

January 25, 2016

## **Burns Paiute Tribe Calls on U.S. Attorney General to End Free Passage for Malheur Refuge Occupiers**

**Burns, Oregon**—The Burns Paiute Tribe has requested that the U.S. Justice Department prevent armed militants from freely moving on and off the Malheur National Wildlife Refuge, as pressure builds for the FBI and local law enforcement officials to put an end to the illegal occupation.

Over the last 23 days since the siege began, law enforcement officials have allowed the militants to freely move in and out of the Refuge headquarters and off the Refuge itself. Despite the illegal occupation, the militants have been allowed to come and go freely and restock and replenish supplies, hold news conferences, leave the state, and more. In a letter to Attorney General Loretta Lynch and FBI Director James Comey, Tribal Chair Charlotte Roderique called on the U.S. Government to secure the headquarters property and to prosecute occupiers if they violate laws protecting cultural resources. “Law enforcement continues to allow the armed militants to come and go from the Refuge as they please,” wrote Chair Rodrique. “Allowing the militants free passage to and from the Refuge must stop.”

The Burns Paiute Tribe has expressed grave concern over the handling of cultural artifacts at the Refuge headquarters. Tribal council members met last week with U.S. Attorney Billy J. Williams, and with representatives from the FBI and Oregon Governor Kate Brown’s office and the Oregon State Police, to express their concerns. Tribal representatives requested that prosecutors seek federal and state criminal penalties for anyone who steals or harms tribal cultural resources. “It is clear now that the lawbreakers have gained access to the artifacts and the files, even posting videos on social media from the storage area,” said Rodrique. “We are more concerned than ever that some of these artifacts will go missing when this is all over.”

The Burns Paiute Tribe is a federally-recognized Indian tribe whose ancestors inhabited southeast Oregon, southern Idaho, and northern California and Nevada. The Burns Paiute Tribe’s reservation is headquartered in Burns, Oregon. The Burns Paiute Tribe’s ancestral territory includes the area now managed as the Malheur National Wildlife Refuge, as well as other federal lands in southeast Oregon. The Burns Paiute Tribe has not ceded any of its rights in the Tribe’s ancestral territory.

The Burns Paiute Tribe’s ancestors signed a treaty with the federal government in 1868. The 1868 treaty was not ratified by the United States Congress, but both parties acted in reliance on the treaty. Under its terms, the Government guaranteed it would protect the safety and property of the Northern Paiute people. The Government also committed to inflict punishment for “any crime or injury [that] is perpetrated by any white man upon the Indians aforesaid ...

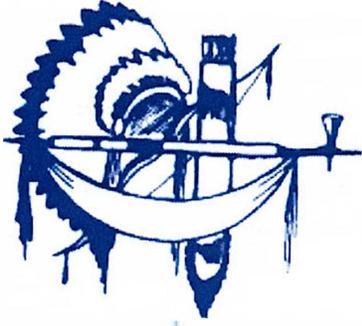
according to the Laws of the United States and the State of Oregon.” In addition, the federal government has a Trust responsibility to the Burns Paiute Tribe to protect cultural resources on federal lands. Several federal laws protect native cultural properties.

A copy of Chair Roderique’s letter to Attorney General Loretta Lynch and FBI Director James Comey is attached to this press release.

**For more information, press only:**

Charlotte Roderique  
Tribal Chair  
Burns Paiute Tribe  
100 Pasigo Street Burns, OR 97720  
(541) 589-3644  
[rod049@yahoo.com](mailto:rod049@yahoo.com)

# # #



## *Burns Paiute Tribe*

*Office of the Tribal Council*

*100 Pasigo St*

*Burns, OR 97720*

*Phone (541)573-1910*

*Fax (541)573-2012*

January 22, 2016

January 22, 2016

The Honorable Loretta E. Lynch  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

The Honorable James B. Comey  
Director, Federal Bureau of Investigation  
FBI Headquarters  
935 Pennsylvania Avenue, NW  
Washington DC, 20535-0001

RE: Burns Paiute Tribe Request for End of Occupation

Dear Attorney General Lynch and Director Comey:

I am writing on behalf of the Burns Paiute Tribe regarding the armed occupation of Malheur National Wildlife Refuge. I recognize the great strain that this unlawful takeover of a federal facility has placed on federal and state law enforcement officials. Nevertheless, the Burns Paiute Tribe has grave concerns regarding the present handling of the occupation as well as the prosecution of the militants.

The land on which the Malheur National Wildlife Refuge is located is in the heart of our Tribe's ancestral territory. This is sacred place to the Burns Paiute Tribe. The Refuge and the Refuge buildings hold invaluable, irreplaceable, and endangered aspects of the Tribe's cultural heritage. Specifically, the building currently occupied by the armed militants holds over 4,000 Tribal artifacts, site records, maps and confidential

documents related to the Tribe's cultural resources. The militants recently posted a video on the internet showing that they have entered the storage areas where the Tribal artifacts had been secured for safekeeping. The video clearly shows they have unfettered access to the Tribe's sacred artifacts. The militants have also built a road through the Refuge and taken down a fence. We fear that the demolition and construction activities of the militants may have harmed our burial grounds and disturbed Tribal artifacts.

Law enforcement continues to allow the armed militants to come and go from the Refuge as they please. Additionally, new armed militants arrive daily. Allowing the militants free passage to and from the Refuge must stop.

The lawbreakers who occupy the Malheur headquarters continue to seek outside financial support for their efforts. We fear that our Tribal cultural patrimony provides an all too easy funding source for the militants. Unfortunately, there is a long history of a black market for Native American antiquities. There continues to be a robust market for the sale of tribal artifacts, notwithstanding the outright illegality of their acquisition. Allowing the militants free passage from the Refuge means that our cultural patrimony is unprotected and easily transported outside the Refuge for sale or misappropriation by the militants.

Allowing a porous boundary between our community and anarchy also undermines our personal safety. Recently many of our people have been subjected to harassment by individuals who either came here to support the protestors or have been emboldened by their example to voice bigotry and hatred toward the Indigenous people of Harney county. There is constant interaction between the lawbreakers and outsiders. We even saw a recent photograph showing a Federal Express delivery to the refuge occupiers! Condoning the illegal occupation of a federal facility by armed lawbreakers only encourages others to believe they can behave in the same way, with impunity.

Under the terms of our treaty with the United States, the federal government guaranteed it would protect the safety and the property of the Northern Paiute people. The Government committed to inflict punishment for "Any crime or injury [that] is perpetrated by any white man upon the Indians aforesaid ... according to the laws of the United States and the State of Oregon." The United States also has a trust responsibility to the Tribe and prior to this occupation had exclusive custody and control of the artifacts at the Refuge.

The Burns Paiute Tribe requests the United States Government terminate the militants' free passage from the Refuge to protect the Tribe's irreplaceable cultural heritage. Further, the Tribe requests that the United States prosecute the militants for any theft of cultural patrimony, sacred objects or damage to the burial grounds at the Refuge. The Tribe offers its assistance to the United States in its effort to prosecute the militants and requests that all possible charges are considered. If the occupiers disturb, damage, remove, alter or deface any archaeological resource on the Refuge property,

the Tribe requests that the United States bring criminal charges under the Archaeological Resources Protection Act of 1979, 16 U.S.C. § 4700ee, against the individuals who are responsible for the depredation. The Tribe further requests that the United States consider charges under ORS §97.740 for any harm to burial grounds, human remains, funerary objects, sacred objects or objects of cultural patrimony.

In closing, we ask that you undertake a swift resolution of the occupation and that you take additional steps to protect our cultural patrimony. We offer our full cooperation to ensure that lawbreakers are punished to the full extent of the law. This unfortunate chapter in Oregon history must end.

Sincerely,



Charlotte Roderique  
Chairperson

cc: Billy J Williams  
United State Attorney