

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

HARVARD LAW SCHOOL

Visiting Professor (Fall 2016). *Courses*: Property and American Indian Law (reading group).

UNIVERSITY OF COLORADO LAW SCHOOL

Council Tree Professor (2016-present). Professor (2014-2016). Associate Professor (2009-2014).

Courses: Property, Cultural Property, American Indian Law, and Indigenous Peoples in International Law.

Administration: Associate Dean for Research (2014-2015). American Indian Law Program Director (2012-2014). Associate Dean for Faculty Development (2011-2013).

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.

AWARDS AND GRANTS

Principal Investigator, National Park Service Grant on American Indian Treaties (2014-18); Co-Principal Investigator, School of the Environment and Sustainability, 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); Hughes Research Fund Grant (2006-07).

PRO BONO PROJECTS

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 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), Brief of Professors of Indian Law as Amici Curiae in Support of Respondents in *Adoptive Couple v. Baby Girl* (U.S. Supreme Court 2013), and various amicus briefs to the U.S. Courts of Appeals.

LEGAL SCHOLARSHIP

Treatises and Casebooks

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

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

CULTURAL PROPERTY LAW (K. Carpenter, S. Katyal, and A. Riley) (under contract).

Books

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

BEYOND PRESERVATION: LIVING NATIVE CULTURES (work-in-progress) (with A. Riley).

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

Chapters in Books

Human Rights to Culture, Family, and Self-Determination: The Case of Adoptive Couple v. Baby Girl (work-in-progress) (with L. Graham).

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).

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).

Chapters in Books continued

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).

Articles and Essays

Property, Remedy, and Recovery (work-in-progress).

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, 33 AMERICAN INDIAN LAW REVIEW 111 (2008-2009).

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

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

Contextualizing the Losses of Allotment Though 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).

Articles and Essays continued

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 (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. Halbritter).

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

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, AMERICAN INDIAN QUARTERLY (2011).

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).

PRESENTATIONS

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

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

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

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

Presentations continued

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

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

Harvard Law School, *The Roberts Court, American Indians, and Living Cultures*, Workshop Hosted by the Harvard University Native American Program, NALSA, and Dean of Students, April 7, 2014.

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

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

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

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

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

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

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

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

American Law Institute, *Civil Jurisdiction in Indian Country*, Indian Law Working Group, March 29, 2012.

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

Presentations continued

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

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

Thomas Jefferson Law School, *American Indian Women in Religious & Cultural Property Claims*, Native American Women and the Law Conference, February 18, 2011.

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

University of Colorado Law School, *Cherokee Treaties in Federal Indian Law*, NALSA Lecture Series, November 2010.

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

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

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

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

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

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

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

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

Presentations continued

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

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

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

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

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

University of Denver College of Law, *American Indian Property Rights*, Diversity Week Speaker Series, March 13, 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).

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

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

University of Colorado at Denver, *American Indian Religious Freedoms*, American Indian Speaker Series, March 27, 2006.

University of Denver College of Law, *"Peoples" and Sacred Spaces*, Cultures of Ownership on the Western Landscape, Law Review Symposium, February 17, 2006.

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

University of North Dakota Law School, *A Law and Literature Approach to Illuminating Indian Property Losses*, Indian Law Symposium, April 1-2, 2005.

Presentations continued

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

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

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

New England School of Law, *Property Rights and Sacred Sites*, Symposium on Tribal Jurisdiction and Sovereignty, October 2002.

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).

SERVICE

University of Colorado-Boulder

Faculty Affiliate, Center for Native American and Indigenous Studies (2015-present)

Faculty Affiliate, Department of Ethnic Studies (2013-present)

Faculty Affiliate, Center of the American West (2012-present)

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

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

University of Colorado Law School

Native American Law Students Association Faculty Advisor (2009-present)

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

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

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)

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