Understanding Sacred Lands

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UNDERSTANDING SACRED LANDS

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ABSTRACT—Recognition of the human right for indigenous peoples to freely express their spiritual beliefs is essential to expanding tolerance for the earth-based spirituality of many indigenous peoples. Awareness of such beliefs must be extended to support the spiritual significance of what indigenous peoples believe are their sacred lands. Physical landmarks such as mountains or rivers hold essential spiritual meaning for many tribes. Linkages to indigenous peoples’ knowledge systems can yield a greater understanding of their social values and cultural differences in public debates over human rights and their struggles to protect their sacred lands. This paper reviews the impact of the Garrison Dam on the Three Affiliated Tribes of the Fort Berthold Indian Reservation in North Dakota. A discussion on the Draft United Nations Declaration of Indigenous Human Rights demonstrates the ongoing global struggle of indigenous peoples to protect their sacred lands and cultures.

Key Words: Garrison Dam, human rights, Missouri River, sacred lands, Three Affiliated Tribes

INTRODUCTION

The protection of indigenous peoples’ spirituality and sacred lands is fundamentally a human rights issue. In the United States, where Christianity is the predominant national faith, it is difficult to translate indigenous peoples’ belief systems and the significance of their sacred lands into practical policies that will support and sustain them. More can be done to protect them from ill-conceived practices that may harm or limit their free expression of what makes their cultures unique. Throughout the United States, as well as globally, the sacred lands of many indigenous nations are under siege (NRLC 2003; Burton 2005; Schaeffer 2006). The Missouri River, sacred to the Three Affiliated Tribes (Mandan, Hidatsa, Arikara Nation) of the Fort Berthold Indian Reservation in North Dakota, was severely altered by the construction of the Garrison Dam in the 1940s and 1950s. The dam flooded a large portion of the historic reservation area.

The Three Affiliated Tribes have lived and practiced their spiritual beliefs in the Missouri River Basin for thousands of years. While their faith has been challenged by the recently transformed landscape, the tribal members continue to practice what has, in a sense, become a hybrid of their original spiritual belief system and Christianity. Christianity has been forced upon them and subsequently integrated into their traditional beliefs. Many tribal members continue to celebrate their spirituality and culture through community powwows and other culturally significant events. The traditional spiritual practices of the Three Affiliated Tribes, as they once thrived, have been flooded out along with their homes and towns that once existed along the Missouri River bottomlands.

The places where the Three Affiliated Tribes would go along the Missouri River to hold their community-centered festivities, to reflect on their creation stories, or to gather medicinal plants, are mostly gone—disappeared under the dam’s reservoir, Lake Sakakawea. These significant places along the river bottomlands were historically tied to indigenous tribal society, culture, and spirituality. If one were to compare the loss of lands with any other sacred structures in the world, one might touch upon the damage experienced by the reservation. The sacred nature of the land itself is integral to the foundation of Three Affiliated Tribes’ spiritual beliefs. In his description of the sacred lands of indigenous peoples, Chris Peters (Pohlik-lah/Karuk) of the Seventh Generation Fund has stated that “we recognize that the earth is sacred. . . . We recognize that there are certain places within the natural ecosystem that are special places that have power, spiritual power” (NRLC 2003:3).

During the last century, six large main stem dams were constructed on the Missouri River, all of them on or near Indian lands. Despite the catastrophic land changes that have occurred, tribal members attempt to pass on their river culture and spiritual beliefs to their children.
As an elder described for this project, “We try to teach them but it’s hard. We used to get together for our family celebrations down by the river. Everybody would be there. That’s how we taught our kids. Now we don’t have that anymore” (Elder 2004). The original context for tribal creation stories on the Missouri River no longer exists in the ruined riverine environment. Pemina Yellow Bird of the Three Affiliated Tribes has said of the Missouri River that “The river is our grandfather, and he is sacred to us. This holy being is an endangered river. To me, that’s an oxymoron. How can that be? How can our river be dying? How can it be endangered” (NRLC 2003:37).

In conversations with Yellow Bird (2004), she described her life’s work as an effort to repair some of the spiritual damage and environmental injustice that has been experienced by the tribes on her reservation since the Garrison Dam was built. Her main work involves the repatriation and reinterment of her ancestors’ remains. Many Three Affiliated graves were flooded by the Garrison Dam or were pillaged over the years by treasure-hunting grave robbers. Artifacts and skeletal remains have also been removed from the gravesites by professional researchers exploring the region. Those graves are considered sacred places by the tribes. The fact that many historic gravesites are under Lake Sakakawea does not diminish the enormity of loss for the tribes. Yellow Bird’s work drives her to force museums, medical research facilities, and others to return remains of indigenous peoples that have been taken from their original resting places.

Today, water levels of Lake Sakakawea often drop due to drought conditions in the region. Graves that could not be relocated before the lake was filled are sometimes found uncovered. There were many graves including historic architecture such as lodges and prayer shrines that had to be left behind. Time and the erosive effects of water have worn away at the remaining gravesites and they become exposed with annual drops in water level. As Yellow Bird has often described, this is an extremely painful occurrence for her and for her people.

The intent of this paper is to bring more understanding and attention to the concerns of tribes along the Missouri River regarding the Garrison Dam and its impact on their sacred lands. A review of the Draft United Nations Declaration on the Rights of Indigenous Peoples will highlight the ongoing struggle indigenous peoples are facing around the globe as they attempt to protect and to bring recognition to their way of life. A discussion of the nature of indigenous peoples’ knowledge systems is presented to further understanding on the subject.

A MATTER OF HUMAN RIGHTS

Before the legal establishment of the United States, numerous ordinances and treaties were documented to form agreements between the early settlers and the Indian nations surrounding them. Many of these agreements were related to land acquisition or to war and peace (DeLoria and Wilkins 1999). Initial efforts were made toward the negotiation of civil agreements based on trust. Time has shown that a majority of those agreements were not honored or that they were abandoned as Indian nations were forced off their lands by a growing population of non-Indian settlers.

During the formation of the United States government, the Constitution described African Americans and American Indians to be “three fifths of all other persons” (NARA 2006). It is from these early beginnings that American Indians were legally described as counting less than a full person in this country. Throughout westward expansion into lands once occupied by tens of thousands of our nation’s first inhabitants, Indian welfare was hardly considered. As near complete genocide was committed against them, their lands and natural resources were over­taken as the growing nation moved westward. Over the years, governmental agreements and treaties were established to manage Indian affairs. The passage of such laws as the Dawes Act (a.k.a. General Allotment Act) in 1887 continued to manipulate or override previous agreements to protect Indian interests. As an example, the Dawes Act was drafted to secure Indian lands for the right-of-way of railroads and to force the dissolution of vast tribal land­holdings (Wilkins 1997:81-82). During a 47-year period, when the allotment of Indian lands began in 1887 until the Indian Reorganization Act of 1934 ended it, Native landholdings decreased by approximately 62% (Rice 2006). Tribal governments were dismantled, and reservation lands that had once been owned communally by the tribes were broken up into privately held “allotments” in an attempt to force assimilation with non-Indian populations.

During the final hours of the 78th Congress, the Flood Control Act of 1944 was signed into law on December 22. Lawson (1994:xxix) describes the impact of the act as causing “more damage to Indian land than any other public works project in America.” The act was enforced without the legitimate consultation or involvement of the numerous tribes who would ultimately suffer the negative effects of dam construction on the Missouri River. The Flood Control Act was a wide, sweeping violation of human rights for those who were displaced by its
devastating consequences. The Three Affiliated Tribes would eventually lose approximately 156,000 acres of prime river bottomlands (Grinnell 2004:1), the entirety of their homes and ranches lining the former riverbank, all of their towns, their businesses, and the only hospital for 100 miles (Yellow Bird 2004). According to Lawson (1994:27-28), of the tribal communities in both North and South Dakota where dams were constructed on the Missouri River, “the most devastating effects suffered by a single reservation were experienced by the Three Affiliated Tribes . . . of the Fort Berthold Reserve in North Dakota, whose tribal life was almost destroyed by the Garrison Dam.”

While construction on the Garrison Dam was underway, and while tribal communities were being uprooted from their homes without any recourse in sight, the United Nations issued the Universal Declaration of Human Rights on December 10, 1948. The declaration preamble begins “Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world” (UN 1948). As well intentioned as this proclamation was, it went unheard throughout the Great Plains of the United States. Construction of dams continued on the Missouri River during the 1940s and 1950s. The enormity of destruction to the environment and the violation to the human rights of the many tribal communities on the river is without precedent in the history of United States.

And yet, the history of the Fort Berthold Indian Reservation remains virtually unknown throughout the general population in the United States today. The pieces of the reservation’s history that are known by the general public are as fragmented as the tribes and their lands are today.

**INDIGENOUS PEOPLES AND INTERNATIONAL HUMAN RIGHTS**

In 1982 the United Nations established a Working Group on Indigenous Populations in association with the Subcommission on the Promotion and Protection of Human Rights to address the international human rights of indigenous peoples. Responding to similar events such as those experienced on the Fort Berthold reservation, the Working Group released the 1994 Draft United Nations Declaration on the Rights of Indigenous Peoples (hereafter Draft Declaration) (UN 1994) to address the ongoing human rights violations and atrocities being committed against indigenous peoples globally. The Draft Declaration was released to great expectation previous to the United Nations International Decade of the World’s Indigenous Peoples, 1995-2004. The Draft Declaration begins by “Affirming that indigenous peoples are equal in dignity and rights to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such” (UN 1994). In the years since the Draft Declaration became public, nations within the United Nations continue to vote against its adoption. Much of the discussion against its passage involves the implication of human rights for indigenous peoples and the possibility of interference with the domestic agendas of nations where they now live.

On June 29, 2006, the newly formed Human Rights Council (formally the Commission on Human Rights) finally voted to adopt the Draft Declaration (UN 2006b). This meant that in the 13 years since the Draft Declaration was first introduced at the United Nations in 1994, it would now be forwarded to the United Nations General Assembly for a formal vote of adoption. On December 6, 2006, the United Nations General Assembly failed to vote for passage. On December 12, 2006, the United Nations issued a press release stating that

The newly created Human Rights Council—the premier international body to deal with human rights—had adopted the Declaration on 29 June this year. However, the cause had been delivered a huge blow by African States, many of which had chosen not to participate through that standard-setting process. Africa had taken the lead in blocking the adoption of the Declaration—a strategy supported and encouraged by New Zealand, Canada, Australia and the United States. . . . [P]olitical agendas had taken precedence over the protection of human rights. (UN 2006c:1)

Today, the 1994 Draft Declaration is still a draft. Indigenous peoples are concerned about the declaration’s fate. According to the International Indian Treaty Council, the formulation of the Draft Declaration has in fact been in progress for over 30 years (IITC 2006). In 1977 tribal leaders were invited to the first United Nations’ NGO Conference on “Discrimination Against the Indigenous Populations of the Americas” in Geneva, Switzerland, 1977 (Fig. 1). Many of the issues discussed at that time were eventually included in the Draft Declaration.


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Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

It is clear from this passage that the issues of “religious and cultural sites” continue to be at the forefront of concern for indigenous peoples around the globe.

While the International Indian Treaty Council continues to work closely with the United Nations for the passage of the Draft Declaration, their work is far from being completed. On January 30, 2007, the United Nations Assembly of the African Union voted to maintain their stance against the adoption of the Draft Declaration (UN 2007). They outlined the following reasons for their continuing concerns: “a) the definition of indigenous peoples; b) self-determination; c) ownership of land and resources; d) establishment of distinct political and economic institutions; and e) national and territorial integrity.”

It does not appear that passage of the Draft Declaration will happen this year unless these concerns are addressed and accepted by the African Union and the other opposing nations. The opposition is a continuing struggle for those organizations such as the Treaty Council who have been working hard since the mid-1990s for the adoption of the Draft Declaration.

**RESEARCH METHODS**

This research is part of a larger engagement with the subjects of indigenous peoples, sacred lands, and human rights that is planned for the future by this author. In the course of conducting the type of ethnographic inquiry required for this project, one undertakes a journey of discovery, recovery, and growth. Whenever one attempts to learn about a place and its people, the question of how to begin can often be problematic. Fortunately for me, I was personally invited by Pemina Yellow Bird to go to the Fort Berthold Indian Reservation in North Dakota to conduct my research on the Missouri River Basin and the sacred lands of the Three Affiliated Tribes who live there. We originally met in October 2001 during the Native American Sacred Lands Forum that was held in Colorado.

Research often begins with a set of questions that may eventually wind in unexpected directions. Since I first met Yellow Bird in 2001, the exploration for this project has included thousands of miles of travel, including camping in remote sites along the Missouri River, attendance at conferences, literature review, and several research trips to state and tribal archival collections. The many conver-
sations and interviews that have happened along the way have revealed layers of insight into the human tragedy and the negative consequences of the Garrison Dam.

The epistemological standpoint that has informed the substantive feminist methodology of the research analysis has become a multilayered progression of discovery and recovery throughout the research. A feminist methodology often steers toward a more “local, specific, detailed and situated explanation” (Code 2000:340). The discussion on cultural difference and indigenous knowledge systems, presented later in this paper, integrates the works of feminist women of color whose discussions on intersectionality and marginality bring an important perspective to this type of ethnography. These conversations bring attention to insights that are drawn from the experiences of those who have often been relegated to the margins of society. What began as uncertain suppositions about the sacred lands of tribes along the Missouri River has now evolved into research that seeks to better understand the importance of maintaining the integrity of sacred lands as an essential human right for indigenous peoples worldwide. In order for this understanding to progress, nations around the globe must recognize the significance of such places and their integral associations to the social, cultural, and spiritual lives of indigenous peoples.

As the well-known environmental saying goes, “Think globally, act locally.” Attention to the needs of tribes and their sacred lands in the United States may impact the decisions being made about indigenous peoples internationally. This research project is an attempt to report initial research findings and to inform those who may be in a position to make decisions on policies impacting indigenous peoples. Appreciating different ways of viewing the world is an important beginning in negotiations that include indigenous peoples and their distinct concerns.

UNDERSTANDING DIFFERENCE AND AMERICAN INDIAN KNOWLEDGE SYSTEMS

American Indian scholar Paula Gunn Allen has described the perspective of tribal power in relationship to understanding tribes, their relationships with not only humans, but nonhumans and the natural world. Allen (1992:22) wrote that we are all “linked within one vast living sphere, that the linkage is not material, but spiritual, and that its essence is the power that enables magical things to happen.” The essential spiritual link is a critical concept that connects to social relations in ways we can try to better articulate the psychic (soul and mind) impacts caused by the Garrison Dam. It is critical to place those understandings within the framework of the Missouri River ecosystem, multigovernment jurisdictions, and other social interactions that have had a direct effect on the tribes.

Corresponding to the spiritual linkage Allen described above, Anzaldua (1987) infuses the discussion by extending the concept into the margins of what she described as the borderlands. Anzaldua wrote in her preface that the “Borderlands are physically present wherever two or more cultures edge each other, where people of different races occupy the same territory, where under, lower, middle and upper classes touch, where the space between two individuals shirks with intimacy” (1987). The borderlands intersect and diverge at different points, embodying a greater knowledge in their place. The multiple lines and standpoints of race, territory, or class need to be included to understand the impact of their totality. As often is the case with political geographic borders, fluidity is real. Lines cross while people remain stationary and tied to a particular place. The transforming linkages are continuously modified by the passage of time, the changing fabric of cultures, and the revelation of lived experience. If a mountain, a river, or a cottonwood tree is believed to be sacred, understanding indigenous peoples’ ways of knowing and the ways in which knowledge is created is crucial for successful interactions and for evolving understanding of the interconnectedness of culture, spirituality, and religious difference (Carmichael et al. 1994; Deloria 1999; Martin 2001).

In an interview with a tribal elder (Elder 2004), the elder revealed a way of knowing that is in contrast to Euro-Western Christian beliefs. She spoke of the profound spiritual hurt she still feels about the loss of cottonwood trees along the Missouri River. The places where the cottonwood trees grew were sacred spaces where the spirits of her ancestors dwelled. The cottonwoods protected her people and provided shelter for wildlife. As a child she would attend family picnics along the river and she would think of the trees as spirit keepers. Her experience reveals a unique knowledge of the Three Affiliated Tribes that is/was spiritually woven into the landscape of what is considered to be a sacred riverine environment. The loss of the trees is still difficult for the elder to comprehend. As she wonders “where all the birds went” since the trees were removed, her recollections continue to transform at the loss of her tribe’s sacred lands. Many landmarks that were once associated with the tribal ceremonies of her youth are under the waters of Lake Sakakawea. As her memories of those sacred places continue to dim, the essential spiritual linkage to them will continue to transform for the elder, as they will for the future generations of her tribe.
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The integration of spiritual interactions can lead to greater understanding of indigenous peoples’ belief systems. These interactions can be interpreted in ways that include linkages to their cultures in the process of a transformative communication system. It is difficult to discuss spiritual matters that, for example, focus on the sacred nature of cottonwood trees and implied ways of being. For a tribe may ask, “Who gives voice to a tree or to the river in these negotiations?” If our vision in the process is holistic and integral in its scope, the very nature of an honest interaction builds trust, honor, values, and lends credence equally. The sacred nature of a place is inherently a part of the negotiations in a transformative knowledge network. Although there are several laws and regulations that require the participation of tribes in decision-making processes (e.g., the National Environmental Policy Act), quite often the tribes are invited too late to fully participate in negotiations, hindering a truly transformative interaction.

An evolved knowledge network is intrinsically conductive within an active communication process. It is at the intersection of knowledge differences where transformation can occur and knowledge is advanced (Haraway 1991). Implicit in the network are the multiple and sometimes contradictory understandings of difference. The power of the spiritual existing at the borderlands is indicative of the relationships linked within a dynamic network that is empowering rather than divisive. It expands knowledge rather than remaining static, and it supports dynamic evolution leading to productive change. Such interactions create space for dialogue inclusive of differences.

The method of achieving positive change that dissolves hegemonic power structures is the essential element of inclusivity, for example, by guiding the collective network toward common understanding. The early promise of the Draft Declaration is being lost to ongoing power struggles among several nations. All players within a knowledge/communication network are representative of multiple standpoints that are an integral part of the process of building functional relationships. The active communication process bridges the borderlands of the contested spaces and links harbors of isolation and exclusion. By their inclusion, those participants who have historically been subjugated and oppressed can become empowered and enlivened, a very real and fluid part of such interactions.

Spiritual linkages can broach perceptions of sacred nature and sacred lands with each successive transformation in gaining a sense of place and its importance. Impacts on the environment such as those that occurred at the Fort Berthold reservation can link to understandings of the spiritual realm in ways that enable nonindigenous peoples to “become aware of the complex attachments that link them to features of the physical world” (Basso 1996:107). This increased awareness is important when trying to broaden wisdom and ways of knowing about American Indian knowledge systems and their sacred lands.

By incorporating knowledge of alternative awareness, such as belief in a river as a sacred deity, the tensions leading to “differential consciousness,” as Sandoval (2004:203) has articulated, “represents the variant, emerging out of correlations, intensities, junctures, crises. What is differential functions through hierarchy, location, and value—enacting recovery, revenge, or repatriation; its processes produce justice,” and thus can evolve a framework for the spirituality of indigenous peoples that links to an inclusive communication system, achieves human rights, and protects sacred lands.

CONCLUSION

Understanding the meaning and importance of sacred lands is historically complex, as the ongoing human rights discussions at the United Nations demonstrate. By working toward the integration and appreciation of cultural difference in negotiations with indigenous peoples, we are all better placed to adapt a process leading to the establishment of an equal playing field of cooperation. Negotiations that consider multiple standpoints within a cultural knowledge network can develop to include the importance of sacred lands. It is this holistic way of knowing from which we can develop knowledge systems that communicate and reflect of our worthy efforts.

Significant legal strides have been accomplished since the 1940s in the United States to prevent the type of environmental damage that occurred at the Fort Berthold Indian Reservation. Today, tribes are specifically recognized as legally protected under the various statutes. That being said, I have personally witnessed tribal exclusion resulting from late invitation to a valid environmental consultation process, a clear violation of human rights. Yes, more can be done, and better.

By developing a greater understanding for what remains of Three Affiliated Tribes’ sacred lands, there must be support that honors their traditions. Otherwise, the sense of timelessness we have of their cultural and spiritual knowledge, and of the knowledge held by other
indigenous nations around the globe, will regrettably become inconsequential as they continue to disappear from the face of the earth.

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