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**American Indian Religious and Spiritual Practices in
The United States Prison System**

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My name is Lenny Foster and I am the Program Supervisor for the Navajo Nation Corrections Project in Window Rock, Arizona and I have been a volunteer traditional spiritual advisor for American Indian adults and juveniles in the respective state and federal prisons for the past thirty years.

I am also a Board Member for the International Indian Treaty Council since 1992. The International Indian Treaty Council is an organization of Indigenous Peoples from North, Central, and South Americas, the Caribbean and the Pacific Islands working for the Sovereignty and Self Determination of Indigenous Peoples and recognition and protection of Indigenous Rights, Treaties, Traditional Culture and Sacred Lands.

My submission of this paper will serve to illustrate the racism, discrimination, and non-compliance with human rights obligations and ongoing human rights violations. I have come to a profound conclusion that American Indian peoples are confronted with a major crisis in family home environments and in their respective communities with the issue of traditional religious, spiritual and cultural practices and beliefs not being fully recognized and not being taught their spirituality. This lack of spiritual development, teaching and growth carries over into the prison setting.

Through my personal experience, I have observed the denial of American Indians to engage in the practice of their traditional religious, cultural and spiritual ceremonies and beliefs throughout the United States Prison System. The extreme racism and discrimination toward religious and spiritual beliefs and practices has made it very difficult for the Native inmates to practice and participate in traditional ceremonial practices in a consistent manner. I base my knowledge and experience on the visits to ninety-six (96) state and federal correctional facilities where I have provided spiritual counseling to approximately two thousand Native American male and female inmates. These facilities are classified as minimum, medium, and maximum security facilities including Death Row.

This long standing criminal justice problem which implicates federal protected rights has been documented through oversight hearings including Congressional Hearings as early as 1978 during the passage of the American Indian Religious Freedom Act and also in 1992 and 1994 before the Senate Indian Affairs Committee and House Native American Affairs Committee. Oversight hearings were held in the 103rd Congress concerning the Free Exercise of Religion problems of Native prisoners. Presently, Indian country is experiencing a lack of compliance and enforcement of legal protection for the free exercise of religion as important human and civil rights issues for Native prisoners. The free exercise of religion is essential to the cultural and spiritual well being of native inmates and of the Indian Reservations to which the Native offenders will eventually return upon release from the correctional institutions.

The U.S. Department of Justice has a trust responsibility with Indian Nations/Tribes across the country that encompasses criminal justice, corrections and human rights issues, including a legal obligation to protect traditional Native religions, spiritual and cultural practices and beliefs. The protection of religious freedom and practice is a mandate to protect religious liberty and the preservation of customs and traditions. Because of its

Trust Responsibility the Department of Justice was requested by the Navajo Nation, Oglala Sioux Tribe, International Indian Treaty Council, and Native American Rights Fund, Native American Church of North America, the American Indian Movement, National Congress of American Indians and others to investigate civil and human rights violations and rectify the policies to provide legal protection for the free exercise of religion and spiritual practices and beliefs of incarcerated American Indians. This has not been done and/or any efforts to bring about any resolutions.

It is a serious issue in the Indian community because our Native peoples are being incarcerated in very disproportionate numbers due to alcoholism, poverty, high unemployment rates, domestic violence and substance abuse. Ninety-nine percent of felony arrests are alcohol related and this problem is best addressed through traditional spiritual and cultural practices and beliefs. It is a known fact the Native prisoners who are allowed to participate in traditional religious and spiritual practices become model and exemplary inmates.

Recent studies show approximately 26,000 Native Americans incarcerated in twenty three states with significant Native American populations. In the thirty years I have counseled approximately two thousand American Indian prisoners by visits to various state departments of corrections; I have both witnessed and experienced the harassment, interference, indifference, intimidation and discrimination toward our Native traditional beliefs and the right to worship in a traditional manner as practiced by our ancestors. If Native prisoners are denied access to their traditional practices and beliefs, incarceration will be merely "warehousing" the Native prisoners and the emotional, psychological, and spiritual well-being will never be fully realized.

I have observed anger, rage, resentment and emotional pain exhibited by Native inmates that are the result of being reared in dysfunctional environments and exposed to and engaging in addictive behavior. The psychological and emotional pain has decimated the Indian Nations across the United States. The intergenerational trauma has had a very drastic impact on Indian communities which has resulted in many individuals lacking a strong sense of self identity and self-esteem. Many Indian communities have been completely invaded by alcohol and our spiritual values have been undermined by alcohol and substance abuse. The spiritual identity and foundation of Native peoples are deteriorating and it is imperative to make a concerted effort to reclaim our spirituality and spiritual values. The freedom to practice spiritual and religious ceremonies is the basis for restoring dignity and pride. It has been our experience that dignity can be restored and revived if we are allowed to teach our own people through traditional counseling and ancient ceremonial practices. The experience of incarceration also affects the immediate family, clan, communities, and Indian Nations/Tribes and for this reason, in particular, freedom of worship for American Indian inmates is very important because our incarcerated relatives will return home to loved ones. Those individuals who have participated in native religious and spiritual services while incarcerated are more culturally viable, respectful and responsible contributing citizens upon returning to their communities.

Denial of access to traditional religious and spiritual ceremonies and services is tantamount to a denial of opportunity for recovery and spiritual healing. American

Indians deserve the same opportunities to practice their traditional religions particularly the Sweat Lodge Ceremony, Pipe Ceremony, Talking Circle and Drumming and Singing as any other inmates have to practice their respective religious beliefs.

To facilitate healing and recovery, cleansing and purification of the emotional, physical, psychological and spiritual welling-being, inmates require: (1) access to the Sweat Lodge Ceremony and all necessary herbs, items and materials; 2) access to traditional spiritual leaders who shall be afforded the same stature, respect and inmate contact as is afforded the clergy of Judeo-Christian and/or Islamic faith and who lead or instruct in ancient traditional counsel; (3) the right to wear a traditional hairstyle as dictated by religious beliefs, and cessation of the indiscriminate cutting of long hair, which produces depression and emotional imbalance, and which many regard as a form of spiritual castration; (4) access to traditional foods such as buffalo, mutton, salmon, corn, squash, melons, beans, fry bread and other traditional foods which should be allowed once or twice a year in line with solstice and equinox times; 5) and access and right to possession of sacred items as used in ceremonies such as the Pipe, mountain tobacco, drum, gourd, sage, cedar, sweet grass, medicine bundles, bags, eagle feather, corn pollen, and other items and materials such as firewood, lava rocks, willow saplings, etc.; and (6) American Indians on Death Row should be allowed regular visits with their Spiritual Leaders and those requesting that "Last Rites" be performed through the Sweat Lodge Ceremony and Pipe Ceremony should be permitted to do so.

These traditional practices and ceremonies must be respected without interference, harassment or irreverence and discrimination toward Native American religious practices and beliefs must be stopped. Ignorance and/or lack of awareness should not be an excuse for systematic or arbitrary denial of religious rights and then justification of these denials on the basis of "security concerns". Singing with a hand drum, water drum, or big powwow drum should be allowed without prohibiting singing songs that are sometimes viewed with contempt. Corrections officials have made racist remarks, "if we allow the Indian boys to sing, they get all riled up". Other remarks that have made toward the American Indian prisoners is "they need to speak English and we have no idea what they do in the sweat lodge, for all we know they might be plotting an escape".

Traditional spiritual services should be held weekly for positive changes to occur and these practices should be accorded respect and included in the overall programming of the correctional institution as other religious practices. The volunteer spiritual leader or Traditional Practitioner provides and acts as a mentor for the young at risk native offenders. Many of these offenders do not speak their language, live their culture, and much less know the songs, prayers and/or ceremonial practices. It is in the correctional institutions that they have the opportunity to learn traditions, customs, and culture and begin recovery from shame, alcoholism, anger, etc. I believe from my experience that the key to spiritual healing, wellness and recovery is full participation and equal access to spiritual and religious practices and beliefs for all inmates.

My recommendations are (1) convene a Congressional Hearing to investigate these human rights violations; (2) conduct an investigation into the conditions and treatment of Native prisoners in the U.S. Prisons System; (3) implement and fund a Commission Study to identify the complete demographics of the American Indian inmates.(4) request

an Executive Order to implement a uniform statute allowing American Indian Religious Practices and Beliefs in the U.S. Prison System similar to the Federal Bureau of Prisons Policy on Religious Practices; (5) implement funding for the development of culturally based pre-release programs and after-care programs that are culturally appropriate for mental, spiritual and behavioral health services; and (6) invite the leaders of those Indian Nations/Tribes that have a large number of their citizens in the U.S. Prison System such as the Navajo (Dine') Nation, Lakota, Pima, Tohono Oodham, Apaches, Cheyenne, Ute, Ojibwa and any other Indian Nations that have over representation in the prisons to schedule a meeting with the U.S. Justice Department for the purpose of identifying funding for comprehensive programs and negotiate for the provision of traditional and culturally relevant spiritual services for the American Indian prisoners.

These concerns and unresolved issues will be shared with appropriate fora in the United Nations Permanent Forum on Indigenous Issues and seek compliance with the Declaration of Human Rights of Indigenous Peoples. Invitations will be made to the United Nations Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples to visit the United States Prison Systems.

Thank you