

Court Reinstates 3 Pawnee Students

The United States Court of Appeals for the Tenth Circuit ordered the Pawnee County, Oklahoma School Board to reinstate three Indian Students who had been dismissed from school for wearing their hair in traditional fashion.

The order will remain in effect until the court reaches a final decision on the students' appeal. A federal judge in Oklahoma had previously upheld the school board's dismissal of the students.

In their appeal, the three students assert that they have the right to wear their hair in braids because of the long-standing cultural and religious customs of the Pawnee Indians.

Late last spring Judge Luther Bohanan of the U.S. District Court issued a preliminary injunction preventing suspension of the three Pawnee boys from school.

At that time, the court held that the boys' right to wear their hair long was protected by the United States Constitution.

On June 5, 1972 at the time of the hearing on a request for permanent injunction, the Pawnee Board of Education had in effect a dress code which permitted Pawnee Indian students to wear long braided hair.

The custom of wearing long, braided hair by males of the Pawnee tribe is very closely tied to the customs and beliefs of the tribe and since the dress code of the Board of Education permitted the male students to wear their long hair braided, the U.S. District Court considered their dismissal as presenting no constitutional question in as much as their hair was long, but not long enough to be braided.

Following the court's order of dismissal on June 5, 1972, the Pawnee Board of Education revoked its dress code for Pawnee Indian male students and amended the rule to require all students to conform to the regulation hair length, thus requiring them to cut their hair whether they are wearing braids or not.

The court then reconsidered and vacated its order for dismissal and ordered the case to trail on August 7, 1972.

Following a trial in August the U.S. District Court upheld the School Board and the case was appealed to the Tenth Circuit. The ruling issued was

on behalf of the plaintiffs Norman New Rider, Lloyd Cummings, and Kenneth Smith.

They have been represented in this suit by Yvonne Knight and Charles Wilkinson of the Native American Rights Fund in Boulder, Colorado.