



# THE NAVAJO NATION

**RUSSELL BEGAYE** PRESIDENT  
**JONATHAN NEZ** VICE PRESIDENT

February 10, 2016

The Honorable President Barack Obama  
The White House  
1600 Pennsylvania Ave. NW  
Washington, D.C. 20500

Dear President Obama,

My name is Leonard Foster and I am the Program Supervisor for the Navajo Nation Corrections Project in Fort Defiance, Arizona. I also serve as a Board Member of the International Indian Treaty Council which promotes sovereignty and self-determination of Indigenous peoples and recognition and protection of Indigenous rights, treaties, traditional culture and sacred lands.

Approximately 30,000 Native Americans are incarcerated in twenty three states with significant Native American populations. According to a Federal Bureau of Prisons (BOP) census, there are 4,000 American Indians imprisoned in the federal system as well.

Over the past 35 years I have visited 96 state and federal correctional facilities throughout the United States and provided spiritual counseling to thousands of incarcerated Indigenous men and women. I observed the extreme racism and discrimination toward their religious and spiritual beliefs and practices, which make it difficult for Native prisoners to participate in traditional ceremonies in a consistent manner, if at all. I have both witnessed and experienced harassment, interference, indifference, intimidation, and discrimination with regard to our Native traditional beliefs and our right to worship in a traditional manner as practiced by our ancestors. Prison officials have refused to allow Native ceremonies to be offered as Last Rites to Death Row prisoners, for example. Officials claim that ceremonies will be used as a means of escape or that singing and drumming is disruptive to the security of an institution. Tobacco has been restricted for ceremonies with the assertion that prisons are "smoke free environments".

It is common knowledge that most Native peoples are incarcerated due to alcohol or other substances abuse-related offenses. Addiction however has long been recognized as a public health issue. As such, it is best addressed through traditional spiritual and cultural practices and beliefs. Native prisoners who are allowed to participate in traditional religious and spiritual practices become exemplary prisoners, and more culturally viable, respectful, responsible and contributing citizens in their Native communities upon their release.

Denial of access to traditional religious and spiritual ceremonies and services is a violation of human and constitutional rights and is tantamount to a denial of opportunity for recovery and spiritual healing. Religious freedom is not my only concern vis-à-vis the imprisonment of Native peoples. According to census and BOP data, tribal members living on reservations are incarcerated in federal prisons at a rate of more than 249 per 100,000 residents. Most Americans don't know this and likely would be surprised to learn that this is a rate higher than that for even African Americans. Due to the Major Crimes Act (which gives the federal government jurisdiction for the select crimes on Indian lands), mandatory minimum sentences, and the abolishment of parole in the federal system; American Indians face

harsher punishments than non-Indians for what are effectively local crimes. One such American Indian is Leonard Peltier.

As you may recall, Native American activist Leonard Peltier was wrongly convicted in connection with deaths of two agents of the Federal Bureau of Investigation (FBI). Despite the courts' acknowledgment of FBI and prosecutorial misconduct in the case, Mr. Peltier has been imprisoned for 40 years since his arrest.

The evidence shows that the FBI was the aggressor in the fire fight that occurred on June 26, 1975. From 1973 to 1976, Indigenous Peoples on the Pine Ridge Indian Reservation in South Dakota were victims of beatings, drive-by shootings, and stabbings carried out by local vigilantes who collaborated with the FBI. Peltier and other Indigenous activists were forced into a defensive posture to protect not only their lives, but the lives of others who were present—elders, women and children. Indeed, Mr. Peltier's co-defendants, tried separately, were acquitted on grounds of self-defense.

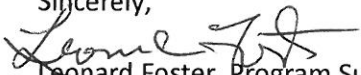
The evidence also clearly shows that the U.S. government's goal was to orchestrate Mr. Peltier's conviction by any means—including falsifying extradition documents, intentionally committing fraud on a Canadian court, and suppressing evidence of Mr. Peltier's innocence during his trial. By the government's own admission, a critical part of the prosecution's case against Mr. Peltier was the ballistics testimony, which, years after his conviction, was proved to be false. Evidently, the jury verdict in Mr. Peltier's case was obtained illegally.

Despite its public claim that the government is committed to enforcing the law "in a manner consistent with the constitution and with the rights and dignity of all citizens" the U.S. government has failed to address the staggering number of constitutional violations in Leonard Peltier's or the indignities' to which he has been subjected, including but not limited to substandard medical care and physical abuse while in custody.

I have known Leonard Peltier personally since November 1970 and I have been his Spiritual Advisor for over 31 years. I can attest to Mr. Peltier's remorse for the loss of three young men on June 26, 1975. I know that Leonard still prays for some measure of healing for all who were present at the Jumping Bull property during the shootout, the government agencies involved, and the families of the deceased men. Those in surrounding communities who were subsequently traumatized, in law enforcement's later search for Leonard Peltier and his co-defendants, are also included in all of our prayers.

Mr. President, I request that you grant Executive Clemency to Leonard Peltier. I urge you act to put this tragic chapter of American civil rights history to rest in an honorable fashion. A reconciliation will occur. If further delays ensue, justice may well come too late for any true healing to occur between the U.S. government and its Native citizens. Thank you.

Sincerely,

  
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