



Press Release

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FOR IMMEDIATE RELEASE

Indigenous People Face Religious Discrimination at West Virginia Prison

November 1, 2023, Native American Heritage Month — Today, Rights Behind Bars, and our partners, Native American Rights Fund, Huy, and Mountain State Justice, issued a [demand letter](#) to the governor of West Virginia, the West Virginia Division of Corrections and Rehabilitation, and the administration of Mount Olive Correctional Complex, a WVDCR facility. The letter is prompted by the ongoing discrimination against indigenous people incarcerated at Mount Olive Correctional Complex (MOCC). Over the past several months, Rights Behind Bars has been in close contact with more than a dozen Native individuals incarcerated within MOCC, revealing a troubling pattern of violations against their fundamental religious rights. In a tremendous show of support, 14 local and national organizations have signed on to the letter.

“West Virginia is bound by law to respect the religious practices of Indigenous people in their custody, but they have repeatedly failed to do so,” said Amaris Montes, Director of West Coast Litigation and Advocacy at Rights Behind Bars. “Everyone should be disturbed when religious liberties are trampled by the state, and it is all the more troubling here, where West Virginia’s conduct echoes centuries of oppression of Native people in America,” she added.

Indigenous people incarcerated at MOCC come from a variety of tribal backgrounds and practice a variety of faiths, yet they encounter the same barriers to that practice. The prison administration discriminates against Native people by:

- Prohibiting ceremonial and religious items including traditional foods, blankets, drums, feathers, buffalo skulls;
- Prohibiting Native prisoners from engaging in communal prayer and ceremonies;
- Refusing to obtain a religious guide for Native practitioners and requiring any Native practitioner interested in becoming a spiritual guide or peer mentor to undergo Christian Bible College;
- Implementing a complete ban on the religious use of tobacco.

These are just a handful of examples of the systemic barriers indigenous practitioners face. This type of discrimination is prohibited under the First Amendment, as well as the Religious Land Use and Institutionalized Persons Act (RLUIPA). Failure to remedy the issues outlined in the letter would leave the prison vulnerable to a lawsuit.

According to the Prison Policy Initiative, Native people are incarcerated in state and federal prisons at a rate that is double the national rate and more than four times than the incarceration rate of white people.¹

Rights Behind Bars urges leadership from the West Virginia Division of Corrections and Rehabilitation and Mount Olive Correctional Complex to meet with us and our partners to remedy the problems raised in the letter by no later than November 30th, 2023.

Read our [demand letter](#).

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[Rights Behind Bars](#) works alongside incarcerated people to challenge the cruel and inhumane conditions of confinement through litigation and advocacy.

¹ <https://www.prisonpolicy.org/profiles/native.html>