

## Resume

**Richard B. Collins**

Professor of Law, University of Colorado

### **University address**

University of Colorado  
401 UCB  
Boulder, Colorado 80309 USA  
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**Courses taught** Property, Constitutional Law, Colorado Government, American Indian Law, Regulation of Marijuana, Real Estate Transactions, Human Rights Law, Wills and Trusts, Law and Religion, First Amendment, Local Government, Intellectual Origins of the Constitution, Trial Advocacy, Criminal Law, seminars in Constitutional Law and American Indian Law.

**Visiting Professor** Ocean University of China, Qingdao, China, short course during fall semester 2017. Taught course in American Public Law to Chinese law students.

Wuhan University, Wuhan, China, spring semester 2008. Taught courses in American Constitutional Law and Comparative Human Rights Law to Chinese law students.

Beijing (Peking) University, Beijing, China, fall semester 2005. Taught course in American Constitutional Law to Chinese law students.

### **Publications—Books and chapters**

Colorado Government (2020 ed.) (electronic casebook revised every two years since 2004)

The Colorado State Constitution (2<sup>nd</sup> ed.) (Oxford University Press 2020) (with Oesterle)

Cohen's Handbook of Federal Indian Law (2005 ed., Lexis-Nexis) (with others)

The Colorado State Constitution (Greenwood Press 2002) (with Oesterle)

Felix S. Cohen's Handbook of Federal Indian Law (1982 ed., Michie Bobbs-Merrill) (with others)

Chapter 57, Indian Land, in 7 Thompson on Real Property (Thomas ed., Michie Co. 1994)

### **--Articles**

To Sue and Be Sued: Capacity and Immunity of American Indian Nations, 51 Creighton Law Review 391 (2018).

Too Strict?, 13 First Amend. L. Rev. 1 (2014) (published in 2015)

Never Construed to Their Prejudice, 84 U. Colo. L. Rev. 1 (2013)

Propaganda for War and Transparency, 87 Denv. U. L. Rev. 819 (2010)

Affirmative Action in American Constitutional Law, translated into Chinese by Xu Tieying and published in the Chinese language journal, VII Roman Law and Modern Civil Law (Xu Guodong ed., Xiamen Univ.) at pages 367-76 (2010).

Telluride's Tale of Eminent Domain, Home Rule, and Retroactivity, 86 Denv. U. L. Rev. 1433 (2009)

The Colorado Constitution in the New Century, 78 U. Colo. L. Rev. 1265 (2007)

A People Without Law, 5 Indigenous L. J. 83 (2006) (with Miller)

Petitioners' Brief—Reargument of *Santa Clara Pueblo v. Martinez*, 14 Kans. J. L. & Pub. Pol. 67 (2004)

Western Justice, 112 Yale L. J. 975 (2003)

Sacred Sites and Religious Freedom on Government Land, 5 U. Penn. J. Const. L. 241 (2003)

Native American Rights Fund, entry in 6 Dictionary of American History (S. Kutler ed. 2003)

How Democratic Are Initiatives? 72 U. Colo. L. Rev. 983 (2001)

Nineteenth-Century Orthodoxy, 70 U. Colo. L. Rev. 1157 (1999)

Justice Wilbur Fisk Stone, 20 American National Biography 870 (Oxford Univ. Press 1999)

Race and Criminal Justice, 68 U. Colo. L. Rev. 933 (1997)

Alienation of Conservation Easements, 73 Denv. U. L. Rev. 1103 (1996)

Constitutional Law, in 1995/96 Annual Survey of Colorado Law (1996)

Structuring the Ballot Initiative: Procedures That Do and Don't Work, 66 U. Colo. L. Rev. 47 (1995) (with Oesterle)

Initiative Enigmas, 65 U. Colo. L. Rev. 807 (1994)

Justice Scalia and the Elusive Idea of Discrimination Against Interstate Commerce, 20 N. Mex. L. Rev. 555 (1990)

Indian Consent to American Government, 31 Ariz. L. Rev. 365 (1989)

Economic Union as a Constitutional Value, 63 N.Y.U. L. Rev. 43 (1988)

Indian Allotment Water Rights, 20 Land & Water L. Rev. 421 (1985)

The Future Course of the Winters Doctrine, 56 U. Colo. L. Rev. 481 (1985)

Implied Limitations on the Jurisdiction of Indian Tribes, 54 Wash. L. Rev. 479 (1979)

American Indians and the Bicentennial, 16 Colo. Law. 1579 (1987)

Indian Reservation Water Rights, 78 Amer. Water Works Ass'n J. no. 10 p. 48 (Oct 1986)

Arizona Legal Services Practice Manual, chapter on Indian Law (1982)

American Indian Courts and Tribal Self-Government, 63 Amer. Bar Ass'n J. 808 (1977)

**--Reviews, Conference Papers, and Miscellaneous**

Scholars of American Indian law brief as amici curiae in Northern Arapahoe Tribe v. State of Wyoming, U. S. Supreme Court October Term 2017

Scholars of American Indian law brief as amici curiae in Michigan v. Bay Mills Indian Community, U. S. Supreme Court October term 2013

Chapters on Constitutional Law in Colorado Bar Association, 2013, 2012, and 2011 Annual Surveys of Colorado Law

Legal Take on Lobato's Future, Law Week Colorado, 26 Dec. 2011 p. 7 and on line in Education News Colorado.

Opinion letter to legislators on constitutional validity of Colorado House Bill 11-1287, March 3, 2011.

Book Review, 50 Amer. J. Leg. Hist. 1057 (2010).

Member of Peer Review Board, American Indian Law Review, continuing

Colorado reporter for The Book of the States, annual publication of the Council of State Governments, Lexington, KY.

Special editor of International Law Review of Wuhan University vol. 10 (2008-09)

Book review, 38 Colorado Lawyer 101 (2009)

Foreword to Frank Caso, Censorship (2008)

Book Review, 39 Western Historical Quarterly 218 (2008)

Book Review, Cases Versus Theory, 21 Seattle L. Rev. 853 (1998)

Book Review, 2 Great Plains Research 118 (1992)

Book Review, 7 Const'l Commentary 424 (1990)

Book Review, 3 West. Leg. Hist. 152 (1990)

Book Review, 36 J. Leg. Ed. 438 (1986)

Putting Indian Water Rights to Use, at Nat. Res. L. Center conf. on Western Water Law in Transition, Boulder, 5 June 1985, <http://scholar.law.colorado.edu/western-water-law-in-transition/15>.

Transfer and Use of Reserved Water Rights of Indian Allotments, at Nat. Res. L. Center conf. on Federal Impact on State Water Rights, Boulder, 11 June 1984, <http://scholar.law.colorado.edu/federal-impact-on-state-water-rights/9>.

### **Works in Progress**

Paper titled American Common Market Redux. Completed, seeking a publisher.

Paper titled Santa Clara Pueblo v. Martinez in the Evolution of Federal Law, accepted for publication by The Tribal Law Review, University of New Mexico School of Law

Paper on American Indian law

Paper on alcohol policies

Paper on Colorado's constitutional tax restriction known as TABOR

Paper comparing regulation of marijuana with that of alcohol

### **Awards**

Honoree for 51 years of representing American Indian interests and keynote speaker at symposium, 50 Years of the Indian Civil Right Act, sponsored by the Indigenous Peoples Program and Tribal Law Journal at University of New Mexico School of Law, Isleta Pueblo, New Mexico, Mar. 8-9, 2018.

Fulbright grant to teach law in China, awarded 2007 to teach at Wuhan University in 2008

Teaching Excellence Award, 2003-04, 1999-2000, and 1992-93 (made since 1989 to one faculty member each academic year by vote of University of Colorado law students)

Smith Kline Beckman Award in Legal Education, and grant, from Institute for Educational Affairs, for new course in constitutional history (1988)

**Symposia Organized and Directed for the Byron R. White Center for the Study of American Constitutional Law**

Government Speech, Denver, 22 January 2010

Home Rule, Denver, 30 January 2009

Reapportioning Colorado, Denver, 25 January 2008.

The Voice of the Crowd—Colorado's Initiative, Denver, 26 January 2007, papers published in 78 U. Colo. L. Rev. No. 4 (2007)

Horowitz, Churchill, Columbia—What Next for Academic Freedom?, Boulder, 3-4 February 2006, papers published in 77 U. Colo. L. Rev. No. 4 (2006)

Conscience and the Free Exercise of Religion, Boulder, 28 January 2005, papers published in 76 U. Colo. L. Rev. No. 4 (2005)

Constitutional Conflicts on Public Lands, Boulder, 30-31 January 2004, papers published in 75 U. Colo. L. Rev. No. 4 (2004)

Justice White and the Exercise of Judicial Power, Boulder, 24-25 January 2003, papers published in 74 U. Colo. L. Rev. No. 4 (2003)

**Lectures, etc.**

Eminent Domain Law in America, Ocean University of China, Qingdao, China, 17 November 2017.

Marijuana Law in Colorado, Center for Legal Studies, University of Colorado at Colorado Springs, 8 October 2015

ABA Webinar, Eminent Domain and Municipalization: Abuse or Sound Local Policy, 13 May 2015 (with others)

Supreme Court Review: Cases of Broad Public Concern, Colorado Bar Association CLE Offices, Denver, 12 January 2015 (with others)

Supreme Court Preview--Denver, offices of Holland & Hart, Denver, 15 October 2014, and Supreme Court Preview--Boulder, Wolf Law, 30 September 2014 (both with others)

The School Voucher Controversy, Center for Legal Studies, University of Colorado at Colorado Springs, 16 October 2014

Sovereign Immunity and Indian Law, CU's American Indian Law Program conference, Tribal Sovereign Immunity After Bay Mills, 12 September 2014

Religious Freedom and Obamacare, CU law faculty and staff colloquium, 2 May 2014

Religious Freedom and Obamacare, Center for Legal Studies, University of Colorado at Colorado Springs, 10 April 2014

Recent and Current Cases on the Colorado Constitution, Pitkin County Bar Association, Aspen, 15 November 2013

The Road to Constitutional Reform, Colorado Association of School Boards, Fort Collins, 19 Oct. 2012

Constitutional Law, Colorado Law Mini-Law School, Boulder, 4 Oct. 2012

Indigenous Sacred Sites Claims Illustrate Unique Difficulties of Religious Freedom Lawsuits, Auckland University seminar, Auckland, New Zealand, 17 May 2012

Indigenous Sacred Sites on Government Land, La Trobe University seminar, Melbourne, Australia, 8 March 2012

Colorado's Constitutional Tax and Revenue Limitation, Senator Michael Johnston's Summer Intern Program, Boulder, 30 June 2011

The First Amendment and the Limits of Protest, Colorado Administrative Law Judges, Denver, 12 May 2011

The First Amendment: Protest v. Privacy—The Case of *Snyder v. Phelps*, Colorado Bar CLE, Denver, 21 March 2011

Memorandum opinion on constitutional validity of bill on parole for juvenile murderers, for Colorado Juvenile Defender Coalition (solicited), March 2011 (submitted to House Judiciary Committee of Colorado General Assembly).

Is Spending Money a Form of Free Speech? Boulder Rotary Club, Boulder, 13 June 2010

Panel Discussion, The Landmark Supreme Court Case: *Citizens United vs. Federal Election Commission*, Boulder, 15 March 2010

Is Spending Money a Form of Free Speech? Boulder Valley Rotary Club, Boulder, March 9, 2010

El Autogobierno de las Naciones Indígenas en Estados Unidos, Pontifica Universidad Católica del Perú, Lima, Peru, 31 July 2009 (in Spanish)

El Derecho de Autonomía de las Naciones Indígenas de los Estados Unidos, and Private Property Protections Under the U. S. Constitution, Universidad Católica San Pablo, Arequipa, Peru, 23 July 2009 (in Spanish)

Private Property Protections Under the U. S. Constitution & Affirmative Action Preferences in American Law, Xiamen University, Xiamen, China, 15 May 2008

Private Property Protections Under the U. S. Constitution (2 times), Nanjing University of Science and Technology, Nanjing, China, 8-9 May 2008

Private Property Protections Under the U. S. Constitution (2 times), Guangdong Foreign Affairs University, Guangzhou, China, 24 April 2008 (north campus), 25 April 2008 (south campus)

Private Property Protections Under the U. S. Constitution & Science and Religion in American Constitutional Law, Zhongnan University, Changsha, China, 17 April 2008

President Bush's Claims to Increased Executive Power & Science and Religion in American Constitutional Law, Beijing Institute of Technology, Beijing, China, 10 April 2008

The Colorado Constitution, University of Denver Strategic Issues Program Panel on Foundation of a Great State: The Future of Colorado's Constitution, Denver, 14 September 2007.

The Michigan Decisions and Race-Based Scholarships, National Action Council for Minorities in Engineering, Boulder, 30 July 2007

The Bush Administration's Claims of Presidential Power, University of Colorado Retired Faculty Association, Boulder, 27 March 2007

How Should Courts Decide Claims of Burdens on Religious Freedom?, Christos Foundation, Boulder, 6 March 2007

Constitutional Law Relating to Diversity Admissions to the University of Colorado, President's Blue Ribbon Commission on Diversity, Denver, 29 September 2006

Freedom of Speech, Hate Speech, and Bias-Motivated Speech in the Classroom, Dean's Council, Boulder, 22 September 2006

Libraries and the First Amendment, Public Library, Longmont, 21 September 2006

The War on Terror, Alumni College, Boulder, 17 June 2006

Teaching Evolution in Public Schools, Fulbright Scholars, Denver, 21 April 2006

Politics of Choosing U. S. Supreme Court Justices, Peking University Graduate School, Shenzhen, China, 7 November 2005

American Indian Law, Peking University Human Rights Masters Program, Beijing, China, 24 October 2005

Supreme Court 2003 Term, Colorado Judicial Conference, Littleton, 20 September 2004

Judicial Independence in Colorado, Colorado Bar Association sections, Steamboat Springs, 18 June 2004

History of the Colorado Constitution's Education Clauses, Colorado Association of School Boards, Golden, 4 June 2004

University of Colorado Scott Lecture, Judging Religious Freedom, 26 February 2004 (endowed)

Judicial Independence in Colorado, Colorado Bar Ass'n CLE Conference, Steamboat Springs, 18 June 2004

History of the Colorado Constitution's Education Clauses, Colorado Association of School Boards, Golden, 4 June 2004

History of Judicial Review in Colorado, Colorado Judicial Conference, Denver, 22 September 2003

The Place of United States v. Shipp in 14<sup>th</sup> Amendment History, Thompson Marsh Inn of Court, 13 February 2003

Justice White's Influence on Western Water Law, Larimer-Weld Inn of Court, 19 September 2002

Tyranny of the Majority, Boulder County Democratic Women, Boulder, 10 January 2001

Propriety of Suing the Tribal Sovereign, Federal Bar Association's annual Indian Law Conference, Albuquerque, 6 April 2000; published with conference papers

Sacred Sites on Public Lands, sponsored by Native American Law Student Association, CU Boulder, 9 March 2000

Sacred Sites and Religious Freedom on Government Land, faculty colloquia at University of Wollongong, Wollongong, Australia, 22 July 1999, and at University of Auckland, Auckland, New Zealand, 30 March 1999.

Taught six single classes in five subjects on constitutional law topics at University of Auckland, March-May 1999.

Relation of the Religion Clauses of the Constitution to Indian Tribes and National Parks, to National Park Service superintendents, Page, Arizona, November 1999; Grand Canyon, Arizona, September 1999; Shepherdstown, West Virginia, December 1998; Atlanta, May 1998; Seattle, February 1998; Omaha, September 1997; San Francisco, June 1997; Denver, February 1997.

Interview on Free Press Law for Metrovision, taped 14 June 1996, broadcast 3 July 1996.

Environmental Regulation of Energy Resources Development on Indian Lands, at NRLC Hot Topics, Denver, 1 November 1995

Professor Ralph Johnson's Contribution to the Constitutional Law of Indian Country, at University of Washington, 30 May 1995.

Native American Tribal Sovereignty, for New Zealand Legal Research Foundation, Auckland, New Zealand, 13 July 1994

Initiated Legislation That Invades Minority Rights, at University of Auckland, Auckland, New Zealand, 13 July 1994; at University of Otago, Dunedin, New Zealand, 19 July 1994; at University of Sydney, Sydney, Australia, 11 Aug. 1994.

The Japanese Internment Cases, program in honor of Gordon Hirabayashi sponsored by Center for the Study of Ethnicity and Race in America, Boulder, 27 Jan. 1993

A Comparative History of Individual Rights in Canada and the United States, at Soc. Sci. Educ. Consortium conf. on Bill of Rights, Boulder, 9 Mar. 1991

Origins and Dimensions of the Trust Relationship Between the Indian Nations and the United States, at Amer. Bar Ass'n conf. on Natural Resources Development on Indian Lands, Albuquerque, 22 Feb. 1991

Comparing American Indian Treaty Rights Under U. S. Law with Native Treaty Rights in Canada and New Zealand, at Inst. of Advanced Leg. Stud., London, 8 May 1990

Economic Development and Tribal Constitutions, at Indian Law Support Center conf. on Indian Econ. Dev., Boulder, 10 June 1989

Indian Country Sovereignty, at Native American Rights Fund conf. on Indian Law, Boulder, 8 Aug. 1988

Taxation in Indian Country, at Natural Res. L. Center conf. on Nat. Res. Dev. in Indian Country, Boulder, 8 June 1988

Federal Reserved Rights Claims for Uses on Out-of-Basin Lands, at Nat. Res. L. Center conf. on New Sources of Water for Energy Development and Growth: Interbasin Transfers, Boulder, 8 June 1982

### **Other professional activities**

Moderator, Colorado Bar Ass'n Real Estate Section's on-line Discussion List, Nov. 2011-present

Member of Peer Review Board, American Indian Law Review 2015-present

Director, Byron R. White Center for the Study of American Constitutional Law 2002-10

Member, Vice-Chancellor's Advisory Committee, Boulder Campus 2007-10.

Associate Dean for Academic Affairs, University of Colorado Law School, 1996-98

Colorado Bar Association Committee on Legal Education and Admission to the Bar (member 1997-99, chair fall 1998)

Pro bono consultant to Native American Rights Fund and Southern Ute Indian Tribe (all years), Passamaquoddy Tribe (1997), Navajo Nation (2002-03)

President (1983-89), Secretary (1989-2001) and board member, September School (private alternative high school) (1980-2001)

President (1993-96), Secretary (1997-98) and board member (1991-98), Colorado Music Festival (professional symphony orchestra)

### **Other professional data**

B.A. (chemistry) Yale 1960, LL.B. Harvard 1966

Languages studied: Spanish, German, Navajo, Chinese

Military service: active duty in U. S. Navy 1960-63, final rank Lieutenant

Admitted to practice law: California 1966, Arizona 1972, New Mexico 1973, Colorado 1976

### **Past legal employment**

1975-82 Staff Attorney, Native American Rights Fund, Boulder, Colorado

1971-75 Director of Litigation, Dinebeina Nahiilna Be Agaditahe (Navajo legal services), Window Rock, Arizona

1967-71 Staff Attorney and Deputy Director, California Rural Legal Assistance and California Indian Legal Services

1966-67 law clerk for Hon. Charles M. Merrill, U. S. Court of Appeals, San Francisco

### **Litigation experience**

Extensive civil practice, trial and appellate; some criminal defense.

Major role in these published decisions

Montana v. Blackfeet Tribe, 471 U.S. 759 (1985)

Solem v. Bartlett, 465 U.S. 463 (1984)

Central Machinery Co. v. Arizona Tax Comm'n, 448 U.S. 634 (1980)

United States v. John, 437 U.S. 634 (1978)

Santa Clara Pueblo v. Martinez, 436 U.S. 49 (1978)

McClanahan v. Arizona Tax Comm'n, 411 U.S. 164 (1973)

United States v. Adair, 723 F.2d 1394 (9th Cir 1983), *cert. denied*, 467 U.S. 1252 (1984)

Joe v. Marcum, 621 F.2d 358 (10th Cir. 1980)

Scholder v. United States, 428 F.2d 1123 (9th Cir), *cert. denied*, 400 U.S. 942 (1970)

City of Sault Ste. Marie v. Andrus, 532 F.Supp. 157 (D.D.C. 1980), *aff'd*, 672 F.2d 893



(D.C. Cir. 1981), *cert. denied*, 459 U.S. 825 (1982)  
Goodluck v. Apache County, 417 F.Supp. 13 (D. Ariz. 1975), *aff'd*, 429 U.S. 876 (1976)  
Natonabah v. Board of Educ, 355 F.Supp. 716 (D. N.M. 1973)  
Kelly v. U. S. Dept. of Interior, 339 F.Supp. 1095 (E.D. Calif. 1972)  
Jim v. CIT Financial Svcs Corp., 533 P.2d 751 (N.M. 1975)  
Topash v. Comm'r of Revenue, 291 N.W.2d 679 (Minn. 1980)  
Fox v. Bureau of Revenue, 531 P.2d 1234 (N.M. App. 1974), *cert. denied*, 424 U.S. 933 (1976)  
Wauneka v. Campbell, 526 P.2d 1085 (Ariz. App. 1974)

### **Personal**

Married to Judith Reid, three daughters  
Board member and singer, Boulder Bach Festival  
Member, Yale Alumni Chorus, St. John's Choir  
Personal activities—reading, bicycling, hiking, singing, church