RESOLUTION SUPPORTING AN AMENDMENT OF THE FEDERAL RULES OF APPELLATE
PROCEDURE TO TREAT INDIAN TRIBES IN THE SAME MANNER AS STATES AND
TERRITORIES

WHEREAS the Coalition of Bar Associations of Color (CBAC), organized in 1993, 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), National Asian Pacific American Bar
Association (NAPABA), the National Bar Association (NBA), and the National Native
American Bar Association (NNABA); and

WHEREAS, the United States Constitution, United States Supreme Court decisions, and
hundreds of treaties, federal statutes, and regulations all acknowledge the inherent
sovereignty of Indian tribes and recognize that Indian Tribes are distinct, domestic,
sovereign governments; and

WHEREAS, Indian Tribes retain inherent sovereignty which has never been
extinguished; and

WHEREAS, Indian Tribes, like states, may be subject to federal habeas corpus
proceedings, may have declared holidays, may have their laws challenged in federal court
proceedings without being named as parties, may have courts where qualified attorneys
may be admitted to practice, and may find the need to submit amicus curiae briefs in
cases affecting their sovereign interests and should not be subject to burdensome
requirements or disclosures for such filings; and

WHEREAS, the Federal Rules of Appellate Procedure currently recognize the right of
states and territories to all file amicus curiae briefs without filing a motion for leave, but
Indian Tribes are not afforded the same right;

WHEREAS there is no material difference between the status, circumstances, or
positions of Tribes and states and territories for all matters addressed in the Federal Rules
of Appellate Procedure; and
WHEREAS, failure to recognize Indian Tribes as sovereign domestic governments for purposes of the Federal Rules of Appellate Procedure constitutes arbitrary, inequitable, and discriminatory treatment of Indian Tribes in comparison to states and territories.

THEREFORE BE IT RESOLVED, that the Coalition of Bar Associations of Color urges the Committee on Rules of Practice and Procedure of the Administrative Office of the United States Courts to include language in the Federal Rules of Appellate Procedure to treat Indian Tribes as sovereign governments, in the same manner as states and territories.

CERTIFICATION

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

President, Hispanic National Bar Association

President, National Bar Association

President, National Native American Bar Association

President, National Asian Pacific American Bar Association

Date

Date

Date

Date