OUR ANCESTORS DID NOT KNOW CRIMINALS

Raven stole some meat again. Then Creator turned him black.

Story by Jenn Wagaman
Drawings by Jan Stitt

When Steve Sumida conducts a traditional justice training, he includes the story of how the raven turned black. There are many such stories in Alaska Native cultures. This particular one was told by a Mekoryuk traditional council elder at one of Sumida's trainings:

Long ago when the Earth was young, Hunter caught a caribou. As he knelt in the snow and began cutting up the caribou to feed the village, Raven hopped up behind him. In those days all of the animals in the Arctic were white. Raven snuck up around Hunter and stole some meat. Hunter continued to cut up the caribou for his village. Raven snuck up behind Hunter again, darted in and stole some meat again. Hunter continued to cut up the caribou. Raven came back a third time and stole again. Then Creator turned him black.

The elder told this story to a young man who had committed minor offenses in his community. Together with the elder, Sumida was helping the community apply traditional ways of dealing with such offenses. The story illustrates an important concept of Alaska Native culture — that people live not for themselves, but for the whole. Each member of a community is part of a web that carefully supports each other part. When you don't work for the whole, the whole will not work.

In the Mekoryuk legend, Raven was turned black so people would know him. But as the Mekoryuk elder admonished the youth, "You do not have to put on the clothes of a thief" — you do not have to be Raven. Instead of punishing the young man, the elder quietly encouraged him to change his ways and come back to the community.

In Alaska Native communities stories convey ideas and values to others. Sumida incorporates these and other ideas into his traditional justice training program — a unique way to approach legal issues in rural Alaska communities. The program is funded through a grant from the U.S. Department of Justice.

Sumida travels into a community, sits down with the members of the tribal council and talks with them about how they used to deal with small infractions and major crimes — anything that could hurt individuals or the entire community. Then he helps them find ways to use those traditional methods of justice and peace making within the Western legal system.

Sumida believes that rural Alaska's high rates of suicide, domestic violence and assaults are the result not just of insufficient Western governmental infrastructure, but also the loss of respect for cultural government. When community members are empowered by cultural traditions and beliefs, the result is a safer, healthier community.

A new approach to an old problem

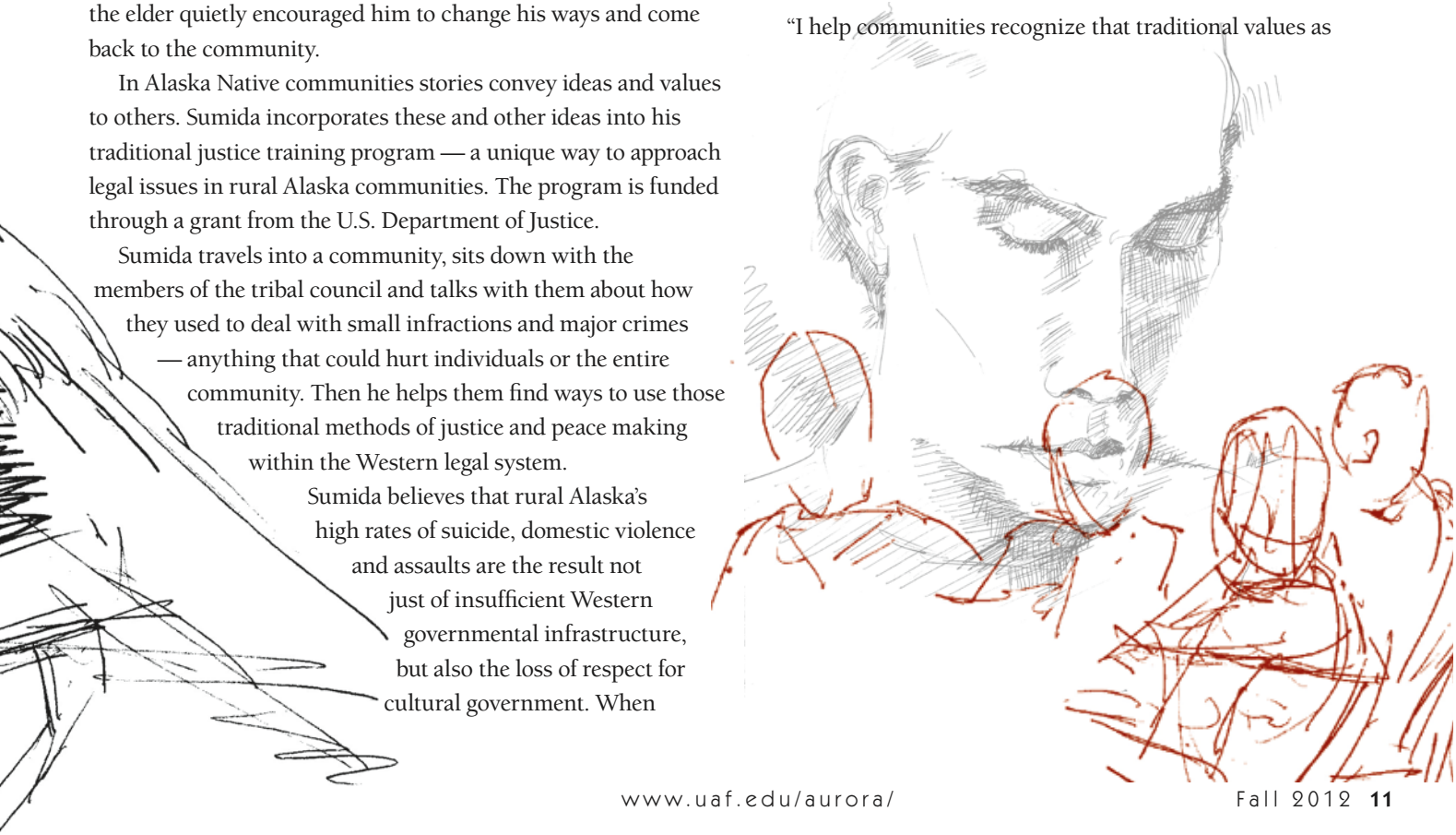
Sumida himself is not Alaska Native, though he could probably pass for such at a glance in his fur-lined parka, casual Alaskan-esque comfort and quiet demeanor. The felony trial lawyer grew up in Washington and Montana with a strong familial draw toward minority justice. His father was a Nisei — a first-generation American born to Japanese immigrant parents. He lived on the West Coast during World War II, when he was relocated to an internment camp. He made sure the young Sumida knew what that meant.

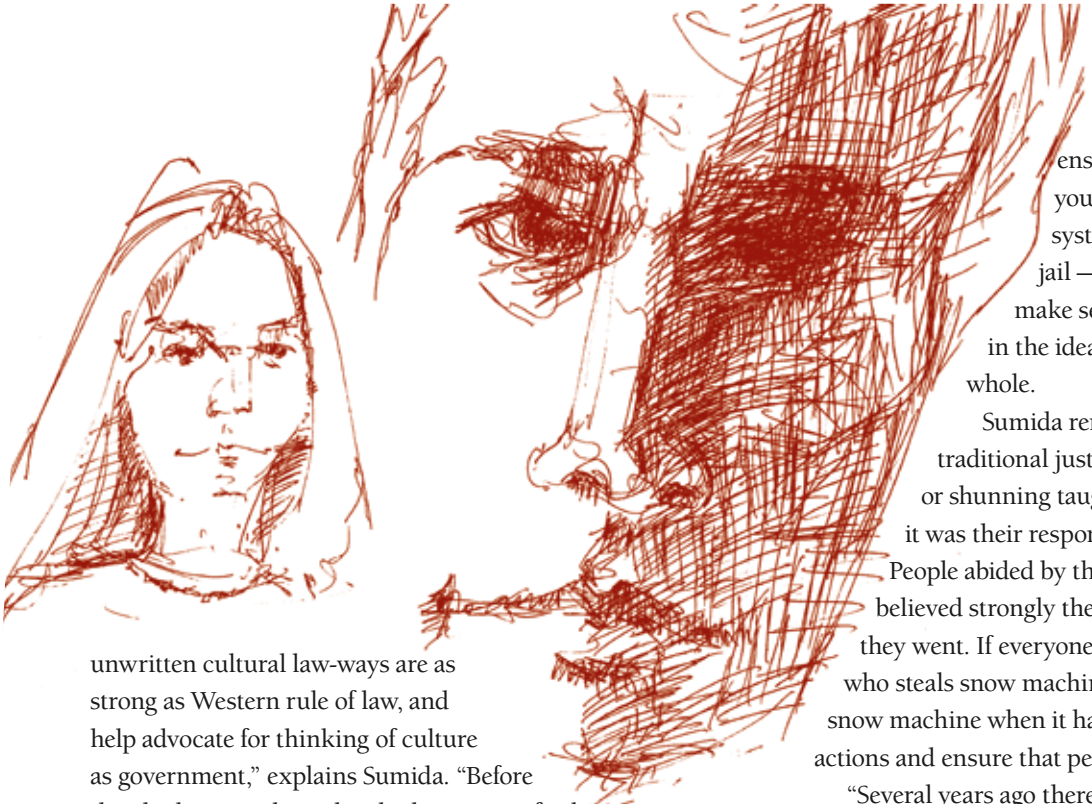
Sumida worked in community organizing early on, even before law school. Once in Alaska, he spent a lot of time in remote communities. (Sumida has a master's degree in rural development from UAF.) Village names that would baffle a townie roll off his tongue with ease, and his devotion to Alaska Native rights is apparent.

"Akiachak, Atmautluak, Nanwalek, Ugashik. These are all on the state's list of economically distressed communities," he says. "Do people even know this is happening?"

Sumida's experience in Alaska's remote communities has helped him understand what makes them tick. Through his program, he is trying to help community leaders protect traditional ways and leverage them to make their communities more successful.

"I help communities recognize that traditional values as





unwritten cultural law-ways are as strong as Western rule of law, and help advocate for thinking of culture as government," explains Sumida. "Before they had written laws they had a system of values … cultural practices that strengthened the bonds of respect within a community."

It was this system of respect that provided the checks and balances that kept communities safe and functional.

"Today, kids see Miranda rights on TV all the time. Even in the villages," says Sumida. "In [the Western] system you have a right to be presumed innocent until you get provided an attorney, a judge and a jury." But those systems are not as accessible in rural Alaska.

Most remote communities in Alaska do not have sworn police on site, or even a community service officer. They are often on their own for misdemeanors and civil offenses. If a serious crime happens, residents can wait for days for state officials to travel to the community.

Traditional systems do not require Western justice infrastructure to make a community safe. "I say to them, did you used to have police? Courts? Was it safe then?" says Sumida.

Thinking it through

For instance, suppose a remote community has someone who is illegally gambling. The behavior of this person is causing strife within the community, and is tied to other problematic behaviors such as alcohol consumption. Under the current Western system, the community could ask Alaska state troopers to come in and arrest the person facilitating the gambling activities. That person, depending on the level of the offense, would then be tried in a Western court and face fines or imprisonment.

Sumida argues that the Western method of justice doesn't make sense in a Native cultural context. In traditional Native culture, you are the one responsible for your own actions and for ensuring that your actions are in line with your community's values. Western legal systems based on judges, courts, fines, jail — even guilt and innocence — don't make sense, because punishment grounded in the idea of the individual does nothing for the whole.

Sumida reminds communities that in a traditional justice system, practices such as shaming or shunning taught people a value system, and that it was their responsibility to live within that system. People abided by these unwritten laws because they believed strongly their actions would follow them wherever they went. If everyone in the village knows you are the one who steals snow machines, no one will question who stole the snow machine when it happens. It is up to you to change your actions and ensure that people no longer see you as that person.

"Several years ago there was a woman in King Cove who was angry," says Sumida. "She took to hanging out at the post office where she would nag and pester people with her sour attitude. One day the men got together at the modern equivalent of the men's house and they said, 'Someone in this community is being disruptive and making the community an uncomfortable place to be.'"

The men never openly discussed or identified the woman, but they began talking casually and generally with their neighbors about the shared community value of harmony. It worked.

"I arrived in the village several days after this discussion," Sumida says. "I was told that for the last week the village was just the best place to live, ever." It seems the shrew and her friends had been trying very hard to prove they were not the perpetrators of strife within the community.

Sumida shows communities that these traditional ways can work, even for modern issues like drugs, illegal alcohol or gambling.

"Using the Western way made [offenders] mad and made them yell," says Heather Mael, a former rural traditional court clerk who was trained by Sumida in her village. "Using our Yupik values made them stop and think about why not to do it again. The traditional way is to have meetings with the elders and have them talk about the past and how they did it back then. Then have them spend time with the elders — shovel their snow or clean out their house. Or they could go out hunting and do Yupik stuff."

Sumida's hope? That by implementing these forms of justice, cultural systems can be maintained and reinforced, rather than broken down and depleted — that communities can use their own ways of instilling respect and empowerment to instill harmony.

Protecting children

An important aspect of Sumida's work relates to the role of the state in child welfare decisions. Currently, the Indian Child Welfare Act is supposed to protect Native children who are brought into state custody. But what if communities could intervene before the state's assistance was even required?

"The elder-youth connection is essential to Native life," says Sumida. Meaning, it was not unusual historically for children to be given to elders to be raised. Sumida helps tribal councils develop ways to easily formalize these kinds of arrangements in the Western context to meet requirements for social services, residency, birth certificates and inheritance.

"Suppose a community knows there is a family whose children are in danger," says Sumida. "The elders in that community need to feel empowered to walk over to that house and say, 'In this community we keep our children clean and safe. You are not doing this, so we are taking your children to a home where they can be safe.'"

This kind of enforcement of values would be recognized by the state as culturally appropriate and safe for children, possibly preventing them from being moved out of their home villages and placed in foster care.

The man behind the program

Sumida started his work in rural Alaska years ago, helping an Alaska Native allotment claimant win rights to his traditional hunting lands.

"I was working in Barrow, and this elder called me and asked if I could help him appeal the denial of his Native allotment application. He needed to prove to a judge in the Lower 48 that he used and occupied several different parcels of land independent of his parents and siblings at the time the land was drawn, in 1942. He would have been 13 at the time he needed to prove he was subsisting on this land, so I told him there was no way," Sumida recalls, thinking that proving to the federal government that a child was subsisting on his own in remote Alaska would be next to impossible.

Steve Sumida, '96

But later, Sumida thought about the case more and did something not many lawyers would do. He packed up his things and moved into a rustic hotel called the Waldo Arms, on Kaktovik's Barter Island, near the Canadian border. Once he was there, says Sumida, he was able to see that the case wasn't as far-fetched as he thought.

In the comfort of his own home, the elder told Sumida his stories and talked to him about the way his people had lived on the land. Through these stories, Sumida gathered enough information to win the case, proving to the federal government that indeed the man had maintained a series of active trap lines, even at a very young age.

The experience taught Sumida the value of stories in a Native context. Now, when he is working with a community, he says, he just keeps breaking the issue down into smaller and smaller pieces until the stories start coming out. This helps people take a different look at their community issues, and think about what they used to do to deal with such issues in the past.

Taking it further

Sumida's program is gaining attention on a national level. He has taken his training to New Mexico and Arizona to teach social service practitioners in other Indian Country communities. The program won national recognition with the 2011 National Criminal Justice Association Outstanding Criminal Justice Program Award.

Sumida is also well-respected in Alaska.

"He's a good man," says Edward Nicholai, tribal administrator for the village of Atmautluak. Nicholai recently worked with Sumida on a training in his community.

"I appreciate what he's doing. Now we've got our elders working for us. They do home visits and talk to people about our traditional ways. Our elders, they've got all the knowledge to educate us. He is doing a good job of waking people up."

Sumida hopes to continue working with communities to use the power of the old ways in combination with the new ways. And he continues to collect stories from people and share them, slowly strengthening the web that holds together rural Alaska.

Jenn Wagaman, '96, '00, has a master's degree in communication and is an adjunct English instructor at UAF. When she isn't writing, she works at a local nonprofit advocating for families and children affected by fetal alcohol syndrome.

Learn more about Sumida's Traditional Justice Model Project at **www.traditionaljustice.com**. See more of Jan Stitt's art at **www.alaskanravenstudio.com**.