

TRIBAL JUSTICE DEPARTMENT



A lot is happening in the Justice Department! This is such an exciting time for our Tribe!

The Project Advisory Team Committee is busy at work researching Wellness Courts, Peacemaking Courts, and Tribal Codes. A lot of this research is done through the Internet and at libraries but also through visiting and speaking with those from other Tribes that have already been through this process.

I thought that this month I would focus on Peacemaking Courts. Although, the Committee will be providing you with very detailed and specific information in time, I thought that I might introduce the concept to you now.

In a typical, western courtroom, a case is presented by the Plaintiff (victim) and/or attorney and the Defendant (offender) and/or attorney. After hearing the case, a decision is made by the judge and/or jury. That decision then becomes an Order or Judgment of the Court. Both parties (victim and offender) must obey the decision and/or face a penalty. This procedure provides limited power and control for the parties involved over the process and rarely ever promotes healing of relationships.

A Peacemaking Court, also known as Restorative Justice, is more of a healing ceremony. I realize that may sound strange as “healing” would indicate an illness of some kind. Well, if you think about it, something wrong or unhealthy in the lives of the victim and offender has occurred. In a typical Peacemaking Court or healing ceremony, one will observe several of the following elements:

- ✓ *Prayer*
- ✓ *Expression of Feelings – to begin the healing process, the offender must know how the victim feels, and the victim must know how the offender feels.*
- ✓ *The “Justice,” who is typically an elder filled with wisdom and discernment will then speak on the issue at hand.*
- ✓ *A discussion will take place allowing everyone involved to express themselves; however, only one person may speak at a time...uninterrupted. This part of the ceremony addresses the underlying cause(s) of the offense.*
- ✓ *Reconciliation – the goal here is to restore good relationships. This may include the offender having to pay some form of restitution (not necessarily monetary), but more importantly, this phase addresses the healing of relationships.*
- ✓ *Consensus – each person who comes into the Peacemaking Court is considered equal and is able to participate as an equal. Decisions that are made are the result of coming to an agreement by all parties involved.*

In summary, Peacemaking Courts are value-based. This style “of Court” seeks to repair harm done and to transform communities through healing by teaching the offender why what he/she did was wrong and what needs to be done to correct it, and it also helps the victim to learn forgiveness and mercy. Many years ago, Peacemaking Court is all that was used among Native Americans. In recent years, many tribes have returned to this form justice and are finding it to be effective.

*If you have any questions, or would like to discuss this project further, please feel free to contact me at the office or via email. Our next Committee meeting is **Monday, March 10, at 4 p.m. in the Chairman’s Office.** This system is designed to serve the membership; so, your input is vital. Please feel free to join us. My contact information is:*

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