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Fight over Lakota graduation dress heading to court

By Kayla Gahagan
Journal staff

A disagreement about whether an Oelrichs High School student can wear traditional Lakota dress to this month's graduation ceremony has landed in court.

Attorney Jim Leach filed a complaint in federal court in Rapid City Monday on behalf of Aloysius Dancing Bear, arguing that the Oelrich School District 23-3 board's decision to not allow the 19-year-old to wear the Native clothing is a violation of his First Amendment rights.

"This is a culture we found here," Leach said

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DRESS: A hearing is set for 1:30 p.m., May 13.

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of the Lakota, "and it's an attempt by a young man to make a statement of respect for his culture and his heritage and himself."

The lawsuit names board members Berline Fleming, Bonnie Anderson, John Cope, Lance Tlustos, Lisa Lockhart and school superintendent Lawrence Jaske.

Dreaming Bear approached the school board members in April and asked to be allowed to wear a beaded ribbon shirt with an eagle fan and medicine bag when he graduated May 22.

Board members said he could wear the clothing under the cap and gown and after receiving the diploma, remove the cap and gown to show the traditional clothing for the remainder on commencement.

In his affidavit, Dreaming Bear said he was bringing the case not only on his behalf, but so future students across the state will have the opportunity to wear traditional clothing at graduation ceremonies if they want.

Dreaming Bear said he

felt that he would be able to wear the traditional clothing if he was attending Red Cloud Indian School or Pine Ridge High School. Jaske said Dreaming Bear could have attended those schools if he wished.

Leach said it is not a matter of what school he is attending; it is a matter of constitutional rights.

"I don't think anybody can be required to give up their First Amendment rights in exchange for attending public school," he said.

If the school is worried about setting a precedent that could be abused, the courts have already drawn a line in the sand at what is appropriate, he added.

"The courts have drawn the line at genuine expressions of belief," he said.

If a student came in "tattered blue jeans and a cutoff shirt to graduation, that doesn't clearly express anything, except maybe disrespect or disregard."

Dreaming Bear said he is trying to protect his culture and heritage.

"... how can I be a honorable Lakota warrior by wearing a white man's gown, and not my tribe's regalia?" he asked in a letter to the school board.

But administrators said Dreaming Bear signed the school's handbook at the beginning of the year requiring the cap and gown

be worn at graduation.

Leach said Dreaming Bear signed something at the beginning of the year saying he had received and read the handbook, which says "the standards of good taste and dignity will be the rule for this activity."

It continues to say the class will decide on class sponsors, colors, cap and gowns, class motto, class officers, commencement speaker and the guides and ushers.

"I don't see anywhere here where he agreed he'd wear a cap and gown at graduation," Leach said.

The district does several things to honor the Native graduates, Jaske said. Tribal students are allowed to wear eagle feathers and plumes in their hair and have star quilts at their seats. The ceremonies have included a drummer, time for a Lakota prayer and students are honored at a feathering ceremony before the commencement in which female tribal students receive an eagle plume, and males students receive an eagle feather.

"We're one of the only public schools that allows that," Jaske said.

As of Monday afternoon, Jaske said he had not seen the court filing.

A hearing is set for 1:30 p.m. May 13.

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