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In 1983, the Navajo Nation Corrections Project emerged as the only tribally funded program in the country to provide American Indian inmates in tribal, state, and federal prisons access to traditional religious ceremonial practices. A pioneer in the realm of prisoner advocacy, the Navajo Nation Corrections Project not only promotes Native inmates' dignity and recovery through access to culturally appropriate religious rites, but also wages a passionate defense of a basic human and civil right already guaranteed to non-Native inmates: the free practice of their religions.

Like other Indian nations, the Navajo Nation confronts the difficult reality that many of its citizens are incarcerated in tribal, state, and federal prisons. In 1996, the US Department of Justice's publication *American Indians and Crime* reported that the number of American Indians per capita confined in state and federal prisons was 38 percent above the national average. The rate of confinement in local jails is estimated to be even higher nearly four times the national average. On any day in 1996, sixty thousand American Indians were under correctional care, custody, or control.

Religious freedom, a right granted to prisoners throughout the US, has not been sufficiently realized for American Indian prisoners. Native inmates across the country are denied these religious freedoms because of ignorance, cultural bias, or outright malfeasance by prison officials. As a result, thousands of Native prisoners serve lengthy terms without access to their religious rites and practices, such as sweat lodges, talking circles, pipe ceremonies, Native American Church prayer services, and counseling sessions practices that could be a meaningful part of rehabilitation. Supporters of Native inmates' religious freedom assert that correctional facilities that ban sweat lodges, talking circles, and possession of religious items lose much of their rehabilitative power. Inmates without the ability to exercise their religious freedom, especially those recovering from substance abuse, may be more prone to recidivism.

The Constitution guarantees religious freedom to all Americans and it is reiterated on behalf of American Indians in the Native American Religious Freedom Act of 1978. For years, however, state and federal prisons have abused or neglected these guarantees. In 1993, federal legislation that included provisions to address the religious rights of Native prisoners, the Native American Free Exercise of Religious Freedom Act, was introduced to Congress. Regrettably, it was not passed and reintroduction has not occurred. Still, even if this federal legislation is adopted, the provisions of the act will extend only to federal not to state prisons. State prison reforms will require attention on a state-by-state basis. While such federal and

state legislative reforms proceed slowly, thousands of Native inmates remain confined without a freedom that is theoretically guaranteed to them.

In 1983, determined to address this persistent problem, the Navajo Nation created the Navajo Nation Corrections Project to advocate for religious freedom. Housed within the Navajo Nation's Department of Behavior Services, the federally-funded Corrections Project is sustained by volunteer efforts. The staff, including a director/spiritual leader and two traditional religious practitioners, is dedicated to three core activities: they offer religious services to Native inmates for the purpose of rehabilitation and recovery; introduce federal and state legislation on the issue of American Indian inmate religious freedom; and assist in the enforcement of existing laws pertaining to Native prisoners' religious rights.

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Over twenty years, the Navajo Nation Corrections Project has touched the lives of thousands of Native inmates in tribal, state, and federal prisons. The Corrections Project's staff travels weekly to prisons throughout the country to offer Native inmates counseling and religious services. Since 1983, they have visited forty-six federal corrections facilities and seventy-three state facilities located in dozens of states, from California to Pennsylvania and from North Dakota to Texas. The staff regularly visits the correctional facilities located on the Navajo reservation, as well. In 2002 alone, Corrections Project staff visited thirty prisons and provided counseling and ceremonial services to 2,176 clients. During these visits, Corrections Project staff offered ninety sweat lodge ceremonies, ten pipe ceremonies, twelve talking circles, four Native American Church prayer services for the families of inmates, ninety group counseling sessions, and twenty-five individual family counseling sessions. In addition to providing such religious services through their own efforts, the Corrections Project advocates for additional personnel within prisons. In 2002, for example, the Project successfully negotiated for the appointment of a full-time chaplain in the New Mexico Corrections Department, a position subsequently filled by a Navajo spiritual leader. The Corrections Project staff reports marked improvement in Native inmates' behavior and firmly believe that their success in bringing religious ceremonies and counseling to prison facilities will better equip individuals to reenter society.

The Corrections Project has also been instrumental in formulating and passing state and federal legislation that guarantees inmates' rights to practice their religions. Among the Corrections Project's main goals is to develop legislation that can be applied uniformly across states. The Corrections Project authored, or co-authored, legislation in New Mexico (1983, 1996), Arizona (1984), Colorado (1992), and Utah (1995). These four states developed legal protections for American Indian inmates to freely exercise their spiritual and religious beliefs without fear of retaliation or discrimination in state facilities. The legislation affords Native inmates access to traditional spiritual leaders, religious items and materials, and sites of worship such as sweat lodges, talking circles, and individual outdoor prayer spaces. Moreover, Native inmates are not forced to cut their hair if it conflicts with their traditional religious beliefs or practices.

In addition to providing direct services and drafting or advocating for legislation that protects Natives' religious rights, the Corrections Project also concentrates on enforcement. Many state prisons ignore or deny Native inmates' requests to practice their religion despite legislative guarantees. The Corrections Project staff vigilantly reminds officials of the law. On several occasions, when reminders were not acted upon, the Corrections Project reported the violations to the Civil Rights division of the US Department of Justice. The Corrections Project has also testified before the US Senate Committee on Indian Affairs hearings on the proposed Native American Free Exercise of Religion Act in 1992 and again in 1994. As a direct result of these hearings, several state and federal prisons began to implement policies that allowed Native inmates access to religious practices.

The Navajo Nation Corrections Project's successes are due to several effective and interconnected strategies. First, the Corrections Project refuses to accept prison officials' cultural ignorance or bias as the grounds for denying Native inmates their constitutional and human right to practice their religion. Unfortunately, the precedent for denying American Indians the free practice of their religions on just such a basis is already well established. Beginning in the early nineteenth century and continuing as late as 1978, the US government outlawed countless Native religious ceremonies and practices on the basis of ignorance and fear while it steadily destroyed religious items and materials in an effort to assimilate Native peoples into the dominant society. The Corrections Project insists that prejudice should not serve as a justification for systematically or arbitrarily denying Native inmates their religious rights and, as a result, their right to a recovery.

Second, the Navajo Nation Corrections Project possesses an unwavering commitment to raising awareness about Native inmates' rights to religious freedom among prison officials and state, national, and international government officials and agencies. In conjunction with the Native American Rights Fund, the Corrections Project initiated a discussion about Native inmates' religious rights with the Association of State Correctional Administrators. In 2002, the Corrections Project passed a resolution at the annual convention of the National Congress of American Indians declaring the protection of American Indians' civil rights a national priority and calling upon President George W. Bush and Attorney General John Ashcroft to enhance legal protections for Native inmates' free exercise of religion. The Project also initiated a discussion with the Civil Rights Division of the US Justice Department regarding a formal investigation of the violation of Native inmates' rights to the free exercise of religion. Similarly, the Corrections Project has been aggressive in its determination to educate international audiences regarding the abuse of Native inmates' civil rights in US prisons. The Project raised this concern over the abuse of Native inmates' religious rights before the United Nations Commission on Human Rights in Geneva, Switzerland, and again as part of the UN Regional PrepCom for the Americas in Santiago, Chile in 2000. In 2001, it presented this concern at the UN World Conference Against Racism in Durban, South Africa.

Third, the Navajo Nation Corrections Project strives to protect the civil rights of all American Indians. The staff provides religious services not only for Navajo inmates, but for all Native inmates, and also defends all Natives' basic rights. The Corrections Project enhanced its leverage by collaborating with organizations on the local, regional, national, and international levels including various departments and projects within the Navajo Nation, the Navajo Medicine Men Association, the Oglala Sioux Tribe, the Minnesota Council on Crime and Justice, the Sun Dancers, the Native American Rights Fund, the American Indian Movement, the Native American Church of North America, the National Congress of American Indians, and the International Indian Treaty Council. The Navajo Nation Corrections Project's determination to turn the sobering scale of incarcerated Native inmates' rights should stand as an inspiration to all Indian nations confronting serious challenges.

Already, several nations have turned to the Navajo Nation Corrections Project for guidance in serving the religious needs of their own incarcerated populations. With an inordinately high percentage of Native Americans held in local, state, and federal prisons, the need for other tribes to join with the Navajo Nation Corrections Project in the defense of Native inmates' rights is pressing. As Indian nations across the country learn from the Correction Project's determination to address the dual concerns of rehabilitating the Native inmate population while defending their basic civil and human rights, the leverage in enforcing existing law and shaping critical public policy will only grow. Through its own efforts, the Navajo Nation Corrections Project has already altered the experience of the individual Native inmate offering access to religious services while defending constitutional rights guaranteed to Native and non-Native inmates alike.

Lessons:

- Tribal governments have both the authority and responsibility to protect the rights of their citizens living off-reservation; the religious rights of tribal citizens in non-tribal detention facilities are particularly worthy of attention and protection.
- Working with outside (i.e. non-Indian) governments to protect tribal citizens' rights is yet another way that tribal governments can assert and affirm their sovereignty and extend their jurisdictional reach.
- Supporting and promoting the access that Native people in incarceration have to indigenous religious practices can be an important component of their personal healing process.

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