

KRISTEN A. CARPENTER

University of Colorado Law School
Boulder, CO 80309-0401
kristen.carpenter@colorado.edu
(303) 956-1689

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: Associate Dean for Research (2014-15, 2016-17). American Indian Law Program Director (2012-14). Associate Dean for Faculty Development (2011-13).

HARVARD LAW SCHOOL

Oneida Indian Nation Visiting Professor (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 APPOINTMENT

UN EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLES

Member from North America (2017-present).

Appointed by the United Nations Human Rights Council as one of seven independent experts, representing the world's seven indigenous socio-cultural regions, to provide advice and assistance on indigenous peoples' rights.

OTHER PRO BONO WORK

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.

AWARDS AND GRANTS

Principal Investigator, National Park Service Grant on American Indian Treaties (2014-16); Co-Principal Investigator, 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).

PUBLICATIONS

Treatises and Casebooks

FEDERAL INDIAN LAW (D. Getches, C. Wilkinson, R. Williams, M. Fletcher, and K. Carpenter (7th ed. West 2017).

COHEN’S HANDBOOK OF FEDERAL INDIAN LAW (N. Newton, ed.) (LEXIS supps. 2015 and 2017).

Books

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

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

Chapters in Books

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

Chapters in Books continued

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

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

United Nations Documents

Implementing the constitution of Mexico City with respect to the rights of indigenous peoples: Technical Advice Note (in progress).

[Good practices and challenges, including discrimination, in business and in access to financial services by indigenous peoples: Study of the Expert Mechanism on the Rights of Indigenous Peoples, A/HRC/36/53](#), August 8, 2017 (with members of the Expert Mechanism).

Articles and Essays

Privatizing the Reservation (in progress) (with A. Riley).

Owning Red: A Theory of Indian (Cultural) Appropriation, 94 TEXAS LAW REVIEW 859 (2016) (with A. Riley).

Indigenous Peoples and the Jurisgenerative Moment in Human Rights, 102 CALIFORNIA LAW REVIEW 163 (2014) (with A. Riley).

Lawyering for Groups: The Case of American Indian Tribal Attorneys, 81 FORDHAM LAW REVIEW 3085 (2013) (with E. Wald).

Tribal Rights, Human Rights, 2013 MICHIGAN STATE LAW REVIEW 1 (2013) (with A. Riley).

Limiting Principles and Empowering Practices in American Indian Religious Freedoms, 45 CONNECTICUT LAW REVIEW 387 (2012).

Clarifying Cultural Property, 17 INTERNATIONAL JOURNAL OF CULTURAL PROPERTY 581 (2010) (with S. Katyal & A. Riley).

In Defense of Property, 118 YALE LAW JOURNAL 1022 (2009) (with S. Katyal & A. Riley).

Interpretive Sovereignty: A Research Agenda, 33 AMERICAN INDIAN LAW REVIEW 111 (2008-2009).

Articles and Essays continued

Real Property and Peoplehood, 27 STANFORD ENVIRONMENTAL LAW JOURNAL 313 (2008).

The Interests of "Peoples" in the Management of Sacred Sites, 42 TULSA LAW REVIEW 37 (2006).

Contextualizing the Losses of Allotment Through Literature, 82 NORTH DAKOTA LAW REVIEW 605 (2006).

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

Old Ground and New Directions at Sacred Sites on the Western Landscape, 83 DENVER UNIVERSITY LAW REVIEW 981 (2006).

Considering Individual Religious Freedoms under Tribal Constitutional Law, 14 KANSAS JOURNAL OF LAW AND PUBLIC POLICY 561 (2005).

In the Absence of Title: Responding to Federal Ownership in Sacred Sites Cases, 37 NEW ENGLAND LAW REVIEW 619 (2003).

Beyond the Ethnic Umbrella and the Buffalo: Some Thoughts on American Indian Tribes and Gaming, 5 GAMING LAW REVIEW 311 (2001) (with R. Hallbritter).

Interpreting Indian Country in State of Alaska v. Native Village of Venetie, 35 TULSA LAW JOURNAL 73 (1999).

Editorials and Opinion Pieces

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 ICWA as a Matter of Law and Practice, CATO UNBOUND, Aug. 9, 2016.

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

BOOK REVIEWS

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

Book Reviews continued

Recovering Homelands, Governance, and Lifeways: Book Review of Blood Struggle: The Rise of Modern Indian Nations by Charles Wilkinson, 31 TULSA LAW REVIEW 79 (2005).

SELECTED PRESENTATIONS

Decolonizing "Prehistory": Deep Time and Topological Knowledge in the Americas, Constructions of American Antiquities Symposium, University of Rostock, Germany, 21-23 June, 2018 (invited).

Human Rights and Sacred Sights: Considering a Consent Based Approach to Religious and Cultural Freedoms, Native American and Indigenous Studies Association Annual Conference, UCLA, May 19, 2018 (invited).

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

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

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

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

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

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, United Nations Permanent Forum on Indigenous Issues and University of Colorado Law School, Celebration on the 10th Anniversary of the Declaration on the Rights of Indigenous Peoples, September 14, 2017.

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

Presentations continued

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.

Discussion of the Report Presented by the UN Special Rapporteur in the field of cultural rights, Co-sponsored by the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), October 27, 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.

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

Presentations continued

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.

Tribal Culture in Land Management, Arizona State University Law School, From Treaty to Trust: The Economic Future of Indian Lands Conference, April 28, 2011.

American Indian Women in Religious & Cultural Property Claims, Thomas Jefferson Law School, Native American Women and the Law Conference, February 18, 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.

Presentations continued

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).

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).

Contextualizing the Federal Indian "Allotment" Policy, University of Colorado School of Law, American Indian Law Clinic, January 22, 2008.

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.

Presentations continued

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

American Indian Sacred Lands, Harvard Law School, Panel Discussion, January 2004.

The Future of Advocacy for Indigenous Nations, University of Iowa College of Law, Indigenous Nations Law Symposium, March 2003.

PROFESSIONAL EXPERIENCE

HILL AND BARLOW, P.C., Boston, MA. Associate in Emerging Companies, Intellectual Property, and Media Practice Group (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 in federal Indian law practice (1997).

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

MASHANTUCKET PEQUOT TRIBAL NATION, Mashantucket, CT. Law clerk to tribal legal counsel. (1997).

FREDERICKS, PELCYGER, HESTER & WHITE, Boulder, CO. Law clerk in federal Indian law practice. (1996).

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 and English Departments (1991-94).

PROFESSIONAL AND COMMUNITY SERVICE

University of Colorado-Boulder

Co-Founder & Core Faculty, Center for Native American and Indigenous Studies (2011-present)

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

Service continued

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

American Indian Law Program (2009-present)

Ad Hoc Faculty Salary Review Committee (2016-2018)

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

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

Appointments Committee (2013-2014)

Profession and Community

Museum of Boulder, Board Member (2016-present)

American Law Institute, Member, and Adviser, Restatement of American Indian Law Project (2012-present)

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

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

American Lebanese Awareness Association, Annual Speaker (2002) and Member (2002-present)

Harvard Law School Native American Alumni Association, President (1998-2006) and Member (1998-present)

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

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

Updated March 4, 2018