NOTICE OF RELIGIOUS FREEDOM CONSULTATION

Chief Joseph Cultural Center
Confederated Tribes of the Colville Reservation
Nespelem, Washington
June 14-15, 1979 (Thursday and Friday)
(Starting at 9:00 a.m. each day)

The American Indian Religious Freedom Act of 1978 sets forth the policy of the United States to protect and preserve the inherent right of American Indian, Eskimo, Aleut and Native Hawaiian people to believe, express and exercise their traditional religions.

The Act calls for an evaluation of the federal agencies' policies and procedures, as they affect the religious rights and cultural integrity of Native Americans, and requires that the President report the agencies' findings and recommendations to the Congress in August of this year. The preparation of this report accords us the opportunity to rethink antiquated governmental policies, to develop uniform approaches and procedures, and to measure existing practices against practical experience. The Act mandates that the evaluation be conducted in consultation with Native traditional religious leaders.

The Task Force to Implement the American Indian Religious Freedom Act will conduct a series of consultation meetings in June throughout the United States. The consultation will focus on issues regarding burial sites, cooperative study and construction agreements, access to sacred sites, and use and disposition of ceremonial objects and artifacts. The consultation and official record will be open to those wishing to address these subject areas, as well as other topics related to the Native religious concern.

For more information, please contact: Suzan Shown Harjo, Special Assistant to the Assistant Secretary - Indian Affairs (202-343-6031), Al Aubertin, Chairman, Colville Tribal Council (509-634-4591), Andy Joseph, Chairman, Colville Planning Committee (509-634-4591 ext. 232), and Adeline Fredin, Colville Tribal Historian (509-634-4954).

Forest D. Hager
Assistant Secretary - Indian Affairs
From: Officer in Charge, Naval Legal Service Office, Seattle
To: Judge Advocate General of the Navy
Subj: American Indian Religious Freedom Act -- Task Force Consultation on the Colville Reservation, 14-15 June 1979; report of
Ref: (a) Telcon Office of the General Counsel (Mr. Richard Cornelius)/Naval Legal Service Office, Seattle (CDR Pinsoneault) of 11 June 1979
(b) Telcon Office of the General Counsel (Mr. Richard Cornelius)/Naval Legal Service Office, Seattle (LT Oliver) of 21 June 1979

Encl: (1) Subject Report

1. In accordance with the request expressed in reference (a), this office sent a representative to the subject religious freedom consultation 14-15 June 1979.

2. Lieutenant John T. Oliver, JAGC, USN, participated in the conference and prepared the report. A preliminary verbal summary was submitted in reference (b). This final report is included as enclosure (1). I have commended LT Oliver on the excellence of his report.

Copy to:
Richard Cornelius
Office of the General Counsel
Department of the Navy
Washington, D.C. 20360

Susan S. Harjo
Special Assistant to the Assistant Secretary
Department of the Interior
Washington, D.C. 20003
American Indian Religious Freedom Act -- Task Force
Consultation on the Colville Reservation, 14-15
June 1979

(b) 1978 U.C.C.A.N. 1262

Encl: (1) Task Force Membership

1. Background: Reference (a) expresses the policy of the United States toward insuring the rights of native Americans to practice their traditional religions. This report summarizes that meeting. The names and addresses of the other participants are provided in enclosure (1).

2. Discussion. Reference (b) provides the legislative history and purpose behind the subject Act. Identified areas of unacceptable interference included the denial to native Americans of access to certain physical locations, unreasonable restrictions on the use of substances, and actual interference in religious events. Testimony given during the subject consultation focused on four general categories of substantial concern:

   a. Restrictions on access to land and resources, including religious sites, hunting areas, and fishing grounds;
   b. Interference with traditional Indian burial sites;
   c. Possession and use of peyote and religious implements; and,
   d. Development of the cultural and religious heritage of native Americans.

3. These topics will be discussed seriatim:

   a. Access to Lands and Resources. Much of the testimony given at the consultation was tinged with anger, especially when discussing the manner in which the rights of access to religious sites and to pursue traditional Indian practices of a quasi-religious nature had been destroyed. A movie shown Friday morning, entitled "The Price We Paid," focused on the loss of the Columbia River as a result of the Grand Coulee Dam project. Although the dam was a tremendous boon to the entire Northwest, little benefit accrued to the Colville-area Indians. Meanwhile, the traditional fishing, hunting, and religious sites of the river valley were inundated in the reservoir. Even though salmon had been the basis for the diet (approximately 50%) and much of the culture, no provisions were made for salmon ladders in the dam construction. Today, the Colville-area Indian must buy salmon, often canned or frozen, brought in from the coast. Ed Palmantee, Sr., after explaining the religious significance and practical procedures for catching and distributing salmon prior to completion of the dam, turned to discuss the present paucity of fish and game on the reservation--and restrictions which have been imposed on Indians going off the reservation to traditional hunting areas. Moses Dick, of the Yakima tribal council, noted the significance of various ceremonies, including the salmon and deer ceremony, to the Seven Drums religion. Albert Louis, a cause célèbre among the proponents of the peyote-based Native
American Church (NAC) and an Indian "cultural renaissance," and Andy Joseph, the host of the meeting, spoke of spiritual sites in the northern half of the reservation, and area which was promised but never delivered to the Colville-area tribes. That large tract is now under the control of the U.S. Forest Service, which guarantees no right to access or to hunt and fish. There was universal agreement that access to native Americans traditionally tied to identifiable sacred sites ought to be unrestricted. Moreover, there was consensus that tribal elders ought to be able to regulate access to outsiders to avoid disturbing sacred sites.

b. Burial Sites and Reinterment. In the Thursday morning session, two members of the Colville Heritage Board, including Moses George, its chairman, spoke on the question of protecting Indian burial sites. Their position was that as much as possible, such sites ought to be left undisturbed. Andy Joseph, a key member of the tribe who acted as host for the meeting, stressed that Indian peoples were more than competent enough to develop archaeological sites and handle the relocation of burial grounds with little outside assistance. Mr. Joseph also testified that the cultural richness evidenced in archaeological excavations of Indian ruins ought to end up in museums and exhibits on the reservations. This led to general agreement that all material discovered during Indian-approved archaeological excavations should be the sole property of the native Americans concerned. Tribal elders should determine the disposition of any artifacts, reinterment of remains, and related matters.

Since Indian burial grounds are likely to turn up at any time during construction work in many areas, it was argued that a policy is needed in dealing with the problem. For example, a burial site was uncovered on Vandenberg AFB during excavation in conjunction with the space shuttle program. Reinterment was indicated, but long delays have been introduced by persons eager to study the remains and those averse to violating the sacred ground at all. In the meantime, time has been lost in completing the construction. Other cases were cited where reburial was put off for periods in excess of forty years—an inexcusable affront to native American people.

c. Peyote and Religious Implements. The use of peyote as an hallucinogenic drug during religious ceremonies of the Native American Church (NAC) was clearly the most controversial subject of the consultation. One minority group, largely composed of persons under 35 years of age, argued that the NAC was a bona fide religion and that peyote was absolutely essential to its practice. Elwood J. Koshiway, an NAC medicine man from Oklahoma, observed that the "tools" of religious instruction and worship in the NAC included gourds, eagle feathers, cedar, sweet grass, tobacco, and above all peyote. A petition was presented in support of the NAC, including the religious use of peyote, and condemning the prosecution and harrassment of NAC members as violative of the First Amendment. Albert Louis, a spiritual and cultural mentor among young Colville-area Indians, argued for toleration of all types of religious practices. A number of young people (between 20 and 35 years old) testified that peyote use was a "way of life" and the persecution of it by federal and state agents was reprehensible.
In contrast, a clear majority of those present, especially most of the older witnesses, condemned peyote use as a "recent phenomenon" totally foreign to traditional Indian worship in the Northwest. Ed Monaghan, an alcohol counselor with the Colville Federation, argued that it would be impossible to control the spread of peyote if it were permitted during religious rites. He termed the drug "very, very dangerous" one more destructive influence in Indian life. Anita Cheer, a teacher in the reservation school, expressed great concern about the indiscriminate use of "peyote buttons" among school children. Sam Sampson of the Colville Tribe Business Council claimed that peyote endangered the health, security, and general welfare of the reservation, and thus could and should be proscribed by the elders. The general attitude appeared to be strongly against the use of peyote.

d. Cultural and Religious Heritage. Under this general topic area were several specific subjects:

(1) Sweat Houses. There was a good deal of testimony given about the Northwest Indian institution of "sweat houses" or "lodges" in which steam heat in a traditional setting expunged guilt and wrongful attitudes during "purification" rites. Harold Belmont, Project Coordinator for the Seattle Alcohol Treatment Center and Frank Albey, faculty member at the Chemawa Indian School, testified that sweat lodges were particularly effective in treating young Indians who were "walking in darkness" of alcoholism, drug usage, crime, or undergoing the intense cultural identity crises common to Indian young people. Even though sweat lodges were a nearly universal religious practice of Northwest Indians, and their success in rehabilitation programs is demonstrable, penitentiary, school, and reservation administrators have proven reluctant to include sweat lodges, which cost close to nothing, as part of the permissible cultural and religious practices at their facilities.

(2) Original Indian Shaker Church. A great deal of time was spent listening to sincere, emotional defenses of this faith, and how bible denominations--Catholic and Protestant--have sought to supplant the Shaker church on the reservation. The Shaker church is a combination of traditional Indian religious practices and the gospel message. Although in existence only since 1881, a large proportion of the Colville-area Indians are Shakers. The Shakers testified, inter alia, that the right of Indians to visit traditional religious sites, especially in the mountains in the Northern half of the original reservation grant, ought to be preserved.

(3) Traditional Indian Religious Beliefs. Moses George, the chairman of the Colville Heritage Board, stressed the long history of the "real religions" of native Americans. This religion centered on the strength and purity of body and mind deriving from a right relationship with the mountains, the forests, and the rivers. He argued that the influence of Western man and the Christian religion has led to a crisis of identity among native Americans manifested in alcoholism, drug use, and suicide.

(4) Medical Treatment. The insensitive treatment of native American patients in hospital and outpatient facilities
was criticized by Dr. Mark Emanuel of HEW. To properly care for Indian health problems, Western doctors must understand the psyche and medical procedures of the people to be treated. Provisions must be made, in many cases, for special food, drink, and way of approaching life and death. There has been a tendency in the past to treat Indian patients without sensitivity, and for the patients to remain unassertive. This is changing. Dr. Emanuel related an anecdote of a young Indian woman who recently demanded that her baby's umbilical cord be preserved, since she believed that by keeping the cord with her, the child would always be safe and return to her. A refusal to provide an exception to "hospital rules" in this case on the basis that "it's never been done before" was insensitive and inexcusable.

5. Outside Influences. Lack of strong cultural and religious heritage is very prevalent in contemporary Indian life. Isadore Tom, a dramatic older spiritual leader, observed that this leads to despondency, alcoholism, drug use, sexual promiscuity, and in a large number of cases, suicide. He noted an analogy between traditional Indian and pure Christian teachings and stressed the need of Indian young people to learn and appreciate the infinite wealth of their culture. This general theme was repeated by virtually every one who testified. Marie Grant, of the Cultural Resource Center, described the century-long effort of missionaries and government to destroy the trappings of Indian culture. She noted the recent resurgence of interest in practicing the traditional way of life, where "to do an injustice to a neighbor was unthinkable."

6. Burial Practices. The question of contemporary burial practices was raised by Moses Dick and Virginia Andrews, both members of the Seven Drums religion. In that traditional religion, a dead body is to be treated reverently and only by specially qualified handlers. The Seven Drums believe that Indian corpses not afforded proper respect and burial procedures may not come to life again. Moreover, they believe that once the body is interred, it ought not be disturbed.

7. Music and Cultural Education. Phil George, a very articulate young member of the Nez Perce tribe presently serving as a student counselor at the University of Washington, stressed the special significance of music in the life of native American peoples. He argued that the Office of Education ought to be an integral part of the task force, since cultural and religious study engendered among Indians and others would show positive results. He argued that the present policy is to give little or no support to the study of Indian music or culture, even in predominantly Indian schools.

4. Summary and Application. Many of the problems discussed at the consultation are not relevant to the military services. However, there are four problem areas where additional study and action is indicated to fairly meet the purpose of the Act:

6. Access to Military Reservations. The federal government owns and controls a large proportion of the open land in the U.S., especially in the West and Southwest. Military reservations comprise a significant part of this land. A map provided to the task force by this office showed a minimum of juxtaposition of Indian and military lands through the U.S.
Procedures should be developed and promulgated by which concerned Indian leaders can make known to proper authorities the existence of bona fide religious sites on military lands. Accommodating such access requests would involve an ad hoc balancing of security and safety interests with the mandate of the subject Act. By placing the focus for identifying sites of religious significance on the Indians concerned and for developing an appropriate accommodation on the military authorities, difficulties should be minimized. Any good faith implementation of the Act would require making all parties aware of the procedures. Moreover, the federal commitment to Indian religious freedom should continue to be emphasized.

b. Burial Sites on Military Reservations. Every effort should be made to avoid disturbing known or suspected burial grounds or other religious sites on federal lands. If this is not possible, relocation of the site should be accomplished in a dignified manner, following the desires of Indian leaders fully integrated into the decision making process. Desires of archaeologists to study the site and any remains and artifacts ought to be entertained, but should not override the expressed desires of the tribal leadership. Since burial grounds are likely to be encountered during construction on military reservations practically anywhere, those involved in project management should be aware of the procedures for involving native American leadership in a respectful yet rapid relocation of burial grounds onto Indian lands.

c. Peyote and Religious Implements. As an hallucinogen, peyote is categorically unacceptable for use on military reservations. Such use cannot be permitted even when analyzed as a religious practice protected by the Constitution, since the good order and discipline of the military service requires certain limitations on civilian freedoms. Perhaps an Indian serviceman or woman who admits partaking of peyote during religious activities while on the reservation ought not be categorized as a "drug user" for security screening purposes, but even this is well within the discretion of the Armed Services. While one has a right to practice one's religion without state interference, one does not have a Constitutional right to a security clearance or a government job. Items of religious significance with no demonstrable security risk, such as gourds, eagle feathers, and sweet grass, ought not to be proscribed by military authorities. If a Christian may keep a Bible in his locker, a member of the Native American Church (NAC) ought to be able to keep the trappings of his belief, so long as no security problems are thereby presented.

d. Promoting the Religious Heritage of Native Americans. As much as possible, military authorities ought to permit and to promote, including making available the necessary resources, the religious and cultural practices and heritage of native Americans. If practical, a base commander should grant requests to permit the building of "sweat houses" by interested persons. Military hospital administrators, especially those with a significant number of Indian patients, ought to review their procedures and training to insure maximum sensitivity to religious and cultural needs. Effective medical care dictates as much. This would likely require
a greater identification of the desires of the native American serviceman and his family in treatment, including matters pertaining to burial care. It would also involve greater awareness of doctors, nurses, and administrative personnel of the needs of people of minority religions in general. As the consciousness of native Americans expand, military authorities should welcome the opportunity to enhance the cultural fabric of our land. This is especially true in view of the great contributions made by native American servicemen to our nation's defense.

5. Follow-up Reports. A verbatim transcript of the subject consultation was maintained. If desired, a copy can be obtained from Susan S. Harjo at the address provided in enclosure (1).
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At the request of Bill Meyer I attended the hearings in Nespelem, Washington on P.L. 95-341 (American Indian Religious Freedom Act). The Task Force to Implement the American Indian Religious Freedom Act conducted the consultations. Task Force members and other Federal representatives present included:

Suzan Harjo  
Assistant Secretary's Office  
Indian Affairs - Chairperson

Paul Alexander  
Civil Rights Commission, D.C.

Jackson Moore  
National Park Service, D.C.

Tish Olivera  
Tennessee Valley Authority

Jack Weatherspoon  
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Lt. John Oliver  
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Joe Watkins  
Heritage Board - DOI

Woody Snead  
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Tom Hocts  
Forest Service, D.C.

This report covers testimony that is relative to Fish and Wildlife Service responsibilities and was prepared from my notes. More specific information and information on other areas of testimony can be obtained from the official record of the hearings.

A number of witnesses were unable to present oral testimony because of lack of time. Their written testimony will be submitted to the Task Force at a later date. Through informal discussions I learned some of the concerns of these individuals and have included them in this report.
1. Indian Fishing

Several witnesses presented testimony describing the religious significance and importance of salmon. Religious ceremonies were performed during all phases of salmon fishing. Medicine men were present during the construction of salmon traps. Supporting posts for the traps were tied together in a ceremonial manner by the medicine men. One Colville witness said that there were three salmon trap sites of religious significance. These were located at: 1) Kettle Falls, 2) mouth of the Twisp River (Methow River system), and 3) Methow River immediately downstream of the mouth of the Chewack River.

Women and children were forbidden to venture outside when the first salmon were expected. A religious ceremony was held after the first salmon catch. Because salmon were such an important part of their lives, during the first fish ceremony the entire fish was eaten to ensure that the salmon would always return.

In addition to the first fish ceremony, the eating of salmon was important at all other religious ceremonies. Salmon was served at marriages, funerals, memorials, and on Sundays. A religious ceremony was also held when a young boy caught his first fish.

The Colvilles said that because of the construction of Grand Coulee and Chief Joseph Dams they were the first Columbia River tribe to lose their fishing. Fish once comprised over 50 percent of their diet. The dams destroyed their way of life, eating habits, and a significant part of their religion. They now must purchase most of their ceremonial fish from the coast at great expense.

The Colvilles said that up to now they have received nothing for the loss of the salmon. Sam Sampson, council member, mentioned that the Fish and Wildlife Service stocks trout on the reservation but that the program will be discontinued in FY 1981. He said that the tribe's attorney in Washington, D.C. is getting information together on this policy change but did not indicate what action they planned to take.

The Colvilles have asked for $13.5 million for the loss of the salmon but expect to receive only $3.25 million in a claims case which is now before the Court of Claims.

Sam Sampson also testified that the tribe's only access to salmon fishing is limited to a very small fishery located immediately below Chief Joseph Dam. Salmon, mainly chinook and sockeye, hold in the colder water of the Columbia River below Chief Joseph Dam until the water temperature drops in the Okanogan River. Last year the Washington Department of Fisheries attempted to close this fishery because of the
poor condition of the runs but the tribe succeeded in keeping it open.
Mr. Sampson said the tribe would fight to keep this fishery open again
this year. Mr. Sampson referred to the recent agreement between the
Department of Interior and the Nez Perce Tribe in Idaho where the tribe
will receive salmon carcasses from Service hatcheries because of the
poor salmon runs in that area this year. He said that the Colvilles
would be talking to their attorneys about working out a similar arrange-
ment.

Moses Dick of the Yakima Tribe testified that the Yakima River was
closed this year because of the poor return of fish. He said that it is
difficult to obtain fish for their religious ceremonies because of the
poor fishing. Ocean fisheries intercept a large percentage of the fish
destined for the Yakima fishing areas.

Ken Hansen, a member of the Samish Tribe in Puget Sound, testified that
his tribal members are denied access to salmon fishing because they are
not recognized by the Federal government. He requested that the Task
Force assess the Department of Interior's policy of not recognizing
tribes.

2. Eagle Regulations
A number of individuals testified about the ceremonial and religious
significance of eagle feathers. Eagle feathers are sacred, often buried
with the dead and also are worn like flags. A major concern raised at
the consultation was the long delay in processing requests for eagle
feathers and other eagle parts by the Service. Some individuals said
that responses often took more than a year.

Another concern was the condition of the feathers upon their receipt.
One individual felt that the birds were not being properly handled at
the depository in Pocatello, Idaho. He suggested that Indians that are
aware of the proper methods of handling the birds should be given the
opportunity to advise the Service on how to keep the feathers in good
condition.

3. Migratory Bird Regulations
No testimony was presented on this subject.

4. Endangered and Threatened Species Regulations
No testimony was presented on this subject.

5. Marine Mammal Regulations
No testimony was presented on this subject.
6. Regulations Restricting Access and Activities on Lands Administered by the Service

The point was raised that historical and archaeological surveys on Federal lands can't be fully evaluated if only State and Federal agencies are involved. Tribal involvement must occur to ensure that areas are thoroughly searched for sites of historical and archaeological significance.

It has the general opinion of the witnesses that burial sites should be left undisturbed unless they are threatened with destruction. An example was given by Colville witnesses for burial sites located along Lake Roosevelt. Erosion caused by fluctuations in pool elevation is exposing and destroying burial sites. Under such circumstances most of the witnesses felt that the remains should be moved by tribal members to other locations for burial.

Frederick E. Olney

cc: Office of Wildlife Assistance, DC
Tom Parisot, PDF, DC
Memorandum

To: Chief Anthropologist
From: Staff Archeologist

Subject: Task Force hearings (PL 95-341): Colville Reservation, Washington

Chair by Task Force Coordinator Suzan Shown Harjo. Others on the panel included myself, TF member- NPS; Paul Alexander, TF member- Civil Rights Commission; Tom Hoots, surrogate- ATS; Tish Oliveira, surrogate- NTS; Joe Watkins, TF member, HCRS; Woodrow Speed, surrogate- BLA; others, surrogate- US; surrogate- Ward Weakly, surrogate- BIC. Andy Josephs, Chairman of the Council for the Confederated Tribes of Colville, structured the format and served as "host." Some 150 were in attendance.

Issues raised included the following:

1. Protection for sacred sites

2. Protection for graves - especially marked graves. Dismay was expressed that they are still waiting for the reburial of many burials which have been in museum storage cases for 40 years!

3. U.S. and Canadian Customs officials interrupt the free flow of visitation between friends and relatives artificially divided by the international boundary.

4. When Canadian Indians come down to help them pray, Colvillers "pay them with "gifts" at "give-aways" and then the customs officials tax them when they cross back into Canada. The reverse also happens. These "give-aways" are probably the modern forms of the potlatch.

5. Prisoners' rights are being violated in the Federal prisons in the State of Washington. Examples: Christian and Jewish clergy are courteously and allowed to minister freely; traditional Indian religious leaders are searched, sometimes strip-searched, their paraphernalia handled and abused. When leaving on the ferry, the Indian religious leaders were made to cease drumming and chanting, which was "disturbing the peace," while a group of fundamentalist Christians were singing.
hymns accompanied by tambourines and guitars. The State of Oregon, on the other hand, has enacted legislation implementing reforms which comply with PL 95-341.

6. BIA and HEW called upon to introduce a strong Indian cultural program at Indian schools like Chemawa. Three years of correspondence showing a resistance to such a program on the part of school administrators was produced.

7. Representatives of the Indian Shaker Church recapitulated the origin of their church, and its early persecution by the "Bible denominations. They then attacked the Native American Church and its use of drugs (peyote).

8. A near-universal opposition to archeological disturbance of sites, a plea of objects to be retained by museums only as long as they could preserve and protect them "with dignity": such objects should never be destroyed or discarded, however, but returned to Indians!

9. Andy Joseph discussed the Colville "Tribe's" contract to do an archeological survey (thus terminating any further protests about non-funereal archeology). He conceded that there was some conflict with the State Archaeologist.

10. The HEW was charged with insensitivity, ignorance, and violating Indian religion and tradition. An example given was the intimidating manner of physicians and nurses which made pregnant women and new mothers afraid to demand the navels of their infants, which are very important to traditional Indians.

11. The Forest Service, and by implication all land-managing agencies, were taken to task for not allowing the taking of tipi poles for temporary, ceremonial structures.

12. Some Shakers and Roman Catholics asserted that religious freedom was not needed at Colville Reservation, that what they presently had was what they intended to keep: the 7 Drum Religion of the Nez Perce (Shamans), Roman Catholic (Christian), Shaker (Christian variant), some Protestants (Christian). They denounced the Native American Church in unison as being "alien...non-traditional" at Colville...unable to control their peyote supplies, letting it get away from them and into the hands of the youth.

13. Several members of the Native American Church defended their faith, describing its benefits and good works, and how needed it was by the young Indians who go back and forth between the reservations and the urban communities. They contrasted how established they are elsewhere with how they are persecuted by the BIA police and by the "establishment Indians at Colville Reservation. Pleas were made to the Task Force for direct assistance.
A film "The Price We Paid" was presented which reviewed the hard times of the 19.7 for the Nation as a whole, and which motivated President Roosevelt to order the construction of the Grand Coulee Dam. The Colville Indians had lived well at that time, with plentiful salmon, farmland, game. But the [Executive Branch of the] Government took their land, flooded it, built dams with no fish ladders so that the salmon could no longer come upstream to spawn - all to make jobs for the White people. They made many promises of reimbursement, of providing the Indians with reduced cost electricity from the power plants - none of which had ever been kept. Congress did not, and has not, sanctioned the Lake Roosevelt with legislative authority. They want (a) their salmon, whether by fish-ladders or what; (b) money for their land; (c) the reduced rate electricity they were promised. They also want free access to their sacred sites at Kettle Falls and elsewhere. Discussions with Superintendent indicate that the park will allow them access to Kettle Falls by boat, just like anybody else.

There was much testimony about the significance of salmon in the cultures and religions of the Salishan peoples. The first-taking ceremonies were conducted by adult males, since the salmon and the rattlesnake came out at the same time in May. Since the building of the dams salmon has to be bought and imported from the coast. It has a different color and texture and cannot be processed on skewers. Tribute was paid to the days before civilization when Indians enjoyed life. After civilization Indians were "herded like cattle to waste-lands and kept there. Their language and their culture was suppressed. The role of the first takings ceremonies for all foods was described, showing how it inter-related with subsequent vision-quests and other revelations and tuturings to finally evolve a Healer. Healers are still acknowledged and respected by all of the religions at Colville Reservation.

Further testimony by a Yakima shaman and a Native American Church minister expressed the belief that a body (or skeleton) should only be handled by its own people. Otherwise, it cannot come back to life in the Hereafter. Some Roman Catholics also said that it is wrong for a grave to be disturbed only the People should handle a body. Most agreed, however, that it is wrong to have bones washing down the river. The Colville citizens put up $14,000 to retrieve skeletons for reburial with "incomplete Roman Catholic" rites. They want the numerous archeological sites protected from pothunters. They have negotiated with the Corps of Engineers to have artifacts turned over to the tribe once it gets a proper facility for them. Funds are being sought.

All openings, recesses, and closings were accompanied by 7 Drum ritual and multi-faith prayers.

Council Chairman Josephs conducted a tour to the University of Washington archeological field camp, and several sites. This is a very large camp.
with salvage operations in progress at several of the sites. Dr. Manfred Jannings explained that the investigators no cemeteries, and that any burials encountered by chance are recorded, covered back up, and the Tribal Council immediately notified. Otherwise, standard archeological procedures are followed.

/ / Jackson W. Moore, Jr.

Jackson W. Moore, Jr.

cc: Daniel J. Tobin, Jr., Associate Director M&D
George Gowans, Chief-Office of Management Policy
F. Ross Holland, Jr., Assistant Director-Cultural Resources
Juanita Alvarez, Special Assistant-FWP
Suzan Harjo, Special Assistant-IA
The American Indian Religious Freedom Act of 1978 sets forth the policy of the United States to protect and preserve the inherent right of American Indian, Eskimo, Aleut and Native Hawaiian people to believe, express and exercise their traditional religions.

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The Task Force to Implement the American Indian Religious Freedom Act will conduct a series of consultation meetings in June throughout the United States. The consultation will focus on cross-border travel, transportation of sacred objects, and other issues being considered by the U.S. Customs Service Committee on Indian Affairs. The consultation and official record will be open to those wishing to address these subject areas, as well as other topics related to the Native religious concern.

For more information, please contact: Suzan Shown Harjo, Special Assistant to the Assistant Secretary - Indian Affairs (202-343-6031), or Winston E. Pitman, District Director, U.S. Customs Service (406-453-7631).

Assistant Secretary - Indian Affairs
NOTICE OF RELIGIOUS FREEDOM CONSULTATION

Zuni Recreation Center
Pueblo of Zuni
Zuni, New Mexico
June 22-23, 1979 (Friday and Saturday)
(Starting at 9:00 a.m. each day)

The American Indian Religious Freedom Act of 1978 sets forth the policy of the United States to protect and preserve the inherent right of American Indian, Eskimo, Aleut and Native Hawaiian people to believe, express and exercise their traditional religions.

The Act calls for an evaluation of the federal agencies' policies and procedures, as they affect the religious rights and cultural integrity of Native Americans, and requires that the President report the agencies' findings and recommendations to the Congress in August of this year. The preparation of this report accords us the opportunity to rethink antiquated governmental policies, to develop uniform approaches and procedures, and to measure existing practices against practical experience. The Act mandates that the evaluation be conducted in consultation with Native traditional religious leaders.

The Task Force to Implement the American Indian Religious Freedom Act will conduct a series of consultation meetings in June throughout the United States. The consultation will focus on access to sacred sites, ceremonial grounds and gathering areas; ceremonial and traditional use of animals and birds; and the use and collection of natural products. The consultation and official record will be open to those wishing to address these subject areas, as well as other topics related to the Native religious concern.

For more information, please contact: Suzan Shown Harjo, Special Assistant to the Assistant Secretary - Indian Affairs (202-343-6031), or Robert Lewis, Governor, Pueblo of Zuni (505-782-4481).

Assistant Secretary - Indian Affairs

315
Memorandum

To: Chief Anthropologist
From: Staff Archeologist

Subject: PL 95-341 Task Force Hearings, Zuni Reservation, N.M.

This hearing was chaired by Suzan Shown Harjo, TF Coordinator. The TF Panel consisted of Jackson W. Moore, Jr., TF member- NPS. John Bardwell, TF member- F.. latitia Oliveira, surrogate- TVA, Paul Alexander, TF member- Civil Rights Commission. Joe Watkins, TF member- BLM, Woodrow Sneed, surrogate- BIA, Bradley, surrogate- BLM, Dee Green, surrogate- LDF. Observers included Bill Yields, NPS, Southwest Region. Present at his own expense was Edmond J. Ladd, Pacific Archeologist, NPS. On the second day, Mr. Ladd would represent the Pueblo of Zuni, his permanent home.

Governor Bob Lewis, of Zuni Pueblo, opened the meeting with introductions of the pueblo's secular leadership. After a prayer in Zuni, Ms. Harjo directed the panel to introduce themselves and provide a brief overview on their agency's status vis-a-vis compliance with PL 95-341.

The Mesalero Apache presented the initial testimony. They compared the ease and availability of the Judeo-Christsians in their religious observances to the restrictions against the Apaches in conducting their observances. They cannot worship at sacred mountain and desert sites without sneaking in to them (many are private land, which the Act cannot directly affect). They have to steal traditional food and substances, as they must steal eagle feathers. A long inventory of flowers and other plant forms, essential to religion and culture, must be either stolen or bought.

Border crossings are a serious and frequent problem to the Mesalero, and the plea was made to exempt them from these restrictions which divide families and communities.

A witness from Taos, a member of the PL 95-341 Advisory Board, testified to some length that Indians do not destroy nature. He then stated that the National Park Service set a trap for Indians catching eagle feathers and arrested them. (This has happened in the past. Unfortunately, it
occurred again at Grand Canyon just three days before the hearing. Park
officials conceded that the timing was very bad and that they are now
reviewing these procedures. In their defense, the Indians had not re-
quested a special-use permit.

He concluded his testimony with the observation that, from the beginning,
too short a time frame had been allowed for Native American response to
Federal agencies' plans for compliance with the Act.

Santa Clara Pueblos's witness expressed the need for access to sacred
sites on short notice — that certain observances are not cyclically
scheduled but responsive to a circumstance; in other words, emergencies
come up. He was also concerned that there had been inadequate concern
for, and communication with, Native Americans when legislation was
drafted for the Antiquities Act, The Bald Eagle Act, the Migratory Bird
Act, and the National Environmental Policy Act. Who will control lands
under development in the future? Foreign ownership of private land
adjacent to Santa Clara is very disturbing. The Santa Clarans want to
keep their traditional sacred resources to themselves — in secret — to
share with the neighboring pueblos.

The Lt. Governor of the Pueblo of San Felipe (48,000 acres) stated that
each year the religious leaders have more trouble acquiring game to
accompany ceremonial meetings and observances. He feels that the First
Amendment should protect Native American religion against red tape and
industrial development. Access is needed by San Felipans to Santa Fe
and Cibola National Forests, and to the National Wildlife Refuge. He
proposed "zoning specifications" for the procurement of wild game the
year-round for religious occasions. They have never taken more than was
needed; the maximum was four deer.

The Chairman of the Hopi Nation stated that the Hopi were steadily
losing both their shrines and their eagle-catching places. "Before us
there was no Government, no state, and no Navajo — just Us!" The San
Francisco Peaks "cannot be possessed by the White Man nor by the Navajo.
The White Man made treaties with the Hopis and has since disregarded
them." (ex. Collection of fees by the USFS for access to conduct
ceremonies.) "The Navajo have prevented Hopis from taking an eagle on
the disputed lands."

The USFS does deny access to holy men, so the Hopis want the San Fran-
cisco Peaks returned to them. The USFS representative responded that
there have been no complete closures of Forests to Native Americans
except during periods of fire hazard.

The Chief Priest of the Singer Society (Hopi) added that White visitors
regularly take shrine offerings and artifacts, desecrating the holy
places. The Navajo also prevent the collection of sacred substances.
The Hopi "do not want to deny access to their reservation, just that
they want non-Hopis to respect their religion."
On the question of Native American objects in museums. They must be returned!

Concerning eagles, the Hopi suggest a provision for blanket permits to gather feathers and parts; perhaps the Secretaries can delegate the permitting authority to the tribal governments, since they know who needs them and who doesn't. They feel that no Federal, State or Navajo police should have the right to prevent Hopis from gathering feathers and substances. Many eagles have now left because people live within 3 feet of their nesting areas. There could be controls. The Hopi also expressed the need of ancestral Pueblo ruins for protection. The Antiquities Act of 1906 has never been adequate because it has no teeth. They can't get the U.S. District Court to take any action on vandalism on reservations under current legislation. They also stressed the need for privacy in their sacred places, to avoid corruptive forces during ceremonies. The Hopi lack jurisdiction over two-thirds of their reservation, and the Federal agencies do not exercise protective authority in their jurisdiction.

A report from Old Oraibi stated that the old prophesies about the evils of inventions have come true. Pollution, drunkenness, drugs, alteration of the landscape, the loss of Hopi lands, etc. were all provoked as a result of the acceptance of alien ways, permissiveness (as practiced by the Tribal Government), etc. The Old Oraibians know who they are, and they will accept no new laws from any source!

An Arapaho religious leader also spoke for the Jicarilla Apache. Because of diminishing sources and increasing regulations, four clans have to consolidate eagle, crane, and game duck feathers, as well as other resources. The Arapaho and Jicarilla are concerned that their religions and cultures may not be preserved. They request exemption from some of the regulatory laws.

A Ute testified as an individual. He received his rites and eagle feathers from his father. He uses a lot of eagle feathers. He feels at the widespread misuse of eagle feathers by his "brother" at pow-wows. He wants people to stop using the feathers in evil ways. He grew up with "old folks and knows that eagle feathers are a way to invoke God."

An individual from a different Pueblo, Paul Tofayah, held aloft a copy of Bill 1390, decrying it as another example of what Native Americans have to go through. Despite an obvious and definite impact on them, no Native Americans were consulted during the drafting of the bill. The Task Force Coordinator agreed to look into that portion of the bill which affects Native Americans and see what changes might be obtained "on the Hill."

On the second day Edmond J. Ladd appeared as a witness for the Zuni Tribe. With his uncle, Governor Lewis, he participated in meetings with the religious leaders and various secular factions until 3:30 a.m. It was then decided that tradition would be broken and the religious leaders
would meet, as a group, outside of a religious context, and confer directly with the Task Force. Before taking the floor, the Navajo, the Native American Church, and the State Archeologist were to be heard from.

The Navajo Men's Association expressed concern about religious paraphernalia being burned and destroyed. Their association was formed to deal with this since the Tribal Government is sometimes too cumbersome to do so. They were also concerned about a lack of controls on private and non-profit institutions coming in from off the reservation and carrying off objects to non-reservation museums.

A Flagstaff, Arizona lawyer, Dan Huffer, spoke for several client groups of Native Americans concerning the San Francisco Peaks. These peaks, managed by the USFS, contain sites sacred to various tribes. He stressed that access without appropriate ambience is meaningless. He refused the USFS claim that the consultation which they received conforms with the Act. Consultation should precede, not coincide with, the planning process. He expressed a need for regulations to make a sacred area safe for once and for all. At present, the USFS can acknowledge the significance of a sacred site in one context, but turn around next month and plan a new development for it, requiring that the process be repeated over and over again. For instance, saving a site from a mining proposal doesn't save it for a subsequent timbering proposal, or later a ski-lift proposal.

A Ute Mountain Ute said he hopes this law will enable the Native American Church to hold services off-reservation. He has had good cooperation from the State of Colorado, the USFS, and the NPS in procuring substances. Navajos have helped too. He hopes that the Native American input and the Task Force efforts will have tangible results. Most have not.

It was pointed out from the floor that seventeen peaks surround the Zuni country which are important to Zuni religion. They need legislative protection, and special designations. The shrines on the peaks were there before the establishment of the Federal government. Dr. Ned Dawson suggested that any artifact taken from Indian or Federal lands should be in the returnable category.

The Zuni Tribal Archeologist, T.J. Ferguson asserted that cultural resources have spiritual, as well as physical, qualities. He proposed that a National Register of Sacred Sites be established which would be administered differently and separately from the National Register of Historic Places. Sacred sites are different from historic sites, and their esoteric qualities are much more endangered. He sees dangers in the State of New Mexico List of Cultural Properties. Sacred objects are being stolen now as in the past. Tribal museums which receive Federal money might, themselves, be impacted by law. He proposed a Sacred Objects Act as a companion to the Antiquities Act.

Task Force Coordinator Harjo drafted a Memorandum of Agreement between the Assistant Secretary, Indian Affairs and the Assistant Secretary,
Fish and Wildlife and Parks to establish a National Register of Sacred Sites and passed it along to the Panel members.

Mr. Ladd introduced the Zuni religious leaders (except for the Bullhead Society which demurred). He explained in Zuni what he was going to do and then explained the Zuni pantheon, origin myths, and how they evolved to their current condition. Presumably no truly esoteric information was conveyed to us.

It was clear, from Mr. Ladd's revelations, that the Zuni consumption of eagle feathers is substantial. All significant occasions require the offering of prayer plumes, and even the poorest Zuni must offer them at least three times a year. Plumes are not re-cyclable, but must be "used

...of the Rain, Bear, and Clown Societies stressed: the need for Native Americans to review plans well in advance of projects so that alternatives can be discussed; there are War Idols still in the Smithsonian Institution - they must be returned in order to protect the whole..." we help in maintaining their sacred sites.

...to this whole procedure frequently attached Ed and the leaders for breaking their traditions and for foreboding dissent among Zunis...

...the religious leaders each addressed the Task Force, Mr Ladd interpreting, and expressed gratitude at its formation and its presence at Zuni.

Other Santo Domingo and Hopi statements from the floor covered the destructive impacts of Federal legislation such as the 1872 Mining Law, another law which gave away Pebble Mountain (where Indians are now denied access to sacred sites), and others where no Indian consultation was sought.

The State Archeologist, Curt Schanfarber, discussed the New Mexico Cultural Properties Act. It included any recognized cultural property regardless of ownership. Included in the language of the Act is the requirement that it must always be in conformity to Federal historic preservation laws. Listed properties can be kept confidential. Excavation is avoided if possible purely scientific reasons are inadequate.

/s/ Jackson W. Moore, Jr.

Jackson W. Moore, Jr.

cc: Daniel J. Tobin, Jr., Associate Director-M & O
    George A. Gowans, Chief-Office of Management Policy
    F. Ross Holland, Jr., Assistant Director-Cultural Resources
    Juanita Alvarez, Special Assistant-FMP
    Suzan Harjo, Special Assistant-LA
NOTICE OF RELIGIOUS FREEDOM CONSULTATION

University of Oklahoma
Oklahoma Memorial Student Union Building
Dining Room #6 - 900 Asp Street
Norman, Oklahoma
June 26 and 27, 1979 (Tuesday and Wednesday)
(Starting at 9:00 a.m. each day)

The American Indian Religious Freedom Act of 1978 sets forth the policy of the United States to protect and preserve the inherent right of American Indian, Eskimo, Aleut and Native Hawaiian people to believe, express and exercise their traditional religions.

The Act calls for an evaluation of the federal agencies' policies and procedures, as they affect the religious rights and cultural integrity of Native Americans, and requires that the President report the agencies' findings and recommendations to the Congress in August of this year. The preparation of this report accords us the opportunity to rethink antiquated governmental policies, to develop uniform approaches and procedures, and to measure existing practices against practical experience. The Act mandates that the evaluation be conducted in consultation with Native traditional religious leaders.

The Task Force to Implement the American Indian Religious Freedom Act will conduct a series of consultation meetings in June throughout the United States. The consultation in Oklahoma will focus on the use of natural products, animals and birds in religious ceremonies; access to ceremonial and religious areas; and Native tradition and custom in regard to educational and health facilities practices. The consultation and official record will be open to those wishing to address these subject areas, as well as other topics related to the Native religious concern.

For more information, please contact: Suzan Shown Harjo, Special Assistant to the Assistant Secretary - Indian Affairs (202-343-6031), or Clydia Nahwooksy, Director, Cultures and Arts of Native Americans (405-360-4420).

Assistant Secretary - Indian Affairs
The American Indian Religious Freedom Act of 1978 sets forth the policy of the United States to protect and preserve the inherent right of American Indian, Eskimo, Aleut and Native Hawaiian people to believe, express and exercise their traditional religions.

The Act calls for an evaluation of the federal agencies' policies and procedures, as they affect the religious rights and cultural integrity of Native Americans, and requires that the President report the agencies' findings and recommendations to the Congress in August of this year. The preparation of this report accords us the opportunity to rethink antiquated governmental policies, to develop uniform approaches and procedures, and to measure existing practices against practical experience. The Act mandates that the evaluation be conducted in consultation with Native traditional religious leaders.

The Task Force to Implement the American Indian Religious Freedom Act will conduct a series of consultation meetings in June throughout the United States. The consultation will focus on ceremonial protection and preservation of traditional, ceremonial and religious objects, customs, practices, sites and artifacts. The consultation and official record will be open to those wishing to address these subject areas, as well as other topics related to the Native religious concern.

For more information, please contact: Suzan Shown Harjo, Special Assistant to the Assistant Secretary - Indian Affairs (202-343-6031), or Maxine Hill, Museum of the Cherokee Indian (704-497-3481).

Assistant Secretary - Indian Affairs
Memorandum

To: Regional Director, Southeast Region
Attention: Paul Swartz

From: Superintendent, Great Smoky Mountains

Subject: American Indian Religious Consultation, June 29, 1979

Pursuant to Mr. Swartz's telephone request of June 27, Great Smoky Mountains National Park provided a representative for subject meeting. Staff Park Specialist Roger Miller attended and submitted a report, copy of which is enclosed.

We are happy to have been of service in this matter and hope that our participation will bear fruit and better understanding of Indian affairs.

Merrill D. Beal

Enclosure
Memorandum

To: Superintendent
From: Staff Park Specialist
Subject: The American Indian Religious Freedom Act of 1978

Mr. Woody Sneed - BIA, WASO, opened the meeting with introductory remarks welcoming participants. He said the meeting was to identify problem areas involving access to public lands for Indian religious activities and to identify sites important to those activities. Present at the meeting were: Duane King of Cherokee Museum, in behalf of the Cherokee Tribe; Bob Blankenship, Tribal Planner; Bill Fields, SWRO; Jim Ryan, SERO; Woody Sneed, BIA-WASO; Joe Wadkins, Interagency Archeological Center; Trish Oliveiras, TVA; and myself.

A statement was read by Duane King of the Cherokee Museum, in behalf of the Cherokee Tribe. The religious areas identified by him were all outside the Park; the major one being Chota, former capitol of the Cherokee Nation, located on the Little Tennessee River within the area where the Tellico Lake would be formed by closing the Tellico Dam. He pointed out that preservation of cemeteries was important as well as preservation of religious ritual sites.

He said in 1978 TVA archeological excavations were stopped at the request of the Cherokee Tribe. Trish Oliveiras of TVA said TVA was committed to reinterment of remains.

Duane King said that "Toqua," a religious river site, located in Monroe County, was similar to the Christian version of "Jonah and the Whale."

When asked if there were any Park related religious access or site preservation problems, Bob Blankenship replied that gathering rams bordered on religious ceremony. He said that there had been some controversy over gathering them in the Park, but that meetings were held and the matter appeared to be resolved. He did say that ramps do not grow on the reservation and that Indians have to rely on getting them in the Park.
Bill Fields asked if squirrels were not a part of their religious ceremony and King said that they do have significance but according to Bob Blankenship supplying them is not a problem since State hunting seasons do not extend into the reservation.

Jim Ryan asked if there were any Indian cemeteries in the Park and Bob Blankenship said he knew of none.

Bill Fields suggested that a map be produced showing sacred ritual sites and cemeteries. Woody Sneed said maybe the medicine men of the tribe would not want to reveal their locations. Bob Blankenship said that might be true in some case.

The meeting adjourned until 1:30 p.m. for a presentation by Buffalo Tiger from Florida. At 1:30 p.m., Buffalo Tiger announced he could not stay for the presentation and left a written statement, copy attached.

This appeared to conclude the meeting and I left, though Woody Sneed said they would remain in session until 2 p.m. in the event others showed up.

Enclosure

Roger R. Miller
NOTICE OF RELIGIOUS FREEDOM CONSULTATION

Reno/Sparks Tribal Facilities Building
34 Reservation Road
Reno, Nevada
June 30, 1979 (Saturday)
(Starting at 9:00 a.m.)

The American Indian Religious Freedom Act of 1978 sets forth the policy of the United States to protect and preserve the inherent right of American Indian, Eskimo, Aleut and Native Hawaiian people to believe, express and exercise their traditional religions.

The Act calls for an evaluation of the federal agencies' policies and procedures, as they affect the religious rights and cultural integrity of Native Americans, and requires that the President report the agencies' findings and recommendations to the Congress in August of this year. The preparation of this report accords us the opportunity to rethink antiquated governmental policies, to develop uniform approaches and procedures, and to measure existing practices against practical experience. The Act mandates that the evaluation be conducted in consultation with Native traditional religious leaders.

The Task Force to Implement the American Indian Religious Freedom Act will conduct a series of consultation meetings in June throughout the United States. The consultation will focus on protection and preservation of traditional, ceremonial and religious objects, customs, practices, sites and artifacts. The consultation and official record will be open to those wishing to address these subject areas, as well as other topics related to the Native religious concern.

For more information, please contact: Suzan Shown Harjo, Special Assistant to the Assistant Secretary - Indian Affairs (202-343-6031), or Harold Wyatt, Executive Director, Inter-Tribal Council of Nevada (702-786-3128).

[Signature]
Assistant Secretary - Indian Affairs
Memorandum

To: All Regional Directors and Managers, Harpers Ferry Center and Denyer Service Center
    Acting
From: Associate Director, Management and Operations

Subject: PL 95-341 Task Force Hearing Report, Reno, Nevada

The enclosed report is for your information. Like those distributed previously, it should be a useful supplement to the on-going park-level consultations with Native American traditional religious leaders.

Daniel J. Tobin, Jr.

Enclosure

cc: Herbst, Assistant Secretary FWP
    Girard, Assistant Secretary IA
Memorandum

To: Regional Director, Western Region

Through: Chief, Division of Cultural Resource Management, Western Region

Through: Associate Regional Director, Resource Management and Planning, Western Region

From: Regional Archaeologist, Western Region

Subject: PL 95-341, American Indian Religious Freedom Act of 1978
Task Force Hearings, Reno, Nevada, June 30, 1979

This hearing was chaired by Suzan Shown Harjo, Department Task Force Coordinator and Special Assistant to Assistant Secretary, Indian Affairs. The Task Force panel consisted of Ms. Harjo as Member with William Olsen (BLM), Richard Hanes (BLM), Jeff L. Kenyon (BUREC), and Roger Kelly (NPS) as agency representatives. A list of persons speaking is enclosed.

About 25 persons attended the session which was recorded by a court reporter. There were many criticisms and complaints regarding the lack of publicity and advance announcements for the meeting (see enclosed announcement).

Principal points in testimony are summarized below with surnames of speakers:

1. "Shrines" and other types of heritage locations should have the same legal protection and standing as other types of historic or cultural resources. In modern times, many such places are outside of Native American communities' lands or control and should be afforded preservation. Village or burial sites on non-Federal lands are in greatest need of strong protection, both legal and surveillance. Federal actions such as establishment of Wilderness Areas can restrict utilization of heritage places, but is often done without Native American input. (Shattuck, Lucero, Johnson, d'Azevado, Smart)

2. "Spiritual Laws" of Mother Earth cannot be compared with Federal laws. Why should Native Americans trust this Public Law and the Government when other laws and Executive Orders have not been followed? Speakers opposed to any law that pertains to religious belief of Native Americans. (Smart, Shattuck, Lucero, Delorme, Sampson)
The California Native American Heritage Commission and the Mariposa County Native American Council are attempting to perpetuate heritage and traditions in California. Major concerns of both groups are: access to heritage locations, protection of burial areas, clarification of artifact ownership and changing some State laws. Regardless of the age of the artifacts or burials, it is against beliefs to disturb or destroy and permanently "cart off" these materials. In Yosemite, the Mariposa Council has recently held its 5th annual kote or ritual gathering. The Council is now working on a census of the 400-500 Indian people in Mariposa County. The Council has been working with NPS since 1976 on General Management Plan aspects relating to Native American concerns. Although permitted use of basket-making plants has been much better recently than in the past, use of these resources in the park and elsewhere is another concern of the Council. (Johnson, Parker)

Acquisition and transfer to Native American groups of parcels of land containing heritage resources ("spiritual land") is one way Federal agencies can help preserve significant resources or sites. BLM has done this in California and the Task Force should look into this. Administrative actions on the local level are not legally equal to Congressional action in acquisitions or transfers. As an example, the current case of Edisson Chiloquin in southern Oregon was discussed as a negotiated transfer involving Senator Ullman's office, local USPS and the Native American community. (Olsen, Clark, Cain, Shattuck)

The Act does not address the apparent conflict between religious freedom and freedom of scientific inquiry of citizens. Is Congressional action necessary for establishment of ways as to how archeologists/anthropologists and Native Americans can interact? Some knowledgeable researchers at the local level refuse to become middlemen between agencies and Native Americans. A dilemma exists between Native American feelings about tribal cultural resources/sites and mandates of historic preservation legislation. Both archeologists and Native Americans seek preservation of cultural resources, but differ on scientific/spiritual meanings. (Gordon, d'Azevado, Kenyon, Gibb, Olsen, Hanes, Harjo, Johnson)

Most of the persons attending the meeting had little familiarity with the Act due to poor advance announcement. Governor Lucero, Commissioner Johnson, Professor d'Azevado and Federal agency representatives had read the document. At one point, Ms. Harjo requested that I outline the Western Region's consultation process, which I did, noting that each area Superintendent was attempting to contact appropriate local persons on compliance to the Act and related mutual concerns. Upon request, I gave a copy of the NPS Compliance Assessment document to the Governor of Isleta Pueblo.
Ms. Harjo summarized the Department Task Force timetable in July - August and the intent of the Act which was to remove illegal "roadblocks" to the practice of Native American religions and to foster the establishment of special arrangements or agreements from Federal agencies to Native American groups and individuals. The Act will not "return the North American Continent to the Indians" or redress past grievances. She cautioned that Native Americans should not expect these kinds of actions forced upon agencies by the Act but that the Act sets up those special relationships and arrangements for Native Americans so that those considerations cannot be said by others to be unconstitutional.

Enclosures

Approved:

(SGD) JOHN H. DAVIS
Regional Director

Roger E. Kelly, Ph.D.

JUL 24 1979
Date

cc.
WASO(400)--George Gowans
WASO(567)--Chief Anthropologist Scovill
Persons speaking at Reno, Nevada consultation on PL 95-341, American Religious Freedom Act of 1918, June 30, 1979

Steve Cain, Member of Reno/Sparks Colony community

Rod Clark, Citizen, Reno

Warren L. D Azevado, Anthropologist, University of Nevada

Thelma DeLorme, Member of Reno/Sparks Colony community

Robert Gibb, Attorney for Washo Tribe, Nevada

Garland Gordon, Interagency Archeological Services, HCRS, San Francisco

Richard Hanes, Bureau of Land Management Archeologist, Reno

Jay Johnson, Mariposa County Indian Council Commissioner, California
Native American Heritage Commission

Roger E. Kelly, National Park Service Archeologist, San Francisco

Jeff L. Kenyon, Bureau of Reclamation Archeologist, Denver

Alvino Lucero, Governor of Isleta Pueblo, New Mexico

William H. Olsen, Bureau of Land Management Archeologist, Sacramento

Julia Parker, Member of Mariposa County Indian Council, Yosemite, California

Dewey Sampson, Member of Reno/Sparks Colony community

Paul Shattuck, Isleta Pueblo, New Mexico

Mr. Smart, Native American Church Elder, Nevada Shoshonean community

Several unidentified persons of Reno/Sparks Colony community
Memorandum

To: Assistant Secretary for Indian Affairs  
Attention: Susan Harjo - Code 100C

From: Area Director, Juneau Area Office

Subject: Consultation Session P.L. 95-341, July 12, 1979

The session was conducted at the Bureau of Indian Affairs Agency Conference room in Anchorage. The session was called to order at 10:15 a.m. by John Hope, Area Tribal Operations Officer. There were approximately thirty-five persons in attendance. A total of Twenty persons offered testimony. In addition to persons testifying, those in attendance included media people. Both the Anchorage Daily News and the Anchorage Times were represented; as was Channel 13 (KIMO), which gave footage on the evening news, and KUAC radio station for the University of Alaska, Fairbanks. Also, Ron McCoy from the Special Assistant to the Secretary's office and Ellen Hope Hays from the National Park Service attended the session.

All persons who wished to be heard were given ample opportunity to be heard.

Prior to the meeting a news release was issued and mailed to 546 village councils, village and regional corporations, non-profit corporations, and agencies announcing the meeting.

The response was good when considering the time of the year. Ideally, more lead time and appearances in such places as Barrow, Bethel, Kotzebue, Unalakleet, Ft. Yukon, and Juneau would prove more beneficial.

I am attaching a copy of the news release we issued, as well as a copy of the story appearing in the Anchorage Daily News.

Attachments
Juneau, June 27 -- Alaska Natives will have an opportunity to voice their views on how federal agencies' policies and procedures affect traditional religious rights and cultural practices. That opportunity will come during a consultation in Anchorage Thursday, July 12. The session starts at 1:00 p.m. in the Bureau of Indian Affairs conference room, 1675 "C" Street.

The American Indian Religious Freedom Act of 1978 sets forth as government policy that the rights of American Indians, Eskimos, Aleuts and Native Hawaiians to believe, express and exercise their traditional religions will be protected and preserved.

One part of the Act requires an evaluation of federal agency policies and procedures in consultation with Natives. The Act also requires the President report to the Congress the results of the consultations. The July 12 session is in preparation for that report.

John Hope, chief of BIA's Tribal Operations Branch in Juneau, will conduct the consultation. "The Anchorage session will give Alaska Natives an opportunity to focus on ceremonial and traditional use of natural products, animals and birds which are important in the religious and cultural lifestyle of Alaska Natives," Hope said. "Persons making presentations will also be able to address access to traditional fishing, hunting and gathering areas," he continued.

Hope emphasized that the official record would be open to Natives wanting to talk about religious ceremonies and practices or any other topic related to Native religious concerns. Appointments are not required.

...END
Native American Rights Fund

AMERICAN INDIAN RELIGIOUS FREEDOM ACT
P.L. 95-341
Survey to Native Americans

The Native American Rights Fund is an Indian interest law firm whose primary concern is the preservation and protection of Indian rights and resources. In the past years, NARF has represented hundreds of Indian groups, Indian organizations, and tribal groups in legal matters pertaining to Indian law and Indian religion. Currently NARF is involved in a project entitled "The American Indian Religious Freedom Act" (P.L. 95-341) which was signed into law by President Carter on August 11, 1978.

The purpose of P.L. 95-341 is to insure to the Native American the right to believe, express, and practice his religion in his traditional way by clearly establishing a comprehensive and consistent federal policy directed toward protecting and preserving Native American religious freedom. Historically, the lack of knowledge, unawareness, insensitivity and neglect have often been the keynotes of the federal government's interaction with traditional Indian culture and religion. Needless to say, many traditional Native Americans have been prohibited from exercising their right by federal policies and regulations—-in the access to religious sites, including cemeteries, use and possession of peyote and feathers, use and possession of sacred objects, harvesting of certain plants and herbs, and the freedom to worship through ceremonies and traditional rites.

These infringements have sometimes come about through the enforcement of policies and regulations based on laws which are basically sound and which many of the Native Americans strongly support.

Some of the federal laws involved are for the preservation of wilderness areas and the preservation of endangered species: others include the Antiquities Act, the Bald Eagle Act, and the Migratory Bird Treaty Act. Although the intentions of many of these laws were good, the results were sometimes devastating to traditional Native Americans. Congress, obviously, did not consider the impact of its legislation in regard to the religious freedom of Native Americans.

Among other things, it is the insensitive enforcement procedures and administrative policy directives which have interfered with the culture and religious practices of
Native American Rights Fund

As the result of these infringements and the lack of a clear federal policy, the President mandated, through the American Indian Religious Freedom Act, to direct the various federal agencies to review their policies and procedures and to identify any changes which would remedy this situation. Additionally, the President appointed a federal task force in the executive branch to investigate these problems and to recommend solutions, through the consultation with traditional Indian religious leaders. Following a twelve-month review, the task force will report back to the President and will prepare a final report to Congress.

In conjunction with this federal agency effort, NARF, the lead organization in the Implementation Project, will perform a parallel review of the affected federal agencies' policies and procedures, making certain the task force does not overlook any area of concern to the Native American, and recommending solutions, and suggesting any legislative changes deemed necessary. To broaden the base of tribal input, an Advisory Board has been selected to assist the Implementation Project. The Advisory Board is made up of fifteen persons with an interest in maintaining and preserving Native American religion. The board will be to the greatest extent possible representative of the religious and cultural interest of the American Indian, Eskimo, Aleut, and Native Hawaiian. They will be responsible in representing their group in providing NARF with issues of concern to their respective areas and possible solutions, as well as giving direction to the project.

Hopefully, the enclosed questionnaire will indicate which tribes or groups are experiencing problems with the following identified areas of concern: museums, sacred sites, border issues, use and possession of peyote and feathers, harvesting certain plants and herbs, and use and possession of skins, hooves, horns, and skulls in religious practices. The purpose of this survey is to: 1) inform your group of the American Indian Religious Implementation Project; 2) request that you supply us with input on the already identified issues; 3) provide us with any additional areas of concern related to the federal government, and which pertains to the practice of Indian religion; and, perhaps, put us in contact with native people in your area who could assist us in fulfilling our task.

We are very honored and proud to be able to work on a project of this nature and with the potential to assist so many Native Americans in reasserting their desire to practice their religion. We request your assistance in helping us to fulfill this mandate by answering as completely as possible the following survey questions.
Native American Rights Fund

SURVEY QUESTIONS

A. MUSEUMS

We have tentatively identified the following areas of concern: museums, sacred sites, and border issues. Many tribes have admitted having problems in retrieving religious artifacts belonging to their tribe. If that is the case here -- and if the artifacts are being held by a museum receiving federal funding, please answer the questions in this section.

1. Can you provide NARF with an inventory list of known religious artifacts identified by your tribe to be stored in museums? If so, what artifacts would you like to see returned to your tribe?

2. In the event they are returned, who will be responsible for their care?

3. Would these artifacts be again used in religious ceremonies? If not, where would they be kept?

4. Does your tribe operate a tribally-owned museum? If so, what is the methodology for categorizing, preserving, and storing the artifacts? (Give answer in detail)

5. If your answer to the above was yes, what kind of security do you employ in protecting artifacts? (Explain)

6. Can you provide the name, address, and curator of museums which retain your religious artifacts? (If known)

7. If known, how are these museums owned and financed? (Federal, State, private, church)

8. Are your artifacts on loan? If so, for how long?

9. If not on loan, how were they obtained from your tribe? Were they stolen, lost, bought, etc.? How long ago did the separation occur?

10. Are sacred objects (bundles, medicine bags, pipes, masks, dolls) opened for display contrary to your belief and/or objections? (Explain).

11. Can you state the religious significance of these sacred objects to your tribe? (Explain)

12. Has your tribe tried negotiating with museums in retrieving artifacts? If so, with what results?
Native American Rights Fund

13. Can you provide suggestions on how a common policy can be developed and established among tribes in retrieving pre- and post-historic remains and religious artifacts?

14. Some museums would be willing to release religious artifacts if they had the assurance that the artifacts would be properly cared for. Can your tribe give suggestions for guidelines in preserving and caring for artifacts to be utilized by all tribes?

15. If museums were unwilling to give back artifacts, could your tribe, or would your tribe be willing to, buy them back?

B. RELIGIOUS OBJECTS

Many tribes are unable to conduct religious ceremonies and rites, due to the prohibition of use and possession of certain animal parts, feathers, and harvesting certain plants. If that is the case here, please answer the questions in this section.

1. Identify religious and cultural activities, ceremonies, rituals, and the like, which require animal substance, animal parts, plants and other actual materials. What are these substances?

2. Identify problems with the law enforcement officials which Indians may have encountered in the collection of or possession of such items for use in such activities.

3. Please identify the law being applied, or known, also if there would be any problems too, for each tribe to come up with a list of the objects or articles used in any religious or cultural practice to supplement the list that is contained in the hearing appendix.

C. SACRED SITES

If your tribe is experiencing problems in accessing sacred sites and burial sites located on federally-owned land or parks, please answer the questions in this section.

1. Do you have or know of any endangered sacred sites which we should investigate? If so, where are they located?

2. How are these sites owned? (Tribe, private, State, Federal)
Native American Rights Fund

3. What significance do such sites hold and to what extent are they being utilized? (Explain)

4. What problems, if any, have you encountered in regards to these sites? (Explain)

5. What problems, if any, have you encountered in regards to burial sites? (Explain)

6. Have you had any problems relative to the desecration of burial sites? (To what extent)

7. Are you aware of any litigation or court order prohibiting desecration of burial sites or sacred sites? (Explain)

8. What is your policy in regard to removal of remains off the reservation?

9. Do you have any kind of agreement with the U.S. Corps of Engineers or any other federal agency for prior consent for removal of remains?

10. Do you have any kind of agreement with any group(s) of archaeologists regarding removal of remains?

11. Do you have any suggestions for a common policy among tribes for prior consent before excavation procedures begin? If so, what are they?

12. Identify any religious or cultural activities that require access to a specific site location. It would help if you would identify the site.

13. Identify problems with the law enforcement officials which Indians may have encountered in obtaining access to such site locations.

14. Identify the level of the law enforcement problem which may have occurred, whether federal, state or local. Identification of the law enforcement agency involved.

D. BORDER ISSUES

If your tribe or group is involved with border disputes (either U.S./Mexico or U.S./Canada) in a context involving the practice of Indian religion, kindly respond to the following questions:

1. Which border is your tribe/group involved with? What is the geographical location of your tribe/group?
Native American Rights Fund

2. Does the nature of your present problem relate to either the immigration or customs laws of the two countries?

3. Which federal agency is primarily involved?

4. Give us a comprehensive description of the nature of the problems. Are you aware of any Canadian-born Native American being denied the benefits of American citizenship (i.e. food stamps, A.F.D.S. payments, work permits, etc.)? If so, is this based upon a federal agency's assessment that such Canadian-born Native American is an alien? (Explain)

5. Have you any thoughts in regard to a proposed solution? If so, please pass that on to us.

Because we are under a time deadline, we would very much appreciate it if you would give this matter your immediate attention and return the survey to us within thirty days. If we can be of any assistance, please call (303) 447-8760.

Thank you very much for your assistance in this matter.

9/14/78