

# Connecting Policy Issues with Standing Rock

Issues raised by the Standing Rock Sioux and their allies weave through many of the interactions between the federal government and Native peoples in the U.S. and define and describe the flawed relationship between the U.S. and Indian nations.

Tribal leaders who have come to the prayer camps to pledge the support of their tribes to the Standing Rock Sioux recount their own examples of land takings, water pollution and deprivation. Both current and past government activities carry on these practices. Here are some examples (with details and links on the back of this page):

## Protecting Water

Water is life. In the west especially, access to clean, drinkable water in the community is a primary essential for life itself. In less arid areas, indigenous fishing and hunting rights sustain the communities physically, economically and spiritually.

Though able to deal quite competently with “modern” life, many Native people find their strength and guidance in the spiritual and community roots sustained in traditional practices, including gathering herbs, hunting and fishing. Polluted waters deprive the tribes not only of a commodity but also of a spiritual grounding.

Meanwhile, copper-mining, river pollution, toxic spills, and the Dakota Access Pipeline threaten precious drinking water and impede indigenous fishing and hunting rights. [1]

## Honoring Promises

Some of the lands claimed and now occupied by the Standing Rock Sioux were recognized in an 1851 treaty, but these lands are not “held in trust” or part of the federally recognized reservation. Which lands are “Indian lands” is a major question in a nation often fails to honor promises made in treaties.

For example, if the Utah Public Lands Initiative were to pass, the federal government would transfer to the state about 100,000 acres of land reserved in 1882 for the Ouray and Uinta tribes. The author of the bill commented: “These are not lands held in trust – we [the federal government] can do whatever we want with them.” [2]

## Protecting Sacred Ground



Colonists and their descendants tend to relate to land as property that can be owned and used at will. In European cultures, sacred places are generally set aside *within* buildings – cathedrals, temples, and sculptured monuments.

Native peoples relate to the land as something shared with the spirit world, and respected as a blessing that sustains life. Sacred places may be mountains or a landscape; they may honor particular spirits or the creation stories of a tribe. [3]



## Reclaiming Ceremony

Ceremony, like sacred places, is not confined to scheduled rituals in separate buildings. Ceremony connotes the interweaving of prayer and spirit in both daily and special activities. Recent legislation affirmed the right of Native American prisoners to have access to ceremony.[4]

Ceremony often incorporates traditional objects that carry spiritual value. Some lost objects are now being recovered under the Native American Graves Protection and Recovery Act [5]; but many are still sold in auctions overseas.[6]

## Protecting Burial Grounds

Friends in Wisconsin have been supporting local tribes in pushing back against legislation that would permit commercial development on a plot of land that includes ancient burial mounds. [7]

Burial sites have also been violated within the “Bears Ears” conservation area in Utah – these areas would not be protected under the Utah Public Lands Initiative. [2]

**[1] Toxic spills at Red Water Pond Road:** A contaminated pile of uranium tailings near the Navajo community of Red Water Pond Road -- a million cubic yards -- has lain dormant for decades. In 2014, environmental officials began asking the community to relocate, because the toxic waste was unsafe for long term exposure. See the [New York Times](#) article on the Red Water Pond Road community: <https://fcnl.org/documents/185>

**Polluted rivers in Maine:** The Penobscot and St. Croix rivers, which flow through the territories of the Penobscot Tribe and the Passamaquoddy Indian nation respectively, are so polluted that the fish are unsafe to eat. Both tribes retain indigenous hunting and fishing rights along these rivers and in the forests that adjoin them, but neither the animals nor the fish can be used as food. The Passamaquoddy are working with the U.S. and Canadian agencies to create a healthy environment for sea fish to come up-river to spawn. Frustrating that effort, Representative Poliquin has proposed removing federal authority over three dams along the St. Croix River. (HR 5464)

**Copper profits vs. water resources:** A copper mining project in the Oak Flats area of the Tonto National Forest will require the diversion of 13 billion gallons of water per year, enough to supply 20,000 homes in the area. In this arid region, such diversion and use of water resources cannot help but have a devastating impact on the watersheds in the entire surrounding area. The bill limits environmental reviews – which would track water tables and potential pollution of the water cycled through the mining operation. The project was approved through an amendment added to a must-pass defense authorization bill in the final hours of the 113th Congress . See <https://www.fcnl.org/updates/238>

**[2] Utah Public Lands Initiative:** Rep. Bishop from Utah, who is currently chair of the House Natural Resources Committee, spent three years and hundreds of consultations to generate his proposed “public lands initiative” covering a large section of southeastern Utah, including an area called Bears Ears that is spiritually important to surrounding tribes. The bill proposes a complex scheme to meet several disparate needs – recreational, economic, and tribal. It does not prioritize Indian lands or sacred sites above other needs, such as recreational and commercial development. The bill would transfer tribal reserved lands to the state, would leaving 500,000 acres of traditional tribal lands unprotected, and would permit new roads and energy development in conservation and wilderness areas. Congress ignored a proposal by the Bears Ears Intertribal Coalition. (<http://www.bearscoalition.org/>)

**[3] Sacred places:** See [Understanding Sacred Sites](#), posted in the “Conversations” section of The Washington Post on November 4. The author is Rosalyn R. LaPier, a visiting assistant professor at Harvard University. This essay offers an excellent explanation of the significance of “place” in traditional spiritual practices. <https://fcnl.org/documents/186>

**[4] Prisoners’ religious freedom:** In 2000, Congress passed the Religious Land Use and Institutionalized Persons Act, which clarified that prisoners have first amendment rights pertaining to freedom of religion, and that prisons must provide reasonable accommodation of these rights. Following that decision, it has become more common for prisons to allow Indian spiritual leaders to visit with Indian prisoners, and to engage in traditional spiritual practices.

**[5] The Native American Graves Protection and Recovery Act (NAGPRA),** adopted in 1990, was intended to repatriate remains and cultural items that have been held by museums, to prohibit the intentional excavation of American Indian graves and cultural items, and to restrict illegal trafficking in remains and cultural items.

**[6] Trafficking in cultural objects:** Recently, a resolution and a bill have been considered in the House and Senate to curb the practice of exporting illegally obtained Native American cultural artifacts for auction or sale in European and other international auction houses. The bill, S 3127, would create a crime of engaging in such trafficking, and then offers a generous period of amnesty to encourage the voluntary return of missing items. The resolution condemns the practice of trafficking in sacred and funerary objects and remains, and sets out a consultative process to curb such trade.

**[7] Wisconsin burial mounds:** A recent proposal (AB620) in the Wisconsin legislature would permit the opening of ancient burial mounds for multiple purposes, including exploration, mining and commercial development. Friends and other allies supported the stand of the Great Lakes Inter-Tribal Council against the destruction of these sacred sites. The Ho-Chunk Nation in particular sought to protect particular burial mounds where its ancestors were thought to be buried. The bill was tabled for a time, but may have re-emerged later in the session.