

COMMENTARY

Inmates don't surrender religious rights

On June 26, the Casper Star-Tribune published an editorial, "Yellowbear decision shows un-common common sense," about my statutory and constitutionally protected right to freely engage in and practice my Northern Arapaho/Native American religion while incarcerated in state prison.

It is my opinion that most, if not all, of the substance contained in the editorial was nothing more than the usual media hyperbole that I and my supporters have become accustomed to throughout my criminal, civil and appellate endeavors. Nevertheless, I find myself compelled to try and at least clarify some of your editorial's perhaps misinformed rhetoric.

At the outset, the article hypothesizes about a

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supposed judicial activism proposition as grounds for its attack on my fruitless religious request and subsequent court challenge. I don't suggest such a theory here, but at this point it is anybody's guess as to whether or not there was actual judicial activism at play in the court's obvious (30-plus page) deferential dismissal of my religious deprivation claims.

Sadly, though, I can say with a degree of personal certainty that I have experienced in almost every other aspect of my legal cases another sort of judicial activism common to both Native Americans and minorities in general. The particular style of

judicial activism that I am talking about goes by the name of good ol' boy justice and remains prevalent in both the state and federal court systems of Wyoming. On this issue, I could ramble on for days about the particulars of my legal experiences, but I will not, as this response is being written about the case at hand, and certainly is not being written about sleeping judges or the like.

The editorial next recites information about the allegations made against me in my criminal case, allegations still subject to review on appeal, I might add. Moreover, it is information which really has nothing to do with whether or not I am deserving of practicing my Northern Arapaho/Native American religion via my regular participation in a sweat lodge ceremony.

However, regarding my criminal appeals, or rather my lawful pursuit of the annoying jurisdictional claim, I will say this, please excuse my people (Northern Arapaho/Native Americans) for having the audacity of being on this continent first; we had no idea that this is where you non-Indians were going to make your country, form your states and build your cities.

Contrary to the editorial's seeming myopic wishes, inmates in the prison setting and from whatever race or background still retain their inherent right to pray to their respective religious figures in rituals and observances they deem meaningful and sincere. They quite simply do not surrender or lay down those rights upon entering a prison's gates.

Indeed, by enact-

ing certain laws the U.S. Congress has concretely recognized this particular conclusion, and as repugnant as it may be for the writer of the editorial to hear, federal courts have vindicated those religious rights under certain statutes all the way up to the U.S. Supreme Court. In short, and as revolting as it may sound to you, no jail or prison is an island insulated from the time-honored protections and freedoms guaranteed by the U.S. Constitution.

The editorial next tries to infer a similarity between my Northern Arapaho/Native religion and the religious practices of snake handlers. This obvious and petty slight on my religion illustrates yet another misguided attempt to detract attention from the importance of the real issue at

hand. Other than trying to denigrate my religion, ironically, the editorial's comparison really only shows a narrow-minded view on the vast differences between the myriad of religions which exist on this planet.

In conclusion, although I do not like or agree with the petulant statements made in your editorial about me or my Northern Arapaho/Native American religion, I respect your guaranteed right under the First Amendment of the U.S. Constitution to say those things. Notwithstanding those comments and your un-common-sense media activism, I will pray for you. *Ha' hou'* (thank you).

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