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Reading List continued

FEDERAL ROUNDUP FOR WILD HORSES, BURROS STARTS TODAY
YUCCA NUCLEAR WASTE SITE PROPONENTS PUSH FOR FINAL COURT DECISION

Reading List Continued

Tribal Gaming

Brian P. McClatchey, Note:**"A Whole New Game: Recognizing the Changing Complexion of Indian Gaming By Removing the 'Governor's Veto' for Gaming on 'After-Acquired Lands,**'" 37 *U. Mich. J.L. Reform* 1227 (summer 2004)

The Indian gaming industry has exploded in scope from its beginnings in the late 1970's as a collection of small enterprises to a full-fledged industry, generating tens of billions of dollars in revenues annually. ... " There can be no doubt that a state governor is an "executive or administrative officer," nor can it be seriously argued that the governor's concurrence requirement does not arise under federal law, since IGRA is a federal statute. ... the governing Tribal-State gaming compact specifically provides for gaming operations on lands outside the exterior boundaries of the Tribe's reservation. ... This proposal also would not allow a tribe to evade the terms of its compact with State A by seeking to place land off-reservation in State B into trust for the purposes of gaming. ... As it becomes increasingly apparent that Indian gaming is driven more by market proximity than reservation boundaries, and as Indian gaming strives to meet the demands of those markets, it should be apparent to states and tribes that the "governor's veto" should be abandoned in favor of a framework for off-reservation gaming which is solely addressed by the Tribal-State gaming compact's terms. .

Darlene M. Suarez, **"Gambling with Power: Race, Class and Identity Politics on Indian Lands in Southern California,"** Ph. D. in Anthropology, Univ. of Calif., Riverside, 2003.
An ethnographic study of race and class among a small, marginalized community of Kumeyaay Indians at Jamul in San Diego County. It is a study about claiming, reconfiguring and transforming Indian identities and lands by three settler societies entering California, and reclaiming them back by the Kumeyaay through revitalization processes such as political resurgence and ethnic renewal widespread expansion of tribal casinos has created many changes in our society, including tribal/state conflicts, and in turn they concern issues of sovereignty. (*Text adapted from OCLC FirstSearch)*

Anon., **"*Chemehuevi Indian Tribe et al and Coyote Valley Band of Pomo Indians v. the State of California*,"** U. S. Court of Appeals for the Ninth Circuit, *Gaming Law Review,* 7:6 (Dec. 2003): 455-75.

Joely de la Torre, "**Interpreting Power: the Power and Politics of Tribal Gaming in Southern California,"** Ph. D.,Political Science, Northern Arizona University, 2000.

Eve Darian-Smith, ***New Capitalists: Law, Politics and Identity Surrounding Casino Gaming on Native American Lands*** (Belmont, Ca: Thomson/Wadsworth, 2004).

Jessica R. Cattelino, **"Casino Roots: The Cultural Production of Twentieth Century Seminole Economic Development,"** ch. 4 in Hosmer O'Neill, pp. 66-90.*See Section 1 above).*

Nicolas G. Rosenthal, **"The Dawn of a New Day? Notes on Indian Gaming in Southern California,"** ch. 5 in Hosmer & O"Neill, pp. 91-111. (*see Section 1 above*).

Paul Pasquareta, ***Gambling and Survival in Native North America*** **(Tucson: Univ.of Arizona Press, 2003)** (See review in *Amer. Ind. Cult. & Res. Jl. 28:2 (2004):153-55).*

The study grows out of a doctorate in English at SUNY Stony Brook, **"Tricksters at Large: Pequots, Gamblers, and the Emergence of Crossblood Culture in North America,"** (1994).
It is essentially a case study of the Mashantucket Pequot at Foxwoods,CT.

A. A. Gonzales, **"Gaming Displacement: Winners and Losers in American Indian Casino Development,"** *International Social Science Journal,* no.175 (2003): 123-134.
In 1987, the United States Supreme Court issued its decision in *California v. Cabazon Band of Mission Indians* upholding the legal right of American Indian tribes to offer gaming on reservation lands. In the years since, tribal gaming has done what no other anti-poverty programme has been able to do in reversing the cycle of displacement and impoverishment of American Indians. In 2002, the 321 tribal casinos owned and operated by 201 Indian tribes generated over $10.6 billion dollars in net revenues. Among its proponents, tribal gaming has been credited with transforming once destitute Indian reservations from the grips of poverty, unemployment, and welfare dependency. Given the choices at hand, it is not surprising that many have seized upon gambling as a bonanza and much needed, though controversial, form of development. Yet this reversal of fortune after generations of impoverishment has exacted a displacement toll few proponents have been willing to acknowledge: social conflict, tribal factionalism, and cultural antagonism. In this essay I consider some of these displacement effects, their historical antecedents, and the ramifications for Indian and non-Indian communities.

Tripartite Government

Doug Goodman, Daniel C. McCool and F. Ted Hebert, **"Local Governments, Tribal Governments, and Service Delivery: A Unique Approach to Negotiated Problem Solving,"** *American Indian Culture and Research Journal*, 29:2 ((2005): 15-33.

Voting in Indian Country

Laughlin McDonald, "**The Voting Rights Act in Indian Country: South Dakota, A Case Study,"**29 *Am. Indian L. Rev.* 43 (2004-05)

The problems that Indians continue to experience in South Dakota in securing an equal right to vote strongly support the extension of the special provisions of the Voting Rights Act scheduled to expire in 2007. ... A voting change is deemed to be retrogressive if it diminishes the "effective exercise" of minority political participation compared to the preexisting practice. ... Given the socioeconomic status of Indians in South Dakota, it is not surprising that their voter registration and political participation have been severely depressed. ... Given the prevailing patterns of racially polarized voting, which members of the legislature were surely aware of, Indian voters could not realistically expect to elect a candidate of their choice in the new district. ... In another case brought by residents of the Crow and Northern Cheyenne Reservations in Montana, the court found "recent interference with the right of Indians to vote," "the polarized nature of campaigns," "official acts of discrimination that have interfered with the rights of Indian citizens to register and to vote," "a strong desire on the part of some white citizens to keep Indians out of Big Horn County government," polarized "voting patterns," the continuing "effects on Indians of being frozen out of county government," and a depressed socioeconomic status that makes it "more difficult for Indians to participate in the political process. ...

Boundary Issues

B. D'Arcus, **"Contested Boundaries: Native Sovereignty and State Power at Wounded Knee,"** *Political Geography,* 22 (2003): 415-437.

In February 1973 some 200 American Indian Movement activists and local Indians occupied Wounded Knee, on the Pine Ridge Indian Reservation in SD. They raised issues of treaty rights and sovereignty. This paper focuses on the events in light of boundaries. As the abstract states: the paper "focuses…on how the issues of power and authority at the root of the conflict were played out over a series of boundaries that constituted this contested geographic space: what one government official referred to as a 'protest platform.' The contentious manner in which questions of authority and power on the Pine Ridge Reservation were played out during the occupation was particularly apparent With respect to the various roadblocks and perimeters that determined who and what had access to Wounded Knee." (*Thanks to Elsevier Science Ltd for the abstract.)*

Eileen M. Luna-Firebaugh, **"The Border Crossed Us: Border Crossing Issues of the Indigenous Peoples of the Americas,"** *Wicazo Sa Review* 17.1 (2002) 159-181

For many years, the Tohono O'odham Nation in Arizona has transported tribal members from Mexico to the United States through traditional border crossings for medical treatment. The nation is the only one in the United States that grants full enrollment to its people who are citizens of Mexico. Thus, Mexican citizens who are enrolled members are legally entitled to access health and other services provided by the tribe to all its members.

Since the recent militarization of the U.S.-Mexico border, these routine visits have become more rare and more dangerous. Frequently now, the tribal employees who provide the transportation for Mexican O'odham Nation members have been stopped and harassed

by U.S. Border Patrol agents. These agents, operating on the lands of the O'odham Nation, have made the nation's elders and others who suffer from tuberculosis, diabetes, and other life-threatening diseases return to Mexico if they lack U.S. documents. This insistence on official U.S. documentation, rather than recognizing Tohono O'odham Nation membership identification, strikes at the heart of Indian sovereignty and is the focus of this article.

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Maps, Cartographic: Locational Factors

Many tribes seeking to develop gaming have identified location as a critical geographic factor in the potential success of a casino. This is only a very recent concern because most trust lands are isolated from the major transportation routes and population centers. Isolation is a mixed variable: some tribal members may prefer being 'left alone,' others want the economic gains that might come from tourism and other on-reservation activities that involve non-Indians. As such, this fundamental study deserves entry here.

Robin M. Leichenko, **"Does Place Still Matter? Accounting for Income Variation across American Indian Tribal Areas,"** *Economic Geography, 79:4 (2003): 365-86.* Persistent poverty is frequently identified as a key problem on American Indian tribal lands in the United States. Yet the fact that tribal lands tend to be located in isolated, non-metropolitan areas suggests that relatively lower levels of per capita income in tribal areas may be due largely to locational factors, such as the lack of access to markets, the absence of agglomeration economies, and an inadequate infrastructure. The study presented here explored the role of location-specific factors and other characteristics in accounting for variation in income levels between tribal and non-tribal areas and across different types of tribal areas. The results suggest that location indeed plays a significant role in accounting for variation in income across both tribal and non-tribal areas, but that human capital, demographics, and structural factors also matter. In particular, college-educated and retirement-age shares of the population have a positive effect on income levels in areas, while unemployment rates and shares of the population that are American Indian have a negative effect in all areas. The results further indicate that once locational, structural, and demographic factors are controlled, tribal areas do not have significantly lower levels of income than do other areas. The lower income levels found in tribal areas may thus be understood as a function of location, industrial structure, human capital, and demographics, rather than as a reflection of problems that are inherent only in tribal areas. (Elsevier online source).

Land Cessions, Consolidation, & Termination

Jon Kilpinen, **"South Carolina's Role in Choctaw and Chickasaw Dispossession,"***Geographical Review*, 94:4 (Oct. 2004):484-501. (*From the abstract*)*:* "During the nineteenth century, Indian groups throughout the United States saw their lands taken from them through a variety of means, including land cessions and allotments. The Choctaw and Chickasaw…endured this process of dispossession. Although the U. S. Congress promulgated much of this dispossession through treaty-based territorial demands, the Supreme Court proved an able partner in

the process by subverting treaty guarantees and expanding congressional power. The dispute over the area known as 'Green County' provides an example of the Supreme Court's role in Indian dispossession, for its ruling in 1900 extinguished the Choctaw and Chickasaw claim to most southwestern Oklahoma, earlier treaty provisions notwithstanding. [Includes maps of "Choctaw Lands in the West, 1820-1830," and "Southern Indian Territory – 1830-55, 1855-1866, and 1866-1889."]

Angelique A. EagleWoman (Wambdi A. Wastewin), **Re-Establishing the Sisseton-Wahpeton Oyate's Reservation Boundaries: Building a Legal Rationale from Current International Law,"** 29 *Am. Indian L. Rev*. 239 (2004-05).

The purpose of the Treaty for the transfer of territory by the Sisseton-Wahpeton was to cease the frequent skirmishes between the Dakota and all other tribes by setting up boundary lines for territories and acknowledging the age-old tradition of seeking permission prior to entering for hunting. ... " Citing examples of the Tribal Constitution asserting jurisdiction within the reservation boundaries as set forth in the 1867 Treaty, the support of the United States for the SWO tribal government enforcing its laws within the reservation boundaries, and the SWO Law and Order Code asserting civil and criminal jurisdiction within the 1867 reservation boundaries, the dissent found ample evidence that "[t]he attitude of Congress, of the Department of the Interior (under which the Bureau of Indian Affairs functions), and of the tribe is that the jurisdiction of the tribe extends throughout, the territory of the reservation as described in the Treaty.

Kwinn H. Doran, **"Ganienkeh: Haudenosaunee Labor-Culture and Conflict Resolution, "** American Indian Quarterly, 26:1 (Winter 2002):1-23

Controversy has surrounded the Mohawk community of Ganienkeh in upstate New York since its inception and, to this day, passionate opinions accompany any consideration of Ganienkeh. [1] For the last dozen years, many have argued that Ganienkeh is merely a legal shelter for profiteering endeavors (such as Indian gaming or trafficking tobacco and alcohol) and the warrior society often associated with them. Others suggest that such endeavors do not fully represent the Ganienkeh community, and that, to whatever extent they are part of recent life at Ganienkeh, they are necessary adjustments to changing economic, political, and legal conditions and not signs of wholesale corruption. Far from academic, this disagreement has been at the root of violent tensions within Haudenosaunee government and society. Unfortunately the intensity and complexity of recent developments and debates obscures a different story of Ganienkeh. Ganienkeh's founding was a rare case of Indigenous people reclaiming land from the United States. Two aspects of the Ganienkeh conflict are the focus of this paper: the public discourse pertaining to the dispute and the negotiation process between the state of New York and the Ganienkeh Mohawks which sought to end it. [3] I will begin by presenting historical and scholarly background on the Ganienkeh conflict. Then I will primarily attempt to show that differences between Haudenosaunee and American labor-cultures strongly contributed to the cause and continuation of the dispute while also providing a common focal point for public and official communication between otherwise disparate parties. In the process I

hope this discussion of the Ganienkeh conflict connotes the possibility that labor concerns should figure prominently in discourse about other conflicts and Indigenous life in general.

Cole Harris, **"How Did Colonialism Dispossess? Comments from an Edge of Empire,"** *Annals, Assn of American Geographers,* 94:1 (2004): 163-182.

Termination

Jaakko Puisto, **"'This is My Reservation; I Belong Here': Salish and Kootenai Battle Termination with Self-Determination, 1953-1999,"** *American Indian Culture & Research Journal*, 28:2 (2004): 1-24.

These Indians successfully resisted efforts to terminate their tribal status, the trust status of their lands as well as federal programs. The article discusses tribal reactions and struggles over Indian-white conflicts, factionalism, and liquidation of tribal assets. He argues that the battle over termination ultimately led to greater resolve toward self-determination. The latter process is fully recounted.

Kenneth R. Philp, ***Termination Revisited: American Indians on the Trail to Self-Determination, 1933–1953,*** Lincoln: University of Nebraska Press, 1999.

Over the past several decades, a nearly uniform historiography has emerged regarding the federal government's ill-fated "termination" policy toward Native Americans in the post-World War II era. The standard interpretation is that termination evolved into a misguided, avaricious, and culturally arrogant policy that ultimately wreaked havoc on those Indian groups who bore its full brunt. Bureaucrats and politicians like Dillon Myers, Arthur Watkins, and Hugh Butler are the commonly identified villains of the story, while John Collier, Felix Cohen, and various native leaders appear as the defenders of Indian sovereignty and the right-minded critics of both the concept and execution of termination initiatives. While there is much truth in that accepted imagery, and the academic assault on the impact of termination is fully merited, Kenneth R. Philp's Termination Revisited offers a welcome and useful reminder that the full story of termination is a complicated tale. In Philp's deft hands, the termination movement is revealed as the exceeding nuanced phenomenon that it was—one that, at various times and in various ways, drew support from prominent Native Americans and important pan-Indian groups.

Resource Management

Dwight Lomayesva, **"The Adaptation of Hopi and Navajo Colonists on the Colorado River** I. R., Masters Thesis in Social Science, California State University, Fullerton, 1981.

In addition to its focus on colonization by Indians from other parts of the Colorado River watershed, the author deals with the history of the Japanese-American relocation center – Poston – which occupied the reservation from 1942-45. Three reservations were selected for relocation centers; Poston was the nearest to the west coast. The occupants effectively cultivated some of reservation lands and returned the trust estate to the Indians in a much more developed way than it had been.

Brian Hosmer and Colleen O'Neill, eds., ***Native Pathways: American Indian Culture and Economic Development in the Twentieth Century*** (Boulder: Univ. Press of Colorado, 2004).

The collection of essays covers various economic facets of tribal life; contributions include those by historians, anthropologists, and sociologists. Elsewhere I have listed appropriate chapters under various headings. [see a review: *Amer. Ind. Cult. & Res. Jl., 29:3 (2005): 152-54.*]

Marine Resources

Elizabeth M. Bakalar, **"Subsistence Whaling in the Native Village of Barrow: Bringing Autonomy to Native Alaskans outside the International Whaling Commission,** 30 *Brooklyn J. Int'l L* 601(2005)

The Inupiat Eskimo villages of northern Alaska have long relied on the hunting of the bowhead whale (Balaena mysticetus) for clothing, food, tools, shelter, and fuel. ... The International Convention for the Regulation of Whaling (ICRW), of which the United States is a signatory, is the international agreement that currently governs the commercial, scientific, and aboriginal subsistence whaling practices of fifty-nine member nations. ... In this regard, the United States has publicly voiced its support for aboriginal subsistence as managed through the IWC, but has also been characterized as "leading the fight in the international arena" for the continuance of the Alaska Native bowhead whale hunt despite the IWC's protection of the bowhead and the potentially chilling effect on its international reputation as a state generally opposed to whaling.

Water Resources

John E. Thorson, Ramsey L. Kropf, Dar Crammond, and Andrea Gerlak,. **"Dividing Western Waters: A Century of Adjudicating Rivers And Streams,"** 8 *U. Denver. Water L. Rev.* 355 (Spg 2005)

Due to the McCarran Amendment, the federal government and Indian tribes became the most significant parties in most stream adjudications. The statutory general stream adjudication is the most complex type of these formal methods of dispute resolution. ... Following the lead of other states, Texas passed irrigation acts in 1889, 1895, and 1913. ...In a 1938 case arising on the Crow Indian Reservation, the court held the United States reserved water for the use of the Indians; that a portion of the reserved water right was appurtenant to allottees' lands; and when allotments are sold or leased, a portion of the reserved water right goes with the land unless a contrary intention appears. ...

Wildlife & Fisheries Management

Colleen M. Diener, Comments: **"Natural Resources Management and Species Protection in Indian Country: Alternatives to Imposing Federal and State Enforcement Upon Tribal Governments and Native Americans,"** 41 *Idaho L. Rev.* 211 (2004)

Although the ESA does not address the federal government and tribal government dynamic regarding species conservation and management, when faced with congressional silence on an issue of statutory interpretation, the judiciary interprets federal legislation [e.g., Endangered Species Act, 1973]pursuant to accepted canons of construction. ... In

Puyallup Tribe v. Department of Game of Washington (Puyallup I), state regulation of salmon and steelhead outside of Indian country was at stake. ... The state cannot qualify the federal treaty right by "subordinating it to some other state objective or policy," but may use its traditional conservation powers "only to the extent necessary to prevent the exercise of that right in a manner that will imperil the continued existence of the [natural] resource." ... Because states have judicial endorsement pursuant to the Puyallup decisions to regulate species conservation and adversely impact tribal member hunting and fishing rights, the Supreme Court has implied modification and possibly abrogation of treaty rights into the ESA and general management under traditional state environmental goals. Although the ESA cannot interfere with the full exercise of Native Americans rights, species conservation is not doomed in the face of tribal government and Indian management of natural resources.

Allen, Cain, **"Replacing Salmon: Columbia River Indian Fishing Rights and the Geography of Fisheries Mitigation,"** *Oregon Historical Quarterly,* 104 (Summer 2003), 196–227.

Mining

Saleem H. Ali, *Mining, the Environment, and Indigenous Development Conflicts*. (Tucson: University of Arizona Press, 2003)

The European conquest of North America relegated indigenous populations to marginal lands, but valuable ore deposits have been found on some of those reserves. Exploiting those minerals would seem to be an obvious way to improve often impoverished tribal economies, but Native communities have resisted many proposals to mine those ores. The author addresses this seeming paradox, with the goal of formulating effective strategies for stakeholders (indigenous communities, mining businesses, governments, and advocacy groups) to use in planning environmentally sound mining projects.

Land Claims, Sacred Places & Public Lands

Land Claims and Restoration

Brian H. Hirsch, **"Alaska's 'Peculiar Institution': Impacts on Land, Culture, and Community from Alaska Native Claims Settlement Act of 1971,"** Ph. D. Diss., Univ. of Wisconsin-Madison, 1998.

David Wishart, **"Indian Dispossession and Land Claims: The Issue of Fairness," in *Human Geography in North America: New Perspectives and Trends in Research,* ed. Klaus Frantz, *Innsbruch Geograpahische Studie*n** 26 (Innsbruck, Aus: Instituts fur Geographie der Universitat Innsbruch, 1996): 181-194.

Sacred Sites and Places

Kristen A. Carpenter, **"A Property Rights Approach to Sacred Sites Cases: Asserting a Place for Indians as Nonowners,"** 52 *UCLA L. Rev.* 1061 (apr 2005)

For practitioners of religions throughout the world, certain places are sacred. ... When a sacred site is found on private land, the individual owner may not be able or willing to donate it to the appropriate tribe or provide special access - even if that

individual believes in the right of everyone, including Indians, to worship freely. ... This factor should be considered as a "cost" of public land use that harms Indian sacred sites. ... Given the apparent semantic and cultural disconnect, it is not surprising that Indian nations and practitioners of tribal religions have not typically made detailed property law claims in sacred sites cases to date. ... Establishing that an Indian nation, even as a nonowner, has a legally protected property right is one way to get courts to pay serious attention to Indians' claims at sacred sites. ... Some might argue that a property rights approach sets Indians up for a big loss - if Indians fail to establish a property interest in a sacred site (as they often will), courts will affirm the federal government's right to destroy sacred sites.

Michelle Sibley, Note:**"Has Oregon Tightened the Perceived Loopholes of the Native American Graves Protection and Repatriation Act? - -** *Bonnichsen* v. *United States,*" 28 *Am. Indian L. Rev*. 141 (2003-04)

In 1990, Congress enacted the Native American Graves Protection and Repatriation Act (NAGPRA or the Act) with a twofold purpose: to return to Native American tribes all remains and artifacts being housed in museums or any remains or artifacts found on public lands and to ensure that Native American burial sites would be protected in the future. ... The scientist plaintiffs "demanded a detailed scientific study to determine the origins of the man before the Corps decided whether to repatriate the remains. ... When alleging that the plaintiffs' claims were not ripe and that the plaintiffs had failed to exhaust all administrative remedies, the Corps reasoned that they had not yet made a final decision, so there could be no judicial review of the decision until the plaintiffs had exhausted all of their administrative remedies and the Corps had made a final decision concerning repatriation of the remains. ... The court reasoned that, if there was a decision favorable to the scientist plaintiffs, there was a "likely" chance that they would be allowed to study the remains and their injury would be redressed. ... The Corps' second standing argument was that the scientist plaintiffs "[did] not fall within the 'zone of interest' sought to be protected or regulated by NAGPRA. ... Because the court decided that NAGPRA did not apply to Kennewick Man based on the lack of a general relationship with any existing tribe, it was unnecessary for the court to discuss any of the scientist plaintiffs' other claims.

Robert Retherford, Comment: **"A Local Development Agreement on Access to Sacred Lands,"** 75 *U. Colo. L. Rev.* 963 (summer2004)

Across the country, Indians are speaking out against the development of lands that they consider sacred, even when the lands are not within the boundaries of their current reservations. ... In the northeast, Montauket Indians argued that their claim to sacred land in a state park on Long Island should prevent its development. ... Because of this beneficial relationship, the task of Indian religions "is to determine the proper relationship that the people of the tribe must have with other living things," to determine how to act "harmoniously with other creatures" including the land. ... "As a result, the idea that a sacred site is on some individual's private property or government's land may not seem as important as the necessity for the entire community that a ceremony take place there. ...

However, an important difference in Euro-American and Indian viewpoints is that, for Indians, this sense of the sacred exists independently of anyone recognizing it, while the Judeo-Christian tradition requires that sacred sites be codified or formally recognized. ... Indians who follow traditional values "need a guarantee of religious freedom for their ceremonies, festivals, medicinal plant gathering, and pilgrimages," and any agreement between tribes and other governments must naturally include access to sacred lands. ... Working together can benefit both the Indians and the local government. ...

Elizabeth G. Pianca, Comment: **"Protecting American Indian Sacred Sites on Federal Lands,"** 45 *Santa Clara L. Rev*. 461 (2005)

A striking feature of American Indian culture is a relationship to the natural world and to spiritually significant places where important events are believed to have occurred. ... This alignment partially explains why Indian beliefs are site-specific, thus making the development of a sacred site a threat to religious practice. ... In the instance where a sacred site may not meet the National Register criteria for a historic property and, conversely, a historic property may not meet the criteria for a sacred site, a federal agency should, in the course of the section 106 review process, consider accommodation of access to and ceremonial use of the property in accordance with Executive Order 13007. ... (b) For purposes of this Act: (1) "Federal lands" means any land or interests in land owned by the United States; (2) "Indian tribe" means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that is eligible for special programs and services provided by the United States because of its Indian status; and (3) "Sacred site" is any specific, discrete, narrowly delineated location on Federal land that is identified by Indian tribal leaders, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established and documented religious significance to, or ceremonial use by, an Indian tribal religion.

Brian E. Brown, ***Religion, Law and the Land: Native Americans and the Judicial Interpretation of Sacred Land***(Westport, CO: Greenwood Publishing Group, 1999). With five US Supreme Court cases from 1980 to 1988, Brown documents the consistent judicial failure to accord constitutional protection to tribal religious belief and practice with respect to land. For each he identifies the particular sacred site involved, the circumstances that led the respective tribes to try to enjoin government actions that threatened to desecrate the land, and the legal but not religious arguments of both sides..(Elsevier online source).

Gregory R. Campbell and Thomas A. Foor, **"Entering Sacred Landscapes: Cultural Expectations Versus Legal Realities in the Northwestern Plains**, *Great Plains Qtly*, 24 (Sum. 2004):163-83.

Daniel L. Dustin, Ingrid E. Schneider, Leo H. McAvoy, and Arthur N. Frakt, **"Cross-Cultural Claims on Devils Tower National Monument: A Case Study,**"*Leisure Sciences*, 24:1 (Jan. 2002): 79-88.

An older paper but a worthwhile case study of tribal interests in sacred sites that form part of former territories. *(From the abstract):* A dispute between American Indians and rock climbers over the appropriate use of Devils Tower National Monument reflects fundamental differences in culture and world view. The NPS has attempted to resolve the dispute with a voluntary ban on climbing during June, the sacred month to various Indian groups. Subsequent court decisions upheld the NPS policy.

D. S. Pensley, **"The Native American Graves Protection and Repatriation Act (1990): Where the Native Voice is Missing,"***Wicazo Sa Review*, 20:2 (Fall 2005): 37-64.

Passage of the Native American Graves Protection and Repatriation Act (NAGPRA, or the Act) in November 1990 represented the culmination of decades of protest, private negotiations, and legal action by Native American communities across the country. Four issues stood in the foreground:

1. the failure of museums to represent Native American culture accurately and appropriately;
2. museums' possession and display of Native American human remains;
3. the presence of sacred and culturally sensitive material culture in museum collections; and,
4. the illicitness, even violence, with which most of the objects in these collections had been obtained.

In 1971, the American Indian Movement disrupted an archeological dig outside Minneapolis–St. Paul. Despite the absence of human burials at the site, the confrontation was important to the group's members, who observed the excavation proceeding without respect to Native values and beliefs.[2] Ten years later, the newly formed North American Indian Museums Association issued "Suggested Guidelines for Museums in Dealing with Requests for Return of Native American Materials."[3] In 1984–85, the Zunis successfully blocked—on religious grounds—the New York Museum of Modern Art's proposed inclusion of a war god sculpture in an exhibition on "primitivism" in twentieth-century art; a label explained the empty pedestal.[4] Around the same time, the Three Affiliated Tribes (the Mandan, Hidasta, and Arikara Nations) convinced the State Historical Society of North Dakota to return nearly a thousand sets of Indian bones and to cease storing human remains and their associated burial artifacts

Carey N. Vicenti, **"Religious Freedom and Native Sovereignty – Protecting Native Religions through Tribal, Federal, and State Law: Panel Discussion,"**,*Wicazo Sa Review,* 19:2:(Fall 2004): 185-197.

Walter R. Echo-Hawk, **"Issues in the Implementation of the American Indian Religious Freedom Act: Panel Discussion,"** *Wicazo Sa Review*,19:2 (Fall 2004):153-167.

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FEDERAL ROUNDUP FOR WILD HORSES, BURROS STARTS TODAY

Federal officials plan to round up thousands of wild horses and burros across six Western states beginning today.

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YUCCA NUCLEAR WASTE SITE PROPONENTS PUSH FOR FINAL COURT DECISION
WASHINGTON - Groups that have sued to force the Obama administration to restart the Yucca Mountain nuclear waste project are asking federal judges to finalize a decision.
http://erj.reviewjournal.com/ct/uz3688753Biz14655426