



Est. 1992

Coalition of Bar Associations of Color

## **RESOLUTION SUPPORTING IMPLEMENTATION OF THE INDIAN LAW AND ORDER COMMISSION RECOMMENDATIONS**

Endorsed March 2015

**WHEREAS**, the Coalition of Bar Associations of Color (CBAC), organized in 1992, is a coalition created to act as a collective voice for issues of common concern to its member organizations; and

**WHEREAS**, the member organizations of CBAC are the Hispanic National Bar Association (HNBA), the National Asian Pacific American Bar Association (NAPABA), the National Bar Association (NBA), and the National Native American Bar Association (NNABA); and

**WHEREAS**, the member organizations of CBAC are the national voices of their respective legal communities in the United States and its territories and possessions; and

**WHEREAS**, CBAC has long supported the governmental sovereignty of all independent Native tribal governments in the United States, including their criminal justice systems; and

**WHEREAS**, Native Americans today experience disproportionate rates of violent crime in their communities; and

**WHEREAS**, unlike most federal, state, territorial, and local criminal justice services, tribal governments lack meaningful decision making about their own criminal justice due to a web of complicated and conflicting jurisdictional rules and limitations; and

**WHEREAS**, Indian country suffers from at least a 50% law enforcement staffing shortfall, including at least 75 Alaska Native communities which lack *any* law enforcement presence whatsoever; and

**WHEREAS**, tribal justice systems, including alternatives to incarceration programs, suffer from inconsistent and unequal federal funding compared to their state counterparts, including the perpetual failure for Congress to fund the Indian Tribal Justice Act of 1993; and

**WHEREAS**, Native youth are disproportionately incarcerated in the federal system to the extent that between 1999 and 2008, 43-60% of juveniles held in federal custody were American Indians; and

**WHEREAS**, Alaska Natives suffer unique needs, including the need for Alaska Native lands to be treated as Indian country, and the need for Alaska Native governments to enjoy the same inherent criminal jurisdiction as tribes located in other states; and

**WHEREAS**, pursuant to the Tribal Law and Order Act of 2010, the Indian Law and Order Commission submitted their report, *A Roadmap for Making Native America Safer*, to the President and Congress of the United States in November of 2013, which included a comprehensive study of law enforcement and criminal justice in tribal communities as well as forty (40) recommendations regarding improvements to the justice systems at the tribal, federal, and state levels; and

**WHEREAS**, the forty recommendations, while touching upon various topics including jurisdiction, Alaska Natives, law enforcement, intergovernmental cooperation, detention and alternatives to detention, and juvenile justice, form a collection of necessary actions required to properly enable Native nations to build and maintain their own criminal justice systems; and

**WHEREAS**, specifically among those recommendations includes the recommendation that each tribal sovereign should have the option to fully or partially opt out of the jurisdictional maze and fully exercise their inherent criminal jurisdiction over all persons within the tribe's territory without any sentencing limitations; and

**NOW THEREFORE BE IT RESOLVED**, that CBAC also supports other efforts and laws that are consistent with this resolution; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, that CBAC authorizes its officers and staff to communicate the content of this resolution to other bar associations, advocacy groups, members of Congress, the Administration, the press, and to whomever else CBAC board deems suitable to receive the information; and

**NOW BE IT FINALLY RESOLVED**, that this resolution shall be the policy of CBAC until it is withdrawn or modified by subsequent resolution.

#### **CERTIFICATION**

We, the duly-elected Presidents of the Hispanic National Bar Association (HNBA), the National Asian Pacific American Bar Association (NAPABA), the National Bar Association (NBA), and the National Native American Bar Association (NNABA), hereby certify that the foregoing Resolution was duly enacted by a duly-noticed meeting of the Coalition Bar Associations of Color.



*Cynthia Mares*

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Cynthia Mares  
President, Hispanic National Bar Association

3/2/2015

Date

*George C. Chen*

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George C. Chen  
President, National Asian Pacific American Bar Association

3/2/2015

Date

*Pamela Meanes*

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Pamela Meanes  
President, National Bar Association

3/2/2015

Date

*Mary Smith*

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Mary Smith  
President, National Native American Bar Association

3/2/2015

Date