

Indian Boarding Schools, ICWA, and Canada's Path to Truth and Reconciliation

Friday, October 21, 2022
10:30 – 11:45 AM



In the 19th and 20th centuries, the American and Canadian governments employed residential boarding schools to force the cultural assimilation of thousands of Native children. The dark legacy of boarding schools reaches into the 21st century as boarding schools eroded Tribal relations, culture, and wealth; boarding school survivors often continue to suffer from chronic physical and/or mental health ailments; and the descendants of survivors frequently have epigenetic issues.

Panelists will examine the history and effects of Indian boarding schools, discuss the Indian Child Welfare Act of 1978 in the United States, and explain the terms of Indian Residential Schools Settlement in Canada.

At the end of the session, participants should be able to:

1. Understand the history and impact of Indian boarding schools
2. Understand the protections for Tribes and Native children in the United States provided by the Indian Child Welfare Act of 1978
3. Discover what states can do to protect the rights of Tribes and Native children outside of federal law
4. Learn about Canada's Indian Residential Schools Settlement and how its distinct components address the legacy of Indian Residential Schools

Speakers:

**Hon. JoAnne Cook, Chief Appellate Judge, Grand Traverse Band of Ottawa/Chippewa Indians
Appellate Court**



JoAnne Cook currently serves on the Grand Traverse Band of Ottawa/Chippewa Indians Appellate Court as Chief Appellate Judge.

She is a member of the Grand Traverse Band of Ottawa/Chippewa Indians and is from Peshawbestown, Michigan. She has served one term on Tribal Council (2012-2016) and as a Tribal Court Judge for two tribal communities (1994-2011).

Judge Cook was involved in the development of two alternative courts: Peacemaking and Healing to Wellness Court (Drug Court). These courts

utilize tradition and culture to heal and restore balance for participants. She has begun consulting with native and nonnative communities who are developing similar courts.

She believes tradition and culture is vital to the Anishinaabe way of life and has continued her learning about the 3 Fires people. Judge Cook frequently presents on the way of life and culture of the Odawa. In addition, she previously taught Business Law for Northwestern Michigan College (NMC) and a course at NMC Extended Education, titled Native Law and Culture. Judge Cook is currently teaching a short course, History of the Anishinaabek for NMC Extended Education.

Judge Cook received a B.A from Ferris State University and a J.D. from the University of Wisconsin School of Law.

Hon. Len Marchand, Justice, British Columbia Court of Appeal



Justice Len Marchand, Jr. currently sits on the British Columbia Court of Appeal.

Justice Marchand is Syilx and a member of the Okanagan Indian Band. In 2013, Justice Marchand was appointed to the Provincial Court of British Columbia. As a Provincial Court judge, Justice Marchand had the privilege of presiding in Cknucwentn Court in Kamloops, where, with input from Elders, healing plans are developed for Indigenous offenders. Justice Marchand was appointed to the Supreme Court of British Columbia on National

Indigenous People’s Day, June 21, 2017.

Justice Marchand has dedicated a substantial portion of his career to achieving reconciliation for many Indigenous people through, among other things, advancing civil claims for abuses suffered by residential school survivors. In 2005, he helped negotiate the Indian Residential Schools Settlement Agreement, which, at the time, was the largest class action settlement in Canadian history. He served on the Oversight Committee for the Independent Assessment Process and on the Selection Committee for the Truth and Reconciliation Commission.

Justice Marchand received a B.A.Sc. in chemical engineering at the University of British Columbia and his law degree from the University of Victoria.

Bryan Newland, Assistant Secretary – Indian Affairs, U.S. Department of Interior



Bryan Newland, an enrolled member of the Bay Mills Indian Community, a federally recognized Ojibwe (Chippewa) Tribe in Michigan, is the 14th Assistant Secretary – Indian Affairs. The Assistant Secretary – Indian Affairs assists the Secretary of the Interior in fulfilling the Department’s trust responsibilities to American Indian and Alaska Native Tribes and individuals.

Prior to his appointment, Mr. Newland had served as the Principal Deputy Assistant Secretary – Indian Affairs. He joined the Department in February 2021 as Senior Advisor to the Secretary after having served as president of

the Bay Mills Indian Community since 2017. From 2009 to 2012, he served as counselor and senior policy advisor to Assistant Secretary – Indian Affairs Larry Echo Hawk. He was acknowledged by Assistant Secretary Echo Hawk as being “pivotal” in working on the Helping Expedite and Advance Responsible Tribal Home ownership (HEARTH) Act which advances self-determination and sovereignty over Tribal lands.

After leaving Federal service in 2012, Mr. Newland spent four years as chief judge of the Bay Mills Indian Community’s Tribal court.

Mr. Newland attended Michigan State University. He was the first graduate of MSU Law’s Indian Law Program in 2007.

Hon. Melissa L. Pope, Chief Judge, Nottawaseppi Huron Band of the Potawatomi Tribal Court and Chief Justice, Little River Band of the Ottawa Indians Court of Appeals



Melissa L. Pope currently serves as the Chief Judge of the Nottawaseppi Huron Band of the Potawatomi Tribal Court and Chief Justice of the Little River Band of the Ottawa Indians Court of Appeals.

Judge Pope has been active in NHBP’s efforts to address violence, including serving on the Intertribal Technical Assistance Working Group on Special Domestic Violence Criminal Jurisdiction and the NHBP VAWA Enactment Team established with the focus on implementing the greater return of criminal jurisdiction to Native Nations in VAWA 2022.

Judge Pope currently serves on the Michigan Domestic and Sexual Violence Prevention and Treatment Board by appointment of Governor Whitmer, as Co-Chair of the Tribal State Federal Judicial Forum, President of the Michigan Indian Judicial Association, and a Member of the State Bar American Indian Law and Access to Justice Policy Committees. She also teaches American Indian Law as an Adjunct Faculty Member at the University of Detroit Mercy School of Law.

Judge Pope’s former positions include Staff Attorney at the Women’s Survival Center of Oakland County and Director of Victim Services for the Triangle Foundation with involvement in the Michigan Alliance Against Hate Crimes, the First Nations Two Spirit Collective, and the ROOTS Coalition.

Wenona T. Singel, Associate Professor of Law and Director of the Indigenous Law & Policy Center, Michigan State University



Wenona T. Singel is an Associate Professor of Law at Michigan State University and the Director of the Indigenous Law & Policy Center.

As Deputy Legal Counsel for Governor Gretchen Whitmer from January 2019 through January 2021, she advised Governor Whitmer on tribal-state affairs. Professor Singel, an enrolled member of the Little Traverse Bay Bands of Odawa Indians, was the first tribal citizen in Michigan’s history to hold that position. She has also served as the Chief Appellate Justice for the Little Traverse Bay Bands of Odawa Indians and the Chief Appellate Judge for the Grand Traverse Band of Ottawa and Chippewa Indians. From 2006-2009, she served as President and Board Member of the Michigan Indian Judicial Association. On March 29, 2012, the United States Senate unanimously consented to her nomination to serve as a member of the Advisory Board of the Saint Lawrence Seaway Development Corporation, a position she held until 2017. Professor Singel is also an elected member of the American Law Institute, where she is the Co-Reporter for the project to develop a Restatement of the Law of American Indians.

Professor Singel received an A.B. from Harvard College and a J.D. from Harvard Law School.

Nicole Smithson, Regional Manager, Michigan Indigent Defense Commission



Nicole Smithson became the Michigan Indigent Defense Commission’s regional manager for the Lapeer, Macomb, Oakland, and St. Clair Region in January 2019.

Before joining the MIDC, Nicole was an attorney with a law firm specializing in representing credit unions, working in its bankruptcy, creditor’s rights, litigation, mergers and acquisitions, and real estate departments. She has experience as a sole practitioner representing individuals in criminal, juvenile, domestic relations, and probate matters. She previously consulted for the JUSTICIA Foundation for Development and Human Rights in Lebanon on projects for the World Bank and the United Nations Development Program. She also served as a staff attorney/magistrate at the Butler County Common Pleas Court in Ohio and a judicial law clerk at the Arizona Court of Appeals, Division Two.

Nicole is currently vice president of the Women Lawyers Association of Michigan and on the editorial board of the *Women Lawyers Journal*, the journal for National Association of Women Lawyers. She was selected as one of Michigan Lawyers Weekly’s “Influential Women of Law” for 2022. Nicole graduated from Wayne State University Law School and the University of Detroit Mercy.