

PROCEDURAL GUIDELINES

For

BROTHERTOWN INDIAN NATION PEACEMAKERS

INTRODUCTION

The Brothertown Indian Nation Peacemakers pledge to preserve the sovereignty of the Nation and seek to establish a procedure by which disputes can be resolved in an informal and inexpensive manner.

The Peacemakers and judges of the tribal court will adhere to the following principles: justice is best served by pursuing the TRUTH and restoring BALANCE, all parties involved in the resolution of a dispute should be voluntary participants, and the health of the entire Brothertown community depends on the ability of each individual member to recognize that we are all connected.

The Peacemakers are an independent entity elected by the tribal membership, separate and apart from the Tribal Council and yet equal to the Tribal Council. The Peacemakers are dependent upon the Tribal Council to provide funds to operate the court system.

Please direct all questions to the following address:

Brothertown Peacemakers
P. O. Box 2183
Neenah WI 54957-2183

The Peacemaker System has been established in Article VI of the Constitution of the Brothertown Indian Nation.

Article VI – JUDICIARY

VI, SECTION 1: THE JUDICIAL SYSTEM

- a. The Council shall establish an independent political system.
- b. The judicial members called Peacemakers shall consist of five (5) members who must be duly enrolled members of the Nation of at least fifty-five (55) years of age.
- c. The Peacemakers shall, as needed, have the responsibility and authority to act as a court of appeals for cases brought into the judicial system.

VI, SECTION 2: TERMS AND DUTIES OF THE PEACEMAKERS

- a. The Peacemakers shall serve as a court of appeal for all cases or controversies arising under this Constitution and as a court of original jurisdiction until such time as the Council establishes a lower court system pursuant to Article VI Section 1.
- b. The Peacemakers shall be elected to a term of five (5) years.

VI, SECTION 3: PEACEMAKERS FIRST ELECTION

- a. The first election of the Peacemakers shall be conducted in accordance with Article IV. Peacemakers will be elected in a general election.
- b. The date for the first election shall be the next regularly scheduled election as specified in Article IV Section 2 after ratification of this Constitution.

- c. The election shall be conducted to implement a system of staggered terms of service for Peacemakers members. The candidate receiving the highest number of votes will serve an initial five (5) year term. The candidate receiving the second highest number of votes will serve an initial four (4) year term; third highest number of votes shall serve a three (3) year term; fourth highest number of votes shall serve a two (2) year term and the fifth highest number of votes shall serve a one (1) year term.

ROLE AND DUTIES OF PEACEMAKERS

The role of tribal peacemakers and judges is to interpret the Brothertown Indian Nation Constitution and arrive at a decision that is in the best interest of the tribe. (Peacemakers are unable to give legal advice.) The following responsibilities are rotated among the Peacemakers.

- Chief Peacemaker – coordinates and communicates with the Peacemakers.
- Recorder – keeps the minutes of the meetings and maintains a folder or file on the Peacemakers that can be passed on to the next recorder.
- Liaison – serves as the Peacemakers' representative to the Tribal Council. Reports may describe budgetary issues, topics concerning the role of the court, and/or topics concerning the Council. The liaison may also serve as chief peacemaker as needed.
- Legal Technical Coordinator – prepares and provides legal documents to the Peacemakers and seeks legal advice and assistance when necessary. Researches legal documents and seeks legal education for the Peacemakers as needed.

- Historian—records the history of the Brothertown Indian Nation Peacemaker Judicial System from past history and as it develops and researches Brothertown Peacemaker tradition and culture.

PROCEDURES FOR PETITIONING THE PEACEMAKERS

1. All official contact with the Peacemakers shall be submitted in writing.
2. The applicant should provide a full report of the area of concern as well as all facts supporting the grievance, noting any parts of the Brothertown Constitution that are the basis of his/her complaint as well as the names and addresses of all persons directly involved in the dispute.
3. Applicants shall mail six (6) copies of all documents submitted to the Chief Peacemaker at the following address:

Brothertown Peacemakers
P. O. Box 2183
Neenah, WI 54957-2183
4. The Chief Peacemaker will acknowledge, by mail, receipt of the appeal within ten (10) business days, indicating the time and date it was received. At this time, the Chief will create a file for the appeal.
5. The Chief will forward a complete copy of the appeal to each Peacemaker within five (5) business days.
6. Each Peacemaker will be responsible for acknowledging receipt of the appeal within five (5) business days.

DECISIONS

Upon receipt of an appeal, the Peacemakers shall meet at least once before ninety (90) days have transpired after receipt of said appeal by the Chief to determine if they

1. have jurisdiction over
2. are willing to hear,
3. need to request additional information from the petitioner, contact others for additional information, or establish a date when the parties concerned or affected will be heard.

Decisions of the peacemakers will be based on the opinion of the majority. Peacemakers shall have the authority to decide a disputed matter for all parties and that judgment will be final. Dissenting judges may issue a written minority opinion which will become part of the record.

A decision will be delivered to the applicant no more than one hundred and twenty (120) days after receipt of the appeal—unless an extension is mutually agreed upon. The Chief Peacemaker will send a copy of the decision to the tribal court for their records.

Peacemakers shall automatically be recused from any appeal pertaining to an immediate family member or any person living in the Peacemaker's immediate household. In addition, they should recuse themselves from any appeal in which there is a conflict of interest.

The Peacemakers will meet at least twice a year, usually in July and October, even when they are not responding to a member's request for a hearing.

CONFIDENTIALITY

All information in an appeal shall be treated as confidential information by each Peacemaker.

COMPLAINTS

Complaints against Peacemakers shall be made to the Tribal Council in writing and such complaints shall be treated as any complaint against a Court or Tribal Judge.