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.
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 Declaration, 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**
human remains. Article 25 states:
Indigenous peoples have the right to
maintain and strengthen their distinc-
tive spiritual relationship with their
traditionally owned or otherwise occu-
pied 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 effec-
tive 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 juris-
diction 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 con-
sultation, which is a very different and
lesser standard; the State Department
is also imposing that interpretation
on other federal agencies.

In most instances, Native Peoples
had no choice in such matters, be-
cause 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.

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 man-
ner 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.

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

WHEN perceived from a different
perspective, every Indian ceremon-
y, no matter how far removed from
the peaceful, earthbound realms of
spiritual practice and reflection, is
more than a ritualistic exercise.
Instead, they are a collective call
for the ancestors to come and
guide the people back to the
path of unity and harmony.

These ceremonies are not just
about imparting knowledge and
skills, but also about strengthening
the bonds that hold the community
in unity. They are a call to the
ancestors to guide the people back
to the path of unity and harmony.
And they are a reminder that every
Indian ceremonial is a sacred
place, a special spot where the spirit
of the ancestors can dwell and
influence the lives of the people.
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, 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 forNative 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.

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 Flick, 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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