

1d – An Inherent Right

While the Constitution guaranteed most Americans the freedom to worship as they pleased when it was ratified in 1788, Native Americans had to wait nearly 200 more years before the US government acknowledged their right to religious freedom. Before that, Indians were frequently denied access to sacred sites, including ancient burial grounds. The use of certain sacred objects was prohibited and some sacred ceremonies were banned. In 1978, Congress passed the Indian Religious Freedom Act with the intention of ending a history of intolerance toward Native religions.

Whereas the freedom of religion for all people is an inherent right, fundamental to the democratic structure of the United States and is guaranteed by the First Amendment of the United States Constitution;

Whereas the United States has traditionally rejected the concept of a government denying individuals the right to practice their religion and, as a result, has benefited from a rich variety religious heritages in this country; the religious practices of the American Indian (as well as Native Alaskan and Hawaiian) are an integral part of their culture, tradition and heritage, such practices forming the basis of Indian identity and value systems; ...

Whereas the lack of a clear, comprehensive, and consistent Federal policy has often resulted in the abridgment of religious freedom for traditional American Indians;
Whereas such religious infringements result from the lack of knowledge or the insensitive and inflexible enforcement of Federal policies and regulations premised on a variety of laws;

...Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That henceforth it shall be the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.

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