

Winter gathering



Photos by Ron Karten

On Jan. 19, members of many Northwest Tribes met at the Chinook Longhouse in Ridgefield, Wash. At left, Tribal member Jon George shows his son, Tribal member Tynan, 9, a drum. At right, Les Greene, wearing hat, the hereditary Chief of Wyaatch Howaltud among the Neah Bay Makah, led a group of Cowlitz Tribal members drumming while children from many Tribes looked on.



Peacemakers help resolve disputes

PEACEMAKER continued from front page

cases, which are excluded from the Peacemaker program. The remaining 27 cases involved issues that potentially could have been settled outside of the courtroom with the help of a Peacemaker.

Tribal Court Administrator and Tribal member Angela Fasana has worked diligently to add a Peacemaker component to the Tribal Court system and provide Tribal members with an alternative avenue for resolving disputes, thereby avoiding the courtroom.

"The purpose of the program is to try to solve disputes in a non-adversarial way," Fasana said. "A Peacemaker tries to find a way to meet the interests of both parties and come up with a resolution that makes everybody happy."

When a person goes into court, Fasana said, both parties tell their story and then a judge makes a decision. When they use a Peacemaker, they are essentially using a mediator who attempts to determine the interests of both parties and help them reach a mutual agreement.

Currently, the Peacemaker program is free of charge and open to anyone in need of assistance in settling a dispute. A Peacemaker can assist with any type of dispute, with the exception of custody issues that arise under the Indian Child Welfare ordinance.

Fasana said she anticipates that the Peacemaker program will receive many requests for help with child custody disputes that are not ICW related, but private custody cases between parents who need help to develop a parenting time and plan agreement.

"Mediation can have different flares, and we're going to bring in a cultural component," Fasana said. "Often, parenting agreements do not take into consideration the cultural component of children attending pow-wows, sweats, canoe journey or other ceremonial things."

Fasana said she also expects to receive requests for divorce cases. However, to have a divorce settled in Tribal Court, it must be an undisputed case with everything agreed upon.

"Sometimes the parties just need a third party, the Peacemaker, to sit down and work through the details with them," Fasana said.

"So if they come to an agreement, they can settle their divorce here (in Tribal Court), which is a lot less expensive than if they disagree and have to file in a state court."

Fasana advertised for volunteer Peacemakers in *Smoke Signals* last fall and has since received four qualified applicants for the job. Two of those applicants, Sam Henny and David Dehart, who are both Grand Ronde Tribal members, have completed the required 40 hours of mediation training at the Clackamas County Dispute Resolution Center and are ready to begin making peace.

"I have about 30 years of experience working in human resources and I've done mediation before," said Henny, Tribal and organizational development manager for Spirit Mountain Casino. "I think it was the title; instead of saying mediator or mediation, it was Peacemaker, and that sounded comforting to me."

"But the level of mediation the Peacemaker would do intrigued me."

"I enjoy conflict resolution and the investigative process of employee relations. And when I went to the Peacemakers training, which was a very intense weeklong training, I was hooked."

"The actual process of mediation is simple, which says you facilitate a process to get two people to sit down at the table and come out with an agreement. It's the stuff in between that's difficult."

"So, in the class, it was a lot of intensive role plays in many different situations that illustrates what we will come up against all across the board."

For Dehart, Tribal development for Spirit Mountain Casino, the mediation aspect gained his interest in volunteering as a Peacemaker. He also has an interest in Peacemaking because of the large number of legal cases that Tribal members file in Tribal court, which he believes can split families.

He said he hopes to help Tribal members find resolutions.

"Being a Peacemaker is pretty compatible for me because I do employee relations at work," Dehart said. "It really goes to the heart, I think, of self-sufficiency and self-determination if you really look at it."

"You're not having a court tell you what's good for you or having a judge and jury determine what's good and

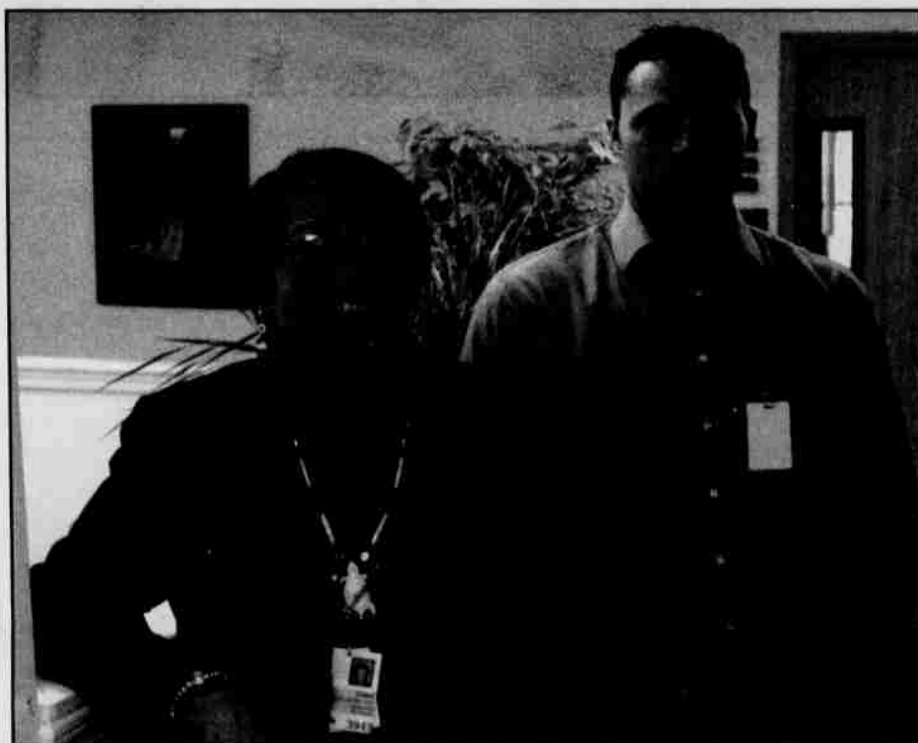


Photo by Angie Sears

Grand Ronde Tribal members Sam Henny, left, and David Dehart are the first two trained Peacemakers who will volunteer in the Tribal Court program to resolve disputes before a trial is necessary.

equitable for two parties.

"It's two parties coming together, identifying their interests and saying this is what's good for me."

"You will not likely get that in a legal model."

Chief Judge Suzanne Ojibway Townsend is a big supporter of the Peacemaker program. She has spent much of her career seeking ways to resolve disputes because she has seen the terrible toll that a trial can have on people.

"I became interested in mediation and peacemaking because I think it helps people, and it's a much better way to resolve a dispute; if it can be done that way," said Townsend, a Minnesota Chippewa. "Not every dispute can be resolved through peacemaking, but it's worth a shot in almost every instance."

"Peacemaking allows people to be more creative about how a dispute might be resolved, and it allows people to have a lot more control over the outcome."

"You have the ability for both sides to come out winners, where in adversarial court proceedings that rarely happens."

"In fact, many times everybody comes out feeling like they've lost, even if they've won because of the length of time, expense and their inability to have much power over

the proceedings.

"I don't think we could have done better with our first two Peacemakers. We have some other folks going through the training in the future, and we're going to keep adding as the program grows. But our first two Peacemakers, I think, are just outstanding."

The Peacemaker program is not new in Indian Country. Several Tribes have adopted similar programs in their court systems. The Navajo have a whole division in their court system dedicated to Peacemakers, the Coquille Tribe has a Peacemaker component, and the Coos/Lower Umpqua/Siuslaw have what they call Peace Giving, all of which are a mediation process used as an alternative to a courtroom situation.

"I'm just really excited about the program," Townsend said. "I think it has the potential to be the thing that we do that makes the most difference. I really do."

"We just need to keep the ball rolling and get people to come in and try it."

"It's a great way to volunteer at the Tribe," Henny said. "I've always wanted to work more with the Tribe as a volunteer, and when I saw the Peacemaker program, it fit into everything I know and love." ■