

1996

Justice in Indian Country, 1996

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1996

M O N T A N A ' S I N D I A N S

JUSTICE IN INDIAN COUNTRY

A SPECIAL REPORT
By the School of Journalism
The University of Montana

Photo by Gary Thain



JUSTICE IN INDIAN COUNTRY

Virtually every Native American has been incarcerated or has a close relative who has been.

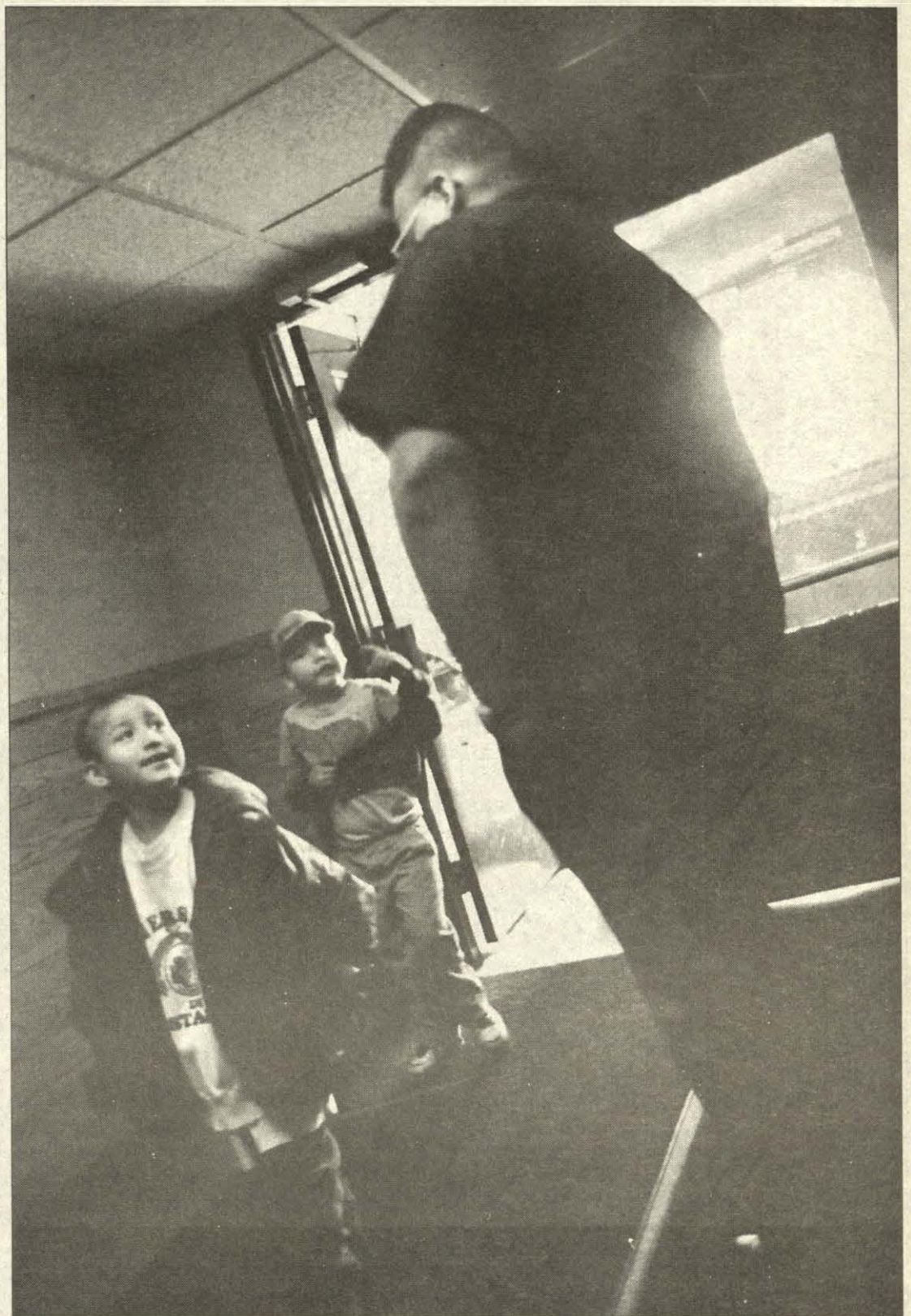
That finding in a recent report done for the National Indian Policy Center is startling. American Indians are locked in a social crisis and the incarceration rate is but one symptom of the problems that threaten a proud culture.

Indian leaders are struggling to find the keys that will allow their people to live productively in a white man's world, but still hold close those traditions that set them apart as a people.

Students at the University of Montana School of Journalism spent several months looking at Montana Indians' encounters with the criminal justice system. A report about criminal justice is by its nature a negative subject. But the students found hope as well as despair.

They found problems created by alcohol, poverty, depression and discrimination. But they also found people like the Fort Peck Reservation's officer Richie McDonald and Northern Cheyenne prosecutor Maria Russell-Bigfire who are steadfast in their quest to overcome the problems. And they found tribes that are returning to governing themselves, finding their own solutions that reflect who they are as a collective people, looking to the past with an eye on the future.

Students in the Native News Honors Project were John Smithers, Steve Lympus, Sonja Lee, Jason Kozleski, Lorie Hutson, Erica Curless, Molly Wood and Becky Shay, who wrote the stories in this tab, Steve Adams, Derek Pruitt, Gary Thain, Aime Thompson, Bruce Ely, Terri Long Fox and Tofer Towe, who were the photographers, and Seanna O'Sullivan, who both wrote and photographed for the project. Editors were Kyle Wood, Greg Rec, Mercy Davison and Tom Potterf. Wood, Rec and Davison were designers, as was John Youngbear, who also was the photo editor. Instructors were journalism professors Patty Reksten and Carol Van Valkenburg.



Smiles and giggly hellos greet tribal police officer Richie McDonald as a class of first graders returns from recess. In the three weeks since he took up permanent residence in Poplar Middle School, order has settled into the hallways, say teachers and school administrators. McDonald patrols the halls, and helps teachers with children from kindergarten to 12th grade who are causing problems. Though he is an authority figure, he is also considered a friend by many of the students.

Photo by Tofer Towe

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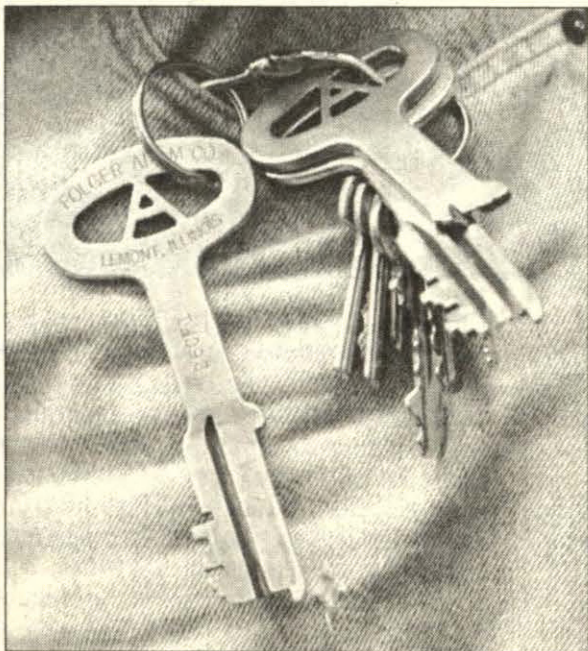
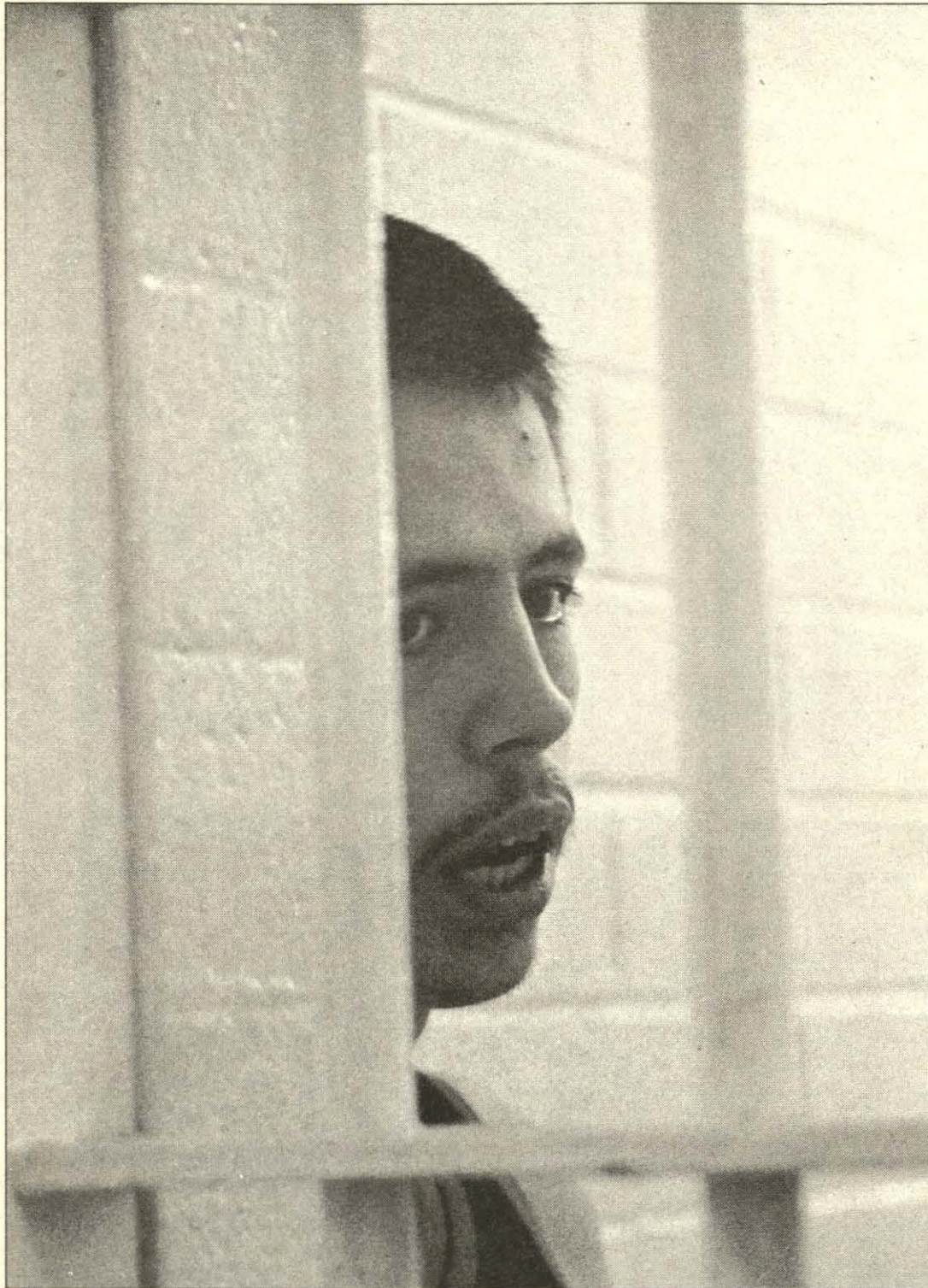
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Peter Weatherwax looks through the bars of his jail cell. Weatherwax, 19, has been in and out of the Browning Jail since he was 8 years old. He blames himself, not alcohol, for his problems with the law. More than 90 percent of the crimes on the Blackfeet Reservation are alcohol-related. Resting in the pocket of the jailer are the keys that open the heavy steel doors of the three cell-blocks, as well as the 12 individual cells at the Browning Jail.

Jail conditions on some reservations aren't the best. As is true in county jails throughout Montana, cells are overcrowded and life is not easy for those incarcerated.

Serving Their TIME

Peter Weatherwax stares out of a 6-by-4-inch opening in the door of his jail cell. His large, deep-set eyes shine in the darkness, and the laughter of his two cellmates drifts into the corridor.

Weatherwax is not laughing. He is just 19 years old, but there's experience in his eyes that surpasses his age. Weatherwax is as familiar with the inside of this jail and this cell as he is with the alcohol and drugs that landed him here.

He has been drinking — and coming here — since he was 8 years old.

What were once six-hour stints have turned into month-long stays. The number of times he has been in jail are too numerous to recall. Besides, it's depressing to talk about, he says. Instead, he stares up at the ceiling somewhere into the darkness above. It becomes obvious. There is no escaping the pain.

On the Blackfeet Reservation more than 90 percent of the crimes are related to alcohol, Blackfeet Police Chief Carl Pepion says. But the Blackfeet Tribe is trying to surmount the problem. In one month last fall, it doubled the police force. Arrests have jumped 50 percent, landing many offenders like Weatherwax in an already overtaxed tribal jail.

Peter Weatherwax's story is tragic, but not unique.

On the morning after his 16th birthday, Weatherwax, who has lived in Browning his entire life, awoke to find a police officer pointing a gun in his face and shouting, "What is your name? What is your name?" That's all he could remember at the time because the mixture of tequila and Budweiser still storming through his system from the night before knocked him out

Reading is one way of passing time for the prisoners in the Browning Jail. But faced with a tight budget, books and magazines are in short supply.

Built in 1970, the jail has 12 cells as well as a drunk tank. All are in constant use. The lighting in four of the cells does not work and the plumbing is badly in need of repair.

before he could find out what was happening.

What had happened is that Weatherwax's cousin, Joshua Heavy Runner, had beaten a man to death with a baseball bat behind the house where Weatherwax had been staying. The police found Heavy Runner hiding in the attic, his shirt and hands covered with blood.

Weatherwax says Heavy Runner, who is now in a federal prison for the murder, was so intoxicated he could not remember what he had done.

"I'm scared. I'm really scared of what might happen if I drink too much," Weatherwax says. "I've blacked out twice before, and if I get to the point where I black out again like my cousin did, I could do the same thing."

But being scared hasn't stopped Weatherwax from drinking yet. And neither have the numerous group homes and alcohol rehabilitation programs he has been through.

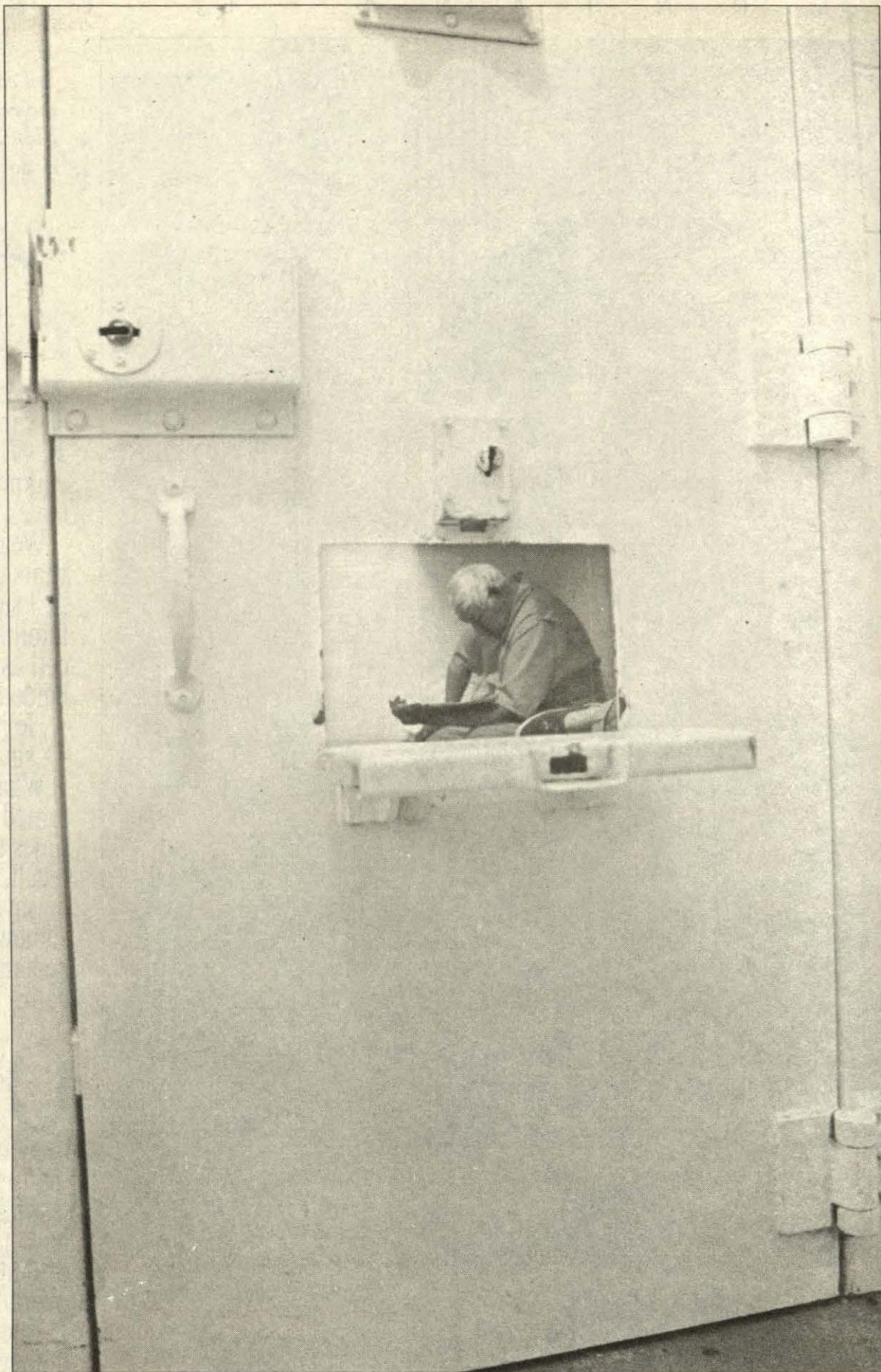
Instead, he finds himself sitting in this hot, dark cell on Easter weekend with only the past and two snickering cellmates for company.

"I know why I'm here," says Weatherwax, who says he was arrested this time for verbally assaulting his mother. "I can't blame the alcohol, I can't blame anyone else but myself. I'm the only one who did it. I was still half sober when it happened. I remember everything. It's hard. Somebody ticks me off, and if I'm drinking, I just blow up. All I want to do is fight."

The image of the slender Weatherwax as a fighter is hard to grasp. He is articulate and soft-spoken, and he runs through his own history like a psychologist picking apart a patient's thoughts.

"Respect is better than anything," he says. "And I don't have very much of it. If you respect others they will respect you. If they respect you, you respect you. If you don't earn respect, you're not going to get it from nobody, nowhere."

"Right now, after fighting with my mother, I'm even losing respect from my own family. I have a lot of respect for them, but it's hard for them to respect me."



Weatherwax is far from being a hardened criminal. The same can be said for most of the other 18 men and women in the jail on this weekend. Their crimes range from public intoxication to armed robbery, and all are alcohol-related, Chief Pepion says. The youngest inmate, 17-year-old Elijah Makes Cold Weather, is charged with the most serious crime, the second armed robbery of his short life. He was tried as an adult and is serving a one-year sentence, the longest sentence a tribal court, which tries misdemeanors, can impose for a single crime.

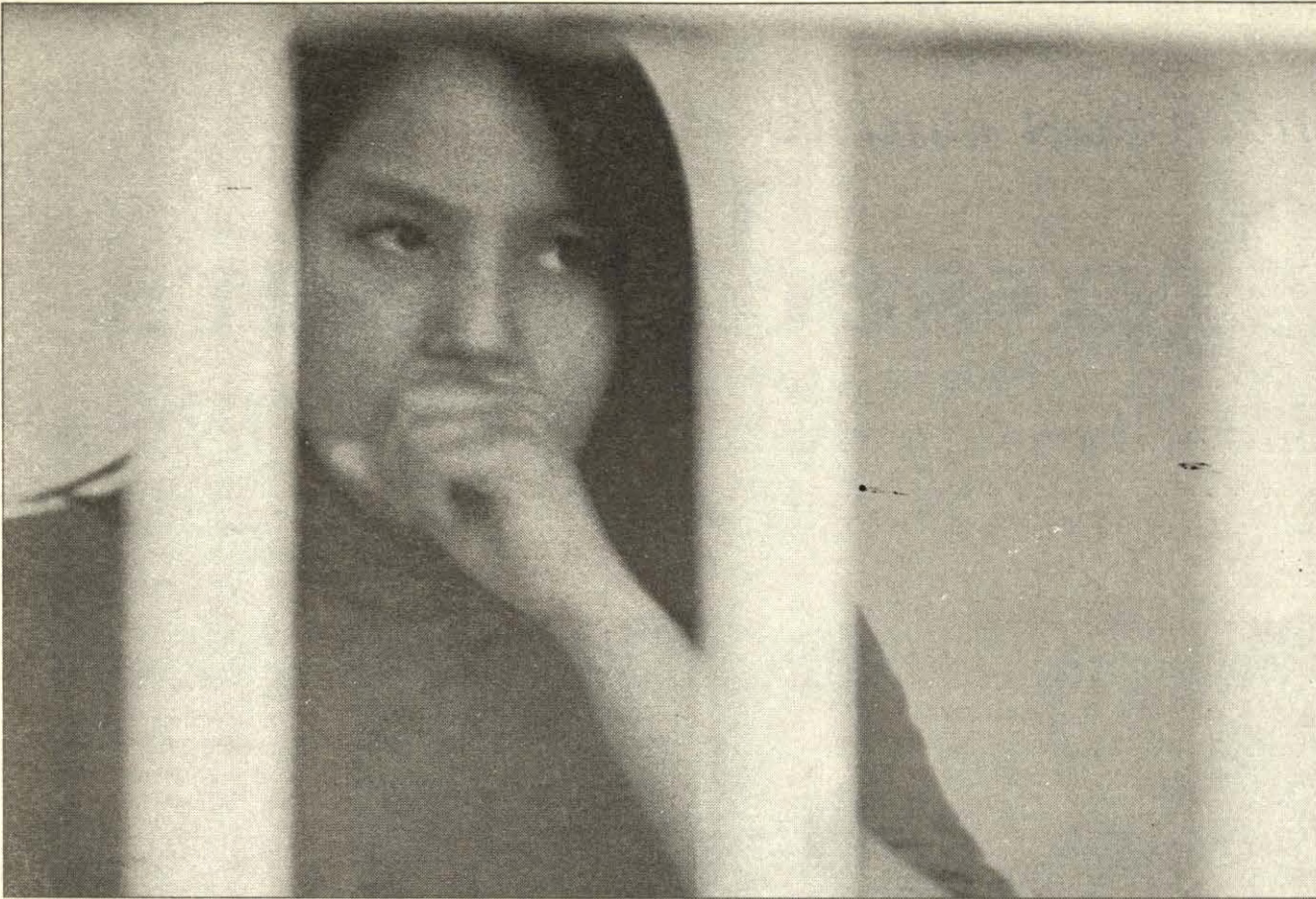
The justice system on the Blackfeet Reservation is

in transition. In November, the Blackfeet took over control of their own law enforcement from the Bureau of Indian Affairs. The tribal council nearly doubled the police force to 14 officers and four detectives.

On this reservation with a population of around 13,000, the impact was immediate. In November, tribal police recorded 1,950 arrests, up from 1,030 in October, Pepion says. The trend has continued with at least 1,500 arrests a month through March.

"We've got a lot more manpower and it shows," Pepion says. "People are seeing the difference and starting to get behind law enforcement."

"The BIA was so short-handed, people got tired of



Coleen Kicking Woman, 19, spends her Easter weekend in the Browning Jail for being drunk and disorderly. This is her seventh time in jail since the beginning of the year.

**We was just
trying to party
and have fun and
look where we
ended up — this
sucks...**

— Scratched on a jailhouse wall in Browning, Montana

calling for help and then having an officer show up sometimes several hours later," adds Pepion, who says his goal is a force of 28 officers, including detectives. "I think people are realizing now that we're here for them and we're doing our best. When the BIA had it, it wasn't that way."

The tribal court is beginning to crack down as well. For example, until recently, someone charged with assault was fined a maximum of \$300, regardless of the severity of the crime. But, Court Administrator Terryl Healy says, the tribal court is beginning to follow the guidelines set forth by a 1988 amendment to the Indian Civil Rights Act. This amendment states that crimes like armed robbery and assault involving serious bodily injury are punishable by a \$5,000 fine and up to one year in jail.

One of the biggest changes, Healy says, is that unlike in the BIA days, police officers are now required to testify in cases where they were involved in the arrest. BIA regulations didn't require it.

"The result is that more cases are going to trial, and the prosecution is winning more of its cases," she says.

Steve Racine, a six-year veteran and one of only five officers with more than five years' experience, agrees with Healy.

"BIA officers wouldn't have to show up to court; court was secondary," Racine says. "Now if we don't show up we get charged a hundred bucks."

Mike Conneley, who was the chief of police under the BIA from 1988-93, and now works as the

tribe's lead investigator, also likes the direction that Blackfeet law enforcement and the court are taking.

"This (jail) used to have a revolving door," Conneley says. "It's not necessarily that way anymore. We've still got problems within the system, but at least we're making some headway."

Ironically, the biggest problem facing Blackfeet law enforcement today is one that has been created by its own efficiency. The increase in arrests and jail time has put greater pressure on the jail itself. And it's a facility that could barely handle prisoner traffic under the BIA.

Built in 1970, the jail has 12 cells as well as a drunk tank. All are in constant use. The lighting in four of the cells does not work and the plumbing is badly in need of repair.

"You'd be surprised what they get out of this when it plugs up," says Carl Old Person, the assistant police chief, referring to the toilet. "The juveniles are the worst. You can't put them in a cell with blankets and pillows because they just tear them up and flush them down the toilet."

Other problems include poor ventilation and little office space for the growing police force, but the most serious concern is the lack of room for the ever-expanding jail population.

"We've been told by the federal government that the most people we can safely have in here at one time is 21," Pepion says. "Well, during our powwow in July, we've got to squeeze from 100 to 150 people in here a night. We end up letting all the ones who are intoxicated, which is most them, go in six hours,

but it's a very dangerous situation."

The first people to agree are the prisoners.

"Every jail is the pits, but this is the worst," says a 36-year-old female inmate, who asks that her name not be used. "I've been in Missoula and I've been in Pablo, and those jails are much better than this. I wouldn't want my worst enemy in here."

But for 19-year-old Coleen Kicking Woman, her 6-by-12-foot cell is only a symbol of the real trap she's mired in.

"There's so much death in Browning — and it's all alcohol-related," says Kicking Woman, who is in jail for the seventh time in 1996. Each time it has been for drinking, and each time Kicking Woman has been turned in by her mother, a counselor in a chemical dependency program in Browning. Kicking Woman says she and her family lived in Missoula when she was in grade school. Because they could no longer afford to live in Missoula, they returned to Browning, where Kicking Woman had been born.

"I miss my family. I really miss my family, even my mother," Kicking Woman says. "I know why she doesn't want me to drink, and I want to quit. I'm going to treatment after I get out of here, and then I'd like to go to Missoula and go to school."

But even in her hope, Kicking Woman seems to sense the darkness of her surroundings.

"I can say I'm happy I am who I am," she says. "It's just that alcohol took over me. I don't really like drinking because I grew up with it, but it's — it's just there."

"And that's all there is." ▼▼▼

... But still keep partying. There is still many more times when you ain't going to get caught."

— Same inscription, same shower wall, same jail

Prison romances can lead to

Bar-Crossed Lovers

Henrietta La Plant spent three years and thousands of dollars trying to get Mike Michell out of jail. What she got in return was heartache.

Henrietta and Mike were lovers.

A cold prison cell and bureaucratic judicial system could not weaken their devotion.

Henrietta La Plant met Mike Michell, a convicted murderer serving a 60-year sentence, in Montana State Prison's visiting room in 1992. He'd been imprisoned for 15 years.

"He was so pathetic," Henrietta says shaking her head in wonder. "He came across so pitiful. My heart opened up; I have a bleeding heart."

Three years and thousands of dollars later, Henrietta helped Mike obtain parole and get into Missoula's Pre-Release Center in September.

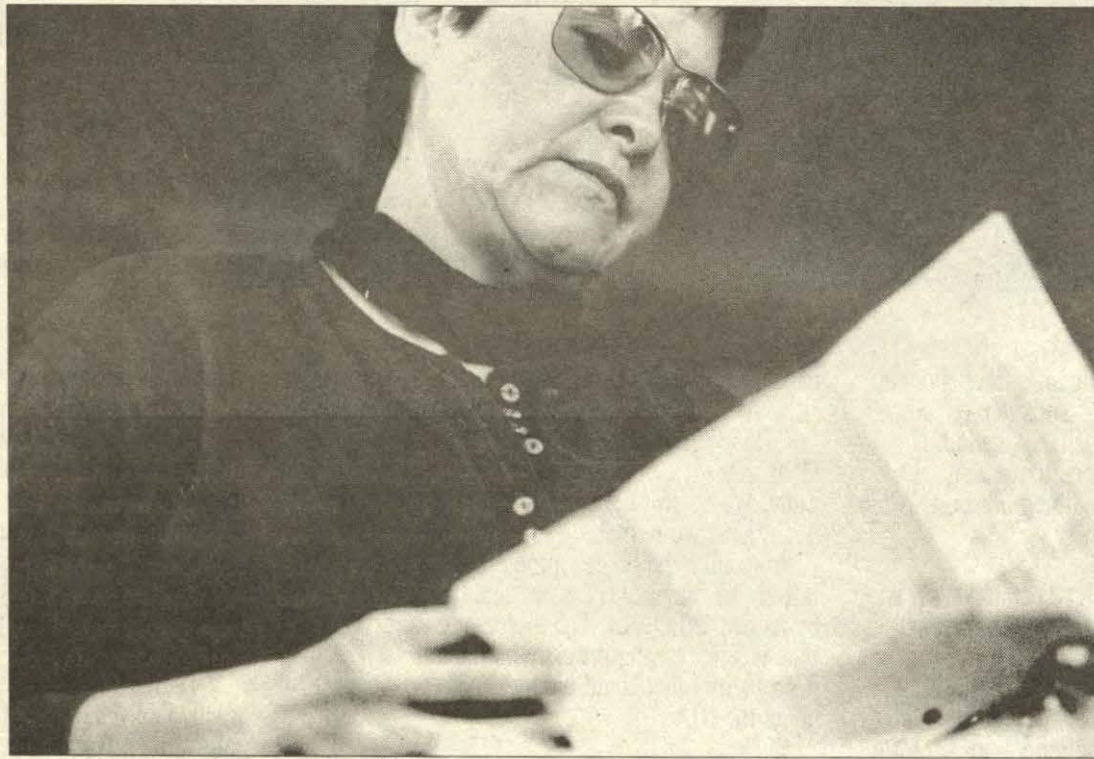
Mike thanked Henrietta for her love and generosity several months later. He had an affair in April with a woman in his Alcoholics Anonymous group.

Henrietta La Plant's story may sound odd, but women pursuing love among men confined to prison is not uncommon, say prison counselors and officials. Though both La Plant and Michell are Native American, such relationships are not unique to any race.

"It's certainly not uncommon," correctional officer Errol Bencke says.

Bencke, who has worked in the prison in Deer Lodge for 16 years, tells about one woman who visits a death-row inmate. He laughs as he remembers another woman who visited a biker for two years. After his release, he left on his bike with her money.

"The trouble is the women who come visit here have no self-esteem," he says.



Henrietta La Plant met Mike Michell on a visit to the prison. She invested years of her life and all of her emotions in a man who was a convicted murderer.

"Here they know they have someone who won't cheat on them or beat the hell out of them."

- Correctional Officer Errol Bencke

Many of the women seeking prison companions are lonely, unattractive and overweight, Bencke says.

"I guess what it boils down to is how difficult it is to have a relationship on the outside," he says. "Here they know they have someone who won't cheat on them or beat the hell out of them."

Henrietta agrees that a lot of women creating relationships with prisoners at Deer Lodge are lonely and lack self-

esteem.

"They don't like themselves," she says. "But my excuse for going there was because I'm vulnerable. I know I'm not ugly."

And Henrietta wants to warn other women not to let loneliness and vulnerability woo them to the prison gates.

"Run as fast as you can from the prison and don't look back," she says

shaking her head. "I will never ever put myself in a position like this again."

While visiting Mike for three years, Henrietta witnessed other women falling into the prisoner love trap.

"I used to see young girls who were pregnant," she says. "They were pregnant by other men that they knew on the outside and then their relationships broke up."

Family, friends and letters draw women to the prison. Inmates trade and sell women's addresses. Some men even pay women for visits.

The letters women receive overflow with love and praise.

Henrietta's 26-year-old daughter, Susan, receives letters from men she's never met. One inmate has written her for two years. She does not reply.

A recent letter begins:

"Dear Suzie, Once again, the loneliness of my cage compels me to reach out of the warmth, comfort, and companionship of your most precious friendship ..."

Henrietta has no doubt that Mike, like many other prisoners, was receiving letters from other women.

Henrietta and Mike are both Blackfeet Indians from Browning. Henrietta's sister is married to Mike's uncle. The couple took Henrietta to Deer Lodge to meet Mike. Henrietta was in her 40s, divorced and a mother of six.

"I just played into their hands," she says. "They thought I was a perfect match for this lifer."

Instead, Henrietta curses her relationship with Mike.

"It's hard to admit you're stupid," she says. "Maybe it's a recovery step for me. I know how dumb I was. I don't even have a cent."

But Henrietta has found revenge.



At about 1 p.m. every visitors day, cars line up outside the prison property and wait for the gates to open. Often, the visiting room is a place where lonely women go to initiate relationships with inmates.

Mike is back in prison. He returned to Deer Lodge in May, after he was found at a place other than where he said he'd be. A pre-release employee spotted Mike at Target with his new girlfriend.

After his arrest, Henrietta signed a statement in April exposing how Mike had skipped AA meetings or left work early for midday trysts with her.

"I enabled his deceit and I helped him cheat and lie at the pre-release," she says. "In the end, he lied and cheated and deceived me."

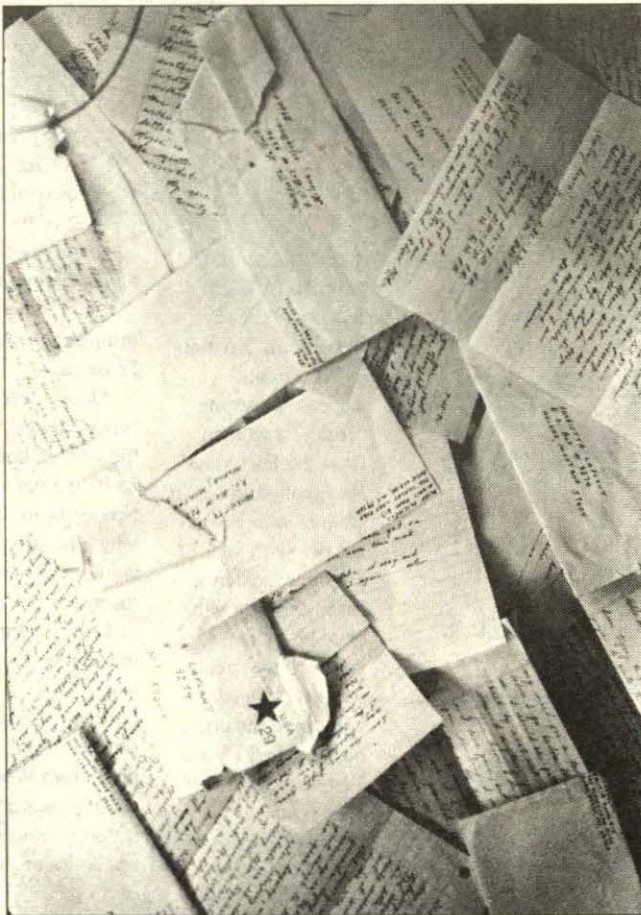
While sitting in her single-wide trailer house in Missoula, Henrietta tells her story of susceptibility and deception. At first she curses the thin, soft-spoken inmate.

"He's a bastard in my eyes," she says in a harsh, anger-filled voice. "He's going to regret the day he met me. He's a con and will always be a con."

After telling her story, Henrietta becomes quiet as her thoughts wander. Gazing out the living room window, lines of pain cross her perfectly made-up face. Her voice softens as she explains her regret at possibly helping send Mike back to the "joint" with her statement.

"I wish I had never done it because you just don't snitch in our culture," she says with a sigh. "I was just so angry he put a white woman above me."

Henrietta was living in Helena and studying nursing at Carroll College during most of her relationship with Mike. Driving the 100-mile road connecting Helena and Deer Lodge became second nature. The frequent visits affected Henrietta's school



work and she eventually dropped out to devote more time to Mike.

Henrietta launched a campaign to free Mike, writing letters and calling anyone who might help. At Mike's last parole board hearing, about 40 letters of support from tribal council members, judges and community members were presented. Henrietta said she even considered asking the governor for assistance.

"Anywhere I went and anything I did I got help for him," she says. "My name probably began to become worn out."

Although he was denied parole twice previously, this time the board agreed to send Mike to the Missoula pre-release center last September. She moved to Missoula to be close to Mike and go to school.

"We wanted to keep it so it was not



Photo courtesy of Henrietta La Plant

Henrietta's years of hard work and money paid off when Mike was accepted to the pre-release center in Missoula in September 1995. At left, words of poetry, love and affection fill the letters sent from prison. In some cases, officials say, letters go to women the prisoners have never met. Within the prison walls, women's addresses are shared, bought and traded.

going to interfere with my schooling," Henrietta says.

But Henrietta and Mike's relationship ended with hard feelings and bitterness.

Mike's brown eyes stare out the small plastic window of the jail's visiting booth. His orange jumpsuit hangs from his small frame. The color highlights his graying hair. He acts shy and pitiful. It seems almost impossible that this soft-spoken man committed murder in June 1977.

But when the conversation focuses on Henrietta, Mike's appearance changes. He shifts in his seat. His voice remains quiet, but the tone becomes angry and demeaning.

Mike refuses to talk about his rela-

tionship with Henrietta. He shakes his head when asked if she helped him get into pre-release.

"It's not just one-sided," he says while tapping his finger on the scratched window.

But Henrietta has to talk. She wants other women to stay out of the prison love trap and all its problems. She also talks about enrolling in school or moving back to Browning to work.

"I will never help another prisoner again," she says. "I'll never fall into that trap. I probably got everything I deserved."



Breaking the Cycle

Dressed in a purple prison-issue jumpsuit, "Angela," a Northern Cheyenne woman, touches a lighter to a braided strand of sweetgrass.

She lets the smoke of the burning braid waft toward her, then forces the smoke downward to push the negativity out of her body.

She prays for communication with her son, who is in the men's prison.

She prays that her god Ma'heo'o' will break the cycle of crime before it reaches her grandson.

And she prays for her elders because they give her strength.

After more than nine years in the Montana Women's Correctional Center, Angela accepts responsibility for her crime but says each day she works through the process of tearing her self apart and putting the pieces back together. Through it all, she and other Native American inmates struggle in a foreign system whose rules they believe are stacked against them.

In Montana, adult women comprise 50.5 percent of the population. Of that total, nearly 3 percent are Indian. Yet Indian women make up more than 35 percent of the women's prison population.

Theories of how so many of these women end up in the correctional system vary. But the women interviewed for this story agree that it is the choices they made and the lifestyle that taught them those choices that landed them in prison. Ironically, incarceration has shown them how to draw on cultural strengths so that they don't leave their children a legacy of crime and confinement.

Angela and other American Indian inmates point to poverty-stricken lives littered with alcohol and drug abuse and combined with broken and abusive families as steps that led them to crime and later to a prison sentence.

"I've been gone a long time and I've changed; the reservation hasn't,"



A prayer ceremony that incorporates the burning of sweetgrass helps Native Americans hold on to their spirituality while they serve time in prison.

Angela says. "Those who choose not to progress on the reservations are holding themselves captive."

But they also point to an Anglo system that often leaves them feeling defenseless and lost, easy prey to coercion, they say, because of cultural differences.

Like many of the other Indian women in the prison, Angela refuses to allow reporters to use her real name. The press has burned her before, she says. She still has people on the outside, people whom she loves and who love her. She doesn't need to hurt them or herself any more.

She points to how often victims, courts and journalists say, "You have no remorse," and beg the court for sterner sentences. But she says she was raised in a family that met any show of emotion with punishment.

"It was a long-standing message,

American Indian women make up 3 percent of Montana's population — and 35 percent of its inmates

generation to generation, to stifle our feelings," she says. "Be strong. No matter the circumstances. Be strong." "Josie," a woman from the Fort Yates Reservation in North Dakota who is serving her sixth year of a 40-year sentence for mitigated deliberate homicide, points to two white women charged with the same crime, but who had 15 and 17 years shaved off their sentences. While their crimes were similar, she says, she was handed down a harsher

sentence.

"As we walked into court my 'public pretender,' as I call her, says, 'Oh, yeah. I forgot to tell you. This judge is prejudiced.'"

Ben Pease, a member of the Crow Tribe who volunteers at the prison, says Indian women don't have the same benefits as white women in the Anglo court system. They are naive, he says, and that lack of savvy combined with their unassertive nature, causes Indians to not fare well in the white court system, he says.

"They don't have the resources to

defend themselves," Pease says. "There's nobody to go to bat for them."

The women acknowledge, however, that the system has also benefitted them by teaching basic emotional and life skills. They moved from the self-imposed imprisonment of crime and alcohol and drug abuse to state-imposed imprisonment and forced abstinence. "It's not easy," Angela says. "We struggle. We struggle with in ourselves. We're the ones who have to live with ourselves. This is where you meet yourself. It can shatter your reality and you spend each day picking up the pieces."

Pease estimates that more than half of the inmates he works with hadn't been shown cultural spirituality before he met them in prison.

"It may not be the answer, but I bring health and strength to them," Pease says.

Once a week Pease visits the prison. Twice a month he works with the women doing arts and crafts, including native beading. His other two visits are for cultural purposes in which he anoints the women with smoke and blesses them with incense. Josie especially likes it when he brings a drum and some powwow music recordings and they dance and sing.

Pease has been volunteering at the prison since the facility was moved there from Warm Springs about a year-and-a-half ago. He doesn't boast of saving the women's lives but hopes to show them another walk of life.

He pats his box of spiritual belongings and says, "I give them a little of this to reconnect them with the outside."

"He brings us life," Angela says.

If the effects of alcohol and drug use combined with broken families has led to the disproportionate number of American Indians in the correctional system, it is also likely to be among the causes that return women to the system.

About 18 percent of the women sentenced to the Women's Correctional Center return after their

Lucy Redcrow, a member of the Confederated Salish and Kootenai Tribes, is serving 50 years for deliberate homicide and 10 years for use of a weapon in the crime. She prays her own children will never spend time behind bars.



'I don't want to visit my son in prison, although I would.'

- Lucy Redcrow

release, according to the center's records. There is no racial breakdown available.

Warden Jo Acton points out that the bulk of women returning to the system, regardless of race, are sent



Ben Pease, a Crow Indian, brings Native American cultural ceremonies and crafts to the inmates of the Montana Women's Correctional Center in Billings.

back not because they committed new crimes, but because they couldn't complete their parole or probation requirements.

"Maintaining a new lifestyle is difficult," Acton says. "They return to the same environment and people's expectations of them are the same. It's really hard to break free from that."

A Cherokee woman who has earned parole and hopes to be released in May, says prison is her "rebirth."

"I can't go back to the way I lived before," she says. "I'm not the same person, for one thing. That's the transition. The transition is choices. Good choices and bad choices. In here, you have to face yourself. You have no crutches and nowhere to run."

Breaking the cycle that they couldn't break free of is a priority voiced by all four of the women. They see the answer in staying sober, walking with their native spirituality and using the tools they learned in prison to teach their children a better way of life.

Josie and the Cherokee woman have each earned their General Equivalency Diploma while in prison. Angela, a high school graduate, has taken college courses during her incarceration. They also attend chemical dependency programs, go through moral reconciliation therapy to help them recognize their faults and take other classes ranging from HIV awareness to computer training and parenting to accounting.

"I feel very strongly that we need

to set these people up with some marketable skills," Acton says. "They are responsible for their outcome, but we look at the programs the facility can provide."

Still, for all the tools and basic skills they learn in prison, the system can fail the women.

Lucy Redcrow, a member of the Confederated Salish and Kootenai Tribes serving 50 years for deliberate homicide and 10 years for use of a weapon in the crime, says the prison programs seek to get the women to deal with their emotions. But she contends that when they walk out of a program meeting and into the prison population they face disciplinary action if they show enough nurturing to hug another inmate.

Steve Griffin, the Women's Correctional Center volunteer coordinator, says the no-touching policy is to help curb lesbian activity in the prison. It also plays a role in providing security within the population.

But Redcrow doesn't buy it.

"They want us to be human; when we are human, we get wrote up for it," Redcrow says.

Angela adds that in prison, she has learned to be assertive, to "stand up and say I am a Native American woman and I won't tolerate that behavior.

Assertiveness can be good or bad, depending on how it's used."

Assertiveness can put a prisoner in a tough spot, Griffin says.

"Culturally, Indians are passive; feminism says women should be more assertive," Griffin says. "In an institution, you're better off to be passive, yet it's healthier to learn to be assertive. There's kind of a catch-22 there."

For all that inmates say they learn in prison, it's not where they'd like to be. Redcrow was much in the public eye a few years ago after she escaped. Redcrow says

she just "got up and walked out." It wasn't her first attempt at escape, but it was the one that made a difference. She came back pregnant.

"That's how I came to have my little girl," Redcrow says. "I've been in here eight years and done most of the programs. If not for my two kids, I probably wouldn't make it."

The girl was voluntarily taken in by friends of Redcrow's attorney within days of her birth. Now 8 months old, the family brings the baby to the prison every other Wednesday and each weekend.

Redcrow's 11-year-old son lives with her aunt on the Flathead Reservation and has already had enough trouble with the law to be supervised by a parole officer.

Learning from the programs she had to go to prison to receive, Redcrow says she has asked the court to put her aunt through treatment and counseling to help ensure a better homelife for her son.

"For once the system is working for me," Redcrow says. "I don't want to visit my son in prison, although I would. I want to break the cycle."



Lucy Redcrow, bottom, and Paula Louie are roommates.

Tackling the Big Cases

Northern Cheyenne prosecutor Maria Russell-Bigfire is taking on felony cases and putting away serious offenders. Improved cooperation with the federal courts has made her job less of an obstacle course. But she is still breaking new ground every day.

Every day since she prosecuted her first two sexual assault cases, Maria Russell-Bigfire has worn a medicine bundle around her neck for protection.

Her car has been vandalized. Her family has received anonymous threats that her son might have an accident on his way home from school. Her dog was poisoned. A medicine man from another state threatened her. And someone sawed some lug nuts off her car.

"We had to go through a cleansing ceremony," she says, and every family member got a medicine bundle.

Bigfire is chief prosecutor for the Northern Cheyenne Reservation's tribal court. Until recently, tribal courts did not prosecute cases defined as felonies because those serious crimes fell under the jurisdiction of the U.S. attorney's office. But felony cases declined by the U.S. attorney's office in Billings can be tried as misdemeanors in tribal court.

That's what Bigfire set out to do. And not everybody welcomed her decision.

Since pressing ahead with the two initial prosecutions, Bigfire has taken on a third sexual assault case. In all three she's won convictions.

"We were the first tribe in Indian country to successfully try child abuse cases," Bigfire says.

Why did she get convictions in cases the U.S. attorney's office would not even bring to trial?

U.S. Attorney Sherry Matteucci says most cases in which her office declines prosecution lack sufficient evidence or are complicated by the stricter rules of law imposed in federal court, as opposed to tribal court.

Lori Harper, an assistant U.S. attorney in Great Falls, agrees.

Harper says that sometimes the tribal court system can prosecute when she cannot due to a lack of evidence.

"They have different rules," she says. "That's not

a slam against the courts, that's just a difference in procedures."

Bigfire's first sexual assault case was against Clarence Seminole Sr. The victim was a 9-year-old girl.

The U.S. attorney's office thought the girl was an unreliable witness, due to her age, Bigfire says, and so federal prosecutors declined to press the case.

Tribal authorities arranged for the girl to stay in a

was able to provide enough evidence to help convict Hardground.

Since these two cases were tried, Bigfire has convicted a third offender on three counts of sexually assaulting a child. Joseph Whitewolf III is serving a three-year sentence, as are Seminole and Hardground. While the maximum jail term for a misdemeanor in tribal court is one year, as it is in state courts in Montana, all were found guilty on multiple counts.

The prosecutor's office has also posted notices around the reservation town of Lame Deer that say these men are convicted sexual offenders and shouldn't be with children.

Though the tribal council supported the office in posting those notices, the prosecutors faced other pressures.

The tribal council, as well as the defendants' families, tried to interfere. "We were all subjected to slander sheets," Bigfire says. "A couple times we were told to just back off from the case."

Bigfire knew that backing off meant those cases would never get to court.

Even though the federal court has more restrictive rules regarding prosecution, she was still frustrated that the cases had become her responsibility. "It really pissed me off because if we could convict in front of a jury, why couldn't they with all of their resources?" she asks.

Harper says the most common reason she declines cases is insufficient evidence.

"I can't prove the case," she says. "I either don't have enough physical evidence, or witnesses, or the crime scene was contaminated before we could get fingerprints." She estimates that nearly all of the cases she declines fall under these categories.

Sometimes, according to Harper, cases are dropped simply due to a lack of time and resources. "The things you grab onto are all the good cases: the



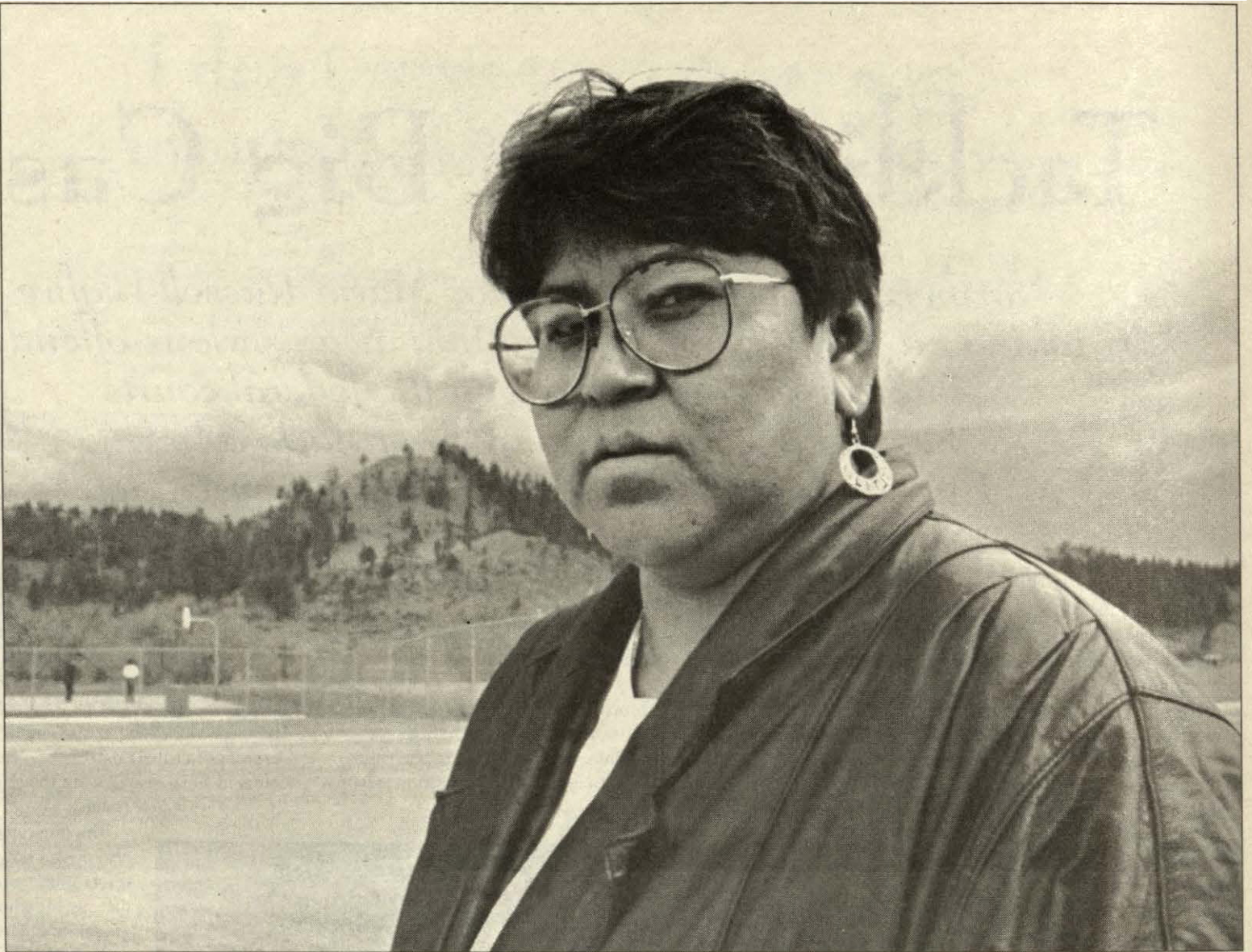
Maria Russell-Bigfire fingers her medicine bundle, one she wears constantly to protect her from threats she has received from those opposed to her work prosecuting sexual assault cases.

therapeutic foster home in Billings, in which the families are trained to work with abused children. She also was placed with In-Care Network, a program that assists primarily Native American children.

The child began to confide in a therapist, Bigfire says, and three incidents of abuse were pinpointed.

Terry Hardground, the second offender Bigfire prosecuted, was convicted of sexually assaulting a 3-year-old boy. After the boy went to live with a therapeutic foster family and received counseling, he also

*Maria
Russell-Bigfire,
a Northern
Cheyenne
prosecutor*



murders and rapes and the really important cases," Harper explains. "Sometimes the others fall through the cracks because you need to spend your time on these."

Bigfire and other tribal prosecutors are especially unhappy when the federal prosecutors delay a decision on whether to prosecute until it's too near the statute of limitations for tribal courts to pull together a strong case. Even more frustrating, says Bigfire, is when the alleged offender repeats the crime because he has not been prosecuted.

She contends that in one sexual assault prosecution she is undertaking, the defendant has been victimizing people for almost 20 years. She believes his victim count totals 41.

Bigfire says the FBI investigated initially, but when the U.S. attorney's office declined prosecution it failed to notify tribal prosecutors.

"We never ever got a letter explaining that," she says.

Harper agrees the notification process needs improvement.

"You're working with several different agencies and I don't think it's simply incompetence," says Harper. "In this instance it was just a lack of communication. We dropped it. They thought we were still taking the case. It rarely happens."

Now the Northern Cheyenne tribe has an agreement with the U.S. attorney's office. If tribal prosecutors get no letter within six weeks of the time charges are filed it means the U.S. attorney's office intends to pursue the case.

Both the tribal prosecutor's office and the federal

prosecutor's office are reviewing past cases in which prosecutions were declined to make sure the same mistakes aren't repeated.

But U.S. Attorney Matteucci is addressing the delay issue with all Montana tribal courts.

Matteucci also says the lack of communication hasn't been one-sided.

"Sometimes the matter is quite old when it comes to us," she says, "so it is not always our delay."

Maylenn Smith, supervisor of the University of Montana Indian Law Clinic, says that problems frequently arise from the way in which cases are handled from the outset.

"The cases aren't as clean," she says, because the investigation was flawed. Smith says these glitches are not necessarily fatal

flaws, but make it more difficult for the U.S. attorney to convict. That, she says, explains most of the federally declined cases that end up back in tribal court.

As far as the role that botched investigations play in cases the feds decline, Harper refuses comment, fearing that her answer would be misinterpreted. "We would be comparing agencies, and they have different functions," she says. "An answer might imply that the BIA isn't doing a good job, and they are."

BIA officers often initiate investigations and in some cases call upon the FBI for assistance.

Harper says she hears others comment on the dis-

proportionate number of investigation problems on the reservations. But she maintains that investigators of all kinds make mistakes on occasion.

One problem she notes is the lack of FBI agents available for investigation. Three FBI officers cover the Great Falls area, the Blackfeet and Fort Belknap reservations, and all of northcentral Montana. "They're just spread very thin," Harper says.

For its part, the Northern Cheyenne is beefing up its staffs in preparation for taking on more criminal cases once handled by federal agencies.

Bigfire and Darryl King, the Northern Cheyenne assistant prosecutor, estimate that in the last year the

U.S. attorney declined about 20 cases from their reservation. Bigfire expects that number to increase because her office has proved it can handle important cases.

"It opens the gate," Bigfire notes. "We're more skilled and knowledgeable."

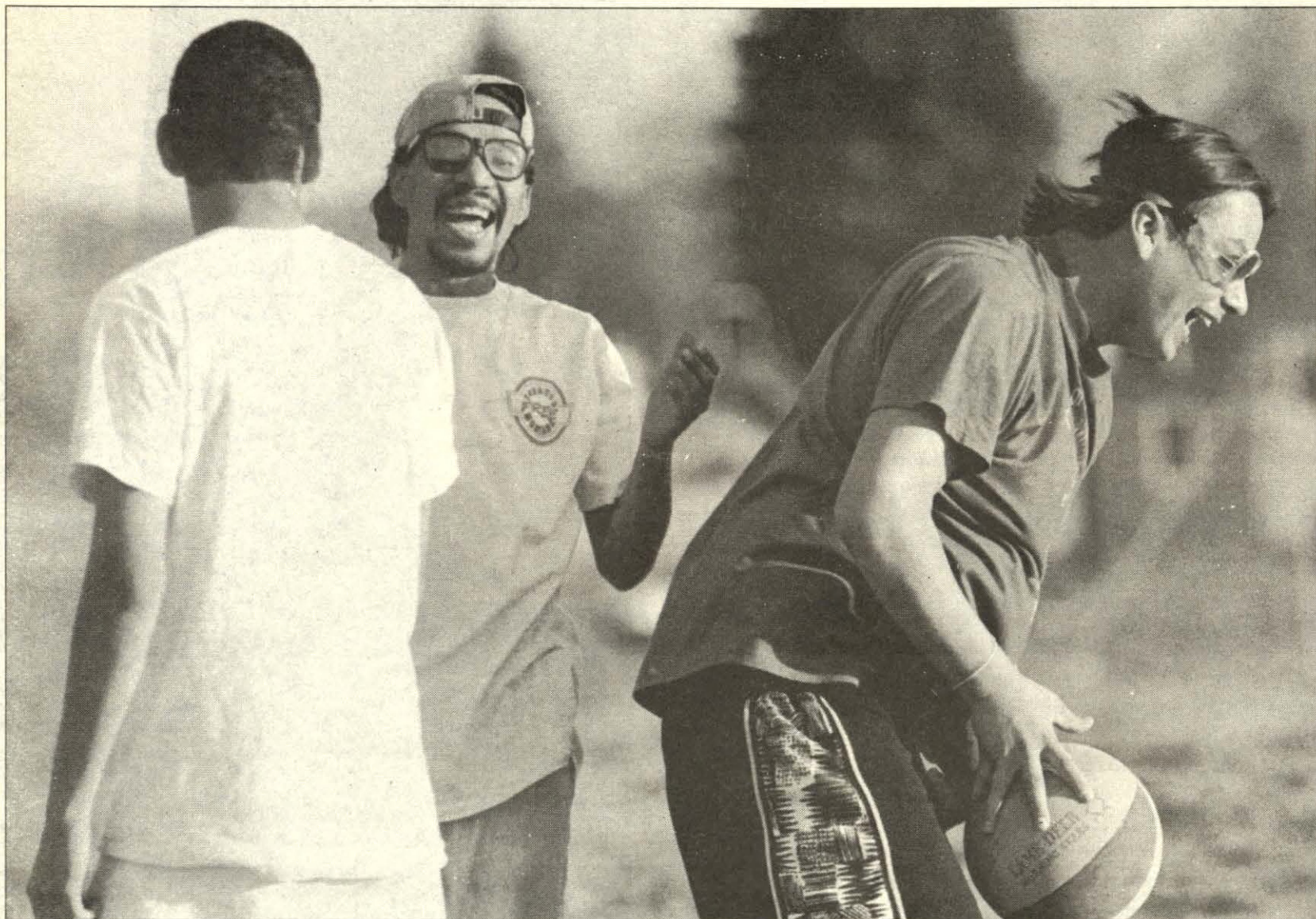
"We're more skilled and knowledgeable... For myself I feel more confident now."

— *Maria Russell-Bigfire, prosecutor*

For Bigfire, who has no law degree, trying a felony-level case for the first time was a time-consuming challenge. The Seminole sexual assault case took Bigfire about two-and-a-half years from start to finish while Hardground's took six months. "We had pretty much ironed out any difficulties," Bigfire says.

"For myself I feel more confident now."





Robert Island, 15, Sam Lira, 22, and a friend shoot some hoops. Basketball is a favorite pastime and a big motivating factor for staying in school for most *Lame Deer* teens.

Reservation life for many young Northern Cheyenne has them

Struggling For Survival

It's noon on Tuesday and Tony, who just got out of prison a month ago for aggravated assault with a deadly weapon, wants to play with his .22-caliber pistol.

So Alden, 22, his girlfriend Ruthie, 17, and Pat, 20, cruise out to one of the Northern Cheyenne Reservation's four fire towers with him to try it out.

Pat, who recently broke his back in a car wreck and lost the use of his legs, clutches the seat in front of him as Alden speeds through mud puddles and around corners with a beer between his knees and a hand on Ruthie's leg.

Alden, Tony and Ruthie climb the

100-foot tower, which is riddled with bullet holes. Standing on the platform, overlooking the Northern Cheyenne Reservation in southeastern Montana,

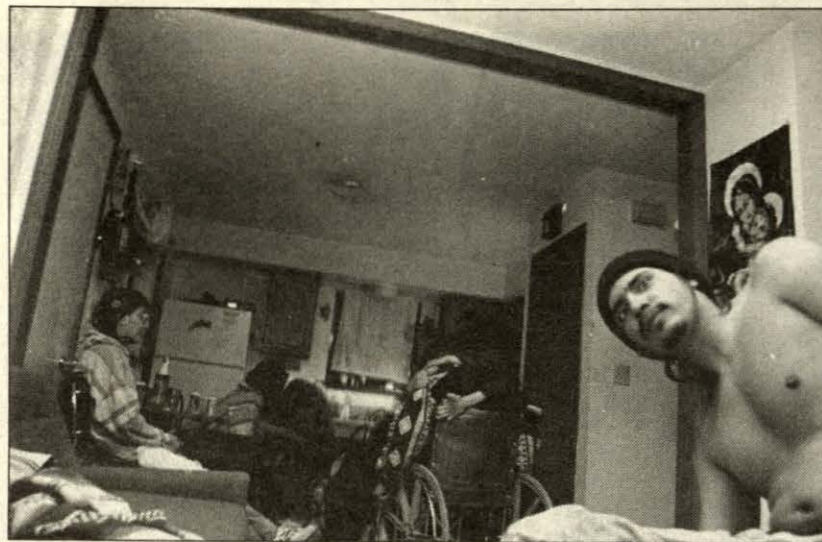


Tony and Alden twist their arms together and guzzle down a Natural Ice, a beer carefully chosen for its high alcohol content. Laughing, they practice this technique a few times before reloading the pistol and making bets on who could hit the targets below.

"Juveniles are packing guns. They're not afraid to use them," *Lame Deer* police officer Rocky L. Bixby says. As he talks he taps the bulletproof vest he began wearing after Police Chief Wayne Head Swift was shot three times while attempting to break up a party in 1992. "They have no respect for the law. They'll run or they'll fight it."

continued on next page

WRITTEN AND PHOTOGRAPHED BY SEANNA O'SULLIVAN



With little concern for curfews, homework or the day of the week, many of Lame Deer's young adults spend evenings socializing and partying.

Justice system grapples with the young

At Northern Cheyenne more than half of the 3,750 residents are under age 18. According to tribal court statistics, 344 juveniles were arrested last year, and 80 percent of their crimes involved alcohol.

"I smoke. I don't give a fuck about anything else," Tony says, sprawled out on his bed, rolling a joint at 11 a.m. "I say if drinking makes you happy, so what? Life's too short."

That's the attitude of many of the young people on the reservation, and their experience hasn't given them much reason to feel differently.

"Those kids are right when they say that there's nothing for them to feel proud about," former Lame Deer police officer Roger Old Mouse says. "I don't think it's their problem, I think it's a parental problem. Native American families lack family discipline. It's usually done by an extended family member — an uncle or brother — and that whole system has broken down for them."

Although alcohol is forbidden on the reservation, underage drinking is the number one crime, says juvenile court Judge Janet McMillan. Following closely are drunken driving and disorderly conduct connected to alcohol. The majority of the juvenile offenders have been enrolled in treatment programs. But McMillan often sees the same kids up to eight times in a year. She cites the lack of parental guidance as an important factor.

"A lot of the kids are really mad at their parents," McMillan says. "They do the same things that they see their parents and relatives doing, and they're getting punished for it."

When juveniles are arrested they are held at the local jail for a maximum of six hours and then released to a parent or relative until their hearing, McMillan says. Those whose crimes involve alcohol are ordered to get a drug and alcohol assessment and are put under house arrest for a week or two. In some cases of disorderly conduct they are required to attend an 11-week anger management program.

Although the system is structurally sound and punishments are clear, until now there has been no one to enforce them.

"They can be on house arrest, probation, but nobody enforces it," says John Grinsell, the new juvenile advocate on the reservation. "The juvenile prosecutor tried, but his job ends when it's prosecuted. My job is to follow through."

Grinsell's new job falls under the Juvenile Advocacy and Mediation Project, a program that just received a \$60,000 grant from the Montana Board of Crime Control. The grant will also fund training for "intervention parents."

These six couples, who have been hired will work with juvenile offenders and

Although the system is structurally sound and punishments are clear, until now there has been no one to enforce them.

their families to address the problems at home, teach the children anger management and help parents set realistic guidelines and consequences. Juvenile offenders can also be ordered to attend the Northern Cheyenne Boys & Girls Club and work with peer counselors there.

Tony, Alden, Pat and the rest of their friends agree that alcohol is the root of their problems. They say it's destroying them, their traditions and their future. But it doesn't change their routine. There have been so many empty promises that they have lost all hope in the system.

"Justice? There's no justice on the reservation," Tony says. "Nothing is gonna change."

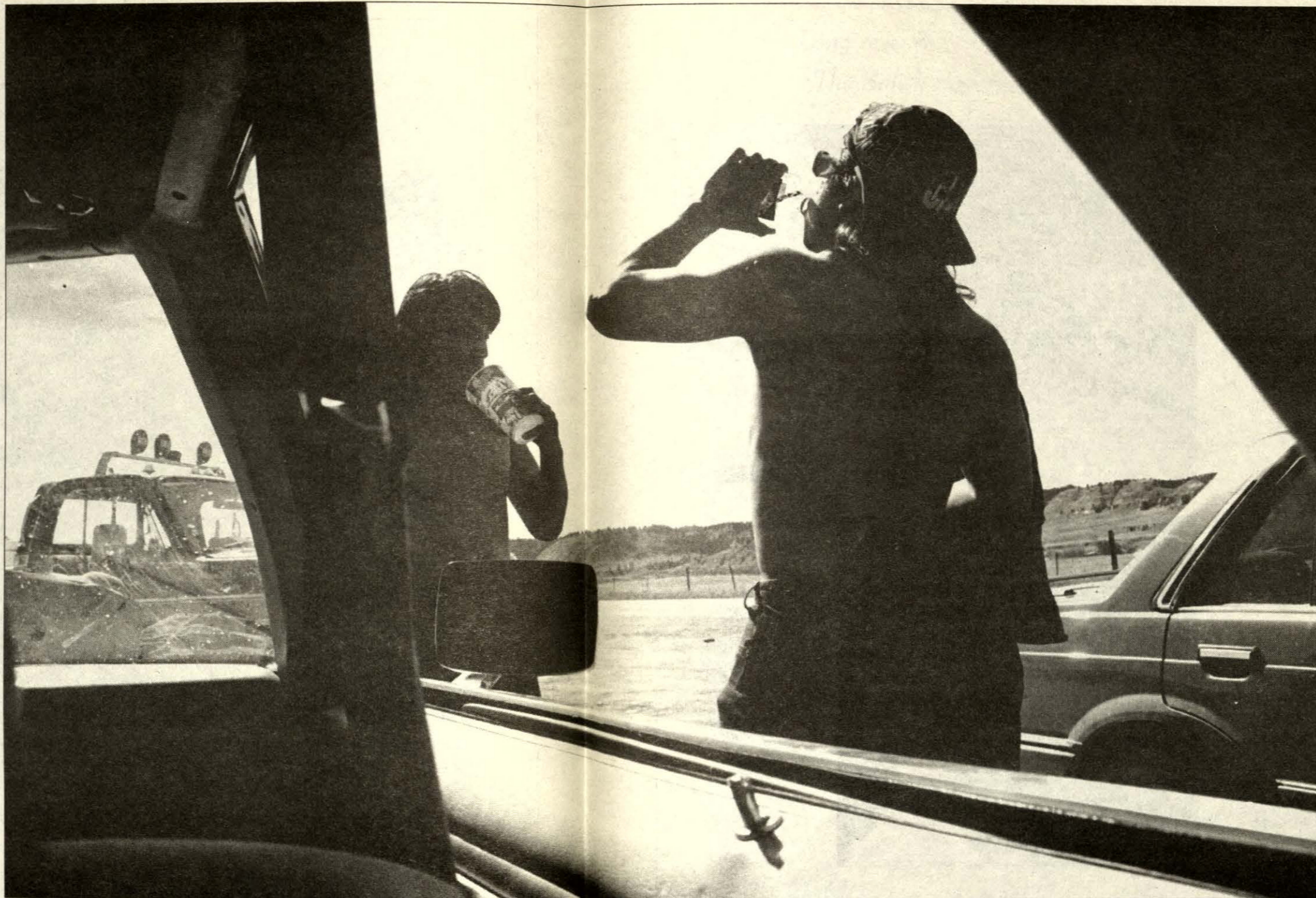
When he was 20 years old, Sam Lira was sent to a correctional facility in Florence, Colo., for aggravated assault after severely beating his cousin. Lira says he didn't mean to hurt him that night, and doesn't really remember why he did it.

"It was Halloween and everyone was celebrating. We were just drunk," Lira says.

He was sentenced to 100 hours of community service and given a \$21,000 fine, which will probably never be collected.

"I ain't worried about it. I ain't gonna pay," Lira says.

He left home for the first time and started drinking when he was 11, chased away



by his stepfather, who resented his stepchildren. The first time Lira ever heard his stepfather address him was also the last time they would speak for years.

"I remember coming home from school and he pointed at me and he said, 'I hate you.' And then he pointed to my brother and said, 'and I hate you too,'" Lira says. "That's when I decided it was time to split."

Like many youths on the reservation, Lira wandered from house to house, living and drinking with his father, cousins, aunts, and uncles.

At 14, he moved to Billings with his cousin, breaking into cars and stealing to make a living and pass the time.

At 15, he and a friend lived in an abandoned house with no windows, no heat and no electricity. They used old couch cushions to stuff into the hollow window panes and birthday candles as their only source of light. At this point he was still going to school, if only to escape the harsh realities of his situation.

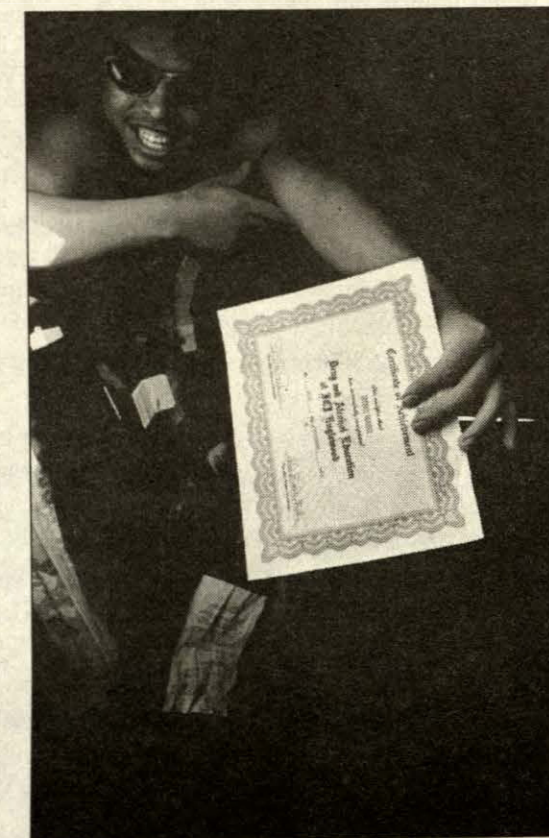
"Me and my friend Cory, we wanted to go to school just to see everybody and get out of the house," Lira says.

By age 16, he had a fake I.D., was experimenting with cocaine given to him by his cousin and was staying with an alcoholic aunt.

Officer Bixby says, "In a deprived community like this there's no money, noth-

The first time Sam Lira ever heard his stepfather address him was also the last time they would speak for years.

Before rolling a joint on a recent Monday morning, Tony proudly displays a certificate recognizing him for completing a drug and alcohol education program at an Englewood correctional institution.



ing to do. Kids are learning the system is breaking down and they can get away with a lot. It becomes a game for them."

Elaine Forrest, the principal of Lame Deer High School, says parents aren't supportive of their children's education because they resent and distrust the system, which has been imposed on them. Most don't feel the time and effort they put into school helped them, so they think it's just a waste of time, she says.

"Kids don't have much reason to come to school," Forrest says. "These kids are emotionally spoiled. Everyone is making excuses for them. I'm speaking as a Native; my mom did the same thing for me."

Although the school system has been blamed for contributing to the lack of discipline, Forrest says most of the problems at the school can only be prevented at home. The biggest problem is getting kids to go to school at all; only 20 percent of the population even finishes high school.

"The kids don't have any jobs to go to. There's no economic incentive on Indian reservations, so they have no hope," she says.

Dana Eaglefeathers got his first job when he was 13 years old. He knew he could no longer depend on his alcoholic father and realized that if he didn't take care of his brothers and sisters, no one would. He never made it through high school.

"My parents weren't really there for us. So I've been like the mother, father and

brother to them," Eaglefeathers says.

Now 20, he's still the only breadwinner in the house, working at a nearby sawmill when he needs money. He says the mill is run down and the employees are treated badly, but he keeps going back because there are no other jobs available.

"I see myself in my brothers and sisters — in the way they're carrying on, drinking and partying, and I was pretty bad," Eaglefeathers says. "If I could save them it would make me feel better about myself."

His two-bedroom apartment is home to his girlfriend, their two children, her brother, his sister, her friend, his cousin, and his friend. Though half of them have to fight for couch space, Eaglefeathers seems content with his role as the father figure and hopes that his care will help them finish high school and even go on to college, something he wishes he could have done.

But still, he doesn't blame the kids for turning to alcohol. He too agrees that there is really nothing on the reservation for them to care about, with no stable family or living situation.

"Seems like drinking is the only source of hiding your pain, hiding your frustration. I drank 'cause I was frustrated, disappointed in my parents, robbed from my childhood."

After he and his girlfriend, Chalice, had their first child, he knew it was time for him to straighten up and be the kind of parent he never knew. Now Eaglefeathers' fridge is filled with Mountain Dew. He tries to keep his family and friends out of trouble by doing things that don't involve drinking, like playing basketball, playing with the kids and taking part in sweat ceremonies.

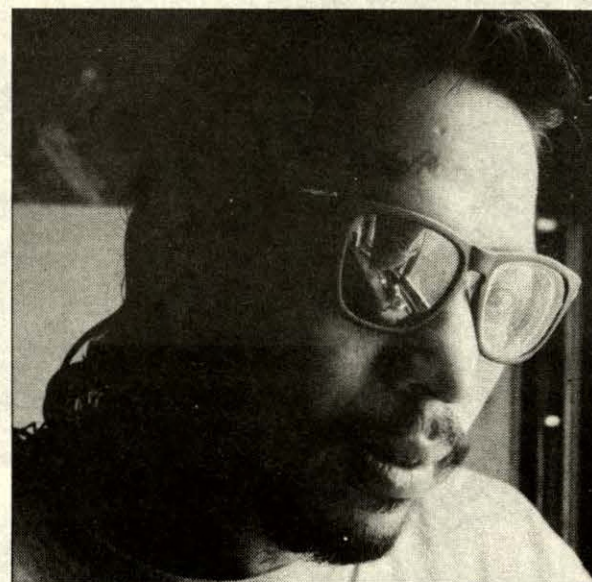
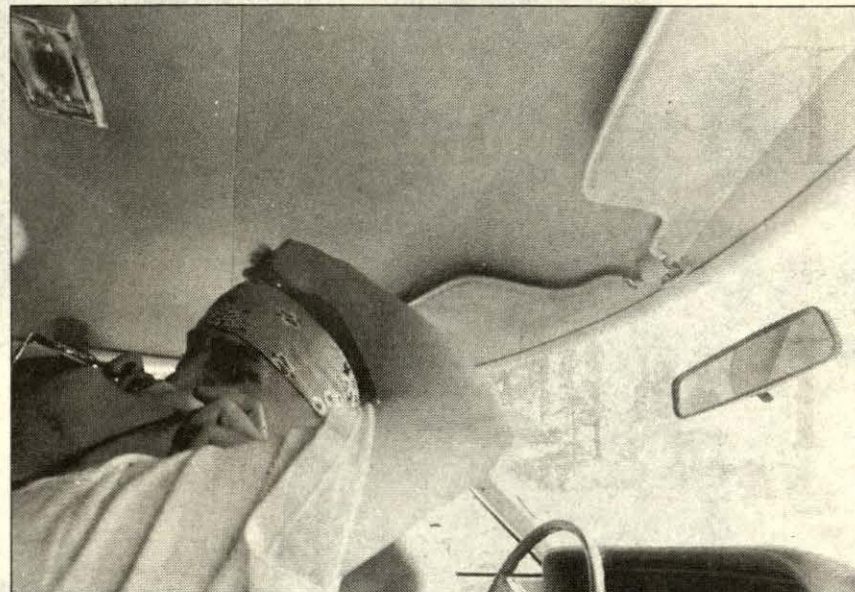
"My ceremony ways, Chalice, and the kids are the best thing that happened to me," Eaglefeathers says.

Back at the fire tower, with Pat drinking alone in the back seat of the car, Alden and Tony take turns shooting the gun and aiming it playfully at one another as Ruthie stands in the corner.

She sips a beer and waits patiently for them to tire of their game.

Later they all jump in the car and head just off the reservation to Jimtown, the nearest bar, where they meet some friends, who share a bottle of vodka.

As they pass it around, a truckload of nine teenage boys pulls up, looking for beer.



Just playing around, Alden, 22, gives his girlfriend Ruthie, 17, a love bite for scolding him. Since age 11, Sam Lira has lived mostly on his own and has had frequent encounters with the law.



After a game of basketball Dana, 20, and Sam, 22, take some time to play with Dana's son Jaylin, 2. When Sam got out of prison Dana took Sam in, hoping to keep him out of trouble.

Long revered in Indian culture, elders are increasingly targets of abuse. The Salish and Kootenai tribes are creating a code to restore respect and punish those who violate those traditions.

Dealing with elder abuse

A few years ago, fog covered the Flathead valley for seven weeks.

Pat Pierre, a tribal elder on the Flathead Indian Reservation, began to dread descending from his home at Rainbow Lake into the shrouded valley with its dark, thick mist.

"I prayed on why the fog was here," he says, and the answer that came was simple - he needed to change some things about his life.

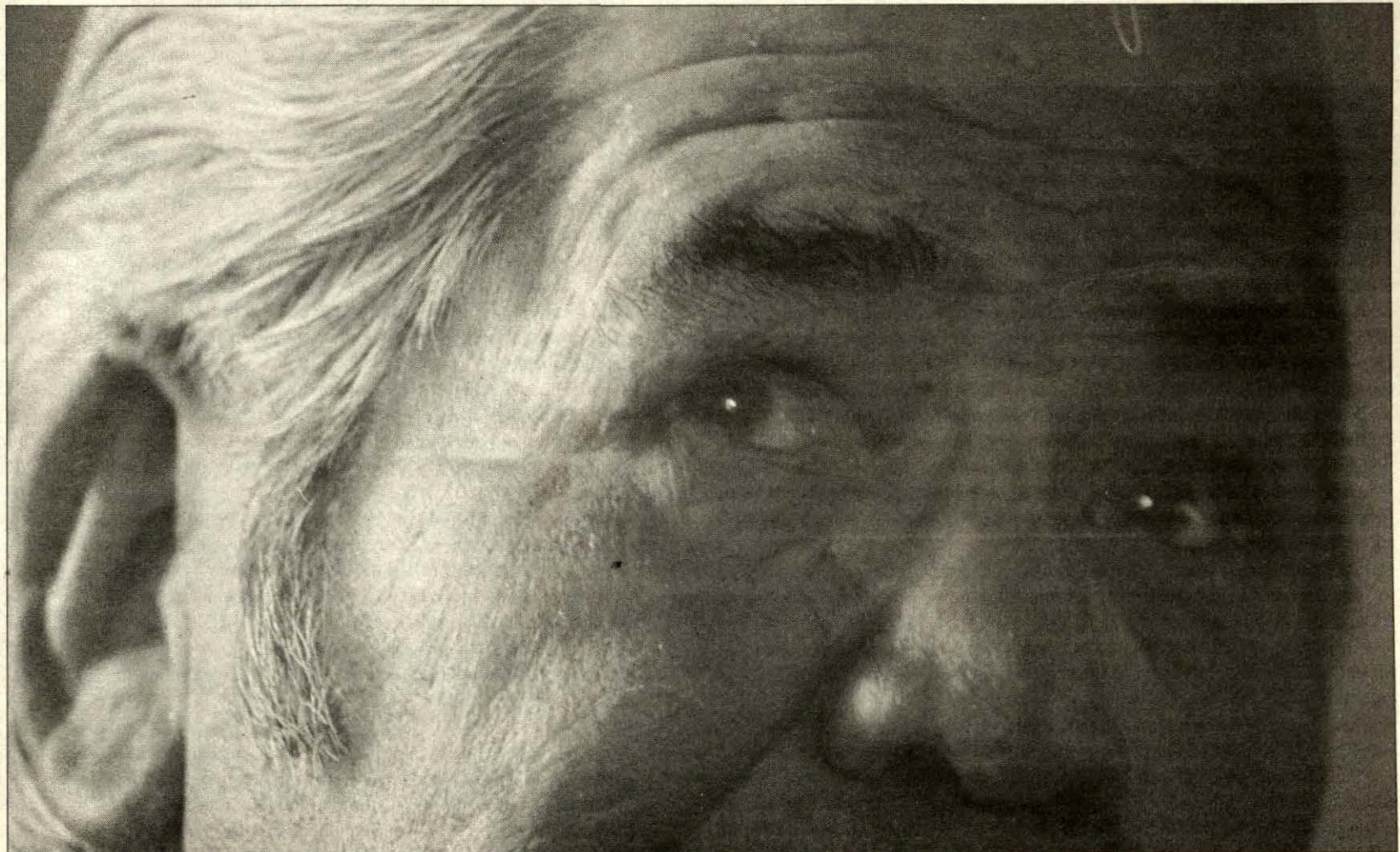
"I got involved with the tribal government and the council," he says.

Pierre began to push the council to do more for elders like himself.

He now serves as an advocate for elders on the reservation, and is the father of several elderly assistance programs. He does traditional healing ceremonies in his home, and people turn to him when they don't know where else to find help.

These days, Pierre is concerning himself with a different kind of fog, a misting of the values that have held his tribe together.

Elder abuse is becoming an increasing problem on the Flathead, and although there are no statistics to prove that the rate of abuse on the reservation exceeds off-reservation rates, or even that it is an extremely prevalent problem, the number of reports is growing, and activists and advocates like Pierre are concerned.

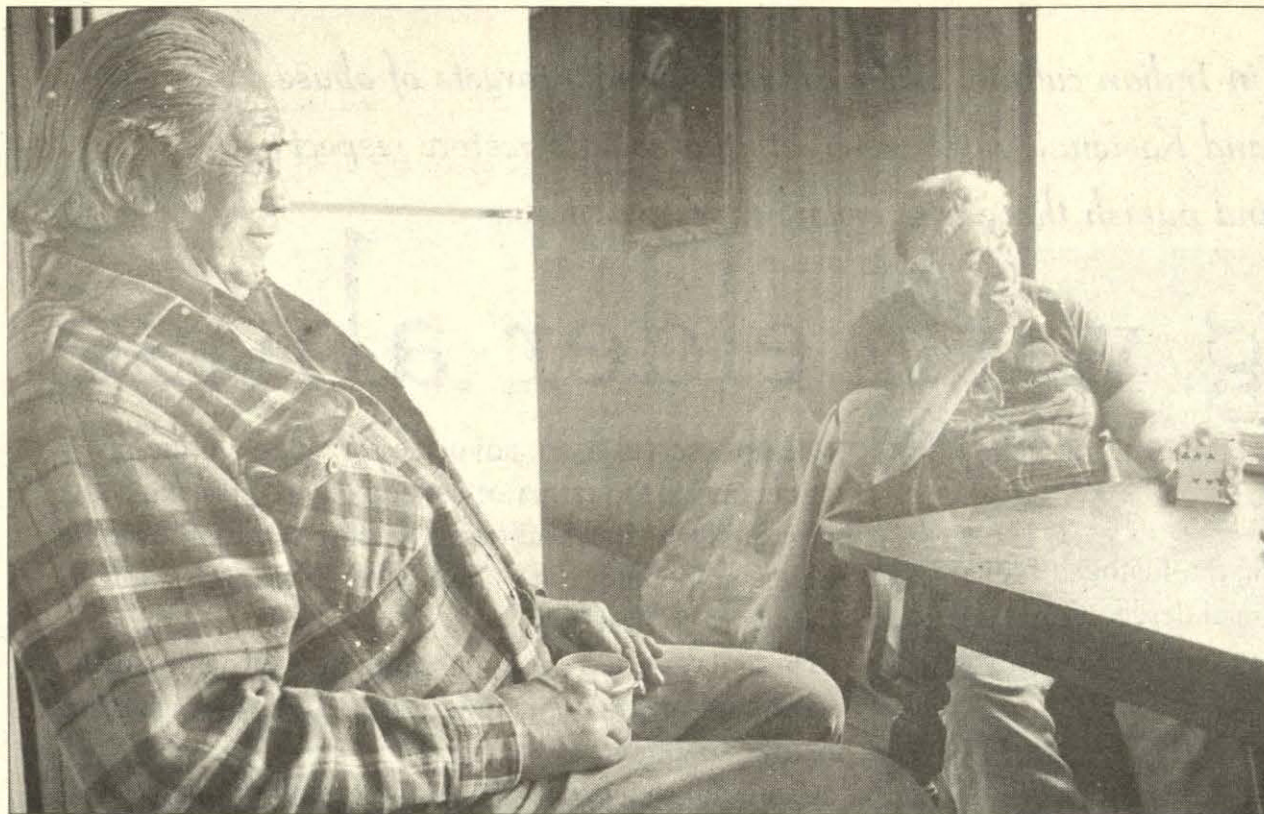


Pat Pierre, a 67-year-old Salish, is an elder himself, but he has been an advocate of elders' rights all of his life.

WRITTEN BY MOLLY WOOD



PHOTOGRAPHED BY TERRI LONG FOX



Pat Pierre and his pal Chuck Hunter swap stories about their early years. Pierre believes that returning to the traditional culture of his tribe and young people respecting elders will help alleviate elder abuse.

"There's a million and one ways that the elderly are being abused today," says Pierre from his home high in the Mission Mountains.

Elder abuse can include intentional physical harm, or injury through neglect; sexual abuse of an elderly person; emotional abuse such as threats, intimidation or humiliation; or exploitation of the money or property of an elder.

Pierre maintains the root of elder abuse is lack of respect.

"The generation under me has lost their respect," he says.

In a culture that considers respect for its elders one of its dearest traditions, this decline in values has had a profound effect on older and vulnerable adults.

Pierre has been pushing for a code against elder abuse for almost five years, but the tribe did not begin to work on a new code until a year ago when Helen Camel, a medical social worker with Tribal Health Services, and others took up the cause.

Now, the legal department is working to create a civil code to deal with the protection of vulnerable adults on the reservation. The code, now in its fourth draft, is being written by Rhonda Langford, a lawyer with the Tribal Legal Department, and Cher Thomas, a University of Montana law student who graduated in May.

The code will give the tribe the authority to investigate reports of abuse and to coordinate services following an investigation.

A criminal code exists on the Flathead which makes abuse of an elder punishable by jail and fines. Yet when an estimated 75 percent of abuse comes from family members, authorities say, incidents are seldom reported, and almost never prosecuted.

Pierre, who has been the instrument of most of the elderly assistance programs on the Flathead, says those codes mean little because they do not incorporate the respect for elders that is lacking.

Camel expresses some optimism about the new code, however. She believes the tribe must search for ways to protect older people from their families, their diseases, even themselves.

"Let's have some respect" for our elders, she says. "Let's not have them walking on the roads dirty as hell. Let's not punish them because they have these diseases that make them go senile."

Camel pushed the tribal council to pass a written resolution declaring its respect for elders, which it did Jan. 17, and she hopes the new code will prompt the tribal community to get involved in stopping elder abuse.

Pierre says elder abuse codes will run into trouble as long as they require abused adults to testify against their abusers.

"The only way it will ever work is if this court has got the authority to follow up on these complaints and to actually prosecute these cases" and leave elders out of the process, he says.

Pierre himself often serves as a mediator for elders who have been abused.

He tells the story of one woman who called him wondering why she had no money for food and bills. Pierre discovered that her son had changed her address to his own and was receiving and cashing the woman's federal assistance checks. Pierre called the man and threatened him with tribal and federal

court complaints if he did not return the checks and make reparation. After less than a week, the woman began receiving her checks and her son began paying her back.

Pierre's way is effective, but he says legal methods on the reservation are not so simple.

"The legal system gets their hands tied because people don't want to testify," he says.

"The perpetrators are still out there," he says. "They're just not being punished."

When the law does not back him up, Pierre says, there is little he can do.

Perpetrators rarely receive jail time, and even restraining orders are usually pulled by the complainants.

Pierre remembers a woman he worked with whose sons would push her around, steal her checks and sell her trinkets and mementos to buy alcohol. Pierre convinced the woman to get a restraining order against her children, but when her sons began to pace in front of her house, heads hanging low, she felt sorry for them and let them back in. The abuse quickly resumed.

"What do you do?" Pierre asks, throwing up his hands.

Pierre maintains that the tribe has lost its sense of being Indian, and that the very people the council claims to respect are mistreated by the council itself.

Elders are afraid to speak out to the council or the rest of the tribe, he says, because they are not listened to and are afraid of being reprimanded by younger tribal members.

Hank Baylor, a member of the tribal council replies tersely when asked about the tribe's respect for its elders.

"We do respect our elders," he said. "That's why we passed the resolution."

Baylor said the council will support the new code if it will protect the elders of the Flathead.

Pierre, however, is not sure the code will prove effective unless it is given teeth by its creators, and unless elder advice is actively sought and followed.

Camel says she has pushed the council to prove its commitment to elders.

"If we're adults and we have living parents, what are we doing on an ongoing basis to focus on and respect our elders?" she asks.

Camel believes the answer is not much.

"From what I've seen in the last two years ... everybody mouths it, but I don't see it happening in reality."

Pierre travels a rutted dirt road on one of his daily rounds around the reservation. He checks on elders who live alone, many in isolated areas with limited access. Today, no one is home in the two houses he visits, so he calls upon his friend and partner in advocacy, Chuck Hunter.

Together, the two reminisce about life on the Camas Prairie at the foot of the Mission Mountains. They tell horse-and-buggy stories and gossip about their peers.

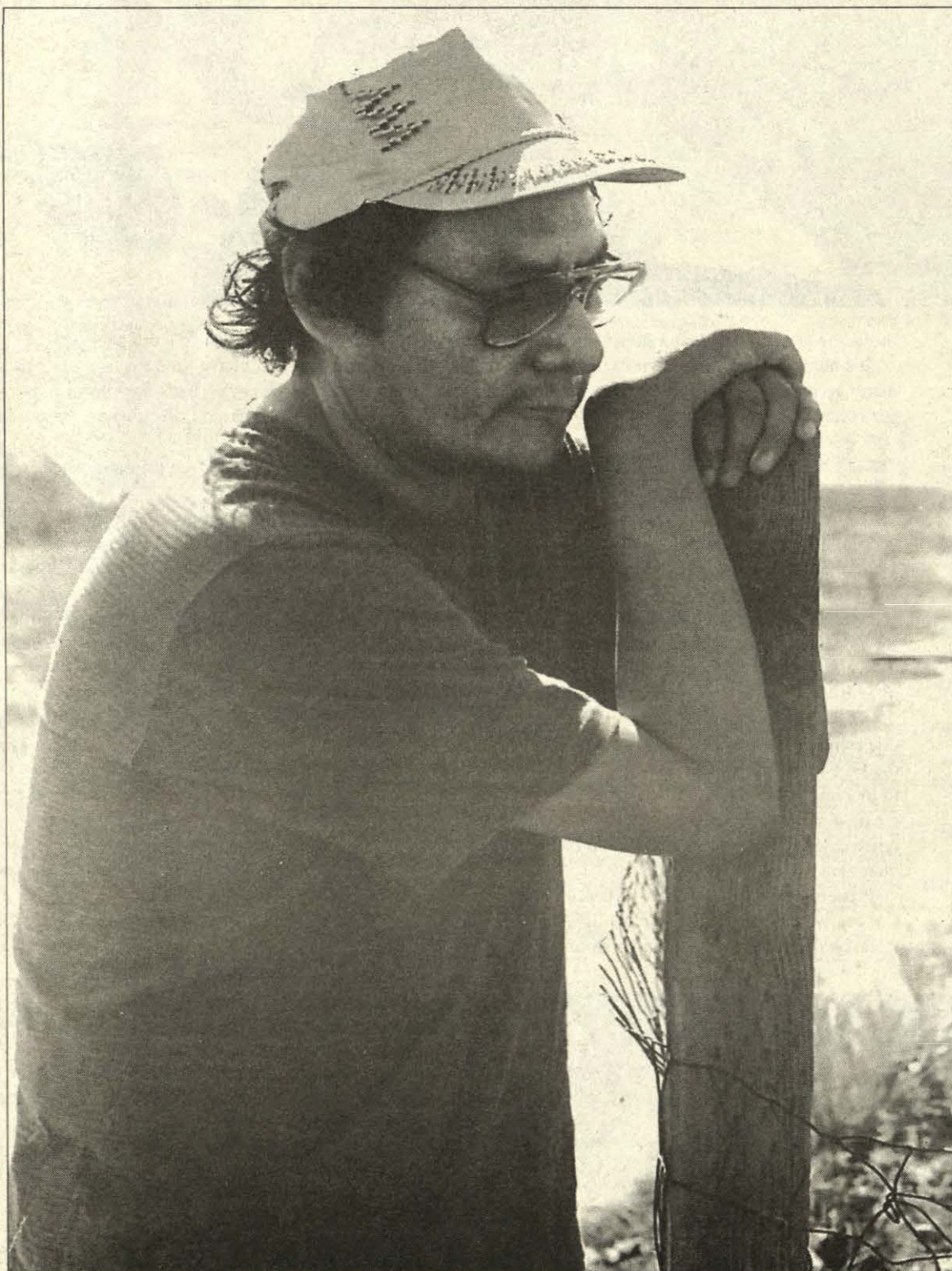
Hunter shakes his head when Pierre talks about elder abuse.

"I hope I never get that old, that my kids take my money," says Hunter, who turned 70 in May. "I hope I never get that old."



On the Fort Peck Reservation alcohol is a negative factor in 75 percent of the homes. The tribe is trying to reverse the cycle of alcohol abuse and deal with the growing number of young drinkers.

Drowning in Alcohol



Alcohol has been part of Harold Red Eagle's life since his father dared him to take a drink at age 8. Just as alcohol was something Red Eagle grew up with, so too was it part of his children's daily life. His daughter Kim is serving a three-year sentence for murdering her brother while she was drunk. "Kim's whole life, probably all she can remember is alcohol," Red Eagle says.

A smile forms on Harold Red Eagle's puffy face as he talks about his daughter. But the smile is soon supplanted. It's the hurt that's most often on the surface now.

The 37-year-old Red Eagle likes to recall his daughter's prowess with a basketball. It was so much like his own.

But another similarity between father and daughter is their addiction to alcohol. Red Eagle knows too well that it's a habit his 18-year-old daughter Kim formed at home.

She started drinking at 13, her father says. It was her family's way of life. And the fog that so often enveloped her parents placed extra responsibility on Kim.

"She never had a chance to grow up," Red Eagle says. "She practically raised her brothers. All she saw us do was drink alcohol."

Kim lives away from her family now. She's serving a 3 1/2-year prison term for murdering her 14-year-old brother by putting a knife through his heart while she was drunk.

Alcohol touches the lives of 75 percent of the homes on the Fort Peck Reservation, where kids grow up surrounded by the violence and crime that accompany it, says Ray Parales, director of youth services.

From 1994 to 1995, there was a jump in every category of juvenile crime on the reservation, according to tribal statistics. The biggest was in disorderly conduct, and 79 percent of those cases involved alcohol.

Even an augmented and better equipped police force, patrols at night and increased in-service training for juvenile officers don't seem to stem the tide.

Parales, who helped institute the changes, is frustrated.

"Almost everybody who comes through these doors has been touched by alcohol in their homes," he says. "They're not getting the skills they need to learn how to survive."

In the expanse of wheat fields and open range from Wolf Point to Poplar, a faded billboard stands testament to the battle residents on the reservation face.

"Alcohol and Drug Abuse Destroys Our Heritage and Traditional Way of Life," the sign says.

The problem isn't new. It's not uncommon to see four generations suffering from alcohol-

With tremendous financial support from the tribal council, Ray Parales has successfully created a separate judicial system to deal with problem juveniles. The new system has its own judge and clerk, its own prosecutor, and four police officers.

related problems and the domestic turmoil that comes with it.

Harold Red Eagle's father challenged him to start drinking when he was 8. When Kim started drinking, it extended a cycle that Patty McGeshick, director of Fort Peck's Crisis Center, says is not uncommon.

"If you know a mother is drinking, in most cases the children are also going to be drinking," she says.

One of every eight children on the reservation suffers from Fetal Alcohol Syndrome, a condition caused when mothers drink while they are pregnant.

"They talk about stopping, but they don't know how," she says.

But it's not the health problems of alcohol abuse that are most dangerous; it's the home life that accompanies it. More than 95 percent of the domestic, child and sexual abuse cases involve alcohol, McGeshick says.

When children internalize those problems it affects how they grow up, says Sandy Stellflug, principal of the Northside Elementary School.

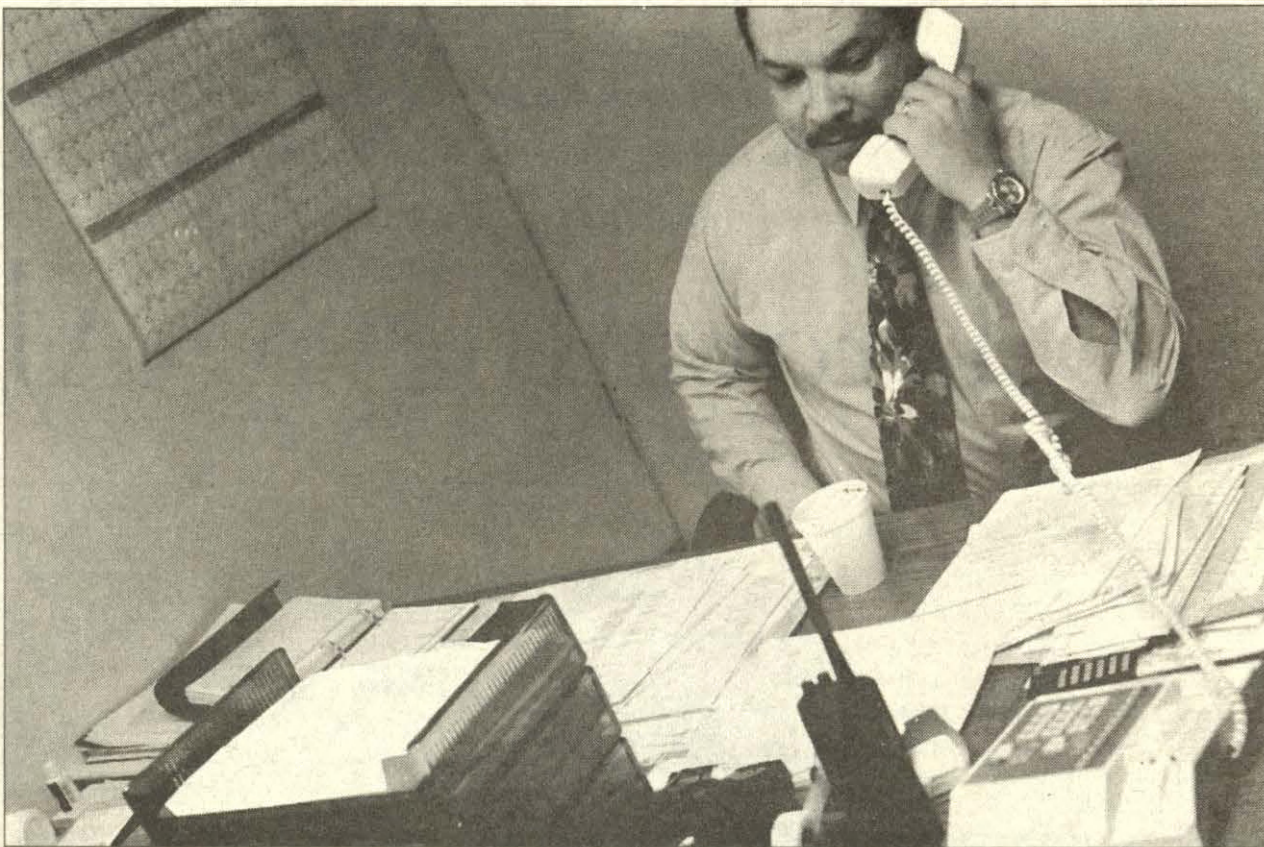
"With all the baggage they carry, it's not surprising they have problems. Alcohol creates a way of life that's hard to break," Stellflug says.

She says that of 86 children at Northside who have behavioral problems, 54 percent suffer from either physical or sexual abuse or from neglect.

Putting an end to the problem is as frustrating as the problem itself. Children aren't only learning violent behavior, they're learning that many crimes go unpunished.

Of 151 domestic violence cases reported in 1994, more than half of the accused spent no time in jail, McGeshick says. The main problem is the victim's fear of testifying, she says. In addition, she adds, few

When Albert Foote was struggling with alcohol and drugs, he looked to traditional religious beliefs for help. Now, as a drug and alcohol counselor at the Spotted Bull Treatment Center, Foote uses spiritual teachings and traditional beliefs to help troubled juveniles find a way to break out of alcohol's destructive cycle. Foote, a single father raising three children, also believes that family plays an important role in beating alcohol and drugs.



offenders are convicted so reporting abuse seems futile.

It's hard to know how often the abuse occurs. "So many go unreported," she explains. "The only thing we see is how it affects the children."

Jose Figueroa was a "tough guy" when he was a kid. It's that experience that helps him understand how to deal with teens now that he has shed that image and donned the uniform of a cop. Figueroa is one of six juvenile officers covering the Fort Peck Reservation as part of the tribe's effort to curb juvenile violence.

An outbreak of juvenile crime in 1994 sparked the Fort Peck authorities to increase the budget and create a police force designated solely for juveniles. By 1996 the budget had increased to almost \$200,000.

Figueroa patrols Wolf Point in a white Chevrolet Corsica which doesn't have police lights on top or icons on the side. He says the unadorned car keeps

him "incognito" when he's out patrolling.

Juveniles don't have time to react when he's approaching, he says. That's how he was able to catch Paul and his two friends, all of whom reeked of alcohol.

Paul's mother had been drinking when he left his house.

"I didn't want to stay there," he said. "I didn't know what else to do, so I left and started drinking." After picking up Paul, Figueroa returned him to his home. When he left, Paul and his mother were arguing again. Paul's mother told him he needed to stop drinking, but her words were tainted with the smell of alcohol on her breath.

Paul knows her words say one thing but her actions tell another story. Earlier in the evening, she had allowed her 14-year-old daughter to drive her car.

"We know that we can't stop everything," Figueroa says. "There's too much that goes on behind closed doors that we can't do anything about."

Once the kids have started drinking they lose all respect for the police, he says. Even with more community patrolling, for example, an officer posted in the Poplar Middle School, the police haven't established themselves as authority figures.

"They'll be friends with you during the day, but once they get drunk, crime is a game to them," he says.

Michael Youngman, a 15-year-old 8th grader, is a familiar face in the detention center. So are many of his pals. He doesn't mind when he serves time at the center because he gets to see his friends. He started getting in trouble when he was 6, and drinking when he was 9.

Youngman is more proud of the cages installed on the windows of the Tribal Express

"If you know a mother is drinking, in most cases the children are also going to be drinking."

- Principal Sandy Stellflug



convenience store, a result of breaking in there eight times, than he is fearful of the police. Police punishment, he says, means nothing and doesn't deter him from doing what he pleases. "I don't care about the law," Youngman says, "when I get into trouble there's really nothing they can do."

His crimes have never resulted in a punishment severe enough to stop him from committing them again. His misdemeanors have only landed him in the detention center or on probation.

Although his parents don't drink, getting them involved in his life has been difficult. Youngman says he doesn't think his parents care. They're usually asleep when he gets home every night at midnight after smoking marijuana with his friends.

"I worry about my parents about as much as I worry about the police," he says.

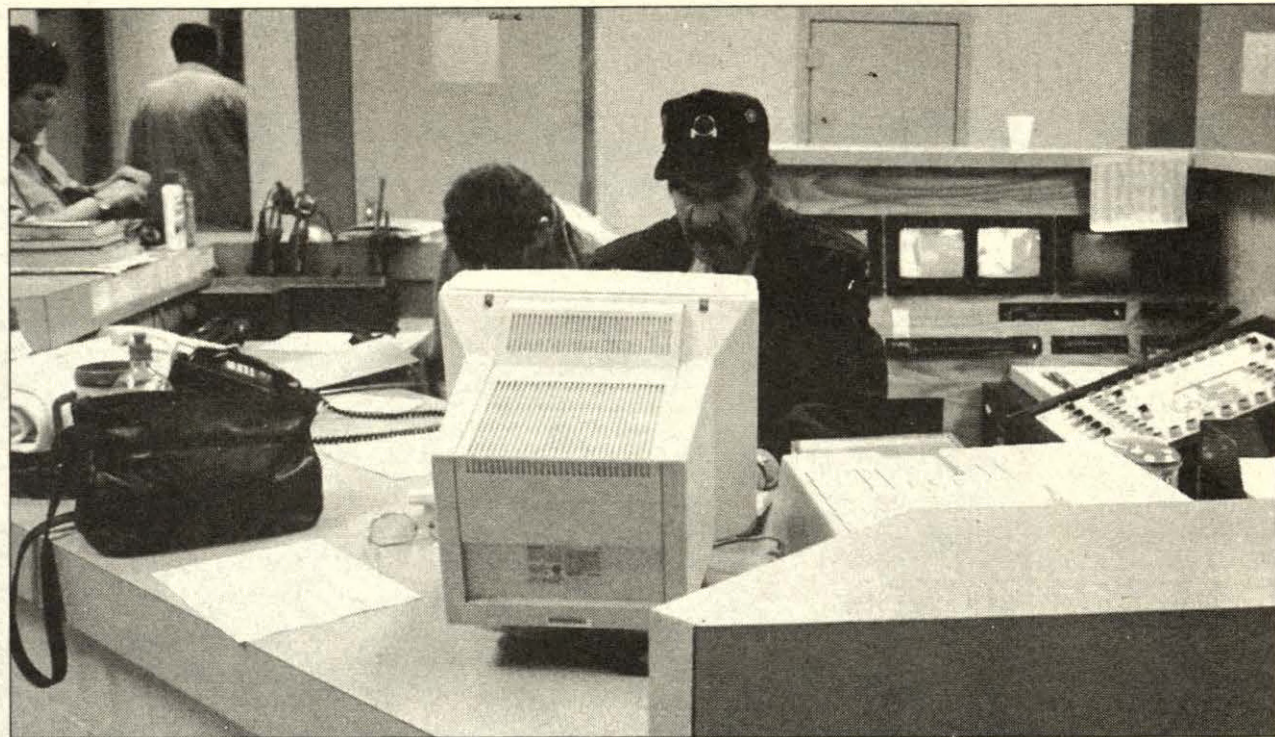
Albert Foote, a counselor at the Spotted Bull Treatment Center, an alcohol treatment center for children, says he sees similar problems among other juveniles who have problems with the law.

Tuesday and Thursday nights are family night at the center. But, Foote says, it's rare to have anyone show up.

"By then, the children are just hoping to see anyone," he says. "And most of the ones (parents) who don't come have problems with alcohol."

Even with the revamped police force, Parales says trying to stop juvenile crime is impossible with all the domestic problems.

"We can't fix the kids without fixing the family," he says. "Until then, we're just spinning the wheels."



The juvenile detention center is just one of the new additions to the juvenile justice system at Fort Peck. The facility's security system includes computer-locked cells and separate wings for males and females. Residents, whose stay lasts from one night to six months, have access to TV, a computer lab, a gymnasium, and an outdoor courtyard.

Leveling the Playing Field

The Fort Peck Reservation is beefing up its police force to deal with rising juvenile crime

The Assiniboine and Sioux tribes at Fort Peck have recently armed themselves for battle. Their target is the rising tide of juvenile violence. Their weapons are a new juvenile detention center, a juvenile police system and a nearly \$200,000 budget.

Four juvenile officers were added to the two already on the job and the staff was given an office and new equipment to put themselves on the offensive.

Their results have been heartening, but the battle's far from won.

"We're putting the elements in place to take control of the problems," says Ray Parales, juvenile services coordinator. "We're doing things that we couldn't do before."

One of those is interacting more with the community and the kids. Officers must attend at least one community meeting a month and Richie McDonald, one of the new juvenile officers, spends his days at Poplar Middle School.

Though kids still commit crimes, especially after they've been drinking alcohol, McDonald has established a good rapport with some of the students.

Three weeks after arriving at school, he knows and jokes with them during breaks between classes. On his first day there seven boys assaulted one girl, he says. But things seem better now.

Charlie Yellow Hawk, a 14-year-old

student at the middle school, is on probation. He is just one of the increasing number of juveniles at Fort Peck in trouble with the law. But he's happy to have McDonald at the school because now he sees him as a friend and not just a cop.

"Having him here makes us feel safer, and I feel I can trust the police more now," says Yellow Hawk.

Running away from home and assaulting an officer got him six months of probation after two days in the detention center.

That experience shocked him.

"I don't really want to go back" to the center, he says. "It made me realize the trouble I could get into."

Yellow Hawk's probation ended May 21, his birthday. He credits the system with helping him learn more discipline and how to deal with anger.

From his office in Poplar, Parales is able to explore methods that have been successful around the coun-

try at helping kids like Yellow Hawk.

He has instituted the Strategies for Juvenile Supervision program to assist counselors in their treatment. It employs a detailed interview to help them target the areas in which the child needs improvement.

"We want to try as many new things as possible," Parales says.

One other reservation and a prosecutor have taken note of Fort Peck's efforts. The Northern Cheyenne are looking into instituting similar services, and assistant U.S. Attorney Klaus Richter has praised those efforts.

"They really have their stuff together," Richter says.

"They're one of the few reservations with separate juvenile services."

Parales feels Fort Peck is on the right track.

"We know we can't solve everything," he says, "but we're fighting to put in the best system we can."



"We know we can't solve everything," he said, "but we're fighting to put in the best system we can."

- Ray Parales,
director of youth services

Courting Justice



In a recent election, Crow Tribal Council members voted overwhelmingly to preserve Chairwoman Clara Nomee's executive order power, an issue in an ongoing child custody dispute. Every enrolled member of the Crow Tribe is a member of the council. Decisions are made by line vote, in which voters express their sentiment on an issue by walking through a line of judges who tally the number who pass as the ayes and nays are called.

On the Crow Reservation, justice may seem as fleeting as the flick of the wrist of the chairwoman

BILLINGS — Vicki Mason sits at her cluttered kitchen table and shuffles through mountains of court documents that tell a story of an ongoing battle with the Crow Reservation justice system — a system some insist is tainted by politics.

"This has just been one long mess," Mason says from her house in nearby Billings. "It shouldn't have gone this far at all and it never should have drug on this long."

Across town at the home of Kelly Perea, the father of Mason's two children, the setting and discussion about Crow tribal justice is



Teir and Brandi's grandmother, Arliss Perea, has been the stand-in mother throughout the three-year custody battle between the girls' parents.

much different. Perea shifts quietly back and forth in a rocking chair, while daughters Teir, 6, and Brandi, 4, playfully wrestle over a stuffed blue bunny and fill the house with grins and giggles.

Perea agrees the custody battle with Mason has been long and stressful. The Pereaus, including Kelly and his parents, are tired of the court battle, but are content for now to have the girls with them. And they feel the legal actions on the Crow Reservation are in the girls' best interest.

Mason and Perea ultimately settled their differences outside the reach of the Crow Tribal Court. But their tortu-

Nomee: 'I plum stay out of things over there ...'

ous journey toward an uneasy truce illustrates what critics claim is an example of how one signature can turn an entire justice system on its ear.

On the Crow Reservation, courtroom justice is intermingled with executive and legislative authority. All power on the reservation rests in the hands of the tribal council, made up of the tribe's 6,000 enrolled tribal members over 18. The council meets four times a year, leaving the reservation's four elected officials the authority to conduct tribal affairs between meetings.

The Crow constitution also says Crow Tribal Court has no authority separate from what is granted it by the tribal council and thus cannot overrule or declare invalid any actions taken by the council. However, the council can reverse actions of the court.

In the case of *Mason v. Perea*, that provision allowed the tribal chairwoman, Clara Nomee, to unilaterally overturn a decision by the highest Crow court, sending the frustrated parents to federal and state courts for relief.

Members of the Crow Tribal Court deny that the absence of a separation of powers results in interference in decision making. Ron Arneson, Crow Court administrator, says such separation would have made no difference in *Mason v. Perea*.

"I don't agree that Clara in fact can or does have the authority even under the existing system to change the outcome of the court in terms of the court's action," Arneson says.

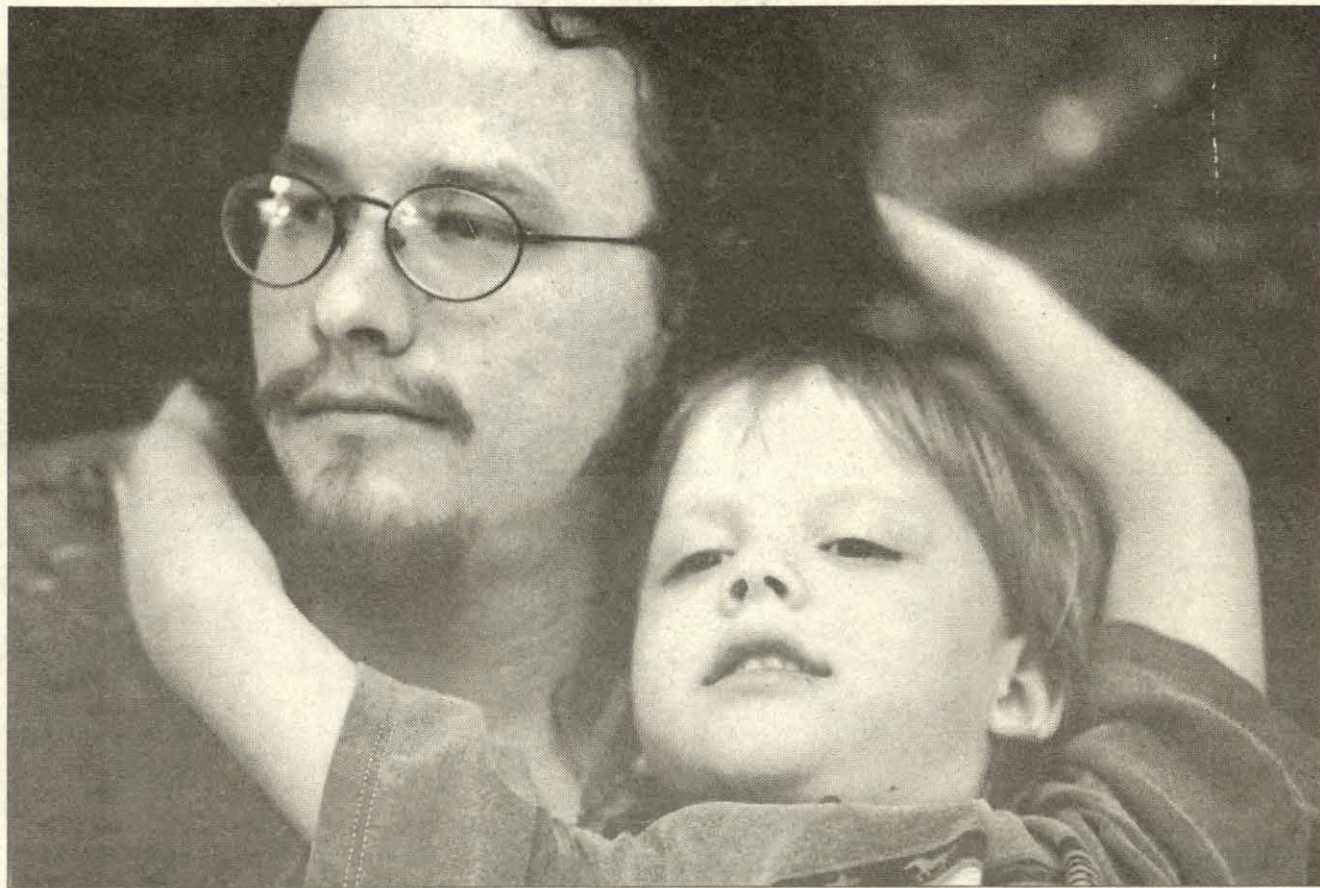
But the last six years of Mason's life, which play out like a recorded message told over and over again to judges, lawyers, consultants and counselors, tell a different story. Thumbing through a multitude of pages filled with legal jargon, Mason wistfully talks about her two daughters whom she hasn't seen since last November and her journeys through tribal court.

Mason met the father of her children, Kelly Perea, in Lame Deer on the Northern Cheyenne Reservation. When Kelly's father, John, became the BIA superintendent at the adjacent Crow Reservation, Mason and Perea, who never married, moved with their two girls to Crow Agency.

After a year with the Pereas on Crow, Mason took her two girls back to Northern Cheyenne, where she and her daughters are enrolled. Mason never imagined the messy custody battle that would result. She had no idea she could lose her daughters forever. To let the girls stay in contact with their dad and grandparents, she arranged frequent visits to the Crow Reservation.

But one afternoon after an arranged visitation, Perea refused to return the girls, then ages 3 and 1.

That started Mason's legal adventures, which began in Northern Cheyenne Tribal Court a little more than three years ago. Its original court order, issued in April 1993, awarded Mason custody. But the Crow



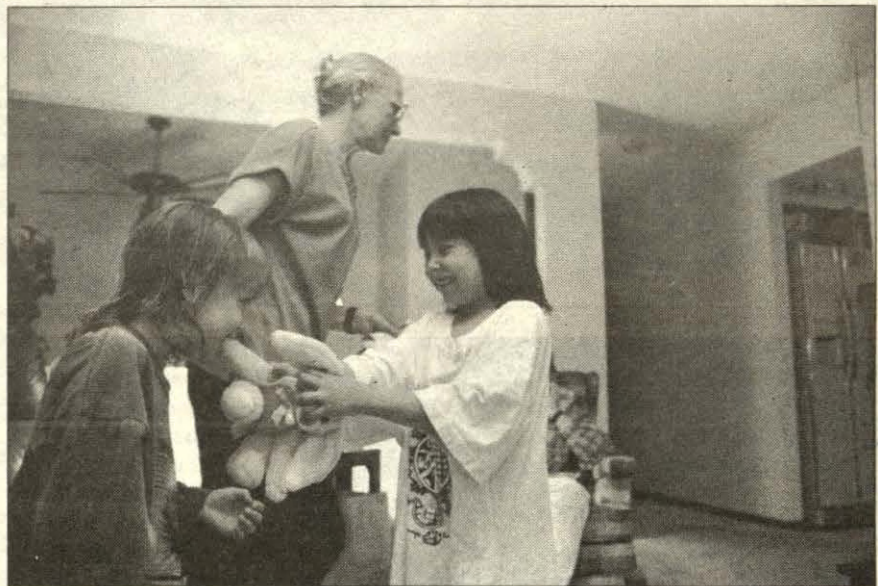
Kelly Perea with his daughter Teir. Teir and Brandi have a court-appointed therapist to act as a champion for them. The therapist has no previous relationship with either family and her focus is the health of the children. During the next 18 months she will have a great deal to say about the welfare of the children. The girls clown around as they get ready for bed.

courts refused to recognize that order.

Seven months later, Donald Stewart, an associate judge of the Crow Tribal Court, granted temporary custody to Mason. Yet four months after that, in February 1994, Stewart took himself off the case for reasons he today declines to discuss. Crow Chief Judge Victoria White stepped in and awarded "care, control and custody" to Kelly Perea.

Mason appealed the ruling to the Crow Appellate Court. According to Crow law, the court of appeals is to be made up of three judges chosen by the chief judge. At the time, the code mandated that the case be heard by two tribal judges who had not presided over the appeal and one judge from the National Indian Tribal Judges Association. But one Crow judge had already stepped down from the case, a second judge refused to get involved and the chief judge had already presided, so the Crow court sought three outside judges. That appellate court in 1994 ruled Teir and Brandi be returned to their mother in Northern Cheyenne.

The lack of a separation of powers then began to play its part. In August 1994, three months after the appellate court deci-



sion, Chairwoman Nomee overturned it.

Nomee's order said the appellate ruling should not stand "because of irregularities in litigation procedures, and manipulation of information in case files which could result in further damage to the children and their care providers." She said the transcript on which the judges based their ruling "shows purposeful tampering with testimony" and she cited, without elaboration, repeated "perjured testimony" of Vicki Mason that influenced the appellate ruling.

Nomee later amended the order to make it final, pending the next council meeting, and cited "Crow Tribal tradition, constitution and resolutions" as her authority to take such action.

At the next full council meeting, the tribe passed a resolution that said if two Crow judges cannot hear a court appeal, the chief judge "shall appoint members of

the Crow Tribe — preferably with previous judicial experience — to replace them."

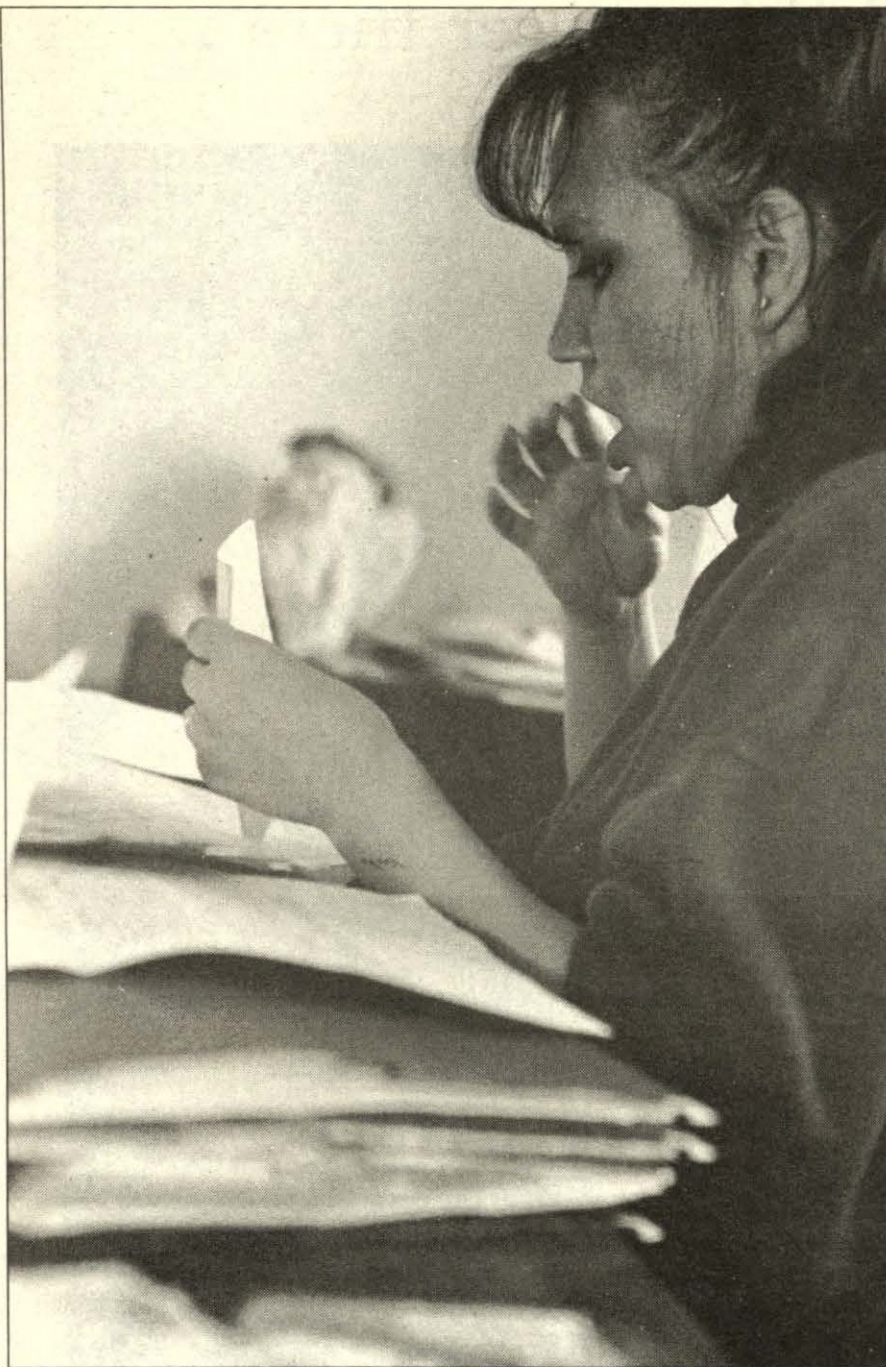
It then endorsed her executive order in the Mason case and passed a resolution "providing for the rehearing of appellate court decisions in certain circumstances." Those circumstances were not defined.

But those circumstances did include *Mason v. Perea*. So Perea filed for a rehearing. That rehearing is still pending.

Mason believes she is the victim of a system which, because she was an outsider, was stacked against her from the start. It's simply a case of who knows who, she says. And she didn't know anybody.

"Because of politics and the confusion of the tribal court, I still don't have my kids," Mason says. "Mostly politics, I just can't really prove it."

No parties involved in this case are

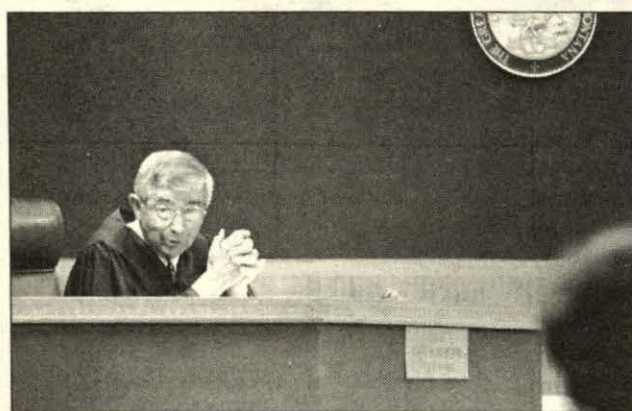


Council Chairwoman Clara Nomee (above) has been in power for six years at Crow Reservation. For most of those years she has wielded an executive order power to run the everyday business needs of the the Crow Tribe between Crow Council meetings.

Crow Tribal Court Chief Judge Victoria White (left) oversees Crow Tribal Court.



For the last three years, Vicki Mason (left) has been fighting custody battles over her children. Until April, all she had in return was a pile of court orders and legal documents and a couple brief visitations.



Judge Robert Holmstrom worked out a custody agreement with Mason and Perea's attorneys. "What is overlooked by all of this jurisdictional b.s. is what is the long-range effects of this," Holmstrom says.

members of the Crow Tribe. Vicki Mason and Brandi and Teir Perea are enrolled members of the Northern Cheyenne tribe, and Kelly Perea is an enrolled member of the Sisseton-Wahpton tribe in South Dakota.

John Perea, the girls' paternal grandfather who was BIA superintendent at the time, acknowledges that he talked to Nomee about the appellate court decision. He says he saw Nomee a few nights after the decision and pointed out problems with the ruling.

"I told her that not just this case but all of the cases were illegal because the judges who were appointed weren't tribal mem-

bers," Perea says. "When she realized they weren't, she issued the executive orders."

Arliss Perea, the girl's grandmother, says the family's relationship with Nomee played no role in Nomee's decision to overturn the ruling.

"Yes, John did know Clara, but he didn't influence her," Arliss Perea says. "Clara is a very nice person who values children's rights, and when she saw things going wrong in her court that could be detrimental to children, she stepped in so things could be worked out."

And those who work at the tribal court stand by the justice system at Crow.

"There's a tug-of-war that generates out

of a court decision and all of a sudden the legislative process doesn't agree with that process and it modifies it," Court Administrator Arneson says. "And that's just what happened."

While Arneson acknowledges that pressure was applied to Nomee, particularly from Perea supporters, he says the executive orders are within the power of the chairman.

He also says the decision of the appellate court was completely legal.

"The court just makes decisions based on its own best authority and no one will ever convince me that that decision was not a lawful judicially established appellate court," he says. "I'll stand by that until hell freezes over."

However, in the same interview Arneson said the resolution passed by the council that endorsed Nomee's order was within its power.

"I firmly believe that this case has been handled as best it could be handled under the circumstances in as fair and just a way as it could have been managed," he says. "I think it's inappropriate for people to go around throwing rocks at the court or at the chairperson or at the second appellate court because it is all very lawful whether we like it or not."

Crow Tribal Chairwoman Nomee also stands by her order. She says the order was written because no tribal judges were part of the appellate court. Nomee also says she rarely involves herself

in the tribal court, and the resolution calling for appellate rehearings was not connected with the custody case.

"I plum stay out of things over there in the court, even if they are my constituents and they voted for me," Nomee says.

Nomee says her opposition in the council uses Mason v. Perea against her, but she denies any direct interest in the case.

"The decision-makers are the members of the tribal council," she says. "They are the ones who make the laws. It's not just up to me."

The case of Perea v. Mason was heard in the Thirteenth Judicial District Court in Billings by Judge Robert Holmstrom on April 17. The judge has asked both Northern Cheyenne and Crow to drop their court orders and allow state court to have the final say.

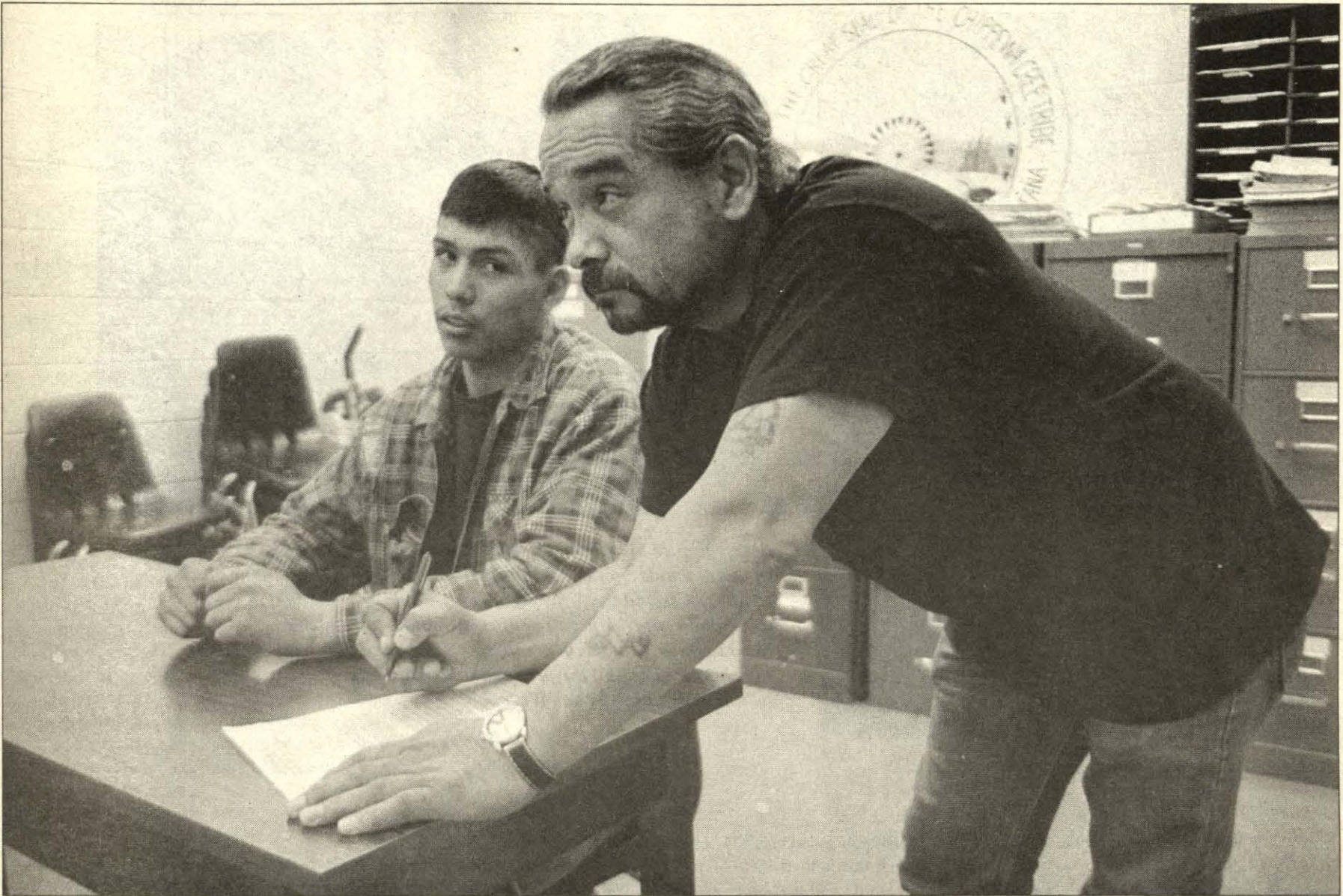
Perea and Mason, however, recently settled without a full-blown court hearing. The girls will spend the school year and half of the summer with their mother and the last six weeks of the summer with their father. Holmstrom says the temporary custody arrangement will continue for 18 months, provided both parties are in complete agreement during the trial period. And extensive counseling for the two girls and their mother and father will begin immediately. Perea and Mason will again appear in court on July 25, 1997, for a status conference and final agreement.

Perea says he isn't sure whether settling out of court was the right thing. He would have liked to have seen a final decision assuring that Mason couldn't take the kids back to Northern Cheyenne.

Mason also says it worries her that Perea will take the girls back to Crow.

"That's my biggest fear that he will run back to Crow, and then what?" Mason asks. "Then I'm going to be stuck right back where I am now, and I would have to start all over again."





Alan Morsette, ex-convict and public defender on the Rocky Boy's Reservation, defends his client during arraignment. "I object to his pleading guilty," says Morsette to the chief judge, who is his sister. Adrian Demontiney changed his plea to not guilty after Morsette told him that he could get the charges dropped and get his entire \$100 bond back.

Public Defender & Ex-con

Alan Morsette knows what it's like to be convicted of a crime.

Maybe that's why he's able to help those accused of crimes on the Rocky Boy's Reservation.

But some believe he has the job because he's related to important tribal members and his sister is the judge.

Add up the time Alan Morsette has spent in tribal and county jails and in federal prison and the years total nearly half his life.

Today the 45-year-old Morsette is back home on the Rocky Boy's Reservation in northcentral Montana. He still spends almost every day in front of a judge but it's not keeping himself out of trouble that concerns him now. A Chippewa-Cree, Morsette is the tribal court public defender.

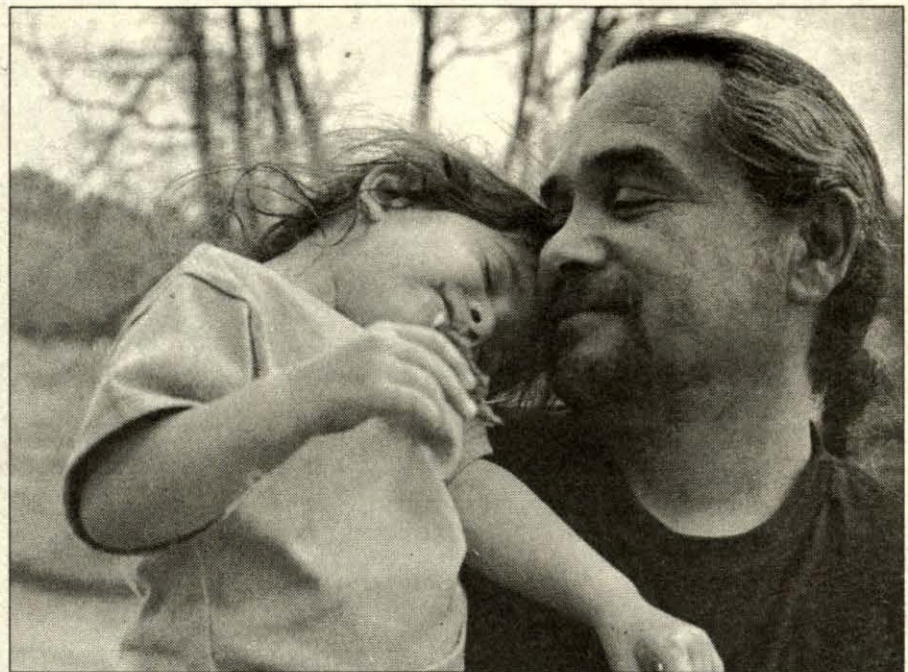
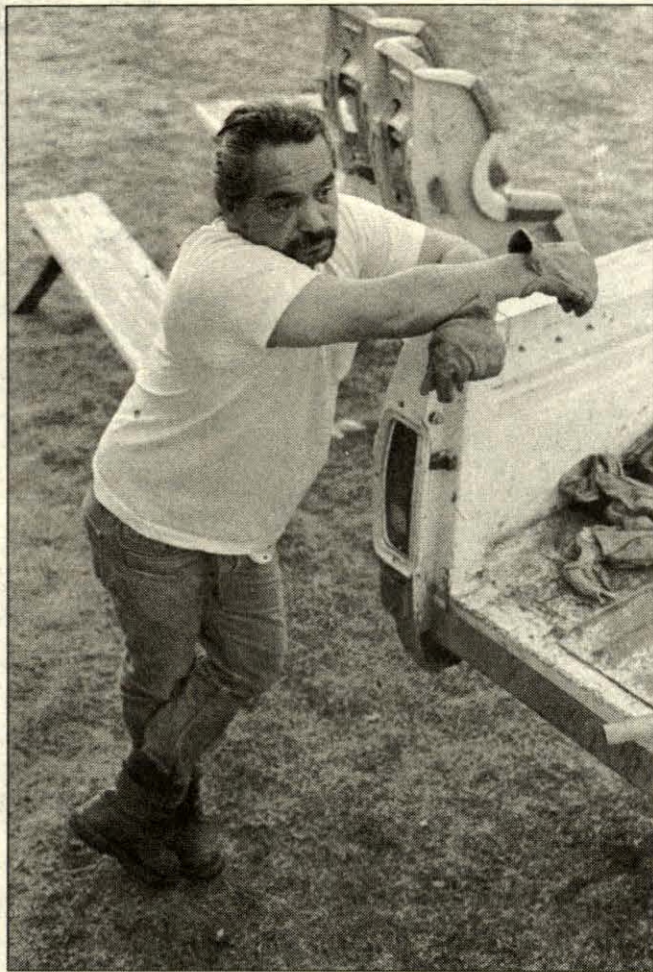
Morsette talks openly about his years of trouble

with the law, his past problems with alcohol and drugs and his future on the reservation. And he's proud of his present role in the tribal justice system.

Yet while some colleagues defend the work he's doing, others question a tribal system that allows an ex-convict to hold one of the precious few jobs on the reservation. And still others say it's politics and nepotism that secured him an important job that requires no minimum qualifications.

WRITTEN BY LORIE HUTSON

PHOTOGRAPHED BY AMIE THOMPSON



Morsette says his "three-piece suit" for court appearances includes tennis shoes, a T-shirt and jeans. "If Indians were meant to have suits and ties," he says, "they would have had them a long time ago." His voice softens when he talks about his daughter, Tanesa. "I'm trying to make sure that my children have all the love and understanding as humanly possible, and it's a chore."

Vince Denny, who is chief of Rocky Boy's tribal police and also Morsette's brother-in-law, points to a tribal study that pegs unemployment at 66 percent during much of the year, but which can jump to 80 percent in winter months. He wonders about the appropriateness of his brother-in-law's position in the tribal court system.

"It staggers the mind when convicted felons are more or less treated like heroes," he says.

Former tribal court Chief Justice Russell Standing Rock notes that when Morsette was hired for the tribal prosecutor job a year and a half ago, Morsette's sister and a cousin were both members of the tribe's law and order committee. It's that committee that makes recommendations to the tribal council for people to serve in court jobs like prosecutor and public defender.

In fact, Morsette is related to all the elected justices in the current Rocky Boy's court system. The chief justice, Marilyn Sutherland, is his sister. The associate justices, Arthur "Ozzie" Windy Boy and Kenny Gardipee, are his cousins.

"If you have a friend on the council, even if you are a child molester and you cut their heads off and cook them, you can still get a job," Denny says.

Morsette boasts a remarkable success rate in keeping clients out of jail. He says it's an acquittal rate of 90 to 95 percent, and while firm statistics are not available, others confirm Morsette is almost always on the winning side.

"Jail is not a deterrent," Morsette says. "Jails and prisons are not the answer; nobody belongs in jail. I do not believe in that kind of punishment."

In addition to his personal experience with the justice system, Morsette has had some formal legal training. He has attended two Indian law clinics sponsored by the University of Montana School of Law.

He doesn't hold a law degree but no one employed in the Rocky Boy's court system does. The tribal constitution and law and order code do not require justices or attorneys employed by the tribe to have a law degree or specific training of any kind. In fact, the tribal documents of the Chippewa-Cree do not provide any guidelines or standard of qualifications for any of the jobs in the court system.

Just who is Alan Morsette and should a person with his background be part of a

justice system?

Morsette's troubles with alcohol and the law began early in his life. He says that in 1973, at age of 21, he began serving a 10-year stint in federal prison for a conviction for grand larceny.

But just as the qualifications for his court job are vague, so apparently are his recollections.



Marilyn Sutherland, tribal court chief justice and Morsette's sister.

Court records reveal a different series of events with the same consequence, 10 years in federal prison. The records show that while Morsette was charged with grand larceny, prosecutors eventually dropped the case.

What sent Morsette to federal prison, court documents make clear, was a rape conviction in 1975.

After that, Morsette's criminal record is even more clouded. He acknowledges at least two other felony convictions including a sentence of 25-years-to-life for what he says was a domestic abuse and attempted murder charge. However, Morsette says he spent less than six years in a federal penitentiary before the conviction was overturned. It was not immediately clear why the court overturned the judgment or if he was exonerated at all. Further, Denny says the charges were rape and mutilation.

Denny and Standing Rock say understanding the relationship between the tribal courts and the council is essential to an understanding of why violent offenders can find employment in the tribal system. The Chippewa and Cree are the only tribes in Montana that include a separation of powers in their tribal constitution.

The three justices in the court system are elected, as is the nine-member tribal council. While that might seem to mean that the tribal council does not interfere in tribal court operations, the tribal council hires and fires some of the court officers.

And Standing Rock contends there are other ways to influence the court.

"What affects the courts is the injustice of politics," he says.

The community is so close-knit, he says, that there is a reluctance to pass judgment on a neighbor or a relative.

Also, the tribal council has self-governing powers, so rather than the Bureau of Indian Affairs doling out the tribal court budget, the tribal council holds the purse strings and can use that power to pursue judgments that tribal council members want.

'Lord help you if the family of someone you put in jail has a member on the council or some influence, because then your days are numbered.'

- Police Chief Vince Denny

"The business committee (tribal council) constantly pursues favorable decisions" from the court, Standing Rock charges.

Denny says he has felt the alternating wrath and favor of the tribal council in his position as chief of police. He was first hired by the council in 1989, then fired in 1991 and hired back again in 1993.

"Lord help you if the family of someone you put in jail has a member on the council or some influence," he says. "Because then your days are numbered."

The tribe is not unaware of this kind of criticism and is taking steps to curb what are obvious abuses.

Researcher Suzanne Billie was hired by the tribal council to, in part, implement some hiring guidelines for the tribal court system. She has suggested several revisions of the laws for the Rocky Boy's tribal government. She says more work needs to be done, but her federal grant expired April 30.

■ ■ ■

The phone in the Morsette home is rarely quiet, as Alan takes calls at home from the people he is defending in court.

"I like that people look at me as someone who can do something for them," he says.

Central to Morsette's main defense strategy in court is the law and order code of the Chippewa-Cree tribe. He takes advantage of the vague language to keep his defendants out of jail.

"I look for technicalities in the language of the law," he says. "In a lot of instances it could work against me if you could out-argue me."

But according to Morsette, whether he has to employ his "professor vocabulary" or just banter in the "ol' reservation yak-yak" it comes down to only one thing.

"What it all boils down to is the best talker, and I've got some jaws," he says. "I'll argue with a stop sign."

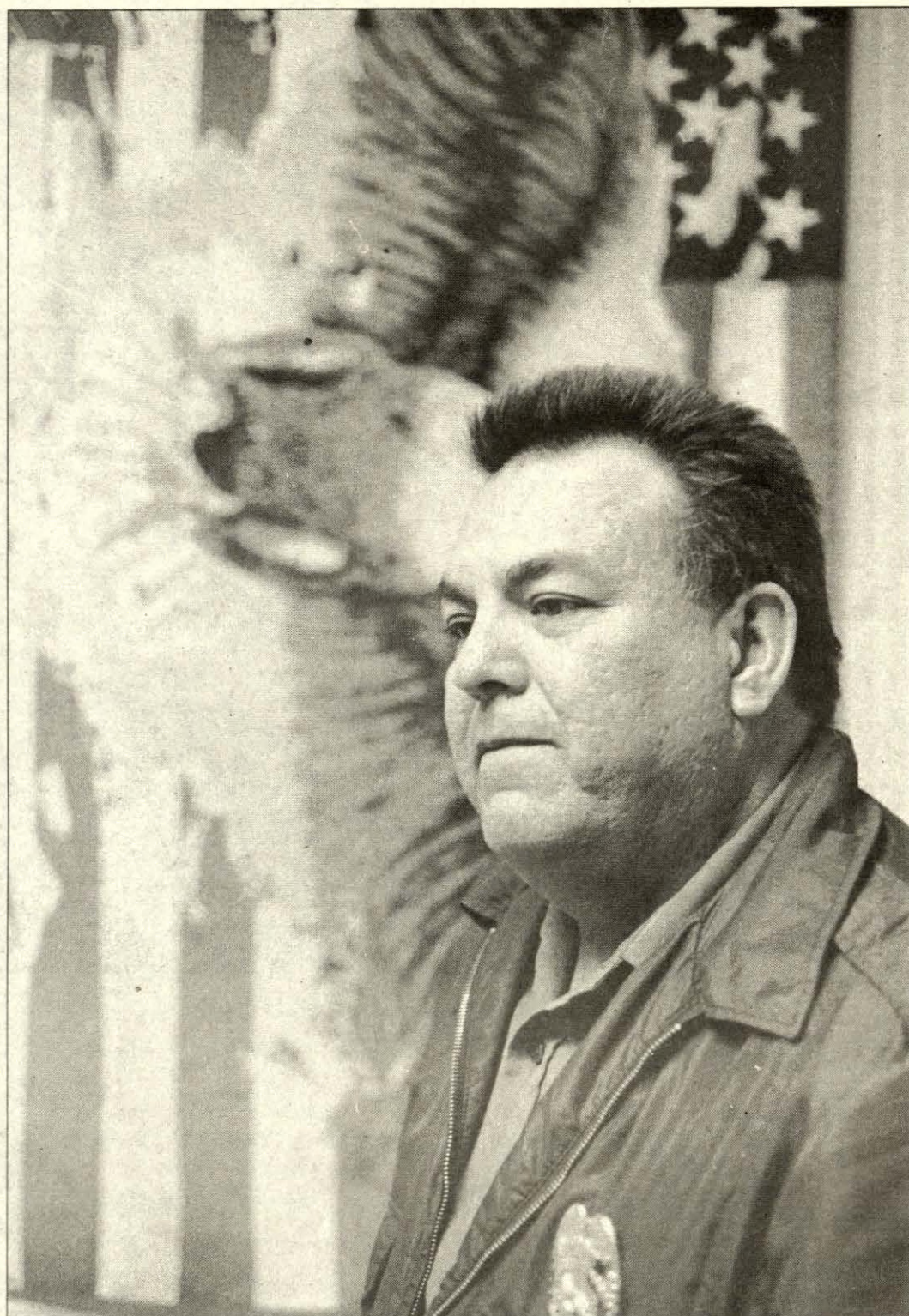
The one person Morsette spends most of his time arguing with is the chief justice, Marilyn Sutherland, who is his sister.

"We'll disagree on many points of law," he says, "but I'll stand up to her just like any other judge. And if she wants to slap me with contempt then she can. If it comes to the point where we have to have words then so be it. We tolerate each other to a minimum at that game."

Denny expresses a fear that children on the reservation will start to look up to and admire ex-convicts in the tribal systems for the mysterious time they spent in prison and away from the reservation.

Standing Rock agrees with a plaintive shake of his head, "I have children growing up on this reservation," he says. "I wouldn't want an ex-con to represent them."

The most recent addition to the Rocky Boy court system is a juvenile court counselor named Gary La Mere. La Mere is also an ex-convict who spent some 30 years in prison. That addition to the justice system staff adds fuel to the argument that there should be some kind of requirements to help prevent having unqualified people or those with criminal backgrounds acquire influential jobs.



But Morsette himself says he and La Mere have the best interest of the children on the reservation in mind. The kids on the reservation look up to him because he takes an interest in listening to them, Morsette says.

"Gary could be a very, very good role model if the people would give him a chance," Morsette says. "He deserves that chance in life."

However, La Mere may not get a chance to serve the tribe as the juvenile counselor because of his most recent run in with the law. According to the police chief, La Mere was involved in an altercation with a tribal police officer in which La Mere punched the officer and had to be restrained. While rumors of the incident circulated through town, La Mere hadn't shown up for work a week after he was hired.

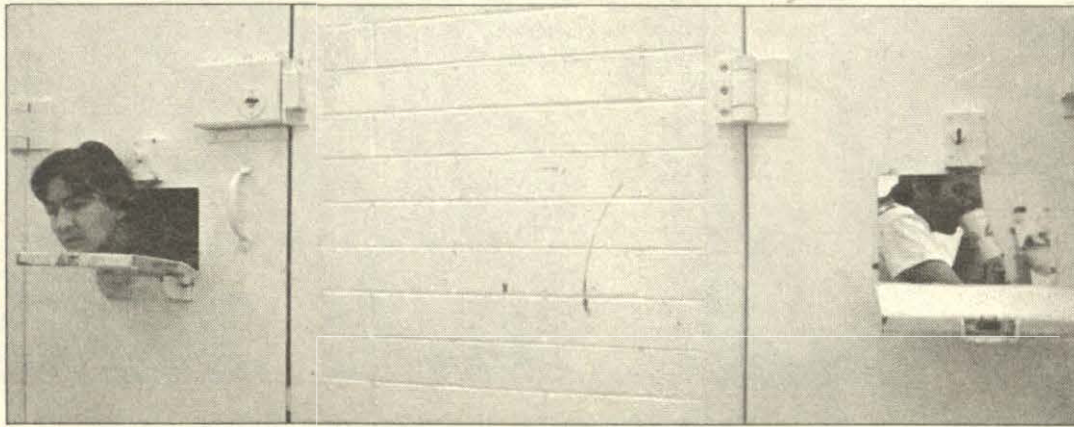
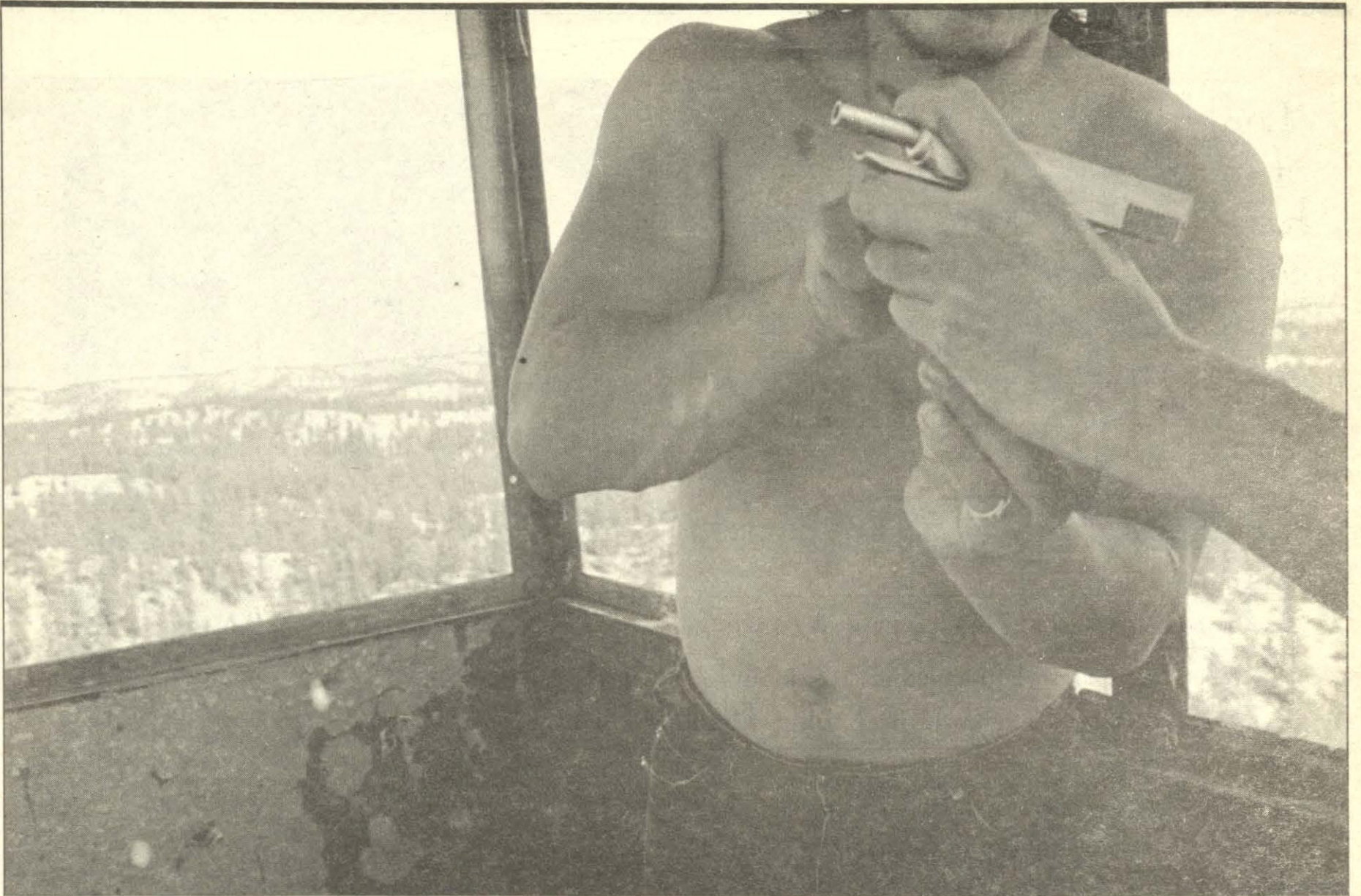
Perhaps there is some awe in the eyes of the children when they talk to Morsette about prison life, but he wants to paint a picture of isolation and fear so the kids don't follow in his footsteps.

"We don't want that fear to turn into fascination," he says. "If it does, then we've failed."

So how does Morsette respond to people who say he shouldn't have the job as public defender?

"I say, 'Oh yeah, do tell. What makes you qualified to say I shouldn't have the job?'"

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Photos by Seanna O'Sullivan and Gary Thain
Students from Montana's School of Journalism spent a semester looking at Montana Indians' encounters with the criminal justice system. Their reports are chronicled inside. This special section was partially funded by a grant from U.S. West Foundation and The Missoulian.