



Civil Rights Law Section

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WSBA Civil Rights Law Section



Tracy is from the Windy City and came to Kitsap County, Washington, while serving on Active Duty in the United States Navy. She graduated from the University of Washington with two BA degrees. After working one year for the State of Washington, Tracy attended Seattle University School of Law, graduating in 1999. Tracy has one daughter, Anna, who dances year round and plays volleyball.

Tracy was President-Elect of the Kitsap County YWCA and President of the Kitsap County Chapter of Washington Women Lawyers for two years. She was elected to the Family Law Executive Committee for the Family Law Section of the WSBA, President of the Pierce County Minority Bar Association and Chair of the Civil Rights Committee. In December 2008 Tracy was appointed interim chair of the Civil Rights Law Section. She was a past co-chair of the Minority Bar Associations' Annual Diversity Conference and co-presented for the WSBA Family Law Section in Las Vegas in 2007 at the Annual Community Property Symposium.

Tracy is a graduate of the WSBA Leadership Institute inaugural class. As a solo practitioner for six years Tracy practiced in Kitsap, Mason and Pierce counties in criminal law and family law. Tracy worked for the Office of Administrative Hearings in Olympia as a Pro Tem Judge and for Kitsap

County as a Pro Tem Judge in District Court. Tracy currently works for the U.S. Department of Labor. Tracy currently serves on the Washington State Bar Association's Board of Governors as an At-Large-Governor. Tracy has received recognitions as a Rising Star, Madison's Who's Who and Seattle University School of Law Black Law Students Award.

Tribal, State Prison Leaders Unite to Complete the Circle

Gabriel S. Galanda

In early 2010, the Washington State Department of Corrections stripped the American Indian men and women incarcerated in its twelve prisons of virtually everything that makes them tribal. Agency religious practices policies were changed, ostensibly to help balance the state's budget. Tribal religious ideology and spiritual practices were cast aside.

Washington State has never been capable of grasping Indian religion or spirituality. The Boldt litigation concerning impediments to tribal subsistence fishing now continues towards its fifth decade. The state Department of Transportation graving yard fiasco at Tse-whit-zen Village in Port Angeles, in which hundreds of Klallam ancestors were unearthed, is a not too distant memory. Washington counties still prosecute Indians for hunting in ancestral areas. Non-tribal society and government are innately unable to understand, let alone accept, Indian spiritual practices and sacred places. They just don't or can't get it.

Thankfully this story did not end there or also result in state-tribal dispute. Instead, trust and faith prevailed.

Then, when Whaa ka dup, a Tulalip Indian and former inmate under DOC contract as a Native Chaplain, attempted to bring traditional tobacco through Monroe Corrections Center security on Easter Sunday morning for use during the Spring Change of Seasons ceremony, he was walked off "the hill." He and his truck were searched, and the tobacco pouch his father gave him was seized. He was later fired for attempting to bring "contraband" into the Monroe prison. Yet like Rosa Parks in 1955 or the Northwest Indian fisherman and civil rights activists in the late 1960s, Whaa ka dup would not go away quietly. He stepped forward and spoke out against his termination, specifically for helping facilitate the Indian religious right of praying to the Creator by and through traditional tobacco use, and in the process he brought to light all of the atrocities being done to the Native people locked up in the Washington State prison system.

From the comforts of DOC headquarters, a religious programs manager of Protestant faith outlawed the tribal inmates' sacred medicines, including tobacco, sage, sweetgrass and lavender. He barred fry bread, salmon and buffalo so that they could not traditionally break their four-day fasts during Change of Seasons rituals. He scaled back the number of sweat lodge ceremonies. He altered what could be stored in a sacred items shoe box; although tribal hand drums, feather fans, tobacco and other medicines could once be protected therein, such sacred

things were then exposed to disrespectful handling by corrections officers. As a result of these policy changes, the attitude of state corrections officers toward Native inmates changed, to passive aggression, if not outright disdain and discrimination, resulting in confrontation during tribal ceremonies and desecration of sweat lodge grounds.

A year later, the DOC has restored all of the tribal inmates' religious rights through policies fostering traditional medicines, foods, patrimony and ceremonies, with related protections. Whaa ka dup was reinstated, and he again helps our "relatives," as he compassionately refers to all of our incarcerated brothers and sisters, through worship and ceremony. Though further reform and attitudinal change throughout DOC prisons is still needed for Native inmates to exercise tribal religion without discrimination or repercussion, the story of how we got this far and who helped get us there is profound and promising.

On June 9, Corrections Secretary Eldon Vail signed the various tribal religious freedom reforms into [agency policy](#) – and law – before state Governor Christine Gregoire and tribal leaders. That coincided with the agency's partnership with [United Indians of All Tribes Foundation](#) to handle Indian religious service programming statewide. Remarkably, the state not only corrected its gaffe, but also embraced Indian self-determination as a solution.

The state's unexpected turnaround began with an apology. Last summer after [eight tribes wrote Secretary Vail and Governor Gregoire](#) decrying the DOC's treatment of their incarcerated citizens, Secretary Vail met with tribal leaders. Instead of blaming the state budget crisis or mincing First Amendment law, he simply said he was sorry. That was it: he was sorry; he and his agency made a mistake. He promised to fix that mistake.

Secretary Vail's unequivocal apology and commitment were pivotal. How often do state cabinet-level officials simply admit wrong and pledge to make things right? And how often do they do so in regard to tribal religion or spiritual practices? His mea culpa set the tone for genuine reform.

To make right, the DOC worked with and deferred to tribal advocates on the reforms, and the agency's embrace of Indian self-determination is profound, if not unprecedented. Nez Perce Indian law professor Doug Nash provided some historical perspective at a recent Seattle University Law School forum. In forty years of representing Northwest tribes, frequently against state government, he could not recall another situation where tribal and state leaders so resolved their differences – meaning with an apology followed by a concerted joint effort to fix the situation; in other words, not via federal or state court litigation catalyzed by discord.

Indeed, while tribal and state officials in Washington increasingly negotiate resolution to regulatory and economic disagreements, they often remain diametrically opposed when tribes defend against the state's interference with traditional practices or sacred lands. As Vine Deloria, Jr., wrote, non-Indian institutions are especially incapable of grasping tribal religion as a

means of “spiritual problem-solving.” For our incarcerated relatives, the journey for spiritual peace through free, traditional worship is vital – and perhaps the only thing that makes them feel free.

What ultimately prevailed between state and tribal leaders was faith, toward the other; and on the part of the state, in the authenticity of the religious and spiritual beliefs espoused by Northwest tribal people.

So this story goes: the state erred. A courageous state leader apologized. Tribal leaders accepted his apology. They took each other on faith, and rectified the situation. History was made. A precedent was set.

The Circle is complete.

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The Mission of the Civil Rights Law Section

of the Washington State Bar Association shall be to educate and advocate for civil liberties and equal rights in the context of civil rights law and the legal issues of Washington State residents, with particular focus on those who have traditionally been denied such rights and equal treatment under the law including, but not limited to, racial, ethnic, or religious minorities; elderly; gay, lesbian, bisexual or transgendered; immigrants; those with cognitive or physical disabilities; impoverished; and homeless.

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