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Corrections Officials Refuse To Allow Northern Arapaho Man Access To Eagle Feathers Crucial To Religious Prayers

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RAWLINS, WY The American Civil Liberties Union and the ACLU of Wyoming have agreed to represent a man whose rights to religious freedom are being violated by officials at the Wyoming State Penitentiary (WSP) who are not allowing him to practice his traditional Indian religion.

Corrections officials are refusing to allow Andrew John Yellowbear, a member of the Northern Arapaho Tribe incarcerated since 2006, to possess bald eagle feathers the single most sacred religious symbol to the tribe and most American Indians.

"The feathers are used to communicate prayers to the Creator and to receive answers to prayers. Denying Mr. Yellowbear these highly spiritual feathers is akin to denying Catholics access to a rosary or crucifix," said Stephen Pevar, staff attorney with the ACLU Racial Justice Program who, along with Jennifer Horvath, staff attorney for the ACLU of Wyoming, will represent Yellowbear.

Current policy at WSP permits American Indian prisoners to possess three feathers, but the prison administration has singled out Yellowbear and allowed him to have only one feather. That feather was confiscated after Yellowbear filed a federal lawsuit in U.S. District Court for the District of Wyoming last January challenging the prison's policy and asking that he be allowed to possess 10 feathers the maximum number of loose feathers the U.S. Department of Fish and Wildlife will provide under federal regulations.

The lawsuit raises claims under the First Amendment, the Equal Protection Clause and the Religious Land Use and Institutionalized Persons Act (RLUIPA), which bars states from imposing a substantial burden on a prisoner's exercise of religion unless it furthers a compelling interest and is the least restrictive means available. Other American Indian prisoners at WSP have in the past been permitted to possess entire eagle wings for religious purposes, and corrections officials have provided no evidence of security problems that have arisen as a result of the possession of multiple eagle feathers.

"Religious freedom is too precious a right to be capriciously denied to individuals who are at the mercy of government officials," said Horvath.

Shortly after he arrived at WSP in July of 2006, Yellowbear applied to the U.S. Department of Fish and Wildlife, at the insistence of prison administrators, for permission to have bald eagle feathers shipped to him from the National Eagle Repository in Colorado. The application was approved in March 2007, but despite this approval both WSP's warden and the director of the Wyoming Department of Corrections have not allowed Yellowbear access to any eagle feathers from the Repository.

Bald eagles, removed from the U.S. List of Endangered and Threatened Wildlife in 2007, are nonetheless protected by federal law, which stipulates that only individuals who are enrolled in a federally recognized American Indian tribe are legally authorized to obtain eagle feathers for religious or spiritual use. The U.S. Department of Fish and Wildlife can grant American Indians permission to possess eagle feathers, usually for religious purposes.

Additional information about the ACLU Racial Justice Program can be found online at: www.aclu.org/racialjustice/index.html

Additional information about the ACLU of Wyoming can be found online at: www.aclu-wy.org