Bibliography of the Works of David H. Getches

Compiled by Jane Thompson, William A. Wise Law Library (rev. 7/26/13)

University of Colorado Law School

- **ARTICLES**
- **BOOKS, CHAPTERS, AND REPORTS**
- **CONFERENCE PRESENTATIONS**
- **CONGRESSIONAL TESTIMONY**
- **LITIGATION**
- **VIDEO RECORDINGS**

**ARTICLES**


———. "University of Colorado School of Law Makes History in Higher Education." *The Colorado Lawyer* 35, no. 9 (September, 2006): 9. [LINK TO ARTICLE]

———. "Water Wrongs: Why Can't We Get It Right the First Time?" *Environmental Law* 34, no. 1 (Winter, 2004): 1-20. [LINK TO ARTICLE]


LINK TO ARTICLE

LINK TO ARTICLE

LINK TO ARTICLE

LINK TO ARTICLE

LINK TO ARTICLE

LINK TO ARTICLE

LINK TO ARTICLE

LINK TO ARTICLE

LINK TO ARTICLE

LINK TO ARTICLE

LINK TO LAW LIBRARY CATALOG

LINK TO ARTICLE


LINK TO ARTICLE

LINK TO ARTICLE

LINK TO ARTICLE


———. "Managing the Public Lands: The Authority of the Executive to Withdraw Lands." Natural Resources Journal 22, no. 2 (April, 1982): 279-335. LINK TO ARTICLE


———. "A Philosophy of Permanence: The Indians’ Legacy for the West." Journal of the West 29, no. 3 (July, 1990): 54-68. LINK TO ARTICLE


Reprinted in The Public Land and Resources Law Digest 19, no. 2 (1982): 214-231. LINK TO ARTICLE

———. "Professor Homer Clark: 'Just Do It!' (Tribute: Professor Homer H. Clark, Jr.)." University of Colorado Law Review 78, no. 1 (Winter, 2007): 1-3. LINK TO ARTICLE


———. "Some Irreverent Questions about Watershed-Based Efforts: What Does It Take for a Watershed Initiative to be Successful?" Chronicle of Community 2, no. 3 (Spring, 1998): 28-34. LINK TO LAW LIBRARY CATALOG


———. "A Tradition of Scholarship in Natural Resources Law." University of Colorado Law Review 75, no. 2 (Spring, 2004): unpaged. LINK TO ARTICLE


———. "Water Reform: Ideas Whose Time has Come." *Water Resources Update* no. 90 (Winter, 1993): 36-42.  LINK TO ARTICLE


Reprinted in *The Public Land and Resources Law Digest* 19, no. 1 (1982): 114-142.  LINK TO ARTICLE


———. "Why Indian Law?." *Amicus* 25, no. 1 (Spring, 2009): 2.  LINK TO ARTICLE


BOOKS, CHAPTERS, AND REPORTS


[LINK TO LAW LIBRARY CATALOG](#)

[LINK TO LAW LIBRARY CATALOG](#)

[LINK TO LAW LIBRARY CATALOG](#)

[LINK TO LAW LIBRARY CATALOG](#)

[LINK TO LAW LIBRARY CATALOG](#)

[LINK TO LAW LIBRARY CATALOG](#)

[LINK TO REPORT](#)

[LINK TO LAW LIBRARY CATALOG](#)

[LINK TO LAW LIBRARY CATALOG](#)

[LINK TO REPORT](#)

[LINK TO LAW LIBRARY CATALOG]


———. "Foreword." In *Beyond the Rangeland Conflict: Toward a West that Works* / by Dan Daggett, vii-viii. Layton, Utah: Gibbs Smith in cooperation with the Grand Canyon Trust, 1995.  [LINK TO LAW LIBRARY CATALOG]


———. *Indian Hunting and Fishing Rights*. Washington, D.C.: Legal Services Corporation, [n.d.].  [LINK TO NILL CATALOG]


———. *Introducing Public School Finance to Native Americans*. Tempe, Ariz.: National Indian Training and Research Center, 1979.  [LINK TO LAW LIBRARY CATALOG](#)


———. "Learning from the Colorado River Basin Experience." In *Boundaries Carved in Water; Missouri River Brief Series; no. 5 (Feb. 1988)*. Missoula, Mont.: Northern Lights Research and Education Institute, 1988.  [LINK TO LAW LIBRARY CATALOG](#)


———. *A Primer on Laws Important to Alaska Native Education*. Fairbanks: Center for Northern Educational Research, University of Alaska, 1976.  [LINK TO LAW LIBRARY CATALOG](#)


CONFERENCE PRESENTATIONS


———. "La Situación en Estados Unidos de América: Deferencia Hacia los Estados; Supremacía Federal," in Gestión del Agua y Descentralización Política: Conferencia Internacional de Gestión del Agua en Países Federales y Semejantes a los Federales, Zaragoza 9-11 de Julio de 2008 / Antonio Embid Irujo, Director, and Mario Kölling, Coordinator. Cizur Menor (Navarra) : Editorial Aranzadi : Thomson Reuters, 2009. LINK TO LAW LIBRARY CATALOG


CONGRESSIONAL TESTIMONY


LINK TO HEARING

LINK TO HEARING

LINK TO HEARING

LINK TO HEARING

LINK TO HEARING

LINK TO HEARING

LINK TO HEARING

LINK TO HEARING

Rulings of the U.S. Supreme Court as They Affect the Powers and Authorities of the Indian Tribal Governments: Hearing Before the S. Comm. on Indian Affairs, 107th Cong. 4-10, 55-85 (2002) (statement and prepared statement of David Getches, professor, University of Colorado at Boulder, School, CO).  
LINK TO HEARING

LINK TO HEARING

Tribal Court Systems and Indian Civil Rights Act: Hearing Before the S. Select Comm. on Indian Affairs, 100th Cong. 31-34, 67-79 (1988) (statement and prepared statement of David H. Getches, professor of law, University of Colorado School of Law, Boulder, CO).  
LINK TO HEARING
Water Problems Facing the Lower Colorado River Area: Hearings Before the Subcomm. on Water and Power of the S. Comm. on Energy and Natural Res., 103rd Cong. 179-184, 192-204 (1994) (statement of David H. Getches, professor, University of Colorado School of Law, Boulder, CO, and colloquy with Senator Bradley, Mr. Weatherford, Mr. Udall, Senator Bennett, and Mr. Christiansen). LINK TO HEARING

LITIGATION

Attorney of Record or Of Counsel:


Oneida Indian Nation v. Cnty. of Oneida, 464 F.2d 916 (2d Cir. 1972) (Charles Donaldson, Syracuse, N. Y., of counsel, American Civil Liberties Union and David H. Getches, Boulder Colo., and Peter J. Aschenbrenner, of counsel, Native American Rights Fund, for appellants, amicus curiae).  LINK TO CASE

Pyramid Lake Paiute Tribe of Indians v. Morton, 499 F.2d 1095 (D.C. Cir. 1974) (Robert S. Pelcyger, Boulder, Colo., with whom David H. Getches, Boulder, Colo. was on the brief, for appellee.  L. Graeme Bell, III, Washington, D.C. also entered an appearance for appellee).  LINK TO CASE


Scholder v. United States, 428 F.2d 1123 (9th Cir. 1970) (George F. Duke, Lee J. Sclar, of California Indian Legal Services, Berkeley, Cal., David H. Getches, Escondido, Cal., for Rincon Band of Mission Indians).  LINK TO CASE

Sequoyah v. Tenn. Valley Auth., 620 F.2d 1159 (6th Cir. 1980) (David H. Getches, University of Colorado, School of Law, Boulder, Colo., Bertram E. Hirsch, Bellerose, N. Y., Jon Van Dyke, Native Hawaiian Legal Corp., Honolulu, Hawaii, for amici curiae).  LINK TO CASE


United States v. 687.30 Acres of Land, 451 F.2d 667 (8th Cir. 1971) (Frederick S. Cassman, Omaha, Neb., Daniel M. Rosenfelt, David H. Getches, Robert S. Pelcyger, Francis J. O’Toole, Native American Rights Fund, Escondido, Cal., for appellants; Charles R. Wolle, Donald W. Sylvester, Sioux City, Iowa, of counsel).  LINK TO CASE
United States v. Akin, 504 F.2d 115 (10th Cir. 1974) (Thomas W. Fredericks, David H. Getches and Robert S. Pelcyger, Atys., Native American Rights Fund, Boulder, Colo., on the brief of amici curiae Southern Ute Indian Tribe, Ute Mountain Ute Indian Tribe and National Tribal Chairmen's Association). LINK TO CASE


Selected Briefs and Pleadings (available: in Getches Digital Archive; on Westlaw and/or Lexis; in the National Indian Law Library and/or in the Wise Law Library's on-site U.S. S.Ct. records and briefs database; as indicated below):

U.S. Supreme Court


Brief of Amici Curiae Sierra Club and Friends of the Earth, Nevada v. United States, 463 U.S. 110 (1983) (Nos. 81-2245, 81-2276, 82-38) (Frederick R. Anderson, College of Law, University of Utah; Robert Emmet Clark, Professor Emeritus, College of Law, University of Arizona; James N. Corbridge, Jr. and David H. Getches, School of Law, University of Colorado; Harrison C. Dunning, School of Law, University of California-Davis; Ralph W. Johnson, School of Law, University of Washington; Charles F. Wilkinson (Counsel of Record) and Chapin D. Clark, University of Oregon School of Law; John D. Leshy, College of Law, Arizona State University; Peter C. Maxfield, College of Law, University of Wyoming; Joseph L. Sax, Law School, University of Michigan; A. Dan Tarlock, Illinois Institute of Technology, Chicago-Kent College of Law). LINK TO BRIEF

Motion of the Am. Civil Liberties Union, the Am. Civil Liberties Union of Wash., and the Nat'l Cong. of Am. Indians for Leave to File Brief Amici Curiae [and Brief Amici Curiae], Washington v. Wash. State Commercial Passenger Fishing Vessel Ass'n, 443 U.S. 658 (1979) (Nos. 77-7983, 78-119, 78-139) (Charles S. Sims and Bruce J. Ennis, c/o American Civil Liberties Union Foundation; David H. Getches, University of Colorado, School of Law; Of counsel, Burt Neuborne, Stephen L. Pevar, and George Kannar). LINK TO MOTION AND BRIEF


Motion and Brief of Northern Cheyenne Indian Tribe as Amicus Curiae in Support of the Petition for a Writ of Certiorari to the Supreme Court of the State of Montana, *Fisher v. District Court*, 424 U.S. 382 (1976) (per curiam) (No. 75-5366) (Thomas W. Fredericks, Daniel H. Israel, and David H. Getches, Native American Rights Fund).  [LINK TO MOTION AND BRIEF]


Brief of the Pyramid Lake Paiute Tribe of Indians as Amicus Curiae in Support of Motion for Leave to File Complaint, *United States v. Nevada*, 412 U.S. 534 (1973) (per curiam) (No. 59 Original) (Robert S. Pelcyger and David H. Getches; Robert D. Stitser; Of counsel, Native American Rights Fund and Robert D. Stitser, Ltd.).  [LINK TO BRIEF]
Motion of Amicus Curiae Pyramid Lake Paiute Tribe of Indians for Leave to Argue Orally, United States v. Nevada, 412 U.S. 534 (1973) (per curiam) (No. 59 Original) (Robert S. Pelcyger and David H. Getches; Robert D. Stitser; Of counsel, Native American Rights Fund and Robert D. Stitser, Ltd.). LINK TO MOTION


Motion for Leave to File Brief as Amicus Curiae and Brief of the Native Am. Rights Fund, as Amicus Curiae, Affiliated Ute Citizens of Utah v. United States, 406 U.S. 128 (1972) (No. 70-78) (David H. Getches and Robert S. Pelcyger, Native American Rights Fund; Of counsel, Wallace L. Duncan and Jon T. Brown, Native American Rights Fund). LINK TO MOTION AND BRIEF


Brief of Native Am. Rights Fund as Amicus Curiae in Support of a Petition for a Writ of Certiorari to the Supreme Court of the State of Nebraska, Goham v. Nebraska, cert denied, 404 U.S. 1004 (1971) (No. 71-293) (David H. Getches, Native American Rights Fund). LINK TO BRIEF


**U.S. Court of Appeals for the D.C. Circuit**


**U.S. Court of Appeals for the Second Circuit**

Motion for Leave to File Brief as Amicus Curiae and Brief of Amicus Curiae, *Oneida Indian Nation v. Cnty. of Oneida*, 464 F.2d 916 (2d Cir. 1972) (No. 72-1029) (David H. Getches and Peter Aschenbrenner, Native American Rights Fund).  LINK TO BRIEF

**U.S. Court of Appeals for the Eighth Circuit**

Brief of Amicus Curiae, *United States v. Kills Plenty*, 466 F.2d 240 (8th Cir. 1972) (No. 71-1661) (David H. Getches and Thomas L. Smithson, Native American Rights Fund).  LINK TO BRIEF

Appellant's Reply Brief, *United States v. 687.30 Acres of Land*, 451 F.2d 667 (8th Cir. 1971) (No. 71-1122) (Frederick S. Cassman; Daniel M. Rosenfelt, David H. Getches, Robert S. Pelcyger, and Francis J. O'Toole, Native American Rights Fund; Of counsel, Donald W. Sylvester).  LINK TO BRIEF
Brief of Appellants, *United States v. 687.30 Acres of Land*, 451 F.2d 667 (8th Cir. 1971) (No. 71-1122) (Frederick S. Cassman; Daniel M. Rosenfelt, David H. Getches, Robert S. Pelcyger, and Francis J. O'Toole, Native American Rights Fund; Of counsel, Charles R. Wolle). [LINK TO BRIEF]

**U.S. Court of Appeals for the Ninth Circuit**


Motion for Leave to File Brief as Amici Curiae and Brief for Amici Curiae Envtl. Defense Fund and Sierra Club, *United States v. Alpine Land & Reservoir Co.*, 697 F.2d 851 (9th Cir. 1983) (Nos. 81-4084, 81-4116) (Charles F. Wilkinson, School of Law, University of Oregon; Of Counsel: Frederick R. Anderson, College of Law, University of Utah; Robert Emmet Clark, College of Law, University of Arizona; Harrison C. Dunning, School of Law, University of California-Davis; David H. Getches, School of Law, University of Colorado; Ralph W. Johnson, School of Law, University of Washington; John D. Leshy, College of Law, Arizona State University; and A. Dan Tarlock, Illinois Institute of Technology, Chicago-Kent College of Law). [LINK TO BRIEF]

Appellants' Opening Brief, *United States v. Washington*, 520 F.2d 676 (9th Cir. 1975) (Nos. 74-2438, 74-2705, 74-2602) (David H. Getches and Douglas R. Nash, Native American Rights Fund; John Sennhauser, Legal Services Center; William H. Rodgers, Jr., Georgetown University Law Center; Michael Taylor, Quinault Tribal Office; Charles A. Hobbs, Wilkinson, Cragun & Barker; Alvin J. Ziontz, Ziontz, Pirtle, Morisset & Ernstoff; Lester Stritmatter, Stritmatter & Stritmatter; James B. Hovis, Hovis, Cockrill & Roy; and William A. Stiles, Jr.). [LINK TO BRIEF]

Appellants' Reply Brief, *United States v. Washington*, 520 F.2d 676 (9th Cir. 1975) (Nos. 74-2438, 74-2705, 74-2602) (David H. Getches and Douglas R. Nash, Native American Rights Fund; John Sennhauser, Legal Services Center; William H. Rodgers, Jr., Georgetown University Law Center; Michael Taylor, Quinault Tribal Office; Charles A. Hobbs, Wilkinson, Cragun & Barker; Alvin J. Ziontz, Ziontz, Pirtle, Morisset & Ernstoff; Lester Stritmatter, Stritmatter & Stritmatter; James B. Hovis, Hovis, Cockrill & Roy; and William A. Stiles, Jr.). [LINK TO BRIEF]

Brief of Tribal Appellees, *United States v. Washington*, 520 F.2d 676 (9th Cir. 1975) (No. 74-2414) (David H. Getches and Douglas R. Nash, Native American Rights Fund; Alvin J. Ziontz, Ziontz, Pirtle, Morisset & Ernstoff; James B. Hovis, Hovis, Cockrill & Roy; John Sennhauser, Legal Services Center; Michael Taylor, Quinault Tribal Office; Lester Stritmatter, Stritmatter & Stritmatter; William H. Rodgers, Jr., Georgetown University Law Center; Charles A. Hobbs, Wilkinson, Cragun & Barker; and William A. Stiles, Jr.). [LINK TO BRIEF]

Motion for Leave to File Brief as Amicus Curiae and Brief of Native Am. Rights Fund, as Amicus Curiae, *Rincon Band of Mission Indians v. Cnty. of San Diego*, 495 F.2d 1 (9th Cir. 1974) (71-1927) (Monroe E. Price, Robert S. Pelcyger, and David H. Getches, Native American Rights Fund). [LINK TO BRIEF]


Brief of Amici Curiae, *Agua Caliente Band of Mission Indians v. Cnty. of Riverside*, 442 F.2d 1184 (9th Cir. 1971) (No. 25298) (Robert S. Pelcyger and David H. Getches, California Indian Legal Services, Inc.).  [LINK TO BRIEF]


U.S. Court of Appeals for the Tenth Circuit


U.S. District Court for the District of New Mexico


U.S. District Court for the District of Washington


U.S. Federal Energy Regulatory Commission


Supreme Court of Alaska


Court of Appeal, Fourth District, Division 1, California


Supreme Court of Colorado


1995) (No. 92SA68), 1994 WL 16058657 (Bruce C. Driver, counsel for Appellee/Cross-Appellant, Rainbow Services, Inc.; Of Counsel: David H. Getches).  LINK TO BRIEF

**Supreme Court of Nevada**


**Supreme Court of New Mexico**


**VIDEORECORDINGS**


