

Seneca Nation. The Senecas had signed a ninety-nine-year lease with the town in 1892, agreeing to accept payment of \$17,000 a year. When the lease came up for renewal in the early 1990s, townspeople feared the tribe would evict them all and reclaim the land. Tensions steadily increased and some families even obtained permits to dynamite their homes rather than turn them over to the Senecas. After a burst of national media attention, the issue was quietly resolved when the tribe and town signed a new forty-year lease, with the town agreeing to pay the Senecas \$60 million in rent each year. A similar conflict erupted along the shores of Lake Havasu in southern California. The Chemehuevi tribal government raised the annual rents of white residents on tribal land from a few hundred dollars to \$5,000 a year. When some of the whites refused to pay, the tribe won the support of the Bureau of Indian Affairs to evict them. Tribal chairman Matthew Leivas hoped to use the disputed land to build a casino. "It's the tribe standing on its own ground," he explained, "saying we want to do economic development for our people."

Even more contentious was the attempt by Native Americans to protect sacred sites from desecration by unwanted development. One of the longest-running controversies, movingly chronicled in Peter Matthiessen's *Indian Country* (1984), centered on the proposed construction of a \$25 million all-weather road through the high country of the Siskiyou Mountains of northern California. The road would traverse several mountain ridges and connect the remote villages of Gasquet and Orleans, thus it was known as the Gasquet-Orleans Road, or G-O Road. The road would open a large area in the Six Rivers National Forest to expanded logging operations and also provide public access to sites sacred to local Native Americans. For centuries, the Yuroks and their neighbors—the Karuks, Tolowas, and Hupas—ascended a network of old paths into the high country. Women went there for medicine training and men went on vision quests seeking spiritual power. When the G-O Road was first proposed in the 1960s, local Indian people voiced strong opposition. They were joined in 1974 by the Sierra Club and other environmental organizations that filed suit to halt construction. Yurok medicine man Calvin Rube was among those who testified that the high country should be left as it was, a "good place" where Indians could go to be restored.

The G-O Road controversy continued throughout the 1980s. Congress passed the California Wilderness Act in 1980, providing considerable protection for the Siskiyou, and the following year the Forest

Service acknowledged that the area contained valid Indian religious sites. A federal court issued an injunction in 1983 prohibiting construction of the road along any route "which would traverse the high country." Basing its decision on the religious freedom provision of the First Amendment, the court ruled that the G-O Road must be stopped to protect ground sacred to the Indian people of the area. Proponents of the road, however, continued to push for its completion and in 1988 the lower court's ruling was overturned by the U.S. Supreme Court. "Even if we assume [the G-O Road] will virtually destroy the Indians' ability to practice their religion," wrote Justice Sandra Day O'Connor, "the Constitution simply does not provide a principle that would justify upholding [the Indians'] legal claims." Justice William J. Brennan dissented from the majority opinion, saying that the ruling reduced the Indians' religious freedom to "nothing more than the right to believe that their religion will be destroyed."

The ability of Native Americans to defend sacred sites was strengthened in 1978 with the passage of the American Indian Religious Freedom Act, but unfortunately the act often went unenforced. Signed by President Jimmy Carter, the act announced that it was the policy of the United States to protect the "inherent right" of American Indians to practice their traditional religions, including access to sacred sites. The new policy was adopted in the midst of a controversy over the construction of a huge liquefied natural gas (LNG) terminal at Point Conception along the southern California coast. The \$600 million terminal was proposed by a consortium of utility companies that maintained the facility was essential for the importation of much-needed supplies of natural gas from Indonesia. To the local Chumash Indians, Point Conception was known as *Huungaq* or *Tolakepa*, the "Western Gate," through which all new life came into the world and the spirits of the dead departed. They objected to the construction of the LNG facility on what they believed was one of the most hallowed sites in all of California. The utility companies denied that the newly enacted American Indian Religious Freedom Act applied to Point Conception and proceeded with preliminary excavation. Twenty-five Indian activists occupied the construction site and announced that they would lie in the path of the bulldozers rather than allow any further desecration of this holy ground. "If that place were destroyed tomorrow," said Chumash spiritual leader Kote Lotah, "I feel so strongly about it, I would want to die today so that I could pass through the Western Gate."



The applicability of the American Indian Religious Freedom Act to the Point Conception site was never fully resolved, but the battle over construction of the LNG facility was a victory nonetheless for Native Americans. Protests by the Chumash and their allies from around the country delayed the project sufficiently so that when gas prices were deregulated in 1980 building the facility no longer made economic sense. (Deregulation led to the profitable domestic production of natural gas and thus made its importation less imperative.) Various regulatory commissions and the utilities themselves eventually withdrew support for the project. Native leaders congratulated themselves on successfully defending the Western Gate. "We formed a confederation to offer protection of our holy lands," said Lakota medicine man Archie Fire Lame Deer. "If we can't count on the government to protect our religious rights, then we are willing to protect Mother Earth ourselves from further desecration."

Similar battles over the protection of sacred sites continued to be waged by Native Americans throughout the 1980s and 1990s. Both the Hopi and Navajo tribal councils fought to halt the proposed expansion of skiing facilities on the San Francisco Peaks in the Coconino National Forest in Arizona. The peaks were believed to be the home of the *Kachinas*, the mighty rain beings on whom all life in the parched Southwest depended. If the mountains were desecrated by further development, the Navajo council warned, there would be a terrible disaster: "The rain and snow will cease to fall; the Navajo people will be unprotected from the forces of destruction; our traditions will die." A decade later a coalition of Native people battled a southern California developer's plans to bulldoze a burial mound and put up a parking lot for a Wal-Mart discount store. The developer contended that the mound had to be leveled so that the store would be clearly visible from a nearby freeway; the Indians said the burial ground was as sacred as a church or a synagogue and therefore must be preserved. "They are destroying our people," complained Pilulaw Khus, a traditional Chumash elder and healer. "They're willing to destroy this sacred burial ground for the sake of advertising."

In some instances the conflict over sacred sites involved conflicting religious traditions. Bear Butte, a 4,000-foot landmark in South Dakota, became a magnet for followers of a non-Indian New Age sect in the early 1990s. New Agers climbed to the top of the butte for week-ends of male-bonding and ceremonies involving crystals and ersatz shamanism. The butte was popular among New Agers because it had

been used for centuries as a traditional vision-quest site by Northern Plains tribes, including Cheyennes, Arapahos, and Sioux. Native leaders charged the New Agers with desecrating the site. Bill Miller, of the Cheyenne River Sioux, likened the New Agers' holding ceremonies on Bear Butte to someone coming into the sanctuary of a Christian church to conduct pagan rituals and worship false idols. "This is a problem that's happening to Indian people all over the country," said John LaVelle, a Santee Sioux lawyer. He called the situation at Bear Butte "an outrage" and an instance of "spiritual genocide."

## REPATRIATION

The issue that captured the greatest public attention in the late twentieth century was what came to be called *repatriation*—the return of skeletal remains, religious artifacts, and other items of material culture to Native Americans. Physical anthropologists, archaeologists, and museum curators had been collecting and studying such objects for decades. Beginning in the early 1970s, a growing number of Indian people began to question the wisdom of allowing the evidence of their past to be removed, cataloged, and displayed in distant institutions. Indians began to demand that the bones of their ancestors be returned to them for reburial and that other objects be removed from public display.

Of special concern to both sides were the skeletal remains of the more than 500,000 Indians that were held in the nation's universities and museums. Archaeologists used the bones to learn about such things as diet, customs, and mortuary practices; physical anthropologists analyzed them to determine the age, sex, stature, and general health of individuals. Indians believed the spirits of the dead should be respected and their remains left in peace in the earth; attorney Walter Echo-Hawk called repatriation "the paramount human rights problem for Indians today." Scientists were accustomed to seeing themselves as benefiting the cultures they studied, by unearthing and preserving objects from the past that otherwise would have been lost. They were dismayed when Indians denounced their work as simply another form of exploitation.

The issue was dramatized in the early 1970s when Indian activists challenged several archaeological digs and museum collections. Members of the American Indian Movement raided a Minnesota excavation site in 1973 and confiscated tools, filled in trenches, and burned