

Bear Butte, near Sturgis, South Dakota. This site is Holy Mountain to the Cheyenne Nation because Prophet Sweet Medicine found medicines and had visions there that were so powerful that they reordered all of Cheyenne society. Bear Butte also is sacred to the Lakota, Arapaho, and over 50 other Native nations. Bear Butte has been under repeated threats over the past decades and neither its state park status nor listing as a National Historic Landmark since 1965 offers adequate protection. The National Trust for Historic Preservation added Bear Butte to its list of the 11 Most Endangered Places. *Photo courtesy Klotz, 2007.*

THREATENED AND DAMAGED:

PROTECTING SACRED PLACES

BY SUZAN SHOWN HARJO



Far too many Native American sacred places are under attack in the United States. Indigenous Peoples find it particularly hard to protect lands that are not under their ownership or control. Under the federal “Civilization Regulations,” in effect from 1882 to 1935, American Indians were confined to reservations and not permitted to travel to their sacred places outside reservation boundaries. These sites of cultural significance were declared to be public domain or surplus lands, and confiscated by federal agencies or traded away to states and private entities.

Most of these places today have “No Trespassing” signs and Native Peoples who attempt to access them are considered outlaws for exercising their religious freedom. Some sacred places are within reservation and treaty boundaries, but have been dealt away to individual non-Natives, who often attempt to sell them to the highest bidder, thus continuing the potential danger to these places.

While some steps have been taken to undo damage to Native American religious liberties and to sacred places, most remain threatened by extractive minerals production from gold to uranium and the runoff poisons used to mine them; by commercial and recreational development from strip malls to ski resorts; by housing and highway expansion from acceleration lanes to landfills; by dams and urban sprawl that dry up water resources and deplete the water tables; and by munitions storage, bombing ranges, and other military activity. One sacred place—a ceremonial, burial, and historic site of one Native nation—is even being buried by the construction of a casino and hotel resort of another tribe.

*Eagles disappear
into the sun*

*surrounded by light from the face of Creation
then scream their way home
with burning Messages of mystery and power*

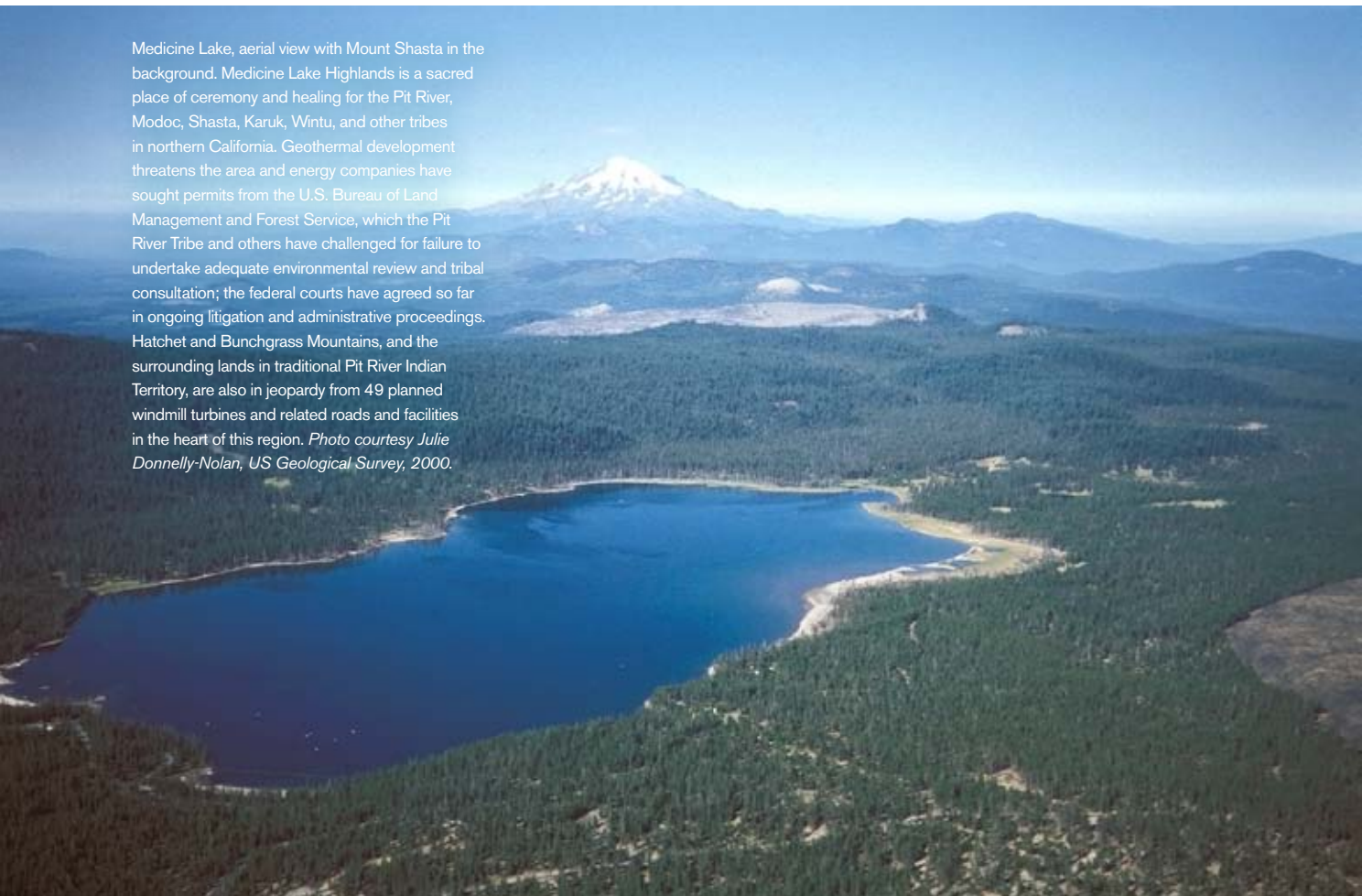
some are given to snake doctors and ants and
turtles and salmon
to heal the world
with order and patience

The United Nations has spoken to issues concerning sacred places in the “Declaration on the Rights of Indigenous Peoples,” which was approved in 2007 by the world community of nations. These provisions have given indigenous peoples worldwide optimism regarding the future protection of sacred places. Article 11, Section 1 of the Declara-

tion, states: *Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature.*

The Declaration’s Article 12, Section 1, states: *Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their*

Medicine Lake, aerial view with Mount Shasta in the background. Medicine Lake Highlands is a sacred place of ceremony and healing for the Pit River, Modoc, Shasta, Karuk, Wintu, and other tribes in northern California. Geothermal development threatens the area and energy companies have sought permits from the U.S. Bureau of Land Management and Forest Service, which the Pit River Tribe and others have challenged for failure to undertake adequate environmental review and tribal consultation; the federal courts have agreed so far in ongoing litigation and administrative proceedings. Hatchet and Bunchgrass Mountains, and the surrounding lands in traditional Pit River Indian Territory, are also in jeopardy from 49 planned windmill turbines and related roads and facilities in the heart of this region. *Photo courtesy Julie Donnelly-Nolan, US Geological Survey, 2000.*



human remains. Article 25 states: *Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.*

Article 11, Section 2, of the Declaration states that countries “shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.”

It would seem a clear task for the White House to direct federal agencies to review and report on the manner in which they acquired jurisdiction regarding Native sacred places and whether such jurisdiction was taken with or without Native peoples’ free, prior, and informed consent. However, the U.S. State Department has interpreted the phrase “free, prior and informed consent” to mean *consultation*, which is a very different and lesser standard; the State Department

What Is a Sacred Place?

The Native peoples of this country believe that certain areas of land are holy. These lands may be sacred, for example, because of religious events which occurred there, because they contain specific natural products, because they are the dwelling place or embodiment of spiritual beings, because they surround or contain burial grounds, or because they are sites conducive to communicating with spiritual beings. There are specific religious beliefs regarding each sacred site, which form the basis for religious laws governing the site. These laws may prescribe, for example, when and for what purposes the site may or must be visited, what ceremonies or rituals may or must take place at the site, what manner of conduct must or must not be observed at the site, who may or may not go to the site and the consequences to the individual, group, clan, or tribe if the laws are not observed. The ceremonies may also require preparatory rituals, purification rites, or stages of preparation. Both active participants and observers may need to be readied. Natural substances may need to be gathered. Those who are unprepared or whose behavior or condition may alter the ceremony are often not permitted to attend. The proper spiritual atmosphere must be observed. Structures may need to be built for the ceremony or its preparation. The ceremony itself may be brief or it may last for days. The number of participants may range from one individual to a large group.

This description of Native American sacred lands is taken from the *President's Report to Congress on American Indian Religious Freedom*, August 1979, pursuant to the American Indian Religious Freedom Act, P.L. 95-341.

is also imposing that interpretation on other federal agencies.

In most instances, Native Peoples had no choice in such matters, because they were not asked or because they were coerced. During the half century of the “Civilization Regula-

tions,” American Indian ceremonies, including place-based ceremonies that are required by religious tenets to be conducted at specific sacred places, were banned and violators were punished with severe and open-ended imprisonment and/or starvation

Messages for holy places
in the heart of Mother Earth
deep inside the Old Stone Woman
whose wrinkles are canyons

Messages for holy places
where snow thunder warns
and summer winds whisper
this is Sacred Ground



LEFT, TOP: The Wakarusa Wetlands, near Lawrence, Kansas. Also known as the Haskell-Baker Wetlands, the Wakarusa Wetlands face imminent danger from construction of a state highway, which is being built with federal and state funds and for which there are alternatives. The Wetlands was a refuge for Native students to escape the early deculturalization and corporal punishment that was conducted at one of the first federal Indian boarding schools, today called Haskell Indian Nations University (1884–present). Ceremonies were conducted in secret at the Wetlands by relatives of the students who risked being punished severely under the U.S. “Civilization Regulations,” which banned all traditional activity for over half a century, from 1884 to 1935. Haskell students constructed an earthworks Medicine Wheel in the Wetlands. *Photo courtesy Wild Love Photography.*

penalties. There was no free consenting or consulting during that period or before enactment of the American Indian Religious Freedom Act (AIRFA) in 1978, when most of the confiscation of sacred places occurred or was set in motion. AIRFA mandates federal consultation with traditional religious leaders, and subsequent laws and executive orders also include and strengthen tribal consultation.

Those Native Peoples who were removed from their sacred places have greater difficulty protecting them now. Relocated families and moieties (kinship groups) sometimes cannot return to their places of observance, commemoration, burial, or ceremony when or as frequently as tradition dictates. Some medicinal plants that are needed for healing or other purposes do not grow in the relocation



areas, and needs go unmet, with consequences for the physical or spiritual health and well-being of the people.

Those tribes that are not federally recognized have added burdens, especially when it comes to negotiating with federal agencies for protected status of sacred places. United States law has developed in such a way that federal and tribal governments can negotiate protection, joint management, or transfer agreements if the

LEFT, BOTTOM: Kootenai Falls, near Libby, Montana. Kootenai Falls is the largest free-flowing waterfall in Montana and one of the largest in the Northwest. It is sacred to the Kootenai Tribe of the Confederated Salish and Kootenai Tribes of the Flathead Reservation in Montana, the Kootenai Tribe of Idaho, and the Kootenay First Nation in British Columbia, Canada. In the early 1970s, the three Nations combined forces and defeated proposed hydroelectric development at the Falls, with cultural data which is in protected status in perpetuity through an adjudicated decision in the Federal Energy Regulatory Commission. *Photo courtesy Flickr, Photo Sharing.*

tribe is federally recognized, because of the federal-tribal nation-to-nation relationship. If a tribe is not federally recognized, the federal government says there is no political relationship and the only basis for agreements would be racial, which is impermissible.



Federal-tribal agreements have been entered into for return of ownership and/or control of sacred places, for joint management or co-stewardship, or for other kinds of protections. Some of these legislative, administrative, or judicial agreements have been in place and working to the satisfaction of all parties for over 40 years. While details of these agreements are a matter of public record, information about some locations is not available, in order to prevent future violations.

While public information exists regarding ceremonies conducted at sacred places, certain information is not disclosed, because it is private and to be respected, as any other peoples' religious activity is private and to be respected. It has been the experience of

Native Americans that disclosure about the location, nature, or use of a sacred place leads to assaults on them. Many of these places are fragile and have already been destroyed by too many visitors or vehicles.

Those who visit Indian country should always be aware that they might be in a sacred place or an area of

sensitivity surrounding such a place. Respect should be the watchword and guide to behavior. It is up to everyone—both Native Americans and non-Native Americans—to ensure that sacred places are maintained without damage or destruction. ●

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ABOVE: Kasha-Katuwe, Tent Rocks National Monument, Pueblo de Cochiti, New Mexico. The Pueblo de Cochiti and the U.S. Bureau of Land Management protect Kasha-Katuwe through tribal and federal law and a co-management agreement that provides for the public to visit this sacred place during most days, except when the Pueblo closes it for ceremonies. Kasha-Katuwe (White Cliffs) is located mid-way between Albuquerque and Santa Fe. *Photo courtesy Julius Rickert, 2008.*

LEFT: Moundville, near Tuscaloosa, Alabama. Moundville is sacred to the Muscogee (Creek) Nation and other Native nations, and it is in protected status as the Moundville Archeological Site. It is also listed on the National Register of Historic Places and on the List of National Historic Landmarks in Alabama. While Moundville is protected, the nearby Hickory Ground (Oce Vpofv) near Wetumpka, Alabama, is being desecrated by Native developers who are building a casino on top of the ceremonial ground. Hickory Ground is also a burial ground and a historic site, and the last capitol of the Muscogee (Creek) Nations prior to their forced removal to Indian Territory (now Oklahoma) by orders of President Andrew Jackson. *Photo courtesy Altairisar, 1999.*