

# PATRICE H. KUNESH


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## PROFILE

Standing Rock Lakota (descendant). Attorney and policy advocate with extensive legal, political, academic, and management experience. Areas of expertise: Federal Indian Law; Diversity, Equity & Inclusion; Public Engagement; and Government Affairs.

## EXPERIENCE

**Native American Rights Fund, Boulder, Development Officer, Boulder, CO (June 2020 -).** Responsible for the design, development, and implementation of NARF's major gifts program, manage an extensive donor portfolio, negotiate philanthropic investments, and foster relationships with tribes and philanthropic organizations.

**Peñin Haha Consulting, Founder/Director, Minneapolis, MN (Jan. 2020 - )**  **Peñin Haha Consulting**  
Policy. Advocacy. Leadership.  
Leads the development of a social enterprise committed to building more engaged and powerful Native communities by expanding assets, fostering social and human capital, strengthening capacity, and pursuing economic equity through research and advocacy. (Clients and partners upon request)

**Federal Reserve Bank of Minneapolis Center for Indian Country Development, Assistant Vice-President and Director, Minneapolis, MN (2015 to 2020).**

Established and led a high priority national initiative focused on activating financial, human, and social capital to foster the conditions that facilitate economic growth and prosperity in American Indian and Alaska Native communities.

- Led economic research initiatives around affordable housing, education, and access to capital
- Published extensive research papers and resources such as the [Tribal Leaders Handbook on Homeownership](#), the Reservation Profiles tool, and the Native American Financial Institutions map
- Created national coalitions and partnerships around homeownership, early childhood development, and financial institutions to cultivate capital investments and motivate advocacy
- Testified before U.S. Senate Committee on Indian Affairs, "[Lending Opportunities: Opening the Door to Homeownership in Indian Country](#)"

**U.S. Department of Agriculture, Deputy Under Secretary for Rural Development, Washington, DC (2013 to 2015).** Presidential appointment (Non-PAS).

Led the Department's efforts to improve the quality of life and economic well-being of people living in rural communities through strategic investments in business, housing, and utility services.

- Oversaw \$653 million budget, 47 State Directors, and 4800 employees
- Supervised CFO, HR, CIO, and Civil Rights (EEO)
- Achieved highest utilization of budget (loan) authority and successfully directed more funds to persistent poverty communities
- Transformed the Office of Civil Rights

**U.S. Department of the Interior, Office of the Solicitor, Deputy Solicitor for Indian Affairs,** Washington, DC (2011-2013). Presidential appointment (Non-PAS).

Responsible for a wide scope of legal and litigation matters concerning American Indian tribes and individuals, land and water rights, gaming, and jurisdictional issues, in federal district and appellate courts.

- Provided legal counsel to DOI Secretary, Assistant Secretary for Indian Affairs, and senior agency staff
- Supervised 25 attorneys in the Division of Indian Affairs
- Participated in drafting legal opinions and cases before the U.S. Supreme Court and federal courts, such as *Salazar v. Ramah Navajo Chapter* and *Adoptive Couple v. Baby Girl Veronica*
- Led team overseeing the settlement of the *Cobell v. Salazar* trust mismanagement litigation and settlement

**University of South Dakota School of Law, Associate Professor of Law,** Vermillion, SD (2005-2011)

- Courses taught: Property, Legislation, Children & the Law, Federal Indian Law, Native American Natural Resources Law, Indian Gaming & Economic Development, Alternative Dispute Resolution. Publications listed below.
- **Director, Institute of American Indian Studies,** University of South Dakota (2008-2011). Managed research and policy center with focus on contemporary tribal governance (land rights, child and family well-being, jurisdiction and natural resources). Administered Native American educational endowments and hosted University-wide lectures and conferences on Native American issues.

**Mashantucket Pequot Tribal Nation,** Mashantucket, CT (1995-2005). Deputy General Counsel. Advised Tribal Council, tribal departments and tribal enterprises in all areas of government and policy, business and financing transactions, taxation, economic development, and tribal-state relations. Principle advisor in legislative initiatives and litigation (federal and state). Key accomplishments include promulgation of CT Revenue Ruling 95-11 regarding the treatment of sales and use taxes to tribes; issuance of \$200 million+ syndicated financing; and established case law that the Copyright Act does not abrogate tribal sovereign immunity (*Bassett v. Mashantucket Pequot Tribe* (2d. Cir. 2000)).

**Native American Rights Fund,** Boulder, CO (1989-1995)

Senior Staff Attorney. National representation of tribes in water rights, oil and gas leasing, cultural property repatriation, constitution and law drafting, jurisdictional disputes, and Indian child welfare. Litigation in federal, state and tribal courts. *Skadden Public Interest Fellow*, 1989-1991.

**Lewis and Clark College of Law,** Portland, OR (2006-2011). Professor. Courses taught: Gaming & Economic Development and Federal Indian Law.

**BAR/BRI, Inc.** (2006-2011). Authored and lectured bar review courses on Federal Indian Law.

## EDUCATION

**Harvard University, Kennedy School of Government,** Cambridge, MA. Masters in Public Administration (2010). *Bush Leadership Fellow* (2009-2010). Coursework: political and economic development, communications. Conducted independent study on crime statistics in Indian Country.

**University of Colorado School of Law,** Boulder, CO. Juris Doctorate (1989). *Colorado Law Review*, editor and published article; Philip A. Danielson Outstanding Minority Student; U.S. Dept. of Education Indian Fellowship; U.S. Department of Justice Honors Program; *Skadden Public Interest Fellowship*.

**Colorado State University**, Fort Collins, CO. Bachelor of Arts (1983). French Language and Literature; minor in Human Development and Family Studies.

### **BAR MEMBERSHIPS**

Admitted to Colorado, Connecticut (inactive), South Dakota (inactive), Tenth Circuit Court of Appeals, Second Circuit Court of Appeals, Court of Federal Claims, U.S. Supreme Court.

### **SERVICE & COMMUNITY ENGAGEMENT**

#### **2020 Presidential Campaign**

Biden-Harris Transition Volunteer Interview Corps & Vetting Team  
Biden-Harris Campaign National Native American Policy Team  
Lawyers Bound for Justice – 2020 Voter Protection Hotline Volunteer

#### **Community Service (2019 - 2020)**

Better Way Foundation, Co-Chair Board of Directors  
Enterprise Community Partners, Judge, Housing Affordability Breakthrough Challenge  
Fannie Mae Single Family Rural Advisory Council  
Johns Hopkins University Center for American Indian Health, “We Are One” Advisory Board  
League of Women Voters, Member  
Lower Phalen Creek Project, Co-Chair, Board of Directors and Wakanj Tipi Center Capital Campaign  
Minneapolis American Indian Center, Capital Campaign Committee  
Minnesota Election Judge (2019-2020)  
National Congress of American Indians, Building Sustainable Economies Taskforce  
National Museum of the American Indian, National Council Member  
National Science Foundation, Cohort in Culturally Relevant Economic Development (CRED)  
Rural Policy Research Institute, Next Generation Advisory Council  
Share Our Strength Native American Hunger Advisory Council  
USDA Rural Broadband Advisory Group

#### **Previous Service**

University of South Dakota: NCAA Division 1 Certification Team and Chair of Subcommittee on Gender, Diversity; Internal Review Board; Rocky Mountain Mineral Law Institute Trustee  
Head Start South Dakota, Board of Directors  
South Dakota Voices for Children, Committee on Poverty  
American Association of Law Schools, Indian Nations & Indigenous Peoples Section  
Big Brother Big Sisters of Connecticut  
Connecticut Permanent Commission on Status of Women  
Federal Bar Association, National Indian Law Conference Chair  
Native American Symphony, Board Member  
Planned Parenthood of Connecticut, Board Chair, Board of Directors  
Skadden Fellowship Foundation, New York, NY, Trustee

### **SKILLS AND INTERESTS**

Communications: facilitation, listening, team building  
Community development, economic development, sustainable development

Business analysis and CDFI lending  
Writing and qualitative research  
Fundraising, non-profit management and organizational development  
Responsive and strategic philanthropy  
Foreign language: Lakota learner, basic French and Spanish

Native cultures, reading, study of social change, racial equity, climate change and hiking.

## **PUBLICATIONS**

*The Power of Place and People – Creating a Vision for Community in Indian Country through Self-Governance and Self-Determination*, Journal of Affordable Housing, American Bar Association (forthcoming, Spring 2021).

*In Leading Indian Country's Pandemic Recovery, Secretary Haaland has Opportunity to Shape a New Era of Federal Indian Policy*, INDIAN COUNTRY TODAY, Op-Ed, Jan. 4, 2021

*Indian Country's pandemic recovery plan: Economic diversification, balanced governance, and inclusive prosperity*, INDIAN COUNTRY TODAY, Op-Ed, April 21, 2020.

*Access to Credit in Indian Country: The Promise of Secured Transaction Systems in Creating Strong Economies*, chapter in [CREATING PRIVATE SECTOR ECONOMIES IN NATIVE AMERICA: SUSTAINABLE DEVELOPMENT THROUGH ENTREPRENEURSHIP](#), Robert J. Miller, Miriam Jorgensen and Daniel Stewart eds., Cambridge University Press (2020).

*Building Homes and Hope: Actions to Increase Affordable Housing in Indian Country*, Shelterforce Magazine (2019).

*Divided Interests: Growing Complexity of Fractionated Property Rights in Indian Country and Possible Solutions*, chapter in [HEIRS' PROPERTY AND LAND FRACTIONATION: FOSTERING STABLE OWNERSHIP TO PREVENT LAND LOSS AND ABANDONMENT](#), Gaither, Cassandra J.; Carpenter, Ann; Lloyd McCarty, Tracy; Toering, Sara, eds., U.S. Department of Agriculture Forest Service, Southern Research Station (2019).

*Getting real about Indian Country - Surprising Progress in the Heartland*, Indian Country Today, April 22, 2019.

*Narrowing Gaps Through Educational Investments For American Indians And Alaska Natives*, chapter in [INVESTING IN AMERICA'S WORKFORCE: IMPROVING OUTCOMES FOR WORKERS AND EMPLOYERS](#), V. 1, Ch. 11, Upjohn Institute for Employment Literature, 2018.

[THE TRIBAL LEADERS HANDBOOK ON HOMEOWNERSHIP](#), Federal Reserve Bank of Minneapolis and Enterprise Community Partners, Editor in Chief, 2018.

*Healthy Children Healthy Nations: Charting Pathways on Early Childhood Development and Nutrition for Minnesota's Native Children*, a collaboration with the Shakopee Mdewakanton Sioux Community and Better Way Foundation, 2018.

*Creating Sustainable Homelands through Homeownership on Trust Lands*, RURAL VOICES, Fall 2017.

*Exploring the Intersection of Economic Development and Community Well-Being in Indian Country*, The Federal Lawyer, April 2016.

MAPPING THE LEGAL FRONTIER OF INDIAN POLICY IN THE UNITED STATES, MAPPING NATIVE AMERICAN CARTOGRAPHIC INTERACTIONS BETWEEN INDIGENOUS PEOPLES, GOVERNMENT, AND ACADEMIA. Daniel G. Cole and Imre Sutton, Editors, Smithsonian Press 2014.

*Sovereignty Gravitas*, The Federal Lawyer, April 2014.

CONSTANT GOVERNMENTS: TRIBAL RESILIENCE AND REGENERATION IN CHANGING TIMES, KANSAS JOURNAL OF LAW AND PUBLIC POLICY, 19 Kansas Journal of Law and Public Policy 8 (2009).

TRIBAL SELF-DETERMINATION IN THE AGE OF SCARCITY, 54 South Dakota Law Review 398 (2009).

BORDERS BEYOND BORDERS – PROTECTING ESSENTIAL TRIBAL RELATIONS OFF RESERVATION UNDER THE INDIAN CHILD WELFARE ACT, 42 New England Law Review 15 (2007).

BANISHMENT AS CULTURAL JUSTICE IN CONTEMPORARY TRIBAL LEGAL SYSTEMS, 37 New Mexico Law Review 85 (2007).

BANISHMENT AS CULTURAL JUSTICE IN CONTEMPORARY TRIBAL LEGAL SYSTEMS: A POST-SCRIPT ON QUAIR V. SISCO, 37 New Mexico Law Review 479 (2007).

A CALL FOR AN ASSESSMENT OF THE STATUS OF THE WELFARE OF INDIAN CHILDREN IN SOUTH DAKOTA, 52 South Dakota Law Review 247 (2007).

TRANSCENDING FRONTIERS: INDIAN CHILD WELFARE IN THE UNITED STATES, 16 Boston College Third World L.J. 17 (1996) (paper originally presented at the International Society of Family Law's Eighth World Conference, University of Wales, Cardiff Law School, 1994, and published in Families Across Frontiers, Martinus Nijhof Publishers 1995).

BUILDING STRONG, STABLE INDIAN COMMUNITIES THROUGH THE INDIAN CHILD WELFARE ACT, 27 Clearinghouse Review 753 (1993).

THE INDIAN CHILD WELFARE ACT OF 1978: PROTECTING ESSENTIAL TRIBAL INTERESTS, 60 Colorado Law Review 131(1988).

**Press, Presentations, Interviews, Essays (blogs and speeches available online)**

Center for Economic Inclusion, [2020 Powering Inclusion Summit](#) – Marching for Racial Equity & Economic Justice, Keynote Speaker, St. Paul, MN, Dec. 2020.

[“Equality and equity for ‘the asterisk nation’: A Q&A with Patrice Kunesh,”](#) MinnPost, Nov. 30, 2020.

Marketplace, American Public Media, *Reimagining the Economy*, [“How social impact bonds could spark prosperity for Indian Country in a pandemic recovery,”](#) Aug. 14, 2020; [“Dealing with Inequality,”](#) Aug. 7, 2020; [“The economic issues Native American voters care about most,”](#) Aug. 19, 2019.

Economic Policy Institute, “Contemporary Social Issues and the Native American Experience in the United States,” Program on Race, Ethnicity, and the Economy, Nov. 2019.

Southwestern Social Science Association, “Shaping Institutional Culture: A Neo Socio-Cultural Paradigm for Creating Wealth in Indian Country,” October 2019.

U.S. Treasury CDFI Fund, “Race and Economics in Indian Country: The Investment Imperative and Opportunity,” September 13, 2019.

Brookings Institute, “American Indian Gaming Challenges in the next 30 years,” February 14, 2019.

Indian Country Today Op-Ed, “Bringing the dream of homeownership to American Indian Reservations,” August 2, 2018.

South Dakota Public Broadcasting and National Native News “Creating Homeownership Opportunities in Indian Country,” interview July 30, 2018.

Business Insider, “‘America First’ should start with the plight of the country’s abandoned Native population,” interview with Pedro Da Costa, May 19, 2018.

University of South Dakota School of Law “Cultural Disruptors and Judicial Reckonings in Indian Country: A few musings on the challenges of culture, jurisdiction, and respect in Indian Country,” March 22, 2018.

University of Oregon School of Law, “Power Paths: Exploring Environmentally Sustainable Economic Development in Indian Country,” 6th Annual Rennard Strickland Lecture, November 14, 2012.

Sioux Falls Argus Leader Op-Ed, “The Violence Against Women Act will make Indian reservations safer,” May 10, 2010; Denver Post, May 4, 2010.

Harvard Gazette, “Living the Lessons We Have Learned,” April 29, 2010.

Speaking of Faith, American Public Radio, “Sitting Bull’s Legacy: Strength in Culture and Family,” program on “Reimagining Sitting Bull, Tatanka Iyotake,” December 17, 2009.

Congressional Quarterly Press, Encyclopedia of United States Indian Policy and Law, Several entries on economic development topics and biographies of contemporary American Indian leaders. 2008.

Native American Rights Fund, "A Practical Guide to the Indian Child Welfare Act," September 2007.

**Book reviews**

"On the Drafting of Tribal Constitutions, by Felix S. Cohen," edited by David E. Wilkins, 27 *Journal of American Ethnic History* 4 (Summer 2008).

Not Without Our Consent Lakota Resistance to Termination, 1950-59, by Edward C. Valandra, 27 *Great Plains Quarterly* 311 (2007); University of Nebraska Press, Fall 2007.