



**Resolution of the NATIONAL NATIVE AMERICAN BAR ASSOCIATION**

**RESOLUTION # 2015-3**

**TITLE: To Support Implementation of the Tribal Law and Order Act of 2010 and Title IX of the Violence Against Women Reauthorization Act of 2013**

**WHEREAS**, the National Native American Bar Association (“NNABA”) works to promote issues important to the Native American community and to improve professional opportunities for Native American lawyers, we do hereby establish and submit the following resolution; and

**WHEREAS**, NNABA was founded in 1973 and serves as the national association for Native American attorneys, judges, law professors and law students, and NNABA strives to be a leader on social, cultural, political and legal issues affecting American Indians, Alaska Natives, and Native Hawaiians; and

**WHEREAS**, NNABA has long supported the governmental sovereignty of all independent Native tribal governments in the United States, including their criminal justice systems; and

**WHEREAS**, Indian 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 percent 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 for 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 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;

**WHEREAS**, Sec. 233 of 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 other of the “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 the National Native American Bar Association calls upon Congress of the United States and the federal executive branch, as well as tribal, state, and local governments to promptly implement all provisions of both the TLOA and the VAWA.

### **CERTIFICATION**

The foregoing resolution was adopted by the Board of the National Native American Bar Association, on January 11, 2015, with a quorum present.

*Mary Smith*

Mary L. Smith, President