



Est. 1992

Coalition of Bar Associations of Color

**RESOLUTION SUPPORTING IMPLEMENTATION OF THE TRIBAL LAW
AND ORDER ACT OF 2010 AND TITLE IX OF THE VIOLENCE AGAINST
WOMEN REAUTHORIZATION ACT OF 2013**

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, Native American people today experience disproportionate rates of violent crime in their communities; and

WHEREAS, domestic and sexual violence against American Indian and Alaska Native (AI/AN) women has reached epidemic proportions, to the extent that 34% of AI/AN women will be raped in their lifetime and 39% of AI/AN women will be subject to domestic violence; 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 of Congress to fund the Indian Tribal Justice Act of 1993; and

WHEREAS, for decades, the Bureau of Indian Affairs and the Department of Justice have not been able to coordinate or consistently report on crime and prosecution rates in tribal communities; and

WHEREAS, in 2010 Congress passed the Tribal Law and Order Act (TLOA) in order to clarify the responsibilities of federal, state, tribal, and local governments with respect to crimes committed in Indian country, to increase the coordination among law enforcement agencies, to empower tribal governments with the authority to provide public safety, to reduce the prevalence of violent crime, domestic violence, and drug trafficking and addiction in Indian country, and to increase the collection and sharing of criminal data; and

WHEREAS, Sec. 242 of the TLOA reauthorized \$50 million per year of funding, originally authorized in the Indian Tribal Justice Act of 1993, but for which zero dollars have ever been actually appropriated; and

WHEREAS, Sec. 233 of the TLOA mandates that the Department of Justice permit tribal law enforcement access to the National Criminal Information Database, but for which numerous barriers still prevent most tribes access; and

WHEREAS, Sec. 246 authorizes \$25 million per year for the Tribal Youth Program, but for which only \$2.8 million was distributed via Purpose Area 9 of the Coordinated Tribal Assistance Solicitation FY 2014; and

WHEREAS, in 2013, Congress reauthorized the Violence Against Women Act (VAWA), which included Title IX: Safety for Indian Women, which authorized grant to Indian tribal governments, recognized inherent tribal criminal jurisdiction over non-Indians for the crimes of domestic violence, dating violence, and the violation of certain protection orders, and called for further data collection; and

WHEREAS, Sec. 904 of Title IX of VAWA authorizes up to \$5 million for grant awards to tribal governments to assist tribes in exercising special domestic criminal jurisdiction, but no funds have been actually appropriated; and

WHEREAS, many of the other “authorized” funds in both the TLOA and the VAWA have yet to be appropriated, several studies and trainings have yet to be conducted, and recommendations for studies that have been conducted have not been acted upon; 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 THEREFORE 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

Cynthia Mares
President, Hispanic National Bar Association

3/2/2015

Date

George C. Chen

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

3/2/2015

Date

Pamela Meanes

Pamela Meanes
President, National Bar Association

3/2/2015

Date

Mary Smith

Mary Smith
President, National Native American Bar Association

3/2/2015

Date