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October 24, 2016

The Honorable Loretta E. Lynch
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Re: Standing Rock Sioux Tribe – Request for investigation to protect civil rights

Dear Attorney General Lynch:

As you know, the Standing Rock Sioux Tribe has a strong interest in protecting our Treaty rights, our sacred sites and our waters, all of which are being jeopardized by the Dakota Access pipeline. Thousands of persons from around the country, and the world, have come to express their opposition to the pipeline in a peaceful way. But state and local law enforcement have increasingly taken steps to militarize their presence, to intimidate participants who are lawfully expressing their views, and to escalate tensions and promote fear. I am writing to call upon you to have the Justice Department investigate these matters promptly, to address civil rights violations by state and local law enforcement, and to protect the right to free speech and free exercise of religion which are so important to us all.

From the beginning of this matter, the Standing Rock Sioux Tribe has stood strongly against the Dakota Access pipeline and strongly in favor of peaceful and prayerful means of expressing that opposition. The right of people to come together lawfully and be heard on this matter must be protected. This principle was echoed in September 9 Joint Statement of the Justice, Army and Interior Departments, which noted that “In recent days, we have seen thousands of demonstrators come together peacefully, with support from scores of sovereign tribal governments, to exercise their First Amendment rights and to voice heartfelt concerns about the environment and historic, sacred sites. It is now incumbent on all of us to develop a

path forward that serves the broadest public interest.” We all share an interest in the protection of the right of everyone to express their views on important issues of this kind.

But as we seek the path forward, the exercise of First Amendment rights is being jeopardized by state and local law enforcement. We have seen local law enforcement fail to protect our people, as private security for Dakota Access used dogs and pepper spray to attack Indian people opposed to the pipeline. And local law enforcement allowed this to happen.

We have seen police set up roadblocks and checkpoints on the public roads, making unwarranted stops to ask drivers where they are staying, why they are on the road and where they are going. These stops are clearly targeted at Indian people, and are designed to intimidate free speech.

We have seen constant surveillance, with low flying planes and helicopters constantly overhead at the camps of the water protectors. These camps are an historic gathering representing hundreds of Tribes that have come together in unity and prayer, and the surveillance violates the participants’ right to privacy and right to assemble and pray together.

We have seen local law enforcement use strong-arm tactics to make arrests of peaceful protestors as they prayed, and use invasive and unlawful strip searches of men and women who have been arrested for misdemeanors.

We have seen law enforcement officials confiscate a drone without explanation, and shoot another drone out of the sky. Drones are being used by journalists to document events and ensure that the activities regarding this matter are properly documented. We have seen reporters, like Amy Goodman from Democracy Now, arrested and charged with participating in a riot – simply for exercising her right to do her job as a journalist. While thankfully those charges against Ms. Goodman were ultimately dropped, that arrest is part of a larger effort by local law enforcement to intimidate the press and to prevent the full and fair reporting of the activities of law enforcement on this matter.

Perhaps most significantly, we have seen the overall militarization of law enforcement response. The Governor called out the National Guard in September, and military vehicles are being used at roadblocks and checkpoints. Peaceful protests are being met with military vehicles and heavily armed law enforcement personnel in riot gear. Rather than seeking to keep the peace, law enforcement personnel are clearly working in tandem with private security of Dakota Access.

To many people, the military tactics being used in North Dakota are reminiscent of the tactics used against protesters during the civil rights movement some 50 years ago. And I believe that there are similarities there. But to us, there is an additional collective memory that comes to mind. This country has a long and sad history of using military force against indigenous people – including the Sioux Nation. I would like to think that those days are past – and that today Tribal rights cannot be ignored and military force cannot be used to suppress Indian people. But when I see the militarization taking place in North Dakota against Indian people, I am genuinely concerned.

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I am seeking an investigation by the Department of potential civil rights violations by state and local law enforcement now because I am concerned about the safety of the people. Too often these kinds of investigations take place only after some event regarding excessive force by the police has led to a well-publicized tragedy. I hope and pray that you will see the wisdom of acting now in an effort to prevent such a tragedy here.

Thank you.

Sincerely,



Dave Archambault, II

Enclosures

cc: Sam Hirsch, Principal Deputy Attorney General, U.S. Dep't of Justice,
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