

Filmmaker Anne Makepeace Turns Lens on Native American 'Tribal Justice'

By Alice Tessier



Photos by Barney Broomfield
Judges Abby Abinanti and
Claudette White.

Award-winning filmmaker Anne Makepeace is turning a lens on a “different kind of justice” in her latest project. The documentary in progress, whose working title is “**Tribal Justice**,” explores collaboration involving state courts and Native American tradition in pursuit of a more positive outcome.

Makepeace, who lives in the Northwest Corner of Connecticut, has been following the approach taken by two Native American judges in California who share the same goal – restorative justice – for almost two years.

Restorative justice holds offenders accountable for their criminal actions but aims to reduce incarceration and recidivism and to enable the perpetrators, their victims, and the



community to “heal.”

(Makepeace, right, in a photo by Jill Orschell.)

“They are working for the survival of their tribes, trying to save their children,”

Makepeace said in of the two judges – the Honorable Abby Abinanti, chief judge of the Yurok tribe on the north coast, who was the first Native American lawyer in the state in 1974, and the Honorable Claudette White, chief judge of the Quechan Tribal Court in the southern Mojave, who is the first tribal member to be a judge on her reservation.

“Although they have strong contrasts, they have the same goal,” she said of the judges. “They work with offenders diverted from state courts to bring them back to health, enforce meaningful reparations, provide them with life skills and get them jobs.”

The tribal justice system is complicated, Makepeace said, adding that she thinks sovereign nations are interesting in that they have their own justice systems. “Most federally recognized tribes have their own court system, which in most states is under the federal system, and they address the crimes that happen by tribal members on their own reservation. Public Act 280 [officially 83-280] puts jurisdiction with the state courts, and California is one of several states where they have concurrent jurisdiction. The way it's working in California, my focus, is that when a tribal member gets in trouble or a child is involved, it can be requested from a state court that the case be transferred to a tribal court. The [reauthorized] Violence Against Women law in California in 2013 also grants tribal courts the authority to address crimes by non-tribal members on the reservation against women who are tribal members.”

Makepeace has been following several cases in the Yurok chief judge's wellness court and the Quechan Tribal Court, being allowed full access to the proceedings. A film clip on her Web page about the project (www.MakepeaceProductions.com) introduces the judges and their courts.

Judge Abinanti, who became the first Native American lawyer in the state in 1974, said of the Yurok Wellness Court, “We are trying to establish a justice system that fits our people and works for them. It's not easy to be a Yurok. There's a lot of responsibilities that go with it. You can't just let them go.” She continued, “One of our goals as a court system is to create and recreate village life, because 200 years ago we did not have meth, we did not have heroin and now we do.”

The proceedings in her court are different in a lot of ways than other courtrooms, the judge said. “We don't have someone on a bench, someone who is removed from the people we're working with. You're supposed to interact with the people you're working with, know these people, care about them and be part of them.”



(Above, Yurok Chief Judge Abby Abinanti with Taos Proctor, an offender she is trying to save from life in prison. Photo by Barney Broomfield.)

For a year and a half, Makepeace has been following the case of a young Yurok man named Taos who first entered the justice system at 16 and was facing potential lifetime imprisonment on a felony charge in a third drug-related event. “Abby was successful in having the case diverted to her wellness court,” she said.

Sitting opposite her in court there, Taos told Judge Abinanti he was off drugs for the first time in his life and it was the first time he pointed to himself as the problem, not others. By way of making amends and reconnecting with the community, he was secretary of the rehab group and had initiated a program to help elders in the community. An update on the Web page indicates that he has been clean and sober more than a year, working three jobs and learning how to be a parent to his 3-year-old son. The judge considers Taos is “a work in progress.” She said that “a big part is effort, and he has a lot of willingness. He made mistakes and was willing to admit them and work on them.”

In a conversation with an official at the Humboldt County Probation Office about collaboration, Judge Abinanti said, “I don't want 18-year-olds getting involved in criminal behavior and then going into the adult system. ... Basically what we're interested in is your referrals and transitioning some of our older kids into a life that's not just right into jail.”

Judge White noted that on the Quechan reservation the wellness court is not a separate court but rather that “everything we do is for the wellness of the family.

“The cases that are most dear to me and most challenging are the cases dealing with families and children because children are the ones that need to be protected. These are the cases we invest the most time on. We focus on wellness, we focus on restoration, we focus on trying to put families back together and give them what they need to help make them whole,” she said.



(Above, cameraman Barney Broomfield (left) and director Anne Makepeace on the Yurok Reservation. Photo by Lori Nesbitt.)

Makepeace has been following several cases involving children in both courts, including a case in the Quechan court concerning two teen-aged boys under the guardianship of their aunt and uncle. The teens, aged 14 and 16, had become involved again in juvenile issues and the elder was facing more serious consequences.

The filmmaker said that, generally speaking, the stories she is interested in for her

documentaries “are about characters overcoming obstacles and doing amazing things.” In this instance, both judges are providing valuable models of restorative justice, she said, “and mainstream courts across the country are noticing.”

Makepeace has been involved in independent filmmaking for more than 30 years as writer, director and producer, garnering many awards, including a National Prime Time Emmy for “Robert Capa in Love and War,” an American Masters/PBS documentary that was first shown at the Sundance Festival in 2003.

She was named a finalist in the 2001 Academy Awards for the first documentary film focusing on native tribes that she produced, “**Coming to Light: Edward Curtis and the North American Indians.**” Curtis was dedicated to record Native American culture for posterity through his photographs and documented research.

Makepeace shared that it's been awhile since she felt the passion for a project she experienced with the second film she produced about Native Americans, the award- winning documentary “**We Still Live Here: Âs Nutayuneân.**” about the reclamation of the Wampanoag language, which was recognized as most likely to effect important social change, was first broadcast on the PBS series Independent Lens in 2011.

Not until now, that is. Makepeace said of “Tribal Justice” that the stories she has been witnessing “have all the elements of a great documentary: compelling characters engaged in important social justice issues unfolding dramatically over time.”

“I knew that such a documentary would educate a broad audience,” she said, reflecting that it would be important for indigenous people around the world and valuable “in modeling a different kind of justice for all Americans,” as she has stated in a written release.

Makepeace, who was raised in Middlebury, Connecticut, did not aspire to become a filmmaker when she first sought a career. She earned a bachelor of arts degree in English and a master's in education at Stanford University. In her first year as a teacher in California, she recounted, “I used a lot of Native American materials when teaching eighth-graders, and I also taught filmmaking as an elective, which led her to obtaining a master's in film production at Stanford.

Her first real film was her thesis film, “**Moonchild**,” a docudramatization about the Moonies, a California cult. “It was aired on HBO in 1983 and sold all over the world, it really struck a chord.” She said the first film she got obsessed with, however, was “Ishi, The Last Yahi,” a project she was hired to write about a man said to be “the last wild Indian” during his time a century ago.

Makepeace draws support from foundations and other grant-giving bodies, which helps her bring her projects to fruition, and she cites the benefits of having an editor to go through hundreds of hours of filming. “I can edit, but I feel it needs a whole different story hand though,” she said.

“The documentaries I make do not lend themselves to much theatrical distribution but do get good festival releases, air on TV (particularly PBS) and are acquired by libraries. They do get audiences – and the audiences I do really care about.”

Makepeace presented a program about the “Tribal Justice” project-- showing clips and talking about her creative process – at the Scoville Memorial Library in Salisbury, a community that, she said, was very friendly to her right away when she returned to Connecticut in 2013.

“I said you never make the film you set out to make, and this is particularly true about documentaries. Writing a novel, you can control it. With reality, you can't control it – it really continues to surprise you; in scary ways at times, also in ways that are great. Once you have all your footage, you look for a beginning, middle and a resolution. You have to create a creative arc, a structure. [Making a] documentary is very challenging that way. I said at the library that where I am ready to throw up my hands, I blindly keep going, and that this happens with every documentary I make. You go where it leads you.”

For more information about Makepeace, her production company and her films, as well as progress on “Tribal Justice,” visit www.MakepeaceProductions.com.