

Native American Religious Freedom by Man Found Standing

For millennia ceremonies, rituals, and native practices have played an important role to the Native Americans and their culture. Even though these ceremonies are often referred to as "religion", it is different from the Christian, Jewish, Muslim, or any other so called "Civilized" or "White Man's" religions. Traditionally the Native Americans do not dictate an official religious dogma, but allow each other the privilege to worship according to the dictates of their own hearts.

The Native American Church believes we are all children of the Creator and the Earth is our Holy Temple. Everything the Creator has placed upon this planet and in the Universe is for our learning and use. Trying to separate out our rights to use plants, stones, animal parts, essential oils, Natural Healing, and so forth is to essentially extinguish our rights to worship our religion. Some religious practices of a few of the members of the New Haven Native American Church (NHNAC), such as consumption of peyote or hoasca (ayahuasca), would be direct violations of state or federal laws if not for exemptions recognized by the Religious Freedom Restoration Act (RFRA).

These exemptions allow otherwise illegal items to be used in religious ceremonies. It is by exercising our religious beliefs through practicing the Ceremonies that we claim legal protection. The RFRA requires exemptions to generally applicable laws if those laws will substantially burden a person's exercise of sincerely held religious beliefs, unless the government shows that the law is the least restrictive manner that is necessary to further the government's compelling interests.

The Native American Religion also allows for quick change and adaptation to the current lifestyle needs of the individual or group and it therefore plays an integral part of our life. With the arrival of the European settlers, the Native American Religious Culture underwent some major changes. Most often their Spiritual Practices were looked upon with superstitious judgment. Due to the complex nature and variety of the indigenous beliefs, the Native Americans have often been at odds with the conquering government's agenda.

Now, as in times past, many in the government and court systems try to circumvent the individual's religious freedom. The conquering governments introduced policies to either force the indigenous population into their culture, isolate their practices, or to outright prorogate genocide. In 1882 the U.S. Federal Government continued to work towards destroying all Native American Religious Freedoms by ordering an end to all "heathenish dances and ceremonies" on reservations due to their "great hindrance to civilization."

Because of the prejudice and ignorance of the conquering society, these attempts to suppress the Native Americans exercise of their religion eventually led to the Massacre at Wounded Knee. On December 29, 1890 the U.S. Government sent the Seventh U.S. Cavalry into the Pine Ridge and Rosebud Indian Reservation area to stop the practice of the Ghost Dance. (The Ghost Dance was a religious ceremony that was about the peaceful end to the White Man's expansion into Native American lands, as well as the preaching of living with goals of clean living, an honest life, and cross-cultural cooperation by the Native Americans.) The Seventh Cavalry slaughtered approximately 150 Native American men, women, and children.

Over the next hundred years, many of the traditions were suppressed while many others survived and even formed new traditions. Though many Native Americans have been a part of other religions for generations, the majority being Christian, still their indigenous practices continue to prosper and adapted to their surroundings.

In 1978, the United States Government finally officially acknowledged its prior infringement on the Native American's freedom of religion and their First Amendment right to the free exercise of that religion by passing the American Indian Religious Freedom Act. Speaking about this act President Jimmy Carter said the following:

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.

Even though the American Indian Religious Freedom Act was a great first step to try to resolve the conflict between the cultures, it did not clarify many conditions found in the Native American Church. This lack of clarity for the Native American Religion led to the RFRA law of 1993 and the amendments to this law. Although this was a step forward, the 1993 law needed further clarification to correct the problems it did not address. In the year 2000, the United States Congress passed the Religious Land Use and Institutionalized Persons Act. These three laws have assisted in the freedom to practice the Native American Religion and resolve many of the injustices of the past.

Even today, there is still quite a bit of confusion by the many conquering government's agencies. The government does not have the right to extinguish our religion. In order for the government to substantially burden a person's exercise of sincerely held religious beliefs, it must show that the law is the least restrictive means necessary to further compelling governmental interests.

We are sure that other laws will be forthcoming to clarify the government's stand on the people's rights to practice the Native American Religion. There are recent Supreme Court cases that have assisted to uphold the Native American Religion. You can read more about these cases in the article "Issues of Law". Until then, the Native American Church can continue to give layers of protection to individuals wishing to practice their religion. The NHNAC can assist individuals to develop their legal protections by developing associated relationships that will develop an individual's religious sincerity and by taking steps to satisfy the government's compelling interests.

First to become a member of the New Haven Native American Church, you must be Spiritually Adopted. Spiritual Adoption is a personal ceremonial recognition that the religiosity of an individual's intentions is compatible with NHNAC fundamental beliefs. Anyone at least eight years of age who declares they feel called by the Creator to be a Healer of people, animals, families, communities, society, and/or the planet; and who commits to studying and doing good works regarding natural medicine and traditional healing, and who pledges to contribute to the church and the development of local chapters according to their conscience and ability, will be accepted as a member.

This Spiritual Adoption gives some evidence that an individual's declared intentions are religious. The next step for the newly adopted members is to propose a Bundle Ceremony that is personal to their sacred beliefs and practices. NHNAC will review and sometimes make suggestions prior to approval of a Member's Bundle Ceremony to ensure it is compatible with NHNAC fundamental beliefs. Once the Bundle Ceremony is approved, the Member is then made a Minister and Medicine Person of the Native American Religion. Membership in the Church and approval of a Member's Bundle Ceremony does not in and of themselves give an individual any legal protections, but this is evidence that an individual's declared intentions are religious – which is the first essential element to assert legal protection of an individual's exercise of sincerely held beliefs.

The second essential element to assert such legal protection of an individual's rights is to be able to demonstrate the sincerity of the individual's declared religious beliefs. Some ways individuals can demonstrate such sincerity are by participating in various ceremonies offered through NHNAC, develop their knowledge and practice of Natural Medicine and Traditional Healing, learn in other areas of interest to further their Ministry, and volunteer or contribute money to support NHNAC. It is by demonstrating that an individual's beliefs are religious and those beliefs are sincere, the legal burden of proof then shifts to the government. In order for the government to take away your legal exemption, they have the task of proving beyond a reasonable doubt that your beliefs are not sincere.

Some ways New Haven Native American Church demonstrates less restrictive means of furthering the government's interests regarding Peyote and Hoasca Ceremonies are ascertaining the religiosity of members' beliefs; screening the mental and physical health of participants; having experienced Medicine People available to support participants; making the ceremonial places available for rest the following day; requiring participants to relinquish car keys and drivers' licenses; requiring persons under 18 years of age to be accompanied by a legal guardian; and preventing of any distribution of Sacrament outside of ceremony that is guided by trained Medicine People.

Since many government officials either do not know the law or do not wish to uphold the law, Ministers of the NHNAC may still run into legal issues. It is highly advisable that if legal problems arise, once you have identified yourself as a Member and/or Minister of the Native American Church, to exercise your right to remain silent, contact the Church, and immediately employ a competent attorney.