

# NARF

# Review

Native American Rights Fund

## Church Leaders Issue Apology to Indians

On November 21, 1987 at the site of an ancient burial ground in downtown Seattle, Washington, a formal Declaration of Apology was presented by ten major Christian denominational leaders of the region to the tribal councils and traditional spiritual leaders of the Indian and Eskimo peoples of the Pacific Northwest.

The Declaration was for their church's participation in the destruction of Native American religions. In the statement, the leaders formally recognized customs and beliefs, the protection of sacred sites for religious purposes, and the use of objects such as feathers and tobacco for religious purposes. The churches also pledged support in upholding the American Indian Religious Freedom Act of 1978. (A copy of the Declaration is on page 3).

Along with the document a gift of \$1,000 was given to the Native American Rights Fund for use in its religious freedom efforts on behalf of Native Americans. For the past 17 years, NARF has worked to protect the right of Native Americans to practice their traditional religions. This year the U.S. Supreme Court will review two Indian religious freedom cases in which NARF has filed *amicus curiae* (friend of the court) briefs.

In the first case, Lyng v. Northwest Indian Cemetery, the Court will determine whether the construction of a forest service road in an area of religious significance to the Yurok, Karok and Talowa Tribes violates those Indians' First Amendment right to free exercise of their religion. In the second case, Employment Division, Department of Human Services of the State of Oregon v. Smith, the Court will decide if members of the Native American Church who were discharged from their jobs for peyote use during religious ceremonies are entitled to unemployment compensation benefits from Oregon's un-

employment fund by virtue of the First Amendment free exercise rights.

NARF is also representing Native Hawaiians in their effort to prevent geothermal development on the island of Hawaii. The case, Dedman v. Hawaii Board of Land and Natural Resources, is on appeal to the U.S. Supreme Court. The Natives assert that their goddess Pele lives in the volcanoes and that the proposed development would illegally desecrate their religious beliefs and practices. NARF serves as co-counsel with the Native Hawaiian Legal Corporation and private attorneys.

Protecting Indian burial sites from excavation and desecration has been the objective of NARF's advocacy for a new federal Indian burial policy. The policy would provide for the reinterment of over 300,000 Indian bodies stored in federal and state institutions, and would also establish a new federal policy properly recognizing the cultural

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*We would like to extend a special note of acknowledgement to the Philip Morris Company for its major funding of this issue of the NARF Legal Review.*



and religious rites of Native Americans relating to burial sites on public lands. On a state level, NARF is assisting the State of Kansas draft legislation to stop the desecration of Indian burial grounds there.

NARF's past experiences on behalf of tribes and individuals in the area of religious freedom concern the access to and protection of religious sites, use and possession of sacred objects and freedom to practice traditional religious ceremonies. Following are brief descriptions of NARF's victories that have occurred in the last several years.

NARF was successful in assisting the Kootenai Indians of Montana, Idaho and British Columbia in stopping the construction of a dam and hydro-electric project at a sacred religious site. The Federal Energy Regulatory Commission (FERC) denied a construction license to Northern Lights, Inc., a rural electric cooperative, to build the dam and utility project at Kootenai Falls, Montana. The Falls serves as a sacred center of the Kootenai religion. The FERC decision ended a nine-year battle for the Kootenai.

NARF and the Idaho Legal Services successfully assisted prisoners to protect their rights to possess sacred religious objects and to practice their Native American religion in the Idaho corrections system. The Indian plaintiffs had initially filed suit claiming that the correctional institution was violating their freedom of religion under the First and Fourteenth Amendments to the Constitution.

NARF was successful on behalf of the Tunica-Biloxi Tribe in returning artifacts illegally dug from ancestral burial grounds back to the Tribe. A Louisiana state court ruled that the Tunica-Biloxi Tribe is the lawful owner of numerous artifacts discovered by an amateur archaeologist. The Court found that the Tunica-Biloxi Indians are descendants of the inhabitants who buried the artifacts, and that the artifacts were not abandoned by the Tunicas.

In Idaho v. Yazzie, NARF served as co-council to protect the rights of a Navajo Native American Church practitioner. Eagle feathers and other religious items were confiscated from the individual's sweat lodge and home. NARF asserted that these matters were governed and protected by federal law and the state's charge against the individual was dropped. NARF also assisted four Indian churches in monitoring a case involving restrictions in the use of peyote by non-Indians in Peyote Way Church of God v. Smith.

The \$1,000 contribution from the Churches is a boost to NARF's legal work in the area of religious freedom. The Declaration is a positive step in recognizing the right of Native Americans to practice their traditional religions. NARF will continue its advocacy of religious freedom until Native American religions are recognized and protected under the 1st Amendment to the Constitution, and, given the same accord as other religions in the United States.



*Western History Collections, University of Oklahoma Library*

## A PUBLIC DECLARATION

### TO THE TRIBAL COUNCILS AND TRADITIONAL SPIRITUAL LEADERS OF THE INDIAN AND ESKIMO PEOPLES OF THE PACIFIC NORTHWEST

Dear Brothers and Sisters,

This is a formal apology on behalf of our churches for their long-standing participation in the destruction of traditional Native American spiritual practices. We call upon our people for recognition of and respect for your traditional ways of life and for protection of your sacred places and ceremonial objects. We have frequently been unconscious and insensitive and have not come to your aid when you have been victimized by unjust Federal policies and practices. In many other circumstances we reflected the rampant racism and prejudice of the dominant culture with which we too willingly identified. During the 200th Anniversary year of the United States Constitution we, as leaders of our churches in the Pacific Northwest, extend our apology. We ask for your forgiveness and blessing.


As the Creator continues to renew the earth, the plants, the animals and all living things, we call upon the people of our denominations and fellowship to a commitment of mutual support in your efforts to reclaim and protect the legacy of your own traditional spiritual teachings. To that end we pledge our support and assistance in upholding the American Religious Freedom Act (P.L. 95-134, 1978) and within that legal precedent affirm the following:

- 1) The rights of the Native Peoples to practice and participate in traditional ceremonies and rituals with the same protection offered all religions under the Constitution.
- 2) Access to and protection of sacred sites and public lands for ceremonial purposes.
- 3) The use of religious symbols (feathers, tobacco, sweet grass, bones, etc.) for use in traditional ceremonies and rituals.

The spiritual power of the land and the ancient wisdom of your indigenous religions can be, we believe, great gifts to the Christian churches. We offer our commitment to support you in the righting of previous wrongs: To protect your peoples' efforts to enhance Native spiritual teachings; to encourage the members of our churches to stand in solidarity with you on these important religious issues; to provide advocacy and mediation, when appropriate, for ongoing negotiations with State agencies and Federal officials regarding these matters.

May the promises of this day go on public record with all the congregations of our communions and be communicated to the Native American Peoples of the Pacific Northwest. May the God of Abraham and Sarah, and the Spirit who lives in both the cedar and Salmon People be honored and celebrated.

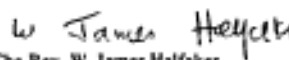
Sincerely,

  
The Rev. Thomas L. Blevins, Bishop  
Pacific Northwest Synod -  
Lutheran Church in America

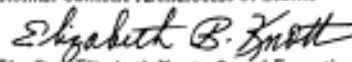
  
The Rev. Dr. Robert Bradford,  
Executive Minister  
American Baptist Churches of the Northwest

  
The Rev. Robert Brock  
N.W. Regional Christian Church

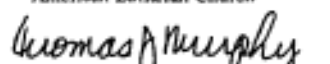
  
The Right Rev. Robert H. Cochrane,  
Bishop, Episcopal Diocese of Olympia

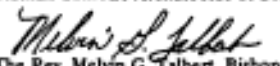
  
The Rev. W. James Halfaker  
Conference Minister  
Washington North Idaho Conference  
United Church of Christ

  
The Most Rev. Raymond G. Henthausen  
Archbishop of Seattle  
Roman Catholic Archdiocese of Seattle

  
The Rev. Elizabeth Knott, Synod Executive  
Presbyterian Church  
Synod Alaska-Northwest

  
The Rev. Lowell Knutson, Bishop  
North Pacific District  
American Lutheran Church

  
The Most Rev. Thomas Murphy  
Coadjutor Archbishop  
Roman Catholic Archdiocese of Seattle

  
The Rev. Melvin G. Talbert, Bishop  
United Methodist Church -  
Pacific Northwest Conference