

Eastern Band of Cherokee Indians

Peacemaking Training Materials

October 23-25, 2017

&

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Tab 1

Peacemaking Circles

Laurie Vilas

Circles bring people together where everyone is respected, people are able to talk without interruption, and everyone is of equal importance.

Circles are used when two or more people need to make decisions together, have a disagreement, need to address an experience that resulted in harm to someone, want to work together as a team, wish to celebrate, wish to share difficulties or want to learn from each other. Circles can be set up in different areas such as a community center, church basement, within a school, within the work place, or at home, where everyone can feel safe and respected.

There are many different kinds of circles:

- **Talking circles**- are not about reaching consensus; they allow voices to be respectfully heard to stimulate reflection. This circle can be initiated after a decision that affects everyone. Ex.: Five working- 8 hr. days changed to four working -10 hr. days.
- A **Circle of Understanding**- is to gain a more complete picture of an event or behavior. EX: a child whose behavior is triggered after an event.
- A **Healing circle** is to share the pain of a person, who has experienced trauma or loss, a circle session can occur after a funeral within a home, a circle session can be held if the parties are willing to meet after an assault. A plan for continued support may emerge but is not required.
- **Sentencing circle** is a community directed process in partnership with the criminal justice system. It involves those that were affected by an offense and deciding an appropriate sentencing plan that addresses the concerns of all participants. In preparation for a sentencing circle a healing circle and a circle of understanding may be involved.
- **Support circle** bring key people together to support a person through a particular difficult or major change in life. An example of a support circle is alcohol anonymous (A.A.) the circle is focused on continued sobriety or over coming relapse. Other Ex: Cancer survivors
- **Community building circles** create bonds and build relationships between people who have shared interest such as in community activities for adults and children such as "*National Night Out*".
- **Conflict circles** bring disputed parties together to resolve their differences through a consensus agreement. This circle can be used at schools for bullying behavior or can be used in the work place. A conflict circle can be used to determine a visitation schedule in family cases in court as well as in a guardianship case. This type of circle is more private in nature and does not involve the community.

- **Reintegration Circles**- Bring an individual together with a group or community to re-enter back into the community from prisons. This circle can resolve the paranoia that returning citizen's face. Most returning citizens have a dual diagnosis when returning to their community.
- **Celebration Circles**- bring people together for recognition of an individual's accomplishment. This circle is used after graduation from school, completing treatment as well as completing a sentencing circle.

Tab 2

Preliminary Preparation Work

Laurie Vilas

When scheduling a circle session preparation/pre-work require you to ask yourself these questions:

1. Who needs to be at the circle session?
2. Where should the circle session be held?
3. Will everyone in attendance feel safe?

What kind of opening/closing is determined? An opening can consist of a prayer, ceremony or a reading to stimulate reflection.

EX: Sentencing Circle: Juvenile offender -every one invited will be informed of why the circle is taking place. It is not the circles intention to bash the juvenile. The focus is to come up with resolution for making amends and to hold the juvenile responsible and accountable for his/her actions. A compact agreement will be made between the juvenile and participants /community members attending the circle process.

In preparation for a sentencing circle session the community is involved. The nature of the crime may indicate who should be invited. Ex.: a juvenile skipping school, smoking illegal substance, vandalized a building with graffiti.

Who should be invited? Truancy officer or school counselor, Chemical Dependency counselor, business owner, police officer, city council member, 1 or 2 community members, parent/parents or guardian.

Where should this circle session take place? A community center or church basement would be a good suggestion.

The people invited have a vested interest in the community and introduce themselves as a community member. They are experts in their field of work. If the C.D. counselor hears that the juvenile smokes marijuana daily he may suggest a chemical assessment. If the truancy officers or school counselor are familiar with the juvenile, suggestions may be made to change the behavior of truancy or an under laying issue may come up. A list of tasks for making amends can be posted for everyone to see and a process of elimination occurs and a compact agreement is developed and agreed to by the offender.

In the example of a sentencing circle based on the compact agreement - time is considered to make amends or follow up with tasks/duties as agreed to. The offender may have agreed to scrub off or paint over the graffiti. So the circle participants would agree to follow up in two weeks to note the progress of the offender.

There are four rational elements of a circle:

- Meeting and getting acquainted
- Building understanding and trust
- Addressing issues/vision or content
- Developing plans and a sense of unity

Tab 3

Stages of the Circle Process

Laurie Vilas

1. Determining suitability:

Are the parties willing to participate?

Are trained facilitators available?

Will the situation allow for time required to use the circle process?

Can physical and emotional safety be maintained?

Is a circle appropriate: Are there people willing to participate and does the topic matter to anyone? If not, a circle is not appropriate, am I an organizer hoping to convince others of a different point of view or change others? If the answer is yes, then a circle is not the appropriate forum. Am I open to hearing and respecting perspectives different from mine? If not, then a circle is not appropriate. Is the intent respectful of all participants? If not, then a circle is not appropriate.

2. Preparation:

Who needs to participate? Who has been impacted? Who has resources, skills or knowledge that might be needed? Who has similar life experiences that might add insight? Familiarize parties with the process. Explore the context of the issue.

3. Convening all parties:

Identify shared values and guidelines

Engage storytelling to build relationships and connections

Share concerns and hopes

Express feelings

Probe under lying conflict or harm

Generate ideas for addressing harm or resolving conflict

Determine areas of consensus for action

Develop agreement and clarify responsibilities

4. Follow up:

Are all parties fulfilling their obligations?

If obligations are not met what is the cause of failure? What are the next steps if failure continues?

Adjust agreements as needed based on new information or developments.

Celebrate successes.

Facilitator: Can also be called a circle keeper, the facilitator is responsible for initiating the space that is respectful and safe, and to engage participants in sharing responsibility for the space and their shared work. The facilitator chooses a location and time that can accommodate the individuals invited to the circle session. It is the facilitator's responsibility to inform individuals of what the circle session's focus is.

The facilitator's job is not to control the group. The facilitator welcomes the participants at the door. The space will be set up with chairs and a center piece may be applied. The facilitator opens the group with a ceremony, prayer or reading for reflection. The facilitator takes notes and clarifies what is being said and heard, the facilitator gives input to move the circle forward. The facilitator watches body language, for those needing a break or the facilitator may need to re-focus the group to what's at issue.

It is important that the facilitator takes care of their well-being to facilitate what's at issue.

The facilitator can have a discussion on universal values, all nations have values: **Storytelling** can be about a time when an individual used a certain value to resolve a conflict or something good came out of the story.

When storytelling the body opens a different kind of listening-the body relaxes, settles back, and is more open and less anxious.

Sample Agenda

Open the circle-

Introductions-

Explain the significance of the talking piece-

Discussion about universal Values-

Develop guidelines-

The focus of content-

Outcome-

Follow –up-

Closing-

Tab 4

10 Universal Values

Laurie Vilas

Love
Trust
Forgiveness
Humility
Respect

Sharing
Courage
Empathy
Honesty
Inclusivity

The understanding of values can generate guidelines to be posted on a flip chart or on paper plates around the center piece to remind individuals the space that is shared is respected and that an understanding of how we are to behave and communicate through difficult conversation.

Guidelines (NOT RULES) are established for clear expectations of how we will behave to make the space safe for speaking our truth. The guidelines always include speaking with respect, listening with respect as well as confidentiality.

Tab 5

PROMPTS for Peace Circles

Cheryl D. Fairbanks

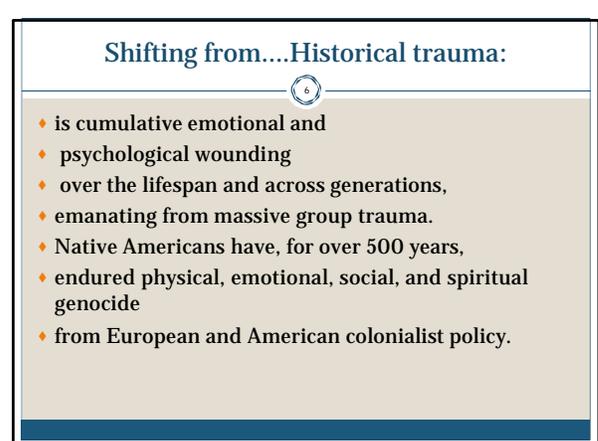
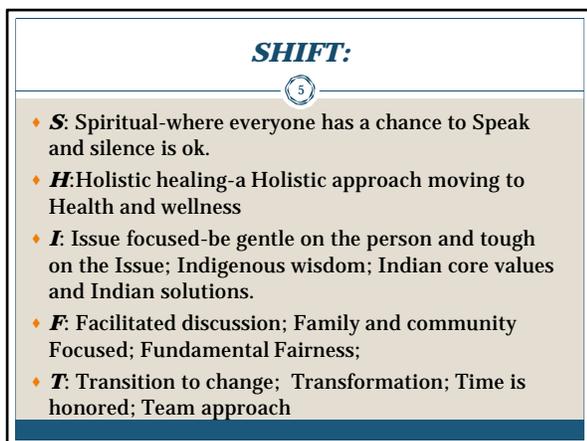
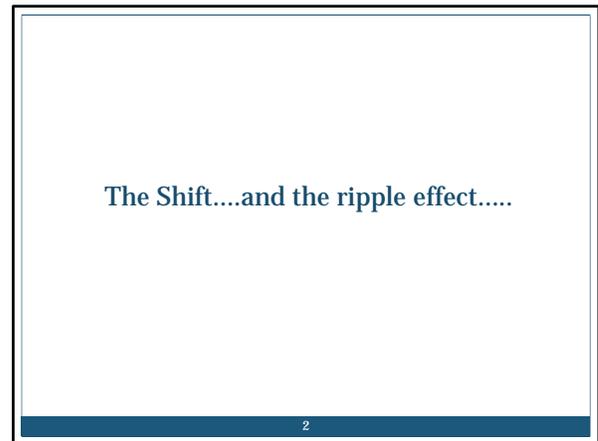
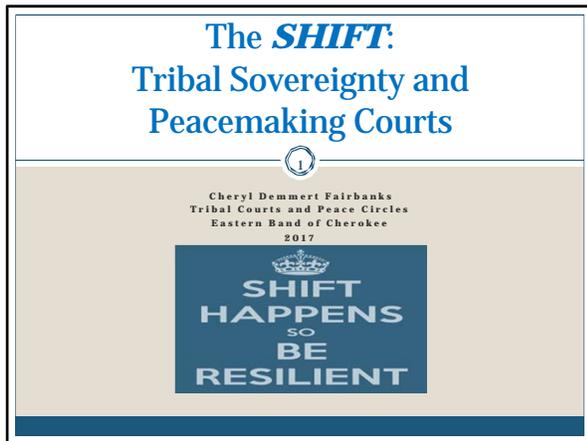
-  What is one of your core values and who gifted it to you?
-  What does justice mean to you?
-  Share an experience of injustice
-  What is your saddest childhood memory?
-  What is your happiest childhood memory?
-  Give an example of institutional prejudice or injustice
-  What is your fear?—In the middle of the circle imagine something you are really afraid of...count from 1 to 10—intensify;
-  What was your happiest moment...move to bliss....and intensify 1 to 10;
-  Give an example of peaceful action
-  How do you build trust?
-  Give an example of someone's integrity
-  What is your favorite song and why?

-  What is your favorite food? Song? Person & why?
-  Share something about your favorite pet...
-  Share something about your favorite friend and who & why?
-  Tell us about something you dread or don't want to do
-  What makes you smile?
-  What makes you happy?
-  Tell us about a person who has influenced you
-  Tell us about when you were insulted
-  Share an experience about the power you felt when you told someone no...
-  Share something about when you felt embarrassed
-  Do you like to be alone or have company?
-  Share a story about someone you miss...
-  Share a story about a gift you gave and then a gift you received...how did it make you feel?

-  Name 3 people you would you invite to your special tea party and why?
-  Think of a time when you've been physically or emotionally strong and use that as an inspiration...
-  Share a brief sentence about someone you regard as a hero and why?
-  Share a moment about your grandparent's life...
-  Is there someone you admire? Share those feelings...
-  Share a place you traveled and what was most interesting about it....what were your feelings?
-  What is your favorite season and why?
-  Share a time when you took a risk and what the result was...
-  Share a positive joke with the group; (yes, laughter builds the immunity)

Tab 6

SHIFT- Sovereignty & Peacemaking Courts by Cheryl D. Fairbanks



SHIFT- Sovereignty & Peacemaking Courts by Cheryl D. Fairbanks

Historical Trauma cont.:

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- ◆ Contemporary Native American life has adapted, such that, many are healthy and economically self-sufficient.
- ◆ Yet a significant proportion of Native people are not faring as well.

HISTORICAL TRAUMA:

8

- ◆ Domestic violence and physical and sexual assault are three-and-a-half times higher than the national average
- ◆ in Native American communities;
- ◆ however, this number may be low,
- ◆ as many assaults are not reported (Sue & Sue, 2012).

Breakdown of the family:

casey family programs

- the breakdown in Native American families
- due to the forced removal of Native American children
- can be seen as the reason for the high number of child abuse
- and domestic violence incidents reported in these families. Cole (2006)

More...

10

- ◆ Native American children are one of the most overrepresented groups in the care of child protective services (Hill, 2008).
- ◆ fewer Native Americans have a high school education than the total U.S. population;
- ◆ an even smaller percentage has obtained a bachelor's degree:
- ◆ 11% compared with 24% of the total population.

Statistics:

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- ◆ Almost 26% of Native Americans live in poverty
- ◆ compared to 12% for the entire U.S. population (U.S. Census Bureau, 2006).
- ◆ Native Americans residing on reservations
- ◆ have double the unemployment rate
- ◆ compared to the rest of the U.S. population (U.S. Census Bureau, 2006).

ICWA old law; old patterns; same story:

12

- ◆ out-of-home placement of American Indian and Alaska Native children
- ◆ remains significantly higher than the out-of-home placement of non-Native children
- ◆ and is disproportionate to the percentage of Native youth in the general population.

SHIFT- Sovereignty & Peacemaking Courts
by Cheryl D. Fairbanks

Should we continue doing more of the same?

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- ♦ ...continuing to do the same thing but expecting different results:

• **INSANITY**

5 guiding principles:

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1. We have been facing the wrong way
2. Understanding the impact of federal policies and the impact on Native America
3. Understanding the significance of oral tradition and Native American language as the common law of Tribes
4. Re-educate the educated
5. A call for consensus, cooperation, com



SOUTHEAST TRADITIONAL TRIBAL VALUES

“OUR WAY OF LIFE”

- Discipline and Obedience to the Traditions of our Ancestors
- Respect for Self, Elders and Others
- Respect for Nature and Property
- Patience
- Pride in Family, Clan and Traditions is found in Love, Loyalty and Generosity
- Be Strong in Mind, Body and Spirit
- Humor
- Hold Each Other Up
- Listen Well and with Respect
- Speak with Care
- We are Stewards of the Air, Land and Sea
- Reverence for Our Creator
- Live in Peace and Harmony
- Be Strong and Have Courage

UNIVERSAL Native PRINCIPLES:

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- ♦ Keep our language
- ♦ Respect for Self, Elders and Others
- ♦ Kindness, Patience, Prayer and Spirituality
- ♦ Pride in children, elders, family, and traditions is found in love, caring and giving
- ♦ Be Strong in Mind, Body and Spirit
- ♦ Humor – Indian humor
- ♦ Hold Each Other Up-support for our people
- ♦ Listen Well and with Respect
- ♦ Speak with Care and Respect
- ♦ Respect for the land, earth and universe
- ♦ Reverence for Our Creator
- ♦ Live in Peace and Harmony
- ♦ Be strong and Have Courage and practice Humility

Core Values for SILC Fall 2015

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- ♦ **Integrity:** Be true to your word, with clients, colleagues and the Court.
- ♦ **Diligence/Hard Work:** Go the whole distance; be careful and thorough.
- ♦ **“Warrior Spirit:”** Be brave, confident and persistent in your representation. Stay balanced and happy. Be resilient, and adapt.
- ♦ **Respect:** Affirm others. Use good manners, and listen well. Bring love and empathy to your interactions. Be positive, and pursue camaraderie with all parties.
- ♦ **Humility:** Be authentic, and true to yourself. Resolve conflicts to preserve relationships.

Teachings of the seven grandfathers:

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- ♦ *To cherish knowledge is to know **wisdom***
- ♦ *To know **love** is to know peace;*
- ♦ *To honor all of Creation is to have **respect**;*
- ♦ ***Bravery** is to face the foe with integrity;*
- ♦ ***Honesty** in facing a situation is to be brave;*
- ♦ ***Humility** is to know your self as a sacred part of Creation;*
- ♦ ***Truth** is to know all of these things*



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Turn around.....**SHIFT:**

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- ◆ Placing value on our ways, our traditions, culture and way of life
- ◆ We have been looking to the outside for answers ...
- ◆ It's time to turn around—the shift---
- ◆ And look within our respective tribal communities
- ◆ For the answers
- ◆ **Draw upon tribal values, traditions and law in a contemporary context**



1. We have been facing the wrong way....

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- ◆ A replication society
 - Adoption of federal and state court models
- ◆ The “be-like” factor
- ◆ Our courts have been strongly criticized for this:
- ◆ A pale replication of American justice—in both conception and operation some of the tribal courts are little more than pale copies of the white system. All remedies to their operational problems are directed toward making them better copies. ~ Samuel J. Brakel

2. Understanding the impact of failed federal policies:

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Designed to:

- ◆ Assimilate
- ◆ And or
- ◆ Terminate

An overview of the policies:

22

- ◆ **Sovereignty intact---treaty making era**
- ◆ **Removal**—the forced removal of Indian people from their homelands 1838 forced migration of 12,000 Cherokees—4,000 perished—known as the Trail of tears; YAN, Choctaw—loss of children, elders and total families
- ◆ **Reservation**—designed to civilize the Indian—isolated land base; use of military and civilian agents; destroyed an Indian way of life and US obtained major land holdings. Courts of Indian Offenses were authorized;
- ◆ **Allotment**—160 acres—everyone would be a farmer; major decline in total amount of Indian land and served to justify the non-Indian take over of Indian land;
- ◆ **IRA**—model codes and boiler plate constitutions; replaced traditional governments; Aunt Naomi—“the polls are open”!
- ◆ **Termination**—P.L. 280—extended state civil and criminal jurisdiction into five states; enhanced state role; Loss of language; Movement to the cities—relocation; ICRA; Indians are the most regulated citizens
- ◆ **Self-determination**—P.L. 93-638—Santa Fe Indian School; Mississippi Band of Choctaw;
- ◆ **Self-governance**—revitalization of traditional governments, language and culture;



3. Significance of oral tradition:

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- ◆ Using **custom** is essential for the **cultural survival** of Indian people and nations
- ◆ The **Indian common law** comes directly from the **native language** and our **cultural viewpoint**—
- ◆ It becomes the **distinct unique** law of each of the Indian tribes.
- ◆ The **elders are valued** for their knowledge and wisdom and serve as a resource for the process
- ◆ **The oral tradition**—has been the glue that has kept our people together in the face of severe termination policies of the federal government

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3. SHIFT to OUR NATIVE LANGUAGE...

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- ♦ “If we have our Indian language... we will always have the customs and laws of our tribe...”

~David Demmert Sr.



4. Re-educate the educated

26

- ♦ Education has always been valued in Indian country.
- ♦ We must **pause and rethink** our education and systems...
- ♦ due to the western education model, many of our indigenous concepts were deliberately destroyed and forbidden
- ♦ Education was the way to assimilation and termination;
- ♦ Now it is the **greatest tool for the protection and strengthening of tribal sovereignty.**
- ♦ Elders-keepers of the wisdom
- ♦ Understanding the significance of oral tradition
- ♦ **Never to replicate past termination and assimilation policies**

5. SHIFT to:

Unity, consensus, cooperation and comity

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- ♦ **Universal law of respect.**
- ♦ **Consensus:** A process of **decision-making** that seeks widespread agreement among group members;
- ♦ **general** agreement among the members of a given group or community, each of which exercises some **discretion** in decision-making and follow-up action.
- ♦ **Comity:** In law, specifically refers to legal **reciprocity**—the principle that one jurisdiction will extend certain courtesies to other nations (or other jurisdictions within the same nation), particularly by recognizing the validity and effect of their **executive, legislative, and judicial acts.**
- ♦ The term refers to the idea that courts should not act in a way that demeans the jurisdiction, laws, or judicial decisions of another jurisdiction.
- ♦ Part of the presumption of comity is that other jurisdictions will reciprocate the courtesy shown to them.
- ♦ **Unity:** is the state of being undivided or unbroken.

American justice is in crises:

28

- ♦ Interestingly America is looking a traditional Native American processes such as Peacemaking, Sentencing Circles and other dispute resolution processes
- ♦ The Native American lens—the traditional dispute resolution process is not “alternative”.
- ♦ It has been a way of life for indigenous communities

Family Conferencing

29

- ♦ Pre-litigation/pre –peacemaking tool
- ♦ Parties agree to meet
- ♦ Use consensus process
- ♦ Use similar rules as peacemaking
- ♦ Very informal
- ♦ Results in Family Safety and Wellness Agreement
- ♦ Signed by all parties including Tribal Administration
- ♦ Administrative process
- ♦ Non-compliance...parties agree to peacemaking/court



Indigenous concepts related to peacemaking and traditional dispute resolution:

30

- ♦ based on a **holistic philosophy** and the world view of the aboriginal inhabitants of North America.
- ♦ These systems are guided by the **unwritten customary laws.**
- ♦ Traditions and practices that are learned primarily by example and through the **oral teachings** of tribal elders.
- ♦ Holistic philosophy is a **circle of justice**
- ♦ that **connects** everyone involved with a problem or conflict on a continuum
- ♦ with everyone focused on the same center.
~ Ada Pecos Melton –Pueblo of Jemez

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Peacemaking?

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- ♦ Traditional dispute resolution
- ♦ Not mediation
- ♦ Formal process
- ♦ A division of a tribal court
- ♦ Result is an agreed upon document which requires compliance

Peacemaking? Why?

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- ♦ Whenever you have a **continuing relationship**
- ♦ No anonymity in Indian country;
- ♦ **Process** is critical and lends itself to **healing**
- ♦ The **law evolves** from the process
- ♦ **Language** is key
- ♦ **Consensus** is necessary
- ♦ Brings a **spiritual element** to difficult situations

MBCI: Indigenous law project:

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- ♦ **The Project Goal:**
- ♦ "Through the process of oral tradition, we are recording the community voice of the Choctaw people by developing a library of indigenous law for future generations."

ITI KANA IKBI

34

- ♦ Mississippi Band of Choctaw
- ♦ The peacemaker
- ♦ The peacemaking process
- ♦ Is established by tribal ordinance as a separate court



The peacemaker model:

35

- ♦ Focuses on **process**— "making things right" "to repair"
- ♦ **Prayer** is used initially and at the ending of process
- ♦ Both **civil and criminal jurisdiction**
- ♦ Use of **customary and traditional law**
- ♦ Builds on **trust** and **relationships** to promote **healing** and **restoration**
- ♦ **No attorneys**— representation by extended family or advocate
- ♦ **Talk** and discussion are necessary- **Native language** can be used;
- ♦ **No time limit**
- ♦ The **community right** may supersede the individual right
- ♦ **Apology** to victim, community, clan
- ♦ **Forgiveness**—is essential
- ♦ Enforceable as an **order of the court**
- ♦ Can give **full faith and credit** or **comity**
- ♦ **Completion**—finished; not to be spoken of again

Choctaw	Native American	American
Chahta okla	Community	Individualism
Ittibachaffa	Cooperation	Competition
Ittihallih	Relatedness	Autonomy

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Adaptation of rules:

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Peace Circle



Procedure

- ◆ State the **purpose** of the session
- ◆ **Open** with prayer or moment of silence set the sacred space
- ◆ **Introductions**
 - Even though people may know each other, it is important to understand each person's role and hear the voices of the participants
- ◆ **Party filing the complaints goes first**
- ◆ **Questions**
 - Questions are allowed after everyone has an opportunity to speak
- ◆ **Closure**
 - Outcome expected
 - Memorializing the agreement
 - Safety and wellness
 - Agreement order
 - Close with prayer or moment of silence
 - Have all participants affirm each other's participation

Rules

- ◆ Be tough on the issue but gentle on the person
- ◆ **Rule of Respect**
 - Respect for self, elders and others
- ◆ **Speaking**
 - Speak with care and respect
 - Only one person talks at a time
 - Use the talking tool (basket, etc.)
 - Silence and pauses are ok
- ◆ **Listening**
 - Listen well and with respect
 - Listen to learn
 - Listening is MORE important than talking
- ◆ **Consensus**
 - Consensus is critical
 - Build off of one another's ideas
 - Discussion, apology, and forgiveness
- ◆ **Passing is ok**

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The Basket: the weave of tribal sovereignty

39

- ◆ A talking tool—
- ◆ Brings respect and presence of the tribe
- ◆ Tears and laughter
- ◆ It is symmetrical
- ◆ Mind, body, spirit—the weaver
- ◆ The tradition of the tribe
- ◆ Each part of the weave is important to the whole
- ◆ You are the design
- ◆ Your input is necessary to the weave
- ◆ Without your part....it is incomplete and flawed
- ◆ Represents sovereignty
- ◆ Used in court/family conferencing/state tribal meetings



The power of the circle:

40

- ◆ Gathering in a circle is powerful
- ◆ Allows us to experience each other as **equals**
- ◆ Each person is the same distance apart and no one is seated higher than or stands apart from others in the circle
- ◆ A group of people in a circle become **united**
- ◆ The circle has no beginning or no end
- ◆ Parties who take part in a **circle—the energy forms to build resolution**
- ◆ Face to face in a circle—like ripples of water bringing about **change!**



Choctaw indigenous justice:

41

- "...it is a way to put back some of our people's way into this justice system..."
~ Sr. Youth Court Judge Hilda Nickey 2004



Other tribal peacemaker models:

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- ◆ Seneca Nation of Indians
 - ◆ Chickasaw Nation
 - ◆ Navajo Nation
 - ◆ Alabama-Coushatta Tribe of Texas
 - ◆ Ho-chunk
 - ◆ Pechanga
- Traditional courts:
- ◆ Cochiti Pueblo
 - ◆ Taos



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Example: Saddle Lake-Higher Indian Cree:

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- ♦ Affirmation of the Whole-Continuity
- ♦ Affirmation of the Creator- World
- ♦ Affirmation of the Community-Nationhood
- ♦ Law of Harmony
- ♦ Law of Relationships
- ♦ Law of Discourse-oral tradition; “good talk”
- ♦ Law of Truth
- ♦ Law of Personal Responsibility
- ♦ Law of Pity
- ♦ Law of Consequences
- ♦ Law of Consensus
- ♦ Law of Fairness and Equity
- ♦ Law of Duty
- ♦ Law of History

Example: Native Hawaiian- Ho’ opono :

44

- ♦ Pule-prayer
- ♦ Statement of problem/issues
- ♦ Recognition that injurer and injured are bound together by doing and blaming
- ♦ Grudge and fault released from the one holding it
- ♦ **Ho’ omalu-put it in the shade**—a moment of silence—quieting parties to consider issue at a deeper level



More Ho’ opono...

45

- ♦ Injurer and injured must be released—for each feels the pain of the other
- ♦ Layers of trouble considered from all points of view
- ♦ **Forgiveness**
- ♦ Formal and binding statement-I release you from wrong, thus I may be released from it
- ♦ The wrong is separated from the person
- ♦ Pule-prayer of completion



No appeal:

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- ♦ Consensus model
- ♦ May have legal counsel review the agreement and order
- ♦ In agreement and order---**10 day reconsideration**
- ♦ Must be submitted to the court in writing

Peacemaker:

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- ♦ Any person selected as a Peacemaker
- ♦ must be approved by the Tribal Council; and
- ♦ must agree in writing and by oath to serve under the authority of the Peacemaker Code.
- ♦ Judges and Peacemaker of the Peacemaker Court are officers of the court and
- ♦ shall have the same immunities as other judges of other Alabama Couthatta Tribe of Texas courts.

Kinds of disputes:

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- ♦ Domestic-family disputes-restitution
- ♦ Juvenile
- ♦ Child custody-CAN-per children’s code;
- ♦ Domestic violence-forgiveness case
- ♦ Probate-simple; tribal law precedent
- ♦ Trespass
- ♦ Property disputes-repatriation case
- ♦ Commercial transactions
- ♦ Employee-employer disputes
- ♦ IDR-“Inter” dispute resolution [within companies/organizations/tribes, etc.]
- ♦ Criminal
- ♦ Tribal, state, national and international

SHIFT- Sovereignty & Peacemaking Courts by Cheryl D. Fairbanks

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Washtenaw County Peacemaking Court
Est. 2013
[a state model]

- ♦ Relationships
- ♦ Responsibility
- ♦ Respect
- ♦ Redirection

What is it?

50

- ♦ **Model created to replace the limitations of an adversarial court system**
- ♦ Replace with a more comprehensive, harmonious and balanced solution that
- ♦ Integrate the repairing of harm
- ♦ **Healing of relationships**
- ♦ And
- ♦ **Restoration** of the individual within their family community

Honors tribal court traditions:

51

- ♦ Integrates four intrinsic values:
- ♦ **Relationship, Responsibility, Respect and REDIRECTION**
- ♦ As a means of resolving conflict and returning **balance and harmony** to human relationship

Facilitation:

52

- ♦ Cases will be facilitated by trained persons from the
- ♦ DR Center
- ♦ Agreements made during the peacemaking circles are
- ♦ **BINDING AS A K**

Outcomes: [in suitable cases]

53

- ♦ 94% of cases resulted in an **agreement** from both parties
- ♦ 82% agreed or **strongly agreed** that the result of the PM meeting were **fair** as compared to what might have occurred in the court setting
- ♦ 91% agreed or strongly agreed that after hearing everyone talk, **the participant had a better understanding of the other person's perspective**
- ♦ 94% agreed to strongly agreed that they would **recommend peacemaking to others**

UN Declaration of Rights of Indigenous People:

54

- ♦ Indigenous peoples have the **right to access** to and
- ♦ **Prompt decisions** through
- ♦ **Just and fair procedures** for the
- ♦ Resolution of conflicts and disputes [with due consideration to the
- ♦ **Customs, traditions, rules and legal systems of the indigenous peoples concerned**

SHIFT- Sovereignty & Peacemaking Courts by Cheryl D. Fairbanks

Alabama-Coushatta Judicial Symposium

55

- ♦ “This forum was
- ♦ an example of how with **open minds and good will**,
- ♦ *parallel judicial systems* can learn from each other--
- ♦ discovering **new approaches** to serving communities
- ♦ and avenues for **cooperation.**”

~ Honorable William Thorne (Pomo), Utah State Court of Appeals, Speaker at the Alabama-Coushatta Tribe of Texas' first Tribal-State Judicial Symposium (2011).

AC State tribal round table

56



“Tribal Courts are important to **community and to nation building**. They're the mechanisms to promote **peace.**”

~ Judge Joseph Flies-Away
Hulapai



57

Sovereignty begins at home....
Cheryl Demmert Fairbanks

58



Revitalizing our way: just one step towards **peacemaking**-
respect, healing, justice and freedom

60

- ❖ Doesn't mean PASSIVITY
- ❖ It is the act of interrupting injustice
- ❖ Without mirroring injustice
- ❖ It is the act of disarming wrong w/o destroying the wrong-doer
- ❖ That is neither fight nor flight
- ❖ But the careful peaceful pursuit of reconciliation, fairness and justice
- ❖ It is about the renaissance of tradition, love and respect that is big enough to set the oppressed and oppressors free!



59

SHIFT- Sovereignty & Peacemaking Courts
by Cheryl D. Fairbanks

Shift happens:

61

- S:** spiritual
- H:** holistic healing
- I:** issue focused
- F:** facilitated discussion
- T:** transition

We are resilient:

62



SHIFT
HAPPENS
SO
BE
RESILIENT

Thank you!

63

- ♦ “Gunalchesh.”*

*A Tlingit thank you.



From the peacemakers: REVITALIZE
Reflect! Renew! Refresh! Redirect!

64

- ♦ RENAISSANCE: cultural rebirth; reawake; respect



“Gunalchesh ho’ho”*



*A very big Tlingit thank you!!!!

65

Tab 7

EBCI Mediation and Peacemaking Comparison by Shawn Watts



**COLUMBIA
LAW SCHOOL**

- Eastern Band Cherokee Indians
Peacemaking Training
 - Cherokee, NC
 - October 23-25, 2017

Mediation and Peacemaking: A Juxtaposition

Similarities:

- Alternative to adversarial process
- Easier to access than court
- Participants define the problem
- Everyone who wants to can speak
- Greater options for solutions
- Participants hold decision making power



What is Mediation?

Carol Liebman, founder of the Columbia Law School Mediation Clinic:

Mediation is a **process** in which an **impartial** third person **facilitates** a **negotiation** between people in conflict or who are trying to “make a deal”. The mediation process **empowers** them to take control of their lives and find solutions that meet their interests and needs. It is a **private, voluntary, informal** process during which the mediator or mediators **assist** the participants to resolve their dispute in a manner acceptable to all.



Approaches to Mediation



The diagram shows a horizontal line with an arrow pointing right. Above the line, 'EVALUATIVE' is positioned on the left and 'FACILITATIVE' is positioned on the right. Below the line, 'PROBLEM-SOLVING' is positioned on the left and 'TRANSFORMATIVE' is positioned on the right. Vertical tick marks are placed at the positions of 'EVALUATIVE', 'PROBLEM-SOLVING', 'FACILITATIVE', and 'TRANSFORMATIVE'.



Comparing Types of Mediation

Participation

EVALUATIVE	PROBLEM SOLVING (Facilitative)	TRANSFORMATIVE (Facilitative)
Restricted; limited to parties, party representatives or supporters.	Restricted; limited to parties, party representatives or supporters.	Restricted; limited to parties, party representatives or supporters.
Lawyers or other representatives often do most of the speaking.	Parties mostly speak for themselves, though representatives contribute.	Parties speak for themselves.



Comparing Types of Mediation

Mediator Involvement

EVALUATIVE	PROBLEM SOLVING (Facilitative)	TRANSFORMATIVE (Facilitative)
Highly active; Heavy-handed; evaluates case and claims; recommends solutions; borderline coercive.	Active early; less active as the mediation progresses; does not make suggestions, but can frame questions in a way that helps parties generate their own solutions.	Often called the “potted plant” style of mediation (highly inactive).



EBCI Mediation and Peacemaking Comparison by Shawn Watts

Comparing Types of Mediation

Issues

EVALUATIVE	PROBLEM SOLVING (Facilitative)	TRANSFORMATIVE (Facilitative)
Civil relationships	Resolving a discrete, tangible issue; Civil relationships	Civil relationships



Comparing Types of Mediation

Focus

EVALUATIVE	PROBLEM SOLVING (Facilitative)	TRANSFORMATIVE (Facilitative)
Legal responsibilities. Past, present, and future conduct; party responsibility; needs of parties.	Past, present, and future conduct; party responsibility; needs of parties.	Restoring relationship between parties. Past, present, and future conduct; party responsibility; needs of parties.



Comparing Types of Mediation

Tools

EVALUATIVE	PROBLEM SOLVING (Facilitative)	TRANSFORMATIVE (Facilitative)
Strongly suggested restrictions and damages; coercion; option limiting.	Self-determination; voluntary restrictions; voluntary damages; trust.	Self-determination; voluntary restrictions; voluntary damages; trust.



Comparing Types of Mediation

Procedure

EVALUATIVE	PROBLEM SOLVING (Facilitative)	TRANSFORMATIVE (Facilitative)
Mediator imposed rules.	Fixed rules; flexible guidelines.	Fewer fixed rules; flexible guidelines.



Comparing Types of Mediation

Results

EVALUATIVE	PROBLEM SOLVING (Facilitative)	TRANSFORMATIVE (Facilitative)
Mediator recommends result; end agreement (if there is one) is very close to mediator recommendation.	Agreement; no agreement; additional sessions.	Agreement; no agreement; additional sessions; relationship restoring steps.



Comparing Types of Mediation

Confidentiality

EVALUATIVE	PROBLEM SOLVING (Facilitative)	TRANSFORMATIVE (Facilitative)
Strict; few exceptions.	Strict; few exceptions.	Strict; few exceptions.



EBCI Mediation and Peacemaking Comparison by Shawn Watts

Comparing Types of Mediation

Decision-making

EVALUATIVE	PROBLEM SOLVING (Facilitative)	TRANSFORMATIVE (Facilitative)
Mediator imposed; "voluntary."	Consensus; party determined.	Consensus; party determined.



Putting it All Together Comparing All of Your Options

Court versus Mediation versus Peacemaking

	COURT	MEDIATION	PEACEMAKING
Participation	Restricted; limited to parties and party reps. But, often public is permitted to watch.	Restricted; limited to parties, party representatives or supporters.	Open; community may attend and participate.
Third-party "neutral"	100% percent in charge with authority to level penalty and impose decision.	No authority to make decisions; limited activity.	Equal to parties in authority and activity.
Issues	Broken laws; civil liability.	Civil relationships	Community relationships



Putting it All Together Comparing All of Your Options

Court versus Mediation versus Peacemaking

	COURT	MEDIATION	PEACEMAKING
Focus	Past conduct; individual responsibility; legal responsibilities.	Past, present, and future conduct; party responsibility; needs of parties.	Past, present, and future conduct; individual and community responsibility; individual and community needs.
Tools	Incarceration; imposed restrictions; imposed damages; coercion.	Self-determination; voluntary restrictions; voluntary damages; trust.	Reintegration; restoration; support; trust.
Procedure	Fixed rules.	Fixed rules; flexible guidelines.	Flexible guidelines.



Putting it All Together Comparing All of Your Options

Court versus Mediation versus Peacemaking

	COURT	MEDIATION	PEACEMAKING
Results	Winner/Loser	Agreement; no agreement.	Common ground to maximize all interests
Confidentiality	Public record	Strict; few exceptions	Honored; exceptions
Decision-Making	Adversarial; state imposed.	Consensus; party determined.	Consensus; community determined.





COLUMBIA LAW SCHOOL

Eastern Band Cherokee Indians Peacemaking Training
Cherokee, NC
October 23-25, 2017

What to Listen For

- Facts
- Feelings
- Issues
- Interest



Facts

Facts: The events as the speaker recounts them.



Feelings

Feelings: The emotions underlying a view of the facts.

- Feelings are Facts
- Communicate both directly and indirectly



Issues

Issues: The tangible reason for gathering people for a circle.

- Charge
- Event
- Behavior



Interests

Interest: A need represented by an issue or position

- Economic
- Legal
- Social
- Psychological
- Ethical



Types of Interests

- Conflicting (Zero Sum)
- Complementary
- Common



Edna Queen Elizabeth II Foundation
Mediation Program

Facts, Feelings, Issues, and Interests: Sorting it all out

- Position: Your kids can't play with mine anymore if they are going to keep destroying my garden
- Issue: Property damage
- Feelings: Frustrated, disrespected, worried
- Interests: Respect, Safety, Money



Edna Queen Elizabeth II Foundation
Mediation Program

Summarizing

Summarizing is the act of repeating for the speaker the essence of what you heard them say.

- Recognize their feelings, issues, and interests
- Omitting hurtful language while honoring the force of their statements



Edna Queen Elizabeth II Foundation
Mediation Program

Active Listening Exercise

- Divide into groups of five (5)
- Person 1: Tell any story about a recent conflict with another person. Speak for 2 minutes.
- Person 2: Listen for facts only.
- Person 3: Listen for feelings only.
- Person 4: Listen for issues only.
- Person 5: Listen for interests only.
- After the speaker is finished, each listener should summarize for the speaker what you listened for.



Edna Queen Elizabeth II Foundation
Mediation Program

Tab 8

Fond du Lac Ojibwe School uses elders to keep students on 'the good path'

By [Jana Hollingsworth](#) on Jan 19, 2009 at 12:00 a.m.



Members of Fond du Lac Ojibwe School's elder advisory circle remind students that they have goals to finish high school and go on to college, said Hazel Strong (right), the elder who suggested the circle. Sitting next to Strong are Patti Goward (center) and Barbara Wienke. Clint Austin / caustin@duluthnews.com

Instead of standing before a panel of administrators, troublemakers and truants at the Fond du Lac Ojibwe School join a traditional circle of elders, where voices are heard and lessons are stressed.

The elder circle at the Fond du Lac Band of Lake Superior Chippewa Ojibwe School, in its third year, has helped raise attendance rates and lower bullying incidents, school staff members say.

"The kids respect the fact that the school is doing this," said Mel Buckholtz, behavior management facilitator at the school. "They understand the circle."

A need to improve behavior and meet federally mandated No Child Left Behind attendance rates led the school to try the traditional Anishinaabe way of elders guiding the young down "the good path."

Six elders were recruited, and each went through training on restorative justice and elder circles, funded by an Office of Juvenile Justice and Delinquency Prevention Grant. In 2½ years, the circle has met with students between 120 and 140 times, some more than once.

The elders are uniquely prepared to deal with troubled students and offer them solutions to help make better choices, they say.

"We've all had incidents in our lives [to draw upon] and experiences to bring forth," said Patti Goward, a member of the circle. "We've raised children and grandchildren."

Students in grades seven through 12 are brought to the circle for fights, truancy, alcohol and drug violations and other conflicts. Depending on which Anishinaabe core values have been compromised, discipline might involve doing things that help the community or those they hurt. Students write apology letters and research papers, do community service and sign compacts, along with punishments set forth by the school's handbook. Core values include honoring the creator, elders, plants, animals and women and showing kindness, courage and moderation in thought, words and deeds.

"If we don't teach them our values to follow the right path, they'll go the wrong way," said circle member MaryAnn Blacketter.

Parents are encouraged to join the circle to help bring the lessons home. The circle starts with the practice of smudging, in which burning sage is presented to each person for purification.

Blacketter said it's a practice that also calms angry students. An eagle feather with a beaded handle is passed to each who wishes to speak during the discussion. Students aren't required to speak during the circle, which can be emotional, members say. The group spares students judgment, Buckholtz said, focusing on where a student lacks balance and how to correct that.

If students have problems getting to school, the circle has given out alarm clocks and calendars.

While more serious gang activity at the school leads to expulsion with no visit to the circle, some gang members have come before them. They aren't allowed to wear gang colors or show gang signs in school without repercussions, Blacketter said, and the circle is adamant about those rules.

"It's like, 'Which family do you want to belong to? ... If you want to belong to a gang family, I feel bad for you, but goodbye,' " Blacketter said.

Since the inception of the circle, the elders, who often go into classrooms to tell stories and spend time with students, have noticed hallways filled more with harmony than disruption. In the first year, they saw many students come before the circle repeatedly. That has lessened, members say.

"There is an awareness ... you see changes," Buckholtz said. "Kids are being more respectful ... trying to live life the right way."

While the approach to helping students is unique, the issues the group sees are not, Blacketter said.

"All kids want to know where the edge is," she said. "They want to know we're here so they don't go over the edge, but they're going to push us as far as they can go

Minn. program uses American Indian culture to target prison recidivism

www.mprnews.org/story/2011/04/25/red-road-home

Issues [Tom Robertson](#) · White Earth Indian Reservation, Minn. · Apr 26, 2011

1. Listen Red Road Home leads men away from prison

3min 49sec



White Earth drummers MPR Photo/Tom Robertson

In a purification ritual, eight men in a garage huddle around a drum, as a haze of burnt sage hangs in the air. The drummers, all of whom have done time in prison, sing a song that honors the pipe and tobacco used in traditional ceremonies.

The group is part of Red Road Home, a pilot program based in Bemidji that aims to help former inmates from the White Earth, Red Lake and Leech Lake reservations stay out of prison.

American Indians make up less than 2 percent of Minnesota's total population, but they account for more than 8 percent of adult offenders in the state's prison system. In January, 789 of 9,429 state inmates were American Indians. Indians are also more likely to reoffend

and get sent back to prison.

The Red Road Home program in northern Minnesota aims to slow down the revolving door, through American Indian cultural and spiritual practices. There are early signs of success, but the program may soon run out of funding.

About half of the 100 or so ex-offenders who return to the communities each year become active in the program, and participate in weekly sweat lodge ceremonies and talking circles. They learn about the traditional values many never knew.

Robert Thompson — known to his friends as Buddha — has been part of this group since he got out of prison last fall. At 38, he has served time for domestic assault, driving under the influence and dealing methamphetamine.

"My whole family is like alcoholics and stuff, but also was dealing drugs," Thompson said. "That's how I grew up and that's what I knew."



Robert Thompson MPR Photo/Tom Robertson

Thompson, who is now attending White Earth Community College, said he is committed to sobriety and to learning his language and culture.

"This is who I am today. If it wasn't for this program, I don't think I'd be there," he said. "Honestly, to tell you, I'd probably be back in prison."

Red Road Home is less than three years old and has worked with more than 140 clients, but doesn't yet have much of a track record. Those who stick with the program are heading back

to prison about a third less often than those who quit, said Terry Kemper, outreach coordinator for Red Road Home.

Indians who return home from prison face huge challenges, said Kemper, who was born in prison and grew up in foster homes. He served 12 years at Minnesota Correctional Facility-Stillwater for killing his girlfriend.

Released in 2008, he has dedicated himself to helping other former prisoners.

"One of the things that you hear from ex-felons is that ... it's easier to go back to prison than to deal with these things we face out here," Kemper said. "Our communities right now in Indian Country are really struggling."

Those struggles include high rates of alcoholism, unemployment and suicide.

Run by the nonprofit Northwest Indian Opportunities Industrialization Center in Bemidji, the Red Road Home experiment is funded by about \$600,000 over three years from the state Department of Corrections. The money runs out in July. Given the state's \$5 billion deficit, it's unclear whether the program will continue.



The drum MPR Photo/Tom Robertson

If it ends, the state will have lost a vital link between ex-offenders and their traditional culture, advocates for ex-offenders say.

The Department of Corrections has been criticized by some in the Indian community for not welcoming traditional teachings and ceremonies inside the state's prison walls. Some studies show the traditional approach is more effective with Indians than other models.

Joe Day, former head of the Minnesota Indian Affairs Council, said Indians are allowed to practice their culture to some degree in prison, but prison personnel are not well trained on what Indians consider sacred. Guards are only given limited information about feathers, drums songs and tobacco use, said Day, who has worked with the Department of Corrections to develop ways to help Indians re-enter society.

"Their not understanding or accepting our traditional values is probably the key aspect of this," said Day, a member of the Leech Lake Band of Ojibwe. "But how do you change a whole organization to do that, because there is so much misperception about who we are?"

Department of Corrections officials say there are challenges to running traditional programs for American Indians.

One obstacle is that there is a shortage of credible traditional leaders willing to come into the prisons and give guidance to offenders, said David Crist, deputy commissioner of the agency's facilities division.

"In the absence of that, offenders offer their own interpretation of culture and traditions that often they don't really understand themselves," Crist said. "And it's when that happens that I think we find some tension between the legitimate security needs of a facility and the desires of offenders to practice their traditions."

Like every state agency, the Department of Corrections anticipates budget cuts. No one knows how big the cuts will be, but agency officials say it's clear that programs like Red Road Home will be on the table for elimination.

EDITOR'S NOTE: An earlier version of this story incorrectly stated the amount of money the Red Road Home experiment receives from the Minnesota Department of Corrections. The current version is accurate.

Gallery



White Earth drummers MPR Photo/Tom Robertson

Recovery for a community

www.mprnews.org/story/2006/03/15/indiankidswellbriety



Sons and Daughters of Tradition MPR Photo/Tom Robertson

In the town of Mahnomon on the White Earth Indian Reservation, about 40 sixth and seventh graders are gathered in a large room at the tribal college. They're members of newly formed organizations called the Sons of Tradition and the Daughters of Tradition.

The groups are designed to teach kids the traditional culture and values that were once common knowledge among Native people.

MORE KIDS ARE CHOOSING TRADITION

The meetings happen on Wednesday mornings during regular school hours. It's a time the Mahnomon School District traditionally sets aside for religious instruction release time. In the past, that's meant kids head off to local Christian churches. But a growing number of Native kids are choosing The Sons and Daughters of Tradition.



Laurie York MPR Photo/Tom Robertson

"No one is making them come," said Laurie York, who volunteers each week to facilitate the Daughters group. "It's just here. It's offered to them, and if they want to come they can come. And we keep growing in numbers. And that's a real positive, because it's telling us that this is what the kids want."

The weekly gatherings always include prayer and traditional Native ceremony. Sometimes volunteers come in to talk about real problems facing kids and Native families -- things like drug and alcohol addiction, violence and teen pregnancy. The meetings give young people a chance to talk openly about what's going on around them.

Andy Favorite, an instructor at White Earth Tribal and Community College, practices traditional spiritual ways. Favorite starts the meetings each week with a prayer of thanks in the Ojibwe language, even though most of the young people don't understand what he's saying.

Favorite says he's teaching the language to them bits at a time. He says some of the kids have never been taught the culture's values and moral teachings.



Andy Favorite MPR Photo/Tom Robertson

"What we're trying to teach is problem-solving and decision-making, but in a cultural way," said Favorite. "You know, respect others, respect all the races, respect each other, respect your neighbors. I mean, we've got to learn to get along."

White Earth tribal member Marlin Farley helped start the kids program. Farley says changing the attitudes of young people is the best way to heal communities.

"I think kids are taking a different look about how we as Native people are supposed to treat each other," said Farley. "You know, we should behave, and, hey, we do have values, we do have principles, and we do have spiritual laws that have been given to us. And we've had knowledge of this for many hundreds and hundreds of years. And then we tossed them aside. And now it's time to bring them back."

OUR COMMUNITIES NEED TO RECOVER

The Sons and Daughters of Tradition is one component of a larger plan for healing and recovery in the Native community. The concept is called Wellbriety. It became popular a few years ago through an American Indian nonprofit organization called White Bison, based in Colorado Springs, Colorado.

Wellbriety uses a 12-step model that's the foundation of Alcoholics Anonymous and other recovery programs. But it combines that with American Indian spirituality and the teachings of the medicine wheel. Wellbriety goes beyond individual recovery, to include healing within families and whole communities.



Marlin Farley MPR Photo/Tom Robertson

Marlin Farley grew up on White Earth. His family was torn apart by alcohol and drugs. His alcoholic father committed suicide when he was young, and he and his siblings ended up in foster care.

Farley became an alcoholic himself, and developed an addiction to gambling. In 2001, Farley hit rock bottom. He was miserable and considering suicide.

"I was running from myself and I was running from the law," said Farley. "I had some outstanding warrants from a DUI and bad checks from the gambling. And I was running away from accountability and responsibility. I was full of fear. I didn't like jail, so I ran."

Three years ago, Farley began exploring the programs of White Bison. He attended a White Bison conference and was inspired by a chat with the organization's founder, Don Coyhis.

"It hurt to see our young ones dying," said Farley. "It hurt to see so many people just kind of walking around in this lost way, and hurting each other. So I asked Don Coyhis if there was any way he could help the Ojibwe tribes in Minnesota."

We've had knowledge of (these values and traditions) for many hundreds and hundreds of years. Then we tossed them aside. And now it's time to bring them back.

White Earth tribal member Marlin Farley

Farley was trained to be a Firestarter, someone who's committed to White Bison's Wellbriety program. Firestarters commit to lead a circle of recovery for four years, and hold recovery meetings once a week.

Farley got a free book from the organization called "The Red Road to Wellbriety in the Native American Way." The book had a huge impact on him, and he now reads passages from it daily. Farley became convinced Wellbriety is the best way to bring wellness back to Native communities.

"I think that a community first needs to recover," said Farley. "I think a community has to recover from alcoholism, a community has to recover from drug addiction, the community has to recover from violence, including domestic, lateral violence. And I don't believe that any other change can occur prior, without us as individuals becoming healthy. And then it moves into our healthy families."

Farley says Wellbriety goes beyond sobriety. It's about Native communities learning to nurture physical, emotional and spiritual healing.

Last year, Farley coordinated a Wellbriety training session in Bemidji. More than 100 people from White Earth, Red Lake and Leech Lake took part. Farley says many of those volunteers are now creating small but growing pockets of people dedicated to Wellbriety programs.

Farley says the goal is to make systemic change by creating Wellbriety coalitions on all of the reservations.

HELPING TO BREAK OLD PATTERNS

One of the components of Wellbriety is a program called Warrior Down. It focuses on Native people who return to the reservation after spending time in prison or in chemical dependency treatment programs.

Farley says when those people come home, they're coming back to the same unhealthy families, friends and communities. Even with the best of intentions, most ex-prisoners and addicts fall back into their same old patterns.



Teaching culture and values MPR Photo/Tom Robertson

"You've got this thing that happens," said Farley. "When you're coming out of treatment, you're coming out of incarceration, there's a population, a segment of the community out there that is saying, 'Welcome back home. Here's a keg, here's a joint. Sorry you had to go through all that, but we're here, we're ready for you. Welcome home, bud.' Then the party is on."

Warrior Down creates a network of healthy people to support those returning from prison or treatment. Farley keeps track of who's coming back, and when. He and others reach out to them to get them on the right path.

Farley has a degree in social work, but he doesn't get paid for his Wellbriety efforts. He says no one does. It's purely voluntary.

Farley says the grassroots efforts get no funding from tribal, state or federal governments. He says the key to success is finding people committed to making a better future for Indian communities.

"I have this realization that it doesn't work from the top down. A government can't say, OK, we're going to implement this stuff, and this is the way it's going to be, and everyone is going to get well and that's it. It doesn't work that way," Farley said. "To get the community healthy we need to work together, without any federal funding, without state dollars, without tribal government dollars. We need to just start giving of ourselves."

Besides Wellbriety, there are other pockets of people who are using tradition and culture to make a difference in the lives of kids.

Gallery



Sons and Daughters of Tradition MPR Photo/Tom Robertson