

Judicial Council Podcast

A Journey to Healing: How One Tribe Incorporates a Traditional Approach to Address Domestic Violence

MARK: My dad started drinking. And he would come home and beat on my mother. He busted my mom's teeth out with a rifle. I remember seeing this. And so my first memories are of domestic violence. I was born into domestic violence.

I'm Lee Romney, the host of this Judicial Council of California Podcast. We'll be digging into the legacy of domestic abuse in tribal communities.

MARK: I'm just typical. I'm a typical Native American man. There's a thousand of me all around the area right now.

There is no one size fits all solution. But we'll be hearing how *one tribe* is addressing the issue -- by incorporating a cultural approach into its very own batterers intervention program. There is some graphic content coming, so you might want to take a pass on this podcast if that's a trigger for you.

LYDIA: There was five of them, four sisters and a brother. And their parents died in a tragic car accident. And so then an aunt and uncle, they took the kids on. And they were beat, abused and molested. It took me a long time to figure that out about my grandma later you know.

Our guides are Mark and Lydia, a longtime couple with grandkids of their own. They're members of the state's largest surviving Native American tribe, way up in the rural reaches of Northern California. Yurok, or Pueleeklaa. There are about 6000 enrolled tribal members. But that's still small for a community tied together by the roots. So we've changed their names to protect their privacy.

Mark and Lydia have each faced a domestic violence charge in state court. And the behavior they modeled, it had a big impact on their own kids.

LYDIA: I didn't realize that I, I was abusing them by staying in an abusive relationship. Lee: When you reflect on that now, what do you think the harm was that came to them from being in that environment? LYDIA: Abuse. My daughter seen me go through it and accept it, and I feel like it's my fault for her that she got into the same situation.

BREAK

We'll join Mark and Lydia again soon. But first, a history lesson. For a people who lived in balance with the world for thousands of years, it's fairly recent history. It tracks all that trauma you're hearing about back to its roots, to colonization. Acknowledging this, says Yurok Tribal Court Judge Abby Abinanti:, is key to healing. And that's what we'll be getting to today -- what it takes to heal.

ABINANTI: You know there's a lot of talk right now about historical trauma but they act like the symptom of that historical trauma is the problem and it's not. And what you have to do is look at the context and where it came from. And in the North it came from things like boarding school, the [Indian Slave Act](#), and massacres. And that behavior that came out of those things trickled down to the behavior we're seeing today. Those are the symptoms. But if you have the symptom and you have no idea what the context is, it's really hard ... to stop it.

This concept of historical trauma, it can sound pretty abstract. But we're talking about real people, real families.

ABINANTI: Indentured slaves were captured. Many of them were captured in the North, um, and sold down into the middle of the state and to the South.

Mostly young children. Many saw their parents killed.

You know, so they get to see that, and then they get to be slaves. And many of them escaped and ran home. The problem is they were adults. And then they got into adult relationships and had children and had no idea how to parent. And had a lot of anger, frankly.

Judge Abby, as everyone calls her, is a tribal elder and a trailblazer. In 1974 she became the [first Native American woman admitted to the State Bar of California](#). Her generation was just a bit closer than Mark and Lydia's to the roots of that historical trauma. Her maternal grandfather grew up chafing at forced confinement on the reservation. After the murder of a close relative

he just kind of went off the, the deep end.

He abandoned his family — to rob banks.

ABINANTI: Didn't shoot the Sheriff but certainly shot his deputy, um, and was eventually [gunned down](#).

His absence left a hole. Domestic abuse followed.

ABINANTI: It was all around me as a kid. You know, it was in my family and my extended family.

So was substance abuse, a form of self-numbing that has haunted tribal communities ever since the colonizer's invasion.

ABINANTI: It's very habit forming for us. And we don't interact well with it. And it resulted in some very difficult, ugly behaviors that we didn't have tools to to manage.

That's important and we'll come back to it. For Abby's mother's generation, there were many reasons to turn to self-numbing. During that era, U.S. officials forced Native children to attend government-run boarding schools. [Schools, as one historian explains, designed to “destroy that which was Indian and re-create people in the image of White America.”](#)

ABINANTI: People covered up the dance sites, hid the regalia, weren't allowed to speak the language. Language is something that comes out of what people think and believe. And so we learned another language that didn't think and believe what we did.

With cultural amnesia came pain and self-denial.

ABINANTI: I was grown before I realized my mother and her sisters had been to boarding school. And that it was a total negative experience for them. And they did not, any of them, want to talk about it. And they did not talk about it.

BREAK

For Mark and Lydia and their families, there was similar hidden pain that begat more pain. Mark learned that his own father grew up abused -- beaten by more than one of his mother's boyfriends. And as you heard, *he* carried that forward, abusing Mark's mother. Knocking out her teeth with a rifle butt. Mark says he's often wondered how his mom could have possibly said she loved a person

MARK: who just did something super horrible that you only see in war.

The brutality that went on inside his home, Mark says, felt shameful. More than once, he came back from a day of fun kid stuff — riding bikes and building forts -- to a ruckus on the street.

MARK: And I can remember being a child thinking, Oh, man, that looks bad. And you get closer and you get closer with your friends. And it gets louder and louder. You never for a minute thought it was your family or your home. And then you walk in closer, you're right to the house and you realize, that's my house. And you know, it's terrible screaming and yelling, and beating.

And then he'd catch a glimpse of a friend's face

MARK: and he's feeling sorry for you cuz you got to go into that.

As Mark got older, the schoolyard racial slurs started. Wagon burner. Dirty Indian. He says he came home crying just about every day. Mark's dad had knocked him around some, too. And his mother left, eventually. And by now a step-father was in the picture.

MARK: He took care of us. and he taught me most of all the cultural things that I know. He taught me how to fish. He taught me how to take care of my family.

And when Mark was about 10 years old, his step-dad signed him up for boxing lessons, so he could learn to fight his bullies.

MARK: I started busting people's noses and giving them black eyes, and they quit teasing me. That power of hurting somebody, and being able to stop it, it was was intoxicating. Like a drug. It was addicting.

It wasn't just boys.

MARK: I had a girl slap me across the face, and I frickin' punched her. That's wrong. Haha. I didn't know that.

Mark says his mom approved. It was what she knew. Lydia, meanwhile, was growing up with her own legacy of pain. When she was a baby, her father abused her mother. So grandma moved mom and the kids into *her* place. But remember: Lydia's grandmother was living in the shadow of her *own* childhood traumas. On top of that, she was a product of that boarding school era of forced assimilation.

LYDIA: I always felt like my grandma was really hard on us, because she wanted to make us stronger to survive. You know, not necessarily that she really wanted to be that mean, but (laughs) she was. But that's what was done to her too. So I think she was trying to teach us - we were gonna have to live in both worlds. Traditional, and then we have to comply with the government.

When Lydia says her grandma was mean -- to her in particular -- this is the kind of thing she's talking about.

LYDIA: She would leave me in the back bedroom with no lights on, lock the door. And you know the other kids got treats and we'd go to the restaurant, and, um, everybody got to order things except for me.

So her siblings,

LYDIA: they would take food off of their plates, so that I could have something to eat.

Lydia says her mom was around, but in those early years

LYDIA: Drugs and alcohol and partying. My mom and other, you know, aunts and stuff, they would leave, like pills and black beauties, in a candy dish (ha) of all things. And I still remember reaching up there and actually taking those, and almost dying. And nobody would take me to the hospital because they didn't want to get in trouble.

By age 15, Lydia was living with a foster family. But when her mom came to visit, Lydia says, she was still abusing her,

LYDIA: really bad. So I finally told my foster parents and it took everything I had.

So the next time her mom came by,

LYDIA: he told her that she was no longer able to visit with me. And my family didn't talk to me for a whole year. When we were growing up, you were taught to never tell, whatever happens in your home, you don't tell. You don't tell anybody at school, you don't tell friends, you don't tell anything.

Lydia started doing drugs and drinking, she says. And when the foster home didn't work out,

LYDIA: I was just going wherever, wherever I could stay.

Then, a high school boyfriend.

LYDIA: He beat me .. very severely.

I asked Lydia what she thought about that abuse at the time

LYDIA: *Sniff.* I just wanted to be loved. You know, I just really wanted to be loved and of course when they tell you, I love you, you really want to believe it, even if you know it's not true.

By the time Lydia was 18 she'd been living in her own place for a while, walking four miles each way to a fast food job to take care of herself.

LYDIA: And then, fishing season came, which I always fish every summer, that's my life. Um, I had all my own stuff. And so I go down there

To the river. And there is Mark. She'd seen him around as a kid. But now they were grown. And as both of them will tell you, it was like getting hit by a lightning bolt. In a good way.

MARK: I see this beautiful girl step out of this truck. And I looked at her and I thought, Oh man! There she is. I loved her the moment I saw her. The moment I seen her I knew, I'm gonna marry that girl. But it was, it was scary. The funniest part about it is I was so scared that it was real, I gave her a fake phone number. Hahahahaha. She gave me a fake phone number too. Hahahahaha. That's the funniest part about it. Hahahahaha.

MARK: it was just a automatic connection. I don't know how to explain it. You know but it goes back to where I wanted this picture perfect life. I knew there was a better life. I knew there was a life without abuse.

After they cleared up that phone number issue, they were like glue on glue. They moved in together and within about three months, decided to have a baby.

MARK: I was doing drugs and both of us, you know, we were messing around with drugs. Drinking, you know and, but I wanted to be better. And I thought that if I had this child, it would give me a reason to be better.

It didn't. And with the pregnancy came conflict.

LYDIA: I quit -- drinking, drugs, smoking and everything. But he didn't.

MARK: I still wasn't ready! And so we would fight. It was unhealthy. Looking back, it was really unhealthy.

Lydia gave birth to a girl and a couple of years later, a boy. And the fights continued.

MARK: It really didn't get physical until I think my daughter was four of five, somewhere around there. When I first struck her. And it was terrible. At the time, the way that I minimized it was, it wasn't like what I had seen.

Mark's blow gave Lydia a fat lip. Physical evidence. She ran to a neighbor's apartment. And, to her horror, that neighbor dialed 911. Lydia says she didn't trust law enforcement. She'd learned that from her mom and grandmother. And she thought going this route would just make Mark madder. But the wheels were in motion. The state court offered Mark a deal.

MARK: If I went to a 52-week program then the charges would be dismissed. And so obviously I took the deal.

A 52-week batterers intervention program. He paid a hefty sum for the intake and 30 bucks a pop for each weekly session. And he says he tried hard to get his money's worth.

MARK: I had something to share every week, you know, I participated fully.

He learned, for example, how to walk away from a fight, to de-escalate, take a time out. The most eye-opening part, he says, was listening to a domestic violence survivor share her own perspective. It was progress. But it wasn't enough. He'd realize later how much he still didn't know -- about himself and the roots of his violence.

MARK: I loved her and I loved my children, and I wanted to be better. But I didn't know how to get there.

BREAK

All that historical trauma, grief and cultural destruction that Judge Abby talked about? It caused those symptoms of suffering that trickled down to Mark and Lydia's families. But there's some light in this story, too. In the early 1970s, the glimmers of a hard-won cultural Renaissance.

ABINANTI: We survive, you know, we run and we hide, we don't have the dances, and then at a certain period, we realize, we think we can bring it back. And you have that whole movement of people coming back to practice our culture.

It's hard to convey how much work this entailed. Mining the knowledge of elders. Reclaiming sacred places, re-learning the language. Making the intricate regalia and mastering the wisdom needed to bring back the ceremonial dances. But it happened. It's *still* happening.

ABINANTI: And that has had a tremendous impact on people, and it's a positive impact. But when you have a break like that, it is very destructive,

and harmful to the people that are suffering from that. It's really hard to regain.

With that cultural renaissance came the growing belief that restoration of cultural identity is central to repairing what's broken.

Video clip singing....Narration: we have many legends that tell us, Yurok people, how to live in a good way. The story of abalone and dentalium is an important legend that specifically addresses issues of domestic violence, a very serious offense in Yurok culture...singing...

That's the voice of [Chris Peters](#) from [a video about domestic violence in the Yurok community titled "Live in A Good Way."](#) His company, [Red Deer Consulting](#), focuses on what he calls cultural intervention, emphasizing traditional values and practices as a path to healing. He made the video about a decade ago with the [Yurok Tribe's Social Services Department](#).

The old legends and parables described in the video make it clear: Generosity, sharing, support for elders and for one's own family were paramount in Yurok culture. When domestic violence did occur, the village system handled it internally, meting out serious consequences. But returning to those values is easier said than done.

BREAK

This is important: Meth and heroin are relatively new forms of self-numbing that [have devastated Indian Country](#).

ABINANTI: You know, it's a co-occurring problem with a lot of other issues, including domestic violence. But clearing up one doesn't clear up the other. And you have to work with both of them.

After Mark successfully completed his batterers intervention program, he says,

MARK: I continued to work on myself and work on myself. It probably wouldn't have taken so long if I didn't have the drugs.

That's right. For about four more years,

MARK: I was still using meth.

By the late 1990s, he managed to quit. Then came the opioid explosion.

MARK: and this is in you know early 2000s when the doctors were just basically giving away just as many as you want.

As a laborer with regular injuries, Mark had access to that open tap.

MARK: And so, her and I were dealing with opiate addiction but we didn't know, I didn't know that you could become addicted to 'em. I was getting really short-tempered and I didn't know why. I would grab her by her arm and I would shake her and I'd do these things and I knew better. I wasn't punching, it wasn't slapping but it was still handling her.

They separated -- on and off -- for years. Mark says he couldn't trust himself around Lydia. Then, in 2013, he quit the opioids too. Solo. Not easy to do. They reunited, both of them clean and sober. But things would get darker before the light.

MARK: We get the phone call that our daughter, they found her body

The death was deemed accidental. But their grief was complicated. Their daughter had been struggling with intimate partner violence, too.

MARK: Because we were proactively trying to get her out of this relationship, we were divided. We didn't get to spend the last years with her, so it started creating this, this hell, this guilt.

Mark and Lydia were together in physical space, but each suffered alone.

MARK: I was drowning in depression. She was my only girl, she was my first-born and her and I had this connection. It got so deep I just couldn't do anything. I couldn't work. I mean, it was so dark.

LYDIA: Nobody came, nobody came to our house. Nobody checked on us. We were just left to deal with it on our own. And so I felt like I was living in a box.

MARK: Well she was dealing with it in her own way. And grief is a form of anger.

LYDIA: We had an altercation. I felt unsafe.

So she called the cops.

LYDIA: When the police came, they just started talking to him like, oh, you know, talk about football and, and that made me more angry because I, I called for help and they didn't hear me...

Lydia says she wound up scratching Mark's nose when she tried to knock a cigarette out of his mouth. Then, he called the cops and they came right back.

MARK: She didn't, like, really hurt me. I'm a big man and, it was more of like a equality kind of thing like, you hit me, so you should be in trouble too. I got in trouble for hitting you.

That scratch was physical evidence. So Lydia was arrested. It just so happened, the couple's son had a court date the next day -- on a domestic violence charge. Lydia had planned to be there to support him. Instead, she showed up as another defendant in a jail jumpsuit.

LYDIA: I just can't imagine how he must have felt, to see me walk in there the next morning, on the other side.

BREAK

Let's back up for a minute. Domestic violence in tribal communities makes itself known in many ways. For example, it [comes up in a significant number of child welfare cases, for example](#). But a ton of it goes unreported. So about a decade ago, the [Northern California Tribal Court Coalition](#) got a federal grant to find out more -- about the scope of the problem, and what needed changing to help victims and perpetrators heal. Working with Red Deer Consulting they conducted surveys and focus groups across three counties.

The [findings](#)? Nearly half the women and a fifth of the men who responded said they'd been abused by a partner. Drugs and alcohol played a role about two-thirds of the time. Lack of trust in law enforcement and state court systems was common. So was a lack of awareness of services at the county level. And, as the report notes, participants "generally believed that these services lacked a necessary cultural component to ensure their appropriateness for a Native American population."

Meanwhile, Judge Abby was launching a dedicated court docket to help tribal members struggling with substance abuse, one rooted in Yurok cultural values.

ABINANTI: if you look at the state and federal system, they're very rights based -- you have a right to this, you have a right to that. Our culture is very responsibility based. And the responsibilities are interlocking in family and in community. And that changes how you try to resolve a problem, because you can't just go, Okay, well, this one person has a right to these things. A person doesn't have a right to a lot of things, a person has a responsibility to many things. So you have to assist them to do that, to meet their responsibility and come back into community in a good way

She called it Wellness Court. Non-adversarial. More restorative than punitive. The whole idea: to reconnect participants with cultural values so they can repair the harm they've caused -- and heal. So that the community can heal. State court judges had been releasing defendants to her Wellness Court — and seeing results. It was time to reach more tribal members cycling through county jail. But finding out who they were wasn't easy. Overlapping justice systems make that kind of data hard to come by. It's a huge problem.

ABINANTI: We had to hand-tally all of the people who were incarcerated and determine whether or not they were Yurok and if they were, what they were incarcerated for. And we found out that the biggest offense was domestic violence. We had been working for some time with the victims of domestic violence, but we had not spent any time on the perpetrators.

[Lori Nesbitt works in Judge Abby's court, and she did the legwork](#), staring at two computer screens.

LORI: One screen would show the jail roster

the other, an alphabetized list of the tribal membership.

LORI: It became a tabulation then, um, and a list to keep track of on a daily basis.

Nesbitt and her colleagues also started showing up at the county courthouse

LORI: delivering our business cards, saying that we're from Wellness Court and if you would like our assistance, we can kind of walk the way with you.

Many, it turned out, were in for violating probation. For not completing the 52 week batterer's intervention program -- the same one Mark attended. One huge barrier was financial.

LORI: It costs the client 60 dollars, up front, just to make an appointment.

And then a hundred and twenty dollars more for two more intake sessions before the class even started. For each of the 52 weeks, more money. Even at the lowest end of the sliding scale, those were 17 bucks each. There were big transportation problems too, and daycare problems. Still others were failing the program for not doing their homework. Judge Abby says she puzzled over that for a couple of days.

ABINANTI: And then I realized that, in fact, many of them could not read or write, and so could not do their homework, and did not want to admit they could not read or write.

If the Yurok tribe could come up with its own 52-week program, she and her team figured, it would probably work better.

ABINANTI: But we also wanted to change the class to add more to it so that we could use a cultural approach to resolution of the issue.

The Northern California Tribal Court Coalition used part of its federal grant to pay for intensive training. And Nesbitt and a colleague became state-certified facilitators. The Yurok batterers program rolled out in 2016 -- the first of its kind in California. The initial vision drew a lot from Wellness Court. A Yurok-specific program that reconnected participants to cultural values *and* cultural practices.

But remember, tribes are forced to live in both worlds. They have to contend with overlapping justice systems. That requires some compromises. So that's what happened with the Yurok batterers intervention program, or BIP

ABINANTI: If had it all my own to do, would BIP look differently than it does? Yes. But I don't have it all my own.

Judge Abby knew that county probation officials would only approve a curriculum that met state requirements. The cultural component would have to be layered on top. That was doable. But, securing the grant funding to run a program exclusively for native defendants was going to be tough if not impossible. There just weren't enough of them to make it pencil out.

ABINANTI: You look at a tribe like ours and we're over 90% funded by grants, you know, so you're at the whim of other people, you just are. So what you try to do is resolve as many of the problems as you can, and move forward.

BREAK

The only way to make the Yurok batterers intervention program work was to open it to all participants, tribal and non-tribal.

Audio from early class: LORI: So, body signs are things that you can't control. So the heartbeat, the sweaty..(DIP UNDER)

Here's Nesbitt, about a year into the program, doing an exercise with the men's group.

BRING UP AT: LORI: No, your body signs. This is about you. This is, this is another tool like you doing the time out. (FADE UNDER TRACK)

The curriculum includes all the basics: Take full responsibility for your actions. Recognize that domestic abuse is a crime. Identify your triggers. Specific Yurok cultural practices *aren't* on the agenda. But Nesbitt says, the program's whole approach stems from Yurok-style justice. Restorative more than punitive.

LORI: We have a big component of establishing a relationship with the clients and, who are they, you know and who is your family? You don't get asked that in any other agency that you work with. What do we need to know about 'em, and how can we share and walk the path with them?

There are some key ways that this program differs from the standard state-certified version. For starters, it's free, except for a 30 dollar book. All participants make a family tree. And conduct an elder interview about domestic abuse. Participants are pressed to identify not just the family members that led them astray but the ones who taught them cultural practices and helped root them to a sense of self -- whatever their culture.

LORI: You know, who raised you? And who acknowledged that you had purpose in your life, and each individual has a different way of life but you know, giving them space to acknowledge what they want to do better.

Nesbitt says one Yurok tribal member shared salmon he'd caught and smoked, explaining to the group how he prepped it. Another participant brought his drum and shared a traditional song. As for non-tribal members, Nesbitt's helped them identify what culture means to them.

LORI: Oh, we were a softball family, you know softball was 24/7. I said, well, that's your culture. Really? Is that something that you're gonna pass on to your children? Well of course, we already are!

Most of all, Nesbitt says, she acknowledges past pain, especially as the deep generational roots of family violence come to light.

LORI: Actually saying, I'm sorry that happened to you. That is a big component to all of this, is being heard. I cannot be in your place but I can have empathy of what you've gone through.

The goal, when the class ends, is self forgiveness.

LORI: Being in a small community, people talk. And, um, when you carry that shame, it's like you have that red flag always above you, saying that you're either a victim or you're staying in a relationship that you shouldn't, or you're the offender that you keep beating up your, your partner. And once you've gone through this program, you can kind of acknowledge that, yeah some things happened. And I've repaired those. I've forgiven myself. However way that they choose to find that forgiveness, to me, is their pathway to healing for the rest of their life.

BREAK

Lydia got the same deal Mark got. Complete a 52-week batterers intervention program and her domestic violence charge would disappear. She chose the Yurok one.

LYDIA: I learned how to know that I'm not responsible for anybody else's thoughts, feelings or actions. You have to be totally and completely honest,

and so instead of me being the victim all the time, you know I learned that I was also abuser. And that was the biggest part of it, was I learned that I did that to my children. Because I had the choice to leave.

It was a process.

LYDIA: Well, ha, in the beginning, ha, I was pissed.

She thought Mark belonged in there more than she did. That it wasn't fair. But,

LYDIA: As we started going through the program, Lori really, really dug in me.

Lori Nesbitt, the facilitator

LYDIA: And really made me search. And that was going back and really finding out, where did this start?

That context, of her own trauma and the chain of traumas that came before, it's been transformational.

LYDIA: I learned how to love myself. Hm. I'm just now feeling like I don't walk around in shame. You know I feel like I went through these things for a reason and that's to, to help. To help others.

Lydia and Mark separated again after her arrest. But while she worked her program, Mark says he kept pushing himself to be better, too. He went to counseling, and to a Christian faith-based recovery program. There, Mark says, is where he finally began to understand his trauma.

MARK: I started learning about what PTSD was and how it does to your body and the fear and how it paralyzes you and where it came from. All these things just start flooding me -- realizations and epiphanies and just, you know, my mind was just being lit up. I was just like, understanding my life.

BREAK

Lydia and Mark are back together, and they're doing alright. They're bonded by the desire to de-stigmatize domestic abuse in the Yurok community. And there's a lot of work left to do. A lot of hypocrisy, Lydia says, from tribal members -- and even tribal officials -- who chastise others without cleaning their own house.

LYDIA: These people that are saying they're not abusers or they don't believe in abuse. Uh. Well, we need to get to them to say, but you are abusing and you're not being honest.

She believes the program she attended should be mandatory for tribal members, not just for people who get caught by the criminal justice system.

LYDIA: ha, everybody!

She and Mark both say a big part of their healing these days is being in the Yurok community, giving back. And each has an idea for what a domestic violence program specifically for Yurok tribal members might look like.

LYDIA: to have a safe house for women and children. But it would have to be way up in the mountains. And it would be gated, with security. It would be a home with programs for them to heal, and the children to heal too.

Mark's idea is for a men's program.

MARK: They go into a, a isolated place where they're taught their culture where they're taught to fish, to dance, to sing, to give to your elders. And then I want them to come out as a dance crew to show that strength because I believe if you get a bunch of men that can do that, there's gonna be so much power...to recover those men. I just feel that so deep.

For more information on the Yurok Batterers Intervention Program, call [the tribal court](#) at (707) 482-1350. That's (707) 482-1350. Lori Nesbitt has trained a new facilitator. That's Sandra Lowry.

If you're experiencing domestic violence and want support, call the National Domestic Violence hotline at 1-800-799-7233 or visit [“the hotline dot org.”](#) You can also find these resources in the script for this episode, on the Judicial Council website.

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Our engineer is [Gabe Grabin](#). And I'm Lee Romney