

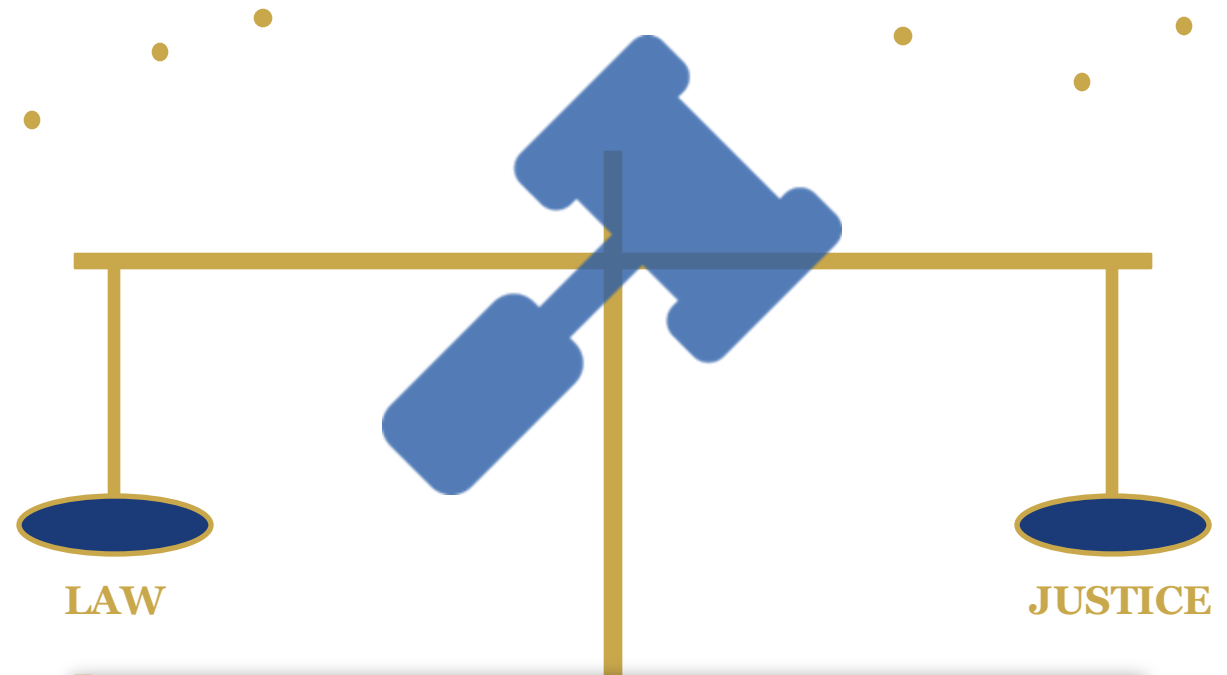




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## *The Foundation of Harmony*

A society without justice is a body without a soul.  
The rule of law does not constrain freedom — it creates it.



**COMMUNITY + JUSTICE  
= HARMONY**



### **ORDER**

Laws establish clear boundaries that protect everyone equally.



### **EQUALITY**

Justice ensures no one is above the law.



### **PEACE**

Harmony flows naturally where rights are upheld.

HOPE IS  
EVERYTHING





STATE  
COURT

SOVEREIGN COURT SYSTEM



TRIBAL  
COURT

SOVEREIGN COURT SYSTEM



FEDERAL  
COURT

SOVEREIGN COURT SYSTEM

SOVEREIGNTY

What Sovereign Does What When?

The background of the image is a blurred night scene of a police car. The car's roof is visible in the foreground, and a horizontal light bar with red and blue lights is mounted on top. The background is out of focus, showing various lights and shapes, suggesting an emergency scene or a police station at night.

THE DECLINATION RATE OF FELONY RELATED CRIME  
FROM THE BJA IS APPROXIMATELY 50-60% - HOW SHOULD  
OUR SOVEREIGN GOVERNMENT RESPOND TO THIS?



IT SEEMS LIKE THERE  
IS LIMITED LEGAL  
ADVOCACY  
AVAILABLE TO  
LITIGANTS IN TRIBAL  
COURT

HOW DO YOU  
HANDLE THAT?

## WHAT ARE SOME FEDERAL LAWS

- Assault Resulting in Serious BI
- Assault Resulting in Substantial BI
- Assault with a Dangerous Weapon
- Use of a firearm during a crime of violence
- Strangulation
- Domestic Assault by Habitual Offender
- Murder
- Sexual assault
- Interstate violation of a protection order
- Interstate staling

Where does the authority to prosecute these cases come from?

# WHY JURISDICTION GETS DIFFICULT

Who does what  
when?

Interviews,  
investigations, evidence  
collecting, rapport  
with Jane Doe

What about a non-  
Indian perp?

The concurrent roles  
of dual jurisdiction  
sovereigns does not  
provide solace for Jane  
Doe

What about delay?

# THE URGENCY FOR CHANGE

1. WHEREAS, Pueblo or Nation, is a federally recognized tribe existing and acting pursuant to its inherent and retained sovereignty; and
2. WHEREAS, the Tribal Council is empowered to act on all matters that concerns the health, safety, and wellbeing of the Tribe and its members, and
3. WHEREAS, the disproportionate rates of violence against women in our community is contrary to our core values; and
4. WHEREAS, the MMIP/MMIW epidemic impacts all of our Indigenous communities, and more needs to be done to combat this loss;
5. NOW, THEREFORE, BE IT RESOLVED that our Tribal Council will recognize these longstanding issues, at the inauguration of every new council, so we can ensure that resources are dedicated to these important matters, including a designated victim advocate and law enforcement personnel that will work at prevention, education, and response to all related issues.



# FAULTY FOUNDATION

- Plenary Power and Trust Responsibility
- Generational Trauma
- Supreme Court Case Law (racist, disparaging)
- Compassion and Understanding (Trauma Informed Care)
- Butttttt – We can do better!!

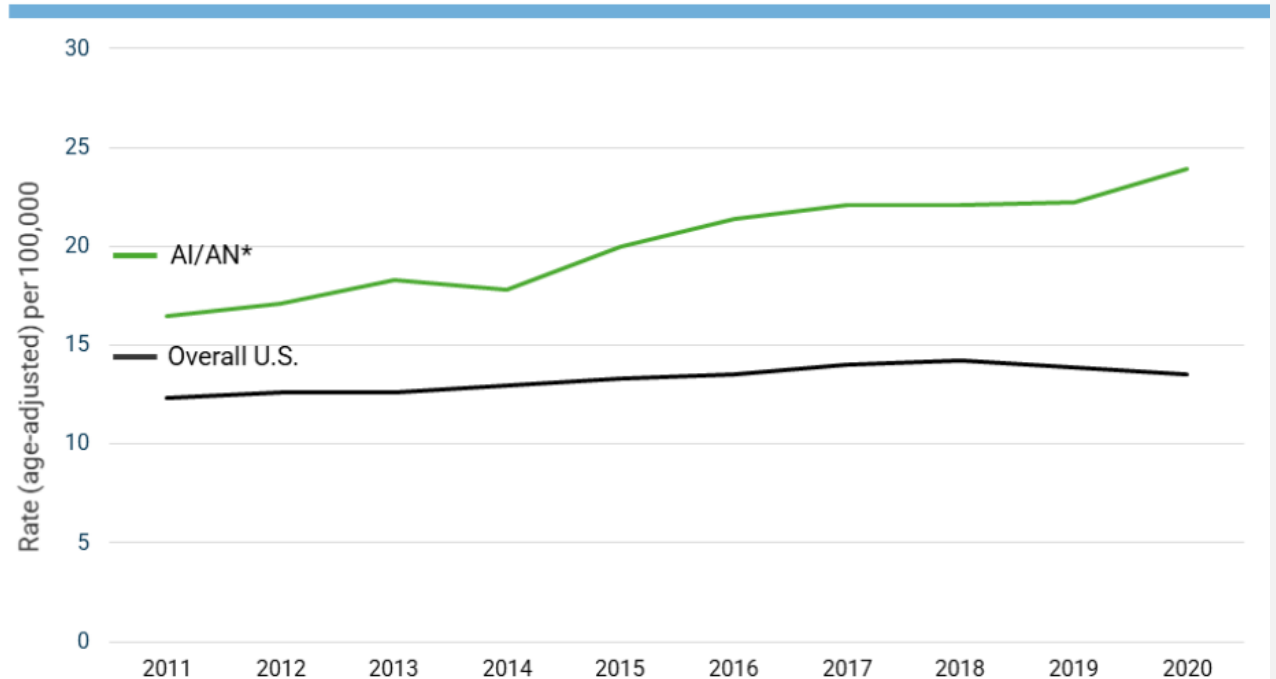
# MENTAL HEALTH MATTERS

- There is a mental health crisis in this country (its an epidemic in our community)
- Contributing to this crisis is the abuse of power / pandemic
- Part of the crisis is lack of resources (counselor, therapists, psychs)
- Make it part of a curriculum at school

And

- The mental health of the workers (front line responders, social workers, therapists and the alike) matters too

Suicide Rates for American Indian and Alaska Native Populations (AI/AN), United States 2011-2020



## WHAT DIMINISHES SOVEREIGNTY?

- Give some examples





## VAWA – LAW / JUSTICE

- How have you incorporated provisions of VAWA into your own community?

Missing at 16

No accessible police report

Uncertain if entered into criminal database

Just notes from a mom that did everything she could to find her daughter

**RESPONSE TO THIS:**

**LETS CREATE UNIFORM  
CRIMINAL DATABASE FOR OUR  
COMMUNITIES.WHY?**





## VICTIM RIGHTS ACT

- Less than ½ our tribes in New Mexico afford these protections
- knowledge creates a duty and responsibility to advocate for change - these rights are essential
- This is simple piece of legislation that doesn't require much debate other than determining to what extent a victim has a voice in court
- [www.ParnallAdams.com/tribal-law/](http://www.ParnallAdams.com/tribal-law/) I have a posted a simple victim rights act that you can copy and adopt as your own if your community would like to use.

A group of approximately ten people, including men and women, are standing in a circle. They are wearing traditional, colorful shawls (possibly woolen) in various patterns and colors like red, yellow, blue, and purple. Most of them are wearing face masks. In the center of the circle, there is a fire pit with a fire burning. The background shows a simple building with a rainbow archway above the entrance. The overall scene suggests a community gathering or a traditional ceremony.

## LEGISLATIVE PROCESS

- The passage of laws is a fundamental component of sovereignty
- The legislative process is an opportunity to give community members a voice in making changes that protect the community
- Create a process and a time of year where new laws are presented for passage



## A FORUM FOR INEQUITY

- The judicial process is meant to:
  - provide resolution to disagreement
  - correct a wrong
  - hold people accountable for violations of civil/criminal infractions

Sometimes the court gets it wrong (State, Federal, and Tribal)

- What is the recourse?
- Does the appellate process include an analysis of the law?
- Are the opinions published?
- What body is the appeals body?

WHAT IS THE FEDERAL TORT CLAIMS ACT  
FOR?

## IRA CONSTITUTIONS

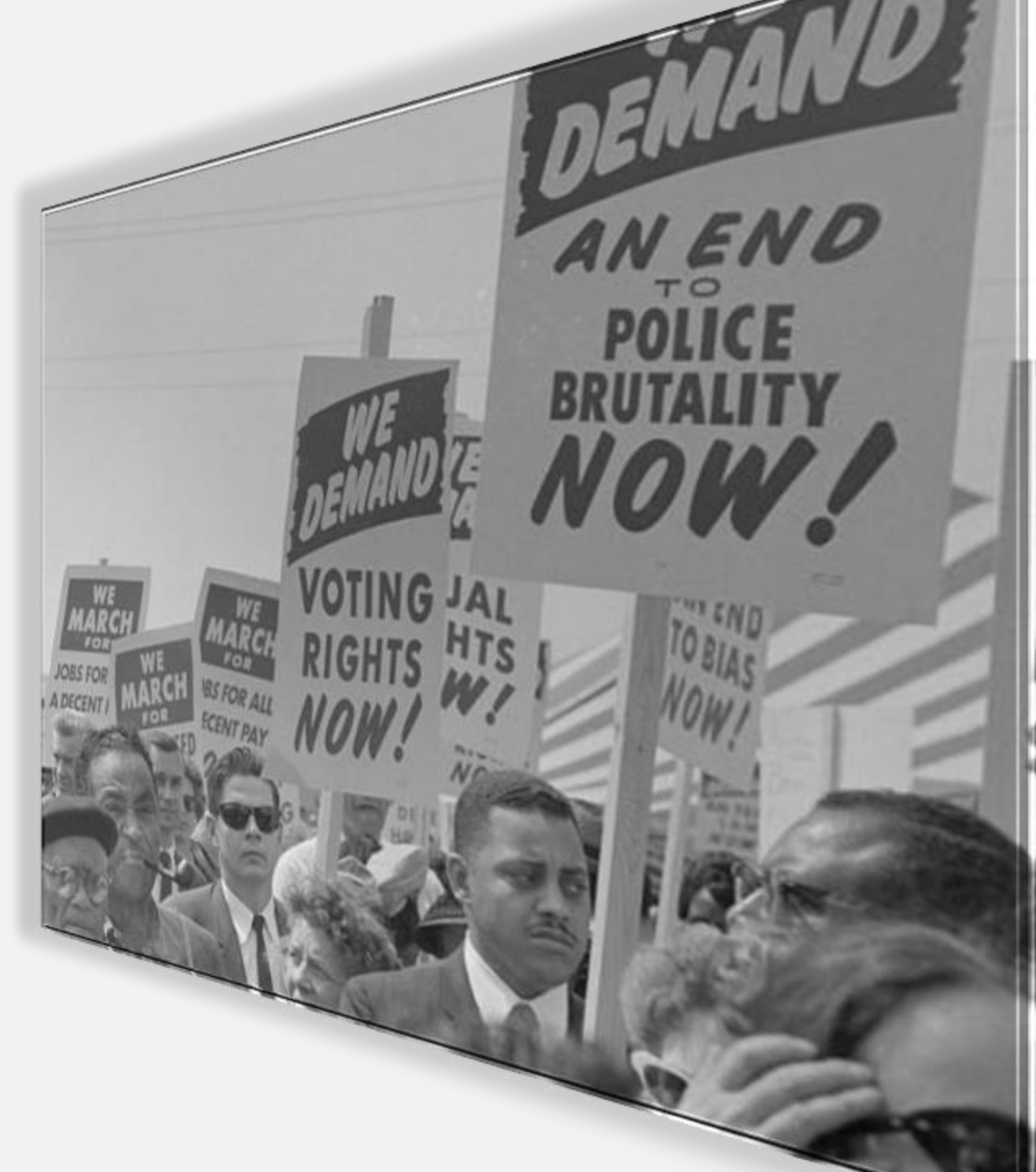
PARTIALLY MIRRORS THAT  
OF THE HISTORICAL  
PROGRESSION OF THE U.S.  
GOV

- 1960's Civil Rights revolution – led to change of laws and rights

- Part of the issue is no separation of powers

If we make change in the system

- Confidence in the workforce
- Improved economy
- Recourse for wronged – pathway for healing



CONTINUE  
EMPOWERING





## IN CLOSING

- Adopt and pass a Victim Rights Act
- Consider a “survivor advocate” – schooling, jobs, banking, license, vehicle, mental health
- Consider adopting and/or creating a defined legislative process – laws protect the community, they protect the people, they give people recourse for wrongs
- Make mental health and TRAUMA a reoccurring agenda item through a resolution or Act
- Reorganize and restructure social services – training, treatment, and care
- Implement TLOA and VAWA Court jurisdiction

# TLOA / VAWA COURT

- Through Resolution
- Felony Jurisdiction Court for felony DV offenders and non-Indians
  - Shared Criminal Procedures
  - Shared adoption of VAWA related laws
  - Felony prosecutors and available public defenders
  - Traditional components of justice incorporated into system
  - A single court

DHARMA

THE ABILITY TO SELF-GOVERN IN HARMONY  
IN SMALL COMMUNITIES

# Miigwetch / Thank you!

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