



THE HARVARD PROJECT ON AMERICAN INDIAN ECONOMIC DEVELOPMENT

John F. Kennedy School of Government • Harvard University

HONORING NATIONS: 2003 HONOREE

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

For generations, the Tlingit people of Kake, Alaska, have witnessed their youth population's descent into patterns of underage drinking and substance abuse. Over time, these illegal behaviors have grown more damaging prodded onward by intensifying patterns of self-medication for depression, anxiety, and other stresses associated with poverty. The result was an emerging adult population mired in alcoholism.

Alcohol abuse is not only a chronic problem in Kake, but also throughout Alaskan tribal villages and Indian Country, where it contributes to numerous social ills. A 1998 report of the National Institute on Alcohol Abuse and Alcoholism linked alcohol abuse to child abuse, accidental death, assaults, rape, and suicide and ranked Alaska among the five states that had the highest annual rates of these ills. The report also observed that approximately 67 percent of Alaska Native deaths between 1990 and 1993 were alcohol related. More generally, alcohol abuse has been identified as a factor in half of the top ten leading causes of death among American Indians and Alaska Natives.

The Organized Village of Kake had long recognized the devastating toll of rampant alcoholism. Unfortunately, one of the means of combating the problem the justice system appeared unavailable to Kake's Native citizens. The Alaska State justice system had not successfully addressed these issues in Alaska Native communities for decades. A primary problem was that its resources were stretched thin. The juvenile probation officer assigned to Kake lived on another island that was accessible only by ferryboat or plane. Responding to felony offenses consumed most of his time; therefore, he could pay only limited attention to the seemingly less serious misdemeanors of Kake's youth. Unfortunately, without the consequences that good probation monitoring could provide, the minor infractions of village youth tended to grow into entrenched adult behavior.

By the late 1990s, Kake residents realized that without breaking this cycle, the Village's future looked bleak. Despite the confined jurisdictional space in which they operated (the state of Alaska has authority over most aspects of criminal justice in Native Alaska), they also realized that they

could craft a solution that relied on local human and cultural resources. Looking to the philosophy of peacemaking and the process of circle sentencing, Kake village volunteers organized the Healing Heart Council and Circle Peacemaking in 1999. This reconciliation and sentencing process is embedded in Tlingit tradition and works in conjunction with the Alaska State court system.

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

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

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

Since its inception, the dedication of volunteers and judicious use of its minimal annual budget a few thousand dollars in most years have enabled Circle Peacemaking to expand its jurisdiction from underage alcohol consumption cases to include broader community needs. Today, the Healing Heart Council offers not only sentencing circles for juvenile offenders, but also sentencing circles for adult offenders who request Circle Peacemaking, healing circles for victims, intervention circles for individuals who seem to be losing control of their lives, celebration circles for offenders who have completed their sentencing requirements, and critical incident circles for individuals involved in an accident or crime who require immediate counseling. Additionally, the Healing Heart Council offers annual Circle Peacemaking Workshops that attracts an average of 24 participants from Kake and other villages who are interested in learning how the Alaska State court system and Circle Peacemaking complement each other.

This interest is itself evidence of Circle Peacemaking's success in Kake. Only two offenders out of the eighty sentenced during the program's first four years rejected a circle's outcome and returned to state court for sentencing. All of the twenty-four juveniles who were assigned to circle sentencing for underage drinking successfully completed the terms of their sentences. Circle Peacemaking also reports very low levels of recidivism. Sixty-eight adults participated in circles without repeating their offenses or violating other laws during their probation periods. At the time of writing, approximately thirty village residents are enrolled in substance abuse recovery

programs. Circle Peacemaking veterans are moving on with their lives in other ways as well. Several have gone on to trade schools to complete their education; several are enrolled in universities. One adult veteran of a circle is now a juvenile justice associate and working on an alcohol abuse counseling certificate. These successes are reflected in a positive trend in the circles themselves. Over four years, the number of mandated sentencing circles decreased and the number of volunteer support circles increased initiated by individuals who have not yet committed offenses and are determined to avoid doing so. Unsurprisingly, Kake now sponsors well-attended sobriety marches, and Village residents have begun to comment on the perceptible difference in their community. It is a community in which the intergenerational pattern of substance abuse is being broken, and where youth and adults alike face brighter, healthier futures.

Significantly, Kake Circle Peacemaking's successes are occurring where the Alaska State court system repeatedly failed. Over four years, Circle Peacemaking has experienced a 97.5 percent success rate in sentences fulfillment compared to the Alaskan court system's 22 percent success rate. The State of Alaska's Judicial Board recognized Kake Circle Peacemaking for its effectiveness as a judicial process and selected it from among 250 applications to win the Spirit of United Youth Courts of Alaska. The Chief Justice of Alaska visited Kake to investigate Circle Peacemaking. Impressed with the Healing Heart Council's achievements, he mentioned Circle Peacemaking in his State of the Judiciary address. Kake has also sent representatives of Circle Peacemaking to communities throughout Alaska. Haines, Sitka, and the Juvenile Justice Center in Anchorage are now using Circle Peacemaking to address juvenile crime with positive results.

The success of the Healing Heart Council and Circle Peacemaking in curbing underage drinking is only the beginning of a number of remarkable successes. Three of these deserve special mention. First, Circle Peacemaking offers healing for both the offender for whom the circle is called and for the entire community. In large part, this is because community-mindedness is the foundation for Circle Peacemaking. Even though the state court process tends to be impersonal, involve few reciprocal commitments, offer limited oversight, and provide a small amount of opportunities for rehabilitation, the circle process complements it by fulfilling the specific judicial needs of Kake. Community members personally commit to the offender and, through these multiple, ongoing relationships, gradually rebuild the offender's commitment to the community. By placing offenders within a circle of caring individuals who have committed themselves to offer only constructive commentary, peacemaking circles break patterns of retributive justice that distances the offender from the community. Participants regularly remark that the process affects every member of the circle. This has been particularly apparent during sentencing circles for underage drinkers, in which both youth and their parents found the encouragement and support to end their substance abuse.

Second, as it succeeds in healing the community, Circle Peacemaking promotes the health of Kake's Tlingit culture. As noted, the Healing Heart Council and Circle Peacemaking have strong traditional roots. The Council practices a form of community justice reminiscent of the Deer People, an almost-forgotten group of traditional Tlingit peacemakers who healed, restored, and prevented escalating harms within their villages by consulting with all who were affected by the actions of an offender. Contact and colonialism eroded these practices that the Healing Heart Council's founders, once they determined a course of action, were eager to revive. To do so, they invited Canada's Yukon Territory Tlingit Circle Peacemaking facilitators to Kake to study the peacemaking circles of the Carcross Tlingits. Now, Circle Peacemaking perpetuates Tlingit culture in Kake. In the circle, participants pass a diamond willow talking stick to order the discussion. The willow's brown, diamond-shaped marks represent the eyes of elders who watch to see if their community members aid one another through their comments. Circle participants are particularly encouraged to share traditional stories and pass on the knowledge borne of their own experiences. The Healing Heart Council reports that youth who have participated in Circle Peacemaking feel a renewed interest in their culture. Kake Circle Peacemaking grooms the future

leaders of its community by discouraging the illicit use of alcohol and drugs among its youth. In demonstrating the power of Tlingit cultural practices to address modern problems, Circle Peacemaking ensures that those leaders will lead in accordance with Tlingit cultural values.

Third, it is significant to note that Kake Circle Peacemaking is succeeding because of, and not in spite of, all of its cultural realities. Skeptics of Circle Peacemaking challenged the ability of an isolated, small, and socially interconnected village to establish a successful sentencing process. In Circle Peacemaking, however, these realities lie at the heart of the circles' successes. Circle Peacemaking is not an impersonal, but a deeply personal justice system that depends upon and promotes the interconnectedness of a compact and culturally whole village. The successes of Kake Circle Peacemaking rely on the village's determination to understand and utilize its most salient characteristics as strengths

This has, of course, been especially significant considering the neglect and even outright hostility that the Alaska state government so frequently displays toward Alaskan tribes. It should be noted, in conclusion, that notwithstanding targeted state efforts to reduce tribal decision-making power, Kake has instituted a system of justice that increases tribal sovereignty. It has done so in a manner that commands the respect of the state judicial system while honoring its own community traditions. Although peacemaking courts are spreading throughout Indian Country, their influence in Alaska has been limited. Other than Kake, the Metlakatla Tribe is the only tribe in Alaska that takes on criminal cases beyond its Indian Child Welfare load. In Alaska, the barriers to constructing tribal courts capable of entering into full faith and comity agreements with the state courts or of raising sentencing controversies to the level of federal court review, as tribal peacemaker courts have done elsewhere, are significant. Still, Kake Circle Peacemaking has, to the great benefit of its village, expertly assumed a state court function that was otherwise executed ineffectively. The Organized Village of Kake intends to make Circle Peacemaking a permanent fixture of self-governance by enshrining it in their constitution. Circle Peacemaking's success and the village's determination to ensure its perpetuation stand as significant triumphs in the development of a robust tribal judicial system. These are remarkable and desperately needed achievements in Alaska.

Lessons:

- Indian nations that supplement state and federal court systems (which may be largely ineffective) with traditional tribal processes realize justice in their communities. Kake, for example, found that its peacemaking efforts both increase compliance with sentencing and reduce recidivism.
- When systems of justice reflect communal and cultural norms, they strengthen those communities and cultures. As perpetrators and victims join with relatives and friends to make amends through peacemaking, they reaffirm their membership in, and responsibility for, their community and reawaken interest in cultural practices.
- Indian nations that cannot create or sustain a tribal court may still embrace traditional tribal processes. Peacemaking is a low cost solution ideally suited for communities whose size, isolation, or social interconnectedness might make the establishment of a tribal court difficult or impractical.