



Lower Sioux Indian Community in the State of Minnesota

P.O. Box 308 • 39527 Reservation Highway 1

Morton, MN 56270

Cansayapi Otunwe

April 27, 2020

Chair Cheryl Youakim and Committee Members,
Sent by electronic mail at: Alyssa.fritz@house.mn

Re: *Support for HF 4117 Amendments for Sharing Data with Tribes and the use of Eagle Feathers During Commencement Ceremonies.*

Dear Ms. Youakim :

On behalf of the Lower Sioux Indian Community in the State of Minnesota (“Community” or “Lower Sioux”), I provide this letter in support of HF 4117 amendments (1) Sec. 8 [124.D792] Graduation Ceremonies; Tribal Regalia and Objects of Cultural Significance to include language barring school districts or charter schools from prohibiting American Indian students from wearing an eagle feather or other objects of cultural significance and (2) Private data; when disclosure is permitted. to include Tribal Nations.

Sec. 8 [124.D792] Graduation Ceremonies; Tribal Regalia and Objects of Cultural Significance.

For the Lower Sioux Indian Community, as well as many other Tribal Nations, the cultural significance of eagle feathers includes religious and spiritual meanings. These religious and spiritual meanings are an important component of honoring those individuals who have accomplished a great achievement.

As explained in a joint letter from California Indian Legal Services, Native American Rights Fund (NARF), and the American Civil Liberties Union (ACLU) of Northern California:

The religious significance of eagle feather to Native Americans is recognized and embedded in federal law and policy. In 1962, Congress enacted the Bald and Golden Eagle Protection Act, which extended for 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

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 continue to include both bald and golden eagle parts in their religious ceremonies, the government provided exemptions for Native Americans. The law also permits the traditional gifting of eagle feathers for Native Americans. 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. 22,953. The Executive Memorandum noted that “[e]agle feathers hold a sacred place in Native American culture and religious practices.” *Id.* On October 12, 2012, the United States Department of Justice released an updated Policy of Tribal Member Use of Eagle Feather, which state 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...” Press Release, Dep’t of Justice Office of Pub. Affairs, Justice Dep’t Announces Policy on Tribal Members Use of Eagle Feathers (Oct. 12, 2012), <https://www.justice.gov/opa/pr/justice-department-announces-policy-tribal-member-use-eagle-feathers>.

Many Minnesota school districts and charter schools still have a strict dress code prohibiting Native American Indian students from wearing eagle feathers during commencement ceremonies. Not only are these policies discriminatory in nature, they are contrary to the Minnesota Constitution, Article I, Section 16, which *protects the right of every person to worship their religion according to the dictates of their own conscience, unless doing so would endanger the peace or safety of the state.* and to the Minnesota Human Rights Act, Minn. Stat. §363A.13, that provides *it is unfair discriminatory practice to discriminate in any manner in the full utilization of or the benefit from any educational institution because of race, color, creed, religion, nation origin, sex, age, marital status, status with regard to public assistance, sexual orientation, or disability.*

Adding Sec. 8. [124D.792] “Graduation Ceremonies; Tribal Regalia and Objects of Cultural Significance. A school district or charter school must not prohibit an American Indian student from wearing American Indian regalia, tribal regalia, or objects of cultural significance at graduation ceremonies protects the Constitutional and human rights of Native American graduates choosing to express their religious and spiritual beliefs by wearing an eagle feather on their cap or gown during the commencement ceremony.

Minn. Stat. §13.32, subd. 3: Private data; when disclosure is permitted.

In many cases, Native American students’ academic achievements are often behind that of their non-Indian peers. Many Tribal Nations have educational programs to support their school-aged members. Unfortunately, these students do not receive the full support of their tribe because the State law does not include Tribal Nations in its permitted data disclosure provision. The amendment to Minn. Stat. §13.32, subd. 3. (r) to tribal nations about tribally enrolled or

descendant students to allow the tribal nation and school district or charter school to support the educational attainment of the student. is critical in supporting Native American students.

The Lower Sioux Indian Community works closely with the local school districts' office of Indian Education to support its enrolled students; however, the important data the Lower Sioux Indian Community requires to fully support the students are unavailable because we are not listed in the data disclosure provision.

This amendment would allow the enrolled students of Lower Sioux to fully benefit from the educational support programs Lower Sioux has established.

In closing, the aforementioned amendments are crucial to the support and success of Native American students in Minnesota.

Pidamayado,

Robert Larsen, President
Lower Sioux Indian Community