

Exhibit B

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

MCALLEN GRACE BRETHREN
CHURCH, et al.,

Plaintiffs,

vs.

SALLY JEWELL, Secretary, U.S.
Department of Interior,

Defendant.

[illegible]

Civil Action No. 7:07-cv-060

DECLARATION OF MICHAEL RUSSELL

1. My name is Michael Russell. I am over the age of 18 and have personal knowledge of the contents of this declaration.

A. My Background

2. I live in Mission, Texas.

3. I am an American Indian of Creek and Shawnee descent. My wife, Veronica Russell, is the sister of Robert Soto and an enrolled member of the Lipan Apache Tribe of Texas. My two sons are also enrolled members of the Lipan Apache Tribe of Texas. I remain deeply involved in my tribal community.

4. I am a practicing member and council member of the South Texas Indian Dancers Association. The South Texas Indian Dancers Association is an intertribal organization dedicated to cultural preservation, including the preservation of traditional songs, dance, and spirituality. I dance with the South Texas Indian Dancers Association several times per year and at various powwows

and other events across the country. I am also a former member of the McAllen Grace Brethren Church.

B. My Religious Beliefs and Practices

5. Like many American Indians, I hold eagles, including bald and golden eagles, to be deeply sacred. I believe that eagles have a special closeness to the Creator, special spiritual attributes, and are used as spiritual instruments to carry prayers to God. I believe that all feathers and bird parts are sacred gifts from the Creator, and that wearing, holding, and attaching bird parts to sacred objects is essential to our traditions and our connection with the Creator. Thus, eagle feathers and other eagle parts play a central role in many of my religious and traditional practices.

6. For example, eagle feathers are essential to the process of smudging, which is a cleansing ritual that takes place in a variety of religious ceremonies. They are essential to my traditional religious dances and prayers. They are also given as religious gifts on deeply meaningful occasions. As part of my religious practices, I have personally used eagle feathers in smudging, dancing, and prayer, and I have given and received eagle feathers as religious gifts.

7. I would never shoot or kill any eagle to obtain feathers or bird parts. That would be a sacrilege. Instead, I want to use eagle parts that I receive as gifts, find naturally in the wild, exchange with other tribal members through trade, or borrow from other tribal members on loan. I would also be glad to receive eagle feathers from zoos, aviaries, or the National Eagle Repository.

8. I have personally received eagle feathers in several of these ways. For example, in 2009, I attended one of our annual powwows. A powwow is an Indian gathering involving drumming, singing, dancing in intertribal and traditional dress including sacred ceremonial and religious aspects. Another name for a powwow is "the circle." At this powwow, I had the privilege of being brought into the circle by a Lakota Indian and friend who, like me, was a Northern Traditional Dancer. This was deeply meaningful to me because my Northern Traditional Dance has its origin with the Lakota people. This sacred ceremony was arranged by my wife Veronica because she knew the importance of being brought into the circle the "Lakota Way." My Lakota friend and I prayed together, he performed a smudging ceremony over me, he shared some spiritual words, and then we danced into the circle as Lakota Dancers and brothers. I entered the circle that day in spirit as a Lakota. As a sign of honor and our deep spiritual bond, he presented me with an eagle feather. To reject that feather would have been an insult and a slap in the face to my Lakota brother and would have gone against everything that I believe. So I accepted the eagle feather.

9. Similarly, in 1999, I formed a deep bond with an American Indian who was going into the service and later deployed to the Middle East to serve in Iraq and Afghanistan. We danced the same Northern Traditional Style, and my family had known him since he was a youth. Before he left for Iraq and Afghanistan, he honored me with two bald eagle feathers. Those feathers were a reminder of our

friendship. And by wearing those feathers when I danced, I was sending prayers for him to the Creator.

10. In 1996, I had the privilege and opportunity to travel with my wife and two sons to Kyle, South Dakota, to attend an annual Oglala powwow on the Pine Ridge Reservation. It was a great honor to dance with other Lakotas and to be at the place where the traditional dance started.

11. In 2000, I had the privilege of receiving a bustle of golden eagle feathers from my brother-in-law, Robert Soto. Robert loaned the feathers to me to honor me for my dancing and to encourage me in my religious practices as his family member, fellow dancer, and member of his congregation. I carefully trimmed the feathers and modified the bustle so that it could be used in my Northern Traditional Dancing. That bustle is deeply meaningful to me and is central to my religious and traditional practices.

C. The 2006 Powwow

12. I was wearing both that golden eagle bustle and the bald eagle feathers received from the Iraq War veteran at a powwow in McAllen, Texas, on March 11, 2006. My wife had helped organize the powwow, together with Robert Soto and his wife. I participated in the powwow as one of the dancers.

13. During a break in the dancing, I was approached by a man who complimented me on my regalia. He also asked me what my bustle was made of. When I told him it was made of eagle feathers, he began reaching for the bustle to touch the feathers. I asked him not to touch the feathers and explained that they

were sacred. It is deeply insulting and disrespectful for someone to touch the feathers worn by an American Indian without permission.

14. At that point, the man's tone completely changed, and he told me he was an agent with the Fish and Wildlife Service. He asked me if I was "Native American," and I said that I was not. I answered that way because I expected him to demand documentary proof of my descent, such as a tribal identification card, which I did not have. I also believe that the term "Native American" is inappropriate, because anyone born in America could be deemed "native" American. So I describe myself as American Indian.

15. The agent then ordered me to go to an isolated area outside the circle, where he ordered me to hand over my eagle feathers. At that point, my wife Veronica and brother-in-law Robert Soto came over. The agent ordered Robert to hand over the two eagle feathers he was wearing in his headdress. Robert told the agent that he was violating our freedom of religion and had no right to be at our powwow. He also asked the agent several times to show him his credentials. The agent eventually showed Robert his credentials and threatened both of us with arrest if we did not cooperate. He also said that he and other agents would go to every powwow in Texas and stop us from using feathers without a permit. I reluctantly surrendered my feathers to the agent.

16. The agent handled my feathers very disrespectfully and put them in his truck. He also gave me a violation notice charging me with possessing eagle

feathers without a permit and ordering me to pay a \$500 fine and \$25 processing fee.

17. On March 23, 2006, I met with the agent at a law office, along with Robert Soto, my family, and several friends. The meeting was tense. I felt very upset and violated. We mourned the loss of our feathers through song and tears. Those were our feathers, and we were using them properly. We weren't harming anyone, and those feathers are sacred to our family. Because of the threat of criminal charges, I signed a form abandoning the feathers and paid the \$500 fine.

D. The Effect on My Religious Practices

18. The government's raid and threat of criminal prosecution have been deeply disturbing. A few weeks after the raid, I went to another powwow, and it felt like I had my heart yanked out of me. I know what our sacred dance means, where it came from, and how it was passed down to us. I was given a right to do that dance, but I could not do it without my feathers. I told my wife that I probably wouldn't dance any more.

19. Later, when I watched my friends dance, I remembered a Lakota song about people who weren't dressed and dancing when they could, and I asked myself the same question: "Why am I not dancing when I am supposed to be?" So I decided to dance again with imitation feathers. But it wasn't the same. It lacked the same tradition and religious significance. It was hollow. My eagle feathers have deep religious meaning and are a part of my being. They are badges, they are reminders of our connection with our religious community, and they enable us to worship with

the Creator. They are family treasures, which we pass to our children so they can use them in the same way. It is difficult to dance in the circle without my eagle feathers. Praying and smudging in our ceremonies is also difficult without my eagle feathers.

20. I am also afraid of what the government will do to me and my family if I practice our traditions and use eagle feathers in the way they were meant and intended to be used. Since the raid, I have been offered eagle feathers on several occasions. But I have turned them down, because I don't want to face criminal prosecution again.

21. I still attend powwows alongside my friends who are members of federally recognized tribes. I see them dancing with their eagle feathers, and I don't understand why they have the right to practice their religious beliefs, but I don't. We are both American Indian. We both believe that feathers are sacred. Yet I am not allowed to practice my religious beliefs and traditions.

22. I still intend to use eagle feathers for my dancing, sacred ceremonies, and religious purposes in the future. But I am afraid of what the government will do to me. I hope that one day I will have the same right to use eagle feathers to honor my Creator as my federally recognized brothers and sisters.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 9th, March __, 2015 in Mission, Texas.


Michael Russell