



GRIEVANCE PROCEDURAL GUIDELINES
FOR BROTHERTOWN INDIAN NATION PEACEMAKERS
Amended April 10, 2020

INTRODUCTION

The Brothertown Indian Nation Peacemakers pledge to preserve the sovereignty of the Nation and seek to establish a procedure by which dispute 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 preserved 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 postal or email address posted on the BIN official webpage for Chief Peacemaker

[Email: peacemakers@brothertownindians.org](mailto:peacemakers@brothertownindians.org)

Brothertown
Peacemakers P.O. Box
4217
Cave Creek, AZ 85327

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

Article VI – JUDICIARY

VI. SECTION 1: THE JUDICIAL SYSTEM

- a. The Council shall establish an independent political system.
- b. The judicial members called 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 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 appeals for all cases or controversies arising under the 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: PEACEMAKER 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 of 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 Peacemaker members. The candidate receiving the highest number of votes will serve the initial five (5) year term. The candidate receiving the second highest votes will serve an initial four (4) year term; the third highest votes will serve an initial three (3) year term; the fourth highest votes will serve an initial two (2) year term; and the fifth highest votes will serve an initial 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 – coordinated and communicated 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.
- Historian – records the history of the Brothertown Indian Nation Peacemaker Judicial System from past history and as it develops and reached Brothertown Peacemaker tradition and culture.
- 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 provided 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.

PROCEDURES FOR PETITIONING THE PEACEMAKERS

1. All official contact with the Peacemakers shall be submitted in writing, either email or in post.
2. The applicant should provide a full report of the area of concern as well as all the 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 email or mail one copy of all documents submitted to the Chief Peacemaker at the postal or email address posted on the BIN Official Website.



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4. The Chief Peacemaker will acknowledge, by mail or email, 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.

Decision 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 judgement 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 the receipt of the appeal – unless an extension is mutually agreed upon. The Chief Peacemakers 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 other living person in the Peacemaker's immediate household. In addition, they should recuse themselves from any appeal in where 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 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.