News
EarthBeat

A community member prepares a temporary altar at the ceremony site in Brackenridge Park in San Antonio in February 2025. (RNS/Patrick Davis)

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Every new moon and full moon, a small group of Native American Church members gathers in San Antonio's sprawling Brackenridge Park for a ceremony called Midnight Waters. They meet at a specific bend in the San Antonio River. The slow-flowing river is lined with cypress and live oak trees and attracts herons, egrets and double-crested cormorants.

"The site of what most people know as Yanaguana or the San Antonio River, near the headwaters, starts to take on the shape of a river in the sky," Gary Perez said. Perez is a Native American Church member and the principal chief for the Pakahua/Coahuiltecan Peoples of Mexico and Texas.

What Perez calls "the river in the sky" is also known as the constellation Eridanus. He said it's this river bend's resemblance to the constellation and the presence of cormorants that qualifies it as a sacred place.

"These birds carry our intentions or our prayers up to the heavens," Perez said.

In June, the city received a pair of court wins in an ongoing religious rights battle between San Antonio and the Native American Church members over the shady river bend, its trees and the water birds who call them home.

The tensions began more than two years ago, in February 2023, when the city closed the river bend area to begin repairs on historic buildings and retaining walls along the river. The city said the project would require the removal of 77 trees. If the trees stay, government officials said, their roots will likely cause further damage to the retaining walls. But Perez and his partner and fellow Native American Church member Matilde Torres sued for access to the site and to save the trees along the riverbank.

Gary Perez poses for a portrait next to the San Antonio River in Brackenridge Park in February 2025, in San Antonio. A court reopened Perez’s ceremony site, but much of the riverbank remains closed. (RNS/Patrick Davis)

Perez and Torres argued that the city's park improvement plan would destroy the spiritual ecology present at the river bend, making it impossible for them to perform ceremonies that rely on that specific place. They sued under the First Amendment's free exercise clause, the Texas Religious Freedom Restoration Act and two provisions of the Texas Constitution.

A district court reopened the ceremony site in October 2023 while the case made its way through the lower courts and on appeals to the state Supreme Court.

On June 13, the Supreme Court of Texas ruled that a state constitutional amendment that kept churches open during the COVID-19 pandemic does not apply to this case. On June 24, the 5th U.S. Circuit Court of Appeals lifted a stay that barred the city from removing trees or deterring cormorants while the case is deliberated. The 5th Circuit is now deliberating the TRFRA claim, the First Amendment claim and a claim

under the Texas Constitution's freedom to worship provision. The court could release that ruling any day.

Shannon Shea Miller, director of historic preservation for San Antonio, said the repairs will protect the bank from erosion and help the tree canopy in the long term.

"By stabilizing this area, then we’ll be able to not only save the trees that can remain but stabilize the area for future tree growth as well."

San Antonio cannot legally remove the trees if cormorants or other migratory birds are there. The city has used fireworks and clapper boards to deter egrets and herons in recent months and now has permission to deter cormorants. Assistant Director of Communications Brian Chasnoff said in a statement that those measures will increase wildlife biodiversity, water quality and park access.

But Torres disagrees and was visibly shaken when a city worker set off a firework while she was speaking during a recent ceremony.

"That noise is part of the problem!" she exclaimed. "When they don't understand and respect wildlife and Mother Earth, that's the problem!"

Perez has been holding ceremonies in Brackenridge Park for 25 years. He said the site is an important stop for Indigenous people traveling to peyote gardens in South Texas.

"This site is just one of many on the way down," Perez said. "People from as far away as Canada have been traveling through here for thousands of years."

Perez said the peyote pilgrims over the centuries have performed the same Midnight Waters ceremony that he leads today. The ceremony is inspired by a Coahuiltecan creation story in which the cormorant plays a leading role.

Visitors walk and rest along the winding San Antonio River in Brackenridge Park in San Antonio. (RNS/Courtesy Brackenridge Park Conservancy)

The story says a cormorant unwittingly disturbed a sleeping panther and the panther roared at the bird. As the cormorant took flight to escape, droplets of water fell from its tail feathers, bringing life to the earth.

Perez said that like the river bend where the story takes place, the panther and cormorant are represented by constellations, known by the Greek names Leo and Phoenix.

Perez begins the ceremony at the moment the constellation in the sky aligns with the river bend in Brackenridge Park — which occurs once every two months. Torres and others sing, invoking a spirit that pervades all life. A man enters the circle and passes a bucket of water to Perez. He then dips a cormorant feather in the water and flings water on the people in the circle, blessing them. As the ceremony comes to end, a community member blows a jaguar whistle that represents the panther roaring at the cormorant.

"The (creation) story tells about the water that came from the cormorant's tail feathers that brought life to this region," Perez said. "The blessing of the water with the cormorant feathers is analogous to the water falling from the tail feathers of the escaping bird."

The International Council of Thirteen Indigenous Grandmothers, a human rights group, submitted an amicus brief to the Supreme Court of Texas that urged the court to "end a lamentable history of governmental disregard for Indigenous people and their sacred practices."

But San Antonio maintains that the repairs are necessary for safety reasons.

"Of course we want to save as many trees as possible," Miller said. "But in order to make this area accessible to the public again we absolutely have to deal with the public safety concern."

Excy Guajardo blows a jaguar whistle, as a representation of the panther's roar in a Coahuiltecan creation story, along the San Antonio River in Brackenridge Park in San Antonio in February 2025. (RNS/Patrick Davis)

The city carried out a tree age study and found that the oldest tree that would be affected by the repairs dates to 1931. The oldest oak trees in the construction area date to 1945. Miller said the retaining walls in the contested area are older than the trees — the walls were originally built in 1925 — and are now failing. The city plans to excavate behind the historic walls and install additional concrete support.

The bimonthly Brackenridge Park ceremonies are a relatively new phenomenon. Traditionally, ceremonies were held for special occasions such as solstice and equinox or when peyote pilgrims were passing through. Perez said the closure of the site spurred the increased ceremonial activity at the park.

"We need to raise awareness of what this place is because the spiritual ecology is in a fight for its life and we need help," he said.

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After one recent Midnight Waters ceremony concluded, Perez and Torres opened the ceremonial circle to people of all backgrounds, Indigenous or otherwise. Some came to receive blessings while others came to make a stand for the natural environment and their connection to it. Excy Guajardo said she got involved with the group after seeing the city’s bird deterrent tactics.

"I saw people banging boards and shooting at these beautiful birds that had nested by the playground," Guajardo said. "It really moved me, and I started crying because the birds had nests and babies."

Perez and Torres see the fight to protect the trees and the cormorants that nest in them as a sacred calling. And they said they're prepared to take that fight all the way to the U.S. Supreme Court, if necessary.

Torres said that as long as the cormorants keep returning to this river bend, she will be here, too.

"As long as these trees stand, this will be their home," she said. "But if these trees are gone, that's it."

This story was produced through a collaboration between NPR and RNS. Listen to the radio version of the story.