



**Statement by the International Indian Treaty Council (IITC) Opposing
Discrimination by California High Schools Denying Native American
Students' Right to Wear Indigenous Regalia During Graduation
Ceremonies**

September 17, 2024

“Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.” – United Nations Declaration on the Rights of Indigenous Peoples, Article 2¹

The situation that occurred on and leading up to the June 4th, 2024 graduation ceremony at Clovis North High School, Clovis Unified School District in California is indicative of the ongoing practice by schools in California and around the United States to deny Native American students the right to wear items of cultural importance and elements of their transitional regalia in their graduation ceremonies. This practice violates existing California State Law. It also violates the United States of America’s international human rights obligations and perpetuates racial discrimination against Native American students.

The IITC condemns this continued and sustained discrimination on the part of California and other US high schools. We further support the current initiative led by the Northern California American Civil Liberties Union (ACLU- NorCal), California Indian Legal Services, and Indigenous Justice to amend and enforce existing legislation to halt such discriminatory practices by California schools.

The United States ratified the International Covenant on Civil and Political Rights (ICCPR) in 1992, which guarantees freedom of religion in Article 2.² The US also ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) in 1994, which prohibits racial discrimination including regarding religion in Article 5.³ Both are legally binding treaties that became the US Law of the Land upon their ratification. In their most recent report on the United States’ compliance with the ICERD, published September 21, 2022, the Committee on the Elimination of Racial Discrimination (CERD)

¹ https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

² <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

³ <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>

made strong recommendations to the United States and called on them to swiftly end racial discrimination in their country.⁴ The CERD specifically recommended that the United States adopt measures to “address racial discrimination in the administration of student discipline.”⁵ The CERD also expressed its concern that the US has failed to firmly establish binding national legislation to prohibit racial discrimination within this country.⁶

The right to be free of racial discrimination, including in cultural practices, was also affirmed in the United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration), endorsed by the Obama Administration on December 16, 2010. In addition to Article 2 quoted above, Articles 11, 12, 14, and 31 of the UN Declaration affirm the rights of Indigenous Peoples to freely maintain the use of their cultural practices, traditions, customs, and sacred items, including in education, and to freely access, protect and utilize their cultural heritage.⁷

Therefore, by denying graduating Native American high school students' right to wear their Indigenous regalia, including eagle feathers and other culturally important and sacred items, during their graduation ceremony, Clovis and other California high schools are in flagrant violation of international standards ratified and endorsed by the United States, as well as the laws of the State of California.

For more information, please contact IITC Executive Director, Andrea Carmen by email at andrea@treatycouncil.org or by phone at +1 (520) 273-6003.

⁴ <https://www.ohchr.org/en/documents/concluding-observations/cerdcusaco10-12-concluding-observations-combined-tenth-twelfth>

⁵ *Ibid.*

⁶ *Ibid.*

⁷ https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf