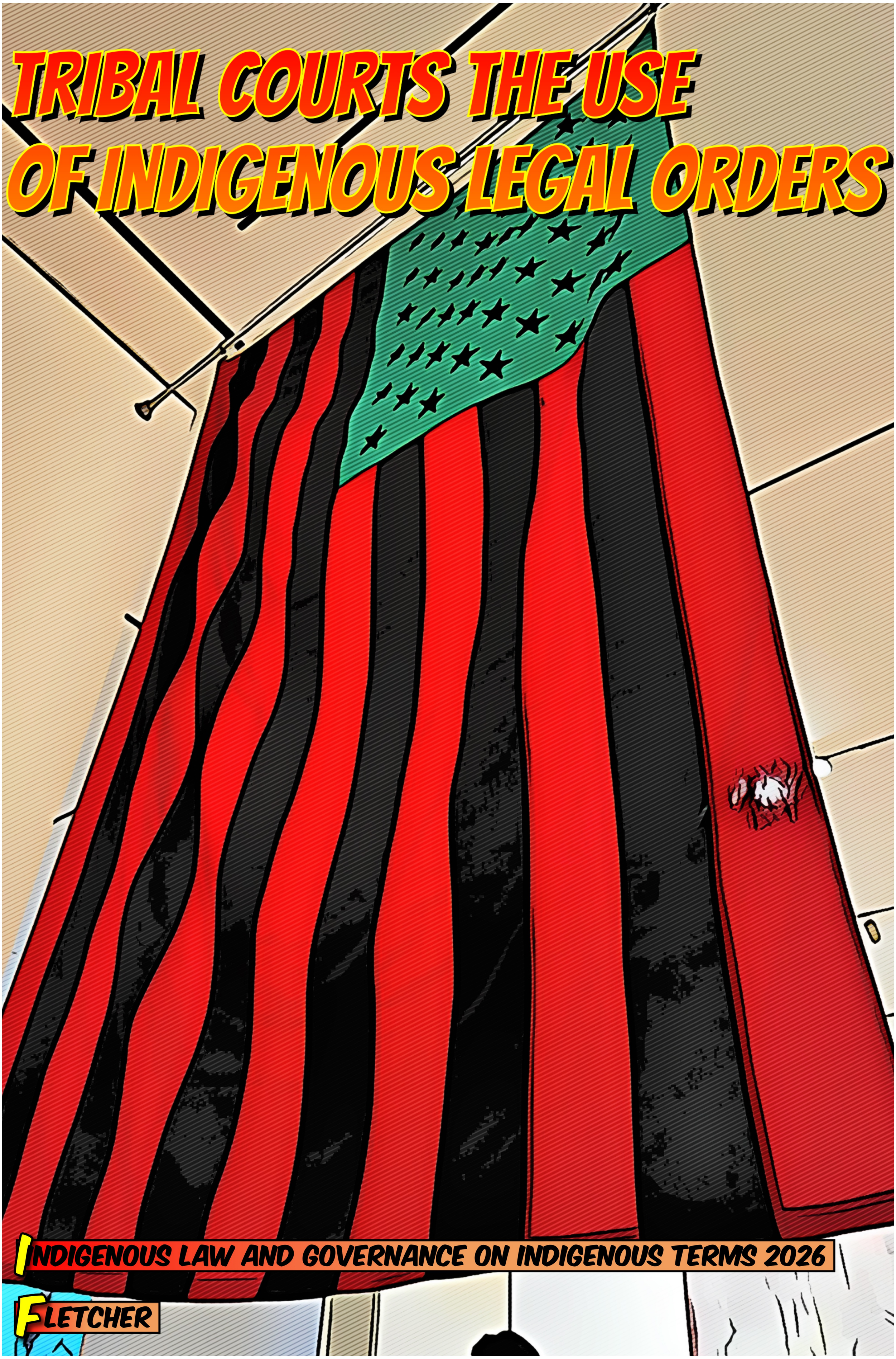
TRIBAL COURTS THE USE OF INDIGENOUS LEGAL ORDERS



INDIGENOUS LAW AND GOVERNANCE ON INDIGENOUS TERMS 2026

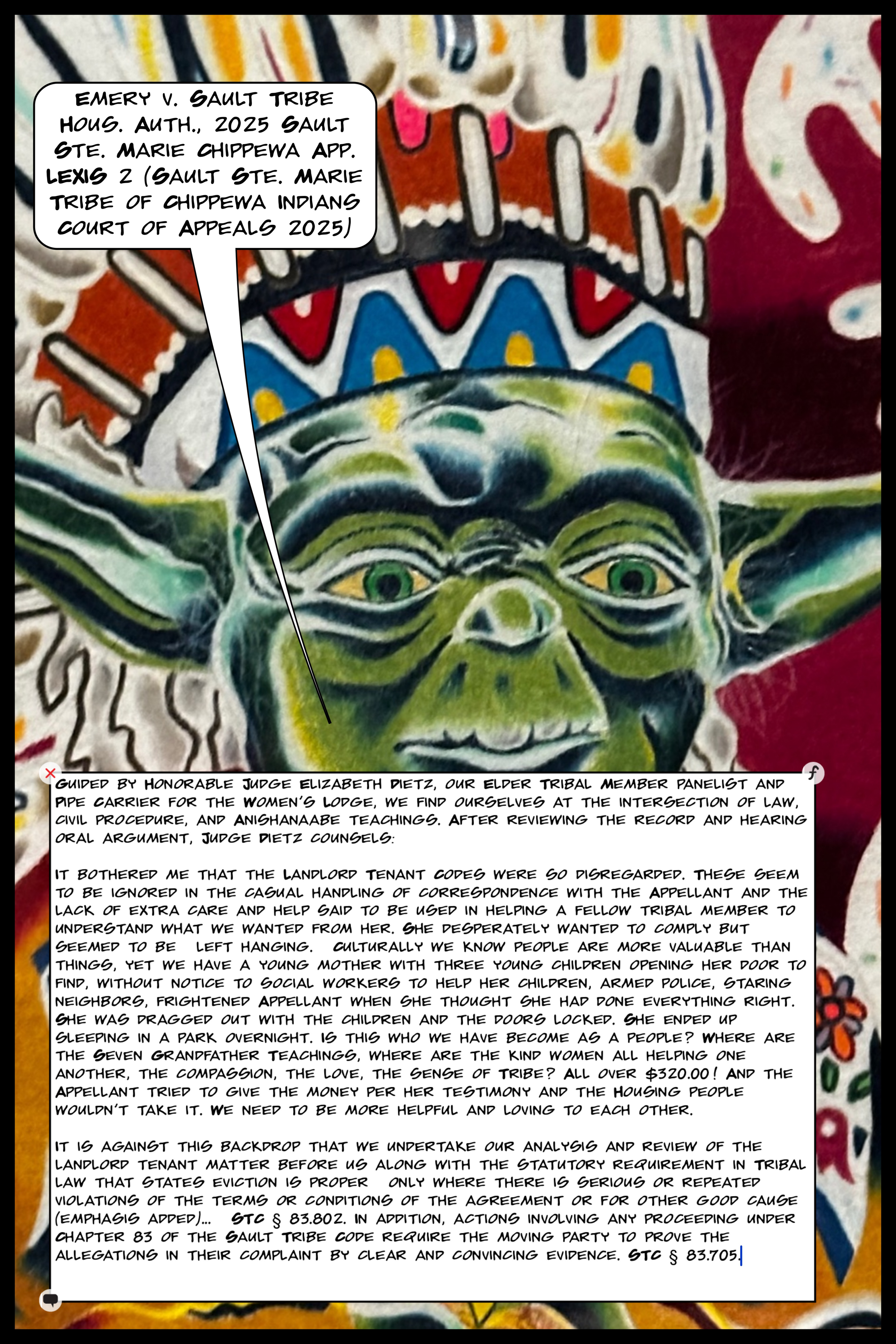
FLETCHER

MNO BMADZEWEN INFORMS INDIVIDUAL ANISHINAABE LIFE CHOICES, BUT ALSO INFORMS THE DIRECTION OF TRIBAL GOVERNANCE. FRED KELLY, AN ANISHINAABE AND MEMBER OF THE ONIGAMING FIRST NATION IN CANADA, DRAWS THE CONNECTION BETWEEN MNO BMADZEWEN AND ANISHINAABE LEGAL PRINCIPLES:

THE FOUR CONCENTRIC CIRCLES IN THE SKY – PAGONEKIISHIG – SHOW THE FOUR DIRECTIONS, THE FOUR STAGES OF LIFE, THE FOUR SEASONS, THE FOUR SACRED LODGES (SWEAT, SHAKING TENT, ROUNDHOUSE, AND THE MIDEWE'IN LODGE), THE FOUR SACRED [*9] DRUMS (THE RATTLE, HAND, WATER, AND BIG CEREMONIAL DRUM), AND THE FOUR ORDERS OF SACRED LAW. INDEED, THE FOUR CONCENTRIC CIRCLES OF STARS IS THE ORIGIN OF THE SACRED FOUR IN PIMAATIZIWIN THAT IS THE HEART OF THE SUPREME LAW OF THE ANISHINAABE. AND SIMPLY PUT THAT IS THE MEANING OF A CONSTITUTION.

FRED KELLY, ANISHINAABE LEADERSHIP, AT 3 (DEC. 14, 2005), QUOTED IN VANESSA A. WATTS, TOWARDS ANISHINAABE GOVERNANCE AND ACCOUNTABILITY: REAWAKENING OUR RELATIONSHIPS AND SACRED BIMAADZIWIN, AT 77, UNPUBLISHED MASTER'S THESIS, UNIVERSITY OF VICTORIA (2006).

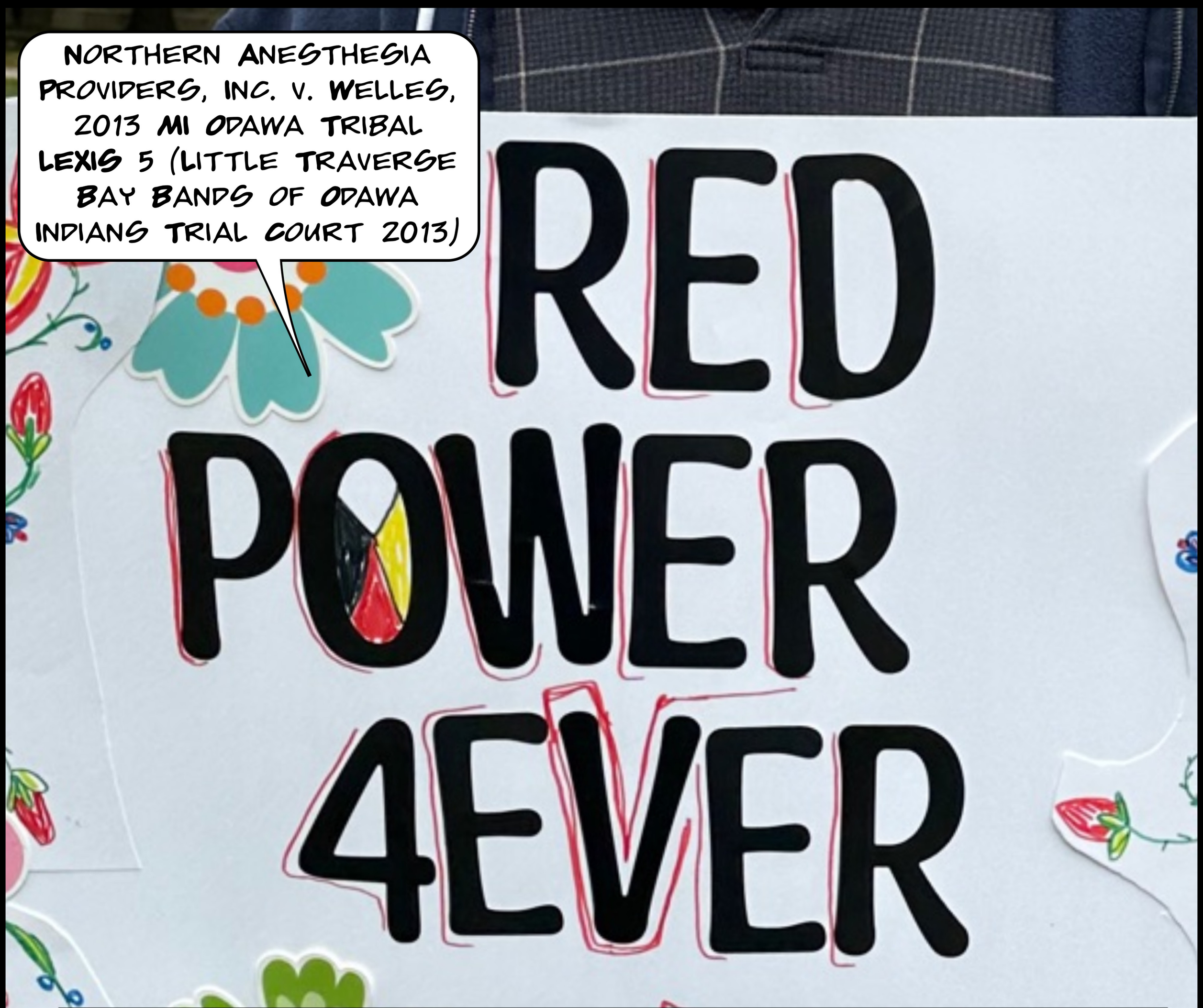
MNO BMADZEWEN IS NOT A LEGAL DOCTRINE, BUT FORMS THE IMPLICIT BASIS FOR MUCH OF TRIBAL CUSTOM AND TRADITION, AND SERVES AS A FORM OF FUNDAMENTAL LAW. WE ARE CAREFUL, HOWEVER, NOT TO EQUATE CUSTOMARY AND TRADITIONAL LAW AS A COMMON LAW BASIS FOR THE DECISION IN ALL CASES BEFORE THIS COURT. WE AGAIN EMPHASIZE OUR HOLDING THAT THE CONSTITUTION AND TRIBAL CODE OFFERS LITTLE OR NO GUIDANCE ON HOW ARTICLE DC ELECTIONS SHOULD BE GOVERNED, NOR IS THERE AN ENUMERATED STATEMENT OF FUNDAMENTAL CONSTITUTIONAL RIGHTS PRINCIPLES. TODAY, MNO BMADZEWEN GUIDES OUR COMMON LAW ANALYSIS OF CLARIFYING THE OUTER BOUNDARIES OF ACCEPTABLE GOVERNMENTAL CONDUCT IN ADMINISTERING ARTICLE IX ELECTIONS.



GUIDED BY HONORABLE JUDGE ELIZABETH DIETZ, OUR ELDER TRIBAL MEMBER PANELIST AND PIPE CARRIER FOR THE WOMEN'S LODGE, WE FIND OURSELVES AT THE INTERSECTION OF LAW, CIVIL PROCEDURE, AND ANISHANAABE TEACHINGS. AFTER REVIEWING THE RECORD AND HEARING ORAL ARGUMENT, JUDGE DIETZ COUNSELS:

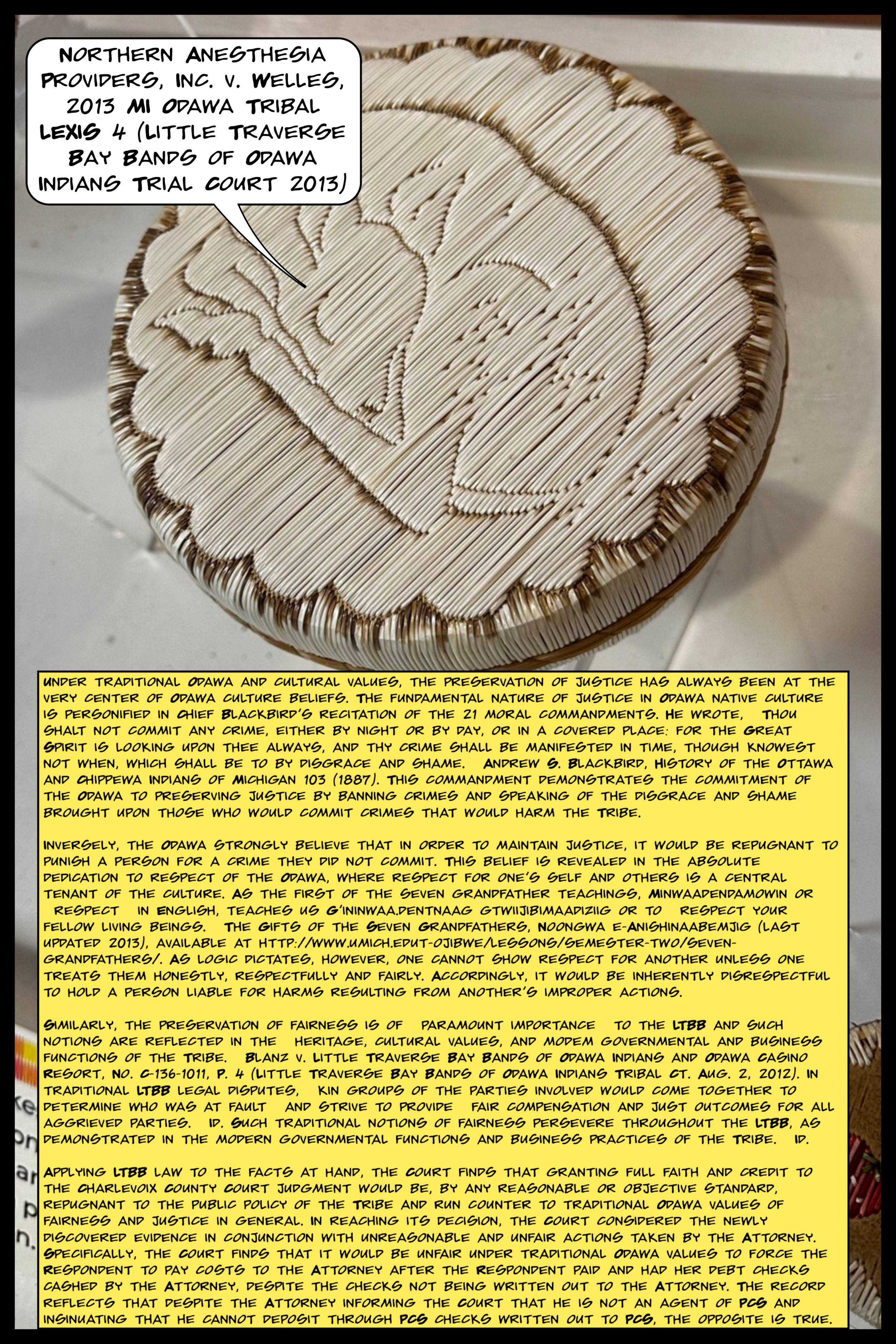
IT BOTHERED ME THAT THE LANDLORD TENANT CODES WERE SO DISREGARDED. THESE SEEM TO BE IGNORED IN THE CASUAL HANDLING OF CORRESPONDENCE WITH THE APPELLANT AND THE LACK OF EXTRA CARE AND HELP SAID TO BE USED IN HELPING A FELLOW TRIBAL MEMBER TO UNDERSTAND WHAT WE WANTED FROM HER. SHE DESPERATELY WANTED TO COMPLY BUT SEEMED TO BE LEFT HANGING. CULTURALLY WE KNOW PEOPLE ARE MORE VALUABLE THAN THINGS, YET WE HAVE A YOUNG MOTHER WITH THREE YOUNG CHILDREN OPENING HER DOOR TO FIND, WITHOUT NOTICE TO SOCIAL WORKERS TO HELP HER CHILDREN, ARMED POLICE, STARING NEIGHBORS, FRIGHTENED APPELLANT WHEN SHE THOUGHT SHE HAD DONE EVERYTHING RIGHT. SHE WAS DRAGGED OUT WITH THE CHILDREN AND THE DOORS LOCKED. SHE ENDED UP SLEEPING IN A PARK OVERNIGHT. IS THIS WHO WE HAVE BECOME AS A PEOPLE? WHERE ARE THE SEVEN GRANDFATHER TEACHINGS, WHERE ARE THE KIND WOMEN ALL HELPING ONE ANOTHER, THE COMPASSION, THE LOVE, THE SENSE OF TRIBE? ALL OVER $320.00! AND THE APPELLANT TRIED TO GIVE THE MONEY PER HER TESTIMONY AND THE HOUSING PEOPLE WOULDN'T TAKE IT. WE NEED TO BE MORE HELPFUL AND LOVING TO EACH OTHER.

IT IS AGAINST THIS BACKDROP THAT WE UNDERTAKE OUR ANALYSIS AND REVIEW OF THE LANDLORD TENANT MATTER BEFORE US ALONG WITH THE STATUTORY REQUIREMENT IN TRIBAL LAW THAT STATES EVICTION IS PROPER ONLY WHERE THERE IS SERIOUS OR REPEATED VIOLATIONS OF THE TERMS OR CONDITIONS OF THE AGREEMENT OR FOR OTHER GOOD CAUSE (EMPHASIS ADDED)... STC § 83.802. IN ADDITION, ACTIONS INVOLVING ANY PROCEEDING UNDER CHAPTER 83 OF THE SAULT TRIBE CODE REQUIRE THE MOVING PARTY TO PROVE THE ALLEGATIONS IN THEIR COMPLAINT BY CLEAR AND CONVINCING EVIDENCE. STC § 83.705.



NORTHERN ANESTHESIA PROVIDERS, INC. V. WELLES, 2013 MI ODAWA TRIBAL LEXIS 5 (LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS TRIAL COURT 2013)

WHEN APPLYING FOR ADMISSION TO PRACTICE BEFORE THE LTBB TRIBAL COURT, MR. BECK SWORE TO UPHOLD THE CONSTITUTION AND LAWS OF THE TRIBE. LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS APPLICATION FOR ADMISSION TO PRACTICE AND ATTORNEY OATH, FILED BY S. GARRETT BECK ON FEB. 20, 2013. ADOPTED IN 2005, THE LTBB CONSTITUTION EXPRESSES THAT IT IS A DOCUMENT OF PEOPLE WHO FOLLOW THE ANISHINAABE TRADITIONS, HERITAGE AND CULTURAL VALUES. LTBB CONST. PREAMBLE. THE CONSTITUTION ALSO DIRECTS THE JUDICIAL BRANCH TO PROMOTE THE PRESERVATION AND REVITALIZATION OF ANISHINAABEMOWIN AND ANISHINAABE CULTURE AND GRANTS THE TRIBAL COURT JURISDICTION OVER CASES BASED ON, AMONG OTHER THINGS, THE TRIBE'S TRADITIONAL CUSTOM. LTBB CONST. ART. I, SECTION (B)(1) (ALTERATION ADDED); ART. IX, SECTION (C)(1). ADDITIONALLY, THE TRIBE'S HIGHEST COURT HAS STATED THAT, IN ADDITION TO TAKING INTO ACCOUNT OTHER TRIBAL OPINIONS, STATUTES, AND PROCEDURES, THIS COURT MAY CONSIDER TRADITIONAL ODAWA VALUES WHEN ISSUING OPINIONS. SEE CAREY V. VICTORIES CASINO, NO. A-005-0507 (2008 MI ODAWA APP. LEXIS 2. FURTHERMORE, AND PERHAPS MOST PERTINENT TO THIS CASE, THE COURT'S RECOGNITION OF FOREIGN JUDGMENT PROCEDURES, WHICH THE PETITIONER INVOKED WHEN IT ORIGINALLY FILED TO HAVE THIS COURT RECOGNIZE THE CHARLEVOIX COUNTY COURT JUDGMENT AGAINST THE RESPONDENT, STATES THAT THE COURT MAY DENY RECOGNITION OF A FOREIGN JUDGMENT WHEN DOING SO WOULD BE REPUGNANT TO THE PUBLIC POLICY OF THE LTBB TRIBE. LTBB COURT RULE, RULE 4.201(C)(2)(C). ALL OF THE AFOREMENTIONED DOCUMENTS ARE AVAILABLE ONLINE ON THE TRIBE'S WEBSITE, AND ARE ACCESSIBLE TO THE GENERAL PUBLIC. THE ATTORNEY WAS OR SHOULD HAVE BEEN WELL AWARE OF THIS AND COULD HAVE BECOME SOMEWHAT FAMILIAR WITH THE CUSTOMS OF THE TRIBE WHEN HE BEGAN PRACTICING HERE 10 YEARS GO. IF AN ATTORNEY IS NOT COMFORTABLE WITH THE LANGUAGE, CUSTOMS OR LAW OF A JURISDICTION THEN HE OR SHE SHOULD NOT APPLY TO PRACTICE THERE. FURTHERMORE, ALTHOUGH ODAWA PHRASES WERE USED TRANSLATIONS WERE GIVEN AND CITATIONS TO THE WEBSITE WHERE THE INFORMATION WAS FOUND WERE MADE AVAILABLE AS WELL. ADDITIONALLY, INFORMATION ABOUT THE SEVEN GRANDFATHER TEACHINGS, A WIDELY TAUGHT TRADITIONAL NATIVE VALUE, IS EASILY ACCESSIBLE THROUGH A SIMPLE GOOGLE SEARCH. AS AN ATTORNEY WHO APPLIED TO THE LTBB FOR THE PRIVILEGE OF PRACTICING LAW HERE, HE SHOULD HAVE TAKEN THE STEPS NECESSARY TO KNOW THE LAWS AND CUSTOMS OF THE JURISDICTION OF HIS CHOICE.



UNDER TRADITIONAL ODAWA AND CULTURAL VALUES, THE PRESERVATION OF JUSTICE HAS ALWAYS BEEN AT THE VERY CENTER OF ODAWA CULTURE BELIEFS. THE FUNDAMENTAL NATURE OF JUSTICE IN ODAWA NATIVE CULTURE IS PERSONIFIED IN CHIEF BLACKBIRD'S RECITATION OF THE 21 MORAL COMMANDMENTS. HE WROTE, THOU SHALT NOT COMMIT ANY CRIME, EITHER BY NIGHT OR BY DAY, OR IN A COVERED PLACE: FOR THE GREAT SPIRIT IS LOOKING UPON THEE ALWAYS, AND THY CRIME SHALL BE MANIFESTED IN TIME, THOUGH KNOWEST NOT WHEN, WHICH SHALL BE TO BY DISGRACE AND SHAME. ANDREW S. BLACKBIRD, HISTORY OF THE OTTAWA AND CHIPPEWA INDIANS OF MICHIGAN 103 (1887). THIS COMMANDMENT DEMONSTRATES THE COMMITMENT OF THE ODAWA TO PRESERVING JUSTICE BY BANNING CRIMES AND SPEAKING OF THE DISGRACE AND SHAME BROUGHT UPON THOSE WHO WOULD COMMIT CRIMES THAT WOULD HARM THE TRIBE.

INVERSELY, THE ODAWA STRONGLY BELIEVE THAT IN ORDER TO MAINTAIN JUSTICE, IT WOULD BE REPUGNANT TO PUNISH A PERSON FOR A CRIME THEY DID NOT COMMIT. THIS BELIEF IS REVEALED IN THE ABSOLUTE DEDICATION TO RESPECT OF THE ODAWA, WHERE RESPECT FOR ONE'S SELF AND OTHERS IS A CENTRAL TENANT OF THE CULTURE. AS THE FIRST OF THE SEVEN GRANDFATHER TEACHINGS, MINWAADENDAMOWIN OR RESPECT IN ENGLISH, TEACHES US G'ININWAA.DENTNAAG GTWIIJIBIMAADIZIIG OR TO RESPECT YOUR FELLOW LIVING BEINGS. THE GIFTS OF THE SEVEN GRANDFATHERS, NOONGWA E-ANISHINAABEMJIG (LAST UPDATED 2013), AVAILABLE AT HTTP://WWW.UMICH.EDUT-OJIBWE/LESSONS/SEMESTER-TWO/SEVEN-GRANDFATHERS/. AS LOGIC DICTATES, HOWEVER, ONE CANNOT SHOW RESPECT FOR ANOTHER UNLESS ONE TREATS THEM HONESTLY, RESPECTFULLY AND FAIRLY. ACCORDINGLY, IT WOULD BE INHERENTLY DISRESPECTFUL TO HOLD A PERSON LIABLE FOR HARMS RESULTING FROM ANOTHER'S IMPROPER ACTIONS.

SIMILARLY, THE PRESERVATION OF FAIRNESS IS OF PARAMOUNT IMPORTANCE TO THE LTBB AND SUCH NOTIONS ARE REFLECTED IN THE HERITAGE, CULTURAL VALUES, AND MODEM GOVERNMENTAL AND BUSINESS FUNCTIONS OF THE TRIBE. BLANZ V. LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS AND ODAWA CASINO RESORT, NO. C-136-1011, P. 4 (LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS TRIBAL CT. AUG. 2, 2012). IN TRADITIONAL LTBB LEGAL DISPUTES, KIN GROUPS OF THE PARTIES INVOLVED WOULD COME TOGETHER TO DETERMINE WHO WAS AT FAULT AND STRIVE TO PROVIDE FAIR COMPENSATION AND JUST OUTCOMES FOR ALL AGGRIEVED PARTIES. ID. SUCH TRADITIONAL NOTIONS OF FAIRNESS PERSEVERE THROUGHOUT THE LTBB, AS DEMONSTRATED IN THE MODERN GOVERNMENTAL FUNCTIONS AND BUSINESS PRACTICES OF THE TRIBE. ID.

APPLYING LTBB LAW TO THE FACTS AT HAND, THE COURT FINDS THAT GRANTING FULL FAITH AND CREDIT TO THE CHARLEVOIX COUNTY COURT JUDGMENT WOULD BE, BY ANY REASONABLE OR OBJECTIVE STANDARD, REPUGNANT TO THE PUBLIC POLICY OF THE TRIBE AND RUN COUNTER TO TRADITIONAL ODAWA VALUES OF FAIRNESS AND JUSTICE IN GENERAL. IN REACHING ITS DECISION, THE COURT CONSIDERED THE NEWLY DISCOVERED EVIDENCE IN CONJUNCTION WITH UNREASONABLE AND UNFAIR ACTIONS TAKEN BY THE ATTORNEY. SPECIFICALLY, THE COURT FINDS THAT IT WOULD BE UNFAIR UNDER TRADITIONAL ODAWA VALUES TO FORCE THE RESPONDENT TO PAY COSTS TO THE ATTORNEY AFTER THE RESPONDENT PAID AND HAD HER DEBT CHECKS CASHED BY THE ATTORNEY, DESPITE THE CHECKS NOT BEING WRITTEN OUT TO THE ATTORNEY. THE RECORD REFLECTS THAT DESPITE THE ATTORNEY INFORMING THE COURT THAT HE IS NOT AN AGENT OF PCS AND INSINUATING THAT HE CANNOT DEPOSIT THROUGH PCS CHECKS WRITTEN OUT TO PCS, THE OPPOSITE IS TRUE.

IN THE ANISHINAABE'S TRADITIONAL GOVERNANCE STRUCTURE, TRIBAL CUSTOMS AND USAGES, BOTH PAST AND EVOLVING, A HEALING APPROACH WAS USED TO RESOLVE TRIBAL DISPUTES. WE ARE ADVISED BY OUR ELDERS THAT OUR SAULT TRIBE TRADITIONS ENCOURAGED PARTICIPATORY AND CONSENSUAL RESOLUTION OF DISPUTES, MAXIMIZING THE OPPORTUNITY FOR AIRING GRIEVANCES (I.E. HEARING), PARTICIPATION, AND RESOLUTION IN THE INTERESTS OF HEALING THE PARTICIPANTS AND PREVENTING FRICTION WITHIN THE TRIBAL COMMUNITY. THIS COURT IS FURTHER ADVISED THAT CEREMONIES PROVIDED CONTEXT TO ANISHINAABE-INAAKONIGEWIN (ANISHINAABE LAW) PURSUANT TO THE PRINCIPLE OF MNO-BIMAADIZIWIN, AS ACHIEVED THROUGH THE IMPLEMENTATION OF THE SEVEN GRANDFATHER TEACHINGS, BY INFUSING THE GOVERNANCE PROCESS WITH LIFE ENERGY AND SPIRIT.8 THIS PRINCIPLE IS EVIDENT IN THE CONCEPT ZAGASWE'IDIWIN - DEFINED BY OUR ANISHINAABEMOEN AS COUNCIL OR A COUNCIL MEETING. THROUGH CEREMONY, PARTICIPANTS WERE ESTABLISHING A RECIPROCAL SPIRITUAL RELATIONSHIP, AS THIS RELATIONSHIP TRANSCENDED THE PHYSICAL REALM AND BECAME RECOGNIZED WITHIN THE SPIRITUAL REALM. THUS, THE REASON MANY TRIBAL COUNCILS START THEIR MEETINGS WITH SMUDGING, PRAYER AND THE DRUM.910 TO THAT END, TRADITIONAL PRACTICES ADVISE THAT ALL GOVERNANCE DECISIONS THAT WERE MADE DURING CEREMONY ARE CONSIDERED SACRED AND BINDING.

HERE, IT SEEMS CURRENT ELECTED TRIBAL LEADERSHIP MADE A DECISION THEY BELIEVED TO BE CORRECT FOR THE TRIBE CREATING A NEW PATH FOR THE FUTURE - ONE IN WHICH THE TRIBAL MEMBERSHIP CHOOSE THEIR CHAIRPERSON WITHOUT QUESTION. JUST AS OUR ANISHINAABE TEACHINGS OF NIBWAAKAAWIN (WISDOM-USE OF GOOD SENSE), ZAAGI'IDIWIN (PRACTICE ABSOLUTE KINDNESS), MINADENDMOWIN, (RESPECT - ACT WITHOUT HARM) AS WELL AS AYAANGWAAMIZI (CAREFUL AND CAUTIOUS CONSIDERATION) MUST GUIDE THIS COURT'S DECISIONMAKING, THIS COURT POSITS THAT THESE TEACHINGS GUIDE ALL DECISION-MAKING. WHEN THAT HAPPENS, THIS COURT MUST TRUST THAT THE RIGHT DECISION WILL BE MADE FOR THE COMMUNITY AS A WHOLE. IN ACCORDANCE, WITH TRADITIONAL PRACTICES OF GOVERNANCE (DESCRIBED ABOVE), AND THE CURRENT STRUCTURE OF THE TRIBE'S GOVERNMENT, IN THIS INSTANCE, THE DECISION OF THE BOARD OF DIRECTORS IS FINAL.

AS ANISHINAABE PEOPLE, AND IN CARRYING OUT DUTIES DELEGATED FROM ONE AUTHORITY TO ANOTHER, WE WOULD BE REMISS IF WE DID NOT SEEK OUT OUR OJIBWAY TEACHINGS TO INFORM THIS COURT'S DUE PROCESS JURISPRUDENCE. INDEED, THE NOTION OF DUE PROCESS EMANATES FROM THE CONCEPT OF ACHIEVING HARMONY IN LIFE, TO LIVE IN BALANCE WITH ALL OF CREATION, OTHERWISE KNOWN TO THE ANISHINAABE AS MINO-BIMAADIZIWIN. (CHOLEWKA V. GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS TRIBAL COUNCIL, NO. 2013- 16-AP (GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS APP. CT. 2014). THERE IS NO DOUBT THAT THE APPELLANT IS A TRIBAL MEMBER CLOAKED WITH THE PROTECTIONS OF ARTICLE VIII AND THAT THIS COURT HAS BEEN GRANTED JURISDICTION TO HEAR AND DECIDE SUCH MATTERS PURSUANT TO CHAPTER 82 OF THE SAULT TRIBE CODE. IN DOING SO, THIS COURT IS KEENLY AWARE THAT AN INDIAN TRIBAL COURT'S INTERPRETATION OF DUE PROCESS REPRESENTS THE UNIQUE TRIBAL SOVEREIGN, ITS DISTINCTIVE CULTURE AND MORES. (ALEXANDER V. CONF'D TRIBES OF GRAND RONDE, 13 AM. TRIBAL LAW 353 (CT. OF APP. OF THE CONFEDERATED TRIBES OF THE GRAND RONDE CMTY. 2016)(QUOTING SYNOWSKI V. CONF'D TRIBES OF GRAND RONDE, 4. AM. TRIBAL LAW 122, 125 N. 4 (GRAND RONDE CT. APP. 2003)). OUR ANISHINAABE TEACHINGS OF NIBWAAKAAWIN (WISDOM-USE OF GOOD SENSE), ZAAGI'IDIWIN (PRACTICE ABSOLUTE KINDNESS), MINADENDMOWIN, (RESPECT — ACT WITHOUT HARM) AS WELL AS AYAANGWAAMIZI (CAREFUL AND CAUTIOUS CONSIDERATION) MUST GUIDE THIS COURT'S DECISION-MAKING.

THIS COURT IS FURTHER INFORMED BY OUR ELDERS THAT THE ANISHINAABE ACHIEVE WISDOM THROUGH THEIR UNDERSTANDING OF THE ORDINANCES OF CREATION. THE TENETS REPRESENTED IN THE RHYTHM OF THE EARTH AND ALL OF CREATION, ARE UTILIZED IN OUR ESTABLISHED SYSTEMS OF GOVERNANCE AND CAN BE USED TO IDENTIFY THE PRINCIPLES OF DUE PROCESS. FOR EXAMPLE, THE ANISHINAABE ARE NO STRANGER TO RESPECTFUL LISTENING TO THE POSITION OF ALL INTERESTED PERSONS ON ANY IMPORTANT ISSUE. TO BE SURE, ONE ONLY NEED TO LOOK TO THE SEVEN GRANDFATHER TEACHINGS OF THE ANISHINAABE TO UNDERSTAND THAT INDIAN NATIONS DID NOT LEARN DUE PROCESS AND FAIRNESS FROM ANGLO—AMERICAN CULTURES. (SEE E.G., BEGAY V. NAVAJO NATION, 6 NAV. RPTR. 20, 24-25 (NAVAJO NATION SUP.CT. 1988) (THE CONCEPT OF DUE PROCESS WAS NOT BROUGHT TO THE NAVAJO NATION BY THE INDIAN CIVIL RIGHTS ACT . . . THE NAVAJO PEOPLE HAVE AN ESTABLISHED CUSTOM).

INDEED, THIS COURT IS CALLED UPON TO CONSIDER THE LAST TIME ITS MEMBERS PARTICIPATED IN A TALKING CIRCLE — WE THINK OF THE ORDER OF THE CIRCLE AS IT EXISTS IN OUR TRADITIONAL WAYS, THE IMPORTANCE OF THE TALKING STICK OR EAGLE FEATHER AS THE OBJECT THAT ENABLES RESPECTFUL DISCUSSION AS WELL AS DEMANDS RESPECTFUL LISTENING. WE ALSO THINK OF EXPECTED OUTCOMES AND FINALITY OF THE DECISIONS MADE THAT RESULT FROM THE OPEN, HONEST AND RESPECTFUL DISCUSSION. IT COULD BE SAID THAT THE APPLICATION OF THE OJIBWAY TALKING CIRCLE PRINCIPLES SPEAK TO THE ESSENCE OF DUE PROCESS - A GOVERNMENTAL RESPECT FOR ALL INDIVIDUALS SUBJECT TO ITS AUTHORITY. LIKE OTHER INDIAN COMMUNITIES, THIS RESPECT CAN BE PRAGMATICALLY TRANSLATED IN LEGAL PROCEEDINGS TO MEAN NOTICE AND THE OPPORTUNITY TO BE HEARD WHEN THE DEPRIVATION OF PROPERTY OR LIBERTY IS AT STAKE. (ZEPHIER V. WALTERS, NO. 15A06 (CHEYENNE RIVER SIOUX TRIBAL CT. OF APP. 2017).

THERE ARE MANY TRICKSTER TALES TOLD BY THE ANISHINAABEK INVOLVING THE GODLIKE CHARACTER NANABOZHO. ONE STORY RELEVANT TO THE PRESENT MATTER IS A STORY THAT IS SOMETIMES REFERRED TO AS THE DUCK DINNER. SEE, E.G., JOHN BORROWS, RECOVERING CANADA: THE RESURGENCE OF INDIGENOUS LAW 47-49 (2002); CHARLES KAWBAWGAM, NANABOZHO IN A TIME OF FAMINE, IN OJIBWA NARRATIVES OF CHARLES AND CHARLOTTE KAWBAWGAM AND JACQUES LEPIQUE, 1893-1895, AT 33 (ARTHUR P. BOURGEIOS, ED. 1994); BEATRICE BLACKWOOD, TALES OF THE CHIPPEWA INDIANS, 40 FOLKLORE 315, 337-38 (1929). THERE ARE MANY, MANY VERSIONS OF THIS STORY, BUT IN MOST VERSIONS, NANABOZHO IS HUNGRY, AS USUAL. AFTER A SERIES OF FAILURES IN CONVINCING (TRICKING) THE WOODPECKER AND MUSKRAT SPIRITS INTO BEING MEALS, NANABOZHO CONVINCES (TRICKS) SEVERAL DUCKS AND KILLS THEM BY DECAPITATING THEM. 💀*3 HE EATS HIS FILL, SAVES THE REST FOR LATER, AND TAKES A NAP. HE ORDERS HIS BUTTOCKS TO WAKE HIM IF ANYONE COMES ALONG THREATENING TO STEAL THE REST OF HIS DUCK DINNER. DURING THE NIGHT, MEN APPROACH. NANABOZHO'S BUTTOCKS WARN HIM TWICE; WAKE UP, NANABOZHO. MEN ARE COMING. KAWBAWGAM, SUPRA, AT 35. NANABOZHO IGNORES HIS BUTTOCKS AND CONTINUES TO SLEEP. WHEN HE AWAKENS TO FIND THE REMAINDER OF HIS FOOD STOLEN, HE IS ANGRY. BUT HE DOES NOT BLAME HIMSELF. INSTEAD, HE BUILDS UP HIS FIRE AND BURNS HIS BUTTOCKS AS PUNISHMENT FOR THEIR FAILURE TO WARN HIM. TO SOME EXTENT, THE TRICK HAS COME BACK TO HAUNT NANABOZHO - AND IN THE END, WITH HIS SHORT-SIGHTEDNESS, HE BURNS HIS OWN BODY.

THE RELEVANCE OF THIS TIMELESS STORY TO THE PRESENT MATTER IS APPARENT. THE TRIAL COURT, PER JUDGE BRENDA JONES QUICK, TRIED AND CONVICTED THE DEFENDANT AND APPELLANT, HON. RYAN L. CHAMPAGNE, A TRIBAL MEMBER, AN APPELLATE JUSTICE, AND A MEMBER OF THIS COURT, OF THE CRIME OF ATTEMPTED FRAUD. JUSTICE CHAMPAGNE'S PRIMARY JOB DURING THE RELEVANT PERIOD IN THIS CASE WAS WITH THE LITTLE RIVER BAND OF OTTAWA INDIANS. PART OF HIS JOB RESPONSIBILITIES INCLUDED LEAVING THE TRIBAL PLACE OF BUSINESS IN HIS PERSONAL VEHICLE TO VISIT CLIENTS. WHILE 💀*4 ON ONE OF THESE TRIPS, JUSTICE CHAMPAGNE TOOK A PERSONAL DETOUR AND WAS INVOLVED IN AN ACCIDENT. THE BAND AND LATER THE TRIAL JUDGE CONCLUDED THAT HIS CLAIM FOR REIMBURSEMENT FROM THE BAND WAS FRAUDULENT. JUDGE QUICK FOUND THAT JUSTICE CHAMPAGNE ATTEMPTED TO OBTAIN MONEY BY SEEKING REIMBURSEMENT FROM THE TRIBE FOR THE LOSS OF HIS VEHICLE BY INTENTIONALLY MAKING A FALSE ASSERTION THAT HE WAS ON HIS WAY TO A CLIENT'S HOME AT THE TIME OF THE ACCIDENT. PEOPLE V. CHAMPAGNE, OPINION AND JUDGMENT AT 6, NO. 06-131-TM (LITTLE RIVER BAND TRIBAL COURT, DEC. 1, 2006) (CHAMPAGNE III). JUSTICE CHAMPAGNE WAS NEITHER HEADING TOWARD THE TRIBAL OFFICES NOR TOWARD A CLIENT'S HOME.

LIKE NANABOZHO, JUSTICE CHAMPAGNE PERPETRATED A TRICK UPON THE LITTLE RIVER OTTAWA COMMUNITY - A TRICK THAT HAS COME BACK TO HAUNT HIM. IT WOULD SEEM TO BE A SMALL THING INVOLVING A RELATIVELY SMALL SUM OF MONEY, BUT BECAUSE THE LITTLE RIVER OTTAWA PEOPLE HAVE DESIGNATED THIS PARTICULAR TRICK A CRIMINAL ACT, JUSTICE CHAMPAGNE HAS BURNED HIMSELF.

2023