



NATIONAL CONGRESS OF AMERICAN INDIANS

December 30, 2016

20160436
FILED
IN THE OFFICE OF THE
CLERK OF SUPREME COURT
DECEMBER 30, 2016
STATE OF NORTH DAKOTA

Ms. Penny Miller, Clerk
North Dakota Supreme Court
600 E. Boulevard Ave.
Bismarck, ND 58505-0530

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Re: Support for Petition to Permit Temporary Provision of Legal Services by Qualified Attorneys from Outside North Dakota - Supreme Court No. 20160436

Dear Ms. Miller:

On behalf of the National Congress of American Indians (NCAI), the oldest, largest, and most representative American Indian and Alaska Native organization serving the broad interests of Tribal Nations and communities, I am writing to support the Petition to Permit Temporary Provision of Legal Services by Qualified Attorneys from Outside North Dakota - Supreme Court No. 20160436 (Petition). NCAI urges the North Dakota Supreme Court to allow qualified attorneys from other jurisdictions to temporarily practice in North Dakota to ensure the protection of the constitutional rights of the water protectors who were arrested in connection with their opposition to the Dakota Access Pipeline (DAPL).

In August 2016, thousands of water protectors from across the United States and Indian Country gathered together in North Dakota to join in peaceful and prayerful camps to show their support for the Standing Rock Sioux Tribe's legal fight against DAPL. Since that time, over 500 people have been arrested and are facing serious legal allegations. According to the Petition, 264 people are without counsel. Of these unrepresented defendants, 113 had their requests to be represented by public defenders denied.

As further stated in the Petition, the limited number of licensed North Dakota criminal defense attorneys and current *pro hac vice* rules will deprive many water protectors of their Fifth Amendment right to representation by counsel and Sixth Amendment right to the counsel of their choice. While we understand that these historic and unprecedented circumstances have placed a substantial burden on the North Dakota court system, it must not be shifted to the water protectors. The water protectors must still be afforded all of the legal rights guaranteed to them by the U.S. Constitution, especially since there are many qualified attorneys available to help.

NCAI respectfully calls upon the North Dakota Supreme Court to grant the Petition and temporarily allow qualified attorneys from outside of the State to provide legal services to the water protectors and uphold their constitutional rights.

Sincerely,

Brian Cladoosby
President