



TRIBAL LAW AND POLICY INSTITUTE

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Integrating Victims' Rights into Tribal Legal Studies

Workshop F4:

This workshop will provide an overview of a Tribal college legal studies initiative (Project Peacemaker) and examine ways in which educational opportunities concerning victims' issues can be institutionalized at Tribal colleges through this program.

Presenters:

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Overview of Project Peacemaker

Project Peacemaker (Providing Education And Community Empowerment by Maintaining And Keeping the Earth and all our Relatives through Tribal Justice Systems) is a collaborative initiative involving the University of California, Los Angeles (UCLA) School of Law Native Nations Law and Policy Center, the Tribal Law and Policy Institute, and four tribal colleges (Turtle Mountain Community College, Salish Kootenai College, Dine College, and Northwest Indian College). Project Peacemaker is a collaborative initiative to develop, pilot, and implement Tribal Legal Studies curricula at tribal community colleges. The program has been designed to provide a nine month Legal Studies certificate program, a two year Associate of Arts (A.A.) degree in Legal Studies, a possible Associate of Applied Science (A.A.S.), a possible four year Bachelor of Arts (B.A.) degree in Legal Studies, and to increase tribal college course offerings

Project Peacemaker is preparing students for employment with tribal governments and tribal court systems as judge, advocate (prosecutor, defender, civil advocate, or victim advocate), paralegal, court administrator, court clerk, probation officer, social service personnel, law enforcement personnel, and other positions related to the administration of justice in Indian country. The target audience for the program includes students who plan a career working for tribal courts or governments, students with a general interest in careers as paralegals, professionals working in tribal government, and students planning further careers in law. The courses in the program are also available as in-service training for current tribal employees and the community at large. Moreover, the program serves as a gateway to those students who become interested in law school or other higher education opportunities. The new courses that have been developed under Project Peacemaker include Introduction to Legal Studies, Legal Research and Writing, Criminal Law and Procedure, Trial Skills Development, Civil Law and Procedure, Family and Juvenile Justice Systems, Constitution and Code Development, and Internships.

Project Peacemaker is designed to enhance American Indian communities and tribal justice systems on at least three different dimensions.

- First, it empowers tribal court staff (current and future) to provide leadership and shape their own futures and their communities by providing them with the legal knowledge, cultural knowledge, and advocacy skills needed to successfully complete this program and to go on to law school and other higher education opportunities.
- Second, it promotes tribal self-determination and enhances tribal sovereignty by strengthening, improving, and empowering tribal justice systems, and, thereby, building tribal capacity to create positive change and promote social and economic community development, including victims advocacy.
- Third, it strengthens the links between tribal courts and tribal community colleges by enriching the tribal college legal curriculum, enhancing their capacity to meet the needs of their communities and serving as gateways to higher education, and building partnerships between tribal colleges and mainstream institutions.

A central component of Project Peacemaker is a tribal community-based collaborative development and accountability process for planning and implementation. The program is utilizing a series of Community Advisory Group (CAG) meetings that are assisting with the process of adapting the concept of Project Peacemaker to meet the needs of each individual community. This community development process is designed to analyze the formation and refinement of the tribal justice course offerings and materials, both contemporary and traditional, so that they include community thought, philosophy, traditions, and norms. These meetings are orienting Project Peacemaker to include specific information and knowledge from the community, address community needs, utilize community assets, and tailor the course offerings and curriculum to suit the needs and aspirations of the community and students in each tribal community.

Project Peacemaker provides a unique opportunity for tribal courts and tribal victims' services programs to work in close collaboration with tribal colleges. Although tribal colleges have served a critical function in many tribal communities, there had not been a close collaboration between tribal courts, tribal victims' services programs, and tribal colleges. This pilot program is helping to establish a demonstration program for tribal courts to be able to more effectively utilize the resources available at tribal colleges. As the program is being successfully initiated, it can have a much greater impact through replication elsewhere. Dissemination of the Legal Studies curriculum, methodology, readers, trainers' guides, and other resources is a central part of Project Peacemaker.

Project Peacemaker was initially funded in 1998 through a grant from the Department of Education's Fund for Improvement of Postsecondary Education (FIPSE) to the UCLA American Indian Studies Center. It was clear from the beginning, however, that this initial funding was wholly inadequate to develop and implement a program of this scale at all four tribal college sites. Consequently, both the UCLA American Indian Studies Center and the Tribal Law and Policy Institute have been working with the partner colleges in Project Peacemaker in numerous attempts since 1998 to provide substantially increased funding for the tribal colleges involved in Project Peacemaker.

Although Project Peacemaker has made substantial progress at each of the four tribal colleges, it has been most successful at Turtle Mountain Community College (TMCC) and Northwest Indian College (NWIC) due to the commitment of the tribal colleges, the tribal courts, and the tribal communities in these locations. Moreover, Turtle Mountain Community College has been successful in finding additional earmarked funding to further the development and implementation of Project Peacemaker at Turtle Mountain.

Project Peacemaker has been successfully implemented at TMCC. The Legal Studies program has been officially approved for an Associate of Applied Science (A.A.S.) degree and included in the Turtle Mountain Community College catalogue (see the enclosed pages from the TMCC catalogue). All of the Legal Studies courses have been offered repeatedly at TMCC.

The new courses that have been developed under Project Peacemaker include:

- Introduction to Tribal Legal Studies
- Tribal Criminal Law and Procedure
- Tribal Family and Juvenile Justice Systems
- Legal Research and Writing
- Violence Against Indian Women
- Tribal Constitution and Code Development
- Trial Skills Development
- Federal Indian Law
- Tribal Civil Law and Procedure
- Tribal Legal Studies Internships.

We are pleased to announce that both Introduction to Tribal Legal Studies and Tribal Criminal Law and Procedure textbooks are now available for purchase through AltaMira Press.

Tribal Legal Studies courses are also being offered through distance learning (Internet and satellite) by Turtle Mountain Community College, Northwest Indian College, and UCLA Extension.

UCLA Extension is now offering the three following Project Peacemaker online Tribal Legal Studies courses:

- Violence against Native Women
- Introduction to Tribal Legal Studies
- Legal Research, Analysis, and Writing in a Tribal Context
- Federal Indian Law and Policy

Project Peacemaker and Victims Issues

Victims Issues have been a central focus of Project Peacemaker since the program was established. For example, victim advocates are included in the target audience for the program and courses. Victims' issues are included in the curriculum. Specific course dealing with victim advocacy issues are being incorporated into the program – such as the tribal court CASA (court appointed special advocate) courses and internship clinic.

Violence against Indian Women Course and Textbook

Furthermore, the Tribal Law & Policy Institute is currently developing and pilot testing Violence against Indian Women Course and textbook for Tribal Colleges under a grant from the U.S. Department of Justice Office on Violence Against Women (OVW). This Violence against Indian Women Course and textbook will include:

- (1) Violence Against Indian Women Course for Tribal Colleges;
- (2) Tribal Legal Studies textbook for the Violence against Indian Women course including textbook and instructor guide.
- (3) Development of distance learning components for this course - The Violence Against Indian Women distance learning course has already been pilot tested three times through UCLA Distance Learning.

These curriculum and publications will be of immense value (1) for use as in service or in-house training for victims services programs and (2) its very availability will greatly increase the likelihood that tribal colleges and other colleges on or near Indian reservations will be willing to offer Violence Against Indian Women courses.

American Indian/Alaska Native Victim Assistance Academy

The Tribal Law and Policy Institute and a Curriculum Development Committee have been working with the Office for Victims of Crime (OVC) and the OVC Training and Technical Assistance Center (TTAC) to develop an American Indian/Alaska Native Victims Assistance Academy. This initial pilot testing is taking place as a pre-conference institute on December 8, 2004.

Tribal Court Clearinghouse

SEARCH

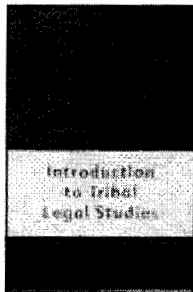
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[Tribal Law](#)[Federal Law](#)[State Law](#)[Topics](#)[Program Resources](#)[Native Resources](#)

Tribal Legal Studies Resources

The Project Peacemaker Tribal Legal Studies Program was initiated in 1998 as a collaborative effort between the University of California, Los Angeles (UCLA) Native Nations Law and Policy Center, the [Tribal Law and Policy Institute](#), and four tribal colleges ([Turtle Mountain Community College](#), [Salish Kootenai College](#), [Diné College](#), and [Northwest Indian College](#)) to develop, pilot, and implement Tribal Legal Studies curricula at tribal community colleges. Project Peacemaker (Providing Education And Community Empowerment by Maintaining And Keeping the Earth and all our Relatives through Tribal Justice Systems) was initially funded through a grant from the U. S. Department of Education's Fund for Improvement of Postsecondary Education (FIPSE) to UCLA.

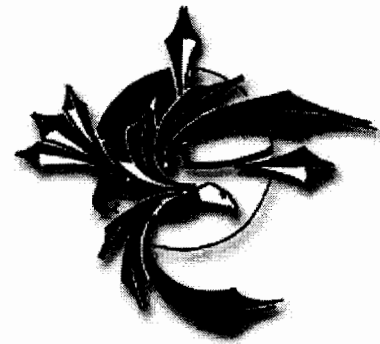
The current phase of Project Peacemaker (including the development of Tribal Legal Studies textbooks) has been funded in part through a grant from the U.S. Department of Justice's Bureau of Justice Assistance (BJA) to [Turtle Mountain Community College](#).



We are pleased to announce that both [Introduction to Tribal Legal Studies](#) and [Tribal Criminal Law and Procedure](#) textbooks are now available for purchase through [AltaMira Press](#).

[Introduction to Tribal Legal Studies](#), the first in a unique series of comprehensive studies of tribal law in the United States, focuses on law developed by and for Indian Nations and Native people. It addresses the power of tribal courts and tribal legal systems as key to the exercise and expansion of tribal sovereignty. Richland and Deer discuss in depth the histories, structures and practices of tribal justice systems, efforts to balance tribal legal heritage and Anglo-American law, the scope of criminal and civil jurisdictions, child welfare and civil rights, traditional dispute resolution mechanisms in contemporary tribal law, models of peacemaking, and means for assuring integrity of tribal courts. This text will be an invaluable resource for legal scholars and students.

"Written in clear, straightforward language, [Introduction to Tribal Legal Studies](#) is a long-needed, outstanding textbook for the study of tribal justice systems which will be useful to broad range of



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Federal Agencies

[Office of Tribal Justice \(OTJ\)](#)
[Bureau of Indian Affairs](#)
[Indian Health Service](#)
[HUD Office of Native American Programs \(ONAP\)](#)
[Office for Victims of Crime](#)
[OJJDP Tribal Youth Program](#)
[Office on Violence Against Women](#)
[BIA Law Enforcement Services](#)
[more . . .](#)

Native Organizations

[Native American Rights Fund \(NARF\)](#)
[National Congress of American Indians \(NCAI\)](#)
[National American Indian Court Judges Association \(NAICJA\)](#)
[National Tribal Justice Resource Center](#)
[National Indian Child Welfare Association \(NICWA\)](#)
[Native American Children's Alliance \(NACA\)](#)

7

students—from high school through law school. It is a remarkable work due its commitment to protecting tribal sovereignty and cultural integrity, while simultaneously helping the readers utilize its principles in their own tribal communities."—**Jill E. Tompkins, Former President, National American Indian Court Judges Association, Director and Clinical Professor, University of Colorado School of Law**

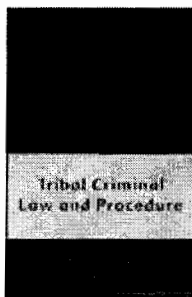
"I have taught undergraduate courses in Tribal Law at several universities and have been amazed at the lack of available resources and texts. Introduction to Tribal Legal Studies will fill the void in the field and provide an avenue for expanded course offerings. I am particularly impressed with the authors' approach to tribal law and their extensive use of primary tribal documents such as tribal court opinions and tribal code provisions. I would recommend this manuscript for use in a variety of courses and will use the materials myself."—**Stacy L. Leeds, Director, Tribal Law and Government Center, University of Kansas School of Law**

[National American Indian Housing Council \(NAIHC\)](#)
[Navajo Nation Bar Association](#)
[California Indian Legal Services](#)
[Native Elder Health Care Resource Center](#)
[National Indian Child Welfare Association](#)
[more . . .](#)

Resources

[National CASA Association](#)
[Drug Court Clearinghouse](#)
[Child Welfare League of America](#)
[National Children's Alliance](#)
[Lisa Mitten's Native American Sites](#)
[Native Web](#)

[Additional Reviews](#) of Introduction to Tribal Legal Studies and textbook [Table of Contents](#) are available from [AltaMira Press](#).



We are pleased to announce that both [Introduction to Tribal Legal Studies](#) and [Tribal Criminal Law and Procedure](#) textbooks are now available for purchase through [AltaMira Press](#).

[Tribal Criminal Law and Procedure](#) is the second in a unique series of comprehensive studies of tribal law in the United States. This book examines the complex subject of tribal criminal law and procedure from a tribal perspective—utilizing tribal statutory law, tribal case law, and the cultural values of Native peoples. Garrow and Deer discuss in depth the histories, structures and practices of tribal justice systems, comparisons of traditional tribal justice with Anglo-American law and jurisdictions, elements of criminal law and procedure, and alternative sentencing and traditional sanctions. [Tribal Criminal Law and Procedure](#) will be an invaluable resource for legal scholars and students.

"Finally, a book examining the complex subject of criminal law and jurisdiction on Indian reservations from a tribal perspective, utilizing the decisions of tribal judges and borrowing from the cultural values of native persons. A comprehensive review of criminal law jurisdiction in Indian country that does not merely rehash the decisions from Anglo courts that touch on Indian issues merely in passing, [Tribal Criminal Law and Procedure](#) instead assesses the purpose of law and justice systems in Indian communities based upon the diverse mores and values of native peoples. This book would be an outstanding contribution to the study of criminal law and jurisdiction in Indian country in both tribal community colleges and other universities."—**B. J. Jones, Northern Plains Tribal Judicial Institute at the University of North Dakota School of Law**

"This book is a comprehensive approach to the subject matter. The authors include traditional stories, excerpts from scholarly work, and briefs or transcripts from actual legal cases. These materials will aid students, practitioners, and scholars in the application of native trial law to practical concerns they encounter on a daily basis. The examples are well chosen, and important terms are clearly defined. End of chapter questions should stimulate debate and deepen the reader's awareness of the material that is presented. In short, the book is a major contribution to understanding the contextualization and application of native tribal law."—**Jeffrey Ian Ross, University of Baltimore**

[Additional Reviews](#) of Tribal Criminal Law and Procedure and textbook [Table of Contents](#) are available from [AltaMira Press](#).

The Tribal Legal Studies program has been designed to provide a Legal Studies certificate program, a two-year Associate of Arts (A.A.) degree and/or Associate of Applied Science (A.A.S.) degree in Legal Studies, a possible four year Bachelor of Arts (B.A.) degree in Legal Studies, and to increase tribal college course offerings

The Project Peacemaker Tribal Legal Studies Program is designed to prepare students for employment with tribal governments and tribal court systems as judge, advocate (prosecutor, defender, or civil advocate), paralegal, victim advocate, court appointed special advocate (CASA), court administrator, court clerk, probation officer, social service personnel, law enforcement personnel, and other positions related to the administration of justice in Indian country. The target audience for the program includes students who plan a career working for tribal courts or governments, students with a specific interest in specific careers such as paralegals and victim advocates, professionals working in tribal government, and students planning further careers in law. The courses in the program are also available as in-service training for current tribal employees and the community at large. Moreover, the program serves as a gateway to those students who become interested in law school or other higher education opportunities.

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[UCLA Extension](#) is now offering the three following Project Peacemaker

online Tribal Legal Studies courses:

Tribal Legal Systems course offerings

Violence against Native Women

Introduction to Tribal Legal Studies

Legal Research, Analysis, and Writing in a Tribal Context

Federal Indian Law and Policy

Project Peacemaker is designed to enhance American Indian and Alaska Native communities and tribal justice systems on at least three different dimensions:

- First, it empowers tribal court staff (current and future) to provide leadership and shape their own futures and their communities by providing them with the legal knowledge, cultural knowledge, and advocacy skills needed to successfully complete this program and to go on to law school and other higher education opportunities.
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Project Peacemaker provides a unique opportunity for tribal justice systems to work in close collaboration with tribal colleges. The Tribal Legal Studies Program has been pilot tested at all four tribal colleges involved in this educational initiative. This textbook and the entire Tribal Legal Studies series would not have been possible without the assistance of the instructors, students, and community advisory group members at each of the four tribal colleges.

It has been clear that the success of Project Peacemaker requires the formalization of the design, development, and printing of Tribal Legal Studies textbooks and instructor guides for each of the Tribal Legal Studies courses. Moreover, we anticipate that the printing of these textbooks and the accompanying instructor guides will greatly facilitate the dissemination of the Tribal Legal Studies curriculum to other tribal colleges and colleges with programs throughout Indian country. We hope that the printing of these textbooks and instructor guides will thereby benefit all of Indian country.



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Violence Against Native Women Anthology Textbook Project

ABOUT THE TEXTBOOK PROJECT

The Tribal Law and Policy Institute is a Native American owned and operated non-profit corporation organized to design and deliver education, research, training, and technical assistance programs which promote the enhancement of justice in Indian country and the health, well-being, and culture of Native peoples.

The **Violence Against Native Women textbook project** is funded by the Office on Violence Against Women, U.S. Department of Justice. The project is part of a comprehensive effort to develop curriculum and resources on tribal legal issues for tribal colleges. TLPI has been working with the UCLA American Indian Studies Center and four tribal colleges over the last four years under grants from the Department of Education's FIPSE Program and the Department of Justice's BJA Program to develop, pilot, and implement Tribal Legal Studies curricula for tribally controlled colleges. The program is being initially piloted and implemented at Turtle Mountain Community College (TMCC), Northwest Indian College Dine College, and Salish Kootenai College and later adapted, implemented and offered to all interested tribal colleges. The program is preparing students for employment with tribal governments and tribal court systems as judge, advocate (prosecutor, defender, or civil advocate), victim advocates, paralegal, court administrator, court clerk, probation officer, social service personnel, law enforcement personnel, and other positions related to the administration of justice in Indian country. The target audience for the program includes students who plan a career working for tribal courts or governments, students with a general interest in careers as paralegals, professionals working in tribal government, and students planning further careers in law. The courses in the program are also available as in-service training for current tribal employees and the community at large. The courses that have been developed under Project Peacemaker include Introduction to Legal Studies, Legal Research and Writing, Criminal Law and Procedure, Trial Skills Development, Civil Law and Procedure, Family and Juvenile Justice Systems, Constitution and Code Development, Federal Indian Law, and Internships.

The Violence Against Native Women textbook will be published by Alta Mira Press. The format of the textbook will be an anthology and we will be contracting with multiple different authors who have expertise in the various socio-legal issues facing Native women victims of violence. The Tribal Law and Policy Institute has convened a national Board of Advisors to help with the editorial and review process.

Updated September 27, 2003

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DRAFT
Updated November 16, 2003

Violence Against Native Women

Sarah Deer, J.D., Instructor

UCLA Extension Online Learning

Course Description

This course is designed as an introduction to the study of violence against Native (indigenous) women in the United States and the associated legal issues. Students will develop an understanding of the laws (tribal, federal, and state) related to domestic violence, sexual assault and stalking. The course includes an overview of the history of violence in Native communities, identifies legal issues unique to Native women, and provides a focused review of dynamics, contributing factors, and types of interventions. Students will be encouraged to develop their own analysis of the pertinent legal issues. The development of this class and curriculum is supported in part by Grant No. 2003-WT-BX-K001 awarded by the Office on Violence Against Women, Office of Justice Programs, U.S. Department of Justice. Points of view in this class do not necessarily represent the official position of policies of the U.S. Department of Justice.

Required Reading Materials:

Course Reader

COURSE OBJECTIVES

Upon completion of this course, students will:

1. General Course Objectives
 - Understand the basic socio-legal issues pertaining to Native women who are victims of violence.
 - Understand the basic fundamental legal issues faced by tribal justice systems in responding to violence against Native women.
 - Develop an overview of the role of federal and state legal systems in responding to violence against Native women.
2. Critical Thinking
 - Be able to understand, analyze, and critique legal issues facing Native women victims of violence.
 - Apply knowledge to particular fact scenarios.
 - Understand and critique federal domestic violence laws as they apply to tribal lands.
3. Cultural
 - Understand the historical context of violence against Native women.
 - Understand how tribal communities have traditionally responded to violent crimes against women.
 - Understand the broad distinctions between the Anglo-American legal system's response to violence against women and indigenous responses to violence.

- Review the changes to federal law and new laws brought about by the Violence Against Women Act (1994)

Week Eight: Federal Laws: Full Faith and Credit

- Understand the federal laws on the cross-jurisdictional enforcement of protection orders.
- Analyze the distinction between full faith and credit and comity as it pertains to tribal governments.

Week Nine: Indian Child Welfare Act: Issues for Women Survivors of Violence

- Have a basic understanding of how the Indian Child Welfare Act (ICWA) may be relevant to mothers who have survived violence.
- Review the basic requirements that states must follow in order to comply with ICWA

Week Ten: Special Issues concerning Rape and Sexual Assault

- Review the federal and tribal laws on sexual abuse
- Understand the role of the Indian Health Service in collecting evidence of sexual assault.
- Discuss legal barriers and obstacles to addressing sexual assault against Native women

COURSE EVALUATION

Grades will be based on the following:

1/2 = Participation in the ten course sessions (i.e. reading assigned online lectures, articles, and chapters, completing homework assignments and exercises, participating in class discussions, reporting progress to instructor, asking questions)

1/2 = Final project

LEGAL STUDIES

Program Overview

The Legal Studies program offers students a broad understanding of the history, philosophy, and operation of the laws of Indian nations, as well as special emphasis on the legal traditions and practices of the Turtle Mountain Chippewa Tribe. Students will also receive instruction in federal Indian law and general principles of American civil and criminal law. The program will prepare students for employment with tribal governments and tribal court systems as judge, advocate (prosecutor, defender, or civil advocate), paralegal, court administrator, court clerk, probation officer, social service personnel, law enforcement personnel, and other positions related to the administration of justice in Indian country. The target audience for the program will include students who plan a career working for tribal governments, students with a general interest in careers as paralegals (in tribal courts and/or state courts), professionals working in tribal government, and students planning further careers in law. The courses in the program will also be available as in-service training for current tribal employees and the community at large. Moreover, the program will serve as a gateway to those students who become interested in law school or other higher education opportunities.

LEGAL STUDIES

Nine Month Certification

Freshman Year / Fall Semester	CREDITS
ENGL 110 College Composition I.....	3
LEG 201 Introduction to Legal Studies.....	4
POLS 241 Indian Law (or) LEG 204 Civil Law and Procedure (or)	
LEG 205 Trial Skills Development.....	3-4
COMM 110 Fundamentals of Public Speaking.....	3
Electives	3
Total.....	16-17 credits
Freshman Year / Spring Semester	
ENGL 120 College Composition II	3
POLS 287 Tribal Government	3
LEG 202 Criminal Law and Procedure (or) LEG 206 Constitution and Code Development (or) LEG 207 Family Law and Juvenile Justice Studies	3-4
LEG 203 Legal Research and Writing.....	3
Electives	3
Total.....	15-16 credits

ASSOCIATE OF APPLIED SCIENCE LEGAL STUDIES

Freshman Year / Fall Semester

ENGL 110 College Composition I	3
Math.....	3
Physical Education	2
LEG 201 Introduction to Legal Studies*	4
POLS 241 Indian Law*	3
COMM 110 Fundamentals of Public Speaking.....	3
Total.....	15 credits

Freshman Year / Spring Semester

ENGL 120 College Composition II.....	3
Math.....	3
POLS 287 Tribal Government*.....	3
LEG 202 Criminal Law and Procedure**	4
LEG 203 Legal Research and Writing*	3
Total.....	16 credits

Summer Session (or during second year)

Cooperative Education Internship OR Supervised Occupational Experience*	3-9
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Sophomore Year / Fall Semester

PSYC 111 Introduction to Psychology.....	4
Science/Lab.....	4
LEG 204 Civil Law and Procedure**	4
LEG 205 Trial Skills Development*	3
Arts and Humanities	4
Total	19 credits

Sophomore Year / Spring Semester

LEG 206 Constitution and Code Development*	3
LEG 207 Family and Juvenile Justice Studies**.....	4
Science.....	4
Arts and Humanities	4
Total.....	16-17 credits

*Required Legal Studies courses

**Students are required to take two of these three courses.

LEGAL STUDIES (LEG) COURSE DESCRIPTIONS

LEG 201 INTRODUCTION TO LEGAL STUDIES

4 credits

Provides a broad overview of the most important issues involved in tribal legal studies including tribal constitution and code development, the history of tribal court systems, legal structure of tribal courts, tribal court criminal and civil jurisdiction, roles in tribal court systems, tribal court management, due process, appellate courts, the Indian Civil Rights Act, and the Indian Child Welfare Act. Students will be provided with an introduction to the basic concepts of Legal Studies and the Legal Studies program. Furthermore, the course will address Tribal Common Law and Traditional Dispute Resolution Methods, including an extensive examination of the process of the incorporation of tribal custom and tradition into the court system and the development of tribal common law. Students will also study issues involved in the development and implementation of traditional dispute resolution mechanisms such as peacemaking courts.

There will be a special emphasis on Ojibwa culture and legal traditions.

LEG 202 CRIMINAL LAW AND PROCEDURE

4 credits

Includes criminal jurisdiction, criminal law, elements of crimes, defenses to criminal charges, criminal procedure and civil rights, pretrial procedures, the law of arrest, interrogations and confessions, search and seizure, remedies for procedural violations, motions, plea bargaining, trial procedures, jury trials, sentencing, and criminal appeals

LEG 203 LEGAL RESEARCH AND WRITING

3 credits

Includes an overview of legal research, extensive legal research practice exercises, an examination of legal writing, and extensive legal writing practice exercises. Students will learn how to conduct legal research and legal analysis. Students will also learn how to draft legal documents including legal letters, legal memoranda, legal briefs, and judicial opinions.

LEG 204 CIVIL LAW AND PROCEDURE

4 credits

Provides an examination of civil jurisdiction, including civil jurisdiction over non-Indians. It will include an examination of civil procedure, including civil procedure codes, pleadings and service of process, discovery and motions practice, trial procedures, jury trial procedures, appellate procedures, and enforcement of judgements. It also provides an examination of a range of general topics in civil substantive law, including personal injury law, contract law, housing law, landlord-tenant law, and probate law.

LEG 205 TRIAL SKILLS DEVELOPMENT

3 credits

Offers an introduction to the basic concepts involved in trial advocacy, including interviewing, investigation, fact/law analysis, case strategy, opening statements, direct examination, cross examination, evidence and objections, and closing arguments. Students will complete extensive skills exercises.

LEG 206 CONSTITUTION AND CODE DEVELOPMENT

3 credits

Provides an examination of tribal constitution and tribal code development issues. The students will learn how to locate tribal constitutions and tribal codes, how to analyze and draft tribal codes and constitutions, and how to deal with the constitution and code development process.

LEG 207 FAMILY AND JUVENILE JUSTICE STUDIES

4 credits

Provides an examination of family law and juvenile justice issues including child abuse and neglect, Indian Child Welfare Act, child protection, Court Appointed Special Advocates (CASAs), domestic violence, alcohol and drug abuse, general family law, juvenile status offenses, and juvenile delinquency.

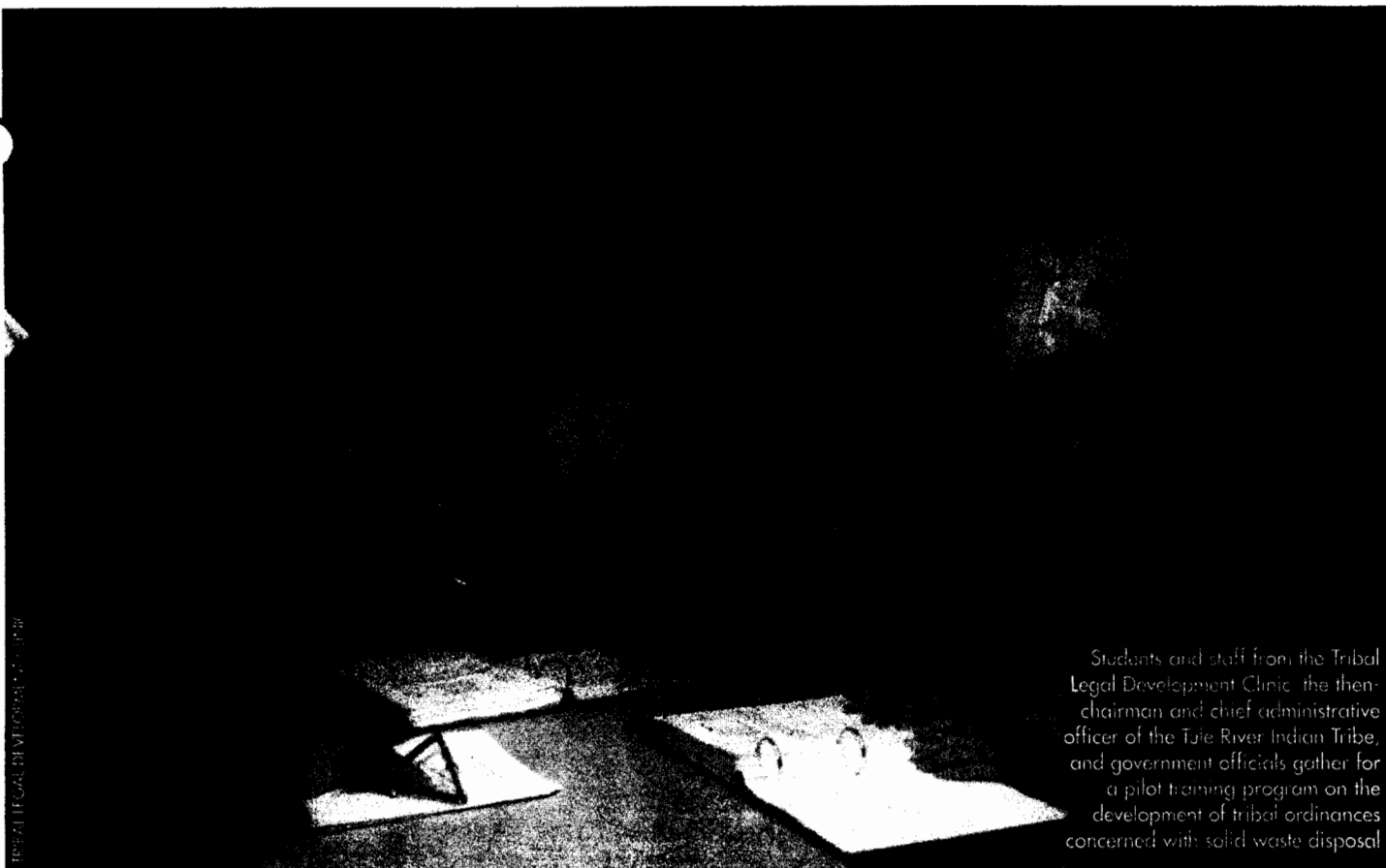
COMPUTER SUPPORT SPECIALIST PROGRAM DESCRIPTION

The computer support specialist program is a two-year program, leading to an Associate in Applied Science degree. Students will be prepared to work in a variety of business and institutional settings, performing computer installation, working with network operations, troubleshooting and providing employee assistance and training.

The program will offer students experience with different types of computers, exposure to networking environments and knowledge about computer applications and programming.

TMCC developed this program to fill a growing need in the marketplace. The fast pace of technological change is driving hiring in all types of businesses, especially health care, financial services, public utilities and sales. These businesses need computer specialists who can upgrade equipment and maintain electronic networks. In addition to these technical skills, employers are looking for computer personnel who can communicate well with people, since they will be working with end-users in solving problems and providing help.

Employment opportunities are expected to be plentiful, as research shows that computer-oriented careers are one of the fastest growing in the country. In North Dakota, the computer support specialist occupation is expected to grow by 359 positions by 2005, making it the second fastest occupation in the state.



Students and staff from the Tribal Legal Development Clinic, the then-chairman and chief administrative officer of the Tule River Indian Tribe, and government officials gather for a pilot training program on the development of tribal ordinances concerned with solid waste disposal.

EDUCATION FOR NATION-BUILDING

By Duane Champagne

Education in Native communities should uphold the values, interests, and cultures of Native communities and nations. While Native communities have their own methods of transmitting knowledge and understanding, Western society understands contemporary education from the point of view of the formal institutions of primary and secondary schools and college. The best way for Native community members to learn Native history, culture, customs, and social life may still be according to the old ways of transmitting knowledge. Western education institutions and plans do not focus on Native communities and retention of Native knowledge, and therefore dominant society education does not provide good tools for tribal cultural survival. Nevertheless, it can be argued that Native people over the past few centuries have been caught in an increasingly globalized world, and we will need to adjust institutions and learning tactics, and adopt much of the non-indigenous world's knowledge base in order to survive. We will need to construct more

enduring governments and viable economic institutions, and develop new understandings of indigenous nationhood, in order to preserve community, sovereignty, and cultural traditions.

Understandably, many Native students do not find the dominant school systems to their liking, and often are indifferent to their own success. In some Native communities, there is cause for celebration if only a few students graduate from high school. Most Native children are exposed to Bureau of Indian Affairs or public school curricula. And while many Native communities in the past 40 years acquired greater control over education in their communities and introduced some aspects of Native history and culture into kindergarten-to-grade 12 curricula, few Native children have detailed understandings of tribal sovereignty, government, or policy when they graduate from high school or community college.

In the early 1980s the University of California, Los Angeles (UCLA) created a master's program in Native studies, but no undergraduate major. UCLA faculty and administration at the time rea-

soned that Native students should take the usual college courses and majors in order to prepare for work in mainstream society or to bring the knowledge back to their communities. Over the years, however, those of us who helped develop the Native studies program noticed that while the Native students were often engaged in issues concerning the Native community, they knew little about Native rights, policy, or the status of Native communities in the United States. When Native students gave speeches at rallies protesting repatriation or mascot issues, or issues addressing student admissions and recruitment to the university, they often did not have accurate information, and the audiences seemed to know less. For a Native studies teacher, this situation was embarrassing. Why did it happen? It appeared that, while the students were studying the mainstream courses and disciplines in anthropology, political science, or other fields, they were never taught the history of Native policies, rights, or issues. The academic disciplines rarely, if ever, focused on contemporary Native rights



TRIBAL LEGAL DEVELOPMENT CLINIC

UCLA professor at the Native Village Legal Development Clinic. The clinic is working on the

and policies. In order to develop more intellectually well-rounded students who could understand contemporary Native issues, rights, and policies, UCLA decided to introduce a minor in Native studies, and during the late 1990s expanded the course offering to include a major. Native studies majors are now required to take an internship for at least one term participating in a reservation-based project.

New Strategies for Native Studies

Training in the mainstream disciplines is valuable, but does not provide students with enough tools to understand and participate in Native communities and issues—an ongoing complaint within Native communities. Graduates of college or professional schools often return to the reservation but have little first-hand knowledge or understanding of how Native institutions, communities, and values work. They have difficulty applying their training to Native communities, because the training is often focused on mainstream communities and institutions. Once, some years ago, while I was

back home on the Turtle Mountain Reservation in northern North Dakota, I saw a sign outside the tribal council chambers in the tribal government offices: "We don't care if you have a bachelor's degree, it doesn't mean anything here." The sign was puzzling. Around this time, a former schoolmate worked with traditional members of the community and was active in Native issues, and often articulated strongly Native and nationalist positions in the local Turtle Mountain newspaper. She wrote an open letter to the community stating that she had gotten an education, received a bachelor's degree, and returned to the community, but she was not offered a job, and could only find work that no one else wanted. She seemed extremely bitter about the experience, and later married out of the community.

In a more recent case, an elder was advocating the use of traditional unwritten law in the Native courts. She lamented the opposition from the tribal council and some judges and lawyers, who preferred to use evidence, procedure, and adversarial methods com-

monly found in United States and Western courts. The elder said that the tribal council and judges were only interested in qualifications and education, but not how to apply the law to help people. From her point of view, Western law, procedure, and adversarial methods were in opposition to the healing and helping promoted by the traditional unwritten laws of the tribe. She added that the adversarial law did not have "heart" and therefore was not well-understood or adhered to by the community.

These examples illustrate that formally trained college and professional school graduates, whether Native or non-Native, often do not have enough understanding of Native communities to apply their learning within the cultural and institutional relations of Native communities. Sometimes their training and learning does not fit, and they are often not trained to make adaptations to non-Western cultures. Universities must train students to work in Native communities, and offer fieldwork and courses that address contemporary Native issues and interests, as

well as social, cultural, and political arrangements.

A second audience exists for Native studies training—the Native people who have elected to remain in their communities or reservations and have not sought formal education in the non-Native world. While Native communities retain considerable wisdom in law, social life, government, and culture, they also need the knowledge and understanding of their history, community, laws, rights, and government within the context of U.S. or non-Western history and policy to be able to defend their land, sovereignty, government powers, and cultural ways of life.

Native Education Strategies

During the early 1990s, while we were developing a minor and major in Native studies, UCLA Professor of Law Carole Goldberg introduced a joint degree program in Native studies and law. The rationale for this joint degree program emerged from our many contacts with Native and non-Native lawyers on a variety of legal, policy, and community issues. Many of the lawyers were dedicated and bright, and served their Native clients well. But we observed that in many cases the lawyers had little understanding of Native culture, social and political institutions, or policy issues. We thought they could better serve Native communities if they had better understanding of Native cultures, institutions, policy, and points of view. The joint degree program combines a two-years master's degree in Native studies with three years of the law program, but can be completed in four years. The student is required to write a thesis, usually on a tribal law or policy topic.

In order to provide law students with training in the field, Goldberg created the UCLA Tribal Legal Development Clinic. Students were invited to participate in courses on federal Indian law and training seminars on assisting tribal communities on writing legal code, revising constitutions, developing tribal courts, and other work. The clinic does not litigate cases, but provides free services to tribal communities on agreed-upon tasks. Most non-Native students have never visited or worked for a tribal government. At the clinic they have great experiences and leave better prepared to serve Native communities. The clinic's services are in great demand, with requests from around the country,

but the clinic cannot meet this demand with the limited resources available through fundraising and donations, which often come from tribal communities.

The minor-major, joint degree program, master's program, and clinic all help provide more sensitive understandings of Native history, policy, and community to students. We have also been active in serving education programs to tribal professionals and community members. In the early 1980s, Jerry Gardner, current director of the Tribal Law and Policy Institute in Los Angeles, created a series of courses for training tribal law and court personnel at the New College in northern California. The program provided courses so that Native court and legal personnel could be trained in tribal, state, and federal law to enable them to serve as judges, court advocates, court clerks, or paralegals. After a couple of years the program was closed, in part because the Native people did not want to travel to California for extended periods of time. Some court personnel are now trained through law schools, but most attend week-long or weekend seminars designed to deliver information especially to them. While these short sessions are useful, Gardner decided in the 1990s that he wanted to present more extensive and in-depth training for Native tribal court personnel.

Gardner joined us at UCLA in the late 1990s to create a tribal legal studies curriculum that would deliver directly to tribal communities through tribally controlled community colleges. We applied for several grants and received a \$300,000 grant from the U.S. Department of Education Fund for the Improvement of Secondary Education. We named the program Project Peacemaker. The original three-year grant started in 1998 and was extended into 2003. We delivered courses to four community colleges: Diné College, Salish Kootenai College, Northwest Indian College, and Turtle Mountain Community College. The curriculum of eight classes included federal Indian law, introduction to tribal legal studies, tribal criminal law and procedures, tribal legal research and writing, and Native family law. Our strategy was to bring the courses directly to the Native communities and modify the courses so they had cultural content appropriate to each community. We intended to train Native community members in their rights and legal status, assist tribal professionals

who needed law knowledge, create certificate and paralegal degrees, and encourage students to enter law careers. One of the main difficulties we encountered was paying local lawyers familiar with the tribal courts to teach the courses on a regular basis. Often the funding was scarce, and the community colleges were not willing to use their own resources to pay the teachers. At Turtle Mountain we were successful in introducing the entire Peacemaker curriculum, in part through the aid of federal grants to pay for student tuitions and support. Northwest Indian College was also successful in introducing most of the curriculum.

Because of the difficulty in finding and paying teachers, we have been experimenting with online Web-based courses. In spring 2003, we introduced an online course in tribal legal writing and research and taught 17 students (about 11 finished the class). In cooperation with UCLA Online Extension, we are testing the offering of the entire Peacemaker curriculum. Three classes were offered in fall 2003, and more courses are scheduled for the winter and spring quarters of 2004. If the online courses are successful we will continue to offer them to national audiences online. The online courses, however, are relatively expensive for community college students—our primary target—because they run about \$500 for each four-credit course. A community college student in California pays about \$18 per credit. We are still seeking ways to offer the courses online through community colleges and make them more available to community college students. We would also like to develop a market of tribal legal and government personnel who might need additional training in legal issues to help them carry out their work and would subscribe to the classes on a regular basis. One of our most consistent online students is a former tribal chairman and current tribal council member who has been taking the online Peacemaker courses to improve his knowledge and ability to write about Native legal and policy issues. This leader is exactly the kind of student we would like to see take more courses. We hope to present Project Peacemaker as a certificate program online, if we can solve some of the financial issues. With the help the Turtle Mountain Peacemaker grant and other federal funds, we are producing a nine-textbook series in tribal legal studies for the Peacemaker courses, to be published by AltaMira Press.

A Tribal Learning Community

The Peacemaker program provided us with considerable experience with tribal communities and tribally controlled community colleges. We have been able to use much of this experience to create a broader-based program called the Tribal Learning Community and Educational Exchange (TLCEE), which will develop course work on a variety of issues in law, policy, education, economic development, community building, and other topics. Planning for TLCEE started several years ago when we were working with repatriation issues with tribes in southern California. One tribe had suggested that in five years they would create a community center to carry on their culture, and to display objects about their tribal history and culture. The community members asked that UCLA provide internships and courses to train their people to carry on cultural preservation and museum work. At the same time, the community members suggested that all the necessary knowledge did not reside at UCLA, so they would provide community leaders and elders to help teach the courses. This early discussion led to an internship exchange between the tribe and UCLA during 2002. The tribal interns spent a couple of quarters at UCLA taking classes and special seminars; several non-tribal UCLA students took the same classes and then worked during the summer on the reservation.

In order to support the education project, Diana Wilson, a special researcher hired by the vice chancellor for research of UCLA, wrote a grant for the National Endowment for the Humanities and secured about \$24,000 to create a seminar and plan trips to Native communities to generate a curriculum based on both Western academic knowledge and tribal knowledge. A seminar took place during the 2002-2003 academic year, during which courses, curriculum, and community relations and input were constantly discussed. The seminar was free-wheeling and ultimately very creative. One of the students from San Manuel, a successful gaming community, offered to help solicit funding from his tribe. After some meetings and a presentation before the San Manuel General Council, the general council offered \$4 million as an endowment. At this writing we are still negotiating the details of the gift, but hope to initiate a program based on the endowment funding for the 2004-2005 academic year.

TLCEE is an effort to provide courses directly to Native communities. Many California Indian students do not finish high school, but many have considerable experience working with their tribal governments on the issues that confront the tribe on a daily basis. TLCEE courses will be offered at UCLA, along with online courses directed primarily at southern California students (although they are available to national audiences). The televideo courses at UCLA are subsidized by the chancellor and are therefore free to teachers and students, opening exciting possibilities for exchange classes with other institutions and tribal communities. Academic year 2003-2004 is a planning year, and we are offering at least 10 online courses through UCLA Online Extension, including the Peacemaker offerings in tribal legal studies, as well as courses in business techniques in Indian country, nation-building through economic development, and two Native theater courses. For students at UCLA, and TLCEE students who want to attend UCLA, we are offering several courses including internships in community-building and a course in culture resource management, taught primarily by a southern California elder.

In 2004-2005 we hope to initiate a two-year sequence of electives and required courses for the TLCEE program. The courses are focused on nation- and community-building, and on southern California cultures and current issues.

We presented the plan for the TLCEE program in June to a group of southern California Indian educators who had many comments. One person pointed out the need for institutions with Native studies programs and departments to share courses and students. Currently we are forming a Regional Learning Community, which will be composed of colleges, universities, education organizations, tribal education departments, and some tribal government organizations. The Regional Learning Community may share courses and students, and strengthen the existing degree and major programs with more classes and greater choices for students. We have to work out issues concerning tuition, credits, and other institutional requirements. More than 20 colleges and organizations have expressed interest in joining. Most express the view that there are too few courses and faculty at their institutions to mount good Native studies programs. Perhaps by creating distance-learning programs, we can cre-

ate stronger course and degree offerings. Some institutions wish to exchange graduate courses and upper-level courses. Eventually, we may be able to offer degrees through the coalition.

Education for Nation-Building

We are continuing to test our education ideas and seek ways to deliver them in cost-effectively. Native students need to learn more about their own histories and cultures from the perspectives of their own communities. This learning experience should be a critical element for any Native student, not only to value education and help see its value and relation to community, but also to help develop values and skills necessary to work in the community and assist in its efforts to preserve itself and wisely adopt change that suits its long-term interests. Education for Native students needs to be made relevant to their history and lived experience, and it will then become more valued.

Most schools and colleges do not provide Native students with the perspectives, opportunities, and understandings that assist in building and preserving their communities and nations. Education for Native students needs to start in the community and must incorporate the interests, values, and cultural orientations of the community.

Indigenous studies departments and programs can facilitate this education process, and some Native communities are beginning to take more control over the education of their children. Nevertheless, there are few financial and intellectual resources to support Native education in a nation-building context. We need to create the curricula, intellectual materials, and programs that will help tribal communities develop the leadership and Native technical personnel that will enable them to pursue their values and goals from their points of view. This hope is not a challenge to the mainstream education system, but a means of preserving cultural and national diversity. Education for nation-building is a means to help preserve Native cultures and communities as self-governing cultural and political groups with territory from time immemorial.

Duane Champagne is a professor in the Native studies program at the University of California-Los Angeles.