RESOLUTION # 2012-1

TITLE: To Increase Native American representation in the Federal Judiciary

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, given the undeniable authority that federal courts have over Native people and their lands, and that hundreds of cases are decided every year on issues of federal Indian law that effect the daily lives of American Indians, Alaska Natives and Native Hawaiians; and

WHEREAS, throughout the history of the federal courts, only two Native Americans have been appointed to the federal judiciary: Judge Frank Howell Seay, nominated in 1979 by President Carter, who assumed senior status in 2003; and Judge Billy Michael Burrell, nominated by President Clinton in 1994, who resigned his appointment in 2001; and

WHEREAS, there are 874 Article III federal judgeships in the United States—nine on the Supreme Court, 179 on the Courts of Appeals, 675 on the District Courts and nine on the Court of International Trade—and currently not one of these judgeships is held by an American Indian, Alaska Native, or Native Hawaiian judge; and

WHEREAS, in May 2009, NNABA submitted over two dozen names and resumes of qualified Native Americans for consideration by the White House for appointment to the federal bench; and

WHEREAS, although at least two prominent Native American attorneys were under serious consideration for vacancies on the U.S. Court of Appeals for the Ninth and Tenth Circuits, state and national politics intruded into the selection process before the nominations could be finalized; and

WHEREAS, although President Obama nominated Assistant U.S. Attorney Arvo Mikkanen, an enrolled member of the Kiowa Tribe of Oklahoma, to the U.S. District Court for the Northern District of Oklahoma in February 2011, Mikkanen’s home state senators refused to
allow his nomination to go forward with a hearing before the Senate Judiciary Committee and
the nomination was returned the President without action by the full U.S. Senate.

NOW THEREFORE BE IT RESOLVED, that the National Native American Bar
Association calls upon the President of the United States to nominate and to actively work with
the Senate of the United States, in particular the Senate Judiciary Committee, to confirm
qualified American Indian, Alaska Native and Native Hawaiian candidates for the federal
judiciary at the U.S. District Court, U.S. Circuit Courts of Appeals and the Supreme Court of the
United States.

CERTIFICATION

The foregoing resolution was adopted by the membership at the Annual Meeting of the National
Native American Bar Association, on Wednesday, April 18, 2012, with a quorum present.

Patty Ferguson-Bohnee, President

ATTEST:

Linda J. Arnold, Recording Secretary