

ADDIE C. ROLNICK

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ACADEMIC APPOINTMENTS

William S. Boyd School of Law, University of Nevada, Las Vegas, Associate Professor, July 2011 to present.

- Courses: Federal Indian Law; Criminal Law; Civil Rights; Critical Race Theory; Tribal Law Practicum.
- Service: Curriculum Committee, Honor Code Committee, American Indian Alliance. Ph.D. dissertation committee, Margaret Huettl (History). M.A. thesis committee, Sahar B. Zavareh (Water Resources Management).

UCLA School of Law, Critical Race Studies Law Teaching Fellow, January 2009 to June 2011.

- Courses: Critical Race Theory; Indigenous Peoples, Race & American Law.
- Service: Faculty co-chair for Fifth Annual CRS Symposium on Race & Sovereignty. Organized Critical Race Theory in Native American Communities lecture series.

American University, Washington Internships for Native Students, Adjunct Professor, May to July 2005.

- Course: Formation of Federal Indian Policy.
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EDUCATION

University of California, Los Angeles, *M.A., American Indian Studies*, 2007.

- Thesis: Developing a Tribal Juvenile Justice System: A Case Study in the Native Village of Barrow.

UCLA School of Law, *J.D. with Concentration in Critical Race Studies*, 2004.

- Program in Public Interest Law & Policy. Founding Editorial Board, Indigenous Peoples' Journal of Law, Culture & Resistance. Women Lawyers' Association of Los Angeles Fran Kandel Public Action Grant.

Oberlin College, *B.A. with High Honors in Sociology*, 1999.

- Thesis: Sex, Anger, and Silence in the Lives of Adolescent Girls: Implications for Delinquency Prevention.
 - Comfort Starr Prize in Sociology. National Merit Scholar. Bonner Scholar. Jerome Davis Student Research Award.
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PROFESSIONAL EXPERIENCE

Sonosky, Chambers, Sachse, Endreson & Perry, LLP, Washington, DC, Associate, 2004 to 2008.

- Chaired legislative coalition on criminal and juvenile justice reform (Tribal Law and Order Act and Juvenile Justice and Delinquency Prevention Act).
- Lead attorney in two claims against Bureau of Indian Affairs to restore funding for operation and maintenance of tribal detention facilities.
- Lead associate in successful D.C. Circuit litigation concerning definition of "initial reservation" under the Indian Gaming Regulatory Act and in several cases involving tribal-state taxation disputes.

Native Village of Barrow Iñupiat Traditional Government, Consultant, 2003 to 2004.

- Drafted court rules, created forms, and trained court and social services personnel on tribal dependency and adoption process.

UCLA Tribal Legal Development Clinic, Project Supervisor, 2003 to 2004.

- Supervised law students engaged in legislative and constitutional drafting projects.

Tribal Law and Policy Institute, Legislation Clerk, 2002 to 2003.

- Drafted delinquency code, wellness code, dependency code, and judicial code for Alaska Native tribe.

Native American Rights Fund, Anchorage, Alaska, Law Clerk, 2003.

Nossaman, Guthner, Knox & Elliott, LLP, Los Angeles, CA, Law Clerk, 2002.

SCHOLARSHIP

My published work falls into four subject areas: criminal jurisdiction in Indian country, juvenile justice as it affects Native youth, indigenous peoples and equal protection doctrine, and critical scholarship on race and the criminal justice system. All articles broadly engage questions of sovereign powers and minority rights, primarily involving the intersections between criminal justice, race, and indigenous rights in the United States.

Publications in Law Reviews

Recentring Tribal Criminal Jurisdiction, 63 U.C.L.A. L. REV. 1638 (2016), considers courts' changing approach to questions about the scope of tribal criminal jurisdiction. This article argues that courts today are more likely to correctly apply principles of federal Indian law to questions of criminal jurisdiction (an "inside out" approach that treats tribes as the first sovereigns), whereas in the past they treated tribal jurisdiction as an afterthought (an "outside in" approach that relies on policy rather than theory to justify expansions and contractions of tribal jurisdiction). It considers five specific jurisdictional questions and the way that each has been (or should be) answered under an inside out approach versus an outside in approach.

Tribal Criminal Jurisdiction Beyond Citizenship and Blood, 39 AMER. INDIAN L. REV. 337 (2016), presents a unifying theory of tribal criminal jurisdiction, building on a survey of tribal and federal law to argue that current federal law permits tribes to exercise their jurisdiction over all those who are understood to be members of the tribal community. This article urges courts to shift the focus in tribal jurisdiction cases from Indianness (whether defined by citizenship or blood) to tribal community recognition. Using the context of criminal jurisdiction, it looks deeply at the question of what it means to be Indian under federal law if one is not an enrolled tribal citizen and argues that citizenship is not the only way to define legal Indianness in order to survive an equal protection challenge.

Untangling the Web: Juvenile Justice in Indian Country, 19 N.Y.U. J. OF LEG. & PUB. POL. 49 (2016), addresses recent studies that critique the administration of juvenile justice for Native youth, provides a complete picture of the issues and barriers affecting the experience of Native juvenile delinquents in different jurisdictional contexts, and sets forth policy proposals to improve the treatment of Native youth in tribal, federal, and state systems. This article brings together many years of work in juvenile justice and is the basis for current and future projects.

The Promise of Mancari: Indian Political Rights as Racial Remedy, 86 N.Y.U. L. REV. 958 (2011) (awarded honorable mention for the 2011 John Hope Franklin Prize by the Law and Society Association), examines the disjuncture between Indianness as a political status and Indianness as a racial status and its consequences for both federal Indian law and the study of race and law. This article explores the doctrinal divergence between race law and Indian law, and the limited understandings of race, racism, and Indianness that have evolved as a result. Its analysis of race, Indian status, and group rights provides the foundation for subsequent work.

Publications in Other Journals

Locked Up: Fear, Racism, Prison Economics, and the Incarceration of Native Youth, 40 AM. INDIAN CULTURE & RES. J. 55 (2016), argues that, based on available data, tribally-run juvenile justice systems seem to rely too heavily on incarceration despite overwhelming evidence of its harm, links this trend to the phenomenon of mass incarceration, and examines the potential for tribal juvenile justice systems to avoid problems of over-criminalization and over-incarceration.

Works in Progress

Racial Anxieties in Adoption: Reflections on Adoptive Couple, White Parenthood, and Constitutional Challenges to the ICWA, MICH. STATE L. REV. (forthcoming) (with Kim Hai Pearson), uses recent equal protection challenges to the Indian Child Welfare Act to explore the way that progressive narratives about family formation work to cover racially regressive attitudes about parents and communities of color in the context of adoption law.

Native Youth & Juvenile Injustice in South Dakota, SOUTH DAKOTA L. REV. (forthcoming invited symposium essay), describes the tribal, state, and federal justice system infrastructure that affects Native youth in South Dakota through the themes of sovereignty, racism, and jurisdiction.

White Spaces (in progress) addresses the question of how race matters in self-defense law, considers the effect of state laws that expand the right of self-defense, and argues that by legalizing the use of deadly force based on “reasonable” fear where fear is unavoidably tied to race and space, self-defense laws allow private individuals to police the boundaries of racially defined spaces under color of law.

Ancestry and Indigeneity (in progress) analyzes a series of recent lawsuits challenging indigenous rights in Hawai’i and the Pacific U.S. territories. Undergirding each of these suits is the claim that a state or territory violates the Constitution every time it singles out indigenous people on the basis of ancestry. Because the primary shield against constitutional challenges to indigenous rights in the U.S. is federal recognition of Indian tribes, Native people in Hawai’i and the U.S. territories lack a crucial doctrinal tool to defend against these suits. This article argues that *Rice v. Cayetano*, the main authority cited in these challenges, employs a disingenuous interpretation of 15th Amendment case law to suggest that ancestry is coextensive with race, and if *Rice* is expanded beyond its factual and doctrinal context the result will be an erasure of indigenous legal rights outside the context of federal Indian law.

BRIEFS, REPORTS & EXPERT TESTIMONY

Office of Juvenile Justice and Delinquency Prevention’s National Girls Initiative, *Resisting Invisibility: Native Girls in the Justice System* (forthcoming 2017) (lead author)

Senate Committee on Indian Affairs Oversight Hearing on Juvenile Justice in Indian Country: Challenges and Promising Strategies, Washington, D.C., July 15, 2015

Attorney General’s Task Force on American Indian and Alaska Native Children Exposed to Violence, Hearing on the Juvenile Justice System’s Response, Scottsdale, AZ, February 11, 2014

Brief of National Congress of American Indians as *Amicus Curiae* in Support of Appellant Daniel T. Bailey and Favoring Reversal, *Kelsey v. Pope*, Case 14-1537 (6th Cir., filed Nov. 5, 2015) (co-counsel)

A Tangled Web of Justice: American Indian and Alaska Native Youth in Federal, State, and Tribal Justice Systems, Campaign for Youth Justice: July 2008 (with Neelum Arya)

MEDIA AND BLOGS

Authored

- Lecture Preview: Race and Self-Defense Killings (UNLV News Center), April 13, 2015
- Expansions to Nevada’s Self-Defense Law are Unnecessary and Dangerous (Las Vegas Sun), March 15, 2015
- *Adoptive Couple v. Baby Girl* (1 of 4): Why the Court’s ICWA Ruling Matters (PrawfsBlawg), June 29, 2013
- *Adoptive Couple v. Baby Girl* (2 of 4): 3/256ths Cherokee? (PrawfsBlawg), June 30, 2013
- *Adoptive Couple v. Baby Girl* (3 of 4): On the Portrayal of Dusten Brown as a Deadbeat Dad (PrawfsBlawg), June 30, 2013
- *Adoptive Couple v. Baby Girl* (4 of 4): Whiteness and Ideal Parenthood (PrawfsBlawg), July 1, 2013
- *Why Salazar v. Ramah Navajo Chapter* is More than Simply a Federal Contracting Case (PrawfsBlawg), June 28, 2012
- Rewriting the End of a Sovereignty Story: Santa Clara Pueblo Members Vote to Change Patrilineal Membership Rule (PrawfsBlawg), June 18, 2012

Quoted or profiled

- Juvenile Justice System Fails Native Americans, Studies Show (NPR’s All Things Considered), July 31 2015
- No Jail Time for Troubled Kids: Radical Fixes for Juvenile Justice (Indian Country Today Media Network), July 24, 2015
- Feds and Tribes Work Toward Juvenile Justice (The Durango Herald), July 15, 2015
- Reports: Juvenile Justice System Fails Native Youth (Fronteras: The Changing America Desk), June 30, 2015
- Juvenile Justice in Native America (Native America Calling), June 11, 2015
- Race and Self-Defense (Top of Mind with Julie Rose, BYU Radio), June 4, 2015
- Trayvon Martin Verdict Echoes in Las Vegas (KNPR’s State of Nevada), July 17, 2013
- Death Penalty One Year After Troy Davis & Trayvon Martin, Our Own Voices Live, September 22, 2012

- Trayvon Martin Tragedy Reverberates in Nevada (Las Vegas Sun), April 11, 2012
- Trayvon Martin Case Has Some Looking at Nevada's New Self-Defense Law (Las Vegas Sun), April 1, 2012
- Indian Tribe, Developer in Tug-of-War over Grand Canyon Skywalk (Reuters), March 18, 2012
- How Floyd Mayweather Avoided a Knockout in Court (The Legal Blitz), January 26, 2012

SELECTED PRESENTATIONS AND TRAININGS

Creator/Organizer

- Fifth Annual Critical Race Studies Symposium: Race and Sovereignty (co-chair, panelist), March 2011
- Race and Self-Defense Law: Beyond Trayvon Martin and Michael Brown, UNLV University Forum Lecture, April 30, 2015
- Race, Sovereignty & Citizenship (roundtable), Law and Society Association Annual Meeting (organizer and moderator), May 2010
- Legislating Belonging (roundtable), AALS Section on Law & Anthropology Annual Meeting (organizer and panelist), February 2015
- The President and the Pipeline (Presidential debate panel), UNLV (organizer and panelist), September 2016
- Water Protectors: Activism and Social Change (panel), UNLV (organizer and moderator), November 2016

Invited

- When Law Fails to Protect: Resistance and Response at Standing Rock, Oberlin College, March 29, 2017
- Symposium on Juvenile Justice, University of South Dakota School of Law, September 2016
- Resisting Invisibility: Native Girls and Juvenile Justice, National Girls Initiative Roundtable on Native Girls, St. Paul, MN, August 2016
- The Realities of Mass Incarceration in America Today, University of Laverne Law Review Symposium, April 2016
- The Indian Child Welfare Act: Old and New Challenges, University of South Dakota School of Law Indian Law Symposium, March 2016
- The Next Frontier in Federal Indian Law: Building on the Foundational Work of Carole E. Goldberg, UCLA Law Review Symposium, January 2016
- Breakout Session on ICWA and Juvenile Justice: Empowering Tribes in the Fight for Our Children, National Congress of American Indians Mid-Year Meeting, Saint Paul, MN, June 30, 2015
- A Roadmap for Making Native America Safer, UCLA American Indian Studies Center, January 24, 2014
- Preserving *Morton v. Mancari's* Dynamic Legacy, 38th Annual Federal Bar Association Indian Law Conference, April 11, 2013
- CRT in Realtime: Juvenile Justice, Critical Race Studies at 10: Building Our Home, UCLA School of Law, March 8, 2013
- Righting Wrongs in the Context of Superdiversity: The Possibilities and Limitations of Law, Superdiversity California Style: New Approaches to Race, Civil Rights, Governance and Cultural Production (UCLA Institute of American Cultures Inaugural Conference), March 1, 2013
- Race Undercover: Unpacking the Trayvon Martin Tragedy, UCLA School of Law, October 2, 2013
- Standing Our Ground for Trayvon Martin, African American Policy Forum National Roundtable, July 18, 2013
- Profiling, Protection and Prevention: What if it was Your Child?, UNLV Boyd School of Law, April 2012
- Plenary Panel on New Paradigms of Racialization? Race, Citizenship, Indigeneity, Immigration (Post-Jim Crow), AALS Mid-Year Meeting, Workshop on Post Racial Civil Rights Law, Politics and Legal Education: New and Old Color Lines in the Age of Obama, June 2010

Presentations

When Law Fails to Protect: Resistance and Response at Standing Rock, presented at:

- Association for the Study of Law, Culture & the Humanities Annual Conference, Stanford Law School, April 2017
- Living Under Colonialism: The Dakota Access Pipeline and Other Current Issues, UNLV Department of Anthropology, April 2017

The Promise of Mancari: Indian Political Rights as Racial Remedy, presented at:

- UCLA School of Law, CRT and Native American Communities Speaker Series, January 2010
- UC Berkeley School of Law, Seminar on Critical Race Theory, November 2009

Tribal Criminal Jurisdiction Beyond Citizenship and Blood, presented at:

- Rocky Mountain Junior Scholars Forum, University of Utah School of Law, September 2012
- University of New Mexico School of Law, February 2013
- UNLV Boyd School of Law, September 2013
- Indian Law Junior Scholars Forum, UCLA School of Law, July 2013
- University of Colorado, Boulder, February 2014

Racial Anxieties in Adoption, presented at:

- AALS Mid-Year Meeting on Family Law, June 2015
- Law and Society Association Annual Meeting, May 2015

White Spaces, presented at:

- Southwest Criminal Law Workshop, UNLV Boyd School of Law, November 2016
- University of New Mexico School of Law, February 2017
- J. Reuben Clark School, BYU, February 2016
- AALS Mid-Year Meeting, Workshop on Poverty, Immigration and Property, June 2013
- Law and Society Association Annual Meeting, May 2013

Group Rights and Anti-Racism, presented at:

- Arizona State University Legal Scholars Conference, March 2012
- Seattle University School of Law, junior faculty exchange, March 2012

Presentations on juvenile justice in Indian country:

- Know Her Truths Conference, Anna Julia Cooper Center, April 2016
- Southwest Criminal Law Workshop, UNLV Boyd School of Law, September 2012
- Race and Criminal Justice in the West, Gonzaga University, September 24, 2011
- National Indian Child Welfare Association 27th Annual Protecting Our Children National American Indian Conference on Child Abuse and Neglect, April 2009
- National Congress of American Indians Third Annual Tribal Leader/Scholar Forum, June 2008

More Than a Race, Not Quite a Tribe: How Federal Law Dismantles Native Hawaiian Indigeneity, Unlearning the American Pacific: A Symposium on Anti-Colonial Pedagogies, UCLA Asian American Studies Department, April 2009

Sex, Anger, and Silence in the Lives of Adolescent Girls: Implications for Delinquency Prevention, presented at Thinking Gender Conference, UCLA Center for the Study of Women, April 2001

Roundtable on “Whiteness as Property” and Multiracial Identity, 7th Annual Critical Race Studies Symposium: *Whiteness as Property: A Twenty Year Appraisal*, UCLA School of Law, October 4, 2014

Moderator

- Nevada’s Death Penalty: Can We Live Without It?, UNLV Boyd School of Law (moderator), September 2012
- Over-Policed and Under-Protected: Women, Race and Criminalization, UCLA Law Review Symposium (moderator), January 27, 2012
- Workshop on Race and Extra-Constitutional Status, Fourth Annual CRS Symposium: *Intersectionality: Challenging Theory, Reframing Politics, Transforming Movements* (moderator), UCLA School of Law, March 2010
- Individuals, the Collective, and Democracy: Race, Class, Gender, Disability, and Individual Employee Rights (moderator), *Democracy and the Workplace*, Saltman Center for Conflict Resolution Symposium, UNLV Boyd School of Law, February 2012

Tribal Constitutional, Legislative, Judicial and CLE Trainings

- Tribal Sovereignty 101, Women Empowering Women for Indigenous Nations (WEWIN) Annual Conference, Las Vegas, NV August 19, 2014
- Tribal Code Development: TLOA, VAWA, and Non-Indians, National Tribal Judicial Center, National Judicial College, February 24, 2014
- The Protective Power of Sovereignty: New Developments with the Violence Against Women Act, Tribal Rights,

Sovereignty & Economic Development, Law Seminars International, Las Vegas, NV, October 10, 2013

- The Making of a Constitution: What About Individual Rights? presented at Council for Native Hawaiian Advancement's Constitutional Symposium, February 2004
- Civil Procedure and Rules of Court, presented at Native Village of Barrow Tribal Court Judicial Training, April 2003
- Establishing a Children's Court System, presented at Orutsararmuit Native Council Tribal Government Judicial Training, November 2002
- Children's Court Process, presented at Native Village of Barrow Tribal Court Judicial Training, October 2002
- Creation of a Judiciary, presented at Native Village of Barrow Tribal Court Judicial Training, October 2002
- Juvenile Court Process, presented at Native Village of Barrow Tribal Court Judicial Training, April 2002

PROFESSIONAL LICENSES, BOARDS & COMMITTEES

Bar and Court Admissions: California, Nevada (clinical faculty member under Rule 49.1), District of Columbia (2006-2012), United States Court of Appeals for the District of Columbia Circuit, United State Court of Appeals for the Sixth Circuit

AALS Section on Law & Anthropology, Chair, 2014; Board Member, 2013, 2015, 2016, 2017

AALS Section on Indians & Indigenous Peoples, Board Member, 2016, 2017

HIPS, Washington, DC, Board Member, 2006-2014 (including a term as Chair)