

## **KRISTEN A. CARPENTER**

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### **EDUCATION**

**HARVARD LAW SCHOOL**, J.D., *cum laude*, 1998.

**DARTMOUTH COLLEGE**, A.B., *cum laude*, French and Native American Studies, 1994.  
Stacey Coverdale Award. Cloise Appleton Crane Prize.

### **ACADEMIC APPOINTMENTS**

#### **UNIVERSITY OF COLORADO LAW SCHOOL**

Council Tree Professor (2016-present). Professor (2014-16). Associate Professor (2009-14).  
*Courses:* Property, Cultural Property, Indigenous Peoples in International Law, International Human Rights Seminar, and American Indian Law.  
*Administration:* American Indian Law Program Director (2012-14, 2018-present). Associate Dean for Research and for Faculty Development (2011-17).

#### **NYU LAW SCHOOL**

Visiting Adjunct Professor (2021).  
Course: Federal Indian Law.

#### **HARVARD LAW SCHOOL**

Oneida Indian Nation Visiting Professor of Law (Fall 2016).  
*Courses:* Property and American Indian Religious Freedoms.

#### **UNIVERSITY OF DENVER STURM COLLEGE OF LAW**

Associate Professor (2008-2009). Assistant Professor (2004-2008).  
*Courses:* Property, American Indian Law, and Natural and Cultural Resources Law.

#### **SUFFOLK UNIVERSITY LAW SCHOOL**

Assistant Professor (2002-2004).  
*Courses:* Property and American Indian Law.

### **UNITED NATIONS**

#### **UNITED NATIONS EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLES**

Member from North America (2017-present); Chair-Rapporteur (2019-2020)  
Appointed to subsidiary body of Human Rights Council to provide expertise regarding the human rights of indigenous peoples. Assist states and indigenous peoples in realizing aims of the UN Declaration on the Rights of Indigenous Peoples, in Canada, Finland, Mexico, Russia, South Africa, Sweden, Thailand, and the United States. Serve on Steering Committee for International Year and Decade of Indigenous Languages 2019-2021.

United Nations continued

**UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH (UNITAR)**

Instructor, Training Programme for Indigenous Peoples on Conflict Prevention & Peacemaking (2019-present).

Provide training and advice regarding methodologies for securing indigenous rights.  
Prepare materials and give presentations to summer cohort.

**JUDICIAL APPOINTMENT**

ASSOCIATE JUSTICE, SHAWNEE TRIBE SUPREME COURT (2020-present). Serve as justice of the highest appellate court of federally recognized Indian tribe.

**AWARDS AND GRANTS**

University of Colorado Diversity & Inclusive Excellence Grant (2020-21); University of Colorado Outreach Grant (2020); University of Colorado President's Fund for the Humanities Grant (2019); Principal Investigator, National Park Service Grant on American Indian Treaties (2014-16); University of Colorado SEED Grant (2015-2016); University of Colorado LEAP Grant (2014-15); University of Colorado Provost's Faculty Achievement Award (2013); University of Colorado Law School Outstanding New Faculty Member (2010); University of Denver PROF Grant (2007-09); Whatcom Museum Jacobs Research Fund Grant (2007-08); American Philosophical Society Phillips Fund for Native American Research (2006-07).

**AMICUS BRIEFS**

Author of Brief of Amicus Curiae Native American Church of North America, et al., in *Oklevueha Native American Church v. Holder* (9th Cir. 2016); Co-author of Statement of Information on the Welfare and Best Interests of "Baby Girl" and Indigenous Children in the U.S. (United Nations Special Rapporteur on the Rights of Indigenous Peoples 2013); Author of Brief of Amici Curiae American Indian Law Scholars in *Te-Moak Tribe of Western Shoshone v. Dep't of Interior* (9th Cir. 2012). Signatory to Brief of Professors of Indian Law as Amici Curiae in Support of Respondents in *Adoptive Couple v. Baby Girl* (U.S. Supreme Court 2013), Brief of Amici Curiae Religious Liberty Law Scholars in Support of Petition for a Writ of Certiorari in *Navajo Nation v. U.S. Forest Service* (U.S. Supreme Court 2009), and various amicus briefs to the U.S. Courts of Appeals.

**PUBLICATIONS**

Books

A HUMAN RIGHT TO (INDIGENOUS) LANGUAGE (work-in-progress) (with A. Tsykarev).

CHEROKEE TREATIES AND COMMENTARY (work-in-progress).

FEDERAL INDIAN LAW (Getches, Wilkinson, Williams, Fletcher & Carpenter (7th ed. West 2017)).

THE INDIAN CIVIL RIGHTS ACT AT FORTY (Carpenter, Fletcher & Riley, eds.) (UCLA American Indian Studies Center Press) (2012).

Chapters in Books

*Religious Freedoms, Sacred Sites, and Human Rights in the United States*, in *COMPARATIVE APPROACHES TO IMPLEMENTATION OF THE UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES* 67-75 (B. Gunn et al., eds.) (2020).

*Individual Religious Freedoms in American Indian Tribal Law*, in *THE INDIAN CIVIL RIGHTS ACT AT FORTY* 159-208 (K. Carpenter et al., eds.) (UCLA American Indian Studies Center Press) (2012).

*Lyng v. Northwest Indian Cemetery Protective Association: Challenging the Narrative of Conquest*, in *INDIAN LAW STORIES* 489-533 (C. Goldberg et al., eds.) (Foundation Press 2010) (with A. Bowers).

*Repairing Reparations in the American Indian Nation Context*, in *REPARATIONS FOR INDIGENOUS PEOPLES: INTERNATIONAL AND COMPARATIVE PERSPECTIVES* (F. Lenzerini, ed.) (Oxford 2008) (with S. Krakoff).

Articles and Essays in Academic Journals

*Indigenous Peoples and Diplomacy on the World Stage*, *AJIL UNBOUND* (forthcoming 2021) (with A. Tsykarev).

*Indigenous Peoples & the Human Right to Religion*, 134 *HARV. L. REV.* (forthcoming 2021) (book review).

*Decolonizing Indigenous Migration*, 109 *CALIF. L. REV.* (forthcoming 2021) (with A. Riley).

*(Indigenous) Language as a Human Right*, 24 *UCLA J. INT'L L. & FOREIGN AFF.* 49-131 (2020) (with A. Tsykarev).

*Implementing the United Nations Declaration on the Rights of Indigenous Peoples in the United States*, 91 *U. COLO. L. REV. F.* 47-105 (2020) (conference report).

*Privatizing the Reservation?*, 71 *STAN. L. REV.* 791-878 (2019) (with A. Riley).

*Owning Red: A Theory of Indian (Cultural) Appropriation*, 94 *TEX. L. REV.* 859-931 (2016) (with A. Riley).

*Indigenous Peoples and the Jurisgenerative Moment in Human Rights*, 102 *CAL. L. REV.* 163-234 (2014) (with A. Riley).

*Lanyering for Groups: The Case of American Indian Tribal Attorneys*, 81 *FORD. L. REV.* 3085-3163 (2013) (with E. Wald).

*Tribal Rights, Human Rights*, 2013 *MICH. ST. L. REV.* 293-306 (2013) (with A. Riley).

*Limiting Principles and Empowering Practices in American Indian Religious Freedoms*, 45 *CONN. L. REV.* 387-481 (2012).

*Book Review of Defying the Odds: The Tule River Tribe's Struggle for Sovereignty in Three Centuries* by Gelya Frank and Carole Goldberg, 35 *AM. IND. QUAR.* 260 (2011).

Articles and Essays in Academic Journals

*Clarifying Cultural Property*, 17 INT'L J. OF CULT. PROP. 581-598 (2010) (with S. Katyal & A. Riley).

*In Defense of Property*, 118 YALE L. J. 1022-1125 (2009) (with S. Katyal & A. Riley).

*Interpretive Sovereignty: A Research Agenda*, 33 AM. IND. L. REV. 111-152 (2008-2009).

*Real Property and Peoplehood*, 27 STAN. ENV. LAW J. 313-395 (2008).

*The Interests of "Peoples" in the Management of Sacred Sites*, 42 TUL. L. REV. 37-55 (2006).

*Contextualizing the Losses of Allotment Through Literature*, 82 NORTH DAK. L. REV. 605-626 (2006).

*A Property Rights Approach to Sacred Sites: Asserting a Place for Indians as Non-Owners*, 52 UCLA L. REV. 1061-1148 (2005).

*Old Ground and New Directions at Sacred Sites on the Western Landscape*, 83 DENV. UNIV. L. REV. 981-1002 (2006).

*Considering Individual Religious Freedoms under Tribal Constitutional Law*, 14 KAN. J. OF LAW & PUB. POLICY 561-606 (2005).

*Recovering Homelands, Governance, and Lifeways: Book Review of Blood Struggle: The Rise of Modern Indian Nations* by Charles Wilkinson, 31 TUL. L. REV. 79-89 (2005).

*In the Absence of Title: Responding to Federal Ownership in Sacred Sites Cases*, 37 NEW ENG. L. REV. 619-633 (2003).

*Beyond the Ethnic Umbrella and the Buffalo: Some Thoughts on American Indian Tribes and Gaming*, 5 GAMING L. REV. 311-327 (2001) (with R. Halbritter).

*Interpreting Indian Country in State of Alaska v. Native Village of Venetie*, 35 TUL. L. J. 73-161 (1999).

Selected Media

*Outside/In: How DAPL is Connected to a Long History of Native American Treaty Violations*, New Hampshire Public Radio, July 11, 2020 (interview with San Evans-Brown).

*Standing Tall: The Sioux's Battle Against a Dakota Pipeline is a Galvanizing Social Justice Movement for Native Americans*, SLATE, Sept. 23, 2016 (with A. Riley).

*One River Two Canoes: Peace and Respect in Indian Child Welfare*, CATO UNBOUND, Aug. 31, 2016.

*Indian Status is Not Racial: Understanding the Indian Child Welfare Act*, CATO UNBOUND, Aug. 9, 2016.

*Why Use R-skin Word At All?*, DENVER POST, Nov. 13, 2015 (with C. Fredericks).

**SELECTED PRESENTATIONS**

*Race and Religion: A Case Study on Indigenous Peoples in the United States*, University of Colorado Law School Series on Race and the Law, February 18, 2021 (invited).

*Human Rights and Museums*, Keynote Interview, Provenance Globale, Musée d'ethnographie de Genève, Switzerland, January 21, 2021 (with C. Durand).

*Red Rising: Political Participation and Indigenous Peoples*, Panel Discussion, UCLA Law School American Indian Law Conference, October 2, 2020.

*(Indigenous) Language as a Human Right*, International Year of Indigenous Languages 2019 Perspectives, Perdue University, November 2, 2019 (with A. Tsykarev)

*Indigenous Women and Political Participation*, Keynote Address, National Rural Assembly, Greenville, South Carolina, October 28, 2019.

*Indigenous Languages in Diplomacy and Peacemaking*, North American and Arctic Regional Meeting under the 2019 International Year of Indigenous Languages, Victoria, Canada, June 26, 2019.

*(Indigenous) Language as a Human Right*, Critical Perspectives on Race and Human Rights: Transnational Re-Imaginations, UCLA School of Law, March 8, 2019 (with A. Tsykarev).

*Case Study on Religious Freedoms in North America*, Kiskinohamatowin: An International Academic Forum on the Human Rights of Indigenous Peoples, University of Manitoba, January 19, 2019.

*Indigenous Peoples and Human Rights at the United Nations*, National Congress of American Indians, Annual Meeting, Denver, October 23, 2018.

*The Culturally & Socially Sustainable Museum: A Perspective from (Indigenous) Human Rights*, Sámi Museum Siida, Inari, Finland, August 27, 2018.

*Human Rights and 'Sacred Sights': Considering a Consent Based Approach to Religious and Cultural Freedoms*, Native American & Indigenous Studies Association Annual Conference, May 19, 2018.

*Going Global: Why International Law & Governance Matter, The Next Horizon: A Symposium on the Future of Indigenous Nation Building*, Harvard University, May 1, 2018.

*Access to Justice: Indigenous Peoples' Mechanisms in the United Nations*, Federal Bar Association, Annual Indian Law Conference, April 5, 2018.

*Indigenous Peoples & Human Rights in the United Nations*, University of Colorado Law School, March 15, 2018.

*Indigenous Peoples and Cultural Freedoms*, Columbia University, University Seminars, February 6, 2018.

*Indigenous Peoples and Human Rights*, Mekkos Meeting, Muscogee (Creek) Nation, February 3, 2018.

Presentations continued

*Advancing a Consensual Model for Religious Accommodations as a Matter of Human Rights*, Expert Mechanism on the Rights of Indigenous Peoples Seminar, Diego Portales University, Santiago Chile, December 5, 2017.

*Privatizing the Reservation*, William and Mary Law School, 14th Annual Brigham-Kanner Property Rights Conference, October 13, 2017.

*Indigenous Cultures, Traditional Knowledge and Identities*, 10th Anniversary of the Declaration on the Rights of Indigenous Peoples, University of Colorado Law School, September 14, 2017.

*Indigenous Rights in the International Context*, University of Washington Law School, 30th Annual Indian Law Symposium, September 7, 2017.

*Living our Commitments: Implementing Indigenous Peoples' Rights in the Jurisgenerative Moment*, Harvard Law School, Faculty Workshop, November 16, 2016.

*Owning Red: A Theory of Indian (Cultural) Appropriation*, Dartmouth College, Mellon Seminar, November 3, 2016.

*Indigenous Peoples and Social Movements*, Harvard Law School, Conference on the Indigenous Rights Movement: Tribal, Domestic, and International Law Dimensions, October 14, 2016.

*Indigenous Peoples and International Human Rights Law*, Muscogee (Creek) Nation, Annual Conference, April 28, 2016.

*Indigenous Peoples and International Human Rights Law*, Federal Bar Association, Annual Indian Law Conference, April 7, 2016.

*Indigenous Peoples and The Jurisgenerative Moment in Human Rights*, University of Colorado Law School, Annual Austin Scott Lecture, October 8, 2015.

*Owning Red: A Theory of Indian (Cultural) Appropriation*, University of Nevada Las Vegas Law School, Faculty Workshop, September 10, 2015.

*American Indian Child Welfare in the Periods of Assimilation, Self-Determination, and Human Rights*, American Society of Legal History, Annual Conference, November 6-9, 2014.

*Indigenous Peoples and the Jurisgenerative Moment in Human Rights*, Oklahoma Supreme Court, Sovereignty Symposium XXVI, June 5, 2014.

*The Roberts Court and Federal Indians Law*, Harvard Law School, Workshop, April 7, 2014.

*American Indians in the Roberts Court*, Yale Law School, Conference on Re-Envisioning Race in a 'Post-Racial' Era: New Approaches in Critical Race Theory, April 5, 2014.

*Human Rights in Indigenous Communities*, UCLA Law School, Good Native Governance: Innovative Research in Law, Education, and Economic Development Conference, March 7, 2014.

Presentations continued

*American Indians in the Roberts Court*, Stanford Law School, Conference on Contemporary Issues in Federal Indian Law, February 7, 2014.

*Indigenous Peoples and the Domestic Violence Movement*, University of Colorado Law School, The Feminist Influence on Criminal Law Workshop, April 20, 2013.

*Decriminalizing American Indian Religion*, Harvard Law School, Tribal Courts and the Federal System Conference, November 4, 2012.

*Tribal Rights, Human Rights*, Michigan State University, Law Review Symposium on American Indian Tribes and Human Rights Accountability, October 4-5, 2012.

*Limiting Principles and in American Indian Religious Freedoms*, University of California at Berkeley Law School, Heeding Frickey's Call: Doing Justice in Indian Country, September 28, 2012.

*Property, Remedy & Recovery*, Federal Bar Association, Indian Law Conference, April 19, 2012.

*Limiting Principles and Empowering Practices in American Indian Religious Freedoms*, Pepperdine Law School, Religious Legal Theory Conference, February 24, 2012.

*Limiting Principles and Empowering Practices in American Indian Religious Freedoms*, University of Colorado Law School, Summer Workshop on Law, Religion & Culture, July 21, 2011.

*Limiting Principles and Practices in Indigenous Cultural Property Law*, AALS Annual Meeting, Section on Law and Anthropology Panel, January 8, 2011.

*Religious Freedoms on the Public Lands*, University of Colorado Law School, The Next Great Generation of Indian Law Judges Law Review Symposium, January 29, 2010.

*Property, Remedy, and Recovery*, UCLA Law School, Indigenous Peoples' Rights in the International Human Rights Framework Symposium, January 22, 2010.

*Property and Peoplehood*, Northeastern State University, Cherokee Nation State of Sequoyah Commission Conference, Tahlequah, OK, September 4, 2009.

*Property, Remedy, and Recovery*, University of Colorado Law School, Property Works in Progress Symposium, June 1-3, 2009.

*Law and Culture*, University of Tulsa Law School and Gilcrease Museum, Exhibiting Culture: Museums and Indians Symposium, Tulsa, OK, May 15, 2009.

*Individual Religious Freedoms in Indian Country*, Michigan State University Law School, Symposium on the Indian Civil Rights Act at 40, October 10-11, 2008.

*In Defense of Property*, Michigan State University Law School, Faculty Workshop, October 9, 2008 (with S. Katyal and A. Riley).

Presentations continued

*Cherokee Language in Treaty Interpretation*, University of Colorado Law School, American Indian Law Works in Progress Symposium, July 31-August 1, 2008.

*In Defense of Property*, University of Colorado Law School, Property Works in Progress Symposium, June 11-12, 2008 (with S. Katyal).

*Real Property and Peoplehood*, AALS Annual Meeting, Section on Law and Anthropology Panel, New York, NY, January 5, 2008.

*American Indian Legal Fictions*, Michigan State University Law School, American Indian Law and Literature Conference, October 16-17, 2007.

*Expanding and Realizing Indigenous Property Rights*, Federal Bar Association, Annual Indian Law Conference, Albuquerque, NM, April 20, 2007.

University of California at Berkeley Law School, Discussant, The New Realism in Indian Law Symposium, November 17-18, 2006, *transcript available at* 32 Am. Ind. L. Rev. 1 (2007).

*Property Rights in Religious Freedoms Claims*, Harvard Law School, Celebration of Native American Alumni, Emerging Scholars Panel, October 27, 2006.

*Teaching Lone Wolf v. Hitchcock: A Law and Literature Approach*, University of North Dakota Law School, The Pedagogy of American Indian Law Symposium, October 13, 2006.

*Property Rights and Policy at Sacred Places on Federal Public Lands*, Working Group on Property, Citizenship, & Social Entrepreneurism (PCSE), Washington, D.C., November 4-5, 2005.

*Individual Religious Freedoms under Tribal Constitutional Law*, University of Kansas School of Law, Tribal Law Symposium, November 2004.

**PROFESSIONAL EXPERIENCE**

HILL AND BARLOW, P.C., Boston, MA. Associate Attorney (1999-2002).

HON. JOHN C. PORFILIO, U.S. COURT OF APPEALS, TENTH CIRCUIT. Law Clerk (1998-1999).

SONOSKY, CHAMBERS, SACHSE, MILLER & MUNSON, Anchorage, AK. Summer associate (1997).

HOGAN & HARTSON, Denver, CO. Summer associate in general practice (1997).

MASHANTUCKET PEQUOT TRIBAL NATION, Mashantucket, CT. Law clerk. (1997).

FREDERICKS, PELCYGER, HESTER & WHITE, Boulder, CO. Law clerk. (1996).



## PREVIOUS TEACHING EXPERIENCE

HARVARD UNIVERSITY, Cambridge, MA. Teaching Fellow for Professor Joe Kalt in *Native American Nation Building* (1996).

WASATCH ACADEMY, Mt. Pleasant, UT. Teacher in French & Native American Studies (1994-95).

DARTMOUTH COLLEGE, Hanover, NH. Teaching Assistant, French & English Depts. (1991-94).

## PROFESSIONAL AND COMMUNITY SERVICE

### University of Colorado-Boulder

Core Faculty, Center for Native American and Indigenous Studies (2011-present);  
Board Member (2021-present)

Faculty Affiliate, Department of Ethnic Studies (2011-present)

Faculty Affiliate, Center for the American West (2011-present)

Member, Law School Dean Search Committee (2015-2016)

Member, Vice Chancellor's Research Cabinet (2013-2015)

### University of Colorado Law School

Faculty Evaluation Committee (2009-2010, 2015-2016, 2020-present)

Peer Review Committee (2018-2020)

Appointments Committee Chair (2018-2019), Member (2013-14)

Ad Hoc Faculty Salary Review Committee (2016-2018)

Policy, Management, and Budget Committee (2011-2013, 2014-2015)

### Profession and Community

American Law Institute Restatement of American Indian Law (2012-present)

Federal Bar Association, Indian Law Section, Board (2011-2014, 2016-2019), Conference Chair (2009-2011), Member (1995-present)

Colorado Indian Bar Association, Board Member (2005-2009) and Member (2004-present)

American Lebanese Awareness Association (2002-present)

HLS Native American Alumni Ass'n, President (1998-2006) and Member (1998-present)

Cherokee National Historical Society, National Press Review Committee (2018-2020)

Museum of Boulder, Board Member (2016-2019)

American Association of Law Schools, Section on Law & Anthropology (2011-2014)

Dartmouth College Native American Visiting Committee (2003-2007).

Updated: January 18, 2021