

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS
7500 Odawa Circle
Harbor Springs, MI 49740

TRIBAL RESOLUTION #022119- 01

**Opposition to Nomination and Confirmation of
Eric Miller to the Ninth Circuit Court of Appeals**

- WHEREAS** the Waganakising Odawak Nation, known as the Little Traverse Bay Bands of Odawa Indians, and its citizens are vested with inherent sovereignty and right to self-governance;
- WHEREAS** the Little Traverse Bay Bands of Odawa Indians is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);
- WHEREAS** President Donald Trump has nominated Eric Miller to fill a vacant seat on the Ninth Circuit Court of Appeals; and
- WHEREAS** there are 427 federally recognized tribes in the Ninth Circuit, more than any other Federal Court of Appeals; and
- WHEREAS** the Ninth Circuit hears more tribal cases than any other, it is a leader in the field of federal Indian law, other circuits often follow its example, and it feeds more tribal cases into the Supreme Court; and
- WHEREAS** Miller built a law practice on mounting repeated challenges to tribal sovereignty, lands, religious freedom, and the core attribute of federal recognition of tribal existence in cases and more than half of the professional accomplishments listed on his law firm website came at the expense of tribal rights and interests; and
- WHEREAS** his advocacy has focused on undermining the rights of Indian tribes, often taking extreme positions and using pejorative language to denigrate tribal rights; and
- WHEREAS** Mr. Miller's record makes clear that he does not possess a mainstream understanding of tribal sovereignty, treaty rights, and the federal trust responsibility, or their role in the Constitution and federal law; and
- WHEREAS** the positions Mr. Miller has repeatedly advocated would have very serious consequences on the federal-tribal relationship and would undermine fundamental principles of tribal sovereignty, governance, and self-determination; and

WHEREAS an appointment to the federal bench is a lifetime appointment and a commitment to fundamental Constitutional principles is essential.

THEREFORE, BE IT RESOLVED that LTBB does hereby oppose the nomination and confirmation of Eric Miller, as Judge for the Ninth Circuit Courts of Appeals; and

FURTHER, BE IT RESOLVED that LTBB will immediately convey its opposition to the nomination to the Senate Judiciary Committee and request to be made part of the confirmation hearing process; and

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

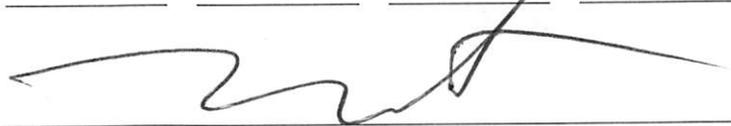


CERTIFICATION

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Tribal Resolution was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on February 21, 2019 at which a quorum was present, by a vote of 7 in favor, 0 opposed, 0 abstentions, and 2 absent as recorded by this roll call:

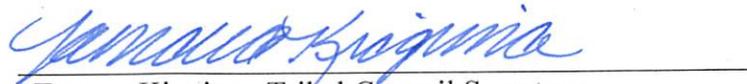
	In Favor	Opposed	Abstained	Absent
Frank Bernard	X			
David Harrington	X			
Dexter McNamara	X			
Emily Proctor				X
Julie Shananaquet	X			
Leroy Shomin	X			
Marcella Reyes				X
Tamara Kiogima	X			
Fred Harrington, Jr.	X			

Date: 02.21.19



 Fred Harrington, Jr., Legislative Leader

Date: 2-21-19



 Tamara Kiogima, Tribal Council Secretary

Received by the Executive Office on 2-21-19 by 

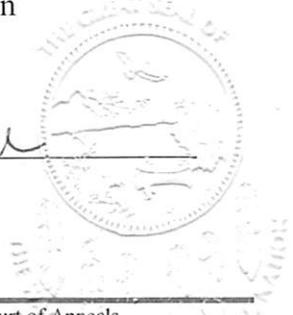
Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: 2-22-19



 Regina Gasco Bentley, Tribal Chairperson

Received from the Executive on 02.22.19 by 



Secretary Kiogima 