

POV

Community
Engagement & Education

DISCUSSION GUIDE

Tribal Justice

A Film by Anne Makepeace



www.pbs.org/pov

Filmmaker Anne Makepeace.

Photo by Barney Broomfield



I have always been interested in Native American stories. My last film, *We Still Live Here*, which aired on Independent Lens in 2011, is about the revival of a Native American language that had disappeared for a century. In 2012, Ruth Cowan, executive producer of **Tribal Justice**, approached me with the idea of making a film about the innovative work of tribal judges in California. I was hesitant, because I didn't know anything about tribal courts. I agreed to go on a research trip to meet two judges, and right away I was smitten. Abby Abinanti, chief judge of the Yurok tribe, which is the largest in California, awed me with her fierce intelligence; Claudette White, chief judge of the Quechan tribe, who lives near Yuma, Ariz., impressed me with her commitment to justice. I was very moved by their dedication, by the obstacles they face in bringing justice to their people and by their passion for their work and their determination to apply customary tribal law in order to heal those who come before them. I knew that a film about their work would have all the elements of a great documentary: compelling characters engaged in important social justice issues unfolding dramatically over time. I also realized that the film would educate a broad audience about a subject unfamiliar to most Americans—tribal courts—and that it could have tremendous positive impact on our criminal justice system.

And so began the four-year odyssey of making **Tribal Justice**. On our first shoot, in April 2013, we were fortunate to film Taos Proctor in his first hearing in Abby Abinanti's tribal court. Proctor, a young man of 26, was facing life in prison for drug-related offenses. Abinanti had convinced the state court to give her jurisdiction over his case for a year so that she and her staff could oversee his treatment and reintegration into the tribe. We followed Proctor's story for two years as he struggled and ultimately succeeded in rebuilding his life.

While both Abby Abinanti and Claudette White were open to having us film in their courts, most of the people coming before White's court were not. It took two years to find a case to follow in the Quechan Tribal Court. We wanted to find a case in which a child was reunited with family through the Indian Child Welfare Act, and at last we met 9-year-old Dru Denard and his mother, Elaine Ocegueda, who were open to having us tell their story. Ocegueda had lost her son to the state a year before when she asked for help with his epilepsy and autism. When we met her in November 2015, she was desperate to get him back. We returned many times to film their story as she petitioned the tribal court to take over jurisdiction of his case and help her bring her son home.

White herself opened up about her personal life, and we were able to film the very compelling story of her teenage nephew, Isaac Palone, who came to live with her in the summer of 2014. When White was in high school, Palone was born in her family's house to her teenage foster sister, a meth addict who left the home shortly thereafter. Palone was raised by White's family until he was 9, when his biological mother wanted him back. She was still alcoholic and meth addicted, however, and she and her partner abused the boy for two years, until he was eventually taken from her and placed in group and foster homes. There, sadly, the abuse continued. Finally, at the age of 16, Palone returned to the reservation and White took him into her home. In the course of the film, she is able to get legal custody of Palone through her tribal court, but then discovers that he has outstanding convictions in the state system for breaking into cars. Because his juvenile delinquency case is in state court rather than tribal court, he is at great risk of being funneled into the school-to-prison pipeline.

On a final note, here's something that Abby Abinanti wrote the day after the 2016 presidential election:

We, our people, have been here before... and as before we will stand for what is right and good... They will come for us and others and we will not turn our backs on those who need our protection.... We may not win but we will not quit.... We will never forget our sacred responsibility to all as we have been taught by our creator and as we have promised our ancestors.... Stay strong, my family.

That kind of wisdom and resilience is so deeply moving to me, and the example set by these judges, who never give up, inspired me to keep going with the filming process and to complete **Tribal Justice**. And now my hopes for the film are actually coming true! As Timothy Connors, presiding judge in the peacemaking section of the Washtenaw County Trial Court, has written about the finished film, "Tribal Justice is an eloquent song, a song of resiliency and hope. It is a song that needs to be sung in every state court justice system. In this film, tribal judges Abinanti and White show us how."

Anne Makepeace

Director, **Tribal Justice**



Cinematographer Barney Broomfield and Anne Makepeace filming on Yurok tribal lands.

Photo by Lori Nesbitt



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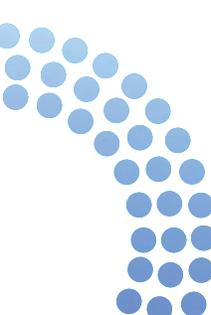
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The Honorable Abby Abinanti
Chief Judge of the Yurok Tribe

The Honorable Claudette White
Chief Judge for the Quechan Tribe





In **Tribal Justice** (90 min.) two Native American judges draw on traditional concepts of justice to reduce incarceration and create a more positive future for their communities. Chief judges Abby Abinanti of the Yurok tribe on California's north coast and Claudette White of the Quechan tribe in the state's southern desert are establishing innovative court systems that focus on restoring rather than punishing offenders in order to keep tribal members out of prison, prevent children from being taken from their families and shut down the school-to-prison pipeline.

Tribal Justice challenges the stereotype of Native Americans as hopeless dependents unable to better their own circumstances. By addressing the root causes of crime, tribal courts model restorative systems that are working. Mainstream courts across the country are taking notice.

Outside Santa Barbara's Lobero Theater just before the premiere of the film.

Photo courtesy of Richard Carter

Tribal Justice is well suited for use in a variety of settings and is especially recommended for use with:

- **Your local PBS station**
- **Groups that have discussed previous PBS and POV films relating to Native American youth, tribal sovereignty or criminal justice reform and re-entry, including *Up Heartbreak Hill*, *Standing Silent Nation*, *In the Light of Reverence*, *The Return* and *15 to Life: Kenneth's Story***
- **Groups focused on any of the issues listed in the “Key Issues” section**
- **Native American tribes and advocacy organizations**
- **High school students, youth groups and clubs**
- **Faith-based organizations and institutions**
- **Cultural, art and historical organizations, institutions and museums**
- **Civic, fraternal and community groups, especially involving justice system professionals**
- **Academic departments and student groups at colleges, universities and high schools**
- **Community organizations with a mission to promote education and learning, such as local libraries**

Tribal Justice is an excellent tool for outreach and will be of special interest to people looking to explore the following topics:

- **child welfare**
- **criminal justice reform**
- **family counseling**
- **juvenile justice**
- **law**
- **Native Americans**
- **prison reform**
- **recidivism prevention**
- **rehabilitation versus punishment**
- **restorative justice**
- **school-to-prison pipeline**
- **social work/social service agencies**
- **stereotypes**
- **substance abuse**
- **tribal courts**
- **tribal engagement**
- **tribal sovereignty**
- **tribal/state relations**
- **youth**

USING THIS GUIDE

This guide is an invitation to dialogue. It is based on a belief in the power of human connection, designed for people who want to use **Tribal Justice** to engage family, friends, classmates, colleagues and communities. In contrast to initiatives that foster debates in which participants try to convince others that they are right, this document envisions conversations undertaken in a spirit of openness in which people try to understand one another and expand their thinking by sharing viewpoints and listening actively.

The discussion prompts are intentionally crafted to help a wide range of audiences think more deeply about the issues in the film. Rather than attempting to address them all, choose one or two that best meet your needs and interests. And be sure to leave time to consider taking action. Planning next steps can help people leave the room feeling energized and optimistic, even in instances when conversations have been difficult.

For more detailed event planning and facilitation tips, visit www.pov.org/engage



Yurok and Quechan Tribes

When European colonizers first arrived in North America, the Native Americans living there vastly outnumbered the newcomers. Over time, hostile settlers, war, disease and forced cultural assimilation decimated the Native American population. Today, the total Native American population is approximately 5.2 million people—1.7 percent of the total United States population. Between 1846 and 1873, the Native American population of California was reduced to one fifth of its original size. This was the result of a genocidal campaign waged by the U.S. Army, state and local governments and civilians.

Around half of Native Americans in the United States live on reservations. Reservations are designated territories that are governed by tribal governments rather than by states, due to tribal sovereignty (the right tribes have to govern themselves). Many reservations were designated during the process of negotiating treaties between the United States and tribes, often under duress. There are 326 federal Indian reservations in the United States, spanning some 56.2 million acres of land, and 567 federally recognized tribes and villages.

Cheygoon Proctor with his grandmother (both Yurok) at the Yurok Wellness graduation.

Photo courtesy of Anne Makepeace

Yurok Tribe

One of the judges featured in the film, Abby Abinanti, is a member of the Yurok tribe. Also known as the Pohlik-la, Ner-er-er, Petch-ik-lah and Klamath River Indians, the Yurok tribe lives largely in Northern California along the Klamath River. With 6,000 tribal members, the Yurok are the largest tribe in California. Before European contact in the 17th century, the Yurok were “fishermen, eelers, basket weavers, canoe makers, storytellers, singers, dancers, healers and strong medicine people,” according to the tribe’s self-recorded history. Although the Yurok did not have contact with Europeans until much later than other Native American tribes, the fur trapping and gold mine rushes of the 19th century had a devastating impact on the tribe’s way of life. Settlers targeted the tribes using genocidal violence; as a result of their attacks and the diseases they carried, by the mid-1800s approximately 75 percent of the Yurok people had died or been killed. Other tribes in California experienced similarly catastrophic population decimation.



Claudette's nephew Isaac Palone and her son Zion White (both Quechan) at Quechan Indian Days 2014.

Photo courtesy of Anne Makepeace

By the 20th century, Yurok culture was nearly extinct. In the 1970s and 1980s, the U.S. government granted Native Americans greater—but still limited—sovereignty, and the Yurok undertook revitalization efforts. Traditional dances were revived and taught to new generations, and although very few people still spoke the Yurok language, a new program was created to bring the native tongue back from the brink of extinction. In 1993, after a protracted legal fight, the federal government recognized the tribe's sovereignty and the tribe adopted a formal constitution. The tribe now exists in an area much smaller than its ancestral territory. Today, the Yurok are focused on maintaining access to natural resources, environmental protection and sustainable economic development projects.

Quechan Tribe

Located on the border between California and Mexico, the Quechan are also known as the Kwatsáan, meaning “those who descended.” The Quechan are primarily an agricultural community, but historically they were also known as fighters. Before contact with European

settlers, they engaged in battle with the Papago, Apache and other tribes in the Colorado River Valley. In 1884, the United States government established the Fort Yuma-Quechan Reservation. Today, the reservation covers 45,000 acres and is home to 3,200 tribal members. The Quechan tribe continues its agricultural legacy by leasing its land to both Indian and non-Indian farmers. The tribe also manages tourism businesses, including one casino and several trailer parks, to support itself financially.

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**Judge Claudette White (Quechan)
and Director Anne Makepeace at Quechan Indian Days.**

Photo by Barney Broomfield

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Tribal Courts

Before the European colonization of North America, Native Americans enacted justice in a variety of ways. Methods ranged from public shaming to execution, and the judicial process was communal: all members of a tribe were expected to participate. However, as part of an effort to anglicize Native Americans, the U.S. government established Western-style courts on reservations. These courts resembled mainstream U.S. courts, with judges, lawyers and juries, and their practices were unlike the methods used by Native Americans before that time. Established under the Code of Federal Regulations, these courts still exist on some reservations and are commonly referred to as "CFR courts." Native Americans did not initially run CFR courts, and many CFR courts actively sought the destruction of Native American traditions, which had a long-lasting effect on the cultural heritage of tribes. The Indian Reorganization Act of



1934 gave tribes the authority to create and administer their own court systems.

Today, there are approximately 314 unique tribal courts, each reflecting a range of historical influences, tribal governments and tribal cultures. The jurisdiction of these courts is established by the Native affiliation of the victim and perpetrator and whether the crime committed is a “major crime” as defined by the Major Crimes Act. Major crimes include murder, manslaughter, felony assault, sexual abuse, arson and burglary.

Some CFR Courts are adversarial, meaning that representatives from the prosecution and the defense argue before a judge or jury; these courts reflect the influence of the federal government. Other CFR courts are non-adversarial and reflect traditional indigenous practices; these courts are sometimes referred to as “restorative.” In restorative courts, wrongdoers, victims and their affected communities all engage to find non-punitive solutions that address wrongs and rebuild trust. Tribal justice does not preclude convictions, detentions or penalties that promote personal responsibility and community safety. The term “tribal justice” encompasses a variety of traditional Native American principles and techniques. These processes include peacemaking, circle sentencing and tribal healing. In many instances, attorneys are not involved in the processes.

The two courts featured in this film are Tribal Healing to Wellness Courts. These courts, which are recognized by the federal government as providing an alternative to criminal prosecution, combine alcohol and drug treatment with traditional healing resources to restore both the individual and the community. As of 2013, 72 Tribal Healing to Wellness Courts were in operation nationwide. According to Robert A. Williams, Jr., professor of law at the University of Arizona Indigenous Peoples Law and Policy Program, tribal courts are “important jurisgenerative institutions that enable Indian tribes to revive and assert a robust and rights-affirming Indian vision of justice based on indigenous American tribal values of human dignity and respect for the equality of all races in America.”

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Assimilation of Native American Children

In the 19th century in California and across the country, cultural genocide was perpetrated against Native Americans through forced assimilation. In 1819, the U.S. government created the Civilization Fund, which gave federal funding to churches and other organizations to operate schools for Native American children. The Bureau of Indian Affairs was created in 1824 within the Department of War to administer these funds. Such boarding schools were intended to assimilate Native Americans into European culture and religion and turn them into obedient laborers. Christian missionaries were sent to reservations to persuade Native American families to send their children to these schools. In some cases, Native American parents believed that the schools were the best option for their children, as public schools were not accessible to non-white children. In other cases, Native children were forcibly removed from their homes by police officers. At these government-run schools, Native languages and cultural practices were forbidden; for example, children were forced to cut their long hair. Corporal punishment was used to enforce rules, and physical abuse and labor exploitation were routine.

Elaine Ocegueda (Mohawk) with her children Daesza and Dru Denard (both Quechan), her mother and Anne Makepeace.

Photo courtesy of Dan Golding

As intended, these assimilation policies weakened Native American language and culture. In 1971, 17 percent of Native American school-age children still attended Bureau of Indian Affairs boarding schools, although by this time the schools had become less militaristic and more tolerant of Native cultures, and attendance was often by choice of the students and their families.

Adoption programs were also employed by the government to separate Native American children from their families. In 1958, the Bureau of Indian Affairs and the Child Welfare League of America partnered to create the Indian Adoption Project, which facilitated the adoption of Native American children by white families. In 1976, 25 to 35 percent of all Native American youth lived in out-of-home care; 85 percent of those children had been placed in non-Native homes or institutions. Non-Native social workers who were ignorant of traditional childrearing practices judged many Native families as unfit to care for their children.



Taos Proctor (Yurok) at his wedding.

Photo courtesy of Anne Makepeace

In 1978, the U.S. Congress passed the Indian Child Welfare Act, which was designed to protect the heritage of Native American tribes by curbing the practice of removing children from their families and tribes. The law dictates that in child welfare cases involving Native American children, deference should be given to tribal courts, and when children are removed from their homes, they should be placed with members of the child's extended family or tribe whenever possible. Despite that, today Native children are overrepresented in foster care at a rate of 2.4 times that of the general population.

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Selected People Featured in Tribal Justice



The Honorable Abby Abinanti

Abby Abinanti is chief judge of the Yurok tribe on the north coast of California and retired commissioner of the San Francisco Superior Court, where she served in the family law division and served as a hearing officer at parole revocation hearings and performed emergency protective duty. In 1974, she became the first Native American woman to be admitted to the California State Bar. She established the first tribal-run clean-slate program in the country. It helps members expunge criminal records and focuses on keeping young people out of jail, in school and with their people.

Her previous appointments include special judge for the Colorado River Tribe, Hopi Tribal Court and Shoeshone-Bonnock Tribal Court; chief magistrate on the Court of Indian Offenses for the Hoopa Valley Tribal Court; and tribal courts evaluator for the Indian Justice Center.

Abinanti, who was born in San Francisco and raised adjacent to the Yurok Indian reservation where she now maintains a residence, received her bachelor's degree in journalism from Humboldt State University and her doctor of jurisprudence degree from the University of New Mexico School of Law.



The Honorable Claudette White

Claudette White has served as chief judge for the Quechan Tribal Court since 2005. She also rides circuit, serving in tribal courts throughout southern Arizona and California, including the Fort McDowell Indian Community, Ak-Chin Indian Community, Salt River Pima-Maricopa Indian Community and Tonto Apache Tribal Courts. She is president of the Arizona Indian Judges Association and is a member of the Arizona Tribal, State and Federal Court Forum and the newly formed California Tribal Court/State Court Forum. She works closely with families, state court judges, probation officers and social workers to ensure the best outcomes for families and children. She is a graduate of Arizona State University College of Law, where she received her doctor of jurisprudence degree in federal Indian law.

Selected People Featured in **Tribal Justice**



Taos Proctor - a meth addict facing a third strike conviction who builds a new life for himself after engaging with the Yurok tribal justice system



Kelly Gibson - Proctor's girlfriend (and eventual wife) and the mother of his son Cheygoon



Elaine Ocegueda - a mother trying to regain full custody of her special needs son, Dru



Isaac Palone - Claudette's 17-year-old nephew, who, after struggles with alcohol and abusive parents, lands in prison



Elaine Ocegueda and her son Dru in court.
Photo courtesy of Anne Makepeace

Immediately after the film, you may want to give people a few quiet moments to reflect on what they have seen or pose a general question (examples below) and give people some time to themselves to jot down or think about their answers before opening the discussion:

- In a word (or a tweet or a headline), what's your initial reaction to the film?
- What did you learn from this film? What insights did it provide?
- If you could ask anyone in the film a single question, whom would you ask and what would you ask them?
- Describe a moment or scene in the film that you found particularly disturbing or moving. What was it about that scene that was especially compelling for you?

At the end of your discussion, to help people synthesize what they've experienced and move the focus from dialogue to action steps, you may want to choose one of these questions:

- What did you learn from this film that you wish everyone knew? What would change if everyone knew it?
- If you could require one person (or one group) to view this film, who would it be? What do you hope their main takeaway would be?
- Complete this sentence: I am inspired by this film (or discussion) to _____.



Isaac Palone leaving juvenile detention.

Photo courtesy of Anne Makepeace

Envisioning Justice

How would you complete this sentence: The primary purpose of a justice system is to _____. In what ways (if any) did the film influence the way you think about this question?

In your view, what are the essential qualities of an effective judge? How do Judges White and Abinanti exemplify or fall short of your ideal?

Judge Abinanti observes that her tribal court is very different “from what people are used to from TV or from their own personal experiences.” What are you used to seeing, and how did the film compare?

Judge White explains, “In the tribal court process, we focus on restoration. We focus on trying to put families back together and give them what they need to make them whole.” What do you think families need in order to be “whole”? What should happen when individual families don’t have the capacity to make themselves whole? What are the government and community’s roles, if any, in helping families meet those needs before crimes occur? How about after crimes occur?

Judge Abinanti talks about the difficulty of developing a “culturally relevant” justice system because “there are no models for it. You have to create the model in your head, and what would that look like today? If we had not been invaded, how would that have evolved?” What is the “model in your head” for a perfect justice system? How would you make it culturally relevant for everyone it touches and also ensure that everyone receives equal treatment under the law?

Understanding Systemic Differences

What did you learn from the film about tribal restorative justice and how it differs from justice in most state courts?

The film summarizes, “The tribal courts focus on healing and resolution rather than punishment and incarceration.” What specific practices do you see that stem directly from each approach? What could the state court and prison systems



Judge White and Isaac Palone in court.

Photo courtesy of Anne Makepeace

learn from tribal justice practices that would benefit defendants and the community and vice versa?

Judge White says, "In Indian country, when trying to restore something, you're not looking at just restoring the victim or even the defendant. You're looking at restoring the community. You're looking at restoring the tribe." How does this approach differ from mainstream justice system practices such as mandatory sentencing, confinement and restitution?

Judge Abinanti notes that state courts require justice by strangers: "If I knew the person in front of me, I could not be their judge." She contrasts this to tribal practice where judges are "supposed to interact with the people you're working with, know those people, care about them and be a part of them." She also notes that in the village, "Nobody a couple hundred years ago would have ever thought of going to a stranger if they had an issue... They would have gone internally to the people they considered the leadership in that village to try to resolve the differences." What are the pros and cons of being judged by a stranger (especially a stranger from a different neighborhood, socioeconomic class or religious belief system)? Why did the

state justice system develop that principle, and why doesn't it work in the cultural context of the tribes?

Judge White tells one young man appearing before her in tribal court, "You guys could be leaders in our community, or you could help destroy our community." Compare and contrast how tribal and state courts deal with accountability. What do the differences indicate about what each system values?

Judge Abinanti observes that in the American adversarial court system, "There is a winner and loser when you walk out of state court, straight up." Tribal courts reject that zero-sum version of justice because judges see themselves and defendants as intertwined (so if a defendant loses, they lose), and because state punishment "does not resolve the issue." Does the winner/loser system resolve the problems that lead to crime? If not, what does it accomplish and why does society continue to rely on it?



Judge Abinanti and Taos at his graduation from the Wellness program.

Photo courtesy of Anne Makepeace

When Elaine Ocegueda seeks state help with her special needs son, she ends up losing custody and having to fight to regain it. What might have been different if the initial case had been handled in a tribal court instead of by social services, a public school system or state family court?

Judge Abinanti invites those who appear before her in the tribal justice system to let the tribe help and assures them “we will stick with it until we resolve it.” Judge White repeatedly assures Isaac Palone that she won’t give up on him. How does the justice system change when the people in it are your allies in the effort to get your life on track rather than your adversaries? What are the advantages, or responsibilities, of being part of a larger community that views your actions as impacting the whole community?

Judge Abinanti says, “Today, our job at the court and in the tribe is to re-engage people in a process that gets them to be in this world, how it is now.” How does incarceration fit into a system that hopes to re-engage people, especially those recovering from drug addiction, in the world?

Palone is sentenced to probation for crimes committed in Yuma, Arizona. That means he cannot leave Yuma, even to visit his family on the reservation, just

across the river in California. In your view, is the requirement to remain in a city or state during probation reasonable? Is it effective in helping the person on probation stay out of jail?

Substance Abuse and Recovery

Note: Generational trauma and socioeconomic factors have contributed to the prevalence of substance abuse issues within Native American communities. Be mindful of comments that portray Native Americans as inherently more likely to struggle with substance abuse than other groups. Discussion prompts in the “Reaching Beyond Stereotypes” section below can help reframe the conversation.

How might the collective history of a community whose culture has been wiped out or suppressed contribute to problems that often land people in court, such as substance abuse, health problems, violence and difficult family relationships?



Taos Proctor at work.

Photo courtesy of Anne Makepeace

The film notes, “Native Americans have the highest meth usage of any ethnic group in the nation, resulting in extremely high crime and incarceration rates.” What did you learn from Taos Proctor’s or Palone’s experiences about the efficacy of imprisoning people addicted to drugs or alcohol?

Judge Abinanti observes, “Our children are the ones who will make what we are going to be. And children learn things from grown-ups, and if the grownups act badly, then the children will act badly. That’s what we are trying to stop.” What did you learn from Proctor’s and Palone’s experiences about cycles of family abuse? What are the strengths and weaknesses of the tribes’ restorative justice practices in breaking such cycles?

How does grounding Proctor in the community rather than separating him from it help him find himself again and stay clean? What risk does the community take by building (or rebuilding) relationships with him? Why didn’t a similar approach work with Palone? What was it about their prior experiences that made Proctor eager to seek help and made it difficult for Palone to accept help?

When Palone slips into old, self-destructive patterns, Judge White responds with encouragement and reassurance: “I’m glad you have big expectations for yourself... I am not willing to give up on you. I want to continue to be there for you and support you. And not just till you turn 18, but throughout your life.” Even when she is angry and disappointed, she says to others, “If you guys see him around, just wish him the best, pray for him.” If you had been in her shoes, what do you think you would have said? What long-term effect would you hope your comments would have?

Preserving Tribal Identity

When Palone is struggling, Judge White suggests that he join in singing traditional lightning songs: “I’ve seen people have complete turnarounds in their life when they’re singing. Because when you’re out there, representing our commu-

nity, and participating in our culture and our traditions and our songs, you will draw strength from it.” In your own experience, what cultural traditions provide you with strength? Are there also traditions that you find challenging?

Judge White explains the consequences of the federal government’s historical attempts to eliminate Indian cultures through forced assimilation: “Our children perished. They died from lack of connection to their parents, to their family, to their community, loss of language, loss of culture and for life as they knew it.” How does a culture heal from that type of trauma? What role can/do tribal justice systems play in that healing? What role can state justice systems play to support this healing?

The Indian Child Welfare Act was passed in response to the devastation created by forced assimilation. Judge White presses the state to transfer cases involving Indian juveniles to tribal courts as a matter of policy, because she believes that is always in a minor’s best interest. Do you think the ideas behind the Indian Child Welfare Act should be applied to juvenile justice issues? Why might it be in a minor’s best interest to have cases handled by tribal courts? Is there a role that truth and reconciliation can or should play, given the devastation created by forced assimilation?

Judge White says she finds it challenging to judge elders and also “give them the respect they deserve.” Judge Abinanti says she alters the physical dynamics (and thereby the power relationships) of the room by sitting at a table rather than at the bench. If you were brainstorming with Judge White, what strategies would you suggest to judge elders effectively and respect them at the same time?

Judge White says, “I think my strength comes from my son, comes from my creator and comes from my people.” What’s your source of strength? What keeps you grounded or centered?

Reaching Beyond Stereotypes

How have you used images and stereotypes of Native Americans or seen them used? How does the film’s portrayal of Native Americans compare to other media you’ve seen or used?

Do we have the right or ability to break down Native American stereotypes if there is not a Native American in the room or we are not Native ourselves? What is the importance of a person from a marginalized group speaking for themselves and for the group they represent?

Judge Abinanti tells a story about prejudice she faced as the first Native woman lawyer in California: “At one point a judge actually said to me from the bench, ‘You can’t be a lawyer. You’re an Indian.’ You know, you have to learn not to react to that, because if you react to it, they have you. So you just walk away.” What are the possible sources of the judge’s false belief that an Indian can’t be a lawyer? What should happen to a judge who makes such a comment to a lawyer appearing before him? What did you think of Judge Abinanti’s advice to “just walk away”?

Additional media literacy questions are available at:
www.pbs.org/pov/educators/media-literacy.php



Archival photo of a Native American boarding school.

Photo courtesy of Anne Makepeace

Taking Action

- In the film, graduates of the Yurok Tribal Wellness Court are given acorns “to help them visualize and to hold on to what they have done, and to see what they can grow into.” Create your own symbol of accomplishment and vision for people in your group or community who have successfully struggled to overcome obstacles. Present the symbol at an existing or new ritual.
- Find out what is being done in your community to disrupt the school-to-prison pipeline and attend an informational meeting.
- Speak to teachers and school administrators to find out what is taught about Native Americans in history classes at your school. Does the curriculum challenge stereotypes? What is being taught about the forced assimilation of Native Americans? Are texts written by Native Americans included in the syllabus?
- Host a workshop on restorative justice practices. Invite political representatives and staff, justice system professionals (such as lawyers, judges, probation officers, police officers, corrections officers and administrators, educators and social workers). Discuss how restorative practices might be instituted in your local juvenile or criminal justice systems and the benefits of instituting them.
- Convene a panel to discuss competing approaches to crime reduction and working to dismantle the school-to-prison pipeline. Invite members of tribal communities, representatives of tribal governments, tribal court judges, advocates for alternatives to incarceration, former inmates, law enforcement professionals, ethics specialists and other stakeholders. End the event by developing a list of action steps that could be taken locally and invite audience members to form implementation task forces for the ideas that work for their community.

FILM-RELATED WEB SITES

TRIBAL JUSTICE

www.makepeaceproductions.com/tribaljustice

The film's website offers information about the film and includes an extensive photo gallery.

Original Online Content on POV

To further enhance the broadcast, POV has produced an interactive website to enable viewers to explore the film in greater depth. The **Tribal Justice** website—www.pbs.org/pov/TribalJustice—offers a streaming video trailer for the film; an interview with filmmaker; a list of related websites, articles and books; a downloadable discussion guide; and other special features.

Yurok Tribal Lands.

Photo courtesy of Anne Makepeace

Tribal Resources

QUECHAN INDIAN TRIBE

www.quechantribe.com

The official Quechan website includes a broad range of information about the tribe and its tribal court. Access the page on the court system under the Departments tab.

TRIBAL ACCESS TO JUSTICE INNOVATION

<http://tribaljustice.org>

A project of the Center for Court Innovation's Tribal Justice Exchange, this is a clearinghouse of resources on promising practices and links to existing tribal justice initiatives.

TRIBAL LAW AND POLICY INSTITUTE

<http://www.home.tlpi.org/>

This is a clearinghouse of resources for tribal court administration and development. It offers information on tribal courts across the United States.

YUROK TRIBE

www.yuroktribe.org

The official Yurok website includes a broad range of information about the tribe and about its tribal court. The Tribal Council section is particularly relevant.

HOW TO BUY THE FILM

To order **Tribal Justice** for home or educational use, go to <http://makepeaceproductions.com/buy-tribaljustice.html>



Produced by American Documentary, Inc., POV is public television's premier showcase for nonfiction films. The series airs Mondays at 10 p.m. on PBS from June to September, with primetime specials during the year. Since 1988, POV has been the home for the world's boldest contemporary filmmakers, celebrating intriguing personal stories that spark conversation and inspire action. Always an innovator, POV discovers fresh new voices and creates interactive experiences that shine a light on social issues and elevate the art of storytelling. With our documentary broadcasts, original online programming and dynamic community engagement campaigns, we are committed to supporting films that capture the imagination and present diverse perspectives.

POV films have won 36 Emmy® Awards, 19 George Foster Peabody Awards, 12 Alfred I. duPont-Columbia University Awards, three Academy Awards®, the first-ever George Polk Documentary Film Award and the Prix Italia. The POV series has been honored with a Special News & Documentary Emmy Award for Excellence in Television Documentary Filmmaking, three IDA Awards for Best Curated Series and the National Association of Latino Independent Producers Award for Corporate Commitment to Diversity. More information is available at www.pbs.org/pov.

POV Digital www.pbs.org/pov

Since 1994, POV Digital has driven new storytelling initiatives and interactive production for POV. The department created PBS's first program website and its first web-based documentary (*POV's Borders*) and has won major awards, including a Webby Award (and six nominations) and an Online News Association Award. POV Digital continues to explore the future of independent nonfiction media through its digital productions and the POV Hackathon lab, where media makers and technologists collaborate to reinvent storytelling forms. @povdocs on Twitter.

Front cover: Judge Abby Abinanti in Yurok Country.
Photo courtesy of Anne Makepeace

POV Community Engagement and Education

POV's Community Engagement and Education team works with educators, community organizations and PBS stations to present more than 650 free screenings every year. In addition, we distribute free discussion guides and standards-aligned lesson plans for each of our films. With our community partners, we inspire dialogue around the most important social issues of our time.

American Documentary, Inc. www.amdoc.org

American Documentary, Inc. (AmDoc) is a multimedia company dedicated to creating, identifying and presenting contemporary stories that express opinions and perspectives rarely featured in mainstream media outlets. AmDoc is a catalyst for public culture, developing collaborative strategic engagement activities around socially relevant content on television, online and in community settings. These activities are designed to trigger action, from dialogue and feedback to educational opportunities and community participation.

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