

CURRICULUM VITAE

DONALD CRAIG MITCHELL

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EDUCATION

Hastings College of the Law
University of California
J.D. 1972

PROFESSIONAL MEMBERSHIPS

California Bar Association
Alaska Bar Association
District of Columbia Bar Association
Bar of the United States Supreme Court

PROFESSIONAL EXPERIENCE

1974-77 Alaska Legal Services Corporation
Anchorage, Alaska

1978-80 Alaska Federation of Natives
Washington, D.C., Counsel

1981-83 Alaska Federation of Natives
Vice President and General Counsel
Anchorage, Alaska

1984-Present Private Practice
Anchorage, Alaska

BOOKS AND PUBLICATIONS

(with David Rubenson) Native American Affairs and the Department of Defense. 1996. RAND.

Sold American: The Story of Alaska Natives and Their Land, 1867-1959. 1997. University Press of New England.
(2d ed. 2003. University of Alaska Press.)

"Alaska v. Native Village of Venetie: Statutory Construction or Judicial Usurpation? Why History Counts," 14 Alaska Law Review. 1997.

Take My Land Take My Life: The Story of Congress's Historic Settlement of Alaska Native Land Claims. 1960-1971. 2001. University of Alaska Press.

Wampum: How Indian Tribes, the Mafia, and an Inattentive Congress Invented Indian Gaming and Created a \$28 Billion Gambling Empire. 2016. The Overlook Press.

PROFESSIONAL EXPERIENCE

1974-1977

Mitchell moved to Alaska in 1974 to work as a VISTA attorney for the Alaska Legal Services Corporation (ALSC) at its field office in Bethel, the most populous of the fifty-six Native villages on the Yukon-Kuskokwim River Delta in western Alaska. For the next three years he provided legal services to a predominately Yup'ik Eskimo client population. During those years he litigated a number of law reform cases, including Deacon v. United States (class action ending Bureau of Land Management policy discriminating against women applicants for employment on village fire crews) and Calista v. Mann, 564 P.2d 53 (Alaska 1977) (Alaska Supreme Court recognition of validity of traditional Eskimo cultural adoptions). In 1975 Mitchell began and managed ALSC's first Native paralegal program. In 1976 he served as supervising attorney of ALSC's Bethel office.

In late 1976 ALSC transferred Mitchell to its headquarters office in Anchorage, where he coordinated litigation conducted by attorneys in ALSC's field offices. Cases of note that Mitchell litigated during that period include Williamson v. State (class action resulting in consent decree requiring State of Alaska to provide diagnostic services and medical treatment for Medicaid eligible children living in rural villages), and State v. Tanana Valley Sportsmen's Ass'n, 583 P.2d 854 (Alaska 1978) (representing Native organizations throughout the northwest arctic in first action challenging the constitutionality of the Alaska Legislature's authority to enact and implement a subsistence hunting and fishing priority). In 1977 Mitchell represented Native villages regarding subsistence hunting and fishing issues during Congress's initial consideration of H.R. 39, the bill Congress would enact in 1980 as the Alaska National Interest Lands Conservation Act (ANILCA). See Inclusion of Alaska Lands in National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers Systems: Hearings on H.R. 39, et al., before the Subcomm. on General Oversight and Alaska Lands of the House Comm. on Interior and Insular Affairs, 95th Cong., Part XI 153, 398-479 (1977) (statement of Donald C. Mitchell).

1978-1980

From 1978 through 1980 Mitchell served as Washington, D.C., counsel for the Alaska Federation of Natives (AFN), the organization that had been created in 1967 to represent Alaska Natives during Congress's consideration of legislation whose enactment would settle Alaska Native land claims. Mitchell's

principal responsibility was to represent the AFN before Congress, the Department of the Interior, the State of Alaska, and interested national environmental organizations regarding H.R. 39, the bill Congress enacted in 1980 as ANILCA. In addition to participating in the negotiation and drafting of title VIII of ANILCA (the title establishing federal standards for regulating subsistence hunting and fishing on public lands in Alaska), Mitchell was responsible for representing Native interests in the negotiation and drafting of all sections of H.R. 39 that established policies that affected Alaska Natives generally (as opposed to individual Native corporations and groups).

1981-1983

In 1981 Mitchell returned to Anchorage and through 1983 served as vice president and general counsel of the AFN. In that position, he represented Alaska Natives before Congress, the State of Alaska, the Department of the Interior, and other federal agencies regarding a variety of Native-related issues that ranged from state and federal regulation of subsistence hunting and fishing to Bureau of Indian Affairs and Indian Health Service service delivery problems. Of particular note, in 1981 Mitchell represented the AFN before Congress during the negotiation and drafting of the 1981 amendments to the Marine Mammal Protection Act, Pub. L. No. 97-58.

1984-Present

Since 1984 Mitchell has been in private practice in Anchorage, representing Native organizations and individuals in natural resource-related matters, both in Alaska and in Washington, D.C. In that capacity he represented the AFN in a three-year negotiation that in 1988 resulted in Congress's enactment of Pub. L. No. 100-395, which resolved one of the most complex public land survey-related problems in Alaska. See 134 Cong. Rec. 19826 (1988) (Representative George Miller commending Mitchell for his work during negotiation and drafting of the text of that statute).

In addition to legislative matters, since 1984 Mitchell has represented Native organizations in litigation of state and national interest, including Alaska Fish and Wildlife Federation v. Dunkle, 829 F.2d 933 (9th Cir. 1987) (interpreting the intent of Congress embodied in the 1918 Migratory Bird Treaty Act); McDowell v. State, 785 P.2d 1 (Alaska 1989) (defining the Alaska Legislature's authority to enact statutes implementing title VIII of ANILCA); State v. Hebert, 803 P.2d 863 (Alaska 1990) (Alaska Supreme Court upholding regulatory scheme for western Alaska commercial herring fishery intended to encourage village economic development); Peninsula Marketing Ass'n v. State, 817 P.2d 917 (Alaska 1991) (interpreting the intent of the Alaska Legislature embodied in the 1986 Alaska subsistence statute); McDowell v.

United States, United States District Court for the District of Alaska, No. A92-531 (1992) (upholding constitutionality of title VIII of ANILCA).

Between 1984 and 1986 Mitchell served as counsel to Alaska Governor Bill Sheffield's Task Force on Federal-State-Tribal Relations, and in that capacity researched and wrote the task force's report on Alaska Native tribal status that in 1988 the Alaska Supreme Court characterized as a document of "impressive scholarship." See Native Village of Stevens v. Alaska Management & Planning, 757 P.2d 32, 37 (Alaska 1988).

Between 1986 and 1989 Mitchell litigated Kokechik Fishermen's Ass'n v. Secretary of Commerce, 839 F.2d 795 (D.C. Cir. 1988), cert. denied, 488 U.S. 1004 (1989). The Kokechik decision prevented the Reagan administration from issuing the Japanese high seas drift net salmon fishery a permit to entangle and drown marine mammals within the United States 200-mile exclusive economic zone, and accelerated Alaska Natives' and the national environmental community's successful effort to compel the United States government to take more vigorous action to end high seas drift net fishing.

In 1993 Mitchell represented the six Yup'ik and Inupiat Eskimo organizations that participate in the Western Alaska Community Development Quota (CDQ) Program in Alliance Against IFQs v. Brown, a decision in which the U.S. District Court for the District of Alaska held that Congress intended the Magnuson-Stevens Fishery Conservation and Management Act to delegate the Secretary of Commerce authority to create the CDQ program.

In 1997 Mitchell represented Alaska United States Senator Ted Stevens before the United States Supreme Court as amicus curiae at the petition stage in Alaska v. Native Village of Venetie Tribal Government, 522 U.S. 520, 118 S. Ct. 948 (1998), a case in which the Court accepted Mitchell's view that Congress did not intend land in Alaska that the Secretary of the Interior conveyed to Alaska Native corporations pursuant to the Alaska Native Claims Settlement Act to be "Indian country."

In 2009 the Subcommittee on Indian, Insular, and Alaska Native Affairs of the House Committee on Natural Resources invited Mitchell to appear as an expert witness regarding Carcieri v. Salazar, a decision in which the U.S. Supreme Court held that Congress intended section 19 of the Indian Reorganization Act to limit the authority of the Secretary of the Interior to take the title to land into trust for "Indians" pursuant to section 5 of the Indian Reorganization Act to Indians who are members of a recognized Indian tribe that in 1934 was "under Federal jurisdiction."

In 2015 the Subcommittee on Indian, Insular, and Alaska Native Affairs of the House Committee on Natural Resources invited Mitchell to appear as an expert witness regarding the Department of the Interior's proposed amendments to regulations that establish an administrative process for designating groups composed of individuals of Native American descent as "federally recognized tribes."

Mitchell is the author of a two-volume history of the Alaska Native land claims movement from the Alaska purchase in 1867 to the enactment of the Alaska Native Claims Settlement Act in 1971.

In 1997 the University Press of New England published the first volume, Sold American: The Story of Alaska Natives and Their Land, 1867-1959, which former Secretary of the Interior Stewart Udall described as "the most important and comprehensive book about Alaska yet written and a major intellectual triumph." In 2001 the University of Alaska Press published the second volume, Take My Land Take My Life: The Story of Congress's Historic Settlement of Alaska Native Land Claims, 1960-1971. In 2003 the University of Alaska Press published the second edition of Sold American, with a forward written by former Secretary Udall.

In 2006 the Alaska Historical Society named Sold American and Take My Land Take My Life two of the most important books that have been written about Alaska.

In 2016 The Overlook Press published Mitchell's most recent book, Wampum: How Indian Tribes, the Mafia, and an Inattentive Congress Invented Indian Gaming and Created a \$28 Billion Gambling Empire, which former United States Senate Majority Leader Harry Reid has described as "a fascinating look at the origins of Indian gaming in the U.S.A."