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THE AILP NEWSLETTER

*The American Indian Law Program
at the University of Colorado Boulder*

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Greetings on behalf of the American Indian Law Program! Together, AILP students and faculty are working on activities reflecting our local commitments and global connections, embracing the opportunities and perspectives of a new decade. From Alaska to Africa, and everywhere in between, our faculty and students have been engaged in educational and advocacy efforts.

We invite you to read about our community in greater detail throughout this newsletter and to visit us in Boulder whenever your schedule allows!

My best,

Kristen Carpenter

Council Tree Professor of Law

Director of the American Indian Law Program



SPOTLIGHT: DANIELLE LAZORE-THOMPSON

In 2019-2020, the AILP appointed Danielle Lazore-Thompson as the AILP Fellow. A member of the St. Regis Mohawk Tribe, Danielle is a graduate of Tufts University and Cornell Law School. She has previously served as an attorney for the St. Regis Mohawk Tribe, the Seneca Nation of Indians, the Mohawk Nation Council of Chiefs and most recently as an advisor to Senator Murray Sinclair in Ottawa. At CU, Danielle works with the AILP director and faculty, the Native American Law Students Association and Center for Native American and Indigenous Studies. Through generous support from the Native American Rights Fund, Danielle also devotes time to our joint CU-NARF Project to Implement the UN Declaration on the Rights of Indigenous Peoples in the United States.



This year, Evan Dewitt (NALSA President) and the rest of the Colorado Law NALSA chapter welcomed two new SBA Representatives and a new Event Coordinator:

Diego Villarreal - SBA Representative
Rhonda Sutor- SBA Representative
Ellie Thurston- Event Coordinator

Welcome Diego, Rhonda, and Ellie!



SPOTLIGHT: BOB ANDERSON

We are delighted to have Professor Bob Anderson as a visiting professor this semester at Colorado Law. Bob is Professor of Law at the University of Washington Law School, and for eleven years he has been the Oneida Indian Nation Visiting Professor of Law at Harvard Law School. He teaches American Indian law, public land law, natural resources law, water law and property law. He is a co-author of COHEN'S HANDBOOK OF FEDERAL INDIAN LAW, and a casebook, AMERICAN INDIAN LAW: CASES AND COMMENTARY (3rd Ed. 2015). He has published numerous law review articles in his subject matter areas. He spent twelve years as a Staff Attorney for the Native American Rights Fund, and opened NARF's Alaska office in 1984. He served as Associate Solicitor and Counselor to the Secretary under Interior Secretary Bruce Babbitt from 1995-2001. He was a co-chair of the Interior Department transition for President Barack Obama in 2008. He is a member of the Bois Forte Band of Ojibwe.



DID YOU KNOW?

The Library of Congress has an Indigenous Law Portal: a collection of tribal legal materials, indigenous law journals, land cession maps, research guides and more!

Visit:

www.loc.gov/law/help/indigenous-law-guide

RECENT EVENTS



HARVEST FEAST



Taylor Schadt, Cheyenne River Sioux and NALSA Vice President, opened the Harvest feast by offering a land acknowledgment to the Arapaho, Cheyenne and Ute Nations on behalf of NALSA. Sasha Strong, Red Lake Band of Ojibway and NALSA Secretary, then shared a beautiful explanation of the medicine that is the Ojibway Jingle Dress Dance and then gracefully danced for everyone. Finally, great conversation, laughs and Indian tacos from Tocabe, An American Indian Eatery were enjoyed by all!



FINLAND'S MINISTER OF JUSTICE ANNA-MAJA HENRIKSSON VISIT

Finland's Minister of Justice Anna-Maja Henriksson visited the University of Colorado Law School on Dec. 12 to discuss the situation of indigenous peoples in the U.S. with Colorado Law and CU Boulder faculty and community partners. Minister Henriksson was accompanied by a delegation comprising of: Johanna Suurpää, Director General, Minister for Justice; Lisa Palm, Special Adviser, Minister for Justice; Marina Venäläinen, Ministerial Adviser, Minister for Justice; and Sirpa Nyberg, Minister Counselor, Embassy of Finland to the U.S.

RECENT EVENTS

COLLOQUIUM SERIES

February 12, 2020:

Kristen Carpenter presented "Decolonizing Indigenous Migration," a paper co-authored with Angela Riley (UCLA) as part of the Citizenship and Equality Colloquium at Colorado Law.



FILM SCREENING

January 16, 2020:

The Film "The Pass System" about life under segregation in Canada was screened and Mohawk corn soup was served at Wolf Law.

HUMAN RIGHTS

November 6, 2019:

Visiting Scholar Alexey Tsykarev Presented "Indigenous Peoples in the Arctic and Russia"



VINE DELORIA

Sept. 13, 2019:

Colorado Law and the Center of the American West celebrated Vine Deloria, Jr.'s ('70) enormously influential book, *Custer Died for Your Sins: An Indian Manifesto*, and recognized the proud heritage of Deloria's long association (as a recipient of a law degree and as a professor of history) with the University of Colorado.

American Indian Law Clinic Represents Gwich'in Steering Committee



The American Indian Law Clinic, ("AIRC"), established in 1992 as one of the first of its kind, represents individuals, Indian tribes and tribal entities in a variety of settings involving federal Indian law and involving the law and legal systems in Indian Country, as well as work with the United Nations.

Most recently, the AIRC had the opportunity to represent the Gwich'in Steering Committee and along with Land is Life, Cultural Survival, and First Peoples Worldwide, contributed to a report prepared for The Universal Periodic Review Working Group of the United Nations Human Rights Council.

The Gwich'in Steering Committee is headquartered in Fairbanks, Alaska and was formed in 1988 in response to proposals to drill for oil in the Coastal Plain of the Arctic National Wildlife Refuge, which the Gwich'in refer to as "Iizhik Gwats'an Gwandaii Goodlit" (the Sacred Place Where Life Begins). The Gwich'in Steering Committee acts as the unified voice of the Gwich'in Nation to protect the birthing and nursing grounds of the Porcupine Caribou Herd against oil and gas development. They have presented testimony before the United States Congress, the United Nations Special Rapporteur on Indigenous Peoples, and at various public hearings. CU Law students provided a substantive review and analysis of the United States' pursuit of oil and gas development in the Coastal Plain of the Arctic National Wildlife Refuge. The joint report, entitled "Observations of the State of Indigenous Human Rights in the United States of America" was submitted to the UN Human Rights Council in October 2019. It calls particular attention to the United States' failure to obtain the free, prior and informed consent of the Gwich'in Nation and questions the United States' compliance with the many international human rights instruments to which it is a signatory.

The opportunity for CU Law students to advocate directly for Indigenous clients in a real-time and real-life matter is just one of the many things that makes attending CU Law such an amazing choice for those interested in the practice of Indian Law and International Human Rights Law. The American Indian Law Program is proud and grateful for the tremendous opportunity the American Indian Law Clinic, under the astute directorship of Carla Fredericks, provides for our CU Law students.



United Nations Declaration on the Rights of Indigenous Peoples Joint Project



The United Nations Declaration on the Rights of Indigenous Peoples (the Declaration), was adopted by the United Nations General Assembly on September 13, 2007. This is a standard-setting document supported by 148 nations, including the United States, committing to the individual and collective rights of indigenous peoples.

The University of Colorado Law School and the Native American Rights Fund (NARF) committed to leading the challenge to realize the promises of the Declaration for indigenous peoples here in the United States. Together we launched a new joint “Project to Implement the U.N. Declaration on the Rights of Indigenous Peoples in the United States” (the Joint Project). In 2019, CU Law and NARF held a conference on Implementing the UN Declaration on the Rights of Indigenous Peoples, (the Conference), to lay the groundwork for the Project, gathering tribal leaders, attorneys, scholars, students, activists, and others to share ideas about the current state of federal Indian law and how the Declaration might be used to inform advocacy in the field.

The main focus of the Joint Project this year has been the finalization of the report on the Conference. This Report will be published online by the University of Colorado Law Review. This 50-plus-page report captures the substance and essence of the great thinking shared at last year’s historic conference. The report includes summaries of the presentations, analysis and guidance for next steps. We’ve spent many hours over the last few months editing and writing and editing some more to ensure we have a comprehensive and user-friendly product to guide our continued advocacy.

In addition to the online publication by the University of Colorado Law Review, we’ve been working with an artist, designer and printer to produce a commemorative hard copy version of the report. We hope to have these ready for distribution in mid-April.

The AILP was the successful recipient of a competitive Outreach grant from CU in the amount of \$5,000. These funds are earmarked for the printing costs of the report and to support Joint Project trainings on implementing the Declaration in Indian Country. We’ve also submitted a Seed grant proposal for \$50,000 to perform focused research on implementing indigenous language rights in the U.S.. The United Nations has declared an International Decade of Indigenous Languages, to begin in 2022. We are hopeful that this proposal will be successful as this grant would enable us to continue our leadership in implementing this vital component of the Declaration.

We will soon be launching a website graciously hosted by NARF, which will serve as a clearinghouse for implementation information that can be accessed and used by tribes and other stakeholders to further efforts to implement the Declaration. The website will also provide access to additional training materials that will be branded by the Joint Project and which will be tested at our initial trainings later this spring.

There are a lot of moving pieces but they’re all being pushed forward in a thoughtful and purposeful manner, with the understanding that we’re in the early stages of this tremendously important endeavor to implement the Declaration here in the United States.

FACULTY UPDATES

KRISTEN CARPENTER



Professor Carpenter was elected chair-rapporteur of the United Nations Expert Mechanism on the Rights of Indigenous Peoples (“EMRIP”) for 2019-2020. Under its mandate from the Human Rights Council, EMRIP assists states and indigenous peoples in realizing the aims of the UN Declaration on the Rights of Indigenous Peoples. While working around the world (most recently Canada, Chile, Finland, Mexico, South Africa, Switzerland, and Thailand), Professor Carpenter has involved her law students in classroom exercises simulating international diplomacy and research on real world problems in human rights.

Recent publications:

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* (B. Gunn et. al., eds.) (2020).

Privatizing the Reservation?, 71 *Stanford Law Review* 791 (2019) (with A. Riley).

RICK COLLINS

Professor Collins is currently working on a paper on tribal jurisdiction over nonmembers in civil matters. He is currently teaching Constitutional Law and The Regulation of Marijuana. He will be teaching American Indian Law I as well as Local Government next Fall.



CARLA FREDERICKS



Professor Fredericks continues to direct the American Indian Law Clinic. For the past year, the Clinic has worked on behalf of the Navajo Nation, the Standing Rock Sioux Tribe, the Gwich'in Steering Committee, and several other indigenous communities and organizations. She was recently elected to the Board of Directors of Cultural Survival and to the Advisory Board of the Sustainability Impact Lab at Colorado. In addition, Professor Fredericks also serves as the founder/director of First Peoples Worldwide, a program with the Leeds School of Business focused on the Intersection of business and indigenous rights.

Recent publications:

- *Mapping the Sustainable Development Goals to Indian Nations*, PRIVATE SECTOR ECONOMIES FOR NATIVE AMERICA: ENTREPRENEURSHIP FOR THE SEVENTH GENERATION, (Robert Miller, Miriam Jorgenson, Daniel Stewart eds., Cambridge Univ. Press 2019).

- *Social Cost and Material Loss: The Dakota Access Pipeline* (Forthcoming 2020 in N.Y.U. J. OF L. & PUB. POLICY) (with K. Finn, M. Meaney and N. Pelosi).

FACULTY UPDATES

SARAH KRAKOFF

Professor Krakoff has published *Environmental Justice and the Possibilities for Environmental Law*, as well as: *Not Yet America's Best Idea: Law, Inequality, and Grand Canyon National Park*, 91 University of Colorado Law Review 559 (2020)., a forthcoming article regarding the legal histories of the eleven American Indian tribes whose traditional lands included all or parts of what is today Grand Canyon National Park. She has recently co-authored the law professors' amicus brief on the pending litigation about Bears Ears National Monument with Professor Robert Anderson (University of Washington) arguing that President Trump's attempt to reverse the boundaries of the Bears Ears National Monument is not authorized by the Antiquities Act and is inconsistent with the larger body of contemporary public land law. The Bears Ears National Monument, designated by President Obama in December of 2015, is the first monument ever proposed by American Indian Tribes. Professor Krakoff's other recent publications include:



Book: BEYOND ZERO SUM ENVIRONMENTALISM, with M. Powers & J. Rosenbloom, eds. (Environmental Law Inst., 2019);

Book chapter: Public Lands and the Public Good in BEYOND ZERO SUM ENVIRONMENTALISM, Krakoff, Powers & Rosenbloom, eds. (Env'tl Law Inst., 2019)

CHARLES WILKINSON

Professor Wilkinson is working on a new book - *Thunderbolt: The Northwest Tribes, Judge Boldt, and the Stunning Break from Salmon Wars to Rightful Justice*. The book will be a history of the "Boldt Decision," a 1974 ruling in *United States v. Washington* which held that tribes are entitled to fifty percent of the salmon harvest in Northwest Washington.

Professor Wilkinson recently delivered three lectures:

Keynote Address, *Building Native Nations: Native American Heritage and Governments Conference*, sponsored by Crow Canyon Archaeological Center and Native Nations Institute, in Cortez, Colorado on August 6, 2019;

Keynote Address, *First Nations Voting Rights—Planting for the Future, A Conference to Empower Indigenous Voters*, sponsored by the Rural Utah Project, at the University of Utah College of Law, Salt Lake City, Utah, September 25, 2019;

Keynote Address, *United States v. Oregon – 50th Anniversary Symposium*, sponsored by the Lewis & Clark University Law School Environmental, Natural Resources, and Energy Law Program, Portland, Oregon, October 18, 2019.



IN THE NEWS:

[American Indian Law Clinic and First Peoples Worldwide] Gabby Brown, *Indigenous Groups Raise Concerns About Arctic Refuge Drilling in Submission to UN Human Rights Council*, Sierra Club Press Release, Oct. 11, 2019. <https://www.sierraclub.org/press-releases/2019/10/indigenous-groups-raise-concerns-about-arctic-refuge-drilling-submission-un>

[American Indian Law Clinic and First Peoples Worldwide] Rima Krist, *'Modern-day monster': Report links sex trafficking to generational trauma*, Navajo Times, Feb. 21, 2020. <https://navajotimes.com/reznews/modern-day-monster-report-links-sex-trafficking-to-generational-trauma/?fbclid=IwAR0sz-xfqRKdW9nvOBST9fGkwQ7jsas2RuxJow5L58GxK8nGLH9DccT0pEA>



PROJECT UPDATE

MAYA LAND RIGHTS AND DEVELOPMENT

The Maya Land Rights and Development Project is halfway through its second year of volunteer work for the Maya communities of southern Belize. We are excited to announce that we have an incredible group of eight students that are working on a range of research topics, including:

- (1) Procedures and complaint templates for a dispute resolution body established in Belize to prevent encroachments onto Maya lands;
- (2) a free prior and informed consent protocol for the Maya communities to use while engaging with resource development companies;
- (3) exploring a partnership between the Maya communities and a Boulder-based chocolate company; and
- (4) looking into other economic development schemes utilized by indigenous communities around the world.



The project especially wants to recognize the hard work of volunteer Student Leader, Dana Steiner (Class of 2020), who is doing an outstanding job guiding a number of the students as they explore potential gaps in current Belizean statutes that may need to be filled in as the communities move forward next year with a legislative drafting process.

For more information and inquiries for how to get involved, please contact Patrick Lee, Dean's Fellow, at G.Patrick.Lee@Colorado.edu

UPCOMING EVENTS

BOOK RELEASE

March 12, 2020:

Benson Earth Sciences, 180, 6:30 PM

Walter Echo-Hawk Book Release, *The Sea of Grass: A Family Tale from the American Heartland*



image: Andrew James, unsplash.com

DENVER POW-WOW

March 20 - 22, 220:

Denver Coliseum

The 46th Annual Denver March Pow-wow is \$7/day,
denvermarchpowwow.org

LECTURE

April 13, 2020:

Eaton Humanities, Rm 135, 5:30 PM

Ruth Phillips - Visiting Art History Scholar, "The Circle and the Rectangle: From Residential School Trauma to Indigenous Modernism"



NATIVE GRADUATION

May 8, 2020:

Koenig Alumni Center, 1 - 4 PM

The CNAIS annual Native Graduation event honors CU Native American and Indigenous student graduates (undergraduates, graduates, & J.D's), with a ceremony and meal.



AILP COURSE OFFERINGS

A LOOK AHEAD

FALL '20

American Indian Law I

Collins

American Indian Law Clinic

Fredericks

Cultural Property

Carpenter

Foundations of Natural Resources

(Instructor TBD)

International Human Rights (Seminar)

Anaya

Natural Resources Environmental Law Clinic

(Instructor TBD)

SPRING '21

Advanced Natural Resources (Seminar)

(Instructor TBD)

American Indian Law II

Wilkinson

American Indian Law Clinic

Fredericks

International Human Rights (Seminar, Cont. from Fall)

Anaya