



Coalition of Bar Associations of Color

**RESOLUTION SUPPORTING TRIBAL COURTS AND JUSTICE SYSTEMS  
IN LIGHT OF RECENT ARGUMENTS IN THE U.S. SUPREME COURT CASE OF  
*DOLLAR GENERAL CORP. AND DOLGENCORP, LLC v. THE MISSISSIPPI BAND OF  
CHOCTAW INDIANS, ET AL.***

Endorsed March 2016

**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 the 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 supports the strength and well-being of tribal nations, including their tribal justice systems, as well as access to justice for Native Americans; and

**WHEREAS**, arguments presented in the recent case of *Dollar General Corp. and Dolgencorp, LLC v. The Mississippi Band of Choctaw Indians, et al.*, United States Supreme Court Case Number 13-1496, question the jurisdictional reach of tribal courts, and thus tribal nations, as well as their competence to provide justice to individuals and litigants from non-tribal communities; and

**WHEREAS**, *Dollar General* centers on the ability of a child of color to have access to justice in his home court. Dollar General Corporation maintains a retail store on the Mississippi Choctaw Reservation and participate in a tribal youth employment program. In *Dollar General*, a 13 year-old citizen of the Mississippi Band of Choctaw Indians participated in that youth employment program. He was allegedly sexually assaulted by a Dollar General store manager in the course of his employment. That child, through his parents, filed a lawsuit in tribal court seeking damages from Dollar General on several torts claims related to Dollar General’s employment of an alleged child predator. Dollar General resisted tribal court jurisdiction, arguing that the child could not seek relief in his own community courts, but had to go to a

distant state court. The child and his parents prevailed before the tribal district court, the Mississippi Choctaw Supreme Court, the U.S. District Court in Mississippi and before the Fifth Circuit Court of Appeals – with each court ruling that the child could seek justice in his own community; and

**WHEREAS**, all parties submitted merits briefs for the U.S. Supreme Court case in the fall of 2015, and the Court heard oral arguments on December 7, 2015; and

**WHEREAS**, courts are important institutions for any sovereign, and, in the case of tribal nations, they provide a forum for the protection of tribal interests and the interests of tribal members, and in many instances, tribal courts may be the only forum within 100 miles where tribal citizens can seek justice; and

**WHEREAS**, the United States Congress has repeatedly encouraged the development of tribal justice systems by tribal nations and even provided assistance for the same; and

**WHEREAS**, the efforts to diminish the competence of tribal courts and justice systems in the eyes of the public in cases like *Dollar General* create a need for responsive action and education about tribal courts and justice systems throughout the United States.

**NOW THEREFORE BE IT RESOLVED** that CBAC supports the existence and work of tribal courts and justice systems and the continuing efforts by governments, tribal nations, bar associations, educational institutions, and legal practitioners to increase public awareness of tribal courts and justice systems; 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.

*[Remainder of page intentionally blank.]*

**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 Board of Directors.



*Robert T. Maldonado*

Roberto Maldonado  
President, Hispanic National Bar Association

March 1, 2016

Date

*Jim Y. Hwang*

Jim Hwang  
President, National Asian Pacific American Bar Association

March 1, 2016

Date

*BCP*

Benjamin Crump  
President, National Bar Association

March 1, 2016

Date

*Linda Benally*

Linda Benally  
President, National Native American Bar Association

March 1, 2016

Date