



# AILP NEWSLETTER

Osiyo, Da'anzho,

Greetings and welcome to the 2024-2025 academic year. We are thrilled to welcome Professor Vanessa Racehorse to the University of Colorado Law School (see p. 2). A citizen of the Shoshone-Bannock Tribes, Professor Racehorse brings an incredibly accomplished background of practice, service, and scholarship to Colorado Law, including deep expertise on tribal law, Indian health, water, voting law other important topics. Kudos to our NALSA students for their activism and participation in the faculty appointments process and other activities (see p. 8).

With Professor Racehorse's arrival, the AILP fulfills a long-stated goal of offering courses on Indigenous Peoples' issues in Tribal, Federal, and International Law. In today's deeply connected world, attorneys representing tribes and other Indigenous Peoples need core competencies in these inter-related bodies of law and Colorado Law's AILP certificate attests to our students' comprehensive training. (For course offerings see p.9).

Dean Lolita Buckner Inniss recently led Colorado Law's delegation to the United Nations Permanent Forum on Indigenous Issues, where Professor James Anaya delivered a plenary address on Indigenous Peoples and self-determination. Professor Anaya and his students continue to work on Indigenous Peoples' issues in Belize and Mexico. In this U.S. election year, Professor Christina Stanton's American Indian Law Clinic students will work to ensure the voting rights of reservation residents, among other important items on the AILC docket. AILP Fellow Emiliano Salazar has been admitted to the Colorado Bar and is developing an impressive skillset in Indigenous Peoples' law and diplomacy, while also supporting students and programs on campus.

We congratulate recent AILP graduates working on Indigenous Peoples' law and policy issues across the federal government, as well as in tribal governments and courts, private firms, and organizations.



*Class of 2024 Graduates T.J. Stokes (Lakota), Spencer Garcia (Jemez Pueblo), and Joshua Bertalotto (Tunica Biloxi Tribe) celebrate with Professor Carpenter*

A special congratulations to Steven Moore '79 on his retirement from the Native American Rights Fund (NARF) where he represented tribes on religious freedoms, water law, and other matters, while also mentoring generations of Colorado Law students. The AILP misses Professor Krakoff who continues to work as a Deputy Solicitor in the Department of Interior and appreciates the ongoing guidance of Emeritus Professor Richard Collins.

With our very best wishes from Boulder,  
Kristen A. Carpenter  
Council Tree Professor of Law and Director of the American Indian Law Program

# THE AMERICAN INDIAN LAW PROGRAM WELCOMES PROFESSOR VANESSA RACEHORSE



Professor Vanessa Racehorse has recently been appointed as an Associate Professor of Law and a core faculty member of the American Indian Law Program at Colorado Law. Her teaching and scholarship focus on American Indian Law, Indigenous Peoples law, human rights, international law, and environmental justice. This Fall, she will be teaching a new course on Tribal Law, and, in the Spring, she will teach the American Indian Law II.

Professor Racehorse has previously taught as an Assistant Professor of Law at the University of New Mexico School of Law, where she taught a variety of courses in the Law and Indigenous Peoples Program. She also previously taught Native American Law as an Adjunct Professor of Law at the University of San Diego School of Law. Prior to entering academia, she served as a Deputy Attorney General for the Colorado River Indian Tribes (CalNAGPRA), Attorney for the California Native American Heritage Commission, and an Associate Attorney at Sonosky, Chambers, Sachse, Endreson & Perry, LLP, a top-ranked national law

firm dedicated to representing Native American interests. She is admitted to practice in the State of California, the U.S. Court of Appeals for the 9th Circuit, and the U.S. District Court for the Central District of California.

Professor Racehorse has a B.A. from the University of Denver, an L.L.M. in International Criminal Law from the University of Amsterdam and a J.D. from Columbia Law School, where she was a recipient of the Parker School Recognition of Achievement in International and Comparative Law, President of the Columbia Native American Law Students Association, and the Bluebook Editor for the Columbia Law Review. She is a member of the Shoshone-Bannock Tribes, a direct descendant of Bannock Chief Racehorse, and a descendant of the Cherokee Nation and Shoshone-Paiute Tribes.

# AILP FACULTY UPDATES

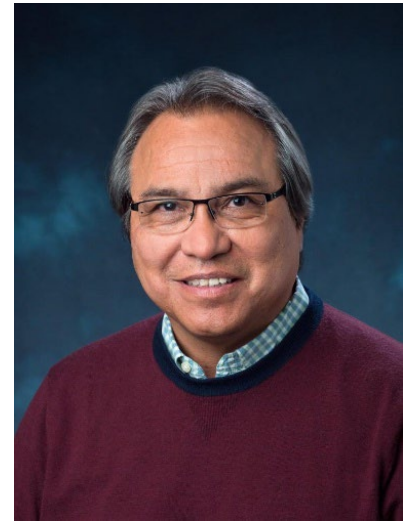


## **Kristen Carpenter, Council Tree Professor of Law**

Since 2023, Professor Carpenter has been advising Secretary of the Interior Deb Haaland on International Indigenous Affairs, while also teaching and directing the AILP, and co-directing The Implementation Project with Sue Noe at NARF. For the second year, a group of attorneys and lay advocates from the Southern Ute Tribe's Legal Department will audit her American Indian Law course, both extending the reach of our public education mission and bringing tribal perspectives into the classroom. The AILP continues work on the UN's International Decade of Indigenous Languages and the World Intellectual Property Organization's treaty processes.

## **S. James Anaya, University Distinguished Professor and Nicholas Doman Professor of International Law**

Professor Anaya spent the summer working with the San Carlos Apache Tribe, the Mexican government, and the Maya Land Rights and Development Project. For the San Carlos Apache, he helped to petition the United Nations to prevent the United States federal government from authorizing private mining companies to mine Chích'il Bii Dagoteel (Oak Flat), land sacred to the San Carlos and other Western Apache tribes. In Mexico, he is continuing to work with the National Institute of Indigenous Peoples to get legislation and constitutional reforms passed to protect Indigenous people in Mexico. He is also continuing to work with the Maya Land Rights and Development Project to make negotiations with the Belizean government to develop legislation to secure Maya land rights, as well as to continue reporting to the Caribbean Court of Justice on the Belizean government's status of non-compliance with Human Land Rights.



## **Christina Stanton, Clinical Professor**

Professor Stanton continues to hone her client and clinic focus by bringing on work with both short-term and long-term clients. This year she is excited to continue the long-standing clinic tradition of providing election protection work in Indian Country, as well as to expand voter education efforts in tribal communities. Christina is newly engaged with an interdisciplinary research project on "digital visual jurisprudence" which looks at the impact of video evidence in tribal, state, and federal courts and inconsistent renderings of justice impacted by bias in perception and interpretation of video evidence. She was a 2023-24 Fellow in Higher Education and Democracy and the recipient of the 2024-25 Libby Cook Fellowship. Currently, Christina is working on scholarship about Indigenous engagement with the United Nations Committee on the Elimination of Racial Discrimination (CERD).



# AMERICAN INDIAN LAW CLINIC HIGHLIGHTS



A critical component of the American Indian Law Clinic is to get out of the classroom and into communities. Under the leadership of the director, Christina Stanton, students have been able to directly observe on-the-ground impacts of the laws they have been researching and analyzing on behalf of their clients. “It is important to me that students consider what it looks like to engage in place-based lawyering; what is the relationality of the homelands, territories, and reservations to our Indigenous clients? How does the law incorporate, or not, consideration of these geographies? What is missing from how we are taught to understand historical treatment of tribes in the United States and the modern era of self-determination?” Stanton asks. “The connection between law and people is so critical and our work in the clinic seeks to bridge this gap for students.” Client work and reflections on the current political climate and important issues facing Native Nations has grounded students in the modern state of affairs and to consider the important role of Indigenous attorneys and their allies in the efforts to uphold Native sovereignty.

## **Indian Child Welfare Act**

*Article originally posted on the Colorado Law website on (08-07-2024)*

In December 2023, students in the Juvenile and Family Law Clinic and the American Indian Law Clinic completed an Indian Child Welfare Act adoption case for a family in Adams County.

The case started in September 2022 and involved a complex mix of federal and state law, as well as discovery and witnesses from multiple jurisdictions. In addition to solving practical due process issues, the students drafted dozens of pleadings and navigated complex state bureaucracies. In the American Indian Law Clinic, Eli Martinez ('24), Kate Newman ('24), Siena Kalina ('23) and Ryann Rael ('25) worked over two years to complete this case. They upheld the requirements of the Indian Child Welfare Act (ICWA) and worked closely with the Tribe's ICWA coordinator to ensure that the Tribes' rights and perspectives were integrated in all motions and in the hearings.

At the final adoption hearing, the child was surrounded by family, friends, and community, as well as the Tribe (over WebEx). It was an emotional conclusion to a long legal case, and we are so proud of the students for their client-centered advocacy.



### **Continuing to Protect the Native Vote**

In addition to having the ability to work on ICWA cases here in Colorado, students of the clinic and the American Indian Law Program have the continuing opportunity to engage with Indigenous communities, organizations, and tribes in other parts of the country.

In Fall 2024, the American Indian Law Clinic will continue its longstanding tradition of engaging in voting rights work during an election year. Starting in 2018, the AILC has sought to work with Indigenous-led organizations to provide resources and support so that every Native individual who wants to cast a ballot is able to do so.

In 2020 and 2022, students parsed all 50 states' voting laws to provide Native-specific resources about how to vote. In 2022, students also worked to support ongoing voting work in North Dakota by providing Election Day poll watching.

This year, thanks to grants from both the Center for Native American and Indigenous Studies and the Office for Public and Community Engaged Scholarship, the clinic will continue this work. The clinic will also be engaging in local civic efforts by providing education on the right to vote and the history of Native voter discrimination to students, community members, and with partners at Fort Lewis College. On Election Day, clinical students and students of Vanessa Racehorse's Tribal Law and clinic will be in South Dakota to support election protection work with Four Directions.

# The Implementation Project at the UN

## TIP at the 23rd Session of the United Nations Permanent Forum on Indigenous Issues

Original article written by Emiliano Salazar and posted on the Implementation Project [website](#).

The Implementation Project (TIP) attended [the 23rd Session of the United Nations Permanent Forum on Indigenous Issues from April 15-26, 2024](#), supporting more elected U.S. Tribal leaders than ever before. An advanced unedited version of the [Permanent Forum's Report on the 23rd Session](#) reflects interventions by the Bay Mills Indian Community, the National Congress of American Indians (NCAI), and the Coalition of Large Tribes (COLT).

The theme of this year's session was "Enhancing Indigenous Peoples' right to self-determination in the context of the United Nations Declaration on the Rights of Indigenous Peoples: emphasizing the voices of Indigenous youth." Tribal leaders worked throughout the session to ensure U.S. attention to Indigenous Peoples' issues arising both at home and abroad. Colorado Law Professor and former Special Rapporteur on the Rights of Indigenous Peoples S. James Anaya spoke on the session's opening panel, delivering remarks about Indigenous knowledge and the right to education as critical elements of Indigenous Peoples' self-determination.

[U.S. Secretary of the Interior Debra Haaland reiterated the United States' support](#) for the Declaration on the Rights of Indigenous Peoples, and its commitment to co-stewardship agreements between tribal governments and land management agencies, investment in Tribal climate resilience and mitigation, and Interior regulations embracing the safeguard of free, prior, and informed consent (FPIC) in the treatment of ancestral remains and cultural objects. The full text of the statement can be found [on the United States Mission to the United Nations website](#).

NCAI President Mark Macarro gave a powerful statement on the topic of "Enhanced Participation," calling on the [UN to recognize a special status](#) for Tribal Nations commensurate with their right to self-determination. NCAI called for [support of Indigenous Peoples' rights to "Genetic Resources and Associated Traditional Knowledge"](#) during negotiations at the World Intellectual Property Organization and also made an intervention concerning [processes associated with the UN Framework Convention on Climate Change](#).

Speaking on behalf of more than 50 Tribal and First Nation Anishinaabe communities, Bay Mills Indian Community [President Whitney Gravelle](#) called for the decommissioning of the Line 5 oil and gas pipeline, which poses a threat to Indigenous Peoples' human rights throughout the Great Lakes.

COLT Chairman Marvin Weatherwax (Blackfoot Nation) addressed the United States' failure to protect Tribal communities in violation of its treaty obligations and called on the United States and Canada to comply with domestic laws that require the return of Tribal lands upon which boarding schools were built.

NARF Senior Staff Attorney and TIP Co-Director Sue Noe called on the Forum to identify the progress of States in achieving the aims the Declaration and to make changes to the Annual Session that will allow each Indigenous Peoples' organization to have at least one chance to address the meeting.

The Implementation Project co-sponsored three side-events at the Forum, focusing on U.S. federal agencies' implementation of the Declaration; Indigenous Peoples' self-determination over their lands in the areas of religion, culture, and the economy; and capacity-building programs supporting Indigenous Peoples' participation in international diplomacy.



# The Implementation Project at the UN

## Advocating for the Declaration and Indigenous Peoples’ Traditional Knowledge at EMRIP

Original article written by Hannah Ahders and published on *The Implementation Project website*.

The Implementation Project (TIP) attended the 17th Session of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) from July 8-12, 2024, at UN Headquarters in Geneva, Switzerland. EMRIP is mandated to advise the UN Human Rights Council about Indigenous Peoples and to advance the aims of the UN Declaration on the Rights of Indigenous Peoples (the Declaration). This session focused on legislation and other measures to advance the Declaration, as well as ensuring Indigenous Peoples’ rights in post-conflict situations, language revitalization, and other topics noted in the “Programme of Work” available on the Session [website](#).



L to R: Heather Whiteman Runs Him, Kristen Carpenter, Heidi Todacheene, Linda Benally, Ruth Anna Buffalo

TIP was represented by Co-Directors Kristen Carpenter, Council Tree Professor of Law and Director of the American Indian Law Program at the University of Colorado Law School, and Sue Noe, Senior Staff Attorney at the Native American Rights Fund, along with Emiliano Salazar, University of Colorado American Indian Law Program Fellow, and Colorado Law 3L Hannah Ahders.

In a statement delivered on behalf of TIP, Noe called on EMRIP to encourage States to heed Indigenous Peoples’ calls and move forward with implementing the Declaration, in accordance with the Declaration’s Article 38 and commitments made by Member States in the 2014 Outcome Document of the World Conference on Indigenous Peoples. She also requested EMRIP to provide details on how States should provide training to civil servants on the implementation of the Declaration.

Amplifying the call to protect Indigenous traditional knowledge, Noe, as well as Rochelle Morgan-Verdin, National Congress of American Indians, and Linda Benally, Native American Church-State of New Mexico urged UN Member States, including the U.S. to sign, ratify, and implement the World Intellectual Property Organization’s new Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge (Treaty). This historic Treaty requires patent applicants to disclose when their patent applications are based on Indigenous Peoples’ traditional knowledge and supports the inclusion of Indigenous Peoples in implementing the treaty.

On July 11, 2024, TIP and the University of Arizona co-hosted a Session side event entitled, “Intergenerational Impacts of Indian Boarding Schools in the United States: In Search of Answers and Healing.” The event featured panelists Heather Whiteman Runs Him, Director of the Tribal Justice Clinic at the University of Arizona, Heidi Todacheene, Senior Advisor to the U.S. Secretary of the Interior, and Ruth Anna Buffalo, President of the Board of Directors of the National Native American Boarding School Healing Coalition.

The leadership of several UN bodies noted the recent rise in threats and intimidation of Indigenous Peoples and human rights defenders and called for an end to all reprisals.

Members of EMRIP, states, and Indigenous organizations called on the UN General Assembly, Human Rights Council, and other UN mechanisms to embrace enhanced participation of Indigenous Peoples. Several interventions noted that implementation of the Declaration requires enhanced participation of Indigenous Peoples at the United Nations and called for support of proposals under consideration at the Human Rights Council and General Assembly.

# NALSA Updates

## Malorie Stick (Chickasaw Nation) - President



This summer Malorie worked as a judicial intern for District Judge Kelley R. Southerland in Colorado's 17<sup>th</sup> Judicial District. She spent the summer drafting orders, observing court, and doing legal research. Her favorite part of working as a judicial intern was learning how a domestic docket operates behind the scenes. She was able to learn how custody and divorce matters

move through the court, starting from the first petition to the final permanent orders. This experience afforded her the opportunity to envision the type of attorney she aspires to become and to learn effective advocacy strategies for family court. This school year, she is looking forward to hopefully welcoming a few 1Ls into NALSA and hosting some brand-new events.

Additionally, she is excited to continue serving on the Community Townhall Taskforce for National NALSA and welcoming a few new members onto the Taskforce as well.

## Jessica Garcia- Vice President



This summer Jessica worked as Research Assistant for Professor Carpenter. She spent the summer working on the 2024-2024 AILP newsletter. Her favorite part of the summer was talking to Professor Anaya and his work with the San Carlos Apache, as well as with the Maya in Belize. She is looking forward to joining the American Indian Law Clinic and taking Indian law classes.

## Hannah Ahders (Coquille) -Treasurer

Hannah worked at the Boulder County Attorney's Office



this summer. She enjoyed working in-house for the county. I learned great skills as a counselor to experts in various governmental offices. I hope these skills will

translate well to working in-house for a tribe in the future. She is looking forward to working in the American Indian Law Clinic on voting rights issues in Indian Country.

## Haley Rimmer (Pueblo) – Secretary



This summer Haley worked at Germany Law Firm, P.C. Her favorite part was the hands-on experience she received in the practice area of wills and trusts. This school year she is looking forward to starting her externship at Denver Public Schools and serving as secretary of NALSA.

## Upcoming NALSA Events:

### Sept. 9 – NALSA General Body Meeting

Join us for our first general body meeting of the semester. Meet NALSA members and learn about our upcoming events for the year. Lunch provided.

### Oct. 19 – Careers in Indian Law

Join us to listen and meet attorneys practicing Indian Law (5:30-6:30 PM). Food will be provided afterward in the Schaden Commons (6:30-7:00 PM).

### Oct. 18 – NALSA Judicial Walking Tour

Join Carla Fredicks and local Judges on a walking tour of the Colorado and Federal Courts in Denver.

### Oct. 21 – NALSA General Body Meeting

Join us for our second general body meeting of the semester. Lunch provided.

### Nov. – 13 – Fall Harvest

Celebrate Indigenous Peoples' Month with NALSA at our annual fall harvest! Join us for food and fun in the Schaden Commons (time TBD).

### Nov. – TBD – NNALSA Moot Court Info Session

Learn about the National NALSA moot court competition and discuss the prompt. Lunch provided.



# AILP Course Offerings Fall 2024-Spring 2025

Fall 2024	Spring 2025 (Tentative)
<ul style="list-style-type: none"> <li> <b>LAWS 7725 – 801: American Indian Law I</b>  <b>Professor Carpenter</b>                      Investigation of the federal statutory, decisional, and constitutional law that bears upon American Indians, tribal governments, and Indian reservation transactions.                 </li> <li> <b>LAWS 7715 – 801: Indigenous Peoples in International Law</b>  <b>Professor Carpenter</b>                      Studies developments in the substance and procedure of international human rights law pertaining to indigenous peoples, examining these developments through varying perspectives, doctrinal and political, pragmatic and critical.                 </li> <li> <b>LAWS 6708 – 802: Special Topics: Tribal Law</b>  <b>Professor Racehorse</b>                      A new course that will explore the legislative, regulatory, and judicial powers of Indian tribes as the third sovereign in the U.S. legal framework.                 </li> <li> <b>LAWS 7440 – 801: International Human Rights</b>  <b>Professor Anaya</b>                      Surveys international human rights both in law and in philosophy, both current and historical. Consists of three parts: (1) the concept and philosophical foundations of human rights; (2) the content of international human rights law; (3) selected rights from a comparative perspective.                 </li> <li> <b>LAWS 8440 – 801: Seminar: International Human Rights</b>  <b>Professor Anaya</b>                      Exposes students to a variety of human rights issues and the responses by international institutions.                 </li> <li> <b>LAWS 7309 – 801: American Indian Law Clinic</b> (Both semesters)  <b>Professor Stanton</b>                      Emphasizes the practice of federal and tribal Indian law. Students will represent individuals and Indian tribes in matters involving: the Indian Child Welfare Act, enforcement of federal and tribal rights, and code development. Focuses on select current Indian law topics and development of lawyering skills.                 </li> </ul>	<ul style="list-style-type: none"> <li> <b>LAWS 7735 – 801: American Indian Law II</b>  <b>Professor Racehorse</b>                      This course will investigate the legal history and current legal status of Alaska Natives and Native Hawaiians. It will also address other current topics such as tribal water rights, tribal fishing and hunting rights, tribal justice systems, religious freedom, and tribal natural resource and environmental management. Prerequisite: LAWS 7725.                 </li> <li> <b>LAWS 8725 – 801: Seminar: Advanced Topics in American Indian Law</b>  <b>TBD</b>                      Examines a variety of current issues related to American Indian Law. Topics will change to reflect the subjects that emerge each time that the seminar is offered. Some examples of topics considered include legal protections for American Indian religion and culture, cultural property, Tribal law, gaming law, and Native American natural and cultural resources law. Department enforced corequisite: LAWS 7725.                 </li> <li> <b>LAWS 7309 – 801: American Indian Law Clinic</b> (Both semesters)  <b>Professor Stanton</b>                      Emphasizes the practice of federal and tribal Indian law. Students will represent individuals and Indian tribes in matters involving: the Indian Child Welfare Act, enforcement of federal and tribal rights, and code development. Focuses on select current Indian law topics and development of lawyering skills.                 </li> </ul>