



CENTRAL COUNCIL

Tlingit and Haida Indian Tribes of Alaska

Office of the President • Edward K. Thomas Building
9097 Glacier Highway • Juneau, Alaska 99801

December 1, 2016

President Barack Obama
The White House
1600 Pennsylvania Ave, N.W.
Washington, D.C. 20500

RE: The safekeeping of the water protectors at Oceti Sakowin Camp

Dear President Obama, Mr. McDonough and Assistant Secretary Darcy,

On behalf of Central Council Tlingit and Haida Indian Tribes of Alaska I request you take immediate action to stop the abuses and violence being perpetrated upon the water protectors at Oceti Sakowin Camp by the employees and agents of Dakota Access, LLC, Morton County Sheriff Kyle Kirchmeier and his deputies, North Dakota Governor Jack Dalrymple and the State's Highway Patrol Superintendent Colonel Michael Gerhart and officers, and the additional county and state police from Wisconsin, South Dakota, Minnesota, Wyoming, Indiana and Nebraska brought in by Governor Dalrymple. As you are wont to say Mr. President, "We can do better."

For some, the United States does do better. The Dakota Access Pipeline was routed away from Bismarck, North Dakota because of the danger it posed to that City's residents. It was rerouted to a location near the Standing Rock Reservation. Please understand what a terrible double standard this is for the Tribe, whose people, cultural, and natural resources must now bear the danger.

And when the Tribe and other water protectors peaceably assembled to exercise their constitutional rights and protest this disparity, they were attacked by dogs, sprayed with water cannons when the night temperatures were below freezing, causing hypothermia and other severe health reactions, shot at with rubber bullets and pepper spray, and even allegedly targeted with concussion grenades. Such acts surely have violated state and federal laws and should be prosecuted. Whether such acts are prosecuted, they serve to highlight another double standard under which the Oceti Sakowin must bear up.

In the criminal complaint of *United States of America v. Cliven Bundy et al.* the United States Attorney Daniel G. Bogden filed the following charges: Conspiracy to Commit an Offense Against the United States; Conspiracy to Impede and Injure a Federal Officer; Assault on a Federal Officer; Threatening a Federal Law Enforcement Officer; Use and Carry of a Firearm in Relation to a Crime of Violence; Obstruction of the Due Administration of Justice; Interference with Interstate Commerce by Extortion; Interstate Travel in Aid of Extortion; and Aiding and Abetting. The defendants to this federal prosecution unlawfully occupied federal land using firearms with the threat of violence against federal employees, yet federal, state and local law

enforcement officers did not commit the same violence against those protestors that has occurred in North Dakota.

The actions of private security and public law enforcement personnel has already resulted in severe and traumatic injuries to United States citizens, exercising their civil rights. I am requesting that you take immediate action to stop the violence before someone loses their life.

I respectfully suggest that one step you could take, as President of the United States, would be to issue orders pursuant to your statutory authority under Title 10 United States Code to "federalize" the North Dakota National Guard and order the Guard to protect the water protectors and permit lawful, peaceful assembly.

I also respectfully request that you order the Department of Justice to investigate and, if warranted, prosecute the private security personnel and public law enforcement officers who have violated laws in committing the acts of violence articulated above.

Finally, I request you rescind the Army Corps of Engineers order to remove the water protectors to a "free speech zone" by December 5, 2016. The order would remove the water protectors from Corps-managed federal lands, where federal jurisdiction would better protect them, to land under state jurisdiction. Federal law enforcement is needed to protect the protectors from the private security and state law enforcement personnel.

The United States' First Amendment cannot permit an assault upon the peaceable assembly and free speech on full display at Oceti Sakowin Camp. I ask you as our Commander in Chief to protect the exercise of these civil rights.

In closing, in Tlingit and Haida traditions, we have two moieties; everyone is either an eagle or a raven. When an eagle passes away or suffers, the ravens come together and hold up the eagles in their grief. When a raven struggles, the eagles catch their tears before they fall to the ground. Our brothers and sisters at Oceti Sakowin Camp are suffering, we at Central Council are trying to hold them up and catch their tears. On their behalf, we ask you Mr. President – One Who Helps People Throughout the Land – please continue to live up to your illustrious name and stop the abuses and violence before lives are lost.

Thank you for the opportunity to express our views on this most important matter to all of Indian Country.

Sincerely,


Richard J. Peterson
President

cc: Denis McDonough, Chief of Staff to the President, *via e-mail*
Jo-Ellen Darcy, Assistant Secretary of the Army (Civil Works), *via e-mail*