NIYC Announces Indian Religious Freedom Campaign

The Native American Religious Freedom Project of NIYC deals with the steady erosion of Indian religious freedom in the United States. The Religious Clauses of the First Amendment to the United States Constitution guarantee all citizens religious freedom. Thus, the Establishment Clause provides governmental endorsement of a particular religion, and at the same time, the Free Exercise Clause prohibits governmental interference with a religious belief or practice. To Indians, the concepts embodied in the Religious Clauses of the First Amendment have been difficult to implement. However, over the years, both Church and State have found various ways to accommodate and respect one another. Indian religion which has, perhaps, a fifty thousand year history in the land, is now going through a similar process. As to Indians, the process is made more difficult because unlike Christian Churches, it lacks a power base and a public understanding of its nature, beliefs and practices. The result is that traditional Indian religious threats to be overwhelmed by government policies and regulations and the needs of the non-Indian public at large.

In order to better understand the Native American Religious Freedom Project’s goals, a short discussion of the nature of Indian religious beliefs and practices is necessary. It is often said that Indians are a religious people. This is not so. In order to be religious, one must have a concept of the sacred. Indians do not have a notion of the sacred. They do not, therefore, conceive of the world in categories, the religious and secular. Their world is an integrated whole. It is a holistic world and rather than relating to different categories in that world, they have a relationship to all of it at once. The Indian world can best be described as a sacred world in which everything in it is alive and has meaning.

The Indian world is not an abstract idea. It exists in space on land, in some geographical areas. Most Americans have a straight view of their country. They do not generally conceive of it as a land bounded by the Atlantic and Pacific Oceans, by Canada and Mexico, Rather, the country to these Americans is more of an idea, a concept of progress, a notion of the good life guaranteed by a piece of paper, the Constitution. It is difficult for them to conceive of a people whose notion of themselves is tied to the land. When a tribe lives in an area for thousands of years, it develops a special relationship to that place. It learns which plants will cure and which will harm. It depends on the land for food. In dealing with that place it builds up a kind of experience around that place. This is known as tradition. It is the law which pervades Indian life. One cannot place a hunt or get up in the morning without rituals. All aspects of a person’s life is based on the land.

The present secular world as perceived by Western Civilization is not just the absence of the sacred, it is a denatured world, a world of objects. A tree is an object; a rock formation is an object; social institutions are objects. These objects are not viewed as God’s creation. Law is secular and even religion is relegated to Sunday morning.

To the Indians, everything and every place in the world is sacred but some places and certain objects in the world have a very special sacredness, thus rituals are performed in these special places and certain objects have ritualistic significance. Some of these places have become central to tribal religion. These are not made by humans like Church buildings, but are rather natural places which correspond to the land, indeed a whole ontology of religious beliefs has been developed around these places and objects (similar to Western religions’ Bibles) and are invoked through religious prayers and songs. These natural places are now being destroyed, often for no other reason than to cater to the interests of tourists and land developers. The impact on the local affected tribes from a social, cultural and religious point of view has been devastating. It is impossible to describe the awesome disorientation of societies whose “Churches” are being systematically torn down.

In 1988, at the urging of NIYC and other Indian organizations, Congress passed the American Indian Religious Freedom Act (AIRFA) Public Law 95-341, 92 Stat. At 330 (1978). For the first time Congress acknowled

America as Holy Land

by Peter Nabokov

Peter Nabokov, whose latest book is India Running, is also coauthor with Robert Eaton of Native American Architecture to be published by Oxford University Press in Spring, 1983.

A few years ago I flew in a single-engine plane to an Indian community called Four Bears, in the center of North Dakota, overlooking the Missouri River. I lived in the heart of the Mandan-Hidatsa-Arikara country, what’s left of it. I was in a bar where a tall man wheeled around on his stool and said slowly, as it addressing an audience behind my head, “These white people are drowning me out.” I looked around for the culprit while his eyes bored through me. But of course he was on target. The Garrison Dam Reservoir that inundated the Mandan sacred tomakes in the 1950s was so personally felt by and emotionally leveled against ancient civilization — the most ancient in the Great Plains — as was his sweeping accusation aimed at a looking and not-seeing way of life that was represented, at that moment, by me.

Then on the huge jet harrowing home...
Editorial

The writers, poets and scholars who have contributed their time and thoughts to the matter of Indian religious freedom and whose writings are included in this issue of ABC, clearly illustrate that the survival of Indian People is more than a localized or parochial issue. Their writing reflect that they believe it is a matter in which every American citizen has a stake. Work long and telling hours with that is, in the past, when the First Americans helped the early colonists survive in the so-called New World, non-Indians today have much to learn from Indian People if they are to continue to survive in this land that is their heritage. Indian religions, cultures and communities the country should allow Indians to preserve Indian traditions and the Indian way of life. To do otherwise will only jeopardize this country's future.

ICYC is thankful to all those who contributed to this special edition of Americans Before Columbus. Their specific concerns over the right of Indian People to worship in their traditional way as well as their overall concerns for the continued survival of Indian People as a people, is greatly appreciated. Specifically, IYC would like to thank author Stan Steiner who has been a friend and advisor to IYC for over ten years; poet Joy Harjo who, among many other edits Campaign C and who is an established Indian poet and writer; Ben Bridgers, the tribal attorney for Eastern Band of Cherokee Indians and Duane King, Curator of the Museum of the Cherokee Indian, both of whom whom have attemted to present the completion of the Tellico Dam and the flooding of Cherokee sacred sites. Peter Nabokov, a writer and anthropologist who understands, as do few non-Indians, the profound relationship of Indian people to the land. Karl Luckett, a professor of religion whose monographs on Indian religions have illustrated the complexity of Indian thought, and the significance of the Navajo religion in the invervory life and the world view of the Navajo People, Abigail Adler, who donated her photographs to IYC for this issue of ABC, and to Arnold Pilling, an anthropologist who pushed for the enactment of the American Indian Religious Freedom Act and whose article asks some compelling questions which must be answered.

ICYC is hopeful that this special edition of ABC will increase the public's awareness of the continuing erosion of traditional Indian religions due to the deliberate policies of non-Indians. Moreover, through IYC's Design for American Indian Religious Freedom, we hope to enlist the support of all people in our fight for the preservation of traditional Indian religions for future generations and to ensure the survival of Indian People as a people.

NYIC Campaign

Acknowledged that Indian religions were protected by the religion clauses of the First Amendment. The Act declared that the United States would: "Protest and preserve for American Indians the right, whether by law or custom, to believe, express, and exercise the traditional religions of the American Indian..." including but not limited to the freedom to attend places of worship and the freedom to use sacred objects, and the freedom to worship through ceremonies and traditional rites.

In enacting AIRFA Congress explicitly recognized the need for a consistent federal policy regarding Indian religious beliefs and practices, the very existence of which was being jeopardized by federal government land use policies and practices. AIRFA states that the "abridgment of religious freedom" for traditional American Indian was a direct result of Indian and federal religious policies and regulations.

American Indians are in a unique position. To the United States government, they are the only people who worship at sacred sites which correspond to specific geographic sites within the continental United States. For most other Americans, their sacred lands are located outside of major cities and often are hidden, or at best, accessible only by special permit. To date, there has been only a handful of lawsuits and administrative actions filed which raise the issue of the infringement of the Free Exercise Clause as it relates to the rights of Indians to freely worship without interference at their traditional sites.

Ultimately, difficult. Unfortunatly, Amendment and the added protections embodied in AIRFA, federal administrative agencies and the federal courts continue to be innumerable. Many Indian religions and practices. An example is a recent decision by a federal judge who issued a restraining order to stop the Navajos from deploting the Navajo religious practices in question to Western religions. Indeed, it is clear that the Act's and the Federal government's decision to allow the destruction of sacred sites, a huge contradiction known as Rainbow Bridge, in Utah, and to have that religious shrine managed in a non-educational and non-sacred manner by the federal National Park Service, which has expropriated the shrine for public use seven years ago (Bedini v. Higgins). In July, 1981 the Supreme Court denied INYC's Petition of Certiorari filed on behalf of the Navajo camps in Bodie, Currently INYC is representing the Indian Tribes and national religious groups and civil rights organizations who are seeking to appear as amicus curiae in a lawsuit filed by Navajo leaders who are attempting to prevent the expansion of a ski resort into sacred areas of the Cocosino National Forest located on the San Francisco Peaks of northern Arizona (Navajo Medicamens's Association v. Block).

Additionally, INYC has provided legal and log-backup to attorneys representing Indian religious practitioners seeking to continue their religious practices in the following lawsuits: Pueblo of Jemez v. Edwards -- involving the construction and management of a geographical experiment, the presence of the church and the presence of the public which does not interfere with the religious practices of Pueblo religious practitioners whose sacred sites are being used by non-Indians.

The INYC Religious Freedom Project has been urged on INYC by Indian religious leaders and tribal officials who perceive the decay of Indian spiritual life as a result of the destruction of, and the denial of access to, these sacred sites. The INYC Religious Freedom Project is concerned that INYC's constituents is that the advances of the federal agencies and federal courts, in most instances, insulate the right of Indians to practice their traditional religions to the perceived right of tourists to enjoy a recreation area: Sequevahn, an artificial lake.

Message From Vine Deloria

The framers of the Constitution believed as they had resolved the problem of official religious intolerance by providing in the First Amendment a protection of religious freedom, to the U.S. Constitution. With the passage of the First Amendment a wall was erected to ensure the separation of church and state for all time. While the framers were preocupied with the preservation of their western religions, there was little in their religion which was disguised as non-educational. The primary concern of these men was the prevention of outright warfare among the various Christian churches.

The framers did not include the protections embodied in the Religion Clauses of the First Amendment American Indians who have been subject to federal government regulations or controls in the creation of alienated and restricted upon the Indian people's religion, its continued survival demonstrates the profundity of meaning that it holds for those practitioners of its truth.

With the passage of American Indian Religious Freedom Act in 1978 the framers had resolved the problem of religious intolerance. While really prohibiting nothing the Act is a statement of purpose, specifically that Congress believes the preservation of Indian religion comes under the protections of the U.S. Constitution. The philosophy has changed but the problems remain intractable. To date, the Act has been largely ignored. It is clear that the Act's and the Federal government's interpretation can only be achieved through the Federal Acts of Congress, executive orders, and administrative fiat.

To write the preamble to this effort is an honor and a duty. To applaud the efforts of the National Indian Youth Council, through its Native American Religious Freedom Program, to preserve and protect Indian religions and practices. This endeavor is not a one-dimensional project in Mexico or a one-dimensional project in the United States. Not only because Indian People desire its success, but without this efforts the republic cannot succeed. American Indians are a living historical element in the overall scheme, its absence implies an imbalance for all of American Indians.
Some Cross-Cultural Questions

by Arnold Pilling

Wayne State anthropologist Arnold Pilling has done research in Australia and northwestern California and is now studying land use in Detroit.

While the American Indian Religious Freedom Act brought to public attention the need to protect Native American religious freedom and sacred sites, the issues raised by this Act cross both national and cultural boundaries. Consider, for example, the case of the city of Detroit and its suburb Hamtramck, which in 1980 and 1981 undertook the destruction of an abandoned automobile plant called Dodge Main. This action entailed the removal of a mixed Polish and Black neighborhood and was considered necessary for the erection of a new General Motors factory. The urban "renovation" project also involved the possible destruction of two sacred sites: an old Roman Catholic church that was the home parish for many local Poles and suburban former residents, and the second-oldest Jewish cemetery in Detroit, which contained many nineteenth-century graves.

The response of Detroit public officials and citizens in this case is instructive. Despite the objections of many parishioners, the Detroit mayor's office and the archdiocese negotiated the abandonment and demolition of the local Roman Catholic church. On the other hand, city officials or religious leaders suggested that the Jewish cemetery be removed. According to Catholic doctrine, religious practice allows for the desecration of sacred sites. Jewish doctrine, however, forbids the moving of human remains and the human destruction of sacred things. It is difficult to tell where politics ended and religious doctrine began in the Detroit decision.

Similar disputes have occurred in Australia in recent years. In 1962, a white man named Harold Hoffman from Leonora, Western Australia, staked a mining claim to a deposit of colorful "Wekool-stones" for which a Perth stone company was offering $100 a ton. Several months after the mining claim was made, an Aboriginal from the area told Hoffman that the stones and site were sacred. A white child had apparently seen a sample of the Weboolo-stones to her school class, sacred legions exposing a sacred Aboriginal object to women and children.

The Western Australian Aborigonal Association asked Hoffman not to quarrel the stones; newspapers reported that an Aboriginal man was arrested to death by a native court for revealing that the Weboolo stones were sacred and university students demonstrated for the preservation of the Weoolo site. Finally, the state government set aside twenty-five square miles for the sacred site, despite the fact that Leonora Aborigines refused to give details of it in the Kalgoorlie Mining Warden's Court. By the time of the government's action, however, few Weboolo stones remained at the site and neither the government nor the Aborigines could stop souvenir hunters from removing those that were left.

With the recent mining boom in Australia, these controversies over sacred sites have become more frequent. In Aboriginal land, after the Australian government authorized mining operations, a major sacred site was disturbed even before local Aborigines knew it was threatened. In the summer of 1969, Aborigines at Noonkanbah in Western Australia protested an AMAX oil exploration project that threatened the sacred site of the people's Lizard Goal. A dispute is now taking place in Victoria among Aborigines, environmentalists, the state government, and Alcoa over the siting of a proposed aluminum-smelter project.

Closer to home, the US Forest Service has allowed a private lumber company to bulldoze a right-of-way through the heart of a beloved Native American religious area, breaking its sacred silence. In northwestern California, some Native American traditionalists call the marking of sacred sites desecration. About 1910, some Indian-relief hunters dug an old grave in an abandoned Native American village in a white court. In 1957, near the same area, a modern archaeologist told the American Anthropological Association that the habitation site was desecrating the sacred — that a family house was like a person and that, once buried, it should not be disturbed. Obviously, many factors influence the identification and preservation of sacred sites: How much public support is held by the members of the religious persuasion claiming the site as sacred, and how powerful are these intentions to destroy it? What are the rights and obligations of the government to guarantee noninterference in religion by officials, private companies, and visitors? How much public support can be mobilized for preservation or desecration? And how strong are the sanctions against desecration?

At a more general level, what do we mean by a "sacred" site? What are the beliefs of devotees of the religious tradition, and can these be revealed to preserve and register sites? And what about the protection of sites inhabited by sacred animal or plant species? We can, for example, state that certain plants or flowers should be protected in certain settings or where certain species as well as others grow. Where has due regard for all plants, flowers, and spiritual beliefs been ignored, and what should be done to rectify the neglect? Each community and society has its own norms, beliefs, and traditions that we should respect.

Some cross-cultural questions raised by the definition and ultimate protection of "sacred" sites that one wonders if it is possible at all to reconcile the legalities we have created a much less manageable political, cultural, and ethical morass.

There are some questions raised by the definition and ultimate protection of "sacred" sites that one wonders if it is possible at all to reconcile the legalities we have created a much less manageable political, cultural, and ethical morass. Nevertheless, only when land exploiters, bureaucracies, desert adherents, organizers of public support, and others confront these questions cooperatively is there any hope that a sacred site, however defined, can be preserved.

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NIYC Campaign

continued from page 2

Bedoin, a rock formation; Naujo Medicine Man's Association, a ski resort.

Through the Native American Religious Freedom Project, NIYC will continue to assist Indian religious practitioners in ensuring the survival of their religions and the Indian way of life. The objectives of NIYC's Religious Freedom Project are to bring about institutional changes affecting approximately two million American Indians. It will seek affirmative government action and regulations regarding the future non-denial of land use for Indian religious sites. It will assist tribes whose religious sites are threatened. It will educate the public as to the nature of Indian religions and the problems they are encountering. It will create a national coalition of churches, civil rights and civil liberties groups to support the right of Indians to worship, unencumbered at their traditional sacred sites.

Indeed, the latter two aspects of the Project are perhaps the most important. NIYC believes that at stake is the very survival of traditional Indian cultures in our society. Since the adverse land management decisions made by federal agencies, and subsequently upheld by the courts, are allegedly made on the publishers' behalf, NIYC believes that informed and concerned public can help protect and preserve traditional Indian religions beliefs and practices for future generations. It is therefore important to draw the public's attention to the unfulfilled desires of Indian sacred sites.
Sacred Objects and Secular Laws

by Stan Steinber

A Santa Fe resident, corn grower, and sun-walker, Stan Steinber is the author of The Vanishing White Man: The New Indians in Utopia. The Mexican Americans: The Islands; the World of the Poetic River; and, The Dark and Declining Hispanic. He is currently working on a new book to be published by the University of New Mexico Press in Summer, 1983: The Superb Masculinity of the West: The Study of Muscles.

“My heart is in these medicine bundles,” said Andy Natolumah, a Navajo medicine man.

On the floor of the museum's offices sat a pile of old sacks and suitcases full of hundreds of sacred objects of the Navajo people: possessions and ceremonial "artifacts" being given back to the Indians by the white museum curators. Four medicine men had come from the reservation to bless the sacred objects and take them home.

A ceremonial of the media was taking place, a thought is ephemeral, but the television crews were filming these newspapers called "something unique" in white and Indian relations: "Today we are giving back the white man would be giving back.

One of the medicine men objected to the presence of the television, like the illusion of the television camera, the old man stopped before it and sprinkled some corn pollen on it. He burned the head of the camera man with a hot stone and then, water. And the caretaker man jumped backwards.

The medicine men then began a quiet chant in celebration. It was a "song of joy," they said.

"Each of these sacks, bundles, and suitcases represent the blood of the Navajo Nation," said Natolumah. "We will take them home and teach the younger generation what these things mean.

Some of the medicine bundles had been kept in the museum's vaults that the sacred herds had turned to dust. The medicine men would return these to the earth, the sacred land. But medicine bundles were still usable, and so were many prayer sticks and ceremonial feathers.

The students at the Navajo Community College would use the sacred objects to learn in a classroom on the campus "explained Hart Talley, the director of the College's Cultural Center.

It was in August of 1977 that the curators of the Wheelerwright Museum, now renamed the Navajo Museum of Santa Fe, New Mexico, decided to return their collection of sacred objects to the Navajo people. This decision came a year before the American Indian Religious Freedom Act was enacted, said anthropologist, Harry King, chairman of the museum's Board of Trustees: "We did it voluntarily.

But why?

The museum had collected the sacred objects when they "seized the whole culture was dying," they said. "But the Navajo culture did not die. It changed. It grew. It could not be locked up as artifacts. The Navajo changed. We didn't.

"For years the custodians of antiquity, the present generations, treated Navajo people needed them, but for their own sake. To gain harmony in our own work, to become the creative force between preservation and preservation which has sustained the Navajo Nation itself," they said.

And so the medicine men gathered up the old sacks and suitcases containing the sacred objects. They loaded them on their jeeps for the long journey home.

Natolumah said: "I am taking my blood back to the reservation.

Not many museums have followed the magnanimous and enlightened lead of these curators.

Reluctantly the Denver Art Museum did return a figure of a "War God" that the Zuni demanded be given back after much controversy. And, said the Millendorfer Rogers Museum in New Mexico, and the Heard Museum in Phoenix, Arizona, which returned its deep religious kiva masks to the Hopi, while the New York State Museum talked of returning sixteen sacred Wampum belts to the Onondagas of the Iroquois Nation, but in the end would not part with its headdresses, they said, the Onondaga would not build a museum to exhibit them, the people wished to use these objects that recorded the tribes history in their worship.

To the tribal people the sacred objects are "artifacts" to be exhibited in tourist traps, are exactly that of St. Patrick's Cathedral in worship. One of the leaders of the Onondagas people, Onondaga Council expressed his point of view succinctly: Religion as it has been and still is practiced today on the reservation permeates all aspects of tribal life.

The language makes no distinction between religion, government and law. Tribal customs and religious standings are synonymous. All aspects of life are tied into one.

And yet, the curators at the Smithsonian Institution in Washington D.C., have been on an unabating list to return the Zuni "War Gods" and numerous sacred objects stored in their collections for religious use until the Indian museum buildings to exhibit them. For most tribes building such museums is "practically impossible," says Rosemary Buhman, editor of "Environmental Law": even if they were inclined to do so.

The problem, perhaps, is the possession of sacred objects to museums none is more disturbing than that caused by the differing concepts of religion in the Indian and non-Indian societies. In the Task Force Report of the Interior Department on the American Indian Religious Freedom Act in 1977, one member of the task force was stated thus: "For the larger religions the deity is the Creator who instituted natural laws," while the tribal religions regard the world as a continual process of creation, and their concept of creator is simply one of identity, not of autonomy. That is, everything is religious.

In the original interest of the Suggested Guidelines for Museums issued by the North American Indian Museum Association the idea was put simply: "To come, all is sacred, and all is religious.

The conflicting views of sacred objects and religious practices is reflected in the conflicting interpretation of the laws that govern their preservation. Even the venerable Antiquities Act of 1906 is "construedly vague," said a ruling of the Ninth Circuit Court of Appeals, because it does not define an "object of antiquity," or even a "ruins," though the Act was meant to prohibit the exploitation of "objects of antiquity" and "ruins" on federal or tribal lands without "permission" of the Indians involved.

Though the Religious Freedom Act makes but passing reference to "access to sites" of worship it has.embraced Cherokee and Navajo to seek its protection in the hope of safeguarding their shrines and sacred objects.

On the Little Tennessee River the Cherokee with the aid of the National Indian Youth Council and the Native American Rights Fund went into court to block the Tellico dam from flooding their ancestral home and lands. The court ruled against them. Now their sacred sites are beneath water. So are twelve year old archaeological sites, the tombs of 1000 dead whose skeletons were removed in a truck, and the "Cherokee Jerusalem, Chota. The public was more interested in a big fish, the Smail Darter, than in the

Continued on page 7
Indian Religions and the Courts

by Ellen Lettier

Ellen Lettier is N.Y.C.'s Staff Counsel and Director of the Native American Religious Freedom Project.

In a Joint Resolution dated August 11, 1978, and entitled American Indian Religious Freedom Act (AIRFA), the United States declared that a shrine or sacred site is "one that in the past it had enshrined laws which interfered with the religious practices of Native Americans without considering the impact of such laws upon them. This resolution was to redress the wrongs done to Native Americans in the past.

It is important to understand that the First Amendment and the Religious Freedom Act (RFA) are parallel. They have similar goals and are consistent. The First Amendment protects the free exercise of religion, while the RFA protects the freedom to hold religious practices. The Supreme Court has held that the RFA is not a "parallel" to the First Amendment. It is a parallel in the sense that both protect the right to practice religion.

The case of Badoni v. Higginson paralleled the constitutional and statutory arguments presented to the Court in Sequoyah v. T.B.A., a case in which N.Y.C. and N.A.I.R. attorneys attempted to block completion of the Teltico Dam in eastern Tennessee in order to prevent the flooding of Cherokee Indian sacred sites. Both Sequoyah and Badoni present issues that were never before litigated in the United States. Specifically, at issue were questions of federal land management decisions as they impinged on traditional Indian sacred sites. Issues, unlike any other group in our society, worship at sacred sites which correspond to natural geographic locations—a confluence of streams, perhaps, or a mountain top, or a sandstone arch. These are the abodes of gods and places where specific ceremonies that involve sacrifice to the gods or goddesses must be performed. Moreover, to be effective, the religious rituals must be conducted in private.

In Sequoyah, gods were drowned by the flooding of the Little Tennessee Valley, and with them died an entire body of traditional Cherokee beliefs. Some ceremonies will never again be utilized, but more importantly, the place of worship of the Cherokee gods, those gods are lost forever.

In Badoni, similarly, the completion of the Glen Canyon Dam on the Colorado River in southern Utah in 1963 and the creation of Lake Powell, flooded the abodes of many important Navajo deities. However, many of the most significant deities continue to reside on Rainbow Bridge, a shrine sacred to the Navajos long before it ever became a national monument.

The creation of Lake Powell has made access to Rainbow Bridge, once remote, now relatively easy. Indeed, the National Park Service provides buses to the arch and has constructed a dock nearby so that tourists may freely roam about in the area of the arch. The result of this government-created tourist activity has been the desecration of a religious sanctuary and the intrusion of camera-toting, beer-drinking tourists in religious ceremonies. Court documents state that curious tourists have taken photographs of religious ceremonies in progress. Predictably, as a result, Navajo medicine men are becoming discouraged about even attempting to hold ceremonies at the arch.

The Badoni plaintiffs felt that nothing else, the First Amendment protected their right to practice their religion free from public intrusion, and they sought an accommodation of their religious beliefs and practices. So, for example, the medicine men suggested that the dock be removed or that access, on rare occasions when ceremonies were in progress, be denied to the public, a practice not uncommon at the other national parks.

Indeed, as previously stated, Congress unequivocally gave that interpretation to the First Amendment when it enacted the American Indian Religious Freedom Act, which purports to protect Indians and the practice of their traditional religion, as those traditional practices may be adversely affected by federal land management decisions.

Despite the guarantees of the First Amendment and Congressional mandate, federal courts refuse to follow the law. In so doing, they have flouted Supreme Court decisions which beg for a different result.

The decision of the U.S. Court of Appeals in the 10th Circuit in Badoni is a perfect example. That Court dissented from the trial court's decision, which had also held against the Navajos, but then proceeded to uphold the adverse results by ruling that to accommodate the religious practices of the Navajos at Rainbow Bridge would itself be a violation of the Establishment clause of the First Amendment, since Rainbow Bridge would become a government-managed shrine. The Establishment clause prohibits government management or endorsement of any single religion. The Appellate Court failed to cite any of the numerous decisions of the Supreme Court which require an accommodation of the religious practices of a minority, when government action has caused an infringement of their protected religious freedoms.

The Court of Appeals's analysis regarding the status of Rainbow Bridge was based, in part, on the fact that it was a government-managed shrine despite the fact that the government was ignorant of the sanctity of the arch at the time of its completion. It was built by the government by executive order in 1910. The question is not whether the monument may be "converted" into a religious shrine, but whether the government may unilaterally take over an established religious shrine and then manage that shrine for the benefit of tourists, in such a way that the pre-existing religious practices are presented from continuing. Logically it would follow that rather than regulating Indian religious practices at the shrine, it is the intrusion of the tourists which should be regulated. The Court's decision is even more disturbing when viewed in light of that fact that according to NPS documents, of 121 churches are located in national parks and managed by the National Park Service. Of these, only three are Indian sacred sites. In most cases, tourists to these churches, many of which have historic significance, are permitted to attend priest-led services on a weekly basis. Additionally, the NPS operates several chapels of its own for the convenience of tourists at the larger national parks. Clearly, the Badoni plaintiffs were not seeking an unusual accommodation.

Regarding the U.S. Supreme Court's decision, a case involving the First Amendment implications of a Christian student organization which was seeking to hold religious services at the student union of the University of Missouri, a publicly funded institution, Widmar v. Vincent, the Court held that the Christian students had a First Amendment right to practice their religion on public property. The Navajo raised analogous First Amendment issues, but the Badoni facts were more compelling. Unlike the members of the Christian organization, who can just as effectively practice their religion elsewhere, the Navajos have been denied access to the university student union, the Navajos cannot go elsewhere since the site in question which has religious value, and which coincidentally happens to be located on public land.

The refusal of the Supreme Court to review the adverse lower court decision in Badoni is particularly offensive knowing that the Court decided to hear the Widmar case and then rendered a decision favorable to the religious interests at issue. Once again, the fundamental constitutional rights of Indians are being ignored or subordinated to the interest of a majority. One can only wonder how indulgent the congregation would be if the historic Old North Church in Boston were transferred to the National Park Service, were interrupted during Sunday morning worship by picture-snapping tourists drinking tourists. Surely the congregation would be assisted by the National Park Service and the courts in ejecting the intruders and in ensuring that similar intrusions were prevented. (continued on page 14)
Carlos Frank, an Athabascan residing in Alaska, was compelled by his religious beliefs and values to perform an act, killing a moose, in violation of Alaska state game laws. As a result, Carlos Frank suffered fines, restrictions, and suspension of his hunting license. The Supreme Court in reversiting Carlos Frank's conviction will be followed by other cases that have been presented with analogous issues.

The decision of the Alaska Supreme Court in Frank v. Alaska is reported at 604 P. 2d 1008 (Alaska 1979). That decision is reprinted below in its entirety, absent case citations and footnotes.

Opinion

In October of 1975, Delnor Charlie, a young man from Minto, died. Immediately preparations were made for a ritual that had been performed countless times in Minto and other Central Alaska Athabascan villages. It is called the funeral potlatch, a ceremony of a several days’ duration culminating in a feast, eaten after burial of the deceased, which is shared by members of the village and others who come from sometimes distant locations.

Delnor Charlie’s burial, as is traditional, was delayed until friends and relatives living elsewhere could reach Minto and until the foods necessary for the potlatch could be prepared. With the food preparation underway, Carlos Frank and twenty-five to thirty other men from the village formed several hunting parties for the purpose of taking a moose. It was their belief that there was insufficient moose meat available for a proper potlatch. One cow moose was shot, which Frank assisted in transporting to Minto. Some 200 to 250 people attended the final feast.

The feast was not sanctioned by the hunting parties and reported to it state officials, who investigated and subsequently charged Frank with unlawful transportation of game illegally taken in violation of state law. The season for moose hunting was closed and in any event there was no open season for cow moose in 1975.

In the district court Frank admitted transporting the moose. He raised the defense that application of the game regulations to him under the circumstances amounted to an abridgment of his freedom of religion. After an extensive evidentiary hearing, the trial judge found that “the funeral potlatch is an integral part of the cultural religious belief of the central Alaska Athabascan Indian.” He found further “that moose is an integral part of the diet and ‘the staff of life to these Athabascan Indians,’ that the food for such a potlatch ‘is primarily required to be native food,” that moose is “more desirable” for such a celebration than any other native food; but that it is not ‘specifically required for this ceremonial occasion however desirable it may be.’ Judge Claxton thus concluded that Frank has not been denied his religious privileges. Frank was therefore convicted and sentenced to a forty-five day jail term with thirty days suspended, a $500 fine with $250 suspended, one year probation, and a suspension of his hunting license for one year. Judge Claxton noted at sentencing that Frank was sincere in his beliefs and that these beliefs which had carried him into a criminal violation.

And appeal Superior Court Judge Van Hoomissen also determined that “the potlatch is an activity rooted in religious belief and a very integral part of the religious heritage of the Athabascan Indian. . . . The sincerity of the native of Minto in his religious beliefs is not questioned.” However, he agreed with Judge Claxton that fresh moose meat was not such an “absolute necessity” as to “void the compelling state interest of the State of Alaska in the management and control of its game for the benefit of all its people, native and white,” and affirmed the conviction.

We have concluded that the free exercise clauses of the first amendment to the United States Constitution and article I, section 8 of the Alaska Constitution (which provide that neither Congress nor the State Legislature, respectively, shall pass any laws respecting the establishment of religion nor prohibit the free exercise thereof) protect Frank’s conduct and that the state has not demonstrated reasons which justify prohibiting Frank from further exercising his religious freedom. Our reasons follow.

No value has a higher place in our constitutional system of government than that of religious freedom. The freedom to believe is protected absolutely. The freedom to act on one’s religious beliefs is also protected, but such protection may be overcome by compelling state interests. A law imposing criminal or other penalties on the performance of acts which conscience compels, pressures the underlying beliefs and infringes to that extent the freedom to believe.

Because of the close relationship between conduct and belief and because of the high value this religion to religious beliefs, religiously inspired actions can be forbidden only where they pose some substantial threat to public safety, peace, order, or where there are compelling governmental interests that are of the highest order and are not otherwise served.

It has been clear at least since Sherbert v. Verner [a landmark free exercise case that in certain cases the free exercise clause requires government to accommodate religious practices by creating exemptions from general laws. Sherbert was tried for the refusal to work on Sunday, the sabbath day of her religion. Her claim for unemployment compensation was denied in the state courts because there was a condition of eligibility that a worker be available for work Monday through Saturday. The Supreme Court held that the state had a duty to make an exception to this policy so that Sherbert’s exercise of her religion would not be penalized. Sherbert was followed in Wisconsin v. Yoder, an landmark decision] in Yoder there was involved a conflict between respondents’ belief, rooted in the religion of the old order Amish, that children should not attend public school beyond the eighth grade, and a Wisconsin statute requiring all children to attend school until the age of sixteen. The court held that an exemption must be granted. Other courts, following Sherbert, have also required exemptions to facially neutral laws in order to protect religiously based conduct.

The free exercise clause may be invoked only where there is a religious belief involved, only where the conduct in question is religiously based, and only where the claimant is sincere. These requirements are readily present here.

Indians hunting moose near Nulato, 1888 (from E. Whymper, Travel and Adventure in the Territory of Alaska, New York, Harper and Brothers, 1899, p. 344).
Sacred Objects

continued from page 4

"Cherokee's right to "access" to their sacred sites.

And in the Southwest the Navajo, led by the medicine man, asked the courts to halt Lake Powell's inundation of their sacred Rainbow Arch Monument by the Colorado River. The tribe considers the "arch itself to be a God," it said.

The courts denied the Navajo religious claims, because they had no "proof" in the Arch, as a church and the medicine men had not been "trained" by their government; besides, the religious training of the "alleged" medicine men "took place a long time ago." In any event, the need of water "outweighs the plaintiffs' religious interest," the court said, for it had no ruling on the constitutionality of the American Indian Religious Freedom Act.

To define an Indian religion would seem to be beyond the abilities of the government, which is as it perhaps should be. After all, it is improper for the State or Federal Government to determine what is religion, as the North American Indian Museum in Washington, D.C., has hopefully said, the government cannot make theological decisions.

For the patronage of the government is neither to "define," neither to "determine," a religion. Its task is to protect its practice.

The dilemma of museum curators has been compounded by the reality of their own making.

In the acquiring of museum collections, there are historical rituals, as in any other profession. Curators are "schooled in acquisitions" wrote the art historian, Clement Coggsin: "They believe that an object acquired by a museum is necessarily in a better place than it was," for they know how best to preserve it.

Still, to preserve a sacred object in a museum case, like an animal in a cruse, not only protects it, but changes it. Though it may look larger in the public eye, it is diminished.

In the days of museum exhibits it was not uncommon to see a life-sized Indian made of clay or paper mache sitting somberly in a display case. Who could forget the forlorn "real life" Indians preserved in glass that grazed, or disgraced, the old American Museum of Natural History, in New York. These specimens may have been adored in the most reprobant feathers and religious regalia, but that did not conceal their sad demeanor.

Not only the sacred objects of the native people, but the native people themselves, were treated like fossils. They were exhibited much as if they were stuffed animals.

And their sacred objects were often divided up like animals in a zoo. In the sterile isolation of a museum case they were frozen in time and space, denied their renewal and livelihood as a living race. It is the era when tribal religious practices were banned on the reservations. The museums came to believe they had inherited the obligation to preserve the supposedly vanishing cultures of the tribes.

Even now there are anthropologists who "persist in thinking that the Creator put Indians on earth so that they can treat them like so many chaseable objects!" Positively, the anthropologist, Alfonzo Ortiz, has bitterly said.

There has for long been what Lakota anthropologist, Bob Medicine, has called the "sacred Indian," an object in which a curator selects a tribe or item and forces upon some aspect of its spiritual objects, life which then becomes "his" field of expertise, or "her" Indians.

These attitudes have often arisen from a sense of cultural ownership. In his comments on Margaret Mead's fine study of adolescence in Samoa, the Flathead anthropologist, Percy McNickle, noted Mead's purpose was to preserve the Samoan folkways, on paper, so that the islanders could better understand themselves. "Simple people, primitive people" Mead had saddled in societies that "never attained the complexity of our race" and so a trained student could master the "fundamental structure of a primitive society in a few months" of study.

And so, who could better preserve and understand the sacred objects of the Indian people than the trained student, or, if a tribe was being destroyed, or was being extinguished by a white society, its sacred objects having fallen to those and their meaning lost, then it became the prime obligation of the museums to preserve whatever survived. The curators of the sacred objects of the Indian people came to believe that it was their mission to protect the sacred objects from the Indian people to whom they belonged.

The essence of the American Indian Religious Freedom Act was the recognition that the Indian people should, and could, preserve their own religious objects and beliefs. It reflected the demands of the "New Indian movement of the sixties and seventies, and the revival of old Indian beliefs.

Perhaps the new attitude first emerged in the white world at the conferences held at the University of Chicago, in 1954 and 1960. There the tribal scholars demanded and the white scholars, with the guidance of Sol Tax, recognized that "Despite external pressures and internal changes, most of the present identifiable Indian groups are probably not as insecurely as distinct social units, preserving their basic values, personality and Indian way of life."

In this sense, the recognition that the "use and possession of sacred objects (was) necessary for the exercise of religious rites and ceremonies" was not granted to the Indian people by the government. Rather the Congress had merely legalized the reality of the enduring and evolving strength of the spiritual world of the Native American.

"No matter what the white man says or does he cannot give or take away the 'spirit', the Navajo-a-human being," said Elsie Wauqua, once said to me. "He does not control the spirits. He is controlled by the spirits." In this, the Navajo, their sacred objects have never been objects at all, for they are the physical embodiment of something more than "objects," more than "beings." Nor are they merely works of art to be hung on walls or placed in glass cases of museums, for they possess the powers to heal or harm, to cause or bless.

And nowhere are the distinctions between the two views of sacred objects more sharply delineated than in the case of those so-called Zuni "War Gods." The Zuni "War Gods" are carved figures, about two feet high.

On the mountains and mesas of the Zuni Reservation the sacred figures are placed in secret and hidden shrines. There beneath the turquoise sky they guard the land and the people and protect them from their natural and human enemies.

For the Zuni will sometimes . . . these "War Gods" are not symbols of their "Gods"; they are "spiritual beings," and they do not merely control the "War;" they maintain the balance of life between man and the earth, between death and rebirth. The Zuni call them ahlayudo.

Governor Robert Lewis of the Zuni Pueblo in requesting that museum curators return the Ahlayudo to their shrines has spoken of them as "very powerful spiritual beings," who if they were not returned to "their rightful place" might in their anger and wrath destroy the museum in which they were displaced.

The ahlayudo have come earthquakes, fires, floods, storms and other violent destruction because the Zuni religious leaders cannot pray to them to use their powers for beneficial ends! And so, not only for the sake of the Zuni, but for the safety of the museums, the curators had better return the Ahlayudo, at once.

Besides, they were stolen property, said the Governor. He echoed the complaints of so many Native American leaders who have accused the museums of knowing, or unknowingly, buying sacred objects that have been stolen from the tribes. "The only way (the Ahlayudo) can be removed," Lewis said, "is to buy them."

More important the needs of the Ahlayudo were not being met by the museums. They could not become, in the curators.

In the museums the Ahlayudo might be handsomely displayed in an air-conditioned, perfectly controlled atmosphere. But that was blasphemy, they believe. The curators attempt to preserve them isolated and defiled the Zuni's religion.

On their mountains and mesas the Ahlayudo were displayed in the sun and wind, the rain and snow, for "spiritual beings" of the earth and sky, they had to remain part of the earth and sky. They had to evaporate and disperse into the elements. They had to return to the Father Sky and Mother Earth.

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Preparing Museum for the Navajo Female Puberty (Kinaasda) Ceremony

photo by Abigail Adler
Interviews with Navajo Medicine Men
by Karl W. Lockett

The following two interviews are excerpted from the book, *Navajo Medicine and Rainbow Bridge Religion* by Karl W. Lockett and are reprinted here with the author's permission. In the interviews Lamar Bedonie and Long Salt Clanman reveal the history and rituals of the *Blessing Way*, as interpreted to Lockett by various key individuals. We begin with Lamar Bedonie, who will explain to Lockett the relationships of their religion and certain rituals to specific geographic sites (indeed, Long Salt Clanman may well be read as Lamar Bedonie in *Hispanic* Land). Throughout the interviews questions put to Bedonie and Long Salt Clanman are parenthetical and are the author's comments which explain certain references by the interviewees.

Lamar Bedonie

(Lamar Bedonie is 47 years old and lives south of Monument Valley, near El Capitan. We came to him at a time when he was actually exhausted. He had just returned from an all-night healing ride. Nevertheless, he decided to talk with us then and there. His sometimes very brief answers are not meant to be taken as a sign of being either tired. Like brother Bisti, one senses a very sincere man who is not afraid to talk about things that matter.] I was asked about a trip to Rainbow Bridge with Mr. Prater. This trip took place around 1921. Near Navajo Mountain the years 1917, 1919, 1920, and 1924 were dear to the interviewee years, and the Kayenta area was dirtied in 1920.

Interview

-From the time I was born, that is, from the time I began to realize things, I have been aware of these things, until now. This Rainbow Bridge, together with Navajo Mountain, about these together I have known. Head of Earth (Naasíbéyé) in our God (Niibéy), in Blessingway (hóshíkéesi), and in Old place (Spyó naabahí). Of this I have been aware—sixty or more years ago. I am now 69 years old. From the plaintiff (I was young) I remember this. I became aware of its specific ceremonials when I was fourteen. My maternal grandfather and grandmother, my father and my mother lived around here. Like now, there was no rain and it was hot. When it did not rain we put them (the offerings) there in the Rainbow Bridge area—precious stones and corn pollen. We put them there, Medicine Men and other people would gather there (the (hóshíkéesi) and prayers were made—this prayer for rain. We carried out to the top (of the canyon) some precious stones to the place where rain was coming, then put them together and beyond it, to the place of the Spring. It is a Holy Spring (Tó Blankets).

-We put the previous stones into the water, into the Spring (That is, I was told not to put it in the middle of the water, into the Spring). We did not go beyond the four directions along the edge of the Spring, it (corn pollen) then flowed onto the water. The old man's name (the leader's name) was Pinto (Nááshí). He was the one who was performing (the ceremony). He was my maternal grandfather. Then there were two of us left there. [In 1917 I must have spoken these words]:

_Nááshítkééh_ (We put the shells into the water, thinking ourselves pure come)

_Díí hóshíkéesi niitsoh’_ (Asking for rain, we came)

_Nááshítkééh_ (We put the shells into the water, thinking ourselves pure come)

_Corn and the other crops which we have planted are dry up._

-That is the way it is said to him (Rainbow Bridge). When in a starting position, we began putting the four directions to finish our prayer.

_The ceremony came to (was given to) Water, in Water-of-life, and we use it. We talk to it like we talk to people. From the Rock (nearby) there came a sound of thunder. It came out of the Rock (as if it were a Big Horse, white, thin, and then we praised. We praised our prayers. Then we clipped up some corn pollen (at the Rock). The joy was a woven basket, sealed with pitch. We put water in it. We picked some plants and took some mud out of the waterhole. Then we returned home on horseback. We went back past by horse, then on to the top of Navajo Mountain on foot.

-Then we walked down on Rainbow Bridge. We stood beside each other and began praying—praying along the path on which we came (as we looked out over the path). We made holy prayers (kééshíshigáai)—sky prayers. We prayed in this direction and in that direction. Over there was the Spring, and over here (on top of Navajo Mountain) was the broken stone—replie of a man—this (a few feet) long. The water we got from the Spring (near Rainbow Bridge) we poured into the Spring (on top of Navajo Mountain).

-From a pure and patriotic attitude perspective, this action would be interpreted as "poisoning" the water—so that water would not give food and rain. But all this was done for the purpose of communicating with "people." It was a close person of telling the Water person and the Spring of what had already been told to them. We continued to that part of Rainbow Bridge and from there, the rain came down and over all rainwater: Holy People is required.

Then we dipped some water from that Spring, we prayed, and then began to wash our blankets and our body. People were gathered there—at my father's house, at the foot and to the east of Navajo Mountain. My father was there. We used to put more mud in, and then the four directions of Navajo Mountain. Another old man called Long Salt (Hóshí coupée). My father's real name was Yellow Salt (Naasí). We went home. We brought back some water (from the spring on the Mountain). A little boy and girl were sitting there; they were made ready.

They were sitting there to make an offering (sacrifice). Then a song from Blessingway was sung, to sing for rain. It became cloudy and started raining, and it kept raining for days and days. With this rain we had crops. We had lots of food, such as watermelon, corn, and squash.

-In this manner we have come from one generation to another. Our young men and women have been raised this way our birds of sheep have become larger, along with the cows. In this way we have life. With the Spring there, and with Rainbow Bridge, with these prayers are linked. I pray whenever I want to pray. I get ready, I start praying, and it starts raining, I know the power of Rainbow Bridge. I use that first thing I pray (for Water, then to the Mountain) with its medicine. The medicine from the Spring, which I mentioned, is very important. It is my medicine bundle (fish). This is what men usually have (told nelíhí). The most important thing in this bundle is the medicine. With this we heal people, and this is why we keep it. And this is the way it is . . . Long Salt (above) does this kind of ceremony . . .

-(Was this ceremony practiced before Hóshíkéesi? yes, the Long Walks?) It was done during that time. My father's maternal grandmother's grandfather, three generations (three maternal grandfathers) ago, he used to hold the ceremony. His name was Long Salt Clanman (Lééhí bááñí). He was the one who discovered Rainbow Bridge, and from him we have our story: Blind Salt Clanman, he was the one who practiced this ceremony. Blind Salt Clanman did not go to Fort Summer.

-Do you know anything about a sacred cave in the Rainbow Bridge area? This side of Rainbow Bridge, toward Navajo Mountain, is the east side there is a hole left, in this place things (beating chantways) were taught to apprentices. At that same place there is evidence of a Wééhóhíshí dance (Naáhí). The Holy People are probably the ones who used to dance the yéí dance there). And there is evidence that they performed this dance near Rainbow Bridge (at a place where the ground is all smooth). Against the rock Blind Salt Clanman was sitting on his horse. White clay (porcelain). Later everyone tried to clip over the rock. And in this manner Blind Salt Clanman and his horse's figure were engraved on the face of the rock. The horse is sitting on the horse. That is how it is now. Someone destroyed it, that is the way it is.

-Since the time of appearance of the paper book, and to more recent times, I have been wondering what it is (really) like. The things I have missed are probably written down on paper (somewhere).

(AND expression of a sacred texts mentioned were in this instance completely exaggerated. Before some Navajo men, such as Lamar Bedonie himself, decided to speak, we knew almost nothing about Rainbow Bridge ceremonies.) But about what I am telling you, I know about it. I was once myself and participated myself. It is not something that I have thought up. And the other men know that it is that way. Whether there is a meeting, I talk about this concern for Rainbow Bridge. The Navajo people do not like it. The leader (municípi) does not like it. Our ceremonies have become difficult. Our prayers and songs are hard to perform. The Nose-dance ceremony (Kééshíshigáai) has also become difficult. Now the water holds back. And at this place people are drinking beverages containing liquor (papáhíshí, Papahíshí). Tin cans and bottles litter that place. We never thought of it in that good fashion. But it is like that now. When plans were made for the time we were told that it would not be the way. But now people are just overlooking that. (Did you learn any of your songs from this man? I learned it near the water, and (other) chants I sing. I have a sacred bird with corn pollen, and I have things to pray with. I have a prayer. And the things which the old men had I have. And I know how to do Crystalgar (Delít'éí). I see through the mountain, I was doing this all night, and that is why I was sleeping (when you came). The man (patient) was very sick. He lived near Page. If I had not been doing this)
Rainbow Bridge, dying to the prayers or to the gods)—It will probably end all. It (Rainbow Bridge) supports life. It will cease. The Water now and get wet, and it began deteriorating that Water is not careful. The Rainbow will be broken. It will break the People’s life, their minds and teachings (beliefs). The people from Window Rock (east of tribal government) sax we are surrounding Rainbow ceremony. It is not God—(that our leaders there at Window Rock are surrounded by Rainbow.

(How is it that the particular water is not holy anymore)—Saying “Corn pollen blessed by the Rainbow” we go about; also, this same Cornpollen is contained in the medicine bundle, and in making the offerings. (From making the prayers and offerings) we hope to gain sheep, horses, and other livestock in abundance. (“Tóhkii” big, long, naa’oh, e=4, tirmee akiih, leh, ráá éi dít ádíídyít bi’ bi’á, ráá éi dít diit bi’ bi’á ée néhiití de’ ách eé néhídit de’ ách, bi’ bi’á, ée néhiití de’ ách eé néhídit de’ ách, it is not holy anymore, and so we do not have rain now. And there are no plants, even on Navajo Mountain there are none. Plants do not come up anymore, and there is not enough water to go around. We have given this water a different name, and it is used for other purposes than (only) drinking. The Rainbow is broken. Our way of life, our way of thinking, our religion is broken. (As the waters of Lake Powell threaten to rise, Lame God Reference foresees the eventual fall of Rainbow Bridge. But what is important here is not only the integrity of the stone structure, but also the intrusion of the controlled (non-White-man) waters of Lake Powell. These are understood to be in contrast with the untouched and unneeded (greater-than-human) Waters of sacred springs.)

Missionaries say “My Lord” (Shádaan), it is according to that (manner) that they live. My life is lived in accordance with this Rainbow, my prayers are holy. According to this Rainbow, life begins and people live, is by the Rainbow. Nowadays people try to use it in their prayers. The missionaries used it (by praying “My Lord”).

Navajo practitioner completely identiﬁes the “Lord” of Christian missionary with his own divine “Lord”—the living Rainbow deity together with his Rock Arch “inauration.” This reﬂects not only his ability to compare entities of similar functions, but also his own mood toward other religious progres-
Pves. But people cannot use it now, because water has covered it. It (to descend) will break many of us. Many of us depend on this Rainbow. There are things called Lightning, which come down. And people who cannot get along well together, this Lightning punishes them or makes them suffer. This is the way the story (tradition) goes.

(1) Rainbow Bridge is like the roots of Rainbow? And is there another root?—Yes, it supports it (like a root). (And yes, there is another root). It is attached in Illana Peak; it is attached to Mount Taylor. San Francisco Peaks it is also

Spruce (úchí) which stands up there. Behind that lies a large Snake. He, I will protect you. When he (a dis-
charged) is in the mountains, he is a big Snake had arrowheads covering him all over. We have a prayer of this Big Snake, and we pray that prayer.

(2) When the Hopi people dance with snakes, does that also help bring rain?—Yes, they have their powers (áhi) hidden inside them.

(Will the Navajo people ever dance with, or have anything to do with, snakes?)—We have something to do with them, (is) the Lightning ceremony, male branch (Navajo field), they carry crooked wood, or wood that winds around. We can base medicine on us in that manner. It is our medicine bundle (éshí).

(3) Are there any snakes who will do something?—Yes, those snakes have an answer to when it does not happen, because they are people and we are people. When we make a sandpainting we put the snakes down as people. We put up a snake or make their roads down there. We do not know.

Long Salt

Long Salt (Mishjo’né Tééya) died in Pueblo, Colorado, 1888, the famous rain-seeker Pinetree (Nawi’ch’i) of the Many Goats clan. His paternal grandfather was Dine’go’s stors, and his maternal grandfather was Whiteman Killer. Pinetree was married to the three daughters of Whiteman Killer. His marriage with the oldest daughter, Long Salt’s mother, took place after their return from Fort Sumner (Navajo) (in 1885) near Water-under-creek (Tséyi) at a place called Tsélii, which is approximately eleven miles southeast from the base of Navajo Mountain.)

Interview

My maternal grandfather and my father used to speak their prayers on top of the Mountain (Navajo Mountain) many years ago. It was at a level spot, where the home of Monster Slayer (Navá’vé’ Neigh-ghtah) was. That is where they sat (Monster Slayer and Born-for-Water (Tsé’i, Tóntitha). Monster Slayer and Born-for-Water are the Navajo Twin war gods). They sat there. It is said. That is the place where they placed precious stone offerings (niití). these old men. They used to carry these (offerings) there, calling on the name of the Mountain (Head of Earth), it is said. They also made an offering at the place where the Spring is. That is what the old men were saying (and doing). But nowa-
ys they have been changed to other things up there. (Such as building a radio tower up there, by the sacred Pool). It (the old men’s ceremonies) made life good for the men and women of long ago.

Not long ago, I (myself still) used to place offerings. Offerings is what I used to do. In the mountains, I did not do the first time. But

continued on page 16
Frank v. Alaska

continued from page 6

and contributed. It is hoped that the funeral potlatch and one- that would be observed in future years. A year later, the memorial potlatch, will resume the spirits and prevent future death.

From the foregoing it is clear, and consistent with the findings of the courts below, that the funeral potlatch is of basic cultural importance. The role of moose meat in that ceremony must now be examined.

Native foods comprise almost all of the foods served at the funeral potlatch. Although foods from the land must be examined

Native foods are served at the potlatch. The most common big game animals are served, and in Central Alaska the moose is served. As the district court found, this is the staff of life, and it is the meat which the people regard as most important for sustenance. However, the district court found that although the evidence indicated that moose is the most desirable of foods to eat, it is not "an essential requirement." The district court's finding that moose was not essential for a funeral potlatch is based primarily on the following testimony of Chief Peter John:

Q: Could there be a potlatch without moose?
A: Well, it could be, maybe, but then I don't think I'd enjoy it.

However, John also stated that he had been to hundreds of potlatches and had never attended one in which there was no moose meat, a reflection shared by Catherine Atse, Ellisville, and Carlos Frank, Barbara Lane, an anthropologist, provided this gloss on John's statement:

"Eagle Poem"

To pray you open your whole self
To sky, to earth, to sun, to moon
To one who loves you, to all that is you.
And know there is more.
That you can't see, can't hear
Can't know except in moments
Strangely, growing, in languages
That aren't always sound but other circles of motion.

Like eagle, that Sunday morning
Over Salt River, Circle in cloudy sky.
In wind, swept over ears clean with sacred wings.

We see, we see ourselves and know
We must take the utmost care
And Kindness in all things.

Breathe in, knowing we are made of
All this, all breathing.

We are truly blessed because we were born
And die, soon, within a true circle
Of Motion, like eagle soaring out.
The morning is new.

We pray that it will be done
In beauty.

Joy Harjo 1982

A Creek Indian from Oklahoma, poet Joy Harjo currently lives in Tempe, Arizona where she has completed a novel to be published, third book of poetry. She had served in the Navy in addiction to her new book, Joy is also writing a play. She was formerly editor of Americans Before Columbus.

A. If a Roman Catholic priest were in his church and found himself without the proper prayers and same, he could still perform his function with some without meat, but it wouldn't do in the sense - if all possible to have the proper foods, that's what you would use.

Q: But whatever it could be accomplished?
A: I believe so. As a dire strait, in some unusual circumstance.

Other witnesses stated that moose meat is a necessary requirement having the sacramental equivalent to the water and salt in Christianity. Frank and all of the Athabaskan witnesses, including Peter John, testified that they could not show disrespect to the dead by failing to provide moose for the potlatch ritual.

Thus we would be inclined to hold that the district court was clearly erroneous in concluding that moose meat was not essential for the observance of a funeral potlatch. However, absolute necessity has not been proved, and it is insufficient that the practice be deeply rooted in religious belief. It should not be subjected to prior restraint by the district court.

The question of religious orthodoxy is not the business of a variety of religious practices. We think the evidence is insupportable that the utilization of moose meat at a funeral potlatch is a practice deeply rooted in Athabaskan religion. While moose meat is not biologically necessary, it is needed for proper observance of the ritualistic practices, and it is an essential part of the Athabaskan religion.

The question of religious orthodoxy is the business of the state.

The state contends that widespread evidence reveals Athabascans are allowed to take moose out of season when necessary for a funeral potlatch, and that at the state's brief clearly stated that, "Athabascans are known to have a marked tendency to come unbridled over fish and wildlife allocation issues." The state predicts as a result, general non-observation of the game laws, a "downward spiral into anarchy", "poaching and cruel killing", and "tragic confrontations" between recreational hunters and Athabascans.

We give no credence to this argument.

It is, first of all, not supported by any evidence. Moreover, the practice of general lawlessness is an extreme and unwarranted conclusion on the general character of the state's citizens. Arguments which rest on extrapolation religious practices must be far more definite than these. Justifications founded only on fear and apprehension are insufficient to overcome rights asserted under the first amendment.

The state does not urge that an exemption granted to Athabascans needing moose meat for a funeral potlatch will result in so many moose taken as to jeopardize appropriate population levels. The record is silent on that question. We are not advised as to how many funeral potlatches are held each year, nor how many moose are legally taken, nor the level of harvest that would cause a population decline. All the record reveals is that there exist but one funeral potlatch in Minot in 1975, and that one moose was needed for it. The burden of demonstrating a compelling state interest, which justifies curtailing a religiously based practice lies with the state. On this record, that burden has not been met.

Finally, the state's argument that an exemption in this case would amount to an establishment of religion opposing the establishment of religion. These classes are designed to prevent sponsorship, financial support, and active involvement of the sovereign in religious activity. Accomplishing this objective is one purpose of the Wisconsin law. Permitting the killing of a moose for a funeral potlatch does not rise to the level of these interests. The purpose of such an accommodation is merely to permit the observance of the ancient traditions of the Athabascans. As such, the exemption reflects nothing more than the governmental obligation of neutrality in the face of religious differences.

If the reason the state did not urge that exemptions for funeral potlatches will endanger moose populations is that such a showing cannot be made, the state may be well advised to adopt regulations governing the taking of moose for such purposes. Carefully designed regulations would have the effect of guarding against abuses and, in record keeping, which would be of value in determining the impact of the exemption on moose populations. There exist models for similar religious accommodations. For example, federal statute authorizes the Secretary of the Interior to issue regulations enabling religious practices of persons of Indian tribes." Upon a finding that the taking is compatible with the preservation of the species. Regulations have been published implementing this. Similarly, the Wisconsin legislature has recently created a system classifying the taking of deer by Winnebago Indians for religious purposes, and has directed the state Department of Natural Resources to rate the effectiveness of the system.

The judgement is reversed and this case is remanded with instructions to dismiss the complaint. Connor, Justice, dissenting.
America as Holy Land continued from page 1
gone with the wind, and left behind one of the final letters of his life. When death approached and of all the world's spiritual disciplines he had studied, he turned to Native America. "We are solely in need of a Truth or self-understanding similar to that of Ancient Egypt," he wrote, which I have found still in the Purities with their chief ceremonies, Mountain Lake, said to me, "We are the people who live on the roof of the world, we are the sons of the Sun, who is our father. We help him to rise to the sun and cross over the sky. We do this not only for ourselves, but for the Americans also. Therefore we are the inner Purities with their inner Purities. But if they continue to do so they will make us, and then we will see that in ten years the sun will rise no more." And Jung continued, that their day, their light, their consciousness and their meaning will die, when destroyed through the narrow-mindedness of Rationalism, and the same will happen to the whole world."

I am talking of more than a reciprocity between man and ground he can touch, and sky, land I am making an inner counterpart, the spirit within, behind and beyond the surface our eyes pick up, the same terrain the artist-church is searching for, and the eversion when, in the 1830's he was helped by Indians in the midst of his search. They showed him many things, and taught him the red pipes. A Dakota name the Swift Man tried to persuade Catlin to turn back, arguing that whites had already desecrated the sacred material by carving it into trinkets. Catlin responded that he meant no harm, and brandished the open-sesame of scientific inquiry for the benefit of mankind. The Dakota still resisted. Catlin's accounts of them practically saying, "You will not see what you are going to see," hand in hand with two conflicting views of the earth, and one can guess which won. Catlin did not see the tundra and the bricked snapshot, the house of a home-forth named Catlinite, and we own what we name (land what we name). Not until the 1920's did the Yankton Dakota secure the site and again, and they had to have it designated a historical landmark, not a holy shrine, to safeguard it.

This is the inner geography to which a Zapotec Indian from the Oaxacan highlands referred in 1973 as we were cutting his alfalfa with hand sickles. He said we should not be thinking about house-hoisting ceremonies. Did his people have them as the Indians of North America did? His eyes stared on his house, and he said methodically, "When we build our house and it is finished the Catholic priest comes and our relatives come and he blesses it with it with holy oil and he leaves a footprint. But I pressed him: What about blessing the building site itself? There was some silence and the sweat of our sickles, and then he smiled and looked dire-ly at me and spoke under his breath. "When we lay out a house, we first bless the land. We bless the land, maybe it is a superstition but we feel it is our mother. That is our old, old belief. So we kill a turkey or a chicken, or an old man, one of our own, sprinkles its blood in the corners. We burn chocolate there and tobacco, and we pray together and this is how we feed the land which, as said, is our mother, and then later we let the priest come and do his blessing."

It is the same inner landscape that continues to permeate Native American metaphysics and those entrusted with their perpetuation. Oren Lyons, an Onondaga faith keeper from New York State, gave the Kiowa writer N. Scott Momaday an inside look at how such basic teachings are transmitted today. As Lyons told it, "I was fishing with my uncle, he's an old chief from home, and we were out in a boat in the middle of the lake and talking about this and that. And I had just graduated from college at that point, you know. And I was kind of feeling my oats a little bit, and And we were talking and he said, 'If you are pretty smart, you know, you learned a lot of things.' I said, 'Yeah, I do.' He said, and 'Good then, you ought to know who you are then.' Sure, I said, 'I am a Saraland Lynn.' He said, 'Yeah, that's who you are, you are. Is that all?' So I started to suspect right away something is going on here. Here I am in a boat, and I can't get out. And we were out in the middle of the lake. He said, 'You know that, that is all you are.' "

"Well, I started thinking, I started to feel a little track already, and I went to my father's line, my mother's line, drew a clan. I searched, and he chased me all over that boat for two hours. He searched the lake. I am ready to win. I was getting mad. Then I said, 'Well, who the hell am I then?' And he said, 'Well, you think you know, but I will tell you."

"If you sit right here and look right over there, look at that. The rocks. They are the trees and the hills all around you. Right where you are, it's water. And he said, 'You're just like that rock.' And I listened. He said, 'You're the same as the water, this water.' I waited and listened again, and he said, 'You are the ridge, that ridge. You were here in the beginning.' You are as you are, they are. As long as you believe in that, he said, 'That's who you are. That's your mother and that's you. Don't forget. I never have.'"

Looking behind these suggestive reflections stands a library's worth of native concepts, categories and mythologies, enshrining special bodiments, crests, and bonds in the cosmos, an entire environment reconstituted as a sacred geography forged from the holy elements: earth, air, fire and water.

As the Dakota author, Luther Standing Bear, tells us, it was not only on ceremonial days that his people acknowledged their dependence on this transcendent power of the earth. "The old people came literally to love the soil. They sat on the ground with the feeling of being close to a mothering power. It was good for the skin to touch the earth, and the old people like to remove their moccasins and walk with bare feet on the sacred earth. The soil was soothing, strengthening, cleansing and healing."

Equally valid was fire with its power to stir up the sun. The Cheyenne prophet advises, "The fire must never be suffered to go out in your lodge. Summer and winter, day and night, in storm or when it is calm, you must remember that the life in your body and the fire in your lodge are the same, and of the same date. If you suffer your fire to be extinguished, at that moment your life will be at its end." Among the Natchez, the last of the Southeastern mound-building cultures to survive into historic times, a temple housed a perpetual flame, perpetual, that is, until it was extinguished forever by the French in the 18th century.

Water, too, is no end of references to inner powers waiting to be released through ritual intercourse. The Navajo take pains to distinguish used water, which is controlled and thus contaminated — irrigation water, for example — and untouched water — generally free-flowing, a Pawnee priest would insist — which is a superhuman and sacred. The agricultural Pueblos of the Rio Grande strive for an especially bountiful relationship with water, as is evoked by this Zuni formula for encouraging rainfall:

continued on page 12
America as Holy Land

continued from page 11

As this Zuni initiation personifies their ancient reverence on the cyclical method of life lived between earth and sky and cloud and back again, so the Navajo turn the intermingling of two rivers into a mythic union. "Colorado River is friendship with San Juan River is male. At the place where the two used to come together, where the San Juan mounted the Colorado, an infinite number of Water children were formerly born — Cloud and Rain people who would then drift southward.

Air for the Indian generally signifies life itself, and in turn the inspired words which motivate and enhance life. We breathe, the breath of all creation, air turns into words, into the smoke from the hallowed pipe, the prayer-infused steam from the sweatlodge, prayers begin, the pipe is smoked. Then the door flap is flared aside. "All my relatives," goes the cry of the participants, as the stream, bearing the distillate of prayers, billows into the night sky.

During the great Salt celebration of the Pawnee, a carefully orchestrated blessing for the well-being of children, a secondary ritual utilized that universal mechanism for inner growth, the pilgrimage. As the select party of Pawnee celebrants begin their trek through a consecrated landscape, the Kurahus, or lead priest, explains to them the exterior significance of water, the winds, fire and earth. When the pilgrims first catch sight of the river head, they are called in a chant to "the river glinting in the sunlight in its length." They approach the bank, and overlook the river, which they must not touch or the water in it that ripples as it runs.

Here instructions for crossing become so exact that we realize the priest is transcending the factual into an action-meditation. Timed to a sequence of stations, the travelers plunge in their naked legs. On the opposite shores, the priest commands them to stand still, and explains carefully, "We are wet with water that is holy, as we look upon it. We must not touch our bodies where we are, for the running water is sacred. So we look at the first station, the song, and call on the wind. History, to come and touch us that we may become dry," As the brave works on the water clinging to their legs, as the Pawnee describe it, "touching us here and there, completely enveloping us," the singing according to the process of the procession, the transmission of water and air, registered on everyone’s pores. The song concluded, as the celestial beings are dry, the sacrament is complete, their journey resumes.

While this Pawnee pilgrimage is an epic of collective water ceremony, Native American societies it was, and is, many remains, a vital medium for reconsecration of landscape and doorway to a sacred state of being. The pilgrimage unified men with mountains and trees, rivers and rocks. It regulated the risks of crossing into the realm of death — less myth — generally beyond centers of human traffic, "out there" — with a series of stations, shrines, which seem almost preordained to reflect interior stages of movement toward psychic integration. To the devoted seeker the pilgrimage, as a metaphor, modeled, cut out the promise of identity and power and a personal experiencing of that goal of mystical techniques the ceremonial and its breakdown of relation between the individual and the infinite.

Thus, when the Huichol Indians journey to their home in the mountains, Sierra Madre of northwestern Mexico to Catorce, the far desert in the state of San Luis Potosi, they trade an eroded creek bed with rocks, heated cherry red by bonfire — which corresponded to the sun’s core for the Olalla seer, Black Elk — were dashed with fresh river water from whips of sweet sage, creating stinging, scented steam. The participants experience on their nerved ends a transformation as that of rain from clouds, a purge, the purge-like back-blow of the sweatlodge, prayers begin, the pipe is smoked. Then the door flap is flared aside. "All my relatives," goes the cry of the participants, as the steam, bearing the distillate of prayers, billows into the night sky.

Near the ancient Huichol temple, they include a thigh bone, which has been heated in a fire. In the sweatlodge, one of the participants will be allowed to place the bone into the corner of their sweatlodge, and then they will be allowed to shave their head with the bone. After this ritual, they will dispose of the bones in a special way.

Spring, pool, plant, raves, rain, and hill.

This land has been consecrated now as the place of Huichol tradition and experience. A 10 day intercommunion with the seen and the temporal, which characterize the Chinese groupings all over the world.

But one need not stray far from the roots of Western man. There is an old town on a ridge in the Judean mountains, where the Tabgha Church was founded on the site of an ancient spring, the Gihon. The old Jews, following earlier traditions, appointed homes of earth spirits, knew this spot as the "navel of the earth," the "foundation stone...) from which the world started." — a spot identified in meaning to a travertine bulge along a feeder canyon of the Colorado that the Papai started to call "Temple of a mountain of the world.

Something interesting happens here, for Islam also reveres this Judean place as the hub of its universe. Modern pilgrims are still drawn to a holly rock situated along an invisible axis mundi between Allah’s throne above and a cave below. Here the Muslims congregate twice weekly. Before the creation of man, they believe, angels visited this very rock 2,000 years ago and taught the congregation.

To create a greater headache for the administration that must oversee these cosmological schemes of present-day Jerusalem, a third religion claims as well. Christianity says the site is its ambibulus mundi, a microcosm of its universe, where its ancestral tribes gathered annually for rites of renewal. And then the descendents of those Cherokees, who were among the first people of North America. The great philosopher of Western culture had provided them with guidance they did not follow. Plato advised his people to settle their colonies would only survive if they first reconsecrated the earth. Noah, then, was the first to create a continuity of renewal rites and pilgrimages. The Catholics attempt this strategy — among with holocausts to be sure — in Mexico and Peru, but it may be what keeps the heartbeat of those nations profoundly Indian. However, these new Pilgrims honored the physical and spiritual subjugation of nature. In Pima folklore the first contact-experience is fixed in one harsh moment. The first, who had been facing were treading trees to make a road. Everywhere the Anglo cut and cultivated forest lands, settled in towns and cities, the white man transformed game on mace, damned the rushing waters, and mixed the earth’s rocks and stones in content to let things remain as the Great Spirit made them. Chief Joseph of the Nez Perce prophetically commented in 1877, "They were not made, they did not exist, they did not suit them." Defining land as commodity, the Anglo bought it, subdivided it, scarred it with roads and railroads. Where the white man was born he had lived once before, or where his soldiers died in battle.

Similarly the Papago, on their gruelly treks to places such as the Arizona to the salt beaches of the Gulf, seek behind the salt, which is their accessible objective, the "core" that at home is hidden within, itself. Their pilgrimage is an ordure of mankind, a ritual in motion coordinated with the planting of prairie sticks at time-honored sites and the chanting of epic narratives which culminate in a sacramental plunge into the ocean. Like the Zuni, Navajo, Pima, etc., the Papago and their kind of project an image of the world.

"Catary and Hijop undertake several journeys through religiously encoded territories to engage as good hunters, fighters, farmers, husbands, fathers, singers and shamans. In most tribal domains sacred mountains overlooked not wilderness, but an environment which was only unknown when one’s commission with it had not yet been revealed.

Of course awareness of this inner power of place, and memory of a time when the land shimmied in original mystery, is not restricted to Native America. When a National Geographic correspondent was touring Australia an explorer once asked, "What did you ask people who had occupied America as long as his had been in Australia. "Well, we have Indians," the writer replied, "and they have probably been there that long." The Aborigine smiled knowingly. "Then they must have lived in the dreamtime," he said, "and they must have sacred places in the land as we have.

In Ancient China a land-based doctrine was developed to assure harmonies between men’s environmental planning and the earth’s spirits. Known as Feng Shui, it was defined as "the art of adapting the residences of the living and the dead so as to cooperate and harmonize with the local currents of the cosmic landscape." Before the 1960s, from the founding the building of rural villages in the mountains, to great cities along commercial routes, this tradition shaped growth and proportions, development with recognition of the land’s inner powers.

A 9th century British clergyman who wrote the Greek Cosmography wrote a century ago: "Would God that our own men of science had preserved that sacred awe and trembling fear of the mysteries of the unseen, that form belief in the reality of the invisible and the bring instantaneous intercommunication with the seen and the temporal, which characterize the Chinese groupings all over the world.

Continued on page 15
Rest in Peace: A Cherokee Dilemma

by Ben O. Bridges and Duane H. King

Ben Bridges is the tribal attorney for the Eastern Band of Cherokee Indians and Duane King is the director of the Museum of the Cherokee Indians.

During the French and Indian War the Cherokee Indians vacillated between supporting the French or the British. In 1750 the British built a fort on the Little Tennessee River, near present-day Knoxville, after Cherokee leaders sympathetic with the British indicated that the French would soon gain strength among the Cherokee unless the previous promise of a fort to protect the Indians were kept. Fort Loudoun, named for the British colonial commander-in-chief, was a wooden stockade built on the banks of the river in the heartland of the Cherokee country known as the Overhill villages. Within ten miles of the fort were located the largest and most prosperous settlements of the Cherokee, including Chilhowee, Halfway Town, Seeto, Chota, Toqua, Tomotley, Tokeepee, and Wapamoo.

In 1786, after a series of misunderstandings, broken promises, and arrogant behavior by the government of South Carolina, the Cherokee fought with the British troops and laid siege to Fort Loudoun and Fort Prince George in South Carolina. The siege of Fort Loudon was led by a Cherokee war chief, Oconostota, who was a military title, the Great Warrior. After the surrender of the fort, more than twenty white soldiers were killed in what was identified by the South Carolina Gazette as a massacre. According to one report, Oconostota was killed by fire. Over a month later, he ordered the bodies of the white soldiers to be burned.

Two hundred years later, the remains of The Great Warrior were uncovered by University of Tennessee archaeologists. The skeletal remains of Oconostota, together with the remains of more than 1,000 other Indians who had once lived in the villages along the banks of the Little Tennessee River, are now stored and curated at the McClung Museum of the University of Tennessee.

In the controversy that surrounded the Tellico Dam project, which was fought bitterly between environmentalists in court and in the media, the issues affecting the Cherokee Indians were largely forgotten or given lip service. In a series of lawsuits from 1970 through 1979, which resulted in separate injunctions from federal courts against construction of the dam and related facilities, the most monumental case—occasion the issue centered on recent environmental and historical preservation laws. The environmentalists appeared to have won the battle and to lose the war when they faced the combination of a Georgia president and the Tennessee commissioner, who overrode the small matter decision of the Supreme Court by exempting the project from such laws in a rider to an appropriations bill.

The North Carolina Cherokees objected to the excavation of graves and the removal of Indian remains from the Tellico area during construction of the dam. When it was clear that the Cherokees would not drop their objections to the destruction of their ancestors, TVA finally stopped excavations. Further cooperation between TVA and the Cherokee council, however, when the TVA "has to stop sometimes" and accounting the Cherokees of deliberately violating the law at the eleventh hour. In its written opinion, the Sixth Circuit court affirmed dismissal of the Cherokee suit on the grounds that the Cherokees' objections concerning the religious significance of these Indian remains were described a "personal preference" rather than religious convictions "shared in an organized group" and did not constitute a statement of constitutional deprivation.

Perhaps what was most disturbing about the court decisions was that the Cherokees were never allowed to present evidence to support their religious claims. Equally disturbing was that the claims raised by the Cherokees concerning the 1,400 Indian remains stored by the University were never acknowledged or ruled upon by either court. In the case TVA argued that the remains belonged to TVA, were the property of the government and that only the federal government could decide the ultimate disposition of the remains. TVA argued that only those remains which could be traced to living descendants were eligible by law to be reinterred. TVA refused to discuss the number of non-Indian remains which were reburied as a result of the Tellico project, merely denying that the reburial of all non-Indian remains constituted racial discrimination.

Affairs concerning reburial of the Indian remains were ignored by then Assistant Secretary of Interior Forest Kind, Jr. All letters, telegrams and telephone calls from the Tribe to the BIA went unanswered.

Almost as disturbing to the Eastern Cherokee as the following disregard of TVA and the Cherokees was the fact that the Eastern Cherokee, who had long lived in the Tellico area, was not active support given TVA by the Cherokee Nation in Oklahoma. Both in the lawsuit and in subsequent negotiations between TVA and the Eastern Cherokee, Chief Ross Swimmer of the Cherokee Nation supported the positions taken by TVA. In the lawsuit the Oklahoma chief submitted an affidavit in support of TVA stating that the Tellico area was of no religious significance to Cherokees and expressed appreciation to TVA for its "finding" Chota, the ancient capital of Cherokee civilization. Recently removed to TVA by Mr. Swimmer presented TVA with a letter in which he agreed that almost 1,000 of the Tellico Indian remains should not be reburied. Neither TVA nor the courts acknowledged that Mr. Swimmer was not himself a traditionalist or environmentalist.

Included in the more than 100 million dollars allocated to TVA by Congress for the Tellico Dam was some $800,000 to memorialize the Indian culture and civilization buried beneath the lake. The Eastern Cherokees have recently entered into an agreement with the government of South Carolina to deposit $300,000 of this money in a trust fund to finance construction of such monuments. The remainder of the congressional allocation designated for reburial and restoration at Chota has been steadily reduced until there is now less than $60,000. Even though no memorial has been built and no Indian has been reburied, funds from this account have been spent by TVA for salaries of its employees and consultants in planning for the TVA monument to Indian history and culture. Should TVA and the Tribe ever reach a settlement on the burial issue, it is likely that any funds remaining at that time will also be subject to the contractors' claims.

The Cherokee were encouraged by recent developments in California when the Native American Heritage Commission obtained the state's consent to rebury or return to tribes all Indian remains and artifacts in the possession of the state. As in reaction to this show of weakness, the Tennessee archaeologists and the new director of TVA renewed their opposition to the Cherokee request for reburial of the Tellico remains and relics. The Cherokee in North Carolina continue to petition for the rebury of the remains of the Indians removed from Tellico, whether the remains are classified as historical or prehistoric. TVA and Tennessee archaeologists believe the scientific value of the skeletal remains outweighs any humanitarian concerns. The Cherokees insist that the skeletal material not be treated as just another aeon from the skeletal origins of human beings. Should the forefathers of the Cherokees and other Native Americans "rest in peace" on monuments to the graves of their ancestors?

(courtesy Dept. of anthropology, Univ. of Tenn.)
Burial Bordered that of Chief Oconostota.
Indian Religions

continued from page 5

what if the Mormon Tabernacle in Salt Lake City were jurisprudentially attached to the federal government, and the congregation's worship was prohibited? Could the Mormon congregation have religious services there now that it was public land? Such an act would be contrary to law, and the public outcry would be significant.

The Navajos are seeking the same sanctity and respect for religious worship at Rainbow Bridge—their religious sanctum. We, as readers, can comprehend why the Navajos, in this instance, failed in their attempts to have their religious interest respected and protected.

Shortly after the U.S. Supreme Court's refusal to review the adverse lower court decisions in Badoni v. Higginson, a federal court ruled against the interest of traditional Navajo and Hopi religious practitioners who are seeking to protect important religious sites located in the Coconino National Forest, the destruction of which has been mandated by the National Forest Service in authorizing the construction and expansion of the Arizona Snow Bowl ski resort. The lawsuit was filed in the district court in Washington, D.C., by the Hopi Indian Tribe and the Navajo Medecinian's Association against officials of the U.S. Department of Agriculture, who has the authority to manage national forest land. Like the Navajo petitioners in Badoni, the plaintiffs in Navajo Medicine's Association v. Block sought relief from the present operation of the Arizona Snow Bowl and its planned expansion based upon the First Amendment of the U.S. Constitution which guarantees to all Americans the right to practice their religion free from governmental infringement, and upon the American Indian Religious Freedom Act. The plaintiffs also alleged violations of several other federal statutes, including the Endangered Species Act, the Environmental Protection Act, and the National Historic Preservation Act.

The main thrust of Navajo Medicine's Association v. Block, however, is the infringement upon traditional Navajo and Hopi religions resulting from the existence and planned expansion of the Arizona Snow Bowl, which is located in a mountain formation known as the San Francisco Peaks. To the Navajo, the mountain is one of four sacred mountains and is itself a holy being. Indeed, an entire body of traditional Navajo religion is based on the mountain. Thus the sacred water, animal and plant life found on the San Francisco Peaks have ritualistic significance. Moreover, the Navajo consider the digging of the ski slopes as an act of destruction of structures on the mountain as a violation which is offensive to the holy being. Similarly, the Hopi consider specific sites within the San Francisco Peaks sacred shrines. The Peaks are also the site of various Hopi kachinas (spirit beings) during certain months of the year.

The lawsuit which was brought by the Navajo and Hopi as a result of the decision of the U.S. Forest Service to greatly expand the Arizona Snow Bowl ski area in the San Francisco Peaks contends that the interference with the natural order at the ski area site desecrates and defiles the Peaks as an entity, and furthermore interferes with the religious practices and beliefs of Hopi and Hopi religious leaders by, for example, forcing them to abandon the use of specific sacred sites and precluding the gathering of sacred herbs and making religious offerings. The U.S. Forest Service, in its decision to expand the ski resort at issue, in effect concluded that there was an infringement of the plaintiffs' religious rights; and that in any event, the public's right to recreate was more important than the right of Indians to continue practicing their religion.

The federal district court agreed with the decision of the defendant U.S. Forest Service regarding that agency's interpretation of the Free Exercise clause of the First Amendment. After concluding that the existence and planned expansion of the ski area do not interfere with religious practices of the Navajo and Hopi, the district court went on to hold that in any case, the government was forbidden from taking the action sought by the plaintiffs. The court further ruled that the affirmative action by the government would violate the Establishment Clause of the First Amendment. Once again the Establishment clause has been manifested in order to deny Indians their religious rights as guaranteed by the U.S. Constitution.

The Establishment Clause prohibits government management or endorsement of any single religion; it was adopted to protect the many different religious sects and majority religion. Since the enactment of the Establishment Clause, the Supreme Court has, however, not required a rigid adherence to the separation of church and state. Moreover, in the case of Badoni v. Higginson, the court indicated that the interests of the federal government in protecting the Navajo and Hopi traditional religious practices take precedence over the interests of the federal government in protecting the interests of the religious groups involved.

Despite the establishment by Congress of AIRFA, with its strong language which indicates Congress' intention to ensure the survival of Indian religions and practices in this country, federal agencies continue to ignore the First Amendment religious interests of Indians, and the federal judiciary continues to uphold the adversarial land management decisions of the federal agency defendants who are ignoring the First Amendment and AIRFA. As a result, traditional Indian religions are being eroded and their very survival seems doubtful. With them will die the Indian way of life.

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support you in your efforts to right the wrongs inflicted on Native Americans—to safeguard their inherent right to worship as they see fit. Enroll me as a member of the National Indian Youth Council. Enrolled is my annual membership contribution of $20.00. Be sure to send me an annual update before December to keep me informed about NYIC activities.

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Photo by Abigail Adler

Navajo Woman Standing by Parents' Burial Site

District Court of the District of Columbia but is about to be dismissed since the federal geothermal project at issue has been abandoned by the government for technical reasons. What is particularly disturbing is that in three of the four lawsuits, Snowyriver, Badoni, and Navajo Medicine's Association, the federal courts have subordinated the right of Indians to practice their traditional religions to the right of tourists to enjoy a recreation area. Snowyriver, an artificial lake, Badoni, a rock formation, and Navajo Medicine's Association, a ski resort. Furthermore, in apparent contradiction of its previous position, the U.S. Supreme Court has refused to review the adverse lower court decisions in Snowyriver and Badoni.

Desire the enactment by Congress of AIRFA, with its strong language which indicates Congress' intention to ensure the survival of Indian religions and practices in this country, federal agencies continue to ignore the First Amendment religious interests of Indians, and the federal judiciary continues to uphold the adversarial land management decisions of the federal agency defendants who are ignoring the First Amendment and AIRFA. As a result, traditional Indian religions are being eroded and their very survival seems doubtful. With them will die the Indian way of life.

Portions of the preceding article have appeared in past issues of ABC.
America as Holy Land

When Senator Anderson worried that the Taos claim might set a dangerous 
precedent, witnesses reassured him that its strength lay in the verifiable antiquity of 
Taos. Few tribes could make such a case because they had not been in one 
location long enough to mythologize and sanctify their landscape. It was not surprising, 
then, that this would mollify a non-

Indian legislator lacking in a secular, 
chronological criterion. The creation 
of time is America's closest approxima-
tion to sacredness. Her "cultural history 
resources" — the U.S. Forest Service's 
sacred acres — is the closest thing to 
a non-Indian, religious, national-system 
edification — cover "buildings, 
sites, areas, architecture, memorials and 
other artifacts, relating to past human life." 
The archeologist now becomes the 
judge of viable heritage. As anthropolo-
gists, Southwesterners of their reservation 
which was threatened by the rising 
waters of Lake Powell. Of the over 250 
mapped Taos sacred sites, Rainbow 
Bridge is what non-Indians would call 
the most recent. Unlike the Taos 
people, who are descendants of older 
Southwestern cliff-dwellers, it is fairly 
well established that the Navajo arrived in 
the Southwest no earlier than the 
12th century. Navajos themselves 
readily admit never having seen Rain-
bow Bridge but, behind one of their 
four sacred peaks, Navajo Mountain, 
which they know as Navaraton (Head 
of Earth Woman) — before 1863. The date 
is burned into their memories as the 
year when the United States dispatched 
"Kid" Carson and U.S. mercenaries to 
round up their entire tribe for intern-
ment. A man named Blind Salt 
Claman, from a breakaway band who 
wered capture, found sanctuary for his 
person in the narrow canyon protected by 
the solidified rainbow.

The Taos Tragedy provides a Parisian 
guide for Anglo explorers with discover-
ing the location in 1698. By that time, 
however, Blind Salt Claman had himself, 
perhaps in an effort to discourage 

further inquiry, told the Wetherill 
brothers that few Navajos visited it. 
They used to go for curative purposes, 
but the old men who knew the prayers 
are gone." Thus within less than 
two generations the place has been 
totally appropriated into Navajo 
mythology. The rocky spires and springs 
of the canyon had been absorbed into 
the Navajo pantheon of spirits. The 
alignment of the site with Navajo 
Mountain had become part of a 
meditative pilgrimage, a power 
vortex lining up sacred resources 
and natural phenomena.

As a 1971 special-study report on 
the Navajo Mountain site notes: 
"...For the last 100 years the 
people themselves must be protected, 
but the entire aura, visual and social (i.e., 
spiritual) context of the site needs protection 
as well, if the efficacy of the site is to be preserved." 

On December 15, 1979, President 
Richard Nixon signed into law full 
restoration of Taos' sacred 16,000 acres 
sanctuary. But the Stairway to Heaven, 
the one granite and the Oak, were also 
taken bow to the earth spirits, legisla-
tive pacifiers to avoid a bad press. 
A recently passed American Indian 
Religious Freedom Act vows that Indian 
religious needs will be "incorporated 
into the Land Management plan of the 
area" and that Indian religious use 
requests will be "carefully considered." 
But what is needed to safeguard the 
equally sacred geography of the Hupa, 
the Yurok, the Creek, the Dakota, the 
Seminole and many other Native 
American nations is the same kind of 
quasilegal legislation which Israel 
had to write when its conquests brought 
these Christian and Islamic places of 
the sacredness of pilgrimage under its dominion. 
On June 27, 1967, the Israeli Knesset 
enacted a Protection of Holy Places 
Law which reads: "(1) The Holy 
Places shall be protected from 
desecration and any 
other violations and from anything 
likely to violate the feelings of the members of the various 
religions, and to places sacred to them or their 
feelings with regard to those places, and (2) whoever desecrates 
or otherwise violates a Holy Place shall be liable to 
imprisonment for a term of seven years" 

As for most of us, there is no translating 
the sacredness of a landscape 
ality; it is not a "land ethic" which can 
be likened to a Sierra Club manifesto. 
My pipe-smoking seat companion 
never, for all his Native American 
background, could picture his territory like a Swampy 
Creek, stopping ten 
times a day at significant places and 
spending their names to make an oral 
map spring into life, seeing instantly 
where those named come from, 
where their spirits live. Such personification 
is the license of poets, not the architects, 
engineers, surveyors and sub-dividers 
who handle our earth. 

Those connections were never 
established in the beginning; Plato's advice 
was lost in the doctrine of progress. A 
gridwork of contamination — Jung's 
"American Realism" — holds sway 
from sea to sea. No weekend backpacker 
would defend his favored recreational 
spot as if he had been jumped in an 
alley and were fighting for his life. The 
best we can do is to take Indian peoples 
at their word and not usurp their claims 
with glib, sentimental comparisons 
between native attitudes and ours, nor 
by self-consciously inventing redemptory 
rituals for land worship which 
won't stand up in court. Most of us 
remain strangers in a strange land, 
cacvinoing down rivers whose voices 
are mute to us. The earth is not our mother 
but ours father. We cannot ask 
the Indians to defend their "feelings" 
through our categories and criteria; we 
must listen to them for a change, and 
not count beer cans along reservation 
backroads. We can ask to be shown 
the sacred places, but even then, we must 
be willing, unlike the explorer George 
Catlin, to take no for an answer, and still 
have the decency to promise that 
desecration of other people's sacred 
lands stops now.

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John Lanza, Hopi Religious Leader
**Interviews continued from page 9**

right here on that (mountain), where the springs are, is where I used to have my prayers (shalongh). The first time (mountain) I went there I didn’t know what we had special get-togethers (rain ceremonies). No one really came out to say that they were praying for rain. Maybe some did. We respected (respectfully performed) this mainly in summer.

There used to be prayers made at (the side of) Navajo Mountain. These (prayers) go together with those of the other four sacred mountains: Blanca Peak, Mount Taylor, San Francisco Peaks, Huerfano Knob. These six mountains were prayed to and pleaded with (nudkoo). They also pleaded with Earth and Sky. They pleaded with Head of Earth. They pleaded for their land. My voice is giving out, my children.

(Concerning Rainbow Bridge), when I was younger I used to go over there and put down something (as an offering), near the Arch, at a place far from here, a place called Object-sticking up (Navajo). My uncle already used to go to Rainbow Arch (he nonchogii). see it, and speak there. That place is holy. ...Yes, I went there a number of times and always placed precious stones there as an offering. The old men used to say that it was Rainbow. It really was the Rainbow. My grandfather and my father used to say that. They knew it from long ago. My throat is too bad. Rainbow was not made in my presence. I just know that it was made (a Rainbow) I just went there periodically... "The Holy People came there." My father used to say. He used to say, "The place is holy." And they took precious stone offerings to them (the Holy People). They used to pray there a lot. (The gods used to) have a ceremony there, they say. It concerns the prayers. My throat is really sore.

Here was a river, and here too was a river. (He draws in sand). Here (by the junction) is where I had my prayers. (The point where the Colorado and San Juan Rivers merged before Lake Powell covered it). There was a rain of places, and I had gone there to plead for it.

(Who was the first Navajo man who found the arch?) There was a Navajo old man (shiihaji) who first came upon it. His name was Blind Salt Clansman (ishchii biihoo’ adimo)—at the place where a horse stood with him. (This refers to a petroglyph, no longer there which commemorated the discovery of Rockarch by the Blind Salt Clansman.) (It was) many years ago, maybe (He was) my maternal uncle, my mother’s older brother. When I was young I became aware of him. I do not know how much older (than my mother) he was, I did see him when I was young.

(If you carry water from the Springs by Rockarch to the top of Navajo Mountain?) I would drink from this water, (but) I never took any of it to the top of Head of Earth. There are many springs around Navajo Mountain. I have drunk from many of them. (Can you give us a prayer?)—He laughs and begins:

**Head of Earth, on the top**

Navasivas deh dii dinaishii. Head of Earth, by your holy power may I also be holy power.

Navasivas deh binaishii. With this (power) I will be spared.

Navasivas deh binaashii. With this (power) with which you talk, may I talk.

Navasivas deh binaashii. Head of Earth, vegetation that grows on top of you.

Navasivas deh diiiyóžii náshii. The One who sits with the Small Rain. Moisture.

Navasivas deh dinaashii. The One who prays with the Black Cloud. One who is related to the Black Cloud.

Navasivas deh dinaashii. The One who is related to the Black Cloud. One who is related to the Black Cloud.

Navasivas deh dinaashii. The One who is related to the Black Cloud. One who is related to the Black Cloud.

Navasivas deh dinaashii. The One who is related to the Black Cloud. One who is related to the Black Cloud.

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