittsburgh School of Law, Pittsburgh, PA on March 22, 2016.
- ◆ *Tribal Laws & Same-Sex Marriage*, presented at Seattle University School of Law Faculty Colloquium, Seattle, WA, on August 31, 2015.
- ◆ *Tribes and Gun Regulation: Should Tribes Exercise Their Sovereign Rights to Enact Gun Bans or Stand-Your-Ground Laws?*, presented at *Albany Law Review's A Loaded Debate: The Right to Keep and Bear Arms in the 21st Century*, Albany, NY on October 9, 2014.
- ◆ *Tribal Laws & Same-Sex Marriage*, presented at the 28th Annual Coming Together of the Peoples Conference, University of Wisconsin, Madison on April 5, 2014.
- ◆ *Employment Discrimination Against Bisexuals and Others with Fluid Identities*, presented at St. Louis University School of Law Faculty Colloquium, St. Louis, MO on January 15, 2014.
- ◆ *Tribal Same-Sex Marriage Laws*, presented at the Federal Bar Association's 15th Annual DC Indian Law Conference, Washington D.C. on November 15, 2013.
- ◆ *Same-Sex Marriage & Indian Tribes*, presented at the Thirty-Eighth Annual Federal Bar Association Indian Law Conference in Santa Fe, NM in April 2013.
- ◆ *Employment Discrimination Against Bisexuals*, presented at Minnesota Lavender Bar Association's 12th Annual Conference in St. Paul, MN in January 2013.
- ◆ *Unjustifiable Expectations*, presented at Michigan State University's Eighth Annual Indigenous Law Conference in East Lansing, MI in October 2011.
- ◆ Commenter, *Charles Wilkinson's The People Are Dancing Again: A History of the Siletz Tribe*, Michigan State University College of Law Indigenous Law & Policy Center's 2011 Spring Speakers Series, East Lansing, MI in April 2011.
- ◆ *Race and Equal Protection* (panelist), Michigan State University's Seventh Annual Indigenous Law Conference in East Lansing, MI in October 2010.
- ◆ *Connecting the Dots Between the Constitution, the Marshall Trilogy, and United States v. Lara: Notes Toward a Blueprint for the Next Legislative Restoration of Tribal Sovereignty*, presented at the Federal Bar Association's Thirty-Fourth Annual Indian Law Conference in Buffalo Thunder, NM in April 2009.

• **Other Presentations**

- ◆ *Being Queer and Indigenous: What it Means to Decolonize Gender and Sexuality* (panelist), The 2021 Lavender Law Conference & Career Fair (Virtual), July 28-30 (2021).
- ◆ *Sexual Harassment* (Panel Chair), Law & Society Annual Meeting (Virtual), Chicago, IL on May 29, 2021.
- ◆ *Rowland v. Mad River Sch. Dist. Revisited*, Law & Society Annual Meeting (Virtual), Chicago, IL on May 28, 2021.
- ◆ *Future Implications of ICWA Discussion Panel* (panel participant), Indian Child Welfare Act History and Purpose, Current Application, and Future Implications, University of South Dakota Knudson School of Law (Virtual), Vermillion, SD on April 15, 2021.
- ◆ *McGirt v. Oklahoma* (panel participant), Recent Indian Law Developments; In the Courts and on the Ground, University of South Dakota Knudson School of Law (Virtual), Vermillion, SD on April 2, 2021.
- ◆ *Bi Writers & the Quest for Community and Audience* (Panel Organizer and Moderator), Association of Writers & Writing Programs Conference & Bookfair (Virtual), Kansas City, KS, March 5, 2021.
- ◆ Commenter, *Jessica Shoemaker's Fee Simple Failures: Rural Landscapes and Race*, Rural Legal Scholars Workshop, University of South Dakota Knudson School of Law (Virtual), Vermillion, SD on October 30, 2020.
- ◆ *Rehabilitating the Women's Health and Cancer Rights Act (WHCRA) so that it Fulfills its Promise to Breast Cancer Patients*, presented at the LatCrit XXI Biennial Conference in Orlando, FL on September 29, 2017.
- ◆ *Understanding Discrimination Against Bisexuals and Internalized Biphobia: The Keys to Successful Representation of Members of the Bi+ Community*, presented at the 2017 LGBT Bar Annual Conference and Career Fair in San Francisco, CA on August 2, 2017.
- ◆ *Tribal Laws & Same-Sex Marriage*, presented at the 2016 Law & Society Association Annual Meeting in New Orleans, LA on June 2, 2016.
- ◆ *Employment Discrimination Against Bisexuals*, 2015 LGBT Bar Annual Conference and Career Fair in Chicago, IL on August 6, 2015.
- ◆ *Current Indigenous Governance & the Tripartite Model*, participant in roundtable, 2015 Native American & Indigenous Studies Association Conference in Washington, D.C., June 4, 2015.
- ◆ *Same-Sex Marriage & Indian Tribes*, 2014 Law & Society Annual Meeting in Minneapolis, MN on May 29, 2014.
- ◆ *Same-Sex Marriage & Indian Tribes*, American Association of Law Schools Annual Meeting, Sexual Orientation and Gender Identity Section, New York, NY, January 5, 2014.
- ◆ *Employment Discrimination Against Bisexuals and Others with Fluid Identities*, presented at the 8th Annual Colloquium on Current Scholarship in Labor and Employment Law, Las Vegas, NV on September 27, 2013.
- ◆ *Facing Indian Country: New Problems and Old* (discussant), 2013 Law & Society Association Annual Meeting in Boston, MA on June 1, 2013.
- ◆ *Employment Discrimination Against Bisexuals*, 2013 Law & Society Association Annual Meeting in Boston, MA on May 31, 2013.
- ◆ *Unjustifiable Expectations: Laying to Rest the Ghosts of Allotment-Era Settlers*, Association for Law, Property, & Society Annual Meeting in Minneapolis, MN in April 2013.

- ◆ *Preliminary Results of Survey on Employment Discrimination Against Bisexuals*, Junior Scholars Forum of the National LGBT Bar Association's 2012 Lavender Law Conference and Career Fair in Washington, D.C. in August 2012.
- ◆ *Unjustifiable Expectations: Laying to Rest the Ghosts of Allotment-Era Settlers*, Forty-Fourth Annual Dakota Conference at Augustana College in Sioux Falls, SD in April 2012.
- ◆ *Unjustifiable Expectations: Laying to Rest the Ghosts of Allotment-Era Settlers*, presented at the Fifteenth Annual Conference of the Association for the Study of Law, Culture, & Humanities in Fort Worth, TX in March 2012.
- ◆ *Unjustifiable Expectations*, presented as work-in-progress at the Sixteenth Annual LatCrit Conference, in San Diego, CA in October 2011.
- ◆ *"Hostile Indian Tribes . . . Outlaws, Wolves, . . . Bears . . . Grizzlies and Things like That?" How the Second Amendment and Supreme Court Precedent Target Tribal Self-Defense*, presented at the 2011 Law & Society Association Annual Meeting in San Francisco, CA in June 2011.
- ◆ *"Hostile Indian Tribes . . . Outlaws, Wolves, . . . Bears . . . Grizzlies and Things like That?" How the Second Amendment and Supreme Court Precedent Target Tribal Self-Defense*, presented at International Conference on Narrative in St. Louis, MO in April 2011.
- ◆ *Polyamory as a Sexual Orientation*, presented at the Fourteenth Annual Conference of the Association for the Study of Law, Culture, and the Humanities, Las Vegas, NV in March 2011.
- ◆ *How America's Racialized History Eviscerates Indian Tribes' Right to Self-Defense*, presented at University of Idaho's Fall 2010 Critical Legal Studies Conference in Moscow, ID in September 2010.
- ◆ *Sexual Orientation as a Holistic Concept: An Examination of Whether Polyamory Should be Considered a Sexual Orientation*, presented at the 2010 Law & Society Annual Meeting in Chicago, IL in May 2010.
- ◆ Commentator, *Author Meets Reader: Facing the Future: The Indian Child Welfare Act at 30* (Matthew L.M. Fletcher et al., eds.), at the 2010 Law & Society Annual Meeting in Chicago, IL in May 2010.
- ◆ *Sex Discrimination Under Tribal Law*, 4th Annual Critical Race Studies Symposium at UCLA School of Law in March 2010.
- ◆ *Sexual Orientation as a Holistic Concept: An Examination of Whether Polyamory Should be Considered a Sexual Orientation*, presented at the Lavender Law Conference and Career Fair in Brooklyn, NY in September 2009.
- ◆ *Do Indian Tribes Have a Right to Self-Defense? An Examination of the History and Case Law that Suggests that They Do Not*, 2009 Law & Society Association Annual Meeting in Denver, CO in May 2009.
- ◆ *Sex-Based Equal Protection Under Tribal Law: From Broad-Based, Absolute Proscriptions of Discrimination to Context-Specific Protections*, Michigan State University's Fifth Annual Indigenous Law Conference in East Lansing, MI in October 2008.

JUDICIAL CLERKSHIPS

- ◆ **Clerk, Chambers of the Honorable Ronald M. Gould**, 9th Circuit Court of Appeals. (2001-2002)
 - Researched legal issues and drafted bench memoranda.
 - Drafted memorandum dispositions, orders, and appellate opinions.
 - Discussed legal issues and the outcome of pending cases with judge and co-clerks.
- ◆ **Clerk, Chambers of the Honorable Rex Armstrong**, Oregon Court of Appeals. (1999-2001)
 - Researched legal issues and drafted appellate opinions.

- Discussed legal issues and the outcome of pending cases with judges and staff attorneys.
- Proofread draft opinions written by judges, staff attorneys, and other clerks.

LEGAL EMPLOYMENT

- ◆ **Tribal Attorney, Muckleshoot Indian Tribe, Auburn, WA.** (2014-2019)
 - Researched, wrote, and edited briefs, regulatory comment letters, legislative testimony, and memoranda primarily in the areas of treaty rights, environmental law and natural resources.
 - Drafted and edited briefs for cases before the Ninth Circuit, United States Supreme Court, and federal district court.
 - Negotiated with state and federal entities on administrative and legislative issues that affected the Tribe.
 - Drafted and reviewed changes to tribal codes.
- ◆ **Of Counsel, Kanji & Katzen, PLLC, Seattle, WA.** (2008-2014)
- ◆ **Associate Attorney, Kanji & Katzen, PLLC, Seattle, WA.** (2006-2008)
 - Researched, wrote, and argued briefs, motions, supporting memoranda, and responses to motions in federal and tribal courts.
 - Reviewed orders, reports, plans, and correspondence to evaluate utility's compliance with license conditions in Federal Energy Regulatory Commission proceeding.
 - Cases addressed enforcement of federal subsistence fishing rights, environmental protection, and protection of tribal corporations from malfeasance, among other issues.
- ◆ **Tribal Attorney, Swinomish Indian Tribal Community, near La Conner, WA.** (2002-2006)
 - Wrote and argued trial briefs, motions, supporting memoranda, responses to motions and other pleadings in state, federal, and tribal courts and before administrative hearings boards.
 - Conducted depositions, drafted interrogatories, and engaged in other types of discovery.
 - Negotiated settlements of lawsuits.
 - Cases included natural resource, environmental, land-use, and treaty rights issues.
 - Provided legal support to Planning, Fisheries, the G^wχd^zadad (Cultural) Committee, and other departments.
 - Facilitated transactions such as land purchases.
 - Drafted revisions to tribal enrollment and fisheries codes.
- ◆ **Law Clerk, California Indian Legal Services, Oakland, CA.** (Spring 1998 and Spring 1999)
- ◆ **Law Clerk, American Civil Liberties Union, San Francisco, CA.** (Summer 1998)
- ◆ **Law Clerk, Contra Costa County Office of the Public Defender, Richmond, CA.** (Summer 1997)

OTHER EMPLOYMENT

- ◆ **Marketing Editor, Energy Investment, Inc., Boston, MA.** (1994-1996)
- ◆ **Production Assistant, New England Law Review, Boston, MA.** (1993-1994)

BAR MEMBERSHIPS

United States Supreme Court; United States Court of Appeals for the District of Columbia Circuit; United States Court of Appeals for the Ninth Circuit; District Court for the Western District of Washington; Washington; California (inactive); South Dakota; Swinomish Indian Tribal Community.

SELECTED SERVICE ACTIVITIES

- ◆ Immediate Past Chair, Washington State Bar Association's Indian Law Section;

- ◆ Chair, Indian Law Section of the Federal Bar Association;
- ◆ Hearing Officer, Disciplinary Board of the Washington State Bar Association, appointed by the Washington Supreme Court;
- ◆ Coach, National Native American Law Students Association Moot Court Competition;
- ◆ Mentor, Seattle University School of Law's *American Indian Law Journal*;
- ◆ Past Chair, American Association of Law Schools Section on Indian Nations & Indigenous Peoples;
- ◆ Executive Board Member, American Association of Law Schools Section on Sexual Orientation & Gender Identity Issues;
- ◆ Peer Reviewer for AMERICAN INDIAN QUARTERLY;
- ◆ Peer Reviewer for JOURNAL OF HOMOSEXUALITY;
- ◆ Peer Reviewer for FEMINISTS@LAW, an open access journal of feminist scholarship;
- ◆ ILRC Expert, part of an international team of experts that provided pro bono service to UNDP/Jamaica in the analysis of an Anti-discrimination Legislation Proposal for Jamaica, ABA-UNDP International Legal Resource Center (ILRC).