



The Arctic National Wildlife Refuge in northern Alaska, declared sacred by American Indians, is considered up for grabs by government agencies.

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# SACRED PLACES AT RISK

Native people struggle to save their lands but find that everyone else—from Congress and the Transportation Department to the NAFTA Tribunal—has the final word.

By Suzan Shown Harjo

**HUNDREDS OF PLACES** that are sacred to Native people are being threatened by development, pollution, looting and vandalism. Some may not last until the end of this century, despite the valiant efforts by a small number of tribes and allies throughout the continent. The fate of many of these sites is being decided not by Native people but by court judges and government agencies.

This August, judges in the Ninth Circuit Court of Appeals considered the future of the San Francisco Peaks, which are sacred to Native peoples in the Southwest and threatened by recreation development. The court ruled that neither the National Environmental Protection Act nor the Religious Freedom Restoration Act protects this Native sacred place.

It will also be the Federal Energy Regulatory Commission, not Native people, that decides the fate of Snoqualmie Falls in the Pacific Northwest. It will be

Congress that determines whether to open the Arctic National Wildlife Refuge to oil drilling. The Transportation Department may choose if a highway can destroy the Wakarusa Wetlands in Kansas. And a NAFTA Tribunal will decree if a foreign company can mine gold in the Quechan Tribe's sacred Indian Pass.

Victories for Native people, when they come, are incremental, at best. The New Mexico Cultural Properties Review Committee, for example, voted in June to protect Mount Taylor for one year, during which the Acoma, Laguna and Zuni Pueblos, the Hopi Tribe, the Navajo Nation and others must petition for permanent protection from the current uranium rush. In spite of protracted litigation and procedural hoops, these tribes are the lucky ones. Many Native people have no recourse under present law and can do little more than witness desecration of their sacred places.

These sacred landscapes and waterscapes are where Native peoples who practice their traditional religions go to pray, to heal, to commemorate, to memorialize, to honor, to plant, to gather and to give thanks. At mesas and waterfalls, forests and deserts, meadows and marshes, caves and burial grounds, Native traditional peoples seek visions, solace and sanctuary.

But many times, Native people don't even learn until it's too late that their sacred places are being destroyed.

The Mojave people did not discover that deadly chromium VI was poisoning their sacred lands and waters until 2004. Although the Fort Mojave Indian Tribe—whose traditional lands are in California, Arizona and Nevada—sued and settled with Pacific Gas & Electric and the California Department of Toxic Substances Control, damage to the sacred landscape called the Maze area continues.

The federal Bureau of Land Management has insisted on remedial actions for only narrowly defined sites in the Maze landscape, and in doing so it is questioning the sacredness and interconnectedness of the entire area.

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From the 1880s to the 1930s, American Indians were not allowed to leave their reservations to go to their holy places. Congress did not enact a policy outlawing traditional American Indian religions, but it looked the other way for 50 years as a host of Interior secretaries issued "Civilization Regulations"—which criminalized traditional customs and practices and imposed sentences imprisoning and starving Native people—and confiscated Native sacred places for the public domain or private use, or both.

Judges and federal decision makers often mischaracterize this half-century of religious oppression—when all Native religions were driven underground, some to extinction—as the period when American Indians abandoned their sacred sites and cultural practices. Non-Natives who benefit financially from their use of Native sacred places routinely raise the defense that Native peoples waited too long to bring the lawsuits and gave up their rights forever. Protecting or returning Native lands now, they say, would disrupt non-Natives' long-standing ownership of the places.

In 1989, the Supreme Court decided that the Constitution's First Amendment and the American Indian Religious Freedom Act did not provide a door to the courthouse for Native peoples to protect sacred places and that Congress would have to create a new law for that purpose. In the intervening 20 years, Native peoples have beseeched Congress for such a law, without success, while attorneys have cobbled together various rights of action to save sacred lands.

For Native peoples, most sacred places today are still home to powerful spiritual beings who bring the rain, protect the corn, guide the salmon and keep the world in balance. In these ancient cathedrals, Native peoples conduct timeless ceremonies in the way their ancestors did for generations and millennia. Some dance and sing to celebrate or mourn passages of life. Others leave prayer offerings, pay respects and build shrines. These sacred places embody creation figures and culture heroes, and cannot be separated from the well-being of the peoples who share histories with them and believe in them.

All these places hold mysteries, secrets and revelations. Some contain messages from ancestors for future generations. Known as rock art, petroglyphs or geoglyphs, these etched, drawn, painted and shaped messages are found in every state of the union and in varying states of disrepair. Oftentimes they exist as part of a broader landscape and provide instruction about what has been done and is to be done in a particular place.

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For the Mojave, whose traditional name is AhaMakav, or People along the River, one of their sacred places is the Lower Colorado River water and landscape near Needles, California. In danger is the Maze landscape, which includes the river, a marsh, a gorge and mountains. It is both a physical manifestation and a spiritual pathway for the afterlife and could not be more important to them.

The Maze itself features an extensive area of long, uniform lines, known as windrows, which cross the

TWO YEARS AFTER THE APOLOGY FROM PG&E, SAYS COUNCIL MEMBER LINDA OTERO OF THE FORT MOJAVE INDIAN TRIBE, THERE IS STILL "A MASSIVE ENVIRONMENTAL MESS [AND] DISASTER WITHIN OUR SACRED AREA."

landscape and overlook the river. The lines are made of burnt umber and sienna-colored rocks and sand, accented with black rocks and ash. North of the Maze, along the river, are several ancient human earth figures and drawings.

"The ancestors created these figures, beginning from the north and leading towards the south, as a reminder of our journey," says Council member Linda Otero of the Fort Mojave Indian Tribe.

The Maze is in the southern part of a valley below Avi Kwa 'Ame (Spirit Mountain) where Mojave souls are born. They depart their human life through the Maze.

"The Great Spirit, Matavilya, made his home at Avi Kwa 'Ame," continues Otero. "Our religion speaks about our journey from the beginning to the end...Our physical being will be cremated, but our spirit will continue the journey by way of the area of the Maze, [which] includes the river, the mountains [and] the landscape."

The Mojave ceremonial ritual must take place at the Maze, says Otero, "in order that our spirits arrive securely."

The Maze has been listed on the National Register of Historic Places since 1978, and the Mohave Tribe wants the entire landscape listed, to protect it from future damage. The Bureau of Land Management says a landscape cannot be listed, but the Tribe says this position does not comply with federal law and precedent governing listings.

The Maze had been damaged for 50 years by PG&E, which through its ownership and operation of the Topock Natural Gas Compressor Station polluted the groundwater under and around the Maze with hexavalent chromium, a toxic chemical that can cause numerous human and environmental health problems. PG&E, along with federal agencies, took interim measures to contain and investigate the contamination, which included the construction of a new treatment plant within the Maze area and the drilling of many new wells in California and Arizona near the Colorado River.

The Mohave Tribe only learned in 2004 about the dire situation that had been developing. None of the four federal agencies consulted with the Tribe prior to 2004, even though numerous laws and two Executive Orders (one specifically about sacred American Indian sites) require them to consult with affected tribes.

The Mojave Tribe sued in 2005 to remove the plant and totally restore the sacred area, among other goals, and reached a settlement a year later. Tom King, then the PG&E president and CEO, issued a formal and historic apology, and the California Department of Toxic Substances Control Director Maureen Gorsen said the agreement was a "model on how state, federal and local governments can collaborate effectively with tribal governments."

Two years after the apology, however, Council member Otero says there is still "a massive environmental mess [and] disaster within our sacred area [and] a perceived need for ongoing testing for data information, which in turn creates the need for more and more wells...When will the harm stop?"

Otero believes a solution may be found in the very nature of the landscape as a place of purification: "Nature can clean the chromium disaster, and she will do it on her time...the ballistic technical approach is not necessary."

Currently, PG&E is recommending that a final remedy can be selected now because sufficient investigative actions have been taken and there is enough information. If the government agencies agree with PG&E, says Fort Mojave tribal lawyer Courtney Ann Coyle, "it could mean the end to the wells, drillings and other ad hoc projects that have caused unmitigated cumulative impacts to the area." ■

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