

# KIRSTEN MATOY CARLSON

Wayne State University Law School  
471 W. Palmer  
Detroit, MI 48202  
Telephone: 313.577.1201  
Email: [kirsten.carlson@wayne.edu](mailto:kirsten.carlson@wayne.edu)

## ACADEMIC APPOINTMENTS

<b>Wayne State University</b> , Detroit, MI	
Associate Professor of Law	since 2016
Adjunct Associate Professor of Political Science	since 2015
Assistant Professor of Law	2011-2016
<b>University of Ottawa</b> , Institute of Canadian Studies, Ottawa, Canada	2005-2006
Visiting Research Scholar	
<b>University of Minnesota School of Law</b> , Minneapolis, MN	2004-2005
Visiting Associate Professor	

## EDUCATION

**The University of Michigan, Department of Political Science**, Ann Arbor, MI  
2007 Ph.D.

**The University of Michigan Law School**, Ann Arbor, MI  
2003 J.D. *cum laude*

**Victoria University, Te Kawa a Maui**, Wellington, New Zealand  
1999 M.A. *with Distinction* in Maaori Studies  
1998 B.A. Honours, *First Class* in Maaori Studies

**The Johns Hopkins University**, Baltimore, MD  
1997 B.A. *with Honors*

## PUBLICATIONS

*Rethinking Legislative Advocacy*, (forthcoming MARYLAND LAW REVIEW 2021).

*White Opposition to Native American Sovereignty: Association with “the Casino Indian Stereotype” and Perceived Conflict of Interest*, *Du Bois Review*, at <https://doi.org/10.1017/S1742058X20000119>, published online 06 August 2020 (with Laurel Davis-Delano, Renee Galliher, Arianne Eason, and Stephanie Fryberg) (peer-reviewed).

*Lobbying Against the Odds*, 56 HARV. J. ON LEGIS. 23 (2019) (selected for presentation by the 2018 Harvard/Stanford/Yale Junior Scholar Forum).

*Lobbying as a Strategy for Tribal Resilience*, 2018 BYU L. REV. 1159.

*Tribute: Judge Murphy's Indian Law Legacy*, 102 MINN. L. REV. 37 (2018).

*Making Strategic Choices: How and Why Indian Groups Advocated for Federal Recognition from 1977 to 2012*, 51 LAW & SOC'Y REV. 930 (2017) (peer-reviewed).

*Congress, Tribal Recognition, and Legislative-Administrative Multiplicity*, 91 IND. L.J. 955 (2016) (selected out of 340 submissions for presentation at the 10th Annual Conference on Empirical Legal Studies) (cited in an amicus brief to the United States Supreme Court in *Patchak v. Zinke*, 138 S. Ct. 897 (2018)).

*Congress and Indians*, 86 U. COLO. L. REV. 77 (2015) (cited in amicus briefs to the United States Supreme Court in *Nebraska v. Parker*, 106 S. Ct. 1072 (2016) and *Patchak v. Zinke*, 138 S. Ct. 897 (2018)).

*Political Failure, Judicial Opportunity: The Supreme Court of Canada and Aboriginal and Treaty Rights*, 44 AM. REV. CAN. STUD. 334 (2014) (peer-reviewed) (reprinted in F.L. MORTON & D. SNOW (eds.), LAW, POLITICS AND THE JUDICIAL PROCESS IN CANADA 4th ed. 2018).

*Jurisdiction and Human Rights Accountability in Indian Country*, 2013 MICH. ST. L. REV. 355.

*Priceless Property*, 29 GA. ST. UNIV. L. REV. 685 (2013).

*Natural Allies: Conservationists, Indian Tribes, and Protecting Native North America*, in SARAH KRAKOFF & EZRA ROSSER, EDS., TRIBES, LAND, AND THE ENVIRONMENT (2012) (with Robert T. Coulter).

*Is Hindsight 20-20? Reconsidering the Importance of Pre-Constitutional Documents*, 30 AM. INDIAN L. REV. 1 (2005-2006).

*Does Constitutional Change Matter? Canada's Recognition of Aboriginal Title*, 22 ARIZ. J. INT'L COMP. L. 449 (2005) (distributed to over 1000 practitioners and scholars at the 2010 Federal Bar Association Indian Law Conference).

Note, *Towards Tribal Sovereignty and Judicial Efficiency: Ordering the Defenses of Tribal Sovereign Immunity and Exhaustion of Tribal Remedies*, 101 MICH. L. REV. 569 (2002) (Second Place, National Native American Law Students Association Annual Writing Competition).

#### SHORTER SCHOLARLY WORKS

*Legislation*, in TRIBAL ADMINISTRATION HANDBOOK (Rebecca Webster & Joseph Bauerkemp, eds. forthcoming) (with Tadd Johnson, Wendy Helgamo, and Laura Paynter).

*Lobbying and Diplomacy*, in TRIBAL ADMINISTRATION HANDBOOK (Rebecca Webster & Joseph Bauerkemp, eds. forthcoming) (with Michael Oeser).

*Epilogue, in* DECOLONIZING PREHISTORY: DEEP TIME AND TOPOLOGICAL KNOWLEDGE IN NORTH AMERICA (Gesa Mackenthun & Christen Mucher, eds. forthcoming).

*Hon. Diana Murphy, U.S. Court of Appeals for the Eighth Circuit, THE FEDERAL LAWYER* (March/April 2020).

*Protecting Victims of Domestic Violence in Indian Country: A Look at the Tools Afforded under the Federal Violence Against Women Act and the Current Landscape in Michigan, MICHIGAN FAMILY LAW JOURNAL* (February 2020) (with Cameron Fraser and Norika Kida Betti).

Notice, *Premature Predictions of Multiculturalism?*, 100 MICH. L. REV. 1470 (2002).

Book Review, *American Indian Constitutional Reform and the Rebuilding of Native Nations* (edited by Eric D. Lemont), 27(1) J. AM. ETHNIC HIST. 89 (Fall 2007).

#### MEDIA INTERVIEWS & PUBLICATIONS

Interviewed by Brian Standing, 8 O’Clock Buzz: U.S. Supreme Court Upholds Treaty Rights, Wort FM Community Radio, Madison, WI (July 29, 2020).

*Supreme Court Upholds American Indian Treaty Promises, Orders Oklahoma to Follow Federal Law, THE CONVERSATION* (July 10, 2020).

*Tribal Leaders Face Great Need and Don’t Have Enough Resources to Respond to the Coronavirus Pandemic, THE CONVERSATION* (March 25, 2020).

*Reports of the Death of Congressional Oversight Are Greatly Exaggerated, THE CONVERSATION* (March 17, 2020).

*Indian Country Leaders Urge Native People to be Counted in 2020 Census, THE CONVERSATION* (March 11, 2020).

*Well, Impeachment Didn’t Work—How Else Can Congress Keep President Trump in Check?, THE CONVERSATION* (Feb. 14, 2020).

Interviewed by Chuck Stokes, Spotlight on the News: A scholarly look at the Trump Impeachment Trial, WXYZ ABC Detroit (Jan. 26, 2020).

*Precedent? Nah, the Senate Gets to Invent its Rules in Every Impeachment, THE CONVERSATION* (Jan. 23, 2020).

Interviewed by Scott Simon, Weekend Edition: The Power of a Subpoena, National Public Radio (Dec. 14, 2019).

*Donald Trump’s Refusal to Comply with Congress Means Supreme Court May Have to Referee, NEWSWEEK* (Dec. 8, 2019).

*Courts Have Avoided Refereeing between Congress and the President, But Trump May Force Them to Wade In*, THE CONVERSATION (Dec. 6, 2019) (republished by THE FULCRUM).

*Impeachment: Two Quotes that Defined the First Day of Public Hearings*, THE CONVERSATION (Nov. 13, 2019).

*Protect American Indians*, THE DETROIT NEWS (Dec. 7, 2017) (republished by SCOTUSblog).

#### GRANTS & AWARDS

2019-2020	Career Development Chair Award, Wayne State University (\$16,500)
2014-2019	National Science Foundation Law and Social Science Program, Grant #SES 1353255 (PI Kirsten Carlson) (\$249,952), “Legal Mobilization, Rights Claims, and Federal Indian Policy Reform”
2018-2019	Levin Center Research Scholar, Wayne State University Law School (\$15,000)
2017	Professor of the Year, First Year, Wayne State University Law School
2016-2017	Outstanding Junior Faculty Award, Academy of Scholars, Wayne State University
2014-2015	University Research Grant, Wayne State University (\$9,961)
2014	Donald H. Gordon Award for Excellence in Teaching, Wayne State University
2004-2007	National Science Foundation Law and Social Science Program, Doctoral dissertation grant # SES 0416409 (PI Donald Herzog) (\$15,000), “Doctoral Dissertation Research: Do Constitutions Matter? Assessing the Impacts of the Constitutional Recognition of Aboriginal Rights in Canada”
2000-2007	Rackham Merit Fellowship, The University of Michigan
2005-2006	Lowenstein Dissertation Grant, The University of Michigan
2003	Henry J. Ramsey Diversity Award, American Bar Association
2003	Jane L. Mixer Memorial Award for promoting social justice in the law, The University of Michigan Law School
2003	S. Anthony Benton Memorial Award for outstanding constitutional law scholarship, The University of Michigan Law School
2002	2L of the Year, National Native American Law Students Association (NALSA)
2002	Ogichidaa Award for NALSA leadership, The University of Michigan Law School
2002	Bates Overseas Travel Fellowship, The University of Michigan Law School
2001-2002	Foreign Language Area Studies Fellowship, The University of Michigan Law School
1999-2000	Professor and Mrs. Burke Shartel Scholarship, The University of Michigan Law School
1998-1999	Fulbright Scholar, New Zealand-United States Educational Foundation
1997	<i>Phi Beta Kappa</i> , The Johns Hopkins University

#### SELECTED PRESENTATIONS AND CONFERENCES

*Invited Presentation*, “The Mueller Grand Jury Case,” Emerging Case Law on Congressional Oversight, The Levin Center at Wayne Law, Washington, D.C., January 2020.

*Invited Presentation*, “Opportunities for Established and Emerging Scholars,” Indigenous Political Science Short Course, American Political Science Association Annual Meeting, Washington, D.C., August 2019.

*Panel Presentation*, “Opposition as Influence: American Indian Opposition to Federal Legislation,” Law and Society Annual Meeting, Washington, D.C., May 2019.

*Invited Presentation*, “Judge Murphy’s Indian Law Legacy,” Memorial Court Session, U.S. Court of Appeals for the Eighth Circuit, St. Paul, MN, October 2018.

*Invited Presentation*, “Lobbying Against the Odds,” Yale/Stanford/Harvard Junior Faculty Forum, Harvard Law School, Cambridge, MA, June 2018.

*Invited Presentation*, “Opposition as Influence: Indian Advocacy Against Federal Legislation,” Politics, Race, Immigration, and Ethnicity Consortium, University of New Mexico, Albuquerque, NM, May 2018.

*Invited Presentation*, “Congress and Tribal Institution Building,” J. Reuben Clark Law School, Brigham Young University, March 2018.

*Invited Presentation*, “American Indian Legislative Advocacy,” Academy of Scholars, Wayne State University, Detroit, MI, April 2017.

*Panel Presentation*, “Mobilizing the Law Legislatively,” Midwest Law and Society Retreat, University of Wisconsin Law School, Madison, WI, November 2016.

*Panel Presentation*, “Tribes Lobbying Congress: Who Wins and Why,” 13th Annual Indigenous Law Conference and Tribal In-House Counsel Association Conference, Michigan State University Law School, East Lansing, MI, November 2016.

*Invited Presentation*, “Gambling on Congress: Indian Nations’ Federal Recognition Strategies,” American Association of Law Schools Annual Meeting, Section on Legislation and Law of the Political Process New Voices in Legislation Program, New York, NY, January 2016.

*Invited Presentation*, “Congress, Tribal Recognition, and Legislative-Administrative Multiplicity,” 10th Annual Conference on Empirical Legal Studies, St. Louis, MO, October 2015.

*Panel Presentation*, “Congress and the Tribal Self-Determination Policy,” Central States Law School Association Conference, Toledo, OH, October 2015.

*Panel Presentation*, “Gambling on Congress: Indian Nations’ Federal Recognition Strategies,” Midwest Political Science Association, Chicago, IL, April 2015.

*Panel Presentation and Chair*, “Legislating (Tribal) Recognition,” Law and Society Annual Meeting, Minneapolis, MN, May 2014.

*Invited Presentation*, “Congress and Indians,” Junior Faculty Forum, University of Toronto Law School, Toronto, Canada, October 2013.

*Invited Presentation*, “Exercising Plenary Power over Indian Affairs,” Mentoring Indian Law Scholars Workshop, University of California, Los Angeles, Los Angeles, CA, June 2013.

*Panel Presentation and Chair*, “Evaluating (Native) Legislative Strategies,” Law and Society Annual Meeting, Boston, MA, May 2013.

*Invited Presentation*, “Exercising Plenary Power over Indian Affairs,” Early Career Workshop, Law and Society Annual Meeting, Boston, MA, May 2013.

*Invited Presentation*, “Political Failure, Judicial Opportunity: The Supreme Court of Canada and Aboriginal and Treaty Rights,” CONNECT-Fulbright Canada Colloquium, University of California at Berkeley, Berkeley, CA, May 2013.

*Invited Presentation*, “Political Failure, Judicial Opportunity: The Supreme Court of Canada and Aboriginal and Treaty Rights,” University of Toledo College of Law, Toledo, OH, March 2013.

*Invited Presentation*, “Human Rights, Culture, and Indigenous Development,” American Association of Law Schools Annual Meeting, New Orleans, LA, January 2013.

#### TESTIMONY

Invited Written Testimony on H.R. 3744, a Bill to Provide that an Indian Group May Receive Federal Acknowledgment as an Indian Tribe Only by Act of Congress, before the Subcommittee on Indian, Insular, and Alaska Native Affairs, Natural Resources Committee, United States House of Representatives, 115th Congress, Sept. 26, 2017.

#### OTHER LEGAL EXPERIENCE

**Indian Law Resource Center**, Helena, MT 2007-2011  
Staff Attorney

**U.S. Court of Appeals for the Eighth Circuit**, Minneapolis, MN 2003-2004  
Law Clerk to the Honorable Diana E. Murphy

**Sonosky, Chambers, Sachse, Endreson and Perry**, Washington, D.C. 2001, 2002  
Summer Associate

#### BAR MEMBERSHIPS

Michigan State Bar Association, 2003-present  
U.S. Court of Appeals for the Eighth Circuit, 2004-present