

Native American Parent Committee Letter of Request

Supporting Documents

- A) ACLU & NARF California Letter of Support
- B) Office of Attorney General – Eagle Feather Policy
- C) President Bill Clinton – Memorandum on Distribution of Eagle Feathers for Native American Religious Purposes

University of North Dakota (UND) American Indian Graduate Information & Non-Academic Multicultural Symbol Policy

Letters of Support

Native American Rights Fund - Steve Moore

North Dakota House of Representative – Kylie Oversen

UND American Indian Student Services – Dr. Leigh Jeanotte, Director

American Indian Graduate Center – Sam Deloria, Director

Grand Forks Resident – Jason Schaefer

Native American Development Corporation – Michelle Lenoir

Parent of Bismarck High School Student– Billie Jo Parisien-Fischer

Enrolled Member of Turtle Mountain Band of Chippewa – Denelle Swaim

Enrolled member of Turtle Mountain Band of Chippewa – Diana Champagne

Enrolled member of Turtle Mountain Band of Chippewa – Kenneth Malaterre

Parent of Central High School Graduate – Lynette Morin

Petition Signatures and Comments

***Additional Letters of Support (received after the NAPC meeting on January 14th, 2015)

United States Senate - North Dakota Senator Heidi Heitkamp

UND Geography – Dr. Douglas Munski, Professor

UND Educational Foundations & Research– Dr. Joshua Hunter, Assistant Professor

National Indian Education Association – Melvin Monette, President

Native American Parent Committee
c/o Courtney Souvannasacd, GFPS Native American Liaison
2400 47th Avenue South, Grand Forks ND 58201

Tuesday, January 13, 2015

Superintendent Dr. Larry Nybladh
Assistant Superintendent Mr. Jody Thompson
Central High School Principal Mr. Marlon Kasowski
Community High School Principal Mr. Terry Bohan
Red River High School Principal Mr. Kris Arason

RE: Support Native American Students' Right to Wear Eagle Feathers at Graduation

Dear Grand Forks Public School Administration,

The following petition requests the Grand Forks Public School (GFPS) District revise the current, "no adornment" procedure on high school commencement ceremony dress, to support Native American students to wear an Eagle feather as part of their commencement regalia. As the procedure currently stands, GFPS is prohibiting Native American students' ability to express their cultural and religious freedoms.

The Eagle feather symbolizes strength, nobility, courage, perseverance, and wisdom to Native Americans; it is only awarded in times of great achievement. According to the National Center of Education Statistics, the attrition rates of Native American students both nationally and regionally are much higher than the aggregate. Therefore, we honor our graduating students with the gift of wearing the Eagle feather to represent such an important accomplishment.

Nationally, the American Civil Liberties Union (ACLU) and Native American Rights Fund (NARF) are explicit in their support of Native American students wearing the Eagle feather as part of commencement regalia (Attachment A). These organizations affirm our view that supporting this honored tradition not only enriches student learning environments but also extends educational ideals of diversity.

The U.S. Department of Justice's policy (Attachment B) and President Clinton's 1994 mandate (Attachment C) further recognize the importance of respecting the religious practices of Native American tribes with whom, "The U.S. shares a unique government-to-government relationship...as such the federal government has made accommodations for tribal spiritual needs allowing tribes to possess, transport, and gift Eagle feathers," a special accommodation made only for Native American peoples.

The impetus for this policy is clearly stated by Donald E. Laverdure, Principal Deputy Assistant Secretary for Indian Affairs, "[this] approach reflects a greater understanding and respect for the cultural beliefs and spiritual practices of Indian people."

In short, the Eagle feather is not an accessory, but a religious article that our students wear as part of their cultural heritage. Federal law prohibits schools from denying educational opportunities because of a student's religion or cultural heritage. The U.S. Department of Education's Office for Civil

Rights prohibits discrimination in programs or activities that receive federal financial assistance from the Department of Education.

Supporting Native Students in wearing an Eagle feather on their cap/tassel during commencement aligns with GFPS Central High School's philosophy of:

Encouraging students to develop responsibility to self and others and to understand the benefits of cultural diversity to their intellectual and emotional development.

To ensure equal rights for all students regardless of gender, intellectual, physical, economical, cultural, or religious differences.

While we understand the reason for the adornment procedure is to safeguard uniformity, donning the Eagle feather does not pose a danger to the sanctity of the commencement, but in fact enhances the experience. We echo the Oregon Indian Education Association's stance, "Cultural inclusion at commencement ceremonies should be the rule and not the exception." We request GFPS to take the opportunity to champion this diversity initiative.

We implore you to make an example of fostering diversity to the more than 500 Native American students and their families within the district and by extension the Red River Valley region. Thus, we the undersigned urge you, the administrators of Grand Forks Public Schools, to revise the current commencement dress procedure/code and support Native American students' academic success.

We request a response by the end of business on Friday, February 13th 2015. If the response is not in support of the Native American students, we will move forward accordingly.

We look forward to receiving your response to this letter.

Sincerely,

The GFPS Native American Parent Committee

X

Harmony Bercier

X

Stacey Crawford

X

Travis Herman

X

Hillary Kempenich

X

Tammie Madaeu

X

Kristy Page

X

Deanna Rainbow

X

April Thompson

Attachments: Supporting Documents A-C
UND American Indian Graduate Information
UND Non-Academic Multicultural Symbol Policy
Letters of Support
Petition Signatures



California Indian Legal Services
324 F Street
Eureka, CA 95501
(707) 443-8397
(707) 443-8913 fax
www.calindian.org



NATIVE AMERICAN RIGHTS FUND
Native American Rights Fund
1506 Broadway
Boulder, CO 80302-6296
(303) 447-8760
(303) 443-7776 fax
www.narf.org



American Civil Liberties Union of
Northern California
39 Drumm Street
San Francisco, California 94111
(415) 621-2493
(415) 255-8437 fax
www.aclunc.org

June 5, 2014

Sent via Email and U.S. Mail

Pete Denno, Esq.
Atkinson, Andelson, Loya, Ruud & Romo
5260 N Palm Ave Ste 300
Fresno, CA 93704
pdenno@aalrr.com

Re: Bryce Baga's Right to Wear Eagle Feathers at Graduation

Dear Mr. Denno:

California Indian Legal Services (CILS), the Native American Rights Fund (NARF), and American Civil Liberties Union of Northern California (ACLU-NC) have been contacted by a student at Lemoore High School in Lemoore who wishes to wear eagle feathers on his cap during his upcoming graduation ceremony this evening, Thursday, June 5, 2014. Our organizations were contacted by Bryce Baga after he was informed that Principal Brumit would not allow Native American students to wear eagle feathers. We were informed by Bryce that seven other Native American students at Lemoore High School are facing the same issue. Bryce has indicated that he wishes to wear the feathers for religious and spiritual reasons in order to honor his Native American heritage.

From a policy standpoint, it only makes sense to permit Bryce and other Native American students to wear eagle feathers at graduation. Both Bald and Golden Eagles (and their feathers) are highly revered and considered sacred within American Indian traditions, culture and religion. They are honored with great care and shown the deepest respect. These feathers represent honesty, truth, majesty, strength, courage, wisdom, power, and freedom. Native Americans believe that as eagles roam the sky, they have a special connection with God. (See Antonia M. De Meo, *Access to Eagles and Eagle Parts; Environmental Protection v. Native American Free Exercise of Religion*, 22 Hastings Const. L.Q. 771, 774-75 (1995) noting that "Native Americans hold eagle feathers sacred and equate them to the cross or the Bible in western religion.")

In 1962, Congress enacted the Bald and Golden Eagle Protection Act, which extended from the Bald Eagle Protection Act of 1940 the prohibition on the take, transport, sale, barter, trade, import and export, and possession of bald eagles to golden eagles as well. The government realized that the passage of this act would severely impinge on the religious practices of many Native Americans, for whom the use of eagle parts is essential to many ceremonies. In order to allow Native Americans to be able to continue to include both bald and golden eagle parts in their religious ceremonies, the government made room for permitted exemptions. The law also permits the traditional gifting of eagle feathers. On April 29, 1994, President Clinton signed an Executive Memorandum entitled "Policy Concerning Distribution of Eagle Feathers for Native American Religious Purposes" 59 Fed. Reg. 22953. That Executive Memorandum noted that "[e]agle feathers hold a sacred place in Native American culture and religious practices. Because of the feathers' significance to Native American heritage and consistent with due respect for the government-to-government relationship between the Federal and Native American tribal governments, this Administration has undertaken policy and procedural changes to facilitate the collection and distribution of scarce eagle bodies and parts for this purpose." *Id.* On October 12, 2012, the United States Department of Justice released an updated Policy on Tribal Member Use of Eagle Feathers, which states that "[f]rom time immemorial, many Native Americans have viewed eagle feathers and other bird parts as sacred elements of their religious and cultural traditions." <http://www.justice.gov/opa/pr/2012/October/12-ag-1234.html>

Typically, an eagle feather is given only in times of great honor -- for example, eagle feathers are given to mark great personal achievement. The gift of an eagle feather to a youth is a great honor and is typically given to recognize an important transition in his or her life. Many young people are given eagle feathers upon graduation from high school to signify achievement of this important educational journey and the honor the graduate brings to his or her family, community, and tribe.

Bryce is an enrolled member of the Santa Rosa Indian Community of the Santa Rosa Rancheria, a federally recognized tribe. His Indian heritage comes from his father, who passed away when Bryce was three years old. Bryce's feathers were gifted to him by his family specifically for this important occasion -- his graduation from high school.

Finally, in deciding how to press forward in this matter, we ask Lemoore Union High School District to remember that "in our society and in our culture high school graduation is one of life's most significant occasions." *Lee v. Weisman*, 505 U.S. 577, 595, 112 S.Ct. 2649, 2659, 120 L.Ed.2d 467 (1992). "Graduation is a time for family and those closest to the student to celebrate success and express mutual wishes of gratitude and respect, all to the end of impressing upon the young person that role that it is his or her right and duty to assume in the community and all of its diverse parts." *Id.* In light of the significance that the eagle feather has to Native American students, especially at graduation, we urge you to permit Native American students like Bryce Baga to express their religious and spiritual beliefs by wearing eagle feathers on their cap or gown.

Thank you in advance for your consideration in this matter.

Sincerely,

Delia Parr

Document A Page 3 of 3

Page 3 of 3

Directing Attorney
California Indian Legal Services

Steven C. Moore
Senior Staff Attorney
Native American Rights Fund

Alan Schlosser
Legal Director
American Civil Liberties Union of Northern California

Enclosures

cc: National Congress of American Indians



Office of the Attorney General
Washington, D.C. 20530


OCT 12 2012

MEMORANDUM

TO: ASSISTANT ATTORNEY GENERAL, ENVIRONMENT AND NATURAL
RESOURCES DIVISION

ALL UNITED STATES ATTORNEYS

DIRECTOR, EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS

FROM:  THE ATTORNEY GENERAL

SUBJECT: Possession or Use of the Feathers or Other Parts of Federally Protected Birds for
Tribal Cultural and Religious Purposes

This memorandum formalizes and memorializes the longstanding policy and practice of the Department of Justice regarding the possession or use of federally protected birds, bird feathers, or other bird parts for the cultural and religious purposes of federally recognized Indian tribes.¹ This memorandum also provides background and guidance regarding this policy.

The Department of Justice recognizes that many Indian tribes and tribal members use, and traditionally have used, federally protected birds, bird feathers, or other bird parts for their tribal cultural and religious expression. Indeed, the eagle plays a unique and important role in the religious and cultural life of many Indian tribes. And in light of the important government-to-government relationship that the United States has with federally recognized tribes, the United States has a strong interest in accommodating the interests of these tribes by protecting the ability of their members to meaningfully practice their religions and preserve their cultures.² In addition, accommodating these tribal interests is integral to the federal commitment to foster tribal self-determination and self-governance.

At the same time, tribes and their members and the United States share an interest in – and a responsibility for – protecting this Nation's scarce and precious wildlife resources. Federal wildlife laws are essential to preserving natural resources – including the eagle and other migratory birds – that are vitally important to this Nation.³ It is a federal enforcement priority to prosecute those who violate federal laws by engaging in commercial activities involving federally protected birds, bird feathers, or other bird parts, or by killing such birds without

Memorandum from the Attorney General
Subject: Eagle Feathers Policy

Page 2

authority under federal law. The objective of these enforcement efforts is to reduce and eliminate the unlawful taking of federally protected birds by prosecuting not only individuals who take protected birds but also individuals who seek to profit from the commercialization of federally protected birds or their feathers or other parts.

In short, the Department of Justice is committed to robust enforcement of federal laws protecting birds while respecting tribal interests in the use of eagle feathers and other federally protected birds, bird feathers, and other bird parts for cultural and religious purposes.

Background

The Department of Justice policy memorialized in this memorandum is consistent with the longstanding policy of the Department of the Interior. In 1975, then-Secretary of the Interior Rogers C. B. Morton issued a policy statement concerning Indian cultural and religious use of migratory bird feathers and parts, which has become known as the "Morton Policy."⁴ The Morton Policy was issued to "clarify the Department of the Interior's responsibilities and intentions" as to enforcement of federal laws protecting eagles and to "ease the minds of American Indians" who had raised concerns about the application of federal wildlife protection laws to their cultural and religious activities.⁵

Pursuant to the Morton Policy, the Department of the Interior has long permitted members of federally recognized tribes to engage in specified activities, including the possession and use of federally protected birds, as well as their parts or feathers, "without fear of Federal prosecution, harassment, or other interference." The Morton Policy also affirmed that the government would not permit anyone, including members of federally recognized tribes, to kill federally protected birds without a permit or to engage in commercial trade in federally protected birds, bird feathers, or other bird parts. The government would continue to enforce against all persons federal laws prohibiting the killing of protected birds and prohibiting commercial activities involving protected birds and their feathers and parts.

The Morton Policy has guided the federal government's approach to enforcement of federal laws protecting birds ever since it was issued. Nonetheless, I understand that there continues to be some uncertainty and concern regarding enforcement of federal bird protection laws as related to the cultural and religious activities of members of federally recognized tribes. I am therefore issuing this memorandum in order to clarify and confirm that the Department of Justice continues to exercise its prosecutorial discretion in a manner consistent with the Morton Policy.

Policy

The Department of Justice is committed to balancing enforcement of the Nation's wildlife laws with acknowledgment of the cultural and religious needs of federally recognized Indian tribes with which the United States shares a government-to-government relationship. This policy is intended to ensure coordination and continued consistency with the Morton Policy and to clarify certain issues not expressly or fully addressed in the Morton Policy itself. The

Memorandum from the Attorney General
Subject: Eagle Feathers Policy

Page 3

Department of Justice has worked very closely with the Department of the Interior in developing this policy. This policy is intended to ensure a consistent and uniform approach across the nation to enforcement of federal laws protecting birds.⁶

Accordingly, consistent with the Morton Policy and the Department of Justice's traditional exercise of its discretion, a member of a federally recognized tribe engaged only in the following types of conduct will not be subject to prosecution:

- Possessing, using, wearing, or carrying federally protected birds, bird feathers, or other bird parts;
- Traveling domestically with federally protected birds, bird feathers, or other bird parts or, if tribal members obtain and comply with necessary permits, traveling internationally with such items;⁷
- Acquiring from the wild, without compensation of any kind, naturally molted or fallen feathers of federally protected birds, without molesting or disturbing such birds or their nests;
- Giving or loaning federally protected birds or the feathers or other parts of such birds to other members of federally recognized tribes, or exchanging federally protected birds or the feathers or other parts of such birds with other members of federally recognized tribes, without compensation of any kind;
- Providing the feathers or other parts of federally protected birds to craftspersons who are members of federally recognized tribes to be fashioned into objects for eventual use in tribal religious or cultural activities. Although no compensation may be provided and no charge made for such feathers or other bird parts, tribal craftspersons may be compensated for their labor in crafting such objects.

Members of federally recognized tribes are covered by this policy regardless of whether they have a U.S. Fish and Wildlife Service permit.⁸

The Department of Justice balances its commitment to accommodating the needs of federally recognized tribes with its commitment to enforcement of the Nation's wildlife laws. Thus, the Department of Justice will continue to prosecute tribal members and non-members alike for violating federal laws that prohibit the killing of eagles and other migratory birds or the buying or selling of such birds or the feathers or other parts of such birds.⁹ The terms "buying," "selling," and "compensation" include the exchange of federally protected birds, bird feathers, or other bird parts for cash, services, goods, or anything other than protected birds, bird feathers, or other bird parts.

The Department of Justice's Environment and Natural Resources Division (ENRD) and United States Attorneys' Offices work closely with the Department of the Interior's U.S. Fish and Wildlife Service on enforcement of federal laws protecting birds. It is a goal of both the

Memorandum from the Attorney General
Subject: Eagle Feathers Policy

Page 4

Department of Justice and the Department of the Interior that these enforcement efforts are carried out in a way that is consistent with the policies of both agencies, as described in this memorandum. Prosecutors should be aware that the Department of the Interior has a longstanding internal procedure regarding review of cases involving members of federally recognized tribes, which governs decisions by the Department of the Interior on the referral of cases to Department of Justice prosecutors.

United States Attorneys' Offices shall consult with the Assistant Attorney General of ENRD or her designee, the Chief of ENRD's Environmental Crimes Section, if they have questions regarding whether particular conduct is consistent with this policy or whether exceptional circumstances exist. In addition, in light of the significant and important issues these cases raise, it is strongly recommended that Assistant U.S. Attorneys handling any case involving Native Americans and federally protected birds, bird feathers or other bird parts, consult at an early stage of their investigation or prosecution with ENRD's Environmental Crimes Section. Among other things, prosecutors are strongly encouraged to consult with ENRD in any such case (involving Native Americans and federally protected birds, bird feathers, or other bird parts) in which an issue is raised regarding a treaty with an Indian tribe, the First Amendment of the United States Constitution, the American Indian Religious Freedom Act, or the Religious Freedom Restoration Act.

Consistent with the sovereign status of Indian tribes, and with this Department's commitment to fostering tribal self-determination, prosecutors are also encouraged to consider whether prosecution of particular cases would be more appropriately handled by tribal prosecutorial authorities in lieu of federal prosecution. *See* U.S. Attorneys' Manual Ch. 9-27.220(A)(2).

This policy is based on the special relationship that the federal government has with federally recognized tribes. This policy is not intended to address or change how the Department of Justice handles cases involving those who are not members of federally recognized tribes, including non-Indians or members of state-recognized tribes or other groups or organizations. The traditional elements of federal prosecutorial discretion continue to apply in all such cases. *See Principles of Federal Prosecution*, U.S. Attorneys' Manual Ch. 9-27.000. Prosecutors retain the discretion to consider all appropriate factors, such as the nature and seriousness of the offense and the culpability of the offender, in determining whether to pursue a particular prosecution that would not be inconsistent with this policy. *See, e.g.*, U.S. Attorneys' Manual Ch. 9-27.230-250 (describing factors that may be relevant in determining whether to prosecute) and 9-27.260 (detailing impermissible considerations). In exercising their discretion in such cases, prosecutors should be aware that it has been and continues to be the priority of the Department of Justice and the Department of the Interior to focus wildlife enforcement resources on those cases involving illegal activities that have the greatest negative impact on protected species, such as the unlawful take of protected wildlife and unlawful commercial activities involving protected wildlife.¹⁰

This policy has been promulgated solely for the purpose of internal Department of Justice guidance. It is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, that are enforceable at law by any party in any matter, civil or

Memorandum from the Attorney General
Subject: Eagle Feathers Policy

Page 5

criminal, nor does it place any limitations on otherwise lawful litigative prerogatives of the Department of Justice.

cc: Director, Federal Bureau of Investigation
Director, Office of Tribal Justice

Attachment

Memorandum from the Attorney General
Subject: Eagle Feathers Policy

Page 6

Notes

¹ The term “federally recognized tribes” (also referred to in this memorandum as “Indian tribes” or “tribes”) means all Indian tribes (including Alaska Native entities) identified in the most recent list of Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs published in accordance with section 104 of Public Law 103-454 (108 Stat. 4792; 25 U.S.C. § 479a-1) and any other Indian tribes acknowledged by the United States Bureau of Indian Affairs and identified for inclusion in such a list.

² This interest is reflected in statutes, Executive Orders, and case law. *See, e.g.*, 16 U.S.C. § 668a (authorizing exceptions to the Bald and Golden Eagle Protection Act “for the religious purposes of Indian tribes”); 42 U.S.C. § 1996 (the American Indian Religious Freedom Act); Executive Order 13007 (May 24, 1996) (Indian Sacred Sites); Presidential Memorandum on Policy Concerning Distribution of Eagle Feathers for Native American Religious Purposes, 59 F.R. 22953 (Apr. 29, 1994); *United States v. Wilgus*, 638 F.3d 1274, 1285 (10th Cir. 2011) (finding that regulatory scheme concerning tribal member possession of eagle feathers for religious purposes serves compelling governmental interests in protecting eagles and in “protecting and fostering [the] culture and religion . . . of federally-recognized Indian tribes”); *United States v. Eagleboy*, 200 F.3d 1137 (8th Cir. 1999) (upholding Morton Policy, defined *infra* at 2 and n.4). The unique legal and political relationship that the United States shares with federally recognized tribes has been addressed by the Supreme Court in *Morton v. Mancari*, 417 U.S. 535 (1974), and is further addressed in Executive Order 13175 (Nov. 6, 2000) (Consultation and Coordination with Indian Tribal Governments) and Presidential Memorandum on Tribal Consultation, 74 F.R. 57881 (Nov. 5, 2009).

³ Federal wildlife laws that protect birds (and the feathers and parts thereof) include the Bald and Golden Eagle Protection Act, 16 U.S.C. §§ 668-668d, the Migratory Bird Treaty Act, 16 U.S.C. §§ 703-712, the Lacey Act, 16 U.S.C. §§ 3371-3378, and the Endangered Species Act, 16 U.S.C. §§ 1531-1544. The term “federally protected bird,” as used in this memorandum, refers to any bird that is protected under any federal wildlife law.

⁴ Rogers C. B. Morton, Secretary of the Interior, Policy Statement on Indian Use of Bird Feathers (Feb. 5, 1975). A copy of the Morton Policy is attached.

⁵ *Id.*

⁶ Neither the Morton Policy nor this policy is intended to address issues regarding live birds.

⁷ Enrolled members of federally recognized tribes may legally transport federally protected birds, bird feathers, or other bird parts internationally if they obtain a permit to do so. *See* 50 C.F.R. § 22.22; *see also* www.fws.gov/le/public-bulletin-native-american-travel-overseas.html. In addition, U.S. Fish and Wildlife Service policy allows enrolled members of federally recognized tribes to travel without a permit to Mexico or Canada with eagles, eagle parts, or eagle feathers under certain conditions, including that the tribal member enters and leaves the United States with the same items. *See* U.S. Fish and Wildlife Service, Notice to the Wildlife Import/Export Community re: Transport of Eagle Items Within North America (Feb. 1, 2003) (www.fws.gov/le/public-bulletin-transport-eagle-items.html). U.S. Fish and Wildlife Service policy similarly allows Canadians who present a “Certificate of Indian Status” card issued by the federal Government of Canada to travel into and out of the United States with eagles, eagle

Memorandum from the Attorney General
Subject: Eagle Feathers Policy

Page 7

parts, or eagle feathers under conditions similar to those required of members of tribes recognized by the United States. *Id.* Note that these policies address transport requirements under federal wildlife laws and do not address the applicability of customs and related laws.

⁸ The U.S. Fish and Wildlife Service issues permits for receipt and possession of eagle carcasses, eagle feathers, and eagle parts to tribal members who apply for and receive such items through the National Eagle Repository. Members of federally recognized tribes are not, however, required to have permits to engage in the conduct that this policy allows (other than any permits that may be necessary for international travel, as described in note 7).

⁹ Enrolled members of federally recognized tribes may legally kill federally protected birds only if they obtain a permit to do so and comply with its conditions. *See* 50 C.F.R. § 22.22; U.S. Fish and Wildlife Service, Federal Fish and Wildlife Permit Application Form (Type of Activity: Native American Eagle Take). Similarly, a U.S. Fish and Wildlife Service permit is required to salvage a carcass or part of a federally protected bird or anything from such a carcass or part, except naturally molted or fallen feathers as provided under this policy. *See* 16 U.S.C. § 668(a), 668a, 668c; 16 U.S.C. § 703(a), 704(a); 50 C.F.R. 10.12.

¹⁰ *See generally* U.S. Fish and Wildlife Service, Enforcement Priorities, 444 FW 1, ¶¶ 1.2A, 1.3A (Aug. 25, 2005), available at www.fws.gov/policy/444fw1.html.

DEPARTMENT of the INTERIOR

news release

OFFICE OF THE SECRETARY

For Release February 5, 1975

McGarvey 202/343-5634

MORTON ISSUES POLICY STATEMENT ON INDIAN USE OF BIRD FEATHERS

Secretary of the Interior Rogers C. B. Morton today issued a policy statement concerning Indian cultural and religious use of migratory bird feathers and parts. Following is the text of the statement.

"I am aware that American Indians are presently experiencing uncertainty and confusion over the application of Federal bird protection laws to Indian cultural and religious activities. Apparently, this confusion and concern may have resulted, in part, from this Department's enforcement activities under such laws. This statement is intended to clarify the Department of the Interior's responsibilities and intentions, and to ease the minds of American Indians.

"The Department of the Interior recognizes the unique heritage of American Indian culture. It also recognizes that American Indians have a legitimate interest in expressing their cultural and religious way of life. At the same time, both the Department of the Interior and American Indians share an additional responsibility to conserve wildlife resources, including federally protected birds.

"As a result of meetings between agencies of the Department of the Interior, the Association for American Indian Cultural and Traditional Activities, and others, I can assure American Indians that our policy is to permit them to engage in the following activities without fear of Federal prosecution, harassment, or other interference.

(over)

"1. American Indians may possess, carry, use, wear, give, loan, or exchange among other Indians, without compensation, all federally protected birds, as well as their parts or feathers.

"2. American Indians who wish to possess bird feathers or parts to be worked on by tribal craftsmen for eventual use in Indian religious or cultural activities may transfer such feathers or parts to tribal craftsmen without charge, but such craftsmen may be compensated for their work.

"However, the Department of the Interior will continue to enforce against all persons those Federal laws prohibiting the killing, buying or selling of eagles, migratory birds, or endangered species, as well as those laws prohibiting the buying or selling of the parts or feathers of such birds and animals.

"I encourage American Indians to express their identity and to freely pursue their cultural and religious practices. At the same time, I encourage them to support the purposes of the Federal bird protection laws. There is much work to be accomplished to further clarify the rights and obligations of American Indians with respect to Federal bird protection laws, and special efforts will be made to conduct a two-way education process between Government employees and Indian communities. In addition, we have agreed to work in a spirit of cooperation with the Association for American Indian Cultural and Traditional Activities, and other interested Indian representatives, in order to harmonize the policies, practices, and procedures for enforcement of the Federal bird protection laws with the legitimate needs of Indians. This includes review of Federal regulations, with probable changes where the legitimate needs of American Indians can be legally recognized without harming federally protected birds.

"In this regard, one area of discussion should be the possibility of American Indians sharing with Federal officials the responsibilities of wildlife management and enforcement through the adoption of tribal ordinances designed to conserve federally protected birds.

"In the past, one problem has been that legitimate sources of feathers, which might have been available to the Department for distribution to American Indians, have not been fully utilized. We are presently developing better procedures to collect and distribute eagle feathers from the Fish and Wildlife Service repository at Pocatello, Idaho, where feathers of eagles found dead are stored. In addition, we will make an effort to distribute the feathers and parts of other migratory birds to Indians.

"I hope that this statement will help to take away the uncertainty and confusion presently experienced by American Indians. I hope also that our efforts will encourage tradition, culture, and religious activities among American Indians, while at the same time promoting a mutual effort to protect and conserve federally regulated birds.

x x x

Memorandum for the Heads of Executive Departments and Agencies

Subject: Policy Concerning Distribution of Eagle Feathers for Native American Religious Purposes

Eagle feathers hold a sacred place in Native American culture and religious practices. Because of the feathers' significance to Native American heritage and consistent with due respect for the government-to-government relationship between the Federal and Native American tribal governments, this Administration has undertaken policy and procedural changes to facilitate the collection and distribution of scarce eagle bodies and parts for this purpose. This memorandum affirms and formalizes executive branch policy to ensure that progress begun on this important matter continues across the executive branch.

Today, as part of an historic meeting with all federally recognized tribal governments, I am directing executive departments and agencies (hereafter collectively "agency" or "agencies") to work cooperatively with tribal governments and to reexamine broadly their practices and procedures to seek opportunities to accommodate Native American religious practices to the fullest extent under the law.

As part of these efforts, agencies shall take steps to improve their collection and transfer of eagle carcasses and eagle body parts ("eagles") for Native American religious purposes. The success of this initiative requires the participation, and is therefore the responsibility, of all Federal land managing agencies, not just those within the Department of the Interior. I therefore direct each agency responsible for managing Federal lands to diligently and expeditiously recover salvageable eagles found on lands under their jurisdiction and ensure that the eagles are promptly shipped to the National Eagle Repository ("Repository"). To assist agencies in this expanded effort, the Secretary of the Interior shall issue guidelines to all relevant agencies for the proper shipment of eagles to the Repository. After receiving these guidelines, agencies shall immediately adopt policies, practices, and procedures necessary in accordance with these guidelines to recover and transfer eagles to the Repository promptly.

I support and encourage the initial steps taken by the Department of the Interior to improve the distribution of eagles for Native American religious purposes. In particular, the Department of the Interior shall continue to adopt policies and procedures and take those actions necessary to:

- (a) ensure the priority of distribution of eagles, upon permit application, first for traditional Native American religious purposes, to the extent permitted by law, and then to other uses;
- (c) minimize the delay and ensure respect and dignity in the process of distributing eagles for Native American religious purposes to the greatest extent possible;
- (d) expand efforts to involve Native American tribes, organizations, and individuals in the distribution process, both at the Repository and on tribal lands, consistent with applicable laws;
- (e) review means to ensure that adequate refrigerated storage space is available to process the eagles; and

(f) continue efforts to improve the Repository's ability to facilitate the objectives of this memorandum.

The Department of the Interior shall be responsible for coordinating any interagency efforts to address continuing executive branch actions necessary to achieve the objectives of this memorandum.

We must continue to be committed to greater intergovernmental communication and cooperation. In addition to working more closely with tribal governments, we must enlist the assistance of, and cooperate with, State and local governments to achieve the objectives of this memorandum. I therefore request that the Department of the Interior work with State fish and game agencies and other relevant State and local authorities to facilitate the objectives of this memorandum.

With commitment and cooperation by all of the agencies in the executive branch and with tribal governments, I am confident that we will be able to accomplish meaningful progress in the distribution of eagles for Native American religious purposes.

The Director of the Office of Management and Budget is authorized and directed to publish this memorandum in the *Federal Register*.

William J. Clinton

[Filed with the Office of the Federal Register, 4:17 p.m., May 2, 1994]

Citation: William J. Clinton: "Memorandum on Distribution of Eagle Feathers for Native American Religious Purposes," April 29, 1994. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws/?pid=50063>.

Greetings American Indian Students,

This message is specifically for those of you planning to graduate on May 12th and participate in the Spring Commencement 2012 ceremony. The Office of the Vice President for Student Affairs has asked that I remind our students of their need to comply with the established guidelines regarding appropriate graduation regalia as stated below:

Commencement Regalia

In keeping with the dignity of the occasion, all candidates will wear traditional academic attire. Official UND regalia is available through the University Bookstore. Regalia reserved on-line can be picked up and purchased at the Bookstore. All candidates for graduation are responsible for securing the following items:

Bachelor's degrees: Black bachelor's gown, cap, and tassel in the color of your academic college.

Master's degrees: Black master's gown, cap, black tassel, and UND master's hood in the color of your academic discipline or college.

Doctoral degrees: Black doctoral gown, cap or tam, black tassel, and UND doctoral hood lined in the color of your academic discipline or college.

Honor Cords. Because commencement is a ceremony that recognizes and celebrates academic achievement, the University of North Dakota may grant special approval to allow honor cords to be worn if such cords represent academic honors from a nationally recognized academic honor society directly related to one of UND's colleges, schools, or fields of study. Advance approval must be received from the appropriate academic dean and from the Coordinator of Commencements, the Vice President for Student Affairs.

Cords of Recognition.

- *For the first time, legacy students will be honored at spring commencement with a specific cord to recognize the connection they share with their family members who have graduated before them. Students with who have parents or grandparents who have graduated from UND will be recognized. Legacy cords will be available for pick up in the Memorial Union from 10 am-2 pm May 2, 3, and 4. When you pick up your cord, you will need to provide a student ID card and the name of your parent or grandparent who graduates from UND.*
- *The Office of Veteran Affairs will have recognition cords available to those graduates who are veterans or in the military to recognize their service to the country.*

Any additional enhancements to the traditional academic regalia, or deviations from it, must be approved in advance by contacting the Office of the Vice President for Student Affairs at (701) 777-2724.

To clarify, the Office of the Vice President for Student Affairs policy regarding Commencement attire is designed to insure that items worn won't detract from the academic attire.

For American Indian students, items deemed appropriate are: the graduation cap/mortar board might include beading or include a feather, and traditional American Indian regalia may be worn **UNDER** the graduation gown **during the Commencement ceremony.**

The official event and commencement tradition dictate that the wearing of honor chords or sashes worn on the outside of graduation gowns during Commencement be reserved for the recognition of academic honor from a nationally recognized honor society. Two exceptions are noted.

Therefore, if you are planning to wear any items **during the Commencement ceremony** that deviate from the aforementioned policy or might be questioned, please contact the Office of the Vice President for Students Affairs at 701-777-2724 prior to the Commencement.

Further, more information for spring graduation candidates is available at www.und.edu/commencement. If you have specific questions about the ceremony or need assistance with special seating, contact the Office of Ceremonies & Special Events, 701-777-6393 or e-mail dawn.botsford@email.und.edu.

Thank you all and congratulations on your graduation and proud achievements!

Dr. Leigh Jeanotte, Director
American Indian Student Services

APPROVED ACADEMIC HONOR CORDS AND STOLES

Students who are members of the following honor societies will be wearing these adornments to their regalia:

- Alpha Phi Sigma — National Criminal Justice Honor Society; blue and gold honor cords
- Beta Alpha Psi — International Academic Honor Society for Accounting Majors; red and white cords
- Beta Gamma Sigma — Honor Society accredited by the Association to Advance Collegiate Schools of Business International; worn by students and faculty members; blue and gold cords
- Epsilon Pi Tau — National Academic Honor Society for Technology; blue, gold and white cords
- Gamma Theta Upsilon — International Honor Society in Geography; blue, brown and gold cords
- Gamma Sigma Alpha — National Academic Honor Society for Greek Members; red and yellow cords
- Golden Key International Honor Society — royal blue and gold cords
- Mortar Board — National Honor Society; silver and gold cords
- National Residence Hall Honorary — blue and silver cords
- Order of Omega — National Leadership Academic Honor Society for Greek Members; gold and white cords
- Phi Alpha — National Social Work Honor Society; gold cord
- Phi Alpha Theta — History Honor Society; red and blue cords
- Phi Beta Kappa — National Scholarship Honor Society for Liberal Arts and Sciences; pink and blue cords
- Phi Eta Sigma — Honor Society for First Year Students; black and gold cords
- Pi Alpha Alpha — National Honor Society for Public Affairs and Administration; light blue and gold cords
- Pi Kappa Lambda — National Music Honor Society; gold and white cords
- Pi Theta Epsilon — National Occupational Therapy Society; blue and gold cords
- Psi Chi — Psychology Honor Society; platinum and navy cords
- Sigma Gamma Epsilon — National Honor Society for Earth Sciences; gold, blue and silver cords
- Sigma Theta Tau — International Honor Society of Nursing; purple and white cords
- Tau Beta Pi — National Engineering Honor Society; white/orange cords
- Tau Sigma — Transfer Student Honor Society; maroon and gold cords
- Theta Alpha Kappa — National Honor Society for Religious Studies and Theology; red cords
- Upsilon Pi Epsilon — International Honor Society for the Computing and Information Disciplines; maroon/white cords

NON-ACADEMIC RECOGNITION CORDS

UND LEGACY CORDS

Legacy students will be honored with a green, pink and white cord to recognize the connection they share with their family members who have graduated before them. Students with UND graduates in their family history (parents, step-parents or grandparents) are considered legacies.

MULTICULTURAL SYMBOLS

- American Indian students graduating today may wear any of several pieces of traditional American Indian regalia including an eagle feather considered sacred and attached to their mortar board tassel representing honesty, truth, courage and wisdom; beadwork

representing their tribal or individual cultural designs on top of the mortar board, or traditional clothing/regalia under their gown.

- Graduates who are members of ethnic or culturally based organizations may wear woven clothes representing cultural patterns or designs such as a kente cloth.
- Lei: A lei is presented as a person is leaving or arriving and symbolizing affection, good luck, or appreciation. Leis are commonly made from flowers, vines, or leaves.

VETERAN AND MILITARY

Veterans who are graduating from UND and students who serve in the military will be wearing red, white and blue cords to honor them for their service to our country.

UND WIND ENSEMBLE AND UND CONCERT CHOIR

The University of North Dakota Wind Ensemble, conducted by Professor of Music and Director of Bands Dr. James Popejoy, and the UND Concert Choir, conducted by Associate Professor of Music and Director of Choral Activities Dr. Joshua Bronfman, will provide music during today's Commencement ceremony. In addition, both groups will be featured during UND's live Pre-Commencement television show, "Celebrate Achievement."

Selected by audition, the UND Wind Ensemble consists of the

most outstanding wind and percussion students on campus. Performing the finest wind literature available, the ensemble has established a reputation for musical excellence through state, regional, national and international appearances.

The UND Concert Choir is a nationally recognized choral ensemble consisting of the most talented vocalists at the University. Its repertoire includes music from the last six centuries, from many nations, and in a variety of languages.

Native American Rights Fund

1506 Broadway, Boulder, Colorado 80302-6296 • (303) 447-3760 • FAX (303) 443-7776

EXECUTIVE DIRECTOR

John E. Echohawk

LITIGATION MANAGEMENT COMMITTEE

K. Jerome Gottschalk
Natalie A. Landreth
Melody L. McCoy

ATTORNEYS

Matthew L. Campbell
K. Jerome Gottschalk
David L. Gover
Melody L. McCoy
Steven C. Moore
Susan Y. Noe
Brett Lee Shelton
Donald R. Wharton
Heather D. Whiteman Runs Him

CHIEF FINANCIAL OFFICER

Michael Kennedy

DIRECTOR OF DEVELOPMENT

Morgan O'Brien

CORPORATE SECRETARY

Ray Ramirez

WASHINGTON OFFICE

1514 P Street, NW (Rear)
Suite D
Washington, D.C. 20005-1910
Ph. (202) 735-4166
FAX (202) 822-0068

ATTORNEYS

Richard A. Guest
Joel W. Williams

ANCHORAGE OFFICE

745 W. 4th Avenue, Suite 502
Anchorage, AK 99501-1736
Ph. (907) 276-0680
FAX (907) 276-2466

ATTORNEYS

Heather R. Kendall-Miller
Natalie A. Landreth
Erin C. Dougherty
Matthew L. Newman

Website: www.narf.org

January 9, 2015

Sent via Email and U.S. Mail

Superintendent Dr. Larry Nybladh
Grand Forks Public Schools
Mark Sanford Education Center
2400 47th Ave South
Grand Forks, ND 58201

Assistant Superintendent Jody Thompson
Grand Forks Public Schools
Mark Sanford Education Center
2400 47th Ave South
Grand Forks, ND 58201

Principal Kris Arason
Red River High School
2211 17th Ave. S.
Grand Forks, ND 58201

Principal Marlon "Buck" Kasowski
Central High School
115 North 4th Street
Grand Forks, ND 58203

Principal Terry Bohan
Community High School
500 Stanford Road
Grand Forks, ND 58203

RE: Seniors' Right to Wear Eagle Feathers at Graduation

Grand Forks Public School Administration:

Founded in 1970, the Native American Rights Fund (NARF) is the oldest and largest nonprofit law firm dedicated to asserting and defending the rights of Indian tribes, organizations and individuals nationwide. NARF's legal practice is concentrated in five key areas: the preservation of tribal existence; the protection of tribal natural resources; the promotion of Native American human rights; the accountability of governments to Native Americans; and the development of Indian law and educating the public about Indian rights, laws, and issues.

NARF has been asked by the Grand Forks Native American Parent Committee to write a letter of support for its effort to broaden current graduation policy to permit a very sincere form of cultural and religious expression,

In deciding how to press forward in this matter, we ask Grand Forks School District to remember that "in our society and in our culture high school graduation is one of life's most significant occasions." *Lee v. Weisman*, 505 U.S. 577, 595, 112 S.Ct. 2649, 2659, 120 L.Ed.2d 467 (1992). "Graduation is a time for family and those closest to the student to celebrate success and express mutual wishes of gratitude and respect, all to the end of impressing upon the young person that role that it is his or her right and duty to assume in the community and all of its diverse parts." *Id.* In light of the significance that the eagle feather has to Native American students, especially at graduation, we urge you to permit Native American students to express their religious and spiritual beliefs by wearing eagle feathers on their cap or gown.

Thank you in advance for your consideration in this matter.



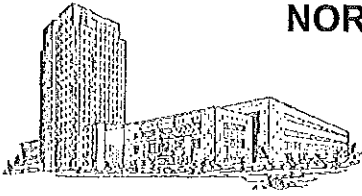
Steven C. Moore
Senior Staff Attorney
Native American Rights Fund

Sincerely,



Matthew L. Campbell
Staff Attorney
Native American Rights Fund

cc: Native American Parent Committee



NORTH DAKOTA HOUSE OF REPRESENTATIVES

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Kylie Oversen

District 42
P.O. Box 14382
Grand Forks, ND 58208-4382
Cell: 701-590-3420
koversen@nd.gov

COMMITTEES:
Human Services
Transportation

January 7, 2014

Dear Principals Kasowski and Arason,

It has recently come to my attention that Native American students within the Grand Forks Public School system have requested to wear an eagle feather on their graduation cap during their high school graduation ceremony. It is my understanding that the students' requests have been denied, pursuant to a school policy that reads:

All students who participate in the commencement ceremony are expected to dress in an appropriate manner. The cap, gown, and tassel, (honor stole), and shoes are all required. No other personal additions will be allowed.

I am writing today to urge you to reconsider the decision disallowing Native American students from wearing eagle feathers during a graduation ceremony. As you know, the eagle feather represents great honor and sacred tradition within the Native American culture. It is a gift given to an individual to commemorate high personal achievement. When given to a student graduating from high school, the eagle feather celebrates the honor the student is bringing to his or her family, community, and tribe.

Supporting Native American students' decision to wear an eagle feather during a graduation ceremony falls in line with the philosophy of Grand Forks Central High School, which states the programs of the school will "encourage students to develop responsibility to self and to others and to understand the benefits of cultural diversity to their intellectual and emotional development" and to "ensure equal rights for all students regardless of gender, intellectual, physical, economic, cultural, or religious differences." It is evident to me, wearing of the eagle feather would promote cultural understanding and would ensure equal rights for our Native American students.

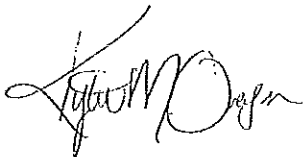
It would be my hope that the leadership in our schools can recognize the significance of the eagle feather, the honor it provides Native American students, and the importance of allowing free expression of religious and cultural tradition by our young people. The wearing of the eagle feather is similar to the wearing of a *hijab* by a Muslim student or the wearing of a cross by a Christian student. It is part of a deeply held religious belief or cultural tradition.

While I can understand the school's desire for uniformity in graduation regalia, suppressing cultural traditions is not the way to accomplish this. Further, the policy allows for the wearing of an honor cord, which also disrupts the desire for uniformity. If a student is allowed to wear a cord to show their academic success, I urge the schools to also allow Native American students to wear an eagle feather to celebrate their heritage and cultural traditions while paying homage to graduating high school.

The relationship our community and state have with our Native American friends and neighbors is one to be proud of, but there is certainly room for improvement. Allowing Native American students to fully embrace their cultural traditions and be proud of these traditions in a public space will only strengthen relationships and deepen understanding. Grand Forks Public Schools has an opportunity to be a leader in progressing ideals of cultural diversity and inclusion within our global society. Again, I urge you to reconsider the decision in regards to the wearing of eagle feathers by Native American students during graduation ceremonies.

Thank you for your time and consideration. Please feel free to contact me if you would like to further discuss this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kylie M. Oversen'. The signature is fluid and cursive, with the first name 'Kylie' being the most prominent.

Kylie M. Oversen

AMERICAN INDIAN STUDENT SERVICES
STOP 8274
GRAND FORKS, NORTH DAKOTA 58202-8274
(701) 777-4291
FAX (701)-777-3292

Grand Forks Public Schools
2400 47th Ave South
Grand Forks, ND 58201

January 13, 2015

To Whom It May Concern:

Greetings, I am writing upon the request of Native American families residing within the Grand Forks Public Schools District regarding the District's current policy that prohibits students from wearing an eagle feather as part of their high school commencement ceremony regalia.

As the longtime Director of American Indian Student Services (formerly Native American Programs) at the University of North Dakota (UND), I am well familiar with this issue given that it was only in recent years that UND amended its policy to allow American Indian students to wear and display an eagle feather at commencement ceremonies. The eagle feather is considered sacred to American Indian people; therefore, to receive one or wear one demonstrates honor. You may be aware that American Indians are the only people in the U.S. who can legally possess an eagle feather, again, due to its *sacred* nature, which renders its use and display protected by the *American Indian Religious Freedom Act (1978)*. In addition to wearing the eagle feather for and throughout the commencement ceremony, UND allows the American Indian students to adorn their mortar board (graduation cap) with beadwork representing their tribal or individual cultural designs, and also allows American Indian graduates to wear their traditional tribal regalia (ceremonial) under their graduation gown.

Following on the next page is the current UND statement that appears in each UND Commencement Program. Please see the first bullet under Multicultural Symbols, which addresses approved commencement ceremony attire in regard to American Indian religious, honor, and tribal symbolism (provided December 8th, 2014 by Fred Wittmann, Director, Ceremonies and University Events, University of North Dakota). As Fred explained, the information "is provided for the benefit of audience members about honor cords, stoles, and non-academic recognitions." Again, as I mentioned, I am well-familiar with this issue and the resulting content that follows, given I provided much of the content that is now included in the commencement programs.

Surely, this is a serious issue rather closely aligned with religious freedom, respect for multiculturalism, supporting diversity, and realizing the ever-increasing globalization of our society. It is also certainly one that is passionately important on a spiritual and honoring basis for American Indian people, graduates, and their families. Perhaps needless to say, I am very pleased that UND has progressed greatly and admirably in recent years in regard to its sensitivity and responsiveness to human and cultural diversity. And if this University, an institution steeped in tradition dating back to 1883, six years before North Dakota even became a state, can change to reflect changes in our society and response to diverse issues of our times, then certainly the Grand Forks Public School District can update its policies to reflect and respect our community of increasingly diverse learners, as well as to prepare our graduates for success in our increasingly diverse society.

NON-ACADEMIC RECOGNITION CORDS

UND LEGACY CORDS

Legacy students will be honored with a green, pink and white cord to recognize the connection they share with their family members who have graduated before them. Students with UND graduates in their family history (parents, step-parents or grandparents) are considered legacies.

MULTICULTURAL SYMBOLS

- American Indian students graduating today may wear any of several pieces of traditional American Indian regalia including an eagle feather considered sacred and attached to their mortar board tassel representing honesty, truth, courage and wisdom; beadwork

representing their tribal or individual cultural designs on top of the mortar board, or traditional clothing/regalia under their gown.

- Graduates who are members of ethnic or culturally based organizations may wear woven clothes representing cultural patterns or designs such as a kente cloth.
- Lei: A lei is presented as a person is leaving or arriving and symbolizing affection, good luck, or appreciation. Leis are commonly made from flowers, vines, or leaves.

VETERAN AND MILITARY

Veterans who are graduating from UND and students who serve in the military will be wearing red, white and blue cords to honor them for their service to our country.

I would be happy to assist in any ways possible as you move forward to update and amend your current "no adornment" policy regarding high school commencement ceremony dress. Further, I would expect no less from the educational leaders of our city's school district, in compliance with the following statement that actually appears at the top of the Grand Forks Public Schools homepage:

"Providing an environment of educational excellence that engages all learners to develop their maximum potential for community and global success."

(<http://www.gfschools.org/pages/gfschools>)

Thank you for taking the time to consider my thoughts regarding this timely and important issue!

Sincerely,



Dr. Leigh D. Jeanotte, Director



January 13, 2015

Dr. Larry P. Nybladh
Superintendent of Schools
Grand Forks Public School District
2400 47th Avenue S
Grand Forks, ND 58201

Dear Superintendent Nybladh:

The American Indian Graduate Center (AIGC), the nation's leading provider of scholarships for American Indian and Alaska Native graduate and undergraduate students, submits this letter of support for the Native American students and families in your district who are seeking to obtain permission and policy changes related to wearing eagle feathers attached to mortar boards during high school commencements.

We certainly recognize schools' need to have orderly ceremonies; we hope that schools, parents and Indian communities, bargaining in good faith, can arrive at common ground and allow non-disruptive expressions of Native culture at commencement and other events. You well know that it is difficult for some of our students to finish school; it is all the more important when students and their families want to celebrate the successful completion of their studies in the highest and most respected way of their cultures. We ask you to join us in our efforts to encourage Native students to complete school by exploring an accommodation in this matter.

I look forward to hearing your decision and offer our expertise in American Indian and Alaska Native college-bound student experiences for consideration during your decision-making process. Please feel free to contact me or Melvin Monette via telephone (505-881-4584, ext. 112) or email sam@aigcs.org or Melvin@aigcs.org. Thank you for your consideration.

Sincerely,

Sam Deloria
Director

Jason Schaefer
204 N 6th St, C1
Grand Forks, ND 58203

1/13/2015

Superintendent Dr. Larry Nybladh
Assistant Superintendent Mr. Jody Thompson
Central High School Principal Mr. Marlon Kasowski
Community High School Principal Mr. Terry Bohan
Red River High School Principal Mr. Kris Arason

RE: Support Native American Students' Right to Wear Eagle Feathers at Graduation

Dear Grand Forks Public School Administration,

I am writing as an alum of Grand Forks Central to express support for Native American students in our community to wear eagle feathers at commencement ceremonies.

We are very fortunate to have over 500 Native American students in our public school system. These students and their families bring a diversity and richness to our classrooms and our community. We should encourage and respect their right to partake in their cultural traditions.

Cultural diversity is incredibly important in our increasingly globalized society. To fully and adequately equip all of our students for the 21st century economy, it is imperative that they are exposed to other cultures. Moreover, it is essential that leaders model respect and inclusion. This is particularly pertinent here in North Dakota where we have a rather homogenous population and fewer opportunities to experience other cultures and perspectives.

When I went to Central, I had a teacher talk to our class about the difference between a melting pot and a cultural soup. He explained that in the past, immigrants and minorities were told to fully assimilate into dominant Western mainstream culture and to abandon their own culture. This archaic approach has long since been abandoned, he explained. We have moved toward what he described as a multi-cultural soup where the diverse cultures and perspectives in our society are ingredients that work together to form a wonderful mixture. Unfortunately, it seems the current District policy regarding eagle feathers looks more like the former approach.

I have been fortunate to befriend many Native Americans in our community. Those relationships have been enriching and inspiring. In fact, one of my best friends is Native American. In the past, he would often downplay his Native American heritage. More recently, he has begun to embrace it. I have noticed a very real and profound difference. He is more

confident and more grounded. Embracing and honoring his heritage has made an enormous difference in his life. And, I believe it will improve outcomes for current and future Native American students.

I implore GFPS to allow our Native American students to express their cultural and religious freedoms. Continuing with the current policy not only hurts Native American students and their families, but also tarnishes the reputation of GFPS and, ultimately, the entire Grand Forks community.

Sincerely,

Jason Schaefer

Jason Schaefer

jason.m.schaefer@gmail.com

701-741-0709



NATIVE AMERICAN DEVELOPMENT CORPORATION PROCUREMENT TECHNICAL ASSISTANCE CENTER

January 13, 2015

To Whom It May Concern:

I am writing to voice my opinion and show my support for American Indian students that would like to be allowed to proudly display and carry their sacred gifts, such as eagle feathers. I believe that Graduation ceremonies are one of the most important events that will occur during a person's lifetime, and that the graduate should be allowed to wear whatever they want, including their Dancing Regalia, as well as be allowed to bring their sacred medicines and ceremonies to the Graduation ceremony, according to their personal teachings. Dancing Regalia, to me, should be treated as though it is a uniform, something to be honored and celebrated, just like a United States Military uniform. In this day and age, Native Pride is everywhere. Our people are coming to an understanding that our culture, our heritage is something to be proud of. It is something to be protected and shared with the future generations. Allowing a graduate to show their pride in their heritage and culture on such an important day helps to create awareness and show support to Native people.

If you have any questions or comments, please feel free to call or email.

Thank You,

Michelle L. Lenoir
Associate Procurement Specialist
NADC PTAC Turtle Mountain
PO Box 1388
Belcourt, ND 58316-1388

701-477-3300 x 16
701-278-0903

mlenoir@180com.net

January 13, 2015

BillieJo Parisien-Fischer
216 E Calgary Ave
Bismarck, North Dakota 58503

Grand Forks Public School District Administration
Dr. Larry P. Nybladh, Superintendent of Schools
2400 47th Ave S
Grand Forks, North Dakota 58201

Dear Grand Forks Public School District Administration:

I am writing the letter in support of our American Indian students who graduate from the Grand Forks Public School District. I grew up living by American Indian cultural values. Part of those cultural values is to carry my eagle feather with me wherever I go and, to wear the eagle feather in honorary ceremonies such as graduation. Our traditions are handed down from one generation to generation. In my family, I have two daughters; one who graduated from the Turtle Mountain Community High School wearing her eagle feather on her cap and, my youngest daughter. When it's time for her graduation, she will do the same. As a parent, it not only makes me proud my daughter graduating, but it makes me more honored that she values her cultural values.

Bald and Golden Eagles are highly revered and considered sacred within the American Indian traditions, culture and religion. The eagles represent honesty, truth, majesty, strength, courage, wisdom, power and freedom in the American Indian culture. As they roam the sky, the Bald and Golden eagles are believed to have a special connection to the Creator. For American Indian people, an Eagle feather is used in ceremonies to call upon the Creator and to command respect and focus on the situation at hand. When one receives an eagle feather, that person is being acknowledged with gratitude, love, and the ultimate respect. For these reasons, it is important for American Indian Children to connect to their cultural values and treat their ceremonies or special events (in this case, graduation from School) as sacred by using their eagle feather to draw upon the strength and goodness that it represents.

I am in support of all American Indian students wearing their eagle feathers. It's an honor to always carry their traditions wherever they may walk in life. I am hopeful that all school districts of North Dakota will allow our children the same regards. Thank you for your time.

Sincerely,

BillieJo Parisien-Fischer
Proud mother of an American Indian graduate, and future graduate.

January 7, 2015

Grand Forks School District
Grand Forks, North Dakota

Dear Superintendents & Principals,

Contrary to popular Hollywood script, the first people of this nation did not surrender. We were not conquered. Our ancestors negotiated peace in good faith when faced with imperialist savagery. For laying their weapons down, America's natives were rewarded with massacres of epic proportions that decimated their numbers, starved and relocated their women and children before settling them on barren lands before its virgin government embarked on a policy of genocide by assimilation aimed at taming its newly-formed nation's surviving savages.

How ironic then, that a feather of this proud America's penultimate symbol of freedom-- the bald eagle--when worn by that same country's Native children is banned from the very ceremonies meant to celebrate the triumph of Western imperialism -- its graduation ceremonies. By rising to excel in U.S. education systems, today's generation of American Indians have done so only by 'standing on the shoulders' of their ancestors; ancestors who envisioned a very different future for generations of their children.

But our country is all the richer for it. As a child of that same history, I implore you to allow our Native children to honor their heritage and their ancestors whose mass graveyards still nourish American soils. They deserve the right to adorn their graduation hats with symbols of their unique histories, the highest honors awarded to Native youth-- eagle feathers--at their graduation ceremonies.

Alone, minority voices can never drown the noise of popular opinions. Progress, growth, and even freedoms, always require an appeal to the majority before lasting change can be effected. In 'On Liberty,' John Stuart Mill warned, "Bad men need no more to compass their ends than that good men look on and do nothing". I urge you to join us in support of this issue: Let your decision, your influence, your opinion, be the 'something' that you do for the next generation of Grand Forks graduates.

Signed.

Denelle A. (Schindler) Swaim
Turtle Mountain Chippewa

January 13, 2015

To whom it may concern:

My name is Diana J. Champagne. I am an enrolled member of the Turtle Mountain Band of Chippewa. I've lived on the Turtle Mountain Reservation most of my life.

I am writing this letter to show my support to allow Native American students to wear an Eagle Feather (if they choose) during graduation ceremonies. I strongly support my Native American Culture and respect all the traditions and beliefs. The Eagle Feather is a very high honor within the Native American culture. The Eagle Feather is considered very sacred and held with respect.

Each person who was blessed with an Eagle Feather proudly displays the honor of ownership by wearing it at ceremonies. Graduation is a lifetime achievement milestone and being able to represent one's culture should be a part of this success.

Thank you for your time and positive consideration to this matter.

Respectfully,

Diana J. Champagne, Turtle Mountain Chippewa Enrolled Member

PO Box 1271; Belcourt, ND dianachampagne@hotmail.com

January 13, 2015

To whom it may concern:

The sole purpose of this letter is to support the decision to allow Native American Students the right to wear an Eagle Feather at graduation commencement ceremonies. The symbolism of wearing an Eagle Feather is no different than a Catholic (or other religion) student wearing a "cross" necklace, earrings, or bracelet, etc.

To be given an Eagle Feather is a true honor within the Native American Culture. An Eagle Feather represents honesty, truth, majesty, strength, courage, wisdom, power and FREEDOM! Not everyone is given the honor of possessing an Eagle Feather and for those who are so blessed to be given this honor, they proudly wear the Eagle Feather at any and all ceremonies.

My question is: "What harm is it doing to anyone in attendance if someone is wearing an Eagle Feather?" If anything, it is a true blessing to be in the company of a warrior wearing the Eagle Feather. For having an Eagle Feather around, it is believed to have the attention, praise, and support of the CREATOR and ANCESTORS.

So please consider the Native American Cultural beliefs while making your decision.

Thank you for your time and consideration in this matter. Miigwetch (Thank You).

Kenneth P. Malaterre, Turtle Mountain Band of Chippewa Enrolled Member

PO Box 234; Belcourt, ND 58316 (701)278-2011

Let me tell you our story:

In May 2013 my son Randall Morin Jr. was graduating from Central High School in Grand Forks, ND. As a Native American he wanted to wear his eagle feather on his cap with his tassel, so we attached the eagle feather to the cap so it would not fall off. There were a few issues with the eagle feather on the cap and the cap itself because we beaded it also.

On graduation day just prior to the graduates walking in for graduation, Principal Strandell of Central High School approached Randall and requested him to remove his eagle feather and told him he had to wear a different cap or he would not be allowed to walk in graduation. Randall called me; I spoke with the Principal explaining to him that we as parents presented him (Randall) an eagle feather to honor him for his accomplishments. Well, Principal Strandell didn't see it that way. He said according to *policy* they are not to have anything extra on their caps or gowns for graduation. I explained as a Native American parent this is how we honor our children for their accomplishments and graduating from high school is one of those accomplishments. The Principal was not changing his mind so, I had put my son's eagle feather on his braid and this was questioned as well. I replied to the Principal that his eagle feather is now a hair accessory, and other graduates were wearing hair accessories and if the eagle feather needed to be removed then so should the hair accessories of the other graduates so the eagle feather was allowed. However, the beaded cap was out.

When it was time to present the students with their diplomas Randall pulled his beaded cap out from under his gown attached his tassel with his feather and walked across the stage to accept his diploma with his beaded cap and feather. I am proud that he stands by his Native American values even when others attempt to force their values upon him.

My son, Randall walked for his graduation with his head held high with a beaded cap and his eagle feather. This is not even a policy it is a procedure that can be changed without any further confrontation. By allowing this change to procedure will allow our Native American students to walk proudly for the great accomplishment such as graduating from high school.

Please, I am asking for your support to change the procedure so our Native American graduates will be allowed to wear their beaded caps with their eagle feathers attached for graduation if they chose too.

Sincerely,
Lynnette Morin
613 N 5th Street
Grand Forks, ND 58203

HEIDI HEITKAMP
NORTH DAKOTA
HART SENATE BUILDING 502
WASHINGTON, DC 20510
PH: 202-224-2043
FAX: 202-224-7776
TOLL FREE: 1-800-223-4457

<http://www.heitkamp.senate.gov>

United States Senate

WASHINGTON, DC 20510

January 16, 2015

COMMITTEES:
AGRICULTURE, NUTRITION AND FORESTRY
BANKING, HOUSING AND
URBAN AFFAIRS
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
INDIAN AFFAIRS
SMALL BUSINESS AND ENTREPRENEURSHIP

Dr. Larry P. Nybladh
Superintendent of Schools
Grand Forks Public Schools
2400 47th Avenue South
Grand Forks, ND 58201

Dear Dr. Nybladh:

I write concerning the use of eagle feathers by Native American students in graduation ceremonies at Grand Forks Public Schools.

Recently, it was brought to my attention that Native American students enrolled in federally recognized tribes are unable to wear eagle feathers at graduation ceremonies. Graduating from high school is a significant accomplishment and deserves celebration and recognition. I respectfully ask the Grand Forks Public Schools consider revising its policy given the cultural and spiritual significance the eagle represents for many Indian tribes, including those in North Dakota.

In recent years, some public schools throughout the United States with a significant number of Native American students have revised their procedures to allow students enrolled in a federally recognized tribe the opportunity to wear eagle feathers in graduation ceremonies. In Native American culture, eagle feathers are typically given and worn in times of great honor and personal achievement. With Native Americans representing the second largest population group in North Dakota, and with approximately 500 Native Americans enrolled in the Grand Forks Public Schools, I believe Native American students should be allowed to wear an eagle feather as part of their ceremonial cap and gown.

In 1962, Congress passed the Bald and Golden Eagle Protection Act, which criminalized the killing of eagles and possession or sale of feathers and other parts of such birds. However, federal laws also recognize the cultural and religious importance of the eagle and other culturally significant birds. Eagle feathers are regularly made available to tribal members from the U.S. Fish and Wildlife Service's National Eagle Repository, and the Department of Justice and the Department of the Interior – which enforce the federal laws pertaining to the eagle – recognize the religious and cultural role the eagle plays in many Indian tribes.

I appreciate your consideration of this change and hope it can serve as a way to honor the hard work and dedication of these students and inspire other Native children.

Sincerely



HEIDI HEITKAMP
United States Senate

BISMARCK OFFICE:
228 FEDERAL BUILDING
220 EAST ROSSER AVENUE
BISMARCK, ND 58501
PH: 701-258-4648
FAX: 701-258-1254

DICKINSON OFFICE:
40 1st AVENUE WEST
SUITE 202
DICKINSON, ND 58601
PH: 701-225-0974
FAX: 701-225-3287

FARGO OFFICE:
306 FEDERAL BUILDING
657 SECOND AVENUE NORTH
FARGO, ND 58102
PH: 701-232-8030 – 1-800-223-4457
FAX: 701-232-6449

GRAND FORKS OFFICE:
33 S. 3RD ST., SUITE B
GRAND FORKS, ND 58201
PH: 701-775-9601
FAX: 701-746-1990

MINOT OFFICE:
105 FEDERAL BUILDING
100 FIRST STREET S.W.
MINOT, ND 58701
PH: 701-852-0703
FAX: 701-838-8196

11 January 2015

Dr. Larry Nybladh, Superintendent
Mr. Jody Thompson, Assistant Superintendent
Mr. Marlon Kasowski, Central High School Principal
Mr. Terry Bohan, Community High School Principal
Mr. Kris Arason, Red River High School Principal
Grand Forks Public School District
The Mark Sanford Administrative Center
2400 47th Avenue South
Grand Forks, ND 58201

Dr. Douglas C. Munski
211 Fourth Avenue North
Grand Forks, ND 58203

Dear Leaders of the Grand Forks Public School District:

I am writing in support of a petition coming from the Grand Forks Public School District's Native American Parent Committee regarding amending high school graduation protocols in order to allow First Nations students to exercise their prerogative to wear eagle feathers at graduation ceremonies. I do so in three capacities. First, as a patron of the school district starting in January 2, 1978; I have come to be a strong advocate throughout those 37 years for encouraging cultural diversity and respect for Native American culture in particular. Second, as a parent of a non-Native American child who attended the local public elementary schools, middle schools, and high schools and through him became acquainted with his Native American and non-Native American peers such that I have continued to be engaged in school related activities; I am no stranger to the current protocols of graduations at Central High School, Community High School, and Red River High School. Finally, I do so as a concerned educator at the university level who works with young people from TRIO Talent Search, Upward Bound, and other programs which help a number of Native American youth become successful at the undergraduate level and beyond, notably using the McNair Program.

Because of holding these three perspectives, I have come to the conclusion that there never has been a more crucial time for the Grand Forks Public School District to revise its current policy of "no adornment" on the regalia worn for high school commencement ceremonies with regard to permitting an exception to Native American students. It is not my place or qualifications to review in this letter the legalities of the usage of the eagle feather other than to recognize that there are precedents and court cases in which this topic is a focus. I also recognize that an exception for one group on such principles also requires reconsideration of the petitions of other groups for similar privileges on religious and/or related grounds. Yet, the uniqueness of the situation for Native American students justifies a balanced and thoughtful review of the entire policy by the appropriate authorities and stakeholders in order to determine the stance which the district ought to be taking in the future on this topic. Notwithstanding, I contend that the ability of Native American students to express their cultural and religious freedoms through appropriate wearing of an eagle feather at significant events such as high school graduations is highly germane and appropriate in their growing-up to become members of the greater adult community of both Native Americans and non-Native Americans.

I can appreciate how difficult making any change in the current policy will be and how it could trigger an assortment of unexpected consequences with a variety of other stakeholders. Yet, could not allowing having a single eagle feather attached to the student's cap tassel or substituting it for the tassel

(Please turn over.)

or secured in some other fashion so as to be respectful of the sacredness of the eagle feather) be viewed as a discrete, not flamboyant, statement of dress but how important reaching high school graduation is in the Native American community? High school graduation rates locally, regionally, and nationally of Native Americans are abysmally below those of non-Native Americans. Such a rite of passage for this particular group of minority students ought to be marked with special distinction. That is well-handled in a simple fashion with a single eagle feather provided such regalia is treated properly by the Native American student and recognized appropriately by non-Native American students and the other participants and attendees at a high school graduation ceremony.

Thank you for your consideration of my letter to you. I do not have the eloquence that you will find coming in other letters nor have I made the legal case for such a change as undoubtedly will be emphasized in letters coming from my colleagues who have the J.D. degree as well as courtroom experience. Yet, I have tried to speak "from the heart" as a person of non-Native American descent who is fairly familiar with the local and regional Native American community. That I am a strong advocate for Native Americans at the University of North Dakota is known such that I have received the rare distinction to have been honored twice with a "blanket-giving and honor song" ceremony. One of those occasions was in a highly personal but still public event at the former Era Bell Thompson Cultural Center with the second ceremony during a Wacipi (Pow Wow) held at the Hyslop Sports Center in a highly visible and regional recognition.

Finally, I more than am willing to re-arrange my work schedule to come to the meeting at which the petition will be presented to the appropriate authorities as well as to serve in whatever is the correct role in other public discussions of this important topic. I am hoping for the "win-win" on this issue. Ergo, please, allow the policy to be changed so to provide a crucial incentive to our Native American students to achieve graduation and to be recognized with the most important piece of regalia which can be worn by such a person: a single eagle feather.

Cordially,
douglas.munski@und.edu
(authorized electronic signature)
Dr. Douglas C. Munski

Cc: Ms. Courtney Souvannasacd, Grand Forks Public Schools Native American Liaison
Dr. Leigh Jeanotte, Director, American Indian Student Services, University of North Dakota
Dr. Eric Burin, School Board Member, Grand Forks Public School District

To the Administrators of GFPS,

I am writing you in support of the Grand Forks Native American Parent Committee initiative for Native students to wear the eagle feather as part of high school commencement. There are numerous reasons to do this, ranging from civil rights and cultural sensitivity to more pragmatic rationales for encouraging higher retention rates among Native students and effectively helping build connections between schools and their constituents.

In terms of pragmatism, allowing the display of the eagle feather is a fairly simple and straightforward way to encourage Native student and family involvement and I believe that this will aid in regards to lower attrition rates for these students. In this way, you will better meet the needs for all learners in the district without the need for any input of resources.

Allowing Native students to wear the eagle feather further demonstrates a commitment to all students concerning cultural maintenance. In a community such as ours this is important for Native and, equally important, non-Native communities. This is a potentially great teachable moment where the values expressed in words become action and as a learning community we are better able to discuss the values of pluralism, inclusivity, and tolerance. It is incumbent upon our education leaders to help set the course in this regard.

Every student develops a particular relationship with a school and society. For Native students this relationship has historically and continues to be one of alienation and antagonism. Moving towards embracing intrinsic cultural values of all students is imperative and allowing students to wear eagle feathers is a small gesture requiring no commitment of resources that can have high impact in the kind of relationship all students have with their schools. In this way, we as a community must ask ourselves what kind of relationship do we want to foster between children, parents, and schools. In the end, this can have only positive benefits for the school, for both Native and non-Native students and parents, and for our community.

Regards,

Joshua Hunter, PhD
Assistant Professor
Educational Foundations and Research
University of North Dakota
P.O. Box 7189
Grand Forks, ND 58202-7189
701.777.3582
joshua.hunter@und.edu
Fax (701) 777.0121

January 14, 2015



Dr. Larry P. Nybladh
Superintendent of Schools
Grand Forks Public School District
2400 47th Avenue S
Grand Forks, ND 58201

Dear Superintendent Nybladh,

The National Indian Education Association (NIEA) offers this letter of support for the more than 500 Native American students and families in your district who are requesting a revision of the Districts commencement dress procedure to allow the wearing of Eagle feathers.

The NIEA represents Native students, educators, families, communities, and tribes. Our mission, to advance comprehensive educational opportunities for all American Indians, Alaska Natives, and Native Hawaiians throughout the United States, is grounded in ensuring our Native students grow and learn steeped in their cultural identity. As such, our membership has spoken loudly in support of eagle feathers being worn for our Native graduates.

While we understand the district's concern for uniformity during commencement, we urge you to consider the meaning of the eagle feather to Native people. Eagle feathers are religious, cultural symbols and are worn with great care and respect. Native students adorn the eagle feather during graduation to acknowledge the accomplishment and moving towards the next path in the student's life.

Thank you for opening the dialogue and providing our communities the opportunity to share our culture with the school and district. If you need any additional assistance, please contact Ahniwake Rose, the Executive Director of NIEA, at 202.544.7290 or arose@niea.org.

Sincerely,

A handwritten signature in blue ink that reads "Melvin Monette". The signature is written in a cursive style with a small flourish above the 'e' in Monette.

Melvin Monette
President

**NATIONAL INDIAN
EDUCATION ASSOCIATION**

1514 P Street, NW, Suite B
Washington, DC 20002

P. (202) 544-7290
F. (202) 544-7293
E. NIEA@NIEA.org

@WereNIEA
 NIEAFanPage

www.niea.org

Advancing Excellence for All Native Students