Issue Brief: Native Americans and Minority Religion

Keywords: Native Americans, Religious Freedom, First Amendment Rights, Religious Freedom Restoration Act, Christianity, Native American Religions

Description: The following brief describes religious affiliation of Native Americans, with an emphasis on historical movements and legal difficulties that have impacted Native Americans religious identity (i.e. religious freedom). Additionally, current religious freedom struggles are addressed.

Key Points:
• Native Americans have historically struggled to obtain First Amendment rights related to religious freedom; this is due in part to their unconventional citizenship status.
• The federal government’s historically meddlesome approach to Native American religious tradition has greatly influenced Native American’s form of worship, causing a departure from traditional Native American religions and shift towards Christianity.
• The federal government resettled Indians, outlawed the practice of native religion, and put into place a series of assimilation programs until the creation of the New Deal in 1933 (which revoked many of these limitations).
• Native Americans had the majority of their religious rights formally restored to them with the enactment of the Religious Freedom Restoration Act in the 1990’s.
• Today, Native American’s primary religious struggles are to gain access to sacred sites and have sacred artifacts returned. They also face many opponents of their use of controversial items such as peyote and eagle feathers in rituals, despite being legally permitted to utilize these goods.

Issue Brief:
According to the 2010 United States Census, Native Americans make up approximately 1.7% of the population (5.4 million people) (Yurth). It is approximated that 9000 people, or less than 1% of this population, solely practice Native American religions which often incorporates a variety of ceremonies and symbolism focused on animalism (Ratts & Pedersen, 159). However, over the past few centuries Native Americans have significantly shifted from native religions to Christianity. This is represented by a 2008 Pew Forum on Religious & Public Life which found that 70% of Native Americans identify as Christian, 20% identify as unaffiliated/atheist, and 9% identify as other (most likely native religions and combinations) (Ratts and Pedersen, 160).

The First Amendment, included within the Bill of Rights and passed by Congress in 1791, states that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof” (About the First Amendment). Thus, the enactment of the First Amendment guaranteed American citizens fundamental freedom of speech rights that are
viewed as a hallmark of American society. However, despite this fact, Native Americans have historically struggled to secure first amendment rights, especially those related to religious freedom. This may in part originate from Native Americans complicated relationship with the U.S. government, in which Native Americans are termed “domestic dependent nations” (CQ Researcher, 260) and were not recognized as full American citizens prior to the Indian Citizenship Act of 1924 (IIP Digital).

After declaring independence from Britain, the United States began efforts to remove Indians from native lands and resettle them on reservations to the west under the Indian Removal Act. The most famous instance of this resettlement is The Trail of Tears (1838), in which thousands of Cherokee people were forcibly marched away from their native lands (CQ Researcher, 260).

Following this segregation movement, the United States made efforts to assimilate and “civilize” Native Americans (Ratts & Pedersen, 158). The popularity of Christianity among Native Americans today can be perceived as the direct impact of past assimilation efforts by the United States government, namely boarding schools. Though European missionaries originally introduced Christianity to Native Americans as early as the 1630s, it can be surmised that the creation of Christian boarding schools and anti-indigenous legislature supported such change. First founded in 1879, these schools removed Native American youths from their reservation-based households in order to supply them with non-optional Westernized educations founded in Christianity (Ratts & Pedersen, 158). This was a direct effort by the U.S. government to assimilate future Native American generations into greater American society (thus bridging the gap between cultures). Today, the Native American Church is the most major religious sect of Native Americans, containing around 250,000 members. The ideology of the Native American Church includes both fundamental Christian beliefs and indigenous rituals (famously the use of peyote), which reflects the rather mixed religious climate that Native Americans have historically been exposed to (Ratts & Pedersen, 159).

In the past, the U.S. government took a more extremist perspective than they do today, effectively outlawing many indigenous cultural practices (including those of religion and language). Ceremonies such as the Sun Dance were famously forbidden (IIP). By 1978, the U.S. government began to make tangible efforts to correct this violent disregard for personal expression through their introduction of the American Indian Religious Freedom Act. This law
restored several religious rights to Native Americans, most significantly religious freedom. Participation in traditional ceremonies and cultural practices became legal and some sacred sites became recognized by the government (Minority Rights). Congress’ continued these efforts for religious equality by later introducing the Religious Freedom Declaration Act in 1993 (IIP). In 2007, the United Nations put forth the Declaration on the Rights of Indigenous People, which internationally recognized the right of Native Americans and other indigenous people to their cultural heritage. An example of the success of this series of laws can be found in peyote, which is considered to be a Schedule 1 psychotropic substance by the U.S. government, i.e. an illegal substance of the highest order. To Native Americans, however, the smoking of peyote is a highly ingrained spiritual practice essential to religious ceremonies such as the Ghost Dance. Through the implementation of the American Indian Religious Freedom Act and subsequent court cases (e.g. *Peyote Way Church of God v. Thornburgh*), peyote was legalized for members of the Native American Church who use it for “bona fide religious activity” (Minority Rights).

Peyote is only one such example of modern culture clashes between the U.S. government and Native American tribes. The Religious Freedom Declaration Act still protects Native American practices today, more recently, defending feather dancer Robert Soto’s use of eagle feathers in religious ceremony (eagles are federally protected animals and thus feather possession generally requires a permit). Soto’s confiscated feathers were returned to him in 2015 (Hemingway). Despite the legality of Soto’s use, there is a definite stigma attached to it by the greater American culture. Practicing Native Americans are often at odds with governmental organizations such as the FDA that do not maneuver said relationship in a culturally sensitive way. Arrests such as Soto’s generate fear within Native American communities to practice their religious freedom, namely their right to rituals (Hemingway).

It is clear that Native Americans still struggle for the religious rights considered significant to their spirituality. Many of the barriers that exist today are not due to direct constraints on ceremonial practices as in the past (e.g. legislation), but instead due to restrictions/stigmas related to items and sacred locations involved in said ceremonies (Religious Freedom). The eagle feathers formerly mentioned are an example of this as well as the reclamation of sacred artifacts from museums. Additionally, Native Americans continually struggle to obtain access or custody over sacred sites (Religious Freedom). There currently are not many laws that effectively protect sacred lands from destruction, global warming, etc. despite
the land’s significance to certain Native American religious traditions. Often, Native Americans must engage in lengthy legal battles against corporations or organizations, such as the case of Cave Rock, in which the Washoe tribe successfully halted rock climbing at a sacred site (Religious Freedom).

Because of continuing issues like these, the National Congress of American Indians continues to view religious freedom as a “top priority”. The majority of the tribes are proponents of religious self determination today.

RELATED IMAGES:

![The Carlisle Indian School, 1884; classic example of a Christian Boarding School](http://www.laweekly.com/arts/5-chill-things-to-do-in-la-this-week-for-5-or-less-5089238)

![Robert Soto wearing his sacred eagle feathers prior to a performance](http://www.lipanapache.org/EagleFeatherCase/PressRelease.html)
Cave Rock, a recently recognized sacred site in the United States.

(RELEVANT WEBSITES:
http://minorityrights.org/minorities/native-americans/
http://www.ncai.org/
http://www.nrcprograms.org/site/PageServer?pagename=airc_index

WORKS CONSULTED:

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