



# WEARING EAGLE FEATHERS AT GRADUATION

## INFORMATION FOR SCHOOLS

*Many Native American high school students seek to express their religious beliefs and celebrate their academic achievements by wearing an eagle feather at their graduation ceremonies. Graduation from high school is an especially significant occasion for Native students and families, considering that the American Indian and Alaska Native high school graduation rate is the lowest of any racial or ethnic demographic.<sup>1</sup> While most public school districts permit Native students to wear eagle feathers at graduation, some school districts do not. This guide explains why it is culturally and religiously important for Native students to be allowed to wear eagle feathers at graduation.*

**1 EAGLE FEATHERS ARE RELIGIOUSLY IMPORTANT:** From time immemorial, many Tribal Nations have viewed eagles and their feathers as sacred elements of their religious traditions. In many Native cultures, eagle feathers are as significant a symbol as a cross or Bible in western religions. Many Native people believe that, as eagles roam the sky, they have a special connection with and are messengers to God.

*“Both bald and golden eagles (and their feathers) are revered and considered sacred in our cultural and religious tradition . . . The gift of an eagle feather to wear at a ceremony is a great honor given in recognition of an important transition and has great spiritual meaning. When given in honor of a graduation ceremony, the eagle feather also recognizes academic achievement and school-related success. Eagle feathers are worn with pride and respect.”<sup>2</sup>*

– Isidro Gali, Vice Chairperson of the Pit River Tribe

**2 EAGLE FEATHERS ARE CEREMONIALLY SIGNIFICANT:** Eagle feathers are given only in times of great honor. Many Tribes present young people with eagle feathers upon graduation to recognize the achievement of this educational milestone and reflect the honor the graduate brings to their family, community, and Tribal Nation. For many Native students, receiving an eagle feather is as significant as earning the diploma or an honor society stole. When receiving an eagle feather for an achievement, it is often seen as a sign of disrespect or dishonor to not wear the feather for that event.

*“Eagle feathers hold a sacred place in Native American culture and religious practices. Because of the feathers’ significance to Native American heritage and consistent with due respect for the government-to-government relationship between the Federal and Native American tribal governments, this Administration has undertaken policy and procedural changes to facilitate the collection and distribution of scarce eagle bodies and parts for this purpose.”<sup>3</sup>*

– President Clinton, Executive Memorandum

**3 THE U.S. CONSTITUTION, FEDERAL LAW AND POLICY, AND VARIOUS STATE LAWS PROTECT NATIVE STUDENTS’ RIGHTS:** For example, the Bald and Golden Eagle Protection Act of 1962 allows tribal members to continue to include eagle parts in their religious ceremonies by providing special exemptions to American Indians and Alaska Natives.<sup>4</sup> U.S. Fish and Wildlife Service has facilitated an eagle feather permit and distribution system to Native peoples for religious and ceremonial purposes for more than 20 years<sup>5</sup>, and U.S. Department of Justice policies prohibit prosecuting tribal possession and use of eagle feathers.<sup>6</sup>

The U.S. Constitution prohibits restrictions on the free exercise of religion and free speech. Even if a school policy preventing Native students from wearing eagle feathers applies to all students, uneven or selective enforcement can violate a Native student’s religious and free speech rights.

Disallowing eagle feathers while allowing or tolerating secular or other religions' decorations, messages, or regalia at graduation can transform a "generally applicable" policy into a selective policy that discriminates on the basis of religion, in violation of the Constitution.<sup>7</sup> Currently, state laws in AK, AZ, CA, CO, IL, KS, MI, MN, MS, MT, NC, NE, NM, NV, ND, OK, OR, SD, UT, and WA also protect Native students' rights to wear eagle feathers at graduation.

**4 MOST SCHOOLS ALLOW NATIVE STUDENTS TO WEAR EAGLE FEATHERS:** Even in states that do not require schools to allow Native students to wear their regalia at graduation, most schools recognize that commencement ceremonies are an appropriate setting for Native students to wear an eagle feather with dignity. For these schools, permitting Native students to wear eagle feathers is not only good policy, but the right thing to do.

The history of American Indian boarding school assimilation often caused schools to become sites of trauma and cultural erasure. Allowing Native students to honor their cultural and religious beliefs at graduation ceremonies is one way that schools can affirm that Native people, their religions, and their culture, belong.

While many schools approve Native students' requests to wear an eagle feather on a case-by-case basis, some districts have adopted policies allowing all Native graduates to have this distinct honor. These policies range from specifically accommodating Native students, to permitting cultural student organizations to approve and/or distribute culturally appropriate honor chords, including eagle feathers for Native students.

*"It's my belief it is our responsibility to be respectful of each student's spiritual and cultural beliefs. Not just to enable [cultural expression] but to respect and honor their heritage. [This Assiniboine/Lakota Sioux graduate] will become an example to other Native American students. Her wearing the eagle feather will say, 'This is a goal you can reach and be a member of your tribe at the same time.'"*

**– Superintendent Joyce Henstrand, Reynolds School District, Fairview, OR<sup>8</sup>**

**5 CONFISCATING A STUDENT'S EAGLE FEATHER IS A VIOLATION OF FEDERAL LAW:** The Bald and Golden Eagle Protection Act of 1940 makes it a federal crime to possess any eagle part (including feathers) without a permit. Native students who own and possess eagle feathers have a non-transferrable federally awarded permit for that feather. Confiscating an eagle feather from a student could subject a school official or district to criminal penalties.

### Endnotes

- 1 National Center for Education Statistics. (2023). Digest of Education Statistics: Public high school 4-year adjusted cohort graduation rate: 2010-11 through 2021-22. Institute of Education Sciences. [https://nces.ed.gov/programs/digest/d23/tables/Wdt23\\_219.46.asp](https://nces.ed.gov/programs/digest/d23/tables/Wdt23_219.46.asp)
- 2 Dec. of Isidro Gali at ¶ 5-6, *Titman v. Clovis Unified Sch. Dist.*, No. 15CECG01717 (Cal. Super. Ct. 2015).
- 3 Policy Concerning Distribution of Eagle Feathers for Native American Religious Purposes, 59 Fed. Reg. 22953 (Apr. 29, 1994).
- 4 *Id.*
- 5 *Id.*
- 6 Dep't of Justice Office Environmental and Natural Resources Division, *Memorandum Re Possession or Use of Feathers or Other Parts of Federally Protected Birds for Tribal Cultural and Religious Purposes*, (Oct. 12, 2012), <https://www.justice.gov/sites/default/files/ag/legacy/2012/10/22/ef-policy.pdf>.
- 7 *Wain v. Dysart School District*, 54 F.4th 1152 (9th Cir. 2022) (in which the plaintiff sufficiently pled a violation of her rights where the school district did not allow her to wear an eagle feather, but allegedly allowed another student to wear a breast cancer awareness sticker on their cap).
- 8 Tanya Lee, *High Schooler First Not Allowed, Then Allowed, to Wear Eagle Feather in Graduation Cap*, Indian Country Today, November 28, 2011.

