



# Looking for Balance

Judge Joseph Flies-Away has never taken the easy route. He paid his own way to a private high school in Phoenix. He graduated from Stanford and Harvard. He was the first member of the Hualapai Tribe to get a law degree. Even his approach to the legal system is counterintuitive. For him, law is a spiritual matter. It's all about restoring connections, healing old wounds and finding balance, which ultimately leads to peace.

By Kathy Montgomery

*Photographs by* David Zickl



PRECEDING PANEL: Judge Joseph Flies-Away surveys the landscape of the Hualapai Reservation from the shallows of Diamond Creek.

LEFT: Flies-Away contemplates a sphere that, for him, symbolizes the spirituality of the law.

Judge Joseph Flies-Away takes a break in his bedroom office of a modest home on a quiet street in north Phoenix. The single-story stucco house has been Flies-Away's home off and on since he was 5 years old. Shelves stacked neatly with books containing everything from legal theory to *Best American Short Stories* fill two walls, yet the office retains the feel of a childhood bedroom.

Flies-Away, wearing a red T-shirt and blue shorts, reclines on a quilt-clad daybed. Nearby, a teddy bear nestles a boom box. A long folding table serves as a desk. The scene is so humble, it's easy to forget that the man at the center of it is a graduate of Stanford, Harvard and Arizona State universities, and a nationally renowned expert on American Indian law.

The first member of the Hualapai Tribe to graduate from law school, Flies-Away has served on the Hualapai Tribal Council, worked as the tribe's planner and as its chief judge. But while much of his work has centered on the sprawling Northwest Arizona reservation, Flies-Away's influence has had a much larger reach. He's taught at Stanford and Arizona State University, and has consulted with tribes all over the United States and Canada. Now, having resigned his third term as chief judge of the Hualapai Tribe, Flies-Away is in the process of reinventing his life.

At the center of the makeshift desk sits a small, quartz globe that represents Flies-Away's approach to law, which he considers spiritual. "Spirituality is how individuals are related to each other, how they are connected," he explains. "Law tells us how we should be connected to each other."

In a binder, Flies-Away carries a two-dimensional representation of what he calls "the sphere." It contains four axes he has labeled E, L, D, R. Earth, labeled E, represents the sphere itself. In terms of the law, it is the act. L stands for lightning, the mental state. D represents dream, the spiritual. The R is rain, emotion. And at the center is balance, or peace.

Flies-Away believes law should take all of these elements into consideration. "Anglo law stops at the E and the L," he says. "I think full law would go to the D and the R. You have to consider how they feel about it. When I'm talking to people, I try to find connections. I try to see all these elements here, how we can move to the center."

"What I do is try to reach peace."

Not far from the sphere, occupying the top shelf to signify its importance, is a collection of writings based on the principles of the sphere that Flies-Away hopes to expand into a book. In the past, he called it his "someday text," because he never had time to work on it. Now, Flies-Away hopes the time has come.

Flies-Away is a small man, unusually light-boned and thin given his Hualapai heritage, with prominent cheekbones and a heavy brow. His lineage is mixed. From his father, he inherited Pima, Mescalero Apache and Ysleta del Sur Pueblo blood, as well as Spanish and Basque. But Flies-Away considers himself a Hualapai, like his mother, and is an enrolled member of the small tribe.

Born Joseph William Thomas Jr., Flies-Away divided his childhood between this home in Phoenix and his aunts' homes in the tribal capital of Peach Springs, about 50 miles from Kingman. These days, the Hualapai are known for their cultural destination, Grand Canyon West, where the Skywalk viewing platform opened with much fanfare in 2007. The tribe also operates Hualapai River Runners, the only Native American-owned rafting company on the Colorado River. Historic Route 66 runs through Peach Springs, where the tribe-owned Hualapai Lodge and Diamond Creek Restaurant are located. All of those are tribal businesses Flies-Away helped to develop while he was a councilman and tribal planner.

Attending school in Peach Springs in the sixth grade, Flies-Away began to understand his connection to the Hualapai. "I used to go up there all the time and see all these people, but then I realized they're my relatives," he says. "We were related by blood. It was a powerful feeling. I didn't want to leave."

Flies-Away attended Kingman and Sunnyslope high schools before transferring to St. Mary's in Phoenix, where he paid his own tuition by working at Safeway. At the encouragement of his teachers, he applied to Stanford and was accepted.

In college, Flies-Away struggled. Six of the 12 Native students in his freshman class left after the first semester. "I was going to be one of them," he admits. "But I just kept trying." Flies-Away knows now that he suffered from an undiagnosed learning disability. "I felt I wasn't smart enough," he says. "Now I know why. It's big on me to know I still did it."

Flies-Away never planned to study law. His first major was pre-med, but he couldn't master calculus or chemistry. "Then I got this grant, a Mellon education fellowship to pay for part of my school and I could go into teaching," he recalls. "But you had to major in English, math or social studies."

Flies-Away liked writing, so he changed his major to English literature. He legally changed his name to Flies-Away when he began to publish poetry in college literary journals, thinking Joseph Thomas sounded too Anglo-American. Flies-Away was an old family name. It belonged to the brother of his great-great-grandfather until the staff at Carlisle Indian School changed it.

After graduating from Stanford, Flies-Away returned to the Hualapai Reservation to teach seventh grade. Eventually, he got involved in tribal politics, becoming the youngest member to serve on the tribal council. He was serving on the council and working as the tribe's planner when the council asked him to go to law school.

"I was the one able to read all the things they were getting from the government," Flies-Away says. "They basically said, 'You have to go.' I thought about it, and after working there for 3 or 4 years, I went."

But Flies-Away found law school difficult. "I didn't really understand," he says. Then, after his first year, his cousin called to say that some of the tribal members wanted him to apply for the position of judge. "I said, 'Why? I've just been in law school one year!'" he recalls. His cousin answered, "Well, no one has ever gone to law school."

"I left law school, which was probably better," Flies-Away says. "My grades were not that good. But I brought my books with me, and I would read them as I did cases, and then I started getting it."



# A

Flies-Away's sphere lights up the interior of a petroglyph-filled cave, combining old symbols with new.

s a judge, Flies-Away became discouraged by the Anglo-based legal system that had been imposed on the tribe, as well as the pervasive alcoholism he saw as the source of most crimes he adjudicated. Watching tribal members get stuck in the revolving door of repeated alcohol-related arrests and releases convinced him that the system wasn't working.

The courts did nothing to address the root causes of the problem, which Flies-Away believes stems from a disconnectedness with the Hualapai people's traditional way of life. Some call it historical trauma. The history of the Hualapai included forced relocation and compulsory boarding schools. Yet the pattern was not unique to the Hualapai. As a consultant, Flies-Away saw it repeated on reservations all over the country.

"They were trying to make Natives civilized, and in that process turned them into dependent people," Flies-Away says. "And in losing what was known, they became confused, lost, disconnected. We're stuck in that loss."

Like Marley's ghost in *A Christmas Carol*, Flies-Away says: "We're all carrying our past. And we carry the past of our ancestors. I tell [Native people] in my talks, I say, 'You're going to have your own chains. Don't bring the historic ones with you.' But we tend to do that. I think all people do. Ours is just more recent. We just remember it more."

Flies-Away began to see himself as a transitional figure. He didn't share the traumatic memories of earlier generations. Instead, he looked to the future and saw hope.

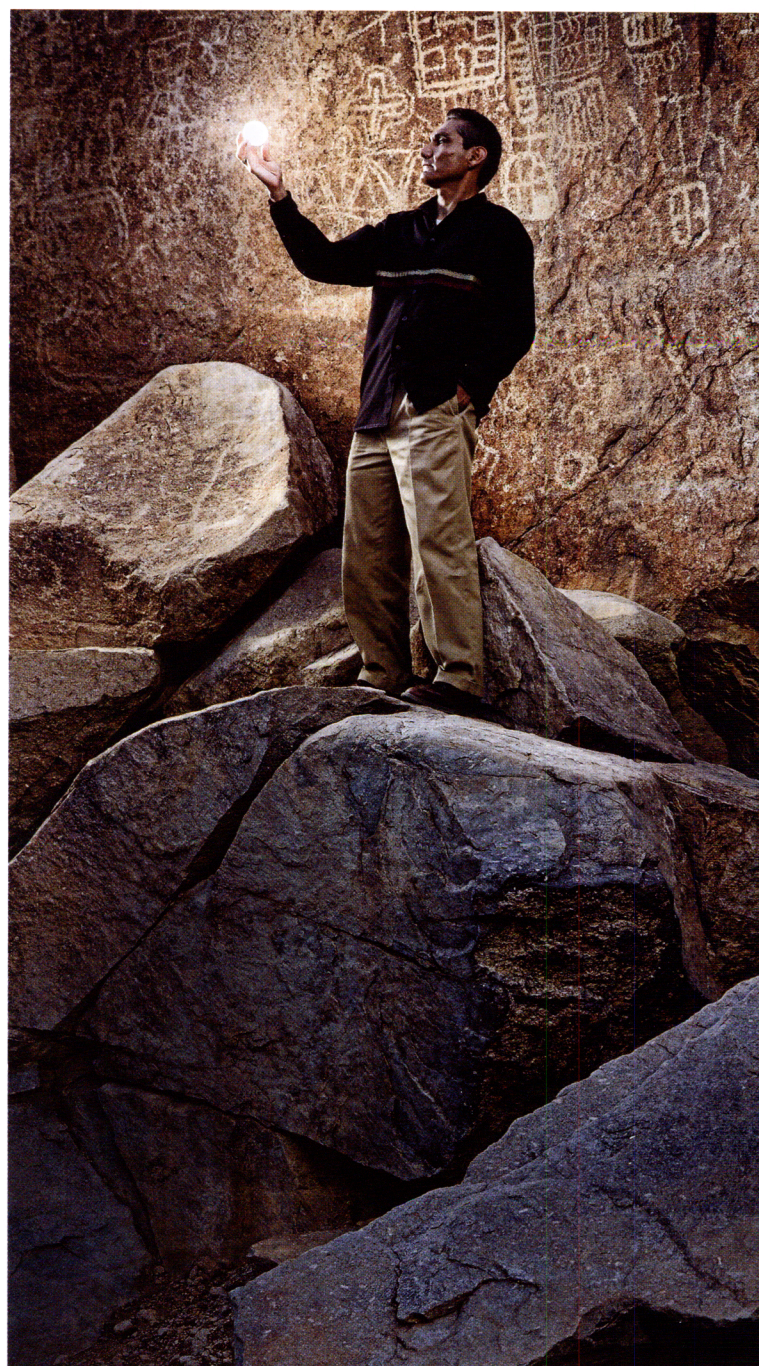
It was the 1990s, and a nationwide restorative justice movement was giving rise to drug courts that offered treatment rather than punishment. The Hualapai were awarded a federal grant to establish a drug court, which became one of four model courts in Indian country. At a national planning session, Flies-Away recognized the concept as something ancient and familiar.

"I recall standing up in that hotel banquet room telling the representatives from different tribes that it is in our blood, our tradition and culture to work this way with our relatives, to work together in teams, to try to figure out what is wrong; to talk together about the issue and come to some conclusions and remedies for it," he wrote about his experience. "I think I even said something like, 'This way of thinking isn't new to us.'"

But the term "drug court" didn't speak to the biggest problem of the Hualapai people, which was alcohol. And it didn't reflect the healing nature of the process. So the Hualapai adopted the term "wellness court" and incorporated talking circles, sweat lodges and ceremonies.

Flies-Away threw himself into the work, presiding over the Hualapai Wellness Court for 2 years before leaving to go to Harvard to earn a master's degree in public administration. A postmortem review conducted by the Department of Justice in 2005 found that after Flies-Away left, the court foundered. Without a tribal advocate, Wellness Court died when the grant ran out.

After completing his law degree at ASU, Flies-Away returned as chief judge to an expanded court staff — the tribe took over funding for positions — but the court had reverted back to a mostly Anglo-style system. "Every day we were doing criminal court like 'outside



courts," Flies-Away says. "Guilty, you go to jail, you pay a fine, you serve. But we were not getting to the underlying issue."

Eventually, Flies-Away became overwhelmed by the size and inertia of the problem. He could still envision a court system that was more in keeping with Native traditions, but the Anglo-style system had become the norm. The staff resisted change. His father died and, for a while, Flies-Away lost heart. "It's hard to judge your own people," he said.

Flies-Away resigned in the middle of his third term.

In order to have a vision for your future, Flies-Away believes it's important to know who you are and where you've come from. Surveying his home office, Flies-Away leans back on blue pillows. Since resigning his position in June 2009, he's been at work putting the past in its place, sorting books, letters and





writings. He's kept mementos from as far back as the fifth grade, even old movie ticket stubs.

To pay the bills, Flies-Away has served as judge *pro tem* for the Fort Mojave Tribal Court and the Yavapai-Apache Nation. He continues to work as a consultant, providing technical assistance to tribes around the country that want to develop their own wellness courts. But he's also taken time for the important tasks of cleaning and organizing.

Flies-Away has kept every college textbook he ever owned. Now they're all categorized and sorted: English literature; law; government and nation-building; myths, dreams and Native traditions. Flies-Away has also organized his writings into color-coded binders and plastic bins. It's part of the process of moving forward, and cleaning house emotionally, as well as physically. As with so many things in his life, Flies-Away thinks of the process as spiritual. It's ceremony.

It's also preparation for what Flies-Away believes is his true call-

ing. Someone told him once that he would bring a gift to the world. She envisioned him pushing forward a large book that would teach people. Flies-Away believes that gift has to do with his "someday text." It begins with the law but transcends it, just as it transcends his work with the Hualapai people.

"It's not judging. It's not the law. It's more the sphere," he says. "An element of that is justice, but that's not the whole thing. It's about being human in the world. Not just Native people. It's being a community nation-builder in the world and how to do that, how each person can do that in their community, whoever you are in your own place. That's what I want to do. I think that's why I've kept all this knowledge. I have to connect all that. I just happen to be Hualapai. I was born into that. But I think it's a bigger thing. The sphere brings it all together. It's about balance. That's what brings peace. Then, when I push that book out, I think I could just die." ■