



**NATIVE AMERICAN  
RIGHTS FUND**

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Senate Indian Rural and Cultural Affairs Committee  
New Mexico Senate  
New Mexico Legislature  
490 Old Santa Fe Trail  
Santa Fe, NM 87501  
[SIRC.Zoom@nmlegis.gov](mailto:SIRC.Zoom@nmlegis.gov)

Re: SB 163 “Tribal Regalia at School Events”

Dear Chair Pinto and members of the New Mexico Senate Indian, Rural and Cultural Affairs Committee,

We are providing this written testimony on SB 163, entitled “Tribal Regalia at School Events.” The Native American Rights Fund (“NARF”) writes to express its support for SB 163. This bill is an important step towards protecting New Mexico students’ religious and cultural expression at graduation.

NARF is the oldest and largest non-profit law firm dedicated to defending the rights of Native American Tribal Nations, organizations, and individuals across the United States. For many Native students and their families, preparing for high school graduation includes determining if school graduation policies protect the right of Native people to wear traditional clothing or religious and cultural items to their graduation ceremony. Often, Native students wear tribal regalia or related religious items for the same reasons that some students wear an honor cord or stole to graduation – in recognition of their academic achievement.

Each spring, NARF receives numerous requests for assistance from Native students and families whose schools attempt to prevent them from wearing traditional Tribal regalia, including eagle feathers, at their graduation ceremonies.<sup>1</sup> Schools that insist on

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<sup>1</sup> While traditions, religious beliefs, and spiritual practices vary, eagle feathers are often considered spiritually significant, representing honesty, truth, majesty, strength, courage, wisdom, power, and freedom. Eagles are so spiritually powerful that their feathers can carry the

uniformity of dress at any cost force Native students to choose between being included in the celebration or following their own religious and cultural traditions. The persistence of this issue for our communities demonstrates the importance of state legislation affirming students' rights to wear Tribal regalia and cultural and religious items at graduation.

New Mexico has a particularly rich Native American history with many Tribal Nations that have historical connections to New Mexico. Today, New Mexico is home to more than 250,000 Native American citizens, which represent nearly 12.4% of the state's entire population.<sup>2</sup> There are 23 Tribal Nations located in New Mexico – 19 Pueblos, three Apache Tribes and the Navajo Nation, as well as a considerable urban Indian population. Each Tribal Nation has its own government, lifeways, traditions, and culture.<sup>3</sup> And each Tribe and Pueblo practices their cultural traditions and religions proudly. But Native people in this country – and specifically in New Mexico – have not always been able to embrace and celebrate their Native identity.

In the 1870s, the United States began taking Native American children from their parents and shipping them to boarding schools where they were forcibly stripped of their culture, tradition, and language. A clearly stated purpose of these schools was to “kill the Indian . . . and save the man.”<sup>4</sup> Native American children in boarding schools were forced to cut their hair, remove and discard their traditional regalia, and were punished for speaking their own language. Many children died or ran away. These forced assimilative practices for Native American youth did not end until the 1970s. Today, many Native American adults are survivors of boarding schools and are now raising their own children and grandchildren.

The boarding school era is inextricably intertwined in New Mexico's history. In 2022, the United States Department of the Interior published an extensive report detailing the brutality of federal Indian boarding schools. The report identified 408 federal Indian boarding schools across 37 states, including 43 that operated in New Mexico.<sup>5</sup> Like

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givers' intentions, dreams, and prayers for the recipient to the Creator. Many traditions hold that eagle feathers should only be worn on the crown of the head so that they may convey their power to the Creator, unobstructed. And it can be a sign of disrespect or dishonor to not wear the feather at the event for which it was bestowed.

<sup>2</sup> New Mexico Indian Affairs Department, *Nations, Pueblos & Tribes*, <https://www.iad.nm.gov/nations-pueblos-and-tribes/>.

<sup>3</sup> *Id.*

<sup>4</sup> See Lakota Law, *Right to Regalia: Let Those Feathers Fly at Graduation*, LAKOTA PEOPLE'S LAW PROJECT (June 3, 2019), <https://www.lakotalaw.org/news/2019-06-03/right-to-regalia>.

<sup>5</sup> U.S. Dep't of Interior, *Federal Indian Boarding School Initiative Investigative Report* (May 2022), [https://www.bia.gov/sites/default/files/dup/inline-files/bsi\\_investigative\\_report\\_may\\_2022\\_508.pdf](https://www.bia.gov/sites/default/files/dup/inline-files/bsi_investigative_report_may_2022_508.pdf).

other Indian boarding schools, those in New Mexico forbade Native American children from using their own names, languages, and clothing. Tribal religious practices were also forbidden.<sup>6</sup>

In 2024, these Indian boarding schools no longer exist, but the attempted forced assimilation and profound generational trauma wrought by these institutions – including those in New Mexico – nonetheless impacts Native students’ educational outcomes today.

As a result of the long history of assimilation practices like boarding schools, high school graduation is often a deeply significant event for Native Americans. Many Tribal Nations and Native families recognize a person’s significant life achievements, such as graduation, by bestowing them with the honor of an eagle feather or plume.<sup>7</sup> An eagle feather “signifies the strength it took to reach this milestone and the resilience it will take to continue into the next stages of life.”<sup>8</sup> These items are often gifted through traditional ceremonies to students to recognize their great educational achievements and to carry the givers’ intentions, dreams, and prayers for the recipient to the Creator. For some Native students, wearing an eagle feather or other regalia may be just as important as receiving the actual diploma.<sup>9</sup>

The United States Supreme Court has recognized that “in our society and in our culture high school graduation is one of life’s most significant occasions.”<sup>10</sup> “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.”<sup>11</sup>

SB 163 explicitly protects students’ right to wear Tribal regalia and objects of cultural significance, including feathers. This bill will help ensure that all students in New Mexico can experience this momentous occasion and evidence these mutual aspirations in ways that are faithful to their religious beliefs and cultural heritage. It is essential that

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<sup>6</sup> Editorial, *Indian Boarding School History Needs Telling for Healing*, ALBUQUERQUE J., (July 28, 2022), [https://www.abqjournal.com/opinion/editorials/article\\_18d041ff-fc19-5c15-a692-74c0ff46aeac.html](https://www.abqjournal.com/opinion/editorials/article_18d041ff-fc19-5c15-a692-74c0ff46aeac.html).

<sup>7</sup> *Waln v. Dysart Sch. Dist.*, 54 F.4th 1152, 1156 (9th Cir. 2022) (Feathers and beaded caps are given to Native students “in times of great honor[.]”).

<sup>8</sup> See Lakota Law, *Right to Regalia: Let Those Feathers Fly at Graduation*, LAKOTA PEOPLE’S LAW PROJECT (June 3, 2019), <https://www.lakotalaw.org/news/2019-06-03/right-to-regalia>.

<sup>9</sup> *Id.*

<sup>10</sup> *Lee v. Weisman*, 505 U.S. 577, 595 (1992).

<sup>11</sup> *Id.*

New Mexico, home to 23 federally recognized Tribal Nations and Pueblos, join the eighteen other states that have already passed similar legislation.

This bill will confirm that our students have the right to wear these traditional, cultural, and spiritual items during graduation ceremonies. In this time, we should be celebrating our Native students and the perspectives they bring to our schools. We should be lifting up Native students' desire to connect with and express their religious and cultural beliefs. For our youth, engagement with and pride in their heritage helps them face and overcome many obstacles, including substance abuse and historical trauma. This bill will help ensure that our youth can take those steps in the right direction, including at school and at graduation.

In conclusion, NARF supports SB 163 and its companion bill, HB 194. We are happy to help address any concerns or questions regarding SB 163 and hope to ultimately see it through the legislative process and become law. Thank you for the opportunity to submit this testimony to the Committee.

Sincerely,

A handwritten signature in black ink, appearing to read 'MLC', with a horizontal line underneath.

Matthew L. Campbell  
Deputy Director  
Native American Rights Fund