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NATIVE AMERICAN RIGHTS FUND
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June 5, 2014

Sent via Email and U.S. Mail

Pete Denno, Esq.
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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

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