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Dolores Raglin
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May 2, 2013

California Department of Corrections and Rehabilitation
Regulation and Policy Management Branch
P.O. Box 942883
Sacramento, CA 94283-0001
RPMB@cdcr.ca.gov

**Re: Notice of Change to Regulations (NCR 13-01)
American Indigenous Prisoners' Religious Liberty**

To Whom It May Concern:

The Pit River Tribe disapproves of the State Department of Corrections and Rehabilitation's proposed amendments to Section 3190(b) of the California Code of Regulations, Title 15, Crime Prevention and Corrections regarding inmate religious property, and related restrictions on sweat lodge ceremonies. The proposed changes are a clear attempt to restrict the free exercise of religion of Native Americans in the State of California's penal system and are unacceptable breaches of federal and state law.

Free exercise of religion is a key component of the rehabilitation of prisoners and is vital to their return to their home communities; this is especially concerning in particular to tribal communities. Native American prisoners are dependent on traditional religious practices for their rehabilitation and survival. The restrictions on what medicinal and ceremonial plants the state will allow Native American prisoners to use and the restrictions on sweat lodge ceremonies fail to recognize the essential nature of physical items to the adequate completion of sacred rites and ceremonies. These restrictions were put in place under a so called "emergency" the nature of which is unfathomable to the Pit River Tribe. Is the state of California claiming that cloth, beads, traditional tobacco, leather and the wide variety of essential cultural items used in Native American ceremonial practices are so dangerous as to constitute an emergency requiring harsh regulation?

The proposed regulation, already in force on a so-called "emergency" basis, includes an unduly restrictive Religious Property Matrix. American indigenous prisoners are no longer allowed to possess previously permitted items including, but not limited to, sacred medicines such as kinnikinnick, copal, and osha root as well as sacred items like cloth for prayer ties, beads or beading supplies, pipe or pipe bags, drums or other instruments, water

dippers, leather, teeth. Further, the Matrix is only amendable a maximum of twice a year by the Wardens Advisory Group/Religious Review Committee in accordance with the rulemaking requirements of the Administrative Procedures Act. Thus, the process for getting an item approved is much more burdensome for American indigenous prisoners because local religious review committees are no longer empowered to approve religious items.

American indigenous prisoners' sweat lodge ceremonies also appear to have been curtailed, from occurring every weekend to only one or two times per month. That restriction, in particular, presents a potentially disastrous impediment to those indigenous prisoners' spiritual rehabilitation, which we fear will only exacerbate recidivism.

It is unacceptable that the State of California is making the participation of Native Americans in their indigenous religions burdensome. The proposed amendments are clear violations of Federal Religious Land Use and Institutionalized Persons Act, the United Nations Declaration on the Rights of Indigenous Peoples (UN DRIP), endorsed by the United States in 2010 and the International Covenant on Civil and Political Rights (ICCPR) of which the United States is a signatory to and ratified in 1992.

We urge you to reject the proposed regulation and immediately restore American indigenous prisoners' ability to possess previously permitted religious property items and to fully participate in sweat lodge ceremonies as before.

Future regulations should, at a minimum, include all previously permitted items of American indigenous religious property and ceremonies, as well as a flexible mechanism empowered to approve requests for inadvertently omitted items. We urge you to engage California tribal governments in meaningful consultation prior to drafting or implementing future religious freedoms regulations that impact American indigenous prisoners. We regret that the proposed amendments to Section 3190(b) and any other new regulations were devised without any tribal consultation whatsoever.

Finally, we call for the State Department of Corrections and Rehabilitation to restore the previous status of items of religious and ceremonial importance and begin immediate consultation with all affected tribes within the State of California.

Sincerely,



Dolores Raglin, Pit River Tribal Chairperson

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