

THE INDIGENOUS WORLD 2002-2003

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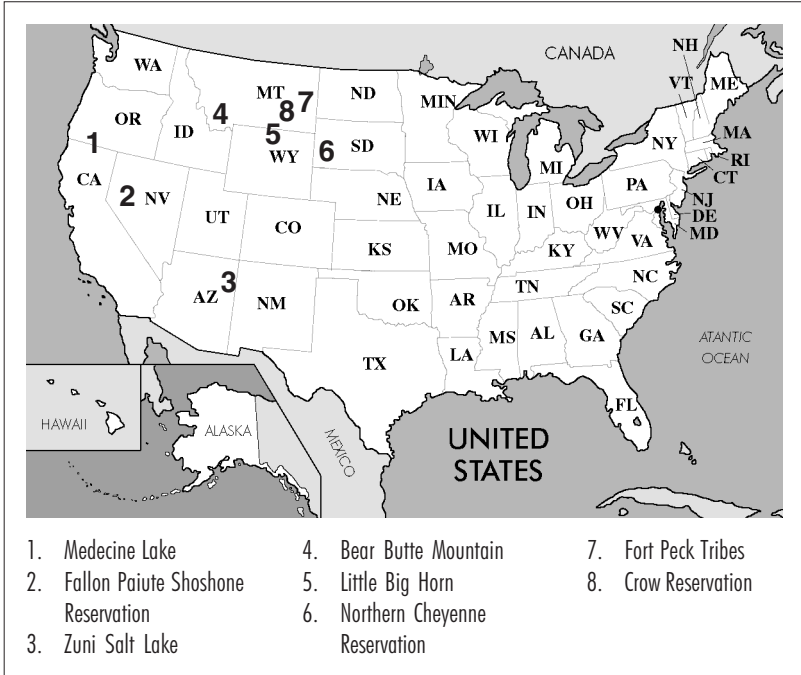
THE UNITED STATES

As in the past, numerous concerns face the Native peoples of the United States. With war looming, a sagging economy and local fears of terrorism, however, little federal policy has addressed issues facing Native Americans. Fortunately, a number of elected officials, in collaboration with Native leaders and various interests groups, have continued to strive for the rights of Native peoples. In order to illustrate the uphill battle faced by these individuals, this chapter addresses controversies surrounding sacred sites, the Bureau of Indian Affairs' oversight of Indian trust monies and sovereignty issues.

Sacred sites

Weatherman Draw, also known as the Valley of the Chiefs, contains numerous petroglyphs and is considered sacred to at least ten Native nations. Last year, the Bureau of Land Management, an agency under the Interior Department, leased the region to Anschutz Exploration Corporation. Philip E. Anschutz had been a major donor to the Bush campaign. Twelve days after President Bush's election, executive protection given to the site by outgoing President Clinton was overturned. The Sierra Club, National Trust Foundation and numerous Native communities fought the corporation's right to drill in the region. Local politicians from Montana also added their voices to the issue. Once Anschutz became aware of the significance of this region to Native peoples, the corporation donated their leases to the National Trust for Historic Preservation. In addition, the Bureau of Land Management promised not to issue new leases in the future.

This outcome will probably not occur in a number of other situations, however. An incredibly critical site, located at Indian Pass, California, is in imminent danger of being destroyed due to gold mining. After President Bush revoked Clinton's order protecting the site, Glamis Gold, a Canadian Mining Company was given permission to start open pit mining in the area. The region's dream trails are used by the Quechan community for visions and spiritual travel. Glamis gold intends to excavate an 88-story pit and use cyanide to remove gold from the rock. According to the company's prospectus, for every 280 tons of rock removed, Glamis will receive 10 ounces of gold. If Glamis prevails, then the site will be destroyed, disrupting the cosmological balance of the Quechan.



Another endangered sacred place involves Salt Lake, located approximately 60 miles south of Zuni Pueblo in New Mexico. During the summer months, the Zuni, Navajo, Acoma and Laguna harvest salt from the lake's shoreline. Salt taken from the shores symbolizes the flesh of Salt Woman. Her gift provides blessings, medicine and nourishment to the indigenous peoples of the region. Pilgrimage paths to the area are considered sacred trails that are protected by shrines. In addition, these roads lead to numerous other sacred sites.

Salt River Project, the United State's third largest public utility, wants to strip mine at Fence Lake, 10 miles from the Zuni Salt Lake. In order to engage in this project, 85 gallons of water a minute will be pumped from the lake to settle coal dust. It will be operated for 40 years. Native peoples fear the pumping will take water from the spring that feeds Salt Lake. A federally sponsored study of the underground water systems, which is still incomplete, states that this pumping will not adversely affect Salt Lake. A number of non-profit water specialists claim, however, that the underground aquifers are linked, and that pumping by the Salt River Project will drain the shallow Salt Lake. Besides the potential damage to Salt Lake, there is

the imminent destruction of numerous important sites near Fence Lake. So far, over 550 burial and archeological sites have been located in the region. The Zuni, Navajo, Acoma and Laguna had managed to convince President Clinton to protect the region. Unfortunately, after Bush's inauguration, the Salt River Project received a permit to begin mining.

Medecine Lake, located in the volcanic areas east of Mount Shasta, California is also in imminent danger of destruction. Water from the lake is used for healing and training spiritual leaders belonging to the Modoc Nation as well as leaders from other communities in north-east California. President Clinton had protected the region. Upon Bush's election, however, the Bureau of Land Management and the Forest Service granted the Calpine Corporation the right to develop a \$120 million, 48-megawatt geothermal power plant to drill wells one acre from the lake.

Bear Butte Mountain on the border with South Dakota and Wyoming is another sacred place in imminent danger. Private investors have bought land four miles from the place in order to open a vast shooting range and sports complex. Representatives from the Cheyenne, Lakota, Arapaho, Kiowa, Crow, Mandan, Hidatsa and Arikira are attempting to block the development of the project. According to their view, Bear Butte is holy and critical for visions and other religious activities. The land has never witnessed violent behavior except for when soldiers from the United States cavalry entered the area. According to these Native Nations, the noise of the guns at the fire range will disturb the land's sacredness. Because town leaders from Strugis, South Dakota are fighting for the development of this project, it will be difficult for Native peoples to block construction.

A number of national leaders have been involved in assisting Native peoples' efforts to protect sacred sites. Congressmen Nick Rahall and Dale Kildee, both Democrats, are attempting to strengthen President Clinton's 1997 Executive Order mandating consultation with tribes prior to development of sacred areas. In addition, they are trying to add teeth to Clinton's Executive Order that federal projects may not negatively impact on sacred lands. The passage of this legislation currently looks unlikely. Federal agencies are advocating self-sufficiency in terms of energy sources. Prime drilling areas have been identified in regions considered sacred to Native peoples.

Unfortunately, it has been difficult to protect indigenous sites. It is estimated that 75% of tribal sacred land is unavailable to Native peoples. This is due to the fact that 90 million acres were taken from Native peoples between 1887 and 1934. Most the land base that was lost entered

into private, state or federal hands. During the current political climate, sacred sites will remain in danger of being destroyed. It is estimated that at least 10% of untapped energy sources are on Indian lands.

Indian Trust Accounts

In 1996, Eloise Cobell and four other Native peoples filed a class action suit against the United States Department of the Interior. The Department of the Interior oversees trust lands for indigenous peoples in the United States. This relationship dates from the 1887 allotment act, when nearly 11 million acres were placed in federal trust. The Bureau of Indian Affairs, a sub-agency of the Department of the Interior, leases Native lands for the extraction of resources. Native owners of these lands were to receive income on the leasing of their property for oil development, mineral extraction, timber and grazing. As Cobell and other Native peoples learned, however, the government did not keep accurate records of monies owed to the landowners. Accounts dating back to the 1800s have been misplaced, never filed or destroyed. Receipts from 1906 to 1990 are stored in 120 different locations. Some are written on napkins or other scraps of paper. The United States Congress wants to place a cap on the accounting cost of finding all this missing information. Consequently, they only want to apportion 500 million dollars to the project and limit its search to between 1985 and 2000. Native peoples, on the other hand, want a full accounting of all trust monies determined. It is estimated that they are owed at least 10 billion in back payments.

Because of the stonewalling of federal officials in the face of this lawsuit, nearly 40 former or current senior managers, attorneys and employees, along with the Department of the Interior, Bureau of Indian Affairs, Solicitor's Office and Department of Justice are under contempt. In addition, two Secretary of Interiors and two Assistant Secretaries of Indian Affairs, as well as the Secretary of Treasury, are facing contempt charges. The case will more than likely be capped at 500 million dollars and only date back to 1985.

State issues

Senator Tom Daschle of South Dakota has established a panel of reconciliation with Native peoples of the region. In the past, the state's legislature has passed laws considered racist by many Native peo-

ples. Most recently, the legislature outlawed hanging items from the rearview mirrors of cars. Many Native peoples dangle dream catchers, feathers and other items of power from their rearview mirrors as protection. In addition, the state legislature instituted the use of county numbers on car license plates. According to Native peoples, this identifies them as members of a reservation community, which in turn leads to police harassment. Senator Daschle is hoping to defuse some of the problems through his reconciliation panel.

On June 25, 2003, the 127th anniversary of Little Big Horn, Native peoples are dedicating a memorial to those soldiers who fought Custer. Currently there is a memorial to Custer and numerous headstones to the fallen soldiers. This new monument will commemorate the Lakota, Cheyenne and Arapaho warriors.

Over 100 Native firefighters from the Fort Peck Tribes, Northern Cheyenne Reservation and the Crow Reservation have been involved in the search for pieces of the shuttle that crashed in East Texas. Local law enforcement officials, as well as NASA, have frequently noted their contributions.

Tribal Sovereignty

In the past, each federally recognized tribe maintained an internal court system for a wide array of situations. Various federal laws - the list continually grows - are under the jurisdiction of federal agencies, however. Recently, a situation at the Fallon Paiute-Shoshone reservation has suggested a further erosion of tribal law. In this case, state officials entered tribal lands to execute a search warrant against a tribal member. When the case went to the Supreme Court, the court ruled that federal law, "neither prescribes nor suggests that state officers cannot enter a reservation to investigate or prosecute such violations." Native peoples interpret this ruling to mean that tribes have no legal rights unless granted by the federal government. □