

2012 Garrett Lee Smith
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***Sovereign to Sovereign Collaboration:
A Spirituality of Law Analysis & Warrior of Law Approach***

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Introduction & Expectations

Who Am I? Why Am I Here?

Who/What is TLPI? (tlpi.org)

(www.walkingoncommonground.org)

TLPI Promising Strategies (Judicial & PL 280 publications)

&

Considerations for Collaborative Possibilities

SoL Analysis + WoL Approach = The Sphere

First – Where Am I

About TLPI

- Training and technical assistance
 - Healing to Wellness Courts
 - Child Welfare
- Research
 - Needs assessments
 - Community Surveys
- Resource development
 - Code development resources
 - Tribal Legal Studies Series
- Tribal Court Clearinghouse

Facilitating and Promoting Collaborations

- Grant from BJA
 - Enhance/Update WOCCG
 - Promising Strategies
- Vital need for resources on collaboration
 - Existing resources scattered: NCAI; NCSC; NCSL; etc.
- Unique Focus on collaborations – agreements, not disagreements

Walking on Common Ground

Resources for promoting and facilitating tribal-federal-state collaborations

- Interactive map by topic
- Listing of cooperative agreements, MOUs, MOAs, articles, etc
- Not promising strategies

Criteria for TLPI Promising Strategies

- **Innovative**
- **Culturally Compatible**
- **Community Component**
- **Respect for and Enhancement of Tribal Authority**
- **Fairness**
- **Intergovernmental Cooperation**
- **Management Effectiveness**
- **Sustainable**
- **Replicable**

And . . .

- **Cultural Diversity**
- **Geographic Diversity**

Common Themes

- Strong Leadership, institutionalizing relations
- Educational efforts
- Effective Comprehensive Justice Services
- Culturally compatible policing and court alternatives
- Cooperation between tribal-county-state
- Enhancement of tribal government powers
- Agreeing to disagree on certain issues
- Fairness is priority
- Reduce costs, duplicative litigation

Collaborative Benefits/Incentives

- ❖ Expression & Exercise of Sovereignty – *Community & Nation Building*
- ❖ Cross Sovereign Education & Understanding
- ❖ Collective Confrontation-Team Work/Holistic Approach -

culturally accordant

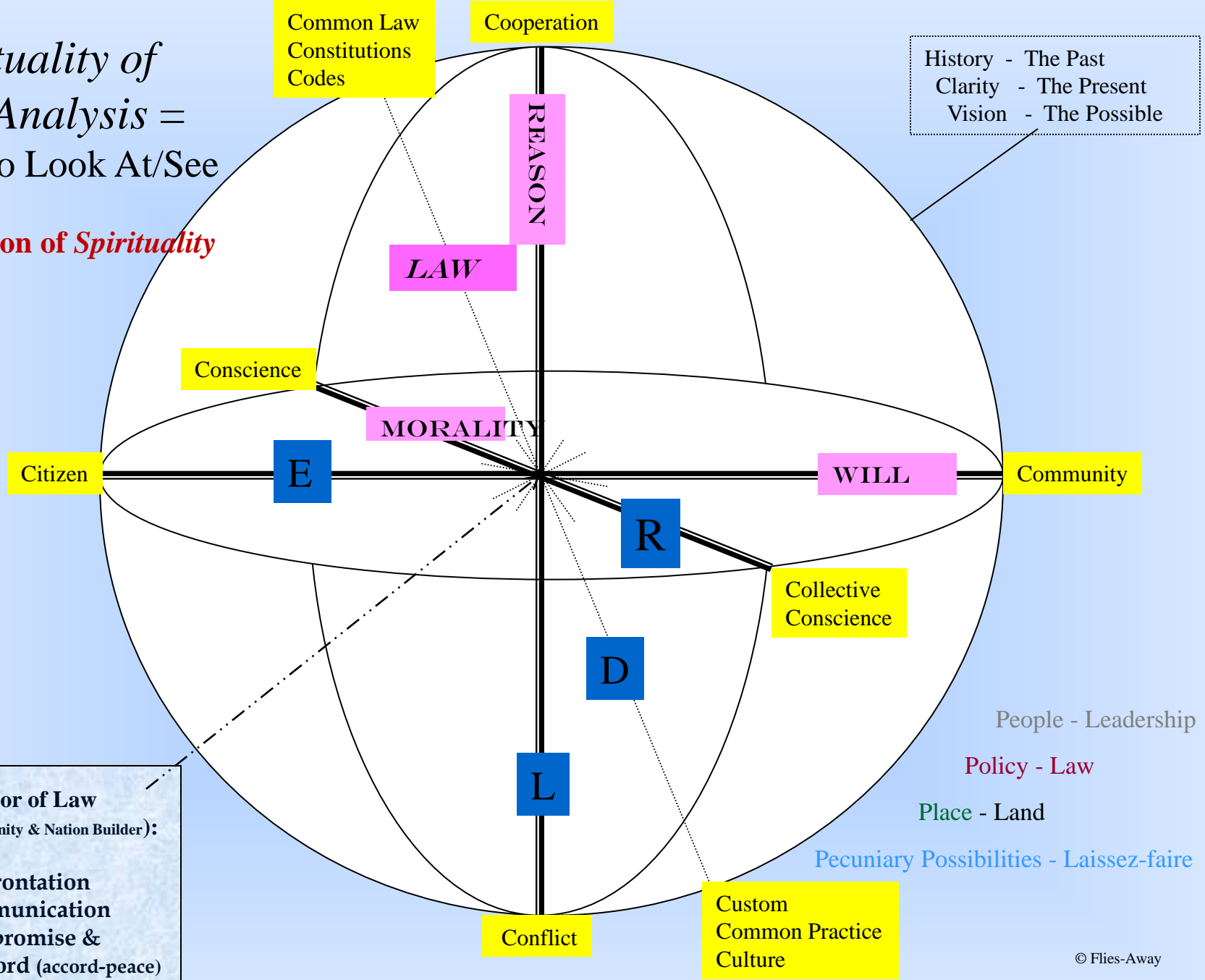
- ❖ Promotes and/or Maintains Culture & Tradition
- ❖ Stretches/Strategically Utilizes Limited Governmental Resources

THUS

- ❖ Enhances Services to Citizens/Communities

Spirituality of Law Analysis =
How to Look At/See

Definition of Spirituality



History - The Past
Clarity - The Present
Vision - The Possible

Warrior of Law
(Community & Nation Builder):
Confrontation
Communication
Compromise & Concord (accord-peace)

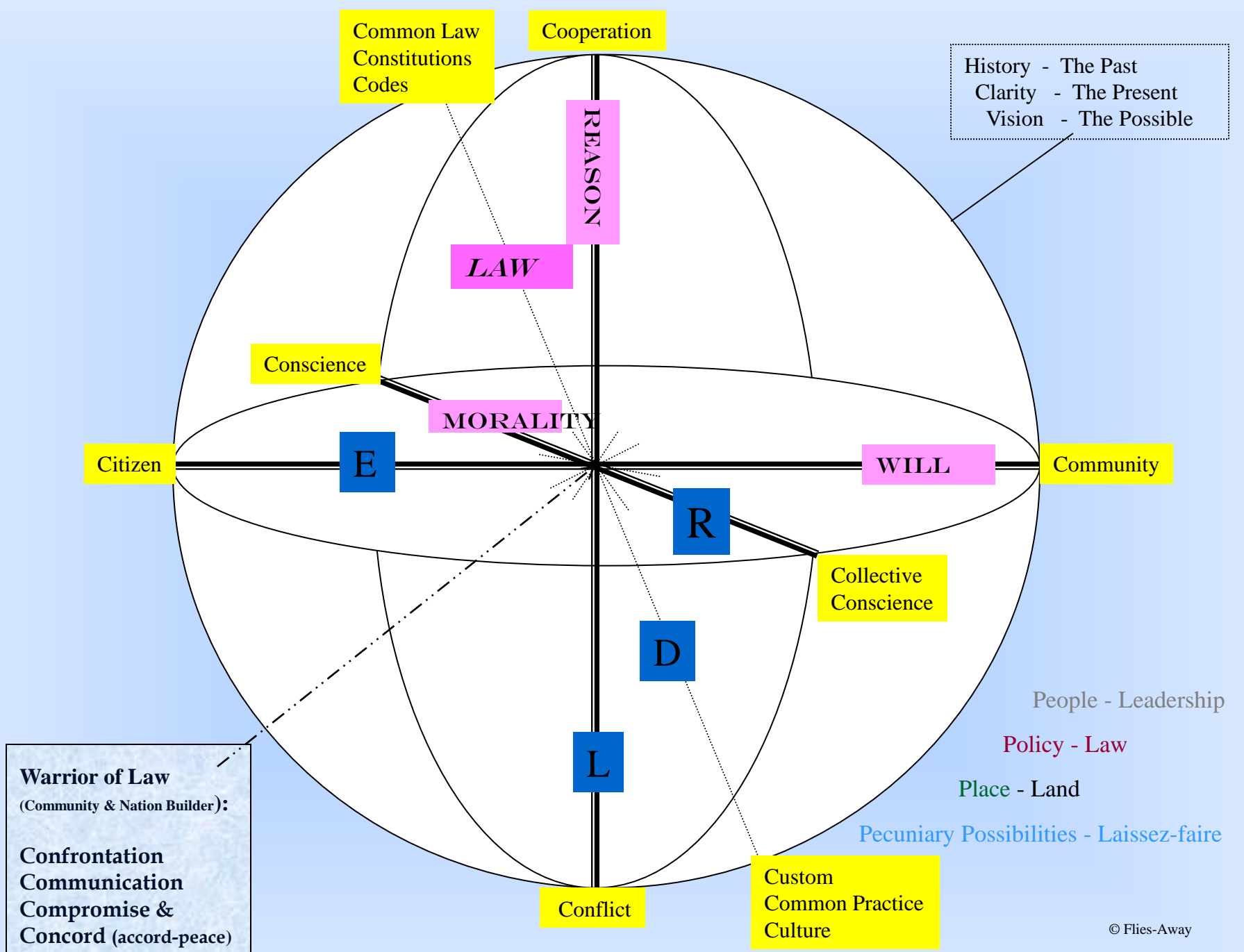
The Warrior of Law's Path Prescribes:

A WoL (Community & Nation Builder, Justice Professional, Planner, Counselor, Person, etc.)

- ❖ participates/plays – provides presence (body movement & maintenance)
- ❖ protects your (personal) peoples/party's position & property
- ❖ presumes all parties are professional/principled (until shown differently)
- ❖ promotes partnership - possibility
- ❖ prepares procedure – protocol – process
- ❖ proposes policy- strategic plans
- ❖ patiently pursues precision - perfection

&

- ❖ preserves, presents, and portrays Peace (most important) *{prays}*



Sorting Spheres

Universe, Galaxies, Solar Systems, Planets

Nations, States/Provinces, Counties, Campuses (person?)

3 Sovereigns in U.S.A.

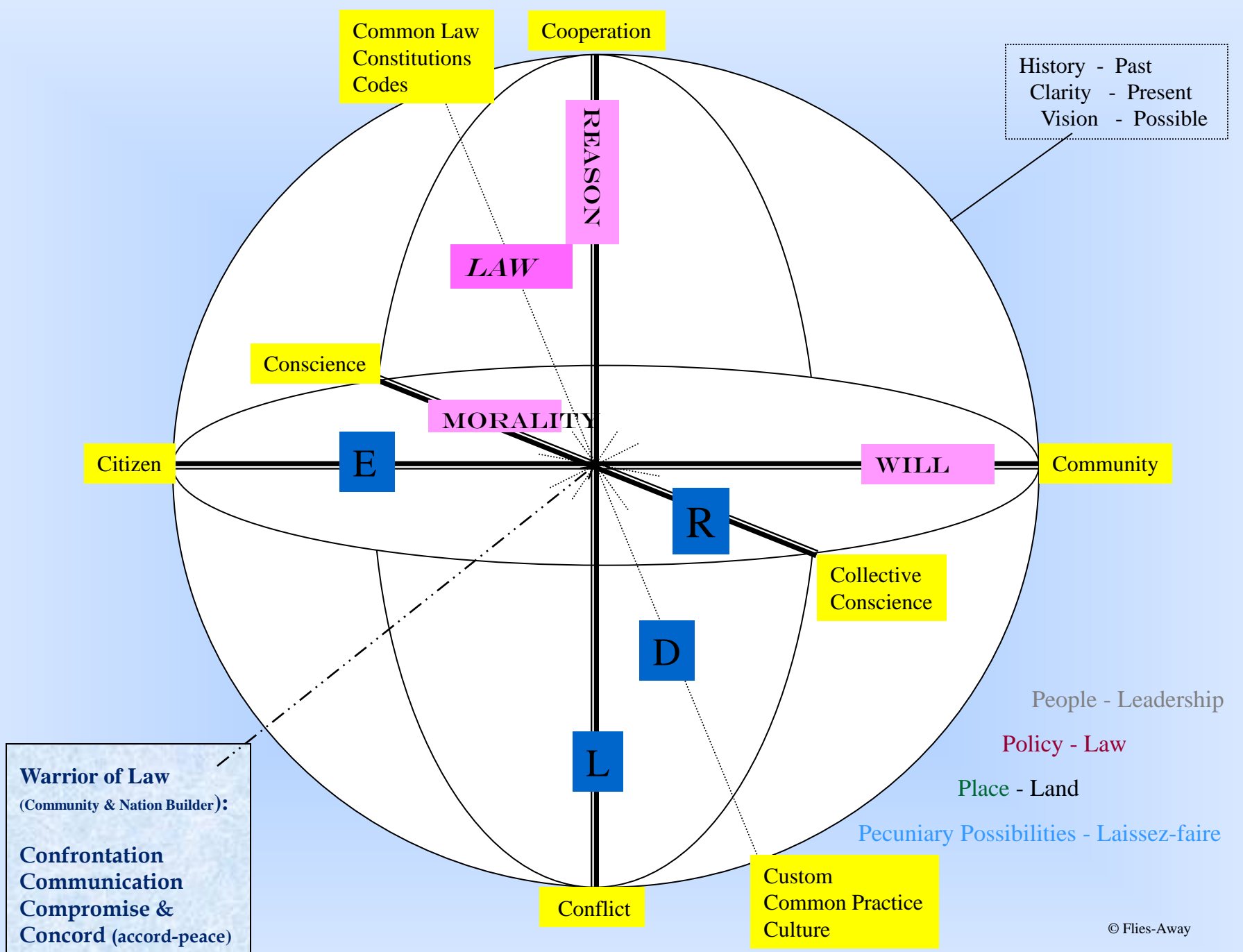
Intra-Sphere (draw) {NOTE: working within – difficult}

Inter-Sphere (draw) {NOTE: working with others – possible}

HCV – Vision – Critical for Collaboration

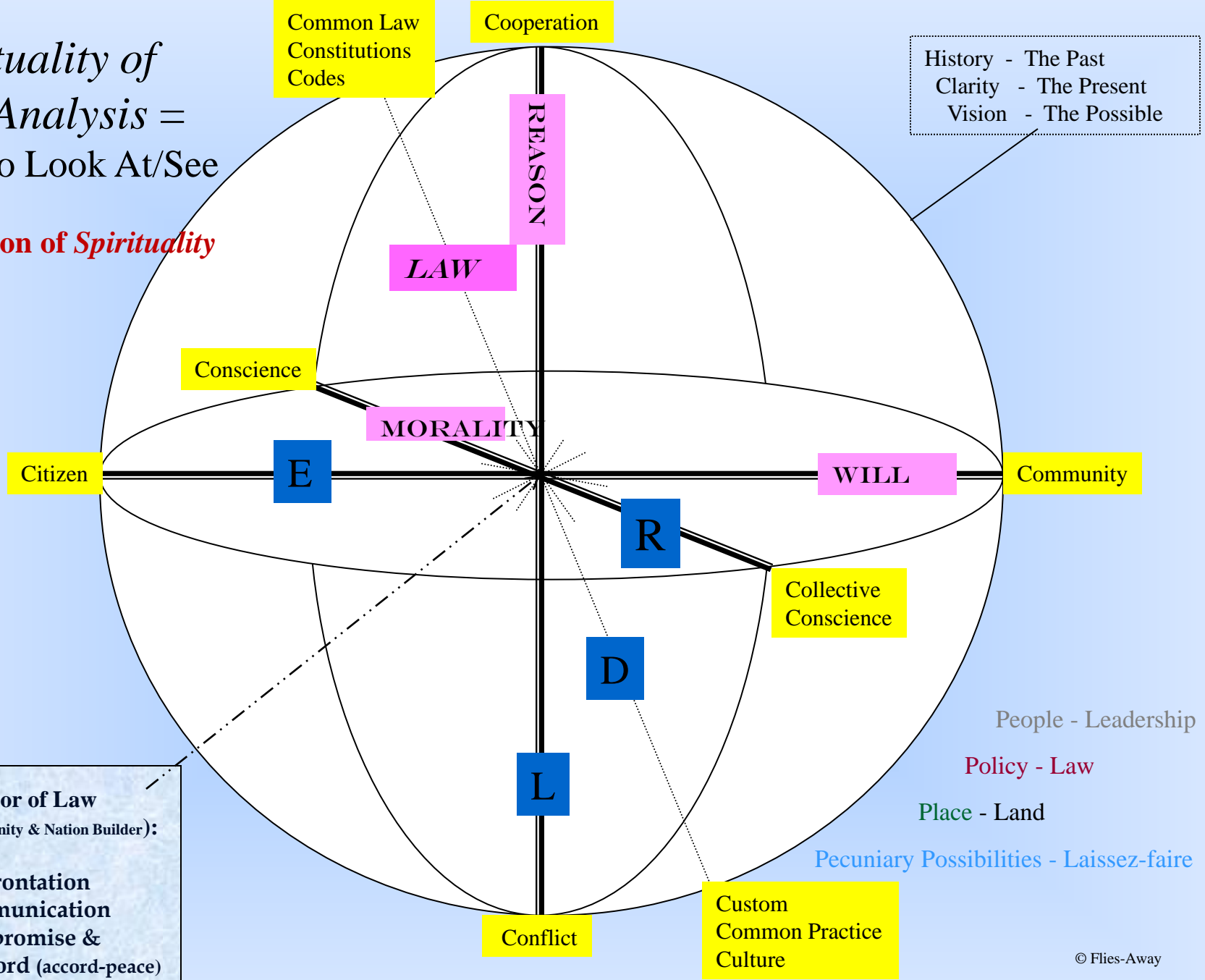
(seeing the same thing)

Collaboration is *Spiritual* - Now to *Spherical Content*



Spirituality of Law Analysis = How to Look At/See

Definition of Spirituality



“Given the complexity of our species – in particular, the fact of our having thoughts and emotions as well as imaginative and critical faculties – it is obvious that our needs transcend the merely sensual. The prevalence of anxiety, stress, confusion, uncertainty, and depression among those whose basic needs have been met is a clear indication of this. Our problems, both those we experience externally – such as wars, crime, and violence – and those we experience internally – our emotional and psychological sufferings – cannot be solved until we address this underlying neglect. That is why the great movements of the last hundred years and more – democracy, liberalism, socialism – have all failed to deliver the universal benefits they were supposed to provide, despite many wonderful ideas. A revolution is called for, certainly. But not a political, an economic, or even a technical revolution. We have had enough experience of these during the past century to know that a purely external approach will not suffice. What I propose is a spiritual revolution.”

His Holiness, The Dalai Lama