

# THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



July 31, 2020

The Honorable Donald J. Trump  
President of the United States of America  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

**Re: *United States of America v. Lezmond Charles Mitchell***

Dear Mr. President:

On behalf of the Navajo Nation, we strongly encourage you to consider leniency for Lezmond Charles Mitchell, a citizen of the Navajo Nation, who is facing execution on August 26, 2020. Mr. Mitchell is the only Native American on federal death row; sentenced for several crimes committed on the Navajo Nation in 2001. The United States Department of Justice sought the death penalty against Mr. Mitchell despite the Navajo Nation's public opposition, against the express wishes of the victim's family, and ostensibly against the recommendation of the U.S. Attorney for the District of Arizona. The Navajo Nation is respectfully requesting a commutation of the death sentence and the imposition of a life sentence for Mr. Mitchell. This request honors our religious and traditional beliefs, the Navajo Nation's long-standing position on the death penalty for Native Americans, and our respect for the decision of the victim's family.

In 2001, Lezmond Mitchell was involved in the kidnapping and murder of two Navajo victims, a grandmother and her granddaughter. This crime took place on the Navajo Nation. Mr. Mitchell was arrested and charged with murder and other associated crimes. His trial and subsequent conviction occurred in federal court in Arizona. The Major Crimes Act is a federal statute that brings a Native American defendant before a federal court for certain crimes involving a Native American offender and a Native American victim if the crime took place on an Indian reservation. Murder is one such crime in the Major Crimes Act and the primary criminal charge for Mr. Mitchell's prosecution in federal court.

During the federal prosecution process, the United States Attorney for Arizona asked the Navajo Nation for its position on the death penalty. The Federal Death Penalty Act affords the Navajo Nation the ability to opt-in to the death penalty and thereby permit the federal government to seek the death penalty for federal crimes that take place on the Navajo Reservation. If the Navajo Nation opted-in, which it has not, the federal government could ask for the death penalty for a crime under the Major Crimes Act; such as murder. The United States' decision to seek the death penalty against Mr. Mitchell ignored the intent of the tribal opt-in provisions of the Federal Death Penalty Act. Instead the United States included carjacking resulting in death with the crimes charged against Mr. Mitchell. Carjacking resulting in death is a non-Major Crimes Act crime, but which carries the death penalty sentence. Mr. Mitchell is now on death row as a result of a crime that is

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not included in the crimes associated with Indian Country under the Major Crimes Act, and in complete disregard to the Navajo Nation's deliberate decision not to opt-in to the death penalty under the Federal Death Penalty Act.

On a number of occasions, since 2002, the Navajo Nation Attorneys General, the Navajo Nation Council Standing Committee, and the Navajo Nation Chief Justice informed the U.S. Attorney for the District of Arizona of the Navajo Nation's opposition to the death penalty in Mr. Mitchell's case citing Navajo cultural teachings that stress the sanctity of life and instruct against the taking of human life for vengeance. This respect for life was weighed against the heinous crimes committed by Mr. Mitchell that resulted in the death of a grandmother and her granddaughter. Most important, we understand the daughter and mother of both victims attested and strongly opposed the death penalty in Mr. Mitchell's case and specifically requested the U.S. Attorney's Office not to seek it. The Navajo Nation and the family of the victims have not changed their position; the Navajo Nation has not opted-in for the death penalty and we strongly hold to our cultural, traditional, and religious beliefs that life is sacred.

The Navajo Nation works continuously to improve the government-to-government relationship with our federal partners. We know this relationship works in addressing criminal matters in both tribal and federal cases; however, there are times when this relationship gets misaligned for any number of reasons. This; however, is a time when we can work together to bring our working relationship back into alignment in protecting our citizens from bad actors. We do not know the details of the decision by the U.S. Department of Justice and the U.S. Attorney's Office to seek the death penalty in Mr. Mitchell's case. What we do know is the sovereignty of the Navajo Nation and our decision, while clearly explained, was marginalized. We need to address this issue to move forward in our trust of our federal partners and to continue to work on the importance of protecting our People.

Mr. President, for these reasons, we believe a grant of Executive Clemency with a commutation of the death penalty sentence, replaced with life imprisonment, for Lezmond Mitchell is appropriate to begin to restore harmony and balance to the affected families and to the inherent sovereignty of the Navajo Nation. We thank you for your consideration of this exigent request.

Sincerely,

  
Jonathan Nez, *President*  
**THE NAVAJO NATION**

  
Myron Lizer, *Vice President*  
**THE NAVAJO NATION**

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