



NATIONAL  
NATIVE AMERICAN  
BAR ASSOCIATION

**RESOLUTION OF THE NATIONAL NATIVE AMERICAN BAR ASSOCIATION**

**RESOLUTION #2023-03**

**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 and law students, 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 is a leader on social, cultural, political, and legal issues affecting American Indians, Alaska Natives, and Native Hawaiians (collectively referred to herein as “Native Americans”); and

**WHEREAS**, given the undeniable authority that federal courts exercise over Native people and their lands, and that hundreds of cases are decided every year on issues of federal Indian law, such as cultural and natural resource protection, tribal sovereign immunity issues, treaty interpretation matters, and other issues that effect the daily lives of American Indians, Alaska Natives and Native Hawaiians; and

**WHEREAS**, Native Americans have been, and continue to be, under-represented and face barriers to equal opportunity in the legal profession; and

**WHEREAS**, a diverse court system representative of all Americans, including Native Americans, is critical to the fair and impartial administration of justice and to sustain the confidence of the people in the fairness and integrity of the justice system; and

**WHEREAS**, there are 870 Article III federal judgeships in the United States—nine (9) on the United States Supreme Court, 179 on the Court of Appeals, 673 on the District Courts and nine (9) on the Court of International Trade; and

**WHEREAS**, throughout the entire history of the federal courts, only eight (8) Native Americans have ever been appointed to the federal judiciary: Judge Frank Howell Seay, nominated in 1979 by President Carter, who assumed senior status in 2003; Judge Billy Michael Burrage (Choctaw Nation), nominated by President Clinton in 1994, who resigned his appointment in 2001; Judge Derrick Kahala Watson (Native Hawaiian), nominated in 2013 by President Obama; Judge Diane J. Humetewa (Hopi Tribe), nominated in 2014 by President Obama; Judge Ada Brown (Choctaw Nation), nominated in 2019 by President Trump; Judge Lauren J. King (Muscogee Nation), nominated by President Biden in 2021; Judge Lydia Kay Griggsby, nominated by

President Biden in 2021, and Judge Sunshine Sykes (Navajo Nation), nominated by President Biden in 2022.

**WHEREAS**, a Native American has never been appointed to the federal circuit court of appeals or the United States Supreme Court; and

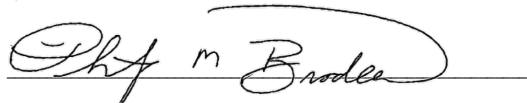
**WHEREAS**, issues impacting and of paramount importance to Native Americans are consistently litigated before the federal district courts, the federal circuit courts of appeals and the United States Supreme Court; and

**WHEREAS**, NNABA has repeatedly submitted over two dozen names and resumes of qualified Native Americans for consideration by the Senate Committee on the Judiciary and White House for appointment to the federal bench; and

**NOW THEREFORE BE IT RESOLVED**, that NNABA calls on the President of the United States to nominate and to actively work with the Senate of the United States, in particular the Senate Committee on the Judiciary, to nominate and confirm qualified American Indian, Alaska Native and Native Hawaiian candidates for the federal judiciary at the federal district courts, the federal circuit courts of appeals and the United States Supreme Court.

#### **CERTIFICATION**

The foregoing resolution 2023-03 was adopted by the Board of the National Native American Bar Association on March 6, 2023, via electronic written consent.

A handwritten signature in cursive script, reading "Phil M Brodeen", written over a horizontal line.

Phil Brodeen, President