

WATER PROTECTOR LEGAL COLLECTIVE

Post Office Box 69
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December 13, 2016

Via Email and US Mail:

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Commissioner James Boeem
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Commissioner Ron Leingang
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Sheriff Kyle Kirchmeier
205 1st Avenue, NW
Mandan, ND 58554

Re: Continued Closure of Highway 1806 at the Backwater Bridge

Dear Morton County Commissioners and Sheriff Kirchmeier:

We write to give you notice of the illegality of your closure of Highway 1806 at the Backwater Bridge and to request that you remove the barricade at the bridge and re-open Highway 1806 to traffic immediately.

Since October 28, 2016, you have maintained a barricade immediately north of the Backwater Bridge on Highway 1806, which is located approximately one mile north of the Standing Rock Sioux Tribe Reservation boundary. Highway 1806 is a public right-of-way, and serves as the primary route between Bismarck, North Dakota and the Standing Rock Sioux Reservation. The effect of your illegal barricade is therefore to significantly impede travel to the Reservation from both the nearest city and the nearest major airport.

By preventing all vehicles – including emergency vehicles – from traveling on this portion of Highway 1806, your blockade has endangered the safety of the thousands of individuals who reside in this area and who visit the camps located alongside of the Cannonball River, as well as the neighboring businesses both north and south of the blockade. As you are aware, the resulting detour adds significant time to the trip and requires passage on several worse-maintained dirt roads. Given the current winter conditions impacting this region of the State, this unnecessary detour endangers the life and the safety of thousands.

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Moreover, your absolute prohibition on *any* travel on Highway 1806 to and from the Reservation – even foot travel – violates the First, Fifth, and Fourteenth Amendment rights of thousands of persons lawfully gathered and residing in the area. The Constitution enshrines a fundamental right to interstate and intrastate travel, as well as a right to demonstrate, assemble, and pray, that your blockade has unnecessarily restricted for over a month. And the adverse impact of your aggressive enforcement of a *complete* prohibition on travel on this public road disparately impacts the Native American population residing in close proximity to your road block.

The damages that have and will continue to result from your blockade are significant, and you will be liable for not only these costs, but for any additional damages that result as a consequence of your blockade – including any physical injuries caused or aggravated by your actions.

This letter will serve as notice and an attempt to address these continuing civil rights and human rights violations. It is our intention to pursue all available legal remedies – including, but not limited to, the above described civil rights claims – in the event that this roadblock is not removed immediately and full passage on Highway 1806 reopened.

We look forward to your quick cooperation and compliance.

Very truly yours,
WATER PROTECTOR LEGAL COLLECTIVE



By: Robin S. Martinez, Secretary
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cc: Randall J. Bakke, rbakke@bgwattorneys.com