November \_\_\_\_, 2018

Senator Charles Grassley, Chairman Senator Dianne Feinstein, Ranking Member

Committee on the Judiciary Committee on the Judiciary

United States Senate United States Senate

Washington, DC 20510 Washington, DC 20510

[INSERT YOUR SENATORS NAMES AND ADDRESSES]

**Re: Opposing the Nomination of Eric Miller to Serve on the U.S. Court of Appeals for the Ninth Circuit**

Dear Chairman Grassley, Ranking Member Feinstein, Senator [INSERT YOUR SENATORS]:

I am writing on behalf of the [INSERT TRIBE OR ORGANIZTION NAME] to convey our opposition to the confirmation of Eric Miller to serve on the U.S. Court of Appeals for the Ninth Circuit. We are deeply concerned that he is hostile to tribal governments and foundational principles of federal Indian law and will not be an impartial judge.

Since entering private practice five years ago, Mr. Miller has chosen to build a law practice mounting repeated challenges to tribal sovereignty, lands, religious freedom, and the core attributes of federal recognition of tribal existence. His advocacy has focused on undermining the rights of Indian tribes, often taking extreme positions We understand that judicial nominees may have differing opinions around the margins, but a commitment to fundamental Constitutional principles is essential.

Upon our review of his record, we are concerned that Mr. Miller 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. The positions he 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. Given his strong preference for clients who oppose tribes, there are considerable questions about whether he would be fair in hearing cases regarding tribal rights.

It is crucially important that tribes coming before the Ninth Circuit are heard by judges who share our Nation’s fundamental understanding of tribal government rights. As you consider the Senate’s duty to advise and consent to the appointment, we urge you to consider these concerns and questions regarding Miller’s record.

Very Respectfully,