



SUPPORT FOR TRIBAL LAW & ORDER ACT (S.797/H.R. 1924)

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 violent crime rate in Indian country is nearly twice the national average and more than 20 times the national average on some Indian reservations;

WHEREAS, the domestic and sexual violence against Indian and Alaska Native women has reached epidemic proportions, 34 percent of Indian and Alaska Native women will be raped in their lifetimes and 39 percent of Indian and Alaska Native women will be subject to domestic violence (also see recent Amnesty International Report *Maze of Injustice: the failure to protect Indigenous women from sexual violence in the USA*);

WHEREAS, less than 3,000 tribal and Federal law enforcement officers patrol more than 56,000,000 acres of Indian country, which reflects less than 1/2 of the law enforcement presence in comparable rural communities nationwide;

WHEREAS, the federal government has tied tribes hand by limiting their ability to protect themselves. As tribal courts currently do not have criminal jurisdiction over non-Indian persons, and the sentencing authority of tribal courts is limited to sentences of not more than 1 year of imprisonment for Indian offenders, forcing tribal communities to rely solely on the Federal Government for the prosecution of misdemeanors committed by non-Indian persons; and all felony crimes in Indian country;

WHEREAS, the federal government has not provided sufficient law enforcement resources to fill the void caused by their limiting the Tribes own ability to protect their communities;

WHEREAS, this complicated jurisdictional scheme has exacerbated the crime rates and has been increasingly exploited by criminals;

WHEREAS, The federal government has a treaty and trust responsibility to ensure the safety

of Native Americans living on their federally reserved Tribal lands, especially when they limit the Tribes own abilities to protect its people;

WHEREAS, Tribal Law and Order Act significantly improves federal criminal justice services in Indian Country and enhances respect for tribal courts, judges and the people they serve;

WHEREAS, by removing some federally-imposed limits on tribal court sentencing, the Tribal Law & Order Act recognizes the critical role that tribal courts play when concurrent tribal-federal jurisdiction extends to the same underlying criminal offense. This added sentencing flexibility will also be a considerable help in those instances involving Native Americans where the tribe may be the sole authority to adjudicate alleged criminal conduct, especially cases involving domestic violence, juveniles, and the ongoing misdemeanor enforcement that is essential to the credibility of any sovereign;

WHEREAS, the bill will enhance the accountability of the federal criminal justice system itself, a matter of vital importance to all Americans. Because federal law enforcement officers and United States Attorneys often function as local police and prosecutors in Indian Country cases, this bill finally makes clear that these federal officials must become more responsive to the Indian tribes they serve;

WHEREAS, the bill improves accountability through tools such as prosecution declination-reporting, U.S. Attorney's Offices would be responsible for explaining why they are not prosecuting cases referred to them by tribes or federal law enforcement agencies. The bill does this while protecting law enforcement-sensitive information and the rights of victims and defendants;

WHEREAS, the bill will improve and expand criminal justice training. This includes training and federally deputizing tribal, state and local law enforcement officers so they can enforce federal criminal laws on Indian lands when tribes request such assistance, as Colorado and some other states have done. This matters because of the chronic federal criminal justice resource gap in Indian Country, which according to the Bureau of Indian Affairs is ordinarily served by one-half as many officers as similarly situated rural areas off-reservation;

NOW THEREFORE BE IT RESOLVED, that the Coalition of Bar Associations of Color strongly supports the passage of the Tribal Law & Order Act and any similarly affiliated legislation that would increase public safety in Indian Country while respecting Tribal sovereignty and increasing federal responsiveness;


NOW THEREFORE BE IT RESOLVED, that the Coalition of Bar Associations of Color would oppose any amendments or changes to the final version of the bill that would diminish tribal sovereignty, such as imposing an unfunded mandate on tribes to appoint lay advocates or representatives for all tribal defendants in criminal cases. The tribes have the ability to impose any such processes they choose on their own. Such limitation would mark a step backward in existing law;

BE IT FINALLY RESOLVED, that this resolution shall be the policy of the Coalition of Bar Associations of Color until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

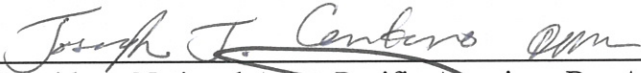
WE, the duly-elected Presidents of the Hispanic National Bar Association (HNBA), National Asian Pacific American Bar Association (NAPABA), National Bar Association (NBA), and National Native American Bar Association (NNABA), hereby certify that the foregoing Resolution was duly enacted by a duly-noticed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





President, Hispanic National Bar Association

NNABA
5/26/10
Date



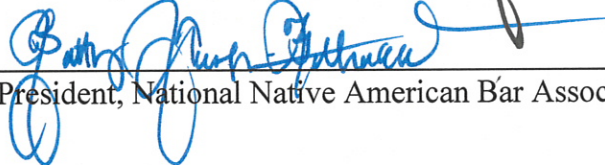
President, National Asian Pacific American Bar Association

5/26/10
Date



President, National Bar Association

5-26-10
Date



President, National Native American Bar Association

26 May 2010
Date