

No Peace Without Justice



3rd Biennial Peacemakers' Gathering



AUTHORS:

DEBRA FLUTE, PROGRAM COORDINATOR
TRIBAL JUDICIAL INSTITUTE, UND SCHOOL OF LAW

MICHELLE RIVARD PARKS, ASSOCIATE DIRECTOR,
TRIBAL JUDICIAL INSTITUTE, UND SCHOOL OF LAW

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FOREWORD

Introduction: Traditional Justice Methodologies

Part 1: Overview of the Peacemakers' Gathering

Part 2: Overview of Group Discussions

Part 3: Peacemaking at Work in Tribal Communities

Traditional Justice Methodologies

In modern times, tribal courts have become the primary forum for the administration of justice in tribal communities, however prior to colonization tribes had a variety of methods and forums to safeguard their communities, resolve disputes and ultimately administer justice. Despite long histories of addressing community safety needs, maintaining social order and addressing disputes within their respective communities, many tribes were ultimately forced to adapt to justice systems that mirrored the values and procedures of justice systems put in place by colonizing forces. Oftentimes this adaptation occurred as a means to protect and preserve tribal sovereignty and jurisdiction as federal and state governmental authorities failed to recognize or acknowledge the effectiveness of tribal justice system practices.¹

Over time tribal laws have been developed to address ever-changing community needs and societal ills, however at the core of tribal laws are the values, customs and norms of each tribal community. In this context, whether examining the intricate justice system of the Iroquois Confederacy, the Navajo Nation, the Cherokees, or any of the more than 566 federally recognized tribes, one factor remains consistent, traditional notions of justice remain an integral part of the evolution of tribal justice systems.

Justice is a concept often associated with the just resolution of a conflict, dispute or action. For most communities, justice is defined by oral or written laws that reflect societal perceptions of right, wrong, fairness and balance. The original or indigenous laws of tribal communities were often derived from or linked to spirituality and as such spirituality and tribal justice systems are intrinsically tied. For most tribal communities law reflected a way of life and as such there were clearly established rules to govern individual conduct, familial relationships and non-familial relationships. As such traditional tribal law reflected and incorporated community values and norms with little distinction being drawn between spirituality, customs or traditions as all were interconnected.²

¹ See *Ex Parte Crow Dog*, 109 U.S. 556 (1883) (wherein arguments were set forth pertaining to a perceived lawless within Indian Country despite the application of well established tribal law in addressing the crime of homicide resulting from a dispute between tribal members in Dakota territory. In this conflict tribal law dictated that the offending party make specific provisions to the decedent's family and also that the offender provide for the decedent's family in the manner that the deceased would have done. In part due to political pressures, and despite the absence of federal law providing for federal jurisdiction, the offender was tried in federal court, however on appeal to the U.S. Supreme Court the case was ultimately dismissed for lack of jurisdiction. This case has often been referred to as the impetus for the Major Crimes Act and for the establishment of C.F.R. Courts and ultimately for modern day adversarial tribal court systems.)

² Ada Pecos Melton, *Indigenous Justice System and Tribal Society*, http://www.aidainc.net/publications/ij_systems.htm

Historically, tribes incorporated principles of retribution and/ or restoration into the systems that were created to administer justice within tribal communities. The approach to justice varied in part based upon the divine origins of communal laws, demographics or life ways of the tribe and even proximity to other neighboring tribes.³ Just as the laws of each tribe vary greatly, so to do the methods used to apply those laws. Traditional or indigenous forums, procedures and rules continue to be relevant and provide an opportunity for modern tribal justice system planners to incorporate cultural elements within a set of rules to be applied by tribal courts. In this way tribal justice systems and the procedures they employ become more familiar, respectful and relevant to tribal communities.

Incorporating traditional justice practices may be achieved in a variety of ways, including but not limited to:

- Establishing diversionary courts that are based upon or incorporate customs, traditions, and values of the tribe;
- Establishing traditionally based diversionary or service based programs for court-involved individuals;
- Incorporating customary tribal practices into legal procedures; or
- Incorporating customary rules into legislative acts and codes.

³ For some tribes it the focus was on reparation for wrong doing, for others the focus was on restoring balance or peace, and for others the dispute resolution methodology was aimed at simply ending the conflict. In this way it becomes clear that the goal or focus of each tribal justice system was not the same.

Traditional Justice Methodologies at Work in Tribal Communities

Whether the goal is to deter, rehabilitate, and/ or promote community safety, tribal tradition, values and customs serve as an invaluable resource for tribal justice system planners. There are many examples of ways in which tribes have incorporated indigenous justice methodologies into modern day tribal justice systems. Some examples of culturally based procedures and programs:

White Earth Band of Ojibwe (*incorporating tradition and custom into tribal code*)

The White Earth Band of Ojibwe have incorporated, into their judicial code, a process which uses customary adoption as a means to provide stability and permanency for children in need of care. (*See White Earth Band of Ojibwe Judicial Code, Title 4a Customary Adoption Code*). The procedural law reflects traditional practices and ceremonies to facilitate an adoption as it would have occurred traditionally within the tribe while affording said adoptions the recognition of a modern tribal court system. This recognition process has enabled the tribe to seek and receive subsidies from state and federal agencies.

For more information:

<https://whiteearth.com/data/upfiles/files/WhiteEarthCustomaryAdoptionCode.doc.pdf>

Spirit Lake Tribe (*incorporating tradition and custom into service-based programs*)

The Spirit Lake Tribe has incorporated several Dakota values and traditions into their tribal code, however they have also worked to build traditionally based service programs that offer cultural teachings, support and mentoring to court-involved youth. The Shunka Wakan Ah Ku program began as a grassroots program and was funded in part by local, state and private foundation funding. The program has also received funding from the United States Department of Justice through one of its competitive grant programs. The Shunka Wakan Ah Ku program provides culturally relevant teachings, through an established curriculum, to participants through an equine assisted learning model. The program offers services to court-involved youth and also services as a prevention based program for children.

For more information:

http://www.med.und.edu/chppr/community_health_programs/sunkawakanahku.cfm

Mississippi Band of Choctaw (*incorporating tradition and custom into legal infrastructure*)

The Mississippi Band of Choctaw have implemented Ittikana Ikbi “Peacemaker” Court into their legal infrastructure. This court provides a forum for the use of traditional Choctaw methods to resolve disputes and find a peaceful resolution to conflict. This court focuses on reparation and incorporates prayer as well as customary and traditional law.

For more information:

<http://www.choctaw.org/government/court/peace.html>

No Peace Without Justice: 3rd Biennial Peacemakers' Gathering

The Chickasaw Nation served as a host tribe for a two-day conference entitled *No Peace Without Justice: 3rd Biennial Peacemakers' Gathering* at the Artesian Hotel in Sulphur, Oklahoma. This conference is the third biennial national peacemakers' gathering, led by the Tribal Judicial Institute, University of North Dakota School of Law in partnership with Native American Rights Fund (NARF), the Tribal Judicial College, Fox Valley Technical College and the Chickasaw Nation. The project is funded by grant no. 2011-IC-BX-K036 awarded by the Bureau of Justice Assistance.

In addition to carrying the spirit of the past gatherings promoting and highlighting traditional forms of justice, the 2014 Peacemakers' Gathering also presented Peacemaking programs at work in Tribal Nations. This Gathering brought together judges, attorneys, traditional peacemakers, tribal elders, and concerned citizens to share their experiences utilizing traditional justice practices in today's modern and heavily westernized tribal court systems, learn about successful peacemaking tribal court models, and identifying opportunities for implementing and creating effective peacemaking models in tribal justice systems. The 3rd Biennial Gathering of Peacemakers participants represented over 20 tribes.

Two decades after the Honorable Robert Yazzie published his law review article reflecting the revival of traditional peacemaking in the Navajo Nation⁴, traditional forms of peacemaking continue to re-emerge across Indian Country. Not only has peacemaking been a successful alternative assisting tribal courts in seeking justice, it has also proven to be a positive step in the direction of community wellness and healing.

The data in this Event Summary was collected from the Peacemaker Gathering held on April 23-24, 2014, in Sulphur, Oklahoma.

“Traditional peacemaking is being revived in the Navajo Nation with the goal of nourishing local justice in local communities...

This revival assures that Navajo justice will remain Navajo justice, and not be an imported or imposed system. Navajo peacemaking is not a method of ADR; it is a traditional justice method Navajos have used from time immemorial.”

-Honorable Robert Yazzie

⁴ “Life Comes From It”: Navajo Justice Concepts, 24 N.M.L. Rev. 175, (1994).

Roundtable Overview

The Tribal Judicial Institute, in collaboration with the host Chickasaw Nation; National Judicial College; Fox Valley Technical College; and NARF, with support of federal grant program dollars from the Department of Justice, Office of Justice Programs, and the Bureau of Justice Assistance (BJA), invited tribal justice system officials to participate in facilitated roundtable discussions sharing ideas, solutions, and best practices of utilizing indigenous justice methodologies in tribal justice systems.

The growing success of indigenous justice methodologies in tribal justice systems has inspired many tribal nations to look into historical successes of their traditional practices. Peacemaking is among those practices that have significant relevance to tribal and non-tribal communities. In many cases, tribal nations are finding a large gap between indigenous methods and modern day justice systems. This Gathering provided an opportunity to introduce participants to examples of how such methodologies are being successfully incorporated into tribal justice systems and a forum for tribal leaders, judges, peacemakers, court planners, prosecutors, attorneys and other tribal justice officers to come together and discuss:

- The depth of peacemaking and its importance within the justice system;
- How peacemaking can reduce the fiscal and human costs of incarceration;
- Preparing future tribal justice systems and peacemakers through academics;
- Successful methods models currently utilized in tribal justice systems;
- Utilizing indigenous justice methodologies in child protection programs; and
- Specialty courts using variations of the indigenous justice methodologies.

Introductory Remarks

The opening plenary, delivered by Professor Vicenti set the tone for this gathering by challenging the attendees to think beyond what is currently in place and asked the group to deliberately evaluate, or re-evaluate... **What is Justice?**

Peace and Justice between World Views

Carey N. Vicenti, Professor of Sociology, Fort Lewis College, Colorado and Tribal Court Judge delivered the opening plenary, *Peace and Justice between World Views*.

“Peacemaking brings compassion to these situations.”

-Professor Vicenti

Vicenti explained, the precepts for western law are based in anonymity; anonymity isn't applicable in tribal communities because it ignores community and familial relationships. It is important for tribal court judges to recognize tribal social relationships and be cognizant of their role in keeping tribal communities healthy. “Sometimes tribal court judges have to overlook judicial procedures. Sometimes we have created laws and policies that get in the way of taking care of our people – too much process and not enough caring.”

Professor Vicenti concluded this session by sharing some of his theories on strengthening tribal justice by utilizing tribal traditions and encouraged those in attendance to be visionaries, to look forward and seek alternatives to the corporate culture. And perhaps most importantly, Vicenti reminded the attendees to teach our children to be self-sufficient and pass on words of wisdom to the next generation.

The real battle for the preservation of traditional ways of life will be fought for the bold promontory of guiding human values. It is in that battle that tribal courts will become indispensable. It is in the tribal court that the competing concepts regarding social order, and the place of the individual within the family, the clan, the band, and the tribe, will be decided. It has been clear to tribal court judges for the past several decades that the expectations of the litigants in the tribal forum have not wholeheartedly favored an open adoption of American justice values.

Tribal courts will become indispensable in the battle for preservation of Indian traditions.

But in order to fulfill the expectations of the tribal litigant, the courts have found it absolutely necessary to consult tribal custom and traditions and incorporate these values into American-style legal systems.

The Reemergence of Tribal Society and Traditional Justice Systems (Part One) by Carey N. Vicenti
79 Judicature 134 (1995-1996)

Session Summaries and Discussion Points

The Tribal Judicial Institute coordinated panels of experienced peacemakers to introduce key concepts for implementation and utilization of Indigenous Peacemaking Methods. Participants were encouraged to consider these key concepts and to discuss the same as part of tribal justice system planning. Each discussion group focused on specific facets using peacemaking practices, such as:

- How to use peacemaking strategies;
- Appropriate and effective uses of peacemaking;
- Obstacles and challenges of peacemaking courts;
- Successful methods of integrated justice models;
- How peacemaking can be utilized to address community healing and reduce crime; and
- How to become a peacemaker.

Preparing the Next Generation of Peacemakers through Academia

Presented by: Dr. Nora Antoine and Professor Carey Vicenti

- With regards to preparing the next generation of peacemakers: It is important to reach young minds before they are indoctrinated with western views. The western view teaches us that we need more police, more jails, etc.. For peacemakers healing is a goal as opposed to punishment or blame and that shift can be a challenging transition.
- It is also important to be mindful of the stark difference between restorative justice and peacemaking.
- The paradox of peacemaking is that we are seeking peace but we function under the notion there is no peace without justice and under the paradox that we need to forgive but never forget what happened.
- Seeking peace *and* justice is possible.

From Victimization to Criminality – How the Cycle of Injustice Continues: Exploring the Human and Fiscal Costs of Incarceration

Presented by: Aaron Arnold and Gregg Roth

- Against incarceration rates that are exceedingly high it is important to consider whether incarceration is the best answer to addressing crimes. It is important to consider not only the impact of incarceration but also the human and fiscal costs of incarceration on the nation, the states, communities and families.
- A perspective from both sides: **PREVENTION IS KEY**
- We need to look more toward PREVENTION
- We need to address SOCIAL HEALING

Child Protection Programs and other evolving forms of peacemaking

Presented by: Brett Shelton, Jim Botsford, and Terri Yellow Hammer

- Codifying indigenous justice methods in child abuse and neglect codes brings back traditional ways of healing and fostering abused children.
- Peacemaking provides an alternative view by looking at the children's rights and the rights of the family rather than focusing on the rights of the abusive parents.
- Peacemaking in child protection programs facilitates the extended families' role in healing and maintaining healthy familial relationships.

Learning How to be a Peacemaker

Presented by: Justice Barbara Smith

- Peacemaking isn't always about resolving issues; it's about healing relationships.
- If Peacemaking can heal relationships, it can heal the community.
- Codifying the peacemaking process is important because it will assist the justice system and the community in defining expectations and criteria for becoming a peacemaker.
- Once you have learned to be a peacemaker, you can assist your community by helping your citizens quiet anger and manage conflict.

Peacemaking Before and After the Bench

Presented by: Judge Patrick Wilson

- It's important to remember, quoting Judge Yazzie, 'Peacemaking is a *life way* not a law way.'
- As a judge, ask the simple questions. Why? Or what happened? Peacemaking isn't about guilt or innocence – it's about healing the community holistically. Addressing the issues of the community.

Integrated Justice Models: Examples of Success

Presented by: Brett Shelton, Aaron Arnold, Colleta Walter, and Adelle Fontanet

- The use of peacemaking outside of Indian Country has been successful in the Red Hook community in New York City.
- Peacemaking is expanding beyond Indian Country and is becoming a viable process for dispute resolution in non-tribal forums.

Peacemaking at Work in Tribal Communities

Peacemaking and other forms of traditional tribal justice have long been a successful mechanism to keeping peace and administer justice in indigenous cultures. Whether it is a rule or process, traditional laws and forums are usually founded in spiritual and cultural traditions. Today, the fundamental and overriding goal of community healing is through relationship building and accountability rather than punishment. By addressing causes of conflict, and facilitating a collective problem solving, this approach lends itself to the restoration of healthy tribal communities and helps to overcome the effects of historical trauma suffered by tribal communities.

Peacemaking can be tailored to meet the needs of each tribe and there is more than one model that may be adapted or implemented. Peacemakers do not all use the same approach when attempting to resolve disputes as each peacemaker may have a different set of values, customs, traditions or laws from which they have developed their approach. Regardless of the approach taken, healing is generally at the center of the process for peacemakers.

Below, taken from the Little Traverse Bay Bands of Odawa Indians Peacemaking Program Orientation Manual, are two descriptions of notable tribal peacemaking programs:

Circle Peacemaking, Organized Village of Kake, Alaska

In 1999, in an effort to curb youth alcohol abuse, tribal members of the Organized Village of Kake (a federally recognized Tribe of Kake, Alaska) established the Healing Heart Council and Circle Peacemaking, a reconciliation and sentencing process embedded in Tlingit traditions. Working in conjunction with Alaska's state court system, Circle Peacemaking intervenes in the cycle by which underage drinking becomes an entrenched pattern of adult alcoholism. Today, the program not only enforces underage drinking sentences in an environment where such accountability had been rare, but also restores the Tlingit culture and heals the Kake community.

...Circle Peacemaking begins when a Kake juvenile enters a guilty plea with the state court. Then, the state judge, with the concurrence of the prosecutor, the public defender, and the offender, may turn the juvenile's case over to the Healing Heart Council for sentencing. The Council initiates Circle Peacemaking by bringing together a group of village volunteers to formally sentence the young offender(s). Through the close attention, encouragement, and admonishment of this circle of volunteer justices, the juvenile's misdemeanors have a lower probability of leading to more serious adult substance abuse and crime. Circle Peacemaking heals the offender by addressing the underlying causes of the offending behavior and restores the rupture in community life by repairing the relationship between the offender and victim.

More specifically, Circle Peacemaking involves the participation of individuals and groups who rarely come together under western systems of justice the offender, the victim, families, friends, church representatives, police, substance abuse counselors, and concerned or affected community members. Participants, who may number from six to sixty, sit in a circle while a Keeper of the Circle facilitates the discussion. Discussions always begin and end with a prayer, and negative comments are strictly forbidden. Circle discussions are kept entirely confidential, and the Keeper encourages participants to speak from their hearts. The meetings typically last two to four hours, but they can only end when forgiveness and healing are apparent and consensus is reached about the offender's sentence. This sentence then becomes public.

But Circle Peacemaking does not conclude with sentencing. The circle participants are themselves responsible for ensuring that offenders adhere to their sentences. A typical sentence for underage alcohol consumption might include a curfew, community service, or a formal apology. It might also require that the offender meet with elders or others who have worked through comparable experiences. Frequently, a sentence requires the offender's participation in other support circles. Importantly, the circle participants play a key role in assessing whether the offenders compliance is satisfactory. It is not uncommon for them to call for additional circles. Non-compliant offenders must return to the Alaska State court for sentencing. ...

Peacemaker Court, Navajo Nation

Navajo custom involves the idea of Hozhooji (living in “right relationship”). If a person believes he’s been wronged by another he first makes a demand for the perpetrator to put things right—a demand for compensation. It is also a demand to readjust the relationship so that the proper thing is done. If unsuccessful, the wronged person may turn to a respected community leader to facilitate and organize a peacemaking process. The Navajo Justice (NJ) process involves family and clan members of victims and perpetrators talking through matters to arrive at a solution. The community leader performs the role of peacemaker, using traditional teachings to clarify false values and correct untrue assumptions about behavior. The process opens with a prayer to seek spiritual assistance. Parties then have an opportunity to express their grievances. The victim has the opportunity to explain what has happened and how this has impacted their life and surroundings. People have an opportunity to say how they feel about the event and make a demand that something be done about it. The person who is the focus of the discussion is provided an opportunity to explain his or her behavior in full. The people who know the wrongdoer best—his spouse, parents, siblings, other relatives and neighbors, expose denial and excuses. The peacemaker will then give reality therapy and

do values clarification in a talk to the parties designed to guide them. The parties return to discussion of the nature of the problem and what needs to be done to resolve it. Often, the action taken is in the form of restitution or reparation. Payments can be in the form of money, horses, jewelry, or other goods. The payment can be symbolic only. The focus is not on adequate compensation, but upon a holistic kind of remedy. The feelings and relationships of the parties are most important. The NJ process ends in an action plan to solve the problem.

Incorporating customary laws and traditional justice into contemporary tribal justice systems: Codifying Peacemaking

Nanna alphi'sa is htaa-asha ikbi

The Chickasaw Nation has successfully codified their *Nanna alphi'sa is htaa-asha ikbi* or Peacemaking Court. The code is fluid enough to incorporate the key concepts of peacemaking, while firm enough to set forth the statutory framework enforce the peacemaking agreement. The peacemaking court provides a forum for the use of traditional Chickasaw Nation methods of peacemaking to resolve disputes in a fair, informal, and inexpensive manner.

The purpose of the Chickasaw Nation Peacemaking Court is to provide a forum for the use of traditional Chickasaw Nation methods of peacemaking to resolve disputes in a fair, informal, and inexpensive manner.⁵ The code also successfully sets forth the perimeters for the use of customary law without infringing on tribal traditions wherein, “[a] Peacemaker shall have the authority to use tribal cultural teachings and custom, including present day religious teachings, in the peacemaking process if the Peacemaker reasonably believes that such will further the objective of voluntarily resolving a dispute. Peacemakers shall have the authority to consult with tribal elders regarding tribal customs and traditions.”⁶

The Chickasaw Nation’s peacemaking code is specific in some areas, such as defining and outlining who can be a peacemaker of the court. The code defines the jurisdiction of the peacemaking court and the limitations of the peacemaker’s authority. However, the methodology of making peace between parties left to the discretion of the peacemaker, “as long as there is no force, violence, or violations of an individual’s basic rights.” It is this fluidity that successfully allows traditional and customary practices, a non-western approach to justice, to heal and build tribal communities.

⁵ See Chickasaw Nation Peacemaking Court, Chapter 14: Court and Procedures, Section 5-1401.2, page 5-413.

⁶ *Id.* at Section 5-1401.5, page 4-415.

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APPENDIX

PLANNER BIOS

FACULTY BIOS

TRIBAL ROSTER

GATHERING PLANNER BIOGRAPHIES

Gathering Planners

Dr. Nora Antoine

Dr. Antoine is an enrolled member of the Sicangu Lakota Oyate (Rosebud Sioux Tribe) and is Department Chair and faculty for the Business Management department at Sinte Gleska University located on the Rosebud Reservation in South Dakota. One of Dr. Antoine's regular business courses is a Conflict Management course that incorporates Indigenous Peacemaking. She also developed a Peacemaking Wheel and ancillary curriculum geared towards high school leadership and high school students. Dr. Antoine is a founding member to NARF's Indigenous Peacemaking Initiative advisory board and is an active mediator for the Rosebud Sioux Tribal Court.

Dr. Antoine has authored a number of articles and presented both nationally and recently in Tokyo, Japan on various topics including Conflict Management, Community Development, Indigenous Peacemaking, Faculty Collegiality, Professionalism and other work-related topics; all of which focus on creating and maintaining healthy professional relationships utilizing cultural-based models.

James Botsford

James Botsford has practiced exclusively in Indian law for 30 years. He started his career in 1984 in an Indian Legal Services Office on the Omaha, Winnebago and Santee Sioux Reservations in Nebraska. After seven years he took a position as Director of the Indian Law Office of Wisconsin Judicare in northern Wisconsin, and retained that position for over 20 years until his retirement at the end of 2012. During that tenure he worked with the Wisconsin Tribal judges Association in developing Peacemaking for the tribes in Wisconsin, and has been on the Peacemaking advisory group hosted by NARF since it began. He serves as an Associate Justice of the Supreme Court of the Winnebago Tribe of Nebraska. In retirement he is helping develop a curriculum for training Tribal Court Advocates, travelling, writing books and learning how to be a Grandpa.

BJ Jones

BJ Jones is the Chief Judge for the Sisseton-Wahpeton Oyate Court and the Prairie Island Indian Community Tribal Court. He also serves as an Associate Judge for the Standing Rock and Fort Berthold Tribal Courts and special magistrate/judge for several other Tribal Courts in South Dakota and Minnesota. BJ also directs the Tribal Judicial Institute at University of North Dakota School of Law where he teaches Indian-law related courses. From 1984 to 1993, BJ was the Managing Attorney for Dakota plains Legal Services working with the Rosebud and Standing Rock Sioux Reservations, and was Litigation Director for Dakota Plains Legal Services on the Rosebud Reservation from 1993 to 1995. BJ is a member of the Minnesota and North Dakota State-Tribal Judges committees and the Co-Chair of the South Dakota Indian Child Welfare Act. BJ has been involved with the Indian Child Welfare Act and issues related to child abuse for many years and is the author of several articles as well as the Indian Child Welfare Act Handbook: A Guide to the Custody and Adoption of Indian Children, published by the American bar Association, Family Law Section in 1995. BJ Jones is often called upon to provide training or speak to Tribal groups as well as state and federal justice personnel on issues ranging from tribal jurisdiction, to domestic violence and child abuse. BJ received his Juris Doctorate from the University of Virginia School of Law in 1984.

Steve Moore

Prior to Steve joining the Native American Rights Fund in 1983 as a staff attorney, he represented tribes and individual Indians in northern Idaho, and also represented the Confederated Salish and Kootenai Tribes of Montana. As a NARF staff attorney, Steve has represented Indian tribes in complex litigation involving treaty fishing rights and implied federal Indian reserved water rights. Since 1995, he has

represented the Nez Perce Tribe in the Snake River Basin Adjudication in Idaho. A major settlement of the Nez Perce water rights was enacted by Congress and signed by President Bush in 2004. That settlement is now in a multi-year implementation phase. He currently also represents the Tule River Tribe of California in its water rights settlement, and the Kickapoo Tribe in Kansas in water litigation and settlement negotiations. His other work at NARF includes the protection of sacred lands, the repatriation of human remains and the protection of unmarked Native graves, the religious use of peyote by members of the Native American Church, and the religious rights of Native prisoners. Between 2004 and 2008, Steve also administered \$4 million in grant funds from the U.S. Department of Justice for the National Association of Indian Legal Services (NAILS), for a variety of tribal court development projects, including a national peacemaking initiative sponsored by NAILS. He is admitted to practice law in several federal and state courts, courts of appeals, and the United States Supreme Court. He also serves as a member of the Colorado Commission of Indian Affairs, and is currently the co-chair of the Advisory Committee to the Indian Law Clinic at the University of Colorado School of Law. He is a 1979 graduate of the University of Colorado School of Law. He is a co-author with K. Heidi Gudgell and Geoffrey Whiting of "The Nez Perce Tribe's Perspective on the Settlement of Its Water Right Claims in the Snake River Basin Adjudication," 42 Idaho Law Review 563 (2006).

Michelle Rivard Parks

Mrs. Parks is a licensed attorney in the state of Illinois and in the United States District Court for the District of North Dakota. Mrs. Parks is an appointed member of the North Dakota Supreme Court State and Tribal Court Committee. In January of 2011 Mrs. Parks was appointed by U.S. Attorney Eric Holder to serve on the U.S. Department of Justice Violence Against Women Federal and Tribal Prosecution Task Force. Mrs. Parks served as the Chief Prosecutor for the Spirit Lake Nation for approximately four years and currently serves the tribe as Tribal Attorney. Mrs. Parks has background in training and educating tribal, state and federal law enforcement agencies, attorneys, court staff and other individuals and entities on a variety of topics relating to the practice of both tribal law and federal Indian law. In 2008 Mrs. Parks was appointed as a Special Judge in the Turtle Mountain Band of Chippewa jurisdiction and in 2014 Mrs. Parks was appointed as the Chief Justice of the MHA Nation Supreme Court.

In the fall of 2003, Mrs. Parks joined the staff at UND School of Law as an Adjunct Professor and has since taught courses on Federal Indian Law, Tribal Economic Development and the Law, and Tribal Law. Additionally Mrs. Parks serves as the Associate Director of the Tribal Judicial Institute at UND School of Law where she provides training and technical assistance to tribal, state and federal officials, judges and personnel on topics relating to the planning, implementation and enhancement of tribal justice systems as well as topics relating to tribal law and federal Indian law.

David Raasch

David D. Raasch is an enrolled member of the Stockbridge-Munsee Band of Mohican Indians and recently retired as a Tribal Project Specialist for the National Criminal Justice Training Center (NCJTC) at Fox Valley Technical College. NCJTC provides training and technical assistance for law enforcement agencies and justice systems, including Native American communities throughout the United States. Prior to joining Fox Valley Technical College, David was a police officer in Shawano, WI and then the clerk of municipal court for the City of Green Bay, WI for 20 years, retiring in 2004. From 1995-2005 he was the Chief Judge of the Mohican Nation Tribal Court. Recently, he retired from his position as an Associate Judge. Currently he is on the faculty of the National Judicial College in Reno, NV, Vice President of the Board of Directors for the Tribal Law and Policy Institute in West Hollywood, CA and is past president of the Wisconsin Tribal Judges' Association. He assisted in the production of Tribal Nations: The Story of Federal Indian Law, which is a 60 minute documentary and is a national speaker on topics of reparative justice, peacemaking and developing cross jurisdictional relationships. Most recently,

he was selected to serve on the Tribal Law and Order Act Advisory Committee. Currently David works as an independent consultant and in his free time he enjoys his 5 grandchildren and reading.

Brett Shelton

Brett Lee Shelton is a member of the Oglala Sioux Tribe and also has Itazipco Lakota and Cheyenne ancestors. His work at NARF focuses on the Indigenous Peacemaking Initiative, Boarding Schools, and Sacred Places. Brett has extensive experience representing and advising tribal governments, agencies, and enterprises in general governmental, health and human services, employment, natural resources, construction, and economic and business development matters, as well as contributing legal advice and litigation support for various private individuals, businesses, and development initiatives.

He received his law degree from Stanford University, and a Master of Arts from the University of Kansas. While at Stanford Law School, he was honored by the Foundation of the State Bar of California with an Exceptional Merit Award for Public Service Leadership, and he received the Rocky Mountain Mineral Law Foundation Award and Scholarship, the John Milton Oskison award for best graduate student paper, and was named Indian Graduate Student of the Year. He is currently licensed to practice law in various courts including California, Colorado, South Dakota, the Oglala Sioux Tribe, and the Cheyenne River Sioux Tribe, as well as several United States courts.

Justice Barbara Smith

Honorable Justice Barbara Anne Smith is a Chickasaw citizen and has been a Supreme Court Justice for the Chickasaw Nation, Ada, Oklahoma since October 1, 2003. Previously, she served the Nation as District Judge for the Chickasaw Nation. Justice Smith also serves as a Special Judge for the Cheyenne and Arapaho Tribal Courts. She has practiced law for 17 years with her brother, Michael Colbert Smith in a general practice with concentrations in family law, guardianships, juvenile law, criminal law and social security disability, with special consultations on issues of Tribal Sovereignty. She earned her Bachelor's degree from East Central State University, Ada, Oklahoma, her Master's from the University of Oklahoma and her Juris Doctor from Oklahoma City University. Prior to her law career, she taught mathematics at Norman High School and at the University of Oklahoma as an adjunct professor. She is a former commissioner of the Human Rights Commission of Norman, a former member of the Board of Directors of the Oklahoma County Diabetes Association, and during her teaching career, president of the Professional Educators of Norman. Currently, she is a facilitator with the Native American Rights Fund Chautauqua Peacemaking Group in Boulder Colorado. Justice Smith is also on the Advisory Council for the National Tribal Judicial Center at the National Judicial College and has taught Continuing Legal Education courses for the Cleveland County Bar Association, Grady County Bar Association, Chickasaw Nation Bar Association, National Tribal Judicial Center with University of Oklahoma School of Law and the Sovereignty Symposium for the Oklahoma Supreme Court. She taught Tribal Sovereignty for the Native American Studies Program at the University of Oklahoma in the spring of 2008 and will be teaching Tribal Courts for the University of Oklahoma Law School in the spring of 2009. She has made several Peacemaking Presentations for the Association of American Indian Physicians and organized the National Gathering of Peacemakers Conference in Oklahoma City in October of 2007. She is an alumna of The National Judicial College in Reno, Nevada and joined the faculty there in 2004. Justice Smith also served on the Board of the National American Indian Court Judges Association.

Professor Carey Vicenti

Carey Vicenti is a member of the Jicarilla Apache Nation of northwest New Mexico. He is a graduate of Oregon State University, B.S., and of the University of New Mexico, School of Law. He is an associate professor and chairs the Sociology Department at Fort Lewis College in Durango, CO, an institution that serves 700 American Indian students out of a student body of 4,200. As a professor he teaches courses in

Juvenile Delinquency, Native American Societies, Native American Law and Justice, Social Dimensions of Law and Policy, Indigenous Peoples of the World, and Hunger and World Cuisine. Judge Vicenti served on the Jicarilla Apache Court for over 20 years. In his judicial capacities he worked on congressional legislative initiatives affecting housing and the tribal courts. He is an advocate of building legal institutions based upon peacemaking and tribal tradition. His interest in cultural preservation and protection led him to organize the nine Apache tribes of Oklahoma, New Mexico and Arizona into a joint agreement on repatriation. He has written on the use of traditional concepts of justice in the development of a new and emerging tribal jurisprudence. He is a former President of the Native American Bar Association. In addition to teaching, he sits as a judicial official in the following capacities: Associate Justice of the Yavapai-Apache Nation Court of Appeals and Associate Justice of the Supreme Court of the Mississippi Band of Choctaw Indians. Vicenti appeared on C-SPAN in an open forum with U.S. Supreme Court Justices Sandra Day O'Connor and Steven Breyer at the National Judicial College discussing recent Supreme Court decisions in Federal Indian law.

Gathering planners would like to extend a sincere thank you to all faculty members who presented at the 2014 Gathering of Peacemakers. In addition to those Gathering planners who served as faculty, invited faculty members included:

Honorable Robert Yazzie [Retired], Navajo Nation Supreme Court

The Honorable Robert Yazzie is a retired chief Justice of the Navajo Nation. He was the Chief Justice of the Navajo Nation from 1992 through 2003. He practiced law in the Navajo Nation for 16 years, and he was a district judge for eight years. He has a Bachelor of Arts degree from Oberlin College of Ohio and a Juris doctor degree from the University Of New Mexico School Of Law. He was formerly the Director of Diné Policy Institute of Diné College (Navajo Nation), developing policy using authentic Navajo thinking and applying the Fundamental Laws of the Dine to contemporary problems.

He is a member of the Navajo Nation Bar Association. He is the author of articles and book chapters on many subjects, including Navajo peacemaking, traditional Indian law, and international human rights law. He is a visiting professor at the University Of New Mexico School Of Law, an adjunct professor of the Department of Criminal Justice of Northern Arizona University and a visiting member of the faculty of the National Judicial College. He teaches Navajo law at the Navajo Technical College. Chief Justice Yazzie continues a career devoted to education in formal participation in faculties, lectures and discussions of traditional indigenous law at various venues throughout the world. He has a global audience and he has frequently visited foreign lands to share his wisdom about traditional indigenous justice and governance.

Honorable Robert A. Blaeser [Retired], White Earth Tribal Court

Judge Robert A. Blaeser is a retired District Court Judge of Minnesota's Fourth Judicial District-Hennepin County. Appointed in 1995 by former Governor Arne Carlson as the first American Indian judge appointed to the busiest judicial district in Minnesota, Blaeser served in Hennepin's Juvenile Court until January of 2003, when he completed a 2-1/2-year term as Chief. He continued to serve in adult court until his retirement from the bench in October 2012. Blaeser served two terms as Presiding Judge of the Civil Division before his retirement.

Blaeser currently serves as a mediator, special master, and retired judge. An Anishinaabe from the White Earth Reservation in northwestern Minnesota, Blaeser also currently serves his Nation as the Chief Judge of the White Earth Nation Tribal Court.

Blaeser is nationally known for his expertise on racial bias in the justice system and the Indian Child Welfare Act. Judges around the country use him as a resource and for conducting training sessions. He has written numerous articles and given seminars and presentations on topics including racial bias, the Indian Child Welfare Act, domestic abuse, truancy, the concept of family conferencing, and tribal courts. In the year 2000, Mpls/St. Paul magazine named Blaeser to their list of "One Hundred People To Watch."

Blaeser launched his law career working as an associate attorney with a Twin Cities law firm. He opened his own practice in 1980. Blaeser built a successful business, focusing on products liability and personal injury litigation and working primarily with individuals in the Twin Cities and northwestern Minnesota. He became involved in the issue of racial bias in Minnesota's justice system in the early 1990s, when he served on the Minnesota Supreme Court's Racial Bias Task Force. There, he focused on assessing the status of the 1978 Indian Child Welfare Act in Minnesota, discovering that the Act was not being enforced and that conditions had worsened. With the encouragement of the task force's chair, retired Supreme Court Justice Rosalie Wahl, Blaeser decided to leave his practice and become a judge, a position from which he could effect change.

In his seventeen years on the Hennepin County bench, Blaeser was instrumental in changing how Minnesota enforces the Indian Child Welfare Act, streamlined the Civil Division, and provided leadership to colleagues on the efficiencies and effectiveness of the court's operations.

Blaeser earned his B.A. in 1976 from Concordia College, graduating summa cum laude, and his J.D. in 1979 from the University of Minnesota Law School, where he graduated cum laude.

Throughout his career, Blaeser has served his community through a variety of state and local organizations. He has been an associate judge for the Minnesota Chippewa Tribal Court of Appeals, and he has served on the Minnesota Supreme Court's Committee for Multicultural Diversity and Fairness in the Courts. Robert is a founding member and past board member and officer of the Minnesota American Indian Bar Association. When he is not in court or in mediation, Blaeser enjoys spending time with his family, playing tennis, golf or going up north for hunting, fishing and other outdoor activities.

Aaron Arnold, Director, TJE, CCI

Aaron Arnold is director of the Center for Court Innovation's "Tribal Justice Exchange," a federally-funded project that seeks to promote state-tribal court collaboration, assist tribal communities in developing and enhancing their justice systems and explore how state courts can learn from traditional tribal justice practices. Since 2008, Aaron has worked with over two dozen tribal communities, assisting in the planning and implementation of problem-solving justice initiatives. Aaron also serves as the director of the Center's office in Syracuse, New York. In this capacity, Aaron is responsible for planning new problem-solving justice initiatives and providing technical assistance to problem-solving courts in Upstate New York.

Before joining the Center for Court Innovations Aaron served as a prosecutor with the Maricopa County Attorney's Office on Phoenix, Arizona, where he gained first-hand experience prosecuting felony and misdemeanor offenses in one of the largest prosecutor's offices of the country. As a prosecutor, Aaron worked in several problem-solving courts, including drug court, mental health court, and domestic violence court. Aaron also worked as a litigation associate at Fennemore Craig, one of Arizona's oldest law firms. Aaron is a native of Syracuse New York and a graduate of Cornell University and the University Of Arizona College Of Law.

Honorable Joe Flies-Away

Joseph Thomas Flies-Away (Hualapai) describes himself as a community and nation building consultant/facilitator. Previously the Chief Judge of the Hualapai Tribal Court, Flies-Away serves as a Pro tem Judge for various tribal courts in both trial and appellate courts. As a consultant, Flies-Away facilitates tribal community & nation building projects in planning, evaluation, technical assistance, research, and training. Judge Flies-Away's interests include developing justice systems and tribal courts, including Tribal Healing to Wellness Courts, and how judicial systems and other governmental institutions contribute to affective tribal governance.

For his own people, Judge Flies-Away served as a Tribal Council Member and directed the Hualapai Department of Planning & Community Vision. At Hualapai, and in other positions since, Flies-Away develops comprehensive strategies and facilitation processes in the areas of human capital development, organizational development, community infrastructure development environmental support, and economic development (what he refers to as People, Policy, Place, &

Pecuniary Possibilities). Judge Flies-Away has also served as a Lecturer in Law at Stanford University School of Law teaching Federal Indian Law, and Lecturer in Native American Studies in the Stanford School of Humanities & Sciences and at Arizona State University teaching Community & Nation Building in Native North America.

Through his experience and education as a judge, council member, planner, and teacher, Judge Flies-Away is familiar and experienced with a broad spectrum of issues and concerns Indigenous peoples face in their endeavors to re-build strong communities, governments, and nations. Flies-Away offers holistic workshops and concepts that embrace Indigenous processes, including the Spirituality of Law and Warrior of Law; and speaks to various audiences on Indigenous governance, law, and leadership.

Patrick Wilson, Little River Band of Ottawa Indians

Pat is a husband and a father of three wonderful children. He and his family live by the “Seven Grandfather Teaching” of the Anishinaabek. He is a Tribal Member of the Little River Band of Ottawa Indians. Historically speaking, Patrick’s family has always lived in the area that is now known as Oceana county and Mason County, Michigan.

Before joining the Little River Band of Ottawa Indians, Patrick was a member of the Grand River Bands of Ottawa Indians, and was on the Tribal Council for approximately ten years. Patrick Wilson, went to West Shore Community College, Scottville MI, where he received his Associate Degree in Art. He then went on to Central Michigan University, Mt. Pleasant MI, where he got his Bachelor Degree in Fine Art, with a Minor in Museum Studies. He was employed by the Saginaw Chippewa Indian Tribe of Mt. Pleasant, MI where he was the Aftercare Substance Abuse Counselor, he then took the opening as the curator for the Ziibiwing Cultural Center, and was involved in all aspect of the creation of the Center’s exhibits. While there, Wilson also was involved with the “Indigenous People’s Art Market”

Pat then left Mt. Pleasant and move to Manistee, were he obtained work as a Substance Abuse Counselor for the Little River Band of Ottawa Indians, he then was asked by the Tribal council to accept the position of Tribal Ogema (Chief). Patrick is now employed in the Peacemaking/Probation Department as the Supervisor. Patrick has worked for the past seven years to develop the Peacemaking program. Pat wrote the Peacemaking policy, he made the Peacemaking process more accessible to the tribal members. Pat has also envisioned and developed the Midwest Peacemaking Conference.

Pat is also a Veteran of the United States Air Force and he had the honor to have been the Chaplin for the Little River Band Warrior Society. (Tribal Veteran Group).

Here in Manistee MI, Patrick has very become active in the art community; he has helped put together an art exhibit in Hardy Hall at the Historic **Ramsdell Theatre**.

Pat paints in acrylics, oils, and the medium of pastels, he also creates sculptures. Pat’s works of art all have one thing in common and that is, they draw on his Native American heritage for inspiration along with integrating modern art concepts gives his artwork a universal appeal. I know when I am home, that is when I stand on the shore of Lake Michigan, as the sun sets.” The words of my youngest son say it all as we stood holding hands and looking out over Lake Michigan, for the very first time in his life. He looked up at me and simply said “Big Water!”

Suzan Shown Harjo, President, The Morning Star Institute

Suzan Shown Harjo (Cheyenne and Hodulgee Muscogee) is President of The Morning Star Institute in Washington, DC, and a poet, writer, curator, lecturer and policy advocate, who has helped Native Peoples protect sacred places and recover more than one million acres of land. She has developed key laws in five decades to promote and protect Native nations, sovereignty, children, arts, cultures, languages, repatriation, religious freedom, sacred places and the *National Museum of the American Indian Act*. Dr. Harjo is the first Native woman to receive an Honorary Doctorate of Humanities from the Institute of American Indian Arts (2011); the first Vine Deloria, Jr., Distinguished Indigenous Scholar (University of Arizona, 2008; and a 2013 Deloria Lecturer); the first person to be awarded back-to-back fellowships by the School of Advanced Research (in Poetry and as a Summer Scholar, 2004) and the first Native woman to be honored as a Montgomery Fellow (Dartmouth College, 1992). Past Executive Director of the

National Congress of American Indians, she served as Legislative Liaison for the Native American Rights Fund and in the Carter Administration, and was lead plaintiff in *Harjo et al v. Pro Football, Inc.* (1992-2009), the landmark lawsuit against the disparaging name of the Washington professional football franchise, and was honored with the Native American Bar Association-DC's 2013 Lifetime Achievement Award for working to end "Native" sports mascots. A Founding Trustee of the National Museum of the American Indian, she is Guest Curator and General Editor of NMAI's *Treaties: Great Nations In Their Own Words* (opening and publication, September 21, 2014) and an award-winning Columnist for *Indian Country Today Media Network*. She also is the mother of two adult children and the grandmother of two grandsons.

Greg Roth, Special Advisor, THE, CCI (*bio not provided*)

Terri Yellowhammer, Indian Child Welfare Attorney (*bio not provided*)

Colleta Walker, Coordinator, Red Hook Peacemaking Program (*bio not provided*)

Adelle Fontanet, Program Associate, TJE, CCI (*bio not provided*)

TRIBAL ROSTER

Cherokee

Chickasaw Nation

Choctaw Nation of OK

Confederated Tribes of Colville

Mille Lacs Band of Ojibwe

Muckleshoot Indian tribe

Navajo Nation

Oglala Sioux Tribe

Pokagon Band of Potawatomi Indians

Skokomish Indian Tribe

Spirit Lake Tribe

Stockbridge-Munsee Band of
Mochicans

Three Affiliated Tribes