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## Native American Rights Fund

1506 Broadway, Boulder, Colorado 80302-6296  
(303) 447-8760 FAX (303) 443-7776  
www.narf.org

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November 23, 2016

The Honorable Loretta Lynch  
Attorney General  
United States Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530

Dear Attorney General Lynch,

On behalf of the Native American Rights Fund, our tribal clients, attorneys and staff, I write you today to express our outrage after seeing live feed videos on social media of the violent militarized response of the Morton County Sheriff's Department and other law enforcement against the Water Protectors who are protesting the Dakota Access Pipeline (DAPL) project near Cannon Ball, North Dakota. As you may be aware, the path of the DAPL was directed away from non-Indian populations towards the Standing Rock Sioux Reservation and under Lake Oahe, the primary source of clean water for the Standing Rock Sioux Tribe. This fateful decision was made by the U.S. Army Corps of Engineers without prior meaningful government-to-government consultation. As a result, DAPL workers have already destroyed countless Native sacred sites and burial grounds along its path.

The Standing Rock Sioux Tribe has consistently maintained that they were never asked to engage in meaningful consultations with the U.S. Army Corps of Engineers regarding the placement of the pipeline. On November 14, 2016, in the wake of the litigation filed by the Tribe, and the myriad of concerns raised by a host of other Tribal Nations, the U.S. Army Corps of Engineers issued a statement conceding that additional analysis of the DAPL project is necessary. The U.S. Army Corps of Engineers has now invited the Standing Rock Sioux Tribe to engage in the formal consultation process as required by law and issued an edict that, during this period of consultation, no construction of the DAPL under Lake Oahe can occur without a federal easement. Rather than comply with this edict, DAPL and its parent company Energy Transfer Partners have chosen to defy the United States government, have bull-dozed their way forward to the edge of Lake Oahe, and have unnecessarily raised tensions on the ground in North Dakota.

On the evening of November 20, many of my colleagues and I watched in horror as live stream social media videos of Water Protectors being attacked by police as they tried to remove burned out cars and debris blocking the Highway 1806 Back Water Bridge. Morton County Sheriff's Department

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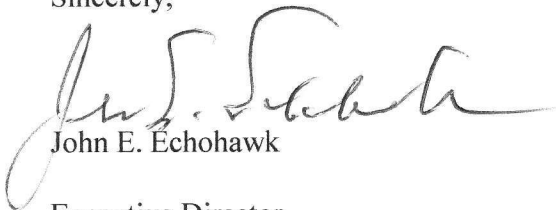
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purposefully aimed water cannons, shot rubber bullets and threw concussion grenades directly at people. Over 300 people were injured that night including one young woman who had her arm so severely injured by a concussion grenade that doctors may be forced to amputate it. More than 500 others were treated for hypothermia. First-hand accounts, video and photographs show that these "non-lethal weapons" were being directed at individuals, sometimes directly in their faces, and at close range. Given that temperatures that night were well below 25 degrees Fahrenheit, the use of water cannons, and the use of rubber bullets and concussion grenades in this situation should be viewed as an unnecessary, excessive use of deadly force against unarmed people. These Water Protectors are being attacked and arrested for exercising their First Amendment rights and we urge you to fully investigate the events of November 20 and take immediate steps to protect and safeguard these American citizens and their constitutional right to assemble and protest.

We are deeply disturbed by the blatant disregard for the U.S. Army Corps of Engineers' decision and the patent violation of the Water Protectors' Constitutional rights. As Native Americans, many of us have either been to Standing Rock to stand in solidarity with the Standing Rock Sioux Tribe and/or have relatives in the camp and on the front lines. We are appalled by the criminal acts of violence that have befallen the native and non-native Water Protectors as the result of the militarization of the police force in this situation – *particularly given that it is being used to protect a private company on federal lands*. Native peoples demand action on the part of the federal government, thus we urgently request that you to use your powers as Attorney General of the United States to do everything possible can to prevent further escalation of the violence being visited upon the Water Protectors. A solid first step would be a public announcement of your intent to fully investigate the acts of violence and tactics being used by the Morton County Sherriff's office against the Water Protectors and allies of the Standing Rock Sioux Tribe and, where warranted, bring criminal charges for violations of federal criminal civil rights laws.

We would appreciate a prompt response and we are willing to assist the Department of Justice in any way we can.

Sincerely,

A handwritten signature in dark ink, appearing to read "John E. Echohawk", written in a cursive style.

John E. Echohawk  
Executive Director

CC: The Hon. Bernie Sanders, Senator (VT)  
The Hon. Raul Ruiz, M.D. (36<sup>th</sup> Dist., CA)  
Karen Diver, Special Assistant to the President, Native American Affairs  
Kenneth Kahn, Chairman, Santa Ynez Band of Chumash Indians