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May 19, 2015

SENT VIA EMAIL AND U.S. MAIL

Janet Young, Superintendent
1450 Herndon Avenue
Clovis, CA 96311
Phone: 559-327-9000

Re: Christian Titman's Right to Wear Eagle Feather at Graduation

Dear Ms. Young:

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 Christian Titman, a senior at Clovis High School in Clovis, California. As you know, Mr. Titman wishes to wear an eagle feather on his cap during his spring 2015 graduation ceremony, but has been informed that this will not be allowed. Mr. Titman indicated that he wishes to wear the feather for religious and spiritual reasons in order to honor his Native American heritage, his family, and as a sign of achievement. There are important legal and policy reasons for the school district to allow him to do so.

First, the School District should consider the important religious aspects of eagle feathers for Native Americans and the legal protections afforded to religious practices. Both bald and golden eagles (and their feathers) are highly revered and considered sacred within many Native American traditions, cultures, and religions. 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.”).

The religious significance of eagle feathers 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 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 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. That 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 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...” Press Release, Dep’t of Justice Office of Pub. Affairs, Justice Dep’t Announces Policy on Tribal Member Use of Eagle Feathers (Oct. 12, 2012), <http://www.justice.gov/opa/pr/justice-department-announces-policy-tribal-member-use-eagle-feathers>.

In considering his request, it is crucially important to understand the ceremonial significance of Mr. Titman’s eagle feather. 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 an extraordinary 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 his family, community, and tribe. Mr. Titman is an enrolled member of the Pit River Tribe in California. He has worn his eagle feather at school in the past to signify times of personal triumph and accomplishment, and he wishes to mark the solemnity of his graduation by wearing his eagle feather during the ceremony. In the past, Clovis Unified School District has allowed students to wear religious dress in addition to the standard cap and gown at graduation. Mr. Titman’s eagle feather should be treated no differently.

In deciding how to press forward in this matter, we ask the Clovis Unified 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 (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 his right and duty to assume in the community and all of its diverse parts.” *Id.*

The Clovis High School Parent-Student Handbook states that its mission, as part of a multi-ethnic school district with a variety of religious beliefs, is “to provide a positive, harmonious environment in which respect for the diverse makeup of our school community is promoted.” Additionally, Clovis Board Policy 2112 provides that the School District shall be “highly sensitive to student religious beliefs” and shall not “prohibit or discourage any student from praying or otherwise expressing his/her religious belief as long as this does not disrupt the classroom or the educational environment.” *See also* Clovis Administrative Regulation 2112 (“School staff, when acting in an official capacity, also are prohibited from discouraging religious expression because of its religious content and from soliciting or encouraging anti-religious activity.”). That policy is in accord with the California Education Code: “Pupils of the public schools, including charter schools, shall have the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards, the distribution of printed materials or petitions, *the wearing of buttons, badges, and other insignia.*” Cal. Educ. Code § 48907(a) (emphasis added).

In light of the significance that the eagle feather has to Native American students, especially at graduation, we urge you to permit Mr. Titman to express his religious and spiritual beliefs by wearing an eagle feather on his cap or gown consistent with the School District’s policies and practices.

Thank you in advance for your consideration in this matter.

Sincerely,



Matthew Campbell
Joel West Williams
Steven C. Moore
Staff Attorney
Native American Rights Fund



Delia Parr
Directing Attorney
California Indian Legal Services



Novella Coleman
Staff Attorney
ACLU Foundation of Northern California

cc:
Clovis Unified School District School Board