

## **Tolerance and Subjection in Native American Religious Practices**

Daniel P. Zielske, Music & Anthropology Instructor, South Central College

### **Abstract**

The United States of America prides itself on the ideal of “freedom of religion,” yet Native American religions were outlawed until 1978, when then President Jimmy Carter signed the Freedom of Religion Act. For the first time, Native Americans were allowed to practice their religion openly. Lands that previously were spiritual centers for Native Americans had been turned into parks and reserves were now open for ceremonial use. Outwardly, it appeared that the U.S. had become more tolerant towards non-Christian religions, yet there are still a number of ceremonies that, if done properly, would violate other laws. Thus, Native American religions were still under the subjection of the American legal system and cannot fully practice their religious beliefs. Many ceremonies and their participants were targeted by local and federal law enforcement agencies looking for alleged subversive activities. Over time this has somewhat diminished, but there are still laws that target Native American religious practices, participants are still being followed and/or harassed, and there are still sacred places that are purposefully being targeted and destroyed by development projects in an attempt to minimize participation in Native American religions. This paper gives insight into toleration and subjection of Native American religious practices.

### **Introduction**

In my paper I will show how tolerance and subjection have played its role in the history of Native American people. This story has repeated itself throughout many different cultures at many different times. It is the story of what happens when a larger and more technically advanced culture comes in contact with smaller groups of indigenous peoples. It is the story of poorly planned and poorly executed assimilation strategies, there devastating affects and what we can learn from our previous failures. My hope is that the readers of this paper will learn from history’s mistakes so that better, more humane ways of working with indigenous people can be found.

If I were to speak to the experiences of all Native American groups I could easily fill volumes and volumes of books. Thus, for the purposes of this paper, I will be limiting my discussion to the experiences of the Dakota and Lakota people of the United States and Canada. I will also touch on some of the experiences of the Peyoteros of South Texas and the Ayahuasca practitioners of South America.

## **Historical Review**

### **Early European Contact—Being pushed west out of traditional lands, they lost their oldest traditional ceremonial areas to settlement.**

The Dakota and Lakota are related clan groups within the Great Sioux Nation. The traditional spelling of their names includes an “h” on the end (Dakotah and Lakotah). I was taught early on that you speak Dakota if you were east of the Red River of the North (the river that is the border for Minnesota and North Dakota) and you spoke Lakota if you were west of it. Currently the Mdewankanton Dakota live on four reservations in Minnesota; Upper Sioux, Lower Sioux, Prairie Island and Shakopee (Mystic Lake). Long before the Dakota people saw any white settlers they had been touched by them through contact with new diseases. Small pox and Rubella (German measles) were the two biggest killers of native Dakota and Lakota peoples. Early ethnographers like James Mooney estimated from their observations that about 90% of the Native American groups like the Dakota and Lakota died from these diseases before they ever saw their first white person. (Palmer 2008) As Europeans moved west and traded with the Dakota and Lakota they also brought with them alcohol, guns and other goods. Native American’s had never distilled alcohol before European contact, let alone drink it. Their bodies were not accustomed to processing this new chemical, thus it had a stronger effect on them. Later, the term “drunken Indian” will haunt the Native peoples of this country for many years. In Minnesota the traditional Dakota society was fast disappearing and a new way of life was taking over. The Yankton and the Lakota moved onto the plains to trap the beaver desired by the European traders. Meanwhile the Dakota, the middlemen, adopted the European Broadcloth as a part of their regular attire, a process that was expedited by the loss of precious game, hence hides, in their territory as they competed with white settlers for food and territory. (Palmer 2008) The Dakota first laid eyes on whites when they met French explorers Pierre Radisson and Seur des Groseilliers in 1660. At the time, the Dakota were living in northern Wisconsin. They later moved to the Mille Lacs Lake area but were pushed south after battles with the rival Ojibwa. The two Indian nations had a long series of conflicts stretching from 1736 to the mid-1850’s. In 1825 the Ojibwa and Dakota reached an agreement that set a boundary that ran diagonally across Minnesota, from what is now Stillwater to the Fargo area. The Dakota were south of the line, including the Minnesota River Valley. (Krohn 2008)

### **Subjection to Reservations**

There is nothing more devastation to an indigenous culture than forced subjugation to reservation lands. Throughout history we see this practice used by larger cultures as a means to take lands that had previously belonged to indigenous people for the purpose of redistributing to members of the larger society and then subsequently stripping it of its natural resources. In every case indigenous peoples were relocated, most often at the point of a gun, and were forced to not only give up their land, but to also give up their culture, their ways of life and even their religious beliefs.

### **Dakota and Lakota were at first permitted to hold some ceremonies**

When most Native Americans were first relocated to reservations they were usually allowed to hold their religious ceremonies on reservation lands, but as time went on and European populations grew they soon found that local missionaries, businessmen and law enforcement looked at these ceremonies as “works of Satan” and they would disrupt ceremonies or even pass laws to prevent Native Americans from practicing their religions.

In 1882, Secretary of the Interior, Henry M. Teller, initiated policy to end Indian Religious ceremonies and later to imprison Indians who were engaged in traditional rites (Wunder 1996, 33) Native American religions were outlawed under the federal "Civilization Regulations" from the 1880s to the 1930s. Traditional Native Peoples were not allowed to go to or pray at their sacred places. All of the traditional religions were driven underground, some to the point of extinction. (Harjo 2002) Until the Freedom of Religion Act in 1978, "spiritual leaders [of Native Americans] ran the risk of jail sentences of up to 30 years for simply practicing their rituals." (Robinson 2008) In particular the traditional indigenous Sun Dance, the center of planes Indians' religious practice, was illegal from the 1880s in Canada and 1904 in the U.S.A. to the 1980s.

What could have caused such a backlash against Native Americans and their religious beliefs? Many say fear is the greatest motivators of human behavior. Greed runs a close second. In the case of the Dakota and Lakota, both of these factors drove the hatred, imprisonment and even massacre of the people.

### **Fear of the Ghost Dance; Greasy Grass—Wounded Knee I.**

In 1889 a new Indian spiritual leader by the name of Wovoka came to the people. Jack Wilson was very ill during a total eclipse of the sun on January 1, 1889. People shot off guns at the apparition, they yelled, some wailed as at a death. Jack Wilson felt himself losing consciousness. It seemed to him he was taken up to heaven and brought before God. God gave him a message to the people of earth, a gospel of peace and right living. Then he and the sun regained their normal life. (Kehoe 1989, 3) Jack Wilson was now Wovoka. He was a spiritual leader for his people. One of the ceremonies he brought to the people was that of the Ghost Dance. In the dance people who participated could have a vision of their loved ones who had passed on. These loved ones could then advise you from the other side. You must remember that within a time span of about 15 years, the Sioux went from being the largest indigenous group to rule the upper great planes to a defeated people who had lost most of their lands, their way of life (The Buffalo) and most of their ability to rule over themselves. The people desperately needed to find something that would reunite them. The Ghost Dance seemed like a good start. Over the next year people came from all over to dance the Ghost Dance. Some were successful, others like Sitting Bull said it only gave him a headache (Sitting Bull was a great supporter of the Ghost Dance, although it seems he never received a vision from it).

With the Ghost Dance craze spreading through Indian country and many of them coming to South Dakota, the white people of the area became nervous. Complaints were sent to Washington by high ranking state officials asking the Army to be sent in to put down this new religion. On November 20, 1890 U.S. Army troops marched into Pine Ridge and neighboring Rosebud reservations under the order of President Harrison. Over the next few days agent James McLaughlin used this opportunity to get back at his rival Sitting Bull. He was able to convince the Army that force was needed to put down these Ghost Dancers. On December 15, 1890 McLaughlin had Sitting Bull executed for refusing to cooperate with the attempt to put down the Ghost Dance. On December 28, 1890 the U.S. Army surrounded the camp of Big Foot. After demanding the people give up their weapons the Army began to fire upon the now defenseless women, children and elderly who made up Big Foot's Camp. Shortly after the massacre at Wounded Knee the U.S. Government made it unlawful to practice the Ghost Dance and Dakota and Lakota religion in general.

### **Reservation Life: A Result of the Dawes Act of 1887**

What is significant about contact between Sioux communities at the end of the century is that it occurred within bordered lands, not in the borderlands. Native people had lost their independence, and their leaders could no longer use the boundary as a tool. Settling on reserves and reservations, made necessary when the buffalo herds failed, was also having consequences, Children went to European-run schools, former hunters became enmeshed in and dependent on European-style agriculture; government administrators collected data on aboriginal people and where they belonged. The collapse of the buffalo economy tied aboriginal people to government agencies where they could obtain rations. (McCrary 2006, 113)

The large clan groups which had once dominated Dakota life were being split up in the 1890's through the early 1930's. This separation came along distinct family lines. Sometimes it was by the choice of the family members involved, but most often by the "well intentioned" white people who were trying to "rehabilitate" the Dakota into American society. The boarding school system that was set up by the B.I.A. set the children off to be schooled by mission churches that were quite often very far away. Here the children were taught that their grandparents were "pagans" and that they needed to be more like white people. Quite often the children were beaten if they spoke their Dakota or Lakota language. "I remember we would get a spanking if we spoke Dakota when we were at school and when we would get home grandpa would spank us if we spoke English" (Larson 2008).

In the Global Conference at South Central College in 2007 Lakota elder Jerry Dearly spoke of the traditional marriage structure of the Lakota. He said that polygamy was practiced among the Lakota peoples of his ancestry. This practice was continued until 1904 when the United States Government officially outlawed all forms of polygamy from within Native American groups. At which time the Dakota and Lakota men had to choose one wife. The wives that were not chosen went back to their families and either remarried or took back the family name. These children soon lost track of who their patriarchal ancestry really was (Dearly 2007). The practice of Dakota

polygamy was well documented by historians. With this having occurred less than four or five generations ago, many Dakota and Lakota people are finding out that they are related to someone they had never met before, the lost relations being tied to the traditional polygamous family structure. I personally have three Dakota friends, all who have found this to be a problem for them. All three were married to people of European decent. The wives of all three filed for divorce, citing cultural differences as one of the problems. My three friends then decided that if they were to marry again, it would only be with a Dakota woman. Over the next seven years each began to date again. I watched as each one went through the same scenario. They finally found a Dakota woman who they were getting along with quite well. All were thinking that this could be a good relationship to be in. All three found out that they were related to their new found fancy as a distant cousin. The romance ended quickly with all three.

“Life in the late 1950’s and 60’s didn’t change much from previous years. Reservation life was rustic to say the least. There was no blacktop roads out there, the roads were more like trails, two tracks where the wheels would go. There were no street names. You got directions by people saying you take a left and go so far then take a right and go so far. Their meeting place was a little one room building; you could hardly fit everyone in it. No one had running water; most of them went to the public well and would fill up there and carry it home. It wasn’t until the 1970’s when some people put in their own wells. Bathrooms were out-houses, there was no sewer system at that time.” (Lawrence 2008) In the early 1970’s the government put in new home, but in most cases they didn’t connect it to any water. “Here were these people with sinks, bathrooms and the like, but no running water. An article in the Red Wing paper of the time showed Noah and Blanch White standing in their new home in front of a sink with no running water.” (Lawrence 2008)

### **Protecting the People; Wounded Knee II (1973)**

The second battle of Wounded Knee begins in February of 1973 when the F.B.I., state and local law enforcement came on to the Lakota Nations lands and surrounded the people. I have always found it interesting when law enforcement doesn’t want to help the Native Americans they use the “sovereign nationll argument,” yet when they want to show force over them, there is little regard to any sovereign nationll status of the same people. The second Wounded knee started after a number of Lakota had been murdered by gangs and thugs in South Dakota and the perpetrators would continually have their cases dismissed or would receive extremely light sentences for their acts. The Dakota and Lakota held a meeting at Wounded Knee to try to figure out what they could do. Remembering what had happened at the first Wounded Knee, it soon became apparent that the people would have to take a stand to protect their relatives. Wounded Knee would be that place and the American Indian Movement (AIM) would be the protectors of the people.

As all of this was taking place tribal chairman Richard Wilson saw his power and influence waning. Many of the people of Pine Ridge were convinced Wilson was corruptly using tribal monies to enrich himself and his friends. Wilson had lost face and was now losing influence and power to this new organization A.I.M. Wilson asked the F.B.I. and U.S. marshals to assist in “keeping the peace.” Two weeks after the agents and marshals arrived; the hamlet of Wounded Knee was under siege. Soon reinforcements came on both sides of the dispute. “Armored vehicles were brought in to support the FBI and marshals. Indians from Pine Ridge and from other reservations and tribes, reporters, church representatives, and a few political radicals walked over the prairie hills to sneak between roadblocks into the hamlet. Marshals and Indians each dug in, excavating bunkers to shoot from. Gunfire was exchanged from time to time, each side insisting the other had fired first. Within the hamlet, people set up community kitchens, assigned sleeping spaces, and scheduled guard shifts and religious rituals.” (Kehoe 1989) For many Dakota and Lakota people this would be the first time they had participated in their traditional religion openly. It would truly be a new beginning for those people.

## **A New Tolerance Arises; Laws to Protect Native American Religion**

### **The Native American Religious Freedom Act**

After the second Wounded Knee there was a renewed support for the plight of Native American. Many Americans thought the government’s handling of the events at Wounded Knee were too heavy handed. Many questioned the motives of the people of South Dakota in their part in the siege. All of this gave new support to Native American causes by the general American public. So in 1978 the Native American Religious Freedom Act was signed by then President; Jimmy Carter. (Native American Religious Freedom Act of 1978) For the first time in about 90 years the Dakota and Lakota people were allowed legally to practice their religion openly, on their own reservation lands. President Jimmy Carter said, in a statement about the AIRFA, a very similar thing. “In the past, Government agencies and departments have on occasion denied Native Americans access to particular sites and interfered with religious practices and customs where such use conflicted with Federal regulations. In many instances, the Federal officials responsible for the enforcement of these regulations were unaware of the nature of traditional native religious practices and, consequently, of the degree to which their agencies interfered with such practices. This legislation seeks to remedy this situation.” (Carter 1978)

### **Some ceremonies are legal again.**

One thing that happened because of the second Wounded Knee was that many Dakota, for the first time in their lives, participated in the traditional religion and ceremonies of their people. This had a unifying effect on the people that can still be seen today. The reservations soon became filled with people of all cultures wishing to learn about the ways of the “red road.” This fascination with Native religion reached its greatest height with the release of the movie “Dances

With Wolves.” Dakota and Lakota medicine men tell of doing the “crying for a vision” ceremony at Bear Butte shortly after the movie came out. People were coming from all over the United States and Canada to participate in the ceremony. The medicine men and helpers were there for over two month putting people on the hill so they could have a vision. The ceremony usually takes about four days. One shaman estimated that they put over 750 people up on the hill for the ceremony that year. Since then things have died down considerably.

**Some are not practiced openly.**

Even though the Peyote ceremony is to be legally practiced by the Native American Church, there are many places where Peyote medicine men have been arrested, detained or had their ceremonies interrupted by local and state law enforcement. (See below section on Modern Subjection in Native American Religions)

The Ghost Dance has not been performed, to the knowledge of my Native American informants, for over 100 years. With the historic suppression and subsequent massacre of Big Foot’s tribe in 1890, many Natives feel fearful of repercussion, by both harmful spirits and overzealous law enforcement, if they were to try this ceremony again. There is also the feeling that the Ghost Dance has ties to Christian religious practices and thus the spiritual sacredness of the ceremony has been diluted or is completely gone. If this ceremony has been practiced in the last twenty years, it is one of the best kept secrets that I know of.

**Native American Free Exercise of Religion Act of 1993**

The sometimes vague terminologies of the American Indian Religious Freedom Act, left it open to many conflicting interpretations. Some local and state authorities would work this vague terminology to their own benefit, thus preventing religious leaders from carrying out their ceremonial activities. To further strengthen the AIRFA, Senate Bill 1021 the Native American Free Exercise of Religion Act of 1993 was established. In this bill many of the vague terminology of the previous AIRFA was spelled out in proper legal terms. The bill eventually passed as the American Indian Religious Freedom Act Amendments of 1994. (American Indian Religious Freedom Act Ammendments of 1994)

**Modern Tolerance toward Native American Religions**

**Religious Use of Sacred Lands; Bear Butte, SD**

In AIRFA many sacred lands began to open up to Native people to practice their religion. One of these areas was the sacred hill of Bear Butte in South Dakota. In my discussion I will give a brief description of both the recorded history along with some of the Native interpretations I have heard while doing ceremonies there.

## ***Recorded History***

Human artifacts have been found on or near Bear Butte that date back 10,000 years, indicating a long and continuous interest in the mountain. The Cheyenne and Lakota people have maintained a spiritual interest in Bear Butte from their earliest recorded history.

Notable visitors like Red Cloud, Crazy Horse, and Sitting Bull made pilgrimages to the site. In 1857, a council of many Indian nations gathered at Bear Butte to discuss the growing presence of white settlers in the Black Hills.

Violating a treaty of 1868, George Armstrong Custer led an expedition to the Black Hills region in 1874, and according to custom he camped near Bear Butte. Custer verified the rumors of gold in the Black Hills, and Bear Butte then served as an easily identifiable landmark for the rush of invading prospectors and settlers into the region. Indian reaction to the illegal movements of whites into the area was intense and hostile. Ultimately the government reneged on its treaty obligations regarding the Black Hills and instead embarked on a program to confine all northern Plains tribes to reservations.

Ezra Bovee homesteaded on the southern slopes of the mountain, and by the time of World War II, he and his family were the legal owners of the site. In the spring of 1945, the Northern Cheyenne received permission from Bovee to hold a ceremony at Bear Butte to pray for the end of World War II. The Cheyenne found that the Bovee family welcomed their interest in the mountain, and over the years the Bovees continued to encourage native religious ceremonies.

By the mid-1950s Ezra Bovee was attempting to stir up interest in making Bear Butte a national park. After his death, his family continued the effort. When federal interest in the project waned, the state government in Pierre took action, and Bear Butte became a state park in 1961 and was registered as a National Historic Landmark in 1965.

Frank Fools Crow, the Lakota ceremonial chief (d. 1989), made pilgrimages to Bear Butte throughout his lifetime. Fools Crow taught racial harmony not just between whites and Indians, but among all the peoples of the world. He believed the Lakota should never sell the Black Hills. A bust and plaque in front of the education center at Bear Butte State Park honor Fools Crow's efforts. (Wikipedia 2010)



### ***Native Recognition of Bear Butte Usage***

When I have been out for ceremonies at Bear Butte, South Dakota I have been told by numbers of elders that even before AIRFA went into effect, religious leaders would frequent the mountain and hold ceremonies in secret. Traditionally the mountain is considered a Cheyenne holy place, the close kin ties the Cheyenne have with the Lakota have allowed them to also use this sacred mountain. The Dakota, who are of the same blood as the Lakota, have also used this mountain for a number of years. Amos Owen of the Mdwakanton Dakota from Minnesota used this mountain numbers of times for his vision ceremonies. Pictures of Amos, along with pipes and other ceremonial items he made are also on display at the Bear Butte interpretive center at the foot of the mountain. Today, over sixty different tribes use this sacred mountain for their ceremonial activity.

### **Ceremonies Open to the Public**

#### ***Sweat lodge opens up to all people.***

Elders have told me that sweat lodge ceremonies were a lot different during the times before AIRFA. The lodges were isolated in the most remote areas. They would be taken down more often than usual so outsiders wouldn't find them and report the medicine men to law enforcement. During this time many native people left their traditional ways, so many of the songs, customs and ceremonies were abandoned and forgotten. If it were not for a few individuals the entire culture might have been lost. (Taylor 1998)

Frank Fools Crow is one of these individuals who took the risk of being arrested and imprisoned during these times. Fools Crow inspired a number of young Dakota and Lakota men who then took on revival of the religion. One of these men was Amos Owen of the Prairie Island Mdwanakanton Dakota. Amos Owen, like Fools Crow, would go to the sacred mountain of Bear Butte to seek a vision. There Amos had a vision that he should open up the sweat lodge to people of all races, nations and sexes. According to Ray Owen, Bud Lawrence and Dave Larson and others; for the first time women were allowed in the sweat lodge. Non-Indians, who were not adopted into a native family, were also allowed in the sweat lodge for the first time. The sacred pipe was given to non-Indians and they were taught how to conduct ceremonies and provide medicines and conduct ceremonies for the people.

#### **First Public Wacipi (Pow-wows)**

During the reservation year's people would hold their wacipi (pow-wow) in their houses. Out of fear of imprisonment the people would put blankets over the windows so no one would see in. Drum groups would have to perform in the basement and windows would have to remain closed so the sound wouldn't be heard outside. Furniture had to be moved out of the house to make room for dancers and participants. In all they would keep the ceremony secret because even if

you were living on the reservation, you neighbors may turn you into law enforcement or European religious leaders. (Taylor 1998)

Starting in the early 1970's the first wacipis were opened up to the public. One of the first Dakota public pow-wows was the Mahkato Wacipi (Mankato Pow-wow) which began in 1972 in Mankato, Minnesota. Mankato natives; Bud Lawrence and Jim Buckley walked over one-hundred miles to Prairie Island to speak with Amos Owen and ask him if they could start a wacipi in Mankato. Mankato had a long history of oppression of Native American people and Bud and Jim wanted to do something to educate the people about Native American culture in an effort to reduce hate crimes in the area. In September of 2010 the Mankato Wacipi will celebrate its 38<sup>th</sup> wacipi. This is significant because in 1862 the largest mass execution of Native people in the United States occurred in Mankato with the hanging of thirty-eight Dakota and Hochunk warriors and medicine men. In this 2010 ceremony the Native people will try to put the hatred and bad feelings of the past behind them.

### **First Sun Dances**

Typically in the early days the Sundance was the most open of all of the ceremonies. People of all nations could attend the Sundance. You were always welcome as long as you followed the traditions of your local hosts. (Wabasha 2006)

In the years when Sundance was illegal most ceremonies were not held. When a Sundance was held it was kept in secret, only the participants know when and where it was going to be held. They were held in very remote areas where they could hide the ceremonial grounds from the prying eyes of law enforcement and curiosity seekers. Warriors were always present to protect the participants from outside interference. (Owen 2010)

Today, the Dakota and Lakota Sun Dances are still kept under wraps. The people still fear repercussion from law enforcement and local governments. They have also become very aware of how media sources can twist their traditional stories and religious beliefs. In my personal experiences, when Prairie Island held its first Sundance in over one-hundred and fifty years, Fox News network wanted to come in and film the most private ceremonies. Filming or videotaping of sacred ceremonies has always been forbidden by Native American. After being refused entrance with their cameras by security personal they then flew over the Sundance grounds with a helicopter to try to get around the filming rules. Interestingly enough we found out from someone who worked there that when they were over the Sun Dance grounds and trying to film their cameras would not work. Once they landed the cameras started working again, so they tried another flyover, and once again the cameras would not work while they were over the Sun Dance grounds.

## **Modern Subjection in Native American Religions.**

### **Peyote & Ayahuasca**

When I started to write this paper my previous experiences at conferences suggested that at some point I would have to speak to either the Peyote ceremony or the Ayahuasca ceremony or both. These are two of the most visible and discussed topics that scholars of consciousness and indigenous herbal medicine, along with many others including The Anthropology of Consciousness division of the American Anthropological Association. The difficulty I was having is that my Dakota relatives do not practice either ceremony, thus I felt my knowledge was limited in these areas. Too my good fortune I have since met people who are experts in the practice of both ceremonies.

While attending this year's Sun Dance ceremony I was fortunate enough to meet a man who is an expert on the Peyote ceremony of the Peyoteros of South Texas. In learning about the ceremony I asked him if he had heard of anyone being arrested or harassed by local citizens or law enforcement agencies. He told me of some arrests, but then went on to say that the particular person involved was not going about the ceremony properly. He was providing peyote, but not teaching the people how to use it properly in ceremony. Thus, this person did not fall under the protection of the legal code. (Gonzalez 2010) Javier went on to say that the police and government know who the real religious leaders are and they tend to let them go about their business. I then asked if there are any laws that affect the way the peyote ceremony is conducted. His remark was that it wasn't laws so much as policies, both official and unofficial, that affect the why the peyote ceremony is conducted. He then related to me the experience of a religious leader who was doing the peyote ceremony on one of the sacred Padre Islands. This medicine man would have to stop his ceremony each day and leave the park, only to turn around again and then return to his alter and continue his prayers. This is because the park had a regulation that you could only stay in the park for twenty-four hours. Thus; this religious leader would have to leave the park, making sure a park ranger witnessed it, once outside the grounds he could then turn back again and return to his prayers. (Gonzalez 2010)

I first ran into Ayahuasca religious leaders at a conference on indigenous religious practices. Ayahuasca is a medicine plant from South America that can cause a psychedelic experience in the practitioners. It is used as a sacrament to align one's self with the cosmos and the universe. It is still legal in many parts of the Americas and it is even legal in parts of the United States. It was first documented academically in the 1950's yet the tradition is hundreds if not thousands of years old. The use of Ayahuasca steadily increased throughout the late 1900's and into the twenty-first century. This increased used has drawn the attention of many government and law enforcement officials who have increasingly lobbied for it to be made illegal. The same fearful legal arguments that have outlawed the use of peyote and sacred mushrooms are being used to convince lawmakers to outlaw the use of Ayahuasca. We are again seeing another indigenous religious tradition being made illegal.

### **Eagle Feather Laws; Eagle Feather Cards**

One of the more recent additions is the enforcement of the Eagle Feather card law. It is illegal to have an eagle feather in the United States unless you are of Native American decent. If you do not have an eagle feather card, any eagle feathers you own will be confiscated by border patrol or law enforcement. This is the area that has caused the most problems for Native Americans. Many people didn't know about the law at first and had feather that were given to them by parents and grandparents confiscated when they tried to cross the U.S./Canada border. I had heard of at least seven separate episodes of this happening in the years after 911, although I personally have not heard of any feathers being confiscated at the boarder since 2008.

### **Public Ignorance breeds Intolerance towards Religious Practices.**

One of the more difficult things that a Native American religious leader or practitioner faces is public ignorance of their religious practices. In particular is the practice of "giving of flesh." In Native American religious traditions everything in the universe is owned by the creator and the creator gives us the things we need for this life. All things are of the creator. Thus, the only thing we as living humans own is our own flesh. So the only gift we can give the creator when we are asking for our prayers to be heard is our own flesh. The problem lies in the fact that this will scarify the human body. When non-Native people see the scarification, they do not know why it was done. Fear of the unknown takes over and practitioners who have given flesh are then made fun of, persecuted and sometime even attacked as "Satan worshipers."

Another practice that draws a bit less of a response, but still is very difficult for practitioners to explain, is the shaving of one's head and other traditions associated with mourning the death of a loved one. In the traditional ways of many native groups when a relative dies one of the close family members is chosen to "keep the soul" of that loved one for one year. In doing so that person will shave all of the hair off of their head and they will not be able to handle any item that is sharp (like a knife, scissors or anything else that could be used as a weapon). This tradition also draws unwanted attention to the practitioners by people who do not understand the traditions. My friend, who was the "keeper" of his mother's soul, told me of the many times people would question him or poke fun at him while he was performing this sacred task. I remember him stating "people look at you funny when you go out to eat at a restaurant and your wife has to cut your steak for you." Some have told me that when they were confronted by non-Natives about their appearance and practice it was much easier to tell these people that they were going through some sort of cancer treatment. That way people would accept what they saw and leave the "keeper" alone.

### **Suppressing the growth of the Native American Religions by excluding outside practitioners.**

In the first years after AIRFA many law enforcement agencies would discriminate against non-Native American practitioners of the religion. The most common form of discrimination was the interpretation of the act itself. Since it read "American Indian" in the title, may agencies saw this

as an “American Indian Rite Only” and the protections provided did not apply to any non-Native practitioners. The Native American Free Exercise of Religion Act of 1993 amended AIRFA to include non-Native practitioners.

**It is very difficult for non-Natives to follow the religion.**

Most non-Native practitioners I have spoken with all realize that they are to be protected under AIRFA and its amendments, but all of them say “but I don’t want to be the first one to have to use it” in a court of law.

The biggest concern expressed by non-Native practitioners is the Eagle Feather Cards. Cards are only given out through the tribal council. They are only to be given to tribal members. Thus, people who cannot show a tribal affiliation are left to wonder what will happen if they are found with ceremonial feathers or even the feathers their grandparents gave them.

There are also many in the Native community who feel that non-Natives should not be allowed to participate in ceremonies. This new conservative idea that natives need to go back to men only sweat lodges has been growing for a number of years now. A number of spiritual leaders, including Arvol Looking Horse, have expressed a desire to return to a Native only religion. (Manataka American Indian Council 2003)

**Phones are tapped, People are followed and questioned**

I have yet to go to a ceremony anywhere in the United States or Canada where I have not found at least one person who states that they have had their phone tapped or found GPS tracing devices attached to their vehicle at some time in their life. I have also run across a number of non-Native people who have told me the same basic story that happens just after they have participated in ceremonies or have received a ceremonial item by a religious leader. I myself have been questioned by government authorities about my participation in Native ceremonies and my whereabouts tracked for a short time afterward. Even at this year’s Oxford Round Table, I met a gentleman who had the same experience of having law enforcement question him after a Native American friend gave him a hawk feather. No one that I have spoken with seems to know why there is such an interest in who is going to what ceremony or what ceremonial items one may possess, but “big brother” most certainly wants you to know that they are watching you.

**Ceremony areas are being lost to urban development.**

One of the most disappointing aspects of the current state of the Native American religious practice is that many ceremonial areas are being lost to urban development. Even though the Dawes Act has not been enforced since 1934, Native Americans have lost thousands of acres of ceremonial ground to urban development. Sometimes even with the approval of the local tribal councils.

Even the sacred mountain of Bear Butte has fallen to possibilities of urban development. “Bear Butte, the mountain proper, is currently a National Historic Landmark managed by the South Dakota Game Fish and Parks Department. Although a few parcels of adjacent land have been

purchased by some Native American nations, the rest of the surrounding area is ranchland, or is being sold to developers. Two drag racing strips, a biker bar, a convenience store, campgrounds, and housing developments are all located within a few miles of this sacred place.

Most recently, the nearby town of Sturgis and a group of private businessmen received \$825,000 from the US Department of Housing and Urban Development under the form of a Community Development Block Grant to build a rifle shooting range within a few miles of Bear Butte. As federal money was involved, they were told over and over that they needed to consult with the Native American nations who use Bear Butte to pray. They did not. One of the businessmen owns a gun manufacturing company. Another merchant manufactures ammunition.” (White Fox 2003)

### **Closing Statements**

In closing you can see how the Native American people have seen their fair share of subjection and tolerance throughout history. As time and attitudes change so does the experiences of the indigenous peoples as they fight to retain their own cultural identity, customs and beliefs. The more people are educated about these other religions, the less they fear them. The less they fear them the more tolerant they are to the people who practice them. Fear and Greed are two of the strongest motivational forces in human behavior. They both come to play anytime a larger, more technically advanced culture comes in contact with a smaller primary culture. By using education to combat peoples fear, we can hopefully prevent ourselves from making the same mistakes of the past, then we can make a better future for people of all nations.

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