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LITIGATION, MITIGATION, AND THE AMERICAN INDIAN RELIGIOUS FREEDOM ACT THE BEAR BUTTE EXAMPLE

KARI FORBES-BOYTE

“Sacred mountains, of whatever culture, become merchandise in the dark age that is enveloping the planet. The voices of the spirits are falling silent beneath the roar of the machines that bleed the land and poison the waters and the air. A country, however powerful at the moment, that does not honor and preserve its sacred places is not fit for survival.” So states a Lakota man when asked to describe the importance of sacred places to his culture. Sacred places, recognized by indigenous peoples worldwide, are highly esteemed

by particular individuals or groups and are perceived to be fundamentally different from other places in the environment. Today, secular activities occur on and around these sites, and because these sites enjoy no true protective legislation, their sacredness is in danger of desecration.¹

Historically, the United States government suppressed Indian religions because they were believed to inhibit the “Indian’s progress toward civilization.” Moreover, since land is intrinsically important to American Indian cultures, the expropriation of Indian land has had a profound effect on the practice of traditional religions.

Paradoxically, this suppression of religious freedom occurs in a country that holds as one of its basic tenets the freedom of religion, protected by the First Amendment of the Constitution of the United States. In principle, the First Amendment free exercise clause safeguards “beliefs which are based upon a power or being, or upon a faith, to which all else is subordinate or upon which all else is ultimately dependent, whether or not they are shared by an organized group.”²

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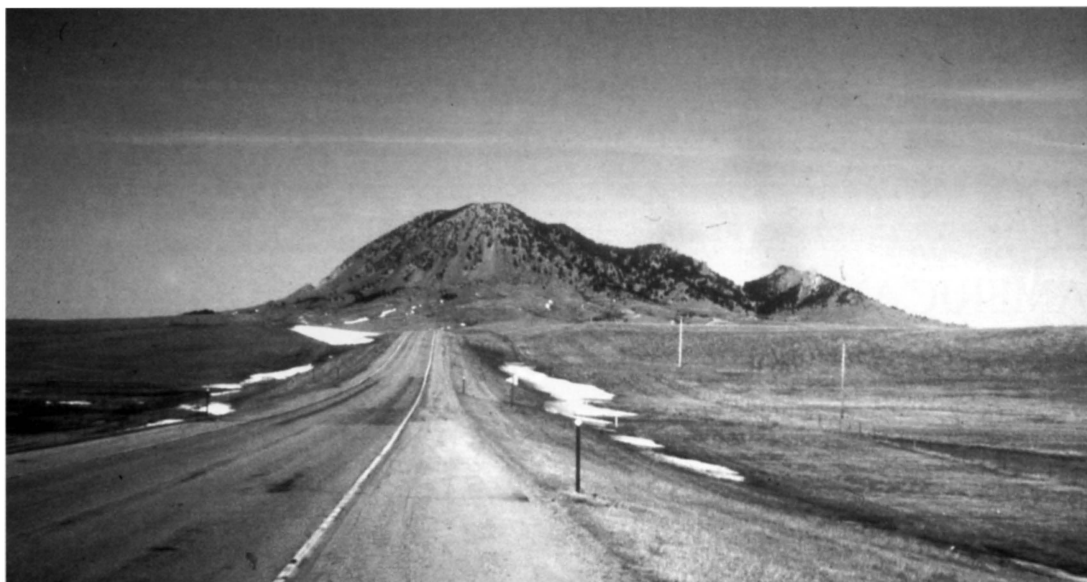


FIG. 1. *Bear Butte*. Photo courtesy of Stephen Boyte.

However, American Indian religions are rarely protected by the First Amendment. Indian people have applied for First Amendment protection of their holy grounds at the judicial level and have lost every case.

In 1978 Congress enacted the American Indian Religious Freedom Act (AIRFA) in recognition of past restraints on traditional Native American religions. These restraints were violating the First Amendment by denying Indians the right to believe, exercise, and express their traditional religious practices, including access to sacred sites and the possession of sacred objects.³

AIRFA was divided into two sections. The first section cited the insensitivity of the Euro-American people and their government to American Indian cultures and religion and sought to combat religious infringements by the federal government, including the denial of access to sacred sites.

The second section of the act directed the creation of a task force under the jurisdiction of the Department of the Interior. This task force was charged with holding hearings in

regions throughout the country to consider the complaints, concerns, and wishes of Indian people. After meeting with various tribal peoples, the task force identified 522 instances where federal agencies had violated American Indian religious practices in 1978 and 1979 alone!⁴

The second section of AIRFA also required all relevant federal agencies to evaluate their land management policies in light of the premises of AIRFA taking into account the religious beliefs and practices of American Indians in administering land management policies. Although these policy statements were formulated, there is nothing within the dictates of AIRFA itself to penalize those agencies or individuals who do not abide by the policies. In short, this act was designed to guarantee Indian religious freedom, but at both the judicial and administrative levels, Indian people are continuously being denied access to their sacred places and holy grounds.

In response to these failures of AIRFA, I examine how AIRFA has failed to protect Bear Butte, an Indian holy site (Fig. 1). I briefly



FIG. 2. Location map of Bear Butte. Map produced by Amy Richert and Scott Richert.

describe Lakota perceptions and ritual use of the site.⁵ Then I evaluate how Lakota interconnections to the site are being challenged by other groups of people who claim equal access to the site and the surrounding area. Finally, I analyze AIRFA's usefulness at the administrative level, focusing on contentions between the Native people who use the site as a ritual center and the land managers who must follow multiple-use administrative policy dictates and on how these contentions could be solved if AIRFA were not misinterpreted at the judicial level.

LAKOTA PERCEPTIONS OF BEAR BUTTE

Bear Butte, with an elevation of 4,422 feet, is located near the Black Hills in South Dakota and is considered sacred to the Lakota, Cheyenne, and Arapaho nations (Fig. 2). While all three groups have an equal spiritual investment in the land, I address only Lakota concerns (although these are shared to some extent by the other two groups).⁶

Research for this project was based upon ethnographic interviews undertaken with Lakota tribal members from May 1996 to Au-

gust 1996. People affiliated with Cheyenne River Reservation, Pine Ridge Reservation, and Rosebud Reservation were involved. To obtain the names of people to interview, I contacted tribal cultural preservation officers. Also, two Chadron State College Lakota students acted as cultural liaisons and introduced me to community members. I interviewed fourteen individuals, knowledgeable about Bear Butte and concerned with cultural preservation issues. Some of the individuals were interviewed more than once. Lakota interviewees ranged from sixteen to eighty-two years of age and three of the fourteen were women. Funding for the project was provided by Chadron State College Research Institute Board. The research is being distributed by the author to many of those interviewed, as well as to the Cultural Preservation Officers at all three reservations and to the Oglala Lakota College archives.

Bear Butte resembles, from ground level, a sleeping or reclining bear. The Lakota describe Bear Butte as their most sacred altar, and the place "where people go to communicate with the Great Spirit."⁷ The Lakotas say in their sacred narratives that Bear Butte was given to them by the Great Spirit. Originally Bear Butte was shaped like a mesa, and upon it the Great Spirit was transformed into the Lakota people. The seven secret rites, which are symbolized by the seven stars in the Big Dipper, were also learned at the top. With time, the site began to resemble the outline of a grizzly bear.⁸

The sacred calf pipe, one of the most significant bundles of the Lakota nation, is affiliated with Bear Butte. According to Larry Red Shirt, "Bear Butte and the sacred calf pipe hold the secret to the past, present, and future of the Lakota people in this life cycle."⁹ Bear Butte also has historical importance to the Lakotas. A number of Lakota people stated that Crazy Horse undertook his *hanbleceyas* (vision quests) at Bear Butte.

To further understand the spiritual significance of Bear Butte to the Lakota nation, one must first understand the relevance of spiritual bonds to places. Indigenous people who

strongly identify with their homeland place great importance on the recognition of a spiritual landscape. Geographer Yi-Fu Tuan identifies this penetrating connection between a people and place based on religious conceptions as "geopiety," or love of the land. The dominant theme of geopiety is the worship of heaven and earth with a reverence toward the homeland manifested in "local-level religion." Societies practicing local-level religion have strong ties to places they occupy through an adherence to sacred areas.¹⁰

American Indians are among those societies practicing local-level religion. To many Indians the land is endowed with the "highest possible meaning."¹¹ Religious scholar Belden Lane identifies four axioms relating to sacred places.¹² First, a sacred place is not chosen, rather it chooses. To the Lakotas, places such as Bear Butte have been created by the Great Spirit and are validated through the sacred narratives. The Lakotas believe Bear Butte can draw people to it.

Second, a sacred place is an ordinary place, ritually made extraordinary. The Lakotas view the entire world as sacred; however, certain locales have become especially holy because of the activities that transpire there. The rituals, to an extent, continue to feed the power of the place. The spirits continue to contact the individual at the site, and the Great Spirit continues to respond to prayers offered at Bear Butte.

Third, sacred places can be tread upon without being entered. In other words, the recognition is existential and culturally determined; consequently, not everyone will acknowledge a place as being sacred and act accordingly. Thus, not all who visit Bear Butte will have a spiritual experience; however, many people will recognize and feel the spiritual power. Last, the impulse of sacred places is both centripetal and centrifugal, local and universal. All sacred places encompass this double impulse; they are at one time pulling in and pushing out. Bear Butte is important because it centers the religion, yet the knowledge gained through the appropriate rituals must be used

in ways to better the community as a whole. One of the more common misunderstandings by Euro-Americans is they believe visions are beneficial only to the individual. The hanbleceya is always enacted for the good of the community; what the vision seeker learns on his or her quest will benefit the Indian community as a whole.

According to Lakotas medicine man Richard Two Dogs, "The religion is rooted to the land. And you can't have the religion without the land. . . . We can't practice without the sacred places because that is where we draw our religion from."¹³ Therefore, the seven sacred rites of the Lakotas hinge upon specific locales in the physical environment. Bear Butte is affiliated with the hanbleceya.

The location of the hanbleceya is essential to its success and is revealed in dreams to either the individual seeker or the holy man who will guide the ceremony. The Lakotas interpret the dreams as interventions by the spiritual world, making it imperative that the ritual is conducted at the preordained site.

An individual who decides to undergo the hanbleceya contacts a holy man and asks for his help. Preparation for the ritual takes from one to four years and is characterized by a series of *inipi* (sweat lodge) ceremonies by which the individual is prepared physically, spiritually, and psychologically. It is essential that the seeker participate in a minimum of four sweat lodge ceremonies and refrain from using any alcohol or drugs during this stage. One Lakota holy man remarked, "They must have a clean mind, body, heart, and soul before going on the vision quest."

Once ready, the individual, his or her family, and the holy man proceed to the sacred place. At the site, one last *inipi* is performed prior to ascending the mountain to the sacred circle. The sacred circle, delineated by the strategic placement of tobacco ties, colored flags, and sage, is where the seeker remains for the duration of the hanbleceya, which generally lasts four days. The family accompanies the seeker to the sacred circle, but once the seeker enters the circle the family leaves. Upon

entering the sacred circle, the seeker becomes part of cosmological time and sacred space. The Lakotas recognize this as a point of connection between the individual seeker, mythological time, and spiritual beings. One Lakota individual affirmed, "One can see dreams that are real. Dreams that have survived the generations."

For the remainder of the vision quest, the individual is given no food, little water, and only brief rest periods during the day. This practice is to "humble oneself before the Great Spirit." Although the quest is strenuous, it is also a time of spiritual cleansing. "It feels good to pray, to send a voice. Prayers must be said out loud, not to oneself. The Great Spirit must hear the words."

Various rituals are performed which bring about a transformation of the spirit of the participant. The individual stands and offers the sacred pipe to the four cardinal directions and to the spiritual beings who inhabit those directions. With each prayer, the individual is seeking communication with the spiritual world through the "visions." Although prayers are conducted throughout the quest, the actual vision often occurs during the nighttime hours. Nighttime is considered holy time, when the spirits are most likely to reveal themselves.

Much of what occurs throughout the quest is esoteric knowledge and not shared by the Lakotas with outsiders. However, offerings such as material goods and belongings are left during the ritual.

After four days of "praying on the mountain," the seeker descends the mountain with the holy man, who conducts another *inipi* ceremony and interprets the vision. Vision quests are conducted for the good of both the individual and the society. In the words of Lakota elder Nellie Red Owl, "They [the vision seekers] pray for our food, for the children to grow strong. . . . When they pray, God answers them."¹⁴

Bear Butte is one of the most important vision quest sites for a variety of reasons. The Lakota acknowledge Bear Butte as "a holy place with beautiful scenery and spiritual ways." The

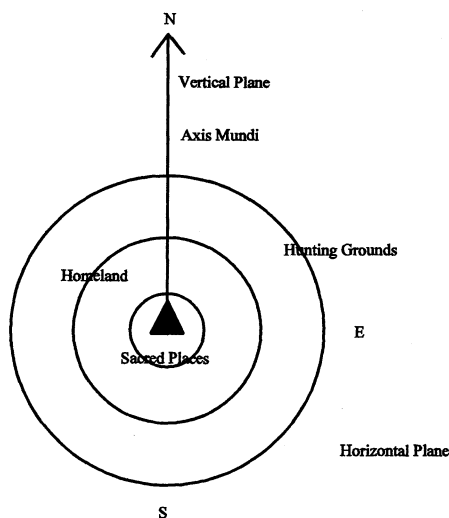


FIG. 3. Representation of Two Dimensional Cosmos.

butte is described as a place where the seeker is generally successful in receiving spiritual contact, and it is also important because the spirits residing there can predict the future. The Lakotas fear future predictions will not be revealed if Bear Butte is not utilized.

Bear Butte is a ritual center to where the Lakotas make pilgrimages. Ritual centers are the geographic goal of pilgrimages and are synonymous with the concept of threshold, which Arnold Van Gennep discussed at length in his rites of passage model.¹⁵ Mircea Eliade wrote about the importance of these thresholds or ritual centers. The concept of cosmic mountain, as put forth by Eliade, pertains to holy sites such as Bear Butte. The cosmic mountain symbolizes the connection between heaven and earth. Particular mountains are perceived of as holy grounds and are the sites of "rites of center." Individuals enact such a rite when they ascend a region of height in order to experience a break through into another state of consciousness or a state of "pure region."¹⁶ Interestingly, the Lakotas recognize this ability of cosmic mountains. "Bear Butte is a sacred place to go to become closer to God. It is

as high as you can go, so you are better able to communicate with God."

Cosmic mountains are situated at the center of a culture's cosmology (although not necessarily the geographic center of their territory) and become the foremost site of religious power. The cosmic mountain is fraught with religious symbolism. They are, in effect, a type of *axis mundi*, an allegorical pillar that unites heaven, earth, and the underworld.

Yi-Fu Tuan (1971) clarifies this idea of *axis mundi* in his study of Sioux and Yurok cosmologies in *Man and Nature*. He demonstrates that some cultures perceive the world as horizontal with a series of concentric circles. The center ring is the homeland of the culture. Groups of people living far from the center in this model are perceived to be less civilized than those at the center. Tuan also recognizes that the *axis mundi* runs through these concentric circles. In his research, Tuan found that when people acknowledge the changing positions of stars and celebrate these with ritual, they are conceiving of a vertically structured universe of three or more layers (Fig. 3). These layers are joined with the horizontal space at the juncture of the center. This juncture is the ritual center.¹⁷ Lakota cosmology recognizes both a vertically and horizontally structured universe. Traditionally, the horizontal structure included the holy places, the homeland, and the hunting territory, while Lakota cosmology recognizes a heaven (or world above) and a middle world (the world occupied by humans). The ritual centers are places where humans can come in contact with the spirit world. Bear Butte is one such place in Lakota cosmology.

RELIGIOUS USE VERSUS RECREATIONAL USE OF BEAR BUTTE STATE PARK

The Lakotas contend that South Dakota Game, Fish and Parks, the administrative agency charged with managing Bear Butte, has promoted recreational use of the site over their religious practices. In 1982 the Lakotas and Cheyennes sought a declaration of their right

to unrestricted and uninterrupted religious use of Bear Butte. In addition, they petitioned for an injunction against all construction projects, which were altering the natural topography of the site. The Lakotas and Cheyennes lost the case, *Fools Crow v. Gullett*, at the federal district court level.¹⁸ *Fools Crow* set a judicial precedent that Indian people must prove their sacred sites central and indispensable to their religions. The two nations took the case before the US court of appeals but again lost. The US Supreme Court denied them a hearing.

Since *Fools Crow*, tensions between land managers and Indian people have remained high. Multiple-use policies, the primary mode of operation for Game, Fish and Parks, are considered by park personnel as a means of accommodating all people using the park. The problem is that multiple-use policies result in user conflicts. At Bear Butte these policies prevent land managers from making significant progress in the protection of Indian religious freedom.

To illustrate, one of the most strongly contested uses of space at the park is the creation of hiking trails that encircle the ceremonial grounds and the observation platforms at the head of the trails (Fig. 4). While park personnel feel that the trail network threading through the park reduces tourist and Indian contact, Indian people disagree. The Lakotas argue that the trails have done little to reduce contact between Indians practicing their hanbleceyas and tourists. Furthermore, the Lakotas maintain that the trails were strategically placed to increase the likelihood that tourists would see the religious ceremonies. Richard Two Dogs stated, "While the Parks Service made so-called 'improvements' and they say it is for the benefit of the Indians, I say it's for the benefit of the tourists who come there. . . . When you go up to the Sweat Lodge and look above, there is a platform built up there on the side for the convenience of the people—the tourists—so they can look down and watch the people having their Sweat Lodge Ceremony."¹⁹ The Lakota people have re-

quested that the trails be closed during ceremonial times and that the observation platforms be removed, yet land managers refuse to acknowledge that they are a problem.

To the Lakota people, religious rituals are the only legitimate use of Bear Butte. Traditionally, the Lakotas did not reside, hunt, or utilize sacred places for any secular activities. According to one Lakota man, "the religion will die, nothing will last" if the site continues to be desecrated. And in another Lakota's view, "Without prayers, there is nothing there. Just a bunch of colors and Sweat Lodge. Maybe one day they'll have signs that say, 'Indians used to pray here.'"²⁰

The Lakotas express a sense of sadness and hopelessness about the management of Bear Butte. One holy man asserted that he no longer takes vision seekers to the Butte; rather, he uses another more remote site. Many people who once "cried for a vision" at Bear Butte are no longer comfortable practicing their religion there.

BEAR BUTTE WATER PIPELINE: A CONTROVERSIAL ISSUE

While sustained recreational use has desecrated Bear Butte, another more imminent controversy has recently emerged—the installation of a pipeline near the sacred site (Fig. 5). The Bear Butte water pipeline was built with federal money, provided by the Natural Resources Conservation Service (NRCS) and the Agricultural Stabilization and Conservation Service (ASCS), to supply five nearby ranchers with water. Indian people were outraged about the project. They criticized it at a number of governmental levels because proper steps were not taken to include them in the process. First, the tribal groups were not contacted in the initial stages of development, which is in direct conflict with environmental protection laws, AIRFA, National Historic Preservation Laws (Bear Butte is listed on the National Registry of Historic Places), and the Native American Graves Repatriation and Protection Act. Second, the initial environ-

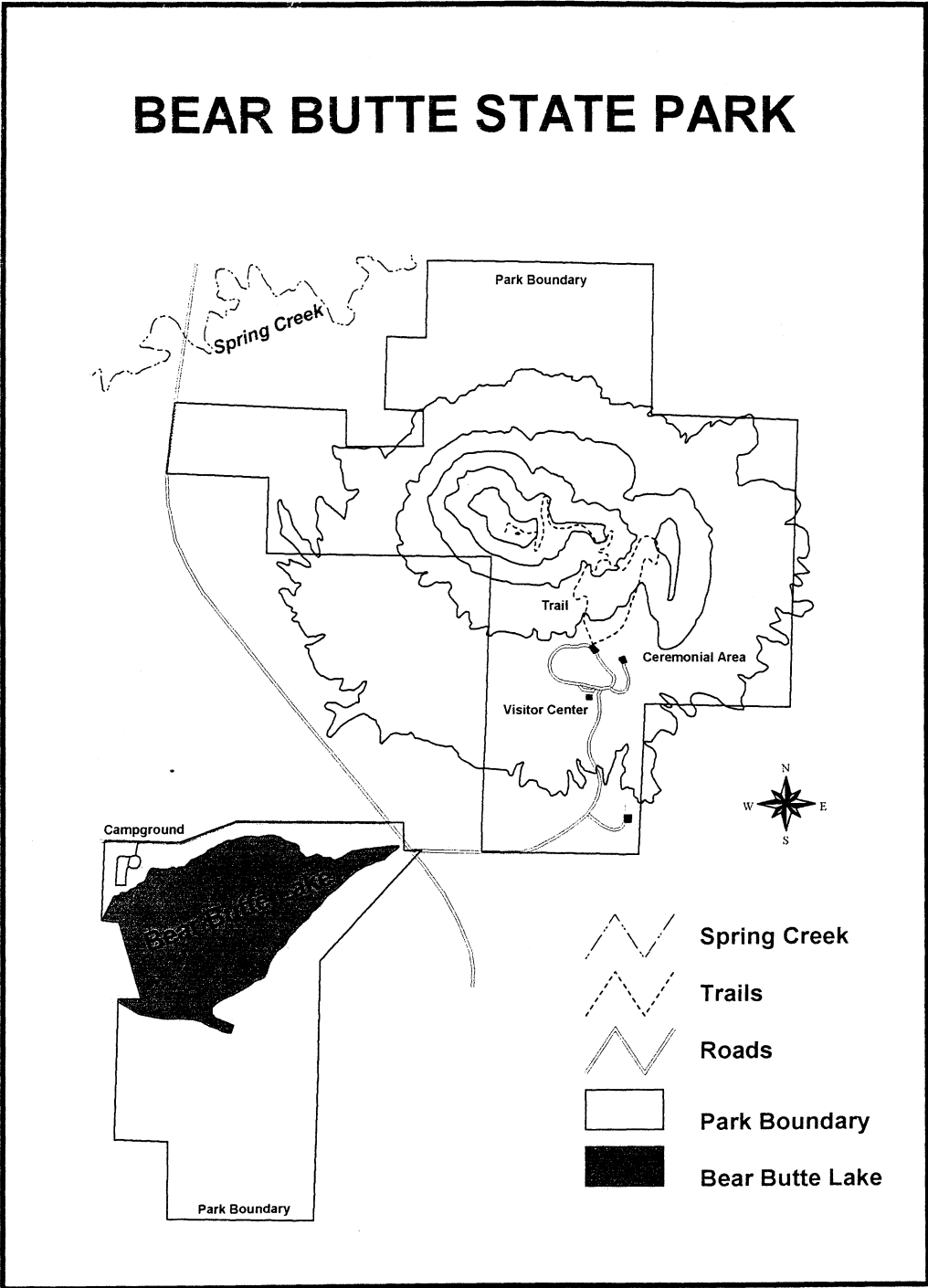


FIG. 4. Map of Bear Butte State Park. Map produced by Amy Richert and Scott Richert.

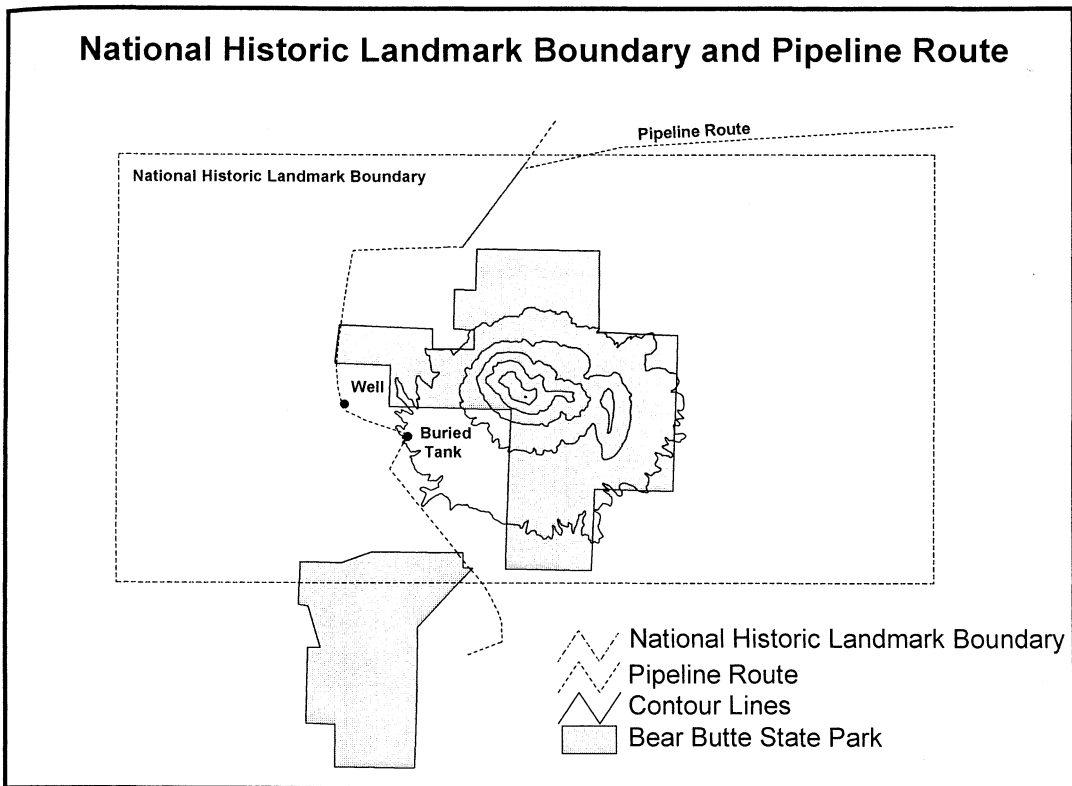


FIG. 5. *Bear Butte Water Pipeline*. Map produced by Amy Richert and Scott Richert.

mental inventory and environmental assessment report were inadequate. The environmental inventory identified cultural resources, but did not address the contemporary religious significance of the site. The Environmental Assessment report mentioned the sacredness of the site in only one section and neglected to recommend alternative mitigation strategies to reduce impact. Third, Indian people were apprehensive about the environmental consequences of the pipeline, specifically its interference with the hydrology of the butte. Fourth, there was apprehension about the commercial use of the water pipeline. The Lakotas, in particular, fear that the pipeline will be utilized by Game, Fish and Parks, thereby making recreational use of Bear Butte even more attractive, and, consequently, increasing the number of tourists. Last, the Indians argued that no disturbance to a sacred site was

appropriate, and such disturbances are considered desecration.

Eventually, measures were taken for the protection of cultural and archaeological resources, but all involved agencies failed to address the spiritual significance of Bear Butte. Approval for the construction of the pipeline was granted, and it was completed on 28 April 1995. Currently, Game, Fish and Parks has placed two taps on the pipeline; one is currently used to pump water into the campground. It is still too soon to tell what impact this will have on the number of tourists utilizing the site.

LAKOTA SUGGESTIONS FOR LAND MANAGEMENT STRATEGIES

Many Lakotas, after losing the battle over the pipeline, have become disillusioned and

frustrated by government agencies ignoring their pleas for protection of their religious sites. The Lakotas still feel Bear Butte is being desecrated by secular activities occurring there. Because solitude is a primary prerequisite for a vision quest, many Lakotas believe Bear Butte has too many distractions to be useful. At one time, the entire mountain could be used for prayer; today only a few of the more remote areas can actually be used. If possible, many people use other less accessible locations for their vision quests. However, if one is called to Bear Butte for a quest, then he or she must undertake the quest there.

There is still a desire by some members of the Indian communities to gain control of this spiritual place; however, many feel the battle has been lost. If a person is truly interested in undergoing a vision quest, Bear Butte is not given first consideration.

When asked what options they could suggest, many of the Lakotas interviewed recommended closing the park to everyone except people undertaking quests during a portion of the summer. May and June are the most active months for vision quests because of the need to complete them before the Sun Dance. Other suggestions include turning control of Bear Butte over to the tribal governments, restricting hiking trails to areas where tourists are less likely to encounter vision questors, and tearing down all structures, particularly the observation towers where tourists can look directly down onto the ceremonial grounds. A further suggestion was a better educational program. It was suggested that Native Americans be used as cultural interpreters.

When AIRFA is placed into an administrative context, its inability to protect Indian religious freedom becomes readily apparent. AIRFA's abysmal record as a judicial tool is repeated when it is applied at the local administrative level in regard to Bear Butte. Why aren't American Indians given the same religious freedom that most citizens are guaranteed by the First Amendment? Why do Indian religions continue to be devalued? Why can't AIRFA protect Indian sacred places? It could

be argued that these infringements are part of the ongoing conflict between American Indians and the United States, "a conflict in which the dominant culture has incessantly challenged the core of the value system of Indian cultures—the tribal religions."²¹

Legal interpretations of AIRFA decree it simply a policy statement. There is nothing substantive about the law. Therefore, while AIRFA promotes good will toward Indian religions, conflicts arise because of what legal scholar Jeremy Waldron has decreed the "geography of possession." The ownership of space is a core component of many conflicting views about space, and legal definitions of ownership differ from social definitions of ownership.²² The Lakotas claim social rights to Bear Butte and feel these are being ignored.

One of the functions of property rules is to determine who is allowed to be where. If space is public, then all people can use the site and behavior is dictated by the public at large. However, public space can be used in a multitude of ways, thus freedom of use to all people is limited. Furthermore, freedom constitutes more than simply a right of access. It also includes the "right to perform certain actions in certain places."²³ While land managers continue to assert that the Lakotas are provided access to Bear Butte, Indian people complain that their religious activities are hindered by the secular activities that are occurring simultaneously. For example, many vision seekers have not successfully completed their hanbleceyas because of tourists' intrusions; therefore, the performance of rituals is being hindered even if Indian people are not being turned away at the gates.

Waldron also suggests that on publicly owned land, society deems what is and is not appropriate behavior. Because Bear Butte is "owned" by the state of South Dakota, it is the American conscience, not the Lakota conscience, that determines appropriate behavior. Because of this, Lakota needs are subsumed under the category of "general public" or are, at best, another "special interest group."

While land managers might be sympathetic to Indians' needs for privacy to conduct rituals, their options for providing this need are limited because of the multiple-use policies dictated for public lands. Moreover, although administrative strategies can help do much, especially in preparation for more permanent changes, Indian people realize that without strong legal sanctions their concerns will never be adequately addressed. Therefore, it is essential to rely on the judicial arena in the protection of Indian religious freedom.

Diane Brazen Gould makes a compelling argument that AIRFA has been misinterpreted.²⁴ She contends that courts are treating AIRFA and free exercise rights as separate and unrelated considerations. In her analysis, courts interpret AIRFA as merely a Congressional directive to federal agencies aimed at revising administrative policies to avoid violating Indian religious rights. Brazen Gould argues that the courts are severely limiting the protection Congress intended to provide, thereby rendering the act useless.

In Brazen Gould's opinion, AIRFA can be used effectively in analyzing free exercise claims under the *Yoder v. Wisconsin* decision.²⁵ Essentially, the *Yoder* test articulates a two-part balancing test to apply to free exercise claims. First, a significant burden on free exercise must be shown. Second, the burden must be balanced against the state's interests and the degree to which the state's interests would impair religious freedoms. By doing such, the burden placed on Indian plaintiffs to prove centrality and indispensability would dissipate.

According to Brazen Gould, a more meticulous reading of AIRFA could reveal that Congress recognized and identified the kinds of Indian activities that deserve protection under the free exercise clause. Therefore, AIRFA can be understood as a legislative finding of fact, making it unnecessary for Indian plaintiffs to prove centrality and indispensability in their claims. If their claim falls under the types listed in AIRFA, then they are

considered protected by the free exercise clause; thus, the first prong of the *Yoder* test has been satisfied.

The next prong is the government's compelling interest, and it must be weighed. Through cautious deliberation of AIRFA, Indian religious freedom becomes protected under the First Amendment, and since free exercise rights might be limited only in the protection of some paramount government interest (matters of national defense and public safety), then American Indians should be able to protect intrusions on sacred places at the judicial level. Those judicial decisions might then sway decisions made at the administrative level, and situations such as the construction of the pipeline would not occur.

In short, when an Indian claim falls under the protection of AIRFA, courts should presume a burden on Indian religious freedom and proceed with the next step of the *Yoder* test and balance Indian interests against government interests. However, Indian interests must be rendered "weighty." Brazen Gould states this is procedurally fair and provides Indians with a sensitive court in which to vent their claims.

Without broader interpretations of AIRFA and more active administrative dictates by land management agencies, American Indian sacred sites, like Bear Butte, exist in a precarious state. Indian people today continue to be oppressed, not by military force but through due process, federal and state statutes, and administrative policies. It is difficult to ascertain what might be the long-term effects on Indian cultures and people. While the battles are oftentimes lost, many Indian people refuse to acquiesce to the desires of the dominant culture. In a recent conversation with a Lakota woman, I was told that the Lakotas will continue to fight for what is rightfully theirs—uninterrupted access to their sacred site. The Lakotas do not feel Bear Butte will lose its sacredness. However, many do feel their culture will suffer when they are no longer able to use the site as the Great Spirit deemed.

NOTES

1. United States Congress. Joint Resolution. *American Indian Religious Freedom Act*, 95th Cong. 2nd sess., Pub. Law 95-341, 1978.
2. *United States v. Seeger*, 380 US (1965).
3. John Wunder, *Retained by The People: A History of American Indians and the Bill of Rights* (New York: Oxford University Press, 1994), pp. 194-95.
4. Kay Boyles, "Saving Sacred Sites: The 1989 Proposed Amendment to the American Indian Religious Freedom Act," *Cornell Law Review* 76 (1991): 1117-49.
5. While I address only Lakota beliefs and concerns regarding Bear Butte, it is not my intention to dispossess the Cheyennes or Arapahoes from their equally legitimate claims and concerns regarding Bear Butte. Because of close geographic proximity to the Lakotas at the time of my research, it was easier to conduct ethnographic interviews with them rather than others. It is my hope and desire to engage in research with the Cheyennes and Arapahoes regarding Bear Butte at a future date.
6. Unless otherwise indicated, all quoted material in this essay comes from these interviews.
7. *Fools Crow v. Gullett*, 541 F. Supp. (D.S.D. 1982).
8. *Ibid.*
9. *Ibid.*
10. Yi-Fu Tuan, "Geopietry: A Theme in Man's Attachment to Nature and to Place," *Geographies of the Mind*, ed. David Lowenthal and M. Bowden (New York: Oxford University Press, 1975).
11. Vine Deloria, *God Is Red* (New York: Grosset and Dunlap, 1973), p. 75.
12. Belden Lane, *Landscapes of the Sacred: Geography and Narrative in American Spirituality* (New York: Paulist Press, 1988), pp. 11-12.
13. Anita Parlow, *A Song From Sacred Mountain* (Pine Ridge, S. Dak.: Oglala Lakota Legal Rights Fund, Lakota Nation, 1984), p. 3.
14. *Ibid.*, p. 21.
15. Arnold Van Gennep, *The Rites of Passage* (Chicago: University of Chicago Press, 1960).
16. Mircea Eliade, *Images and Symbols: Studies in Religious Symbolism* (New York: Sheed and Ward, 1961), p. 43.
17. Yi-Fu Tuan, *Man and Nature* (Washington DC: Association of American Geographers, 1971).
18. *Fools Crow v. Gullett*, 541 F. Supp. 785 D.S.D. 1982.
19. Anita Parlow, *A Song from Sacred Mountain* (Pine Ridge, S. Dak.: Oglala Lakota Legal Fund, Lakota Nation, 1984), pp. 4-5.
20. *Ibid.*, p. 9.
21. Dean Suagee, "American Indian Religious Freedom and Cultural Resource Management: Protecting Mother Earth's Caretakers," *American Indian Law Review* 10 (1982): 6.
22. Jeremy Waldron, "Homelessness and the Issue of Freedom," *UCLA Law Review* 39 (1991): 295-324.
23. *Ibid.*, p. 55.
24. Diane Brazen Gould, "The First Amendment and the American Indian Religious Freedom Act: An Approach to Protecting Native American Religion," *Iowa Law Review* 71 (1986): 869-91.
25. *Wisconsin v. Yoder*, 406 U.S. 205 (1978).