



RESOLUTION ON ACADEMIC ETHNIC FRAUD

WHEREAS, the Coalition of Bar Associations of Color (CBAC), organized in 1983, 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 the Coalition of Bar Associations of Color 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 fraudulent self-identification as Native American on applications for higher education (academic ethnic fraud) is particularly pervasive among undergraduate and law school applicants;

WHEREAS, it is well understood and documented within the Native American legal community that a large percentage of individuals in law school who identified themselves on their law school application as Native American, were not of Native American heritage and in fact had no affiliation either politically, racially, or culturally with the Native American community;

WHEREAS, this phenomenon is so pervasive, it is commonly understood and referred to as within the Native American Community as “box-checking”;

WHEREAS, the number of actual Native American law students is dramatically less than that as self-reported by ABA accredited law schools because of this phenomenon;

WHEREAS, during the time period between 1990 and 2000 ABA accredited law schools claimed to have graduated approximately 2,500 Native American lawyers, while the U.S. census only reported an increase in 228 Native American lawyers during the same time period;

WHEREAS, under the Constitution, statutes, and common law of the United States of America, the identity “Native American” is not a racial categorization, but a political citizenship;

WHEREAS, federal law recognizes Native Americans as a citizenship, individuals who are members of a Federally Recognized Tribal government;

WHEREAS, enrollment in a Federally recognized Tribe is easily documented, and is already required by many institutions of higher learning;

WHEREAS, the Native American legal community has repeatedly requested that ABA accredited law schools require additional information from applicants who indicate that they are “Native American” in the form of either their citizenship or enrollment Tribe and number, and/or a “heritage statement;”

WHEREAS, Native Americans who are otherwise members of the Native American community, but for some reason do not happen to have dual-citizenship, or happen to be “enrolled” members or citizens in their Tribe, will not be deterred by the request for more information regarding their heritage;

WHEREAS, non-Native Americans who have no affiliation with any Native community nor any Native identification will be deterred from committing ethnic fraud with the requirement that they provide additional information regarding their identification with the Native American community;

WHEREAS, the ABA and ABA accredited law schools perpetuate this academic ethnic fraud by refusing to require sufficient documentation of Native American citizenship and refusing to enforce academic fraud, despite decades or requests by the Native American legal community;

WHEREAS, the ABA and ABA accredited law schools do not tolerate any other form of dishonesty or deceit on law school applications;

WHEREAS, the National Native American Bar Association and the Coalition of Bar Associations of Color believes the ABA and ABA accredited law schools are reluctant to enforce this anti-fraud policy because they complicity understand that the number of Native Americans they claim to be graduating will dramatically decline;

WHEREAS, there will continue to be no incentive for ABA law schools to more aggressively encourage Native American applications until they see the true and correct numbers of Native American students enrolling in and graduating from law school;

WHEREAS, the number of actual Native American law students will never increase until the ABA, LSAC, and other academic institutions help address this academic fraud;

BE IT RESOLVED, that the Coalition of Bar Associations of Color opposes all ethnic and identification fraud on law school applications;

BE IT RESOLVED, that the Coalition of Bar Associations of Color requests that LSAC, all ABA accredited law schools, and all institutions of higher learning oppose application ethnic and identification fraud;

BE IT RESOLVED, that the Coalition of Bar Associations of Color requests that all ABA accredited law schools punish application ethnic fraud as it would any other application or academic fraud;

BE IT RESOLVED, that the Coalition of Bar Associations of Color request that all LSAC, all ABA accredited law schools, and all institutions of higher learning require additional information for individuals who indicate that they are Native American, including requesting their Tribal affiliation and Tribal enrollment number, and/or an opportunity to provide a “heritage statement.”

BE IT FINALLY RESOLVED, that this resolution shall be the legislative priority of the Coalition of Bar Associations of Color 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 they foregoing Resolution was duly enacted by a duly-noticed meetings of the Board of Directors.



Draft

Diana Sen
President, Hispanic National Bar Association

7/20/11

Date

Bl O A

Paul O. Hirose
President, National Asian Pacific American Bar Association

7-20-11

Date

Demetrius Shelton

Demetrius Shelton
President, National Bar Association

7/20/11

Date

Mary Smith

Mary Smith
President-Elect, National Native American Bar Association

7-20-11

Date