



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them

Oneida Tribe of Indians of Wisconsin

Post Office Box 365

Phone: 869-2214

Oneida, WI 54155



UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the Colony of Pennsylvania, a new nation, the United States, was made possible



RESOLUTION # 5-20-92-A

WHEREAS, the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States, and

WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin, and

WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV, Section 1 of the Oneida Tribal Constitution by the Oneida General Tribal Council, and

WHEREAS, the cultural and spiritual survival of Native American people is closely tied to the continuation, preservation and well-being of our tribal religious traditions; and

WHEREAS, the right to worship is a fundamental human right that most Americans take for granted; and

WHEREAS, in Lying v. Northwest Indian Cemetery Protective Association, and in Employment Division, Dept. of Human Resources v. Smith, the Supreme Court ruled that the First Amendment does not protect traditional Native American sacred sites from destruction (Lying), or the peyote religion of the Native American Church (Smith); and

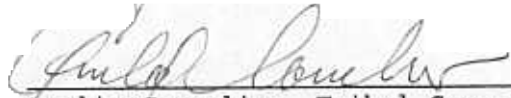
WHEREAS, the American Indian Religious Freedom Act has not prevented the Federal Government from unnecessarily engaging in activities which impair or disturb Native American religious practices on federal lands;

NOW THEREFORE BE IT RESOLVED: that the Oneida Tribe of Indians of Wisconsin urges Congress to enact legislation that will protect Native American religions and basic religious freedom, similar to that recently circulated to tribal leaders by Senator Inouye.

BE IT FURTHER RESOLVED, to that end, the Oneida Tribe of Indians of Wisconsin petitions Congress to immediately hold hearings on legislative proposals that have been developed to protect Native American religious freedom, with the goal of passing legislation by the end of 1992

C E R T I F I C A T I O N

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum. 5 members were present at a meeting duly called, noticed and held on the 20th day of May, 1992; that the foregoing resolution was duly adopted at such meeting by a vote of 4 members for; 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.



Amelia Cornelius, Tribal Secretary
Oneida Business Committee

**NATIVE AMERICAN CHURCH
BACKGROUND INFORMATION**

Prepared by Jay Courtney Fikes, Ph.D

"The only thing necessary for the triumph of evil
is for good men to do nothing." Edmund Burke

SUMMARY

The Native American Church is the largest indigenous religion in this country. Estimates range to a quarter of a million members. Indigenous people have treated the peyote cactus as a sacrament for at least 10,000 years in Mexico, and at least 7,000 years in the United States. The Native American Church (NAC) is the modern embodiment of this ancient religious way of life.

The NAC is in a crisis situation. Its legal existence is jeopardized. The U.S. Supreme Court in 1990 ruled in Employment Division of Oregon v. Smith (493 U.S. 378) that the First Amendment does not protect the ritual life of this church (i.e., the sacramental use of peyote)

There is no record of danger or harm associated with the religious practices of the NAC. The Federal Drug Enforcement Administration and the NAC work cooperatively in protecting the distribution and use of peyote.

Yet, since the Smith decision, NAC members have been unnecessarily hindered in the exercise of their religion by the removal of the constitutional underpinning that had protected them. Indeed, at least one NAC member is currently being prosecuted for a felony for practicing what earlier courts had held was a constitutionally protected religion

these reasons a coalition of NAC leaders, advocates and supporters from around the country are asking Congress to put back what the Supreme Court took away by amending the American Indian Religious Freedom Act of 1978 to create a specific federal statutory exemption for the bona fide religious use of peyote by Indian people in the traditional exercise of their religion.

FOR MORE INFORMATION CONTACT:

Reuben A. Snake, Jr., Coordinator
Native American Religious Freedom Project
2329 Calle Luminoso
Santa Fe, New Mexico 87505
505 988-6431

Jay C. Fikes, Ph.D.
Smithsonian Institution Post-doctoral Fellow
4023 Peppertree Lane
Silver Spring, MD 20906-2586
301 460-7907

James Botsford, Director
Indian Law Office
P.O. Box 6100
Wausau, WI 54402
715 842-1681

Walter Echo-Hawk, Senior Attorney
Native American Rights Fund
1506 Broadway
Boulder, CO 80302
303 447-8760

EXECUTIVE SUMMARY OF PROPOSED AMENDMENTS TO THE
AMERICAN INDIAN RELIGIOUS FREEDOM ACT OF 1978 (AIRFA)

Protection of Sacred Sites

Requires notice to appropriate Indian tribes, Native Hawaiian organizations and Native American traditional leaders of any Federal or Federally-assisted undertaking which may change the character or use of a sacred site.

Where an Indian tribe, Native Hawaiian organization, or Native American traditional leader indicates, in writing, that an undertaking or decision will impact on a religious site, the Federal agency is required to consult with the aggrieved party and prepare a response which must be incorporated into other review documents required by law.

Requires efforts to incorporate Indian tribes, Native Hawaiian organizations and Native American traditional leaders into Federal land management planning procedures.

Provides aggrieved parties with a legal cause of action against the Federal, State, or local governments where religious rights are abridged based upon a two-tier test.

When the activity poses a substantial and realistic threat of undermining or frustrating a Native American religion or religious practice (test recommend in the Lyng dissent), the Federal government must show a compelling interest and that the course chosen is the least intrusive alternative (this is the traditional First Amendment test).

When there is a lesser impact, the government must simply show that it selected the least intrusive course of action to achieve its goals.

Information on Native American religions introduced before a Federal court or agency must remain confidential.

Religious Use of Peyote

No federal, state or local law may prohibit use, possession or transportation of peyote for ceremonial use in Native American religion.

No Native American may be penalized or discriminated against by reason of such use, possession or transportation.

Prisoners' Religious Rights

Native American prisoners who practice a Native American religion shall have access to traditional religious leaders and necessary items and facilities on a regular basis comparable to that afforded to those who practice Judeo-Christian religions. (This does not include access to peyote or sacred sites).

A Commission (with majority of Native Americans) shall be established to do a survey of Federal and state prisons to determine the treatment of Native American prisoners and recommend regulations to implement this Act.

Religious Use of Eagles

The permit requirement is eliminated for Native Americans designated by Indian tribes or Native American traditional leaders except where the Secretary determines that an eagle species is endangered or threatened and that religious takings are materially and negatively affecting the species.

Other

Other religious practices shall be subject to the traditional First Amendment balancing test (similar to the Solarz/Biden Bill).