

STATEMENT

STATEMENT PROVIDED BY STEVE BRADY, SR., HEADSMAN OF THE NORTHERN CHEYENNE CRAZY DOG SOCIETY, BOARD MEMBER OF THE MEDICINE WHEEL COALITION FOR SACRED SITES OF NORTH AMERICA, CO-CHAIR OF NORTHERN CHEYENNE SAND CREEK MASSACRE SITE COMMITTEE, MEMBER OF NATIVE AMERICAN CHURCH, AND BOARD MEMBER OF NORTHERN CHEYENNE CULTURAL COMMISSION BEFORE THE U.S. SENATE COMMITTEE ON INDIAN AFFAIRS ON JUNE 18TH, 2003, REGARDING NATIVE AMERICAN SACRED PLACES, SPECIFICALLY ON THE ISSUE OF CONSULTATION ON USE AND MAINTENANCE OF NATIVE AMERICAN SACRED PLACES.

First of all I would like to thank the Senate Committee on Indian Affairs for allowing me to provide testimony this morning on the issue of consultation on use and maintenance of Native American sacred places.

I have been directly involved in the protection of several sacred sites for the purpose of perpetual ceremonial access and use by traditional Native American practitioner and spiritual leaders and they include the Medicine Wheel and Medicine Mountain in the Bighorn National Forest in north central Wyoming, the Bear Lodge (commonly referred to as Devils Tower), a National Monument under the National Park Service in northeastern Wyoming, and Noah vose' (commonly referred to as Bear Butte) in western South Dakota, among others.

CONSULTATION

Based upon experience, the following recommendations are submitted for consideration and implementation by the Senate Committee on Indian Affairs: Without having to reinvent the wheel, the federal government should comply with existing laws, regulations and executive order such as the National Historic Preservation Act (section 106 and Bulletin 38 on traditional cultural properties), the Native American Graves Protection and Repatriation Act, Executive Order 13,007 and planning laws governing their agencies such as National Forest Management Act and Federal Land Management and Policy Act.

Additionally, federal agencies should know the ground rules and applicable laws, negotiate in good faith to reach consensus, engage in person to person negotiations (don't send letter and expect that to be consultation), don't be evasive when it comes to controversial issues (continue to negotiate), consult with traditional leaders (in addition to tribal governments), follow federal regulations that require agencies to talk with people who know about these issues, build ongoing relationships with tribes (not just when a problem arises), make consultation routine (an expected and integral part of the way the agency does business), know who to contact and how. S.288 by Senator Campbell should be considered for further review.

STATEMENT- Steve Brady
Sen. Indian Affairs Cmte.
Pg. 2
6/18/03

Some the sites discussed herein are examples of minimal accommodations requiring a lot of time and effort. Some good things have happened, but these are the exceptions to the rule. How do we make them the rule, rather than the exception?

MEDICINE WHEEL/MEDICINE MOUNTAIN

High in the alpiners in the Bighorn Mountains at the Medicine Wheel and Medicine Mountain, only accessible several months out of the year, tribes come to worship the creator as they have for centuries upon centuries. In the past decade and a half, many traditional spiritual leaders have been involved in a continuing struggle for the protection of Medicine Wheel and Medicine Mountain for the continued access for religious ceremonial use.

It took a decade to come to an agreement through a series of Memorandum of Agreements (MOA's) and Programmatic Agreements (PA's) by the Medicine Wheel Coalition, Medicine Wheel Alliance, Bighorn County Commissioners of Wyoming, State Historic Preservation Office (SHPO) of Wyoming, the Advisory Council on Historic Preservation (ACHP), Federal Aviation Administration (FAA) and the Bighorn National Forest, US Forest Service (BNF/USFS) for the finalization of the Historic Preservation Plan (HPP) for ongoing consultation and the protection of Medicine Wheel and Medicine Mountain, inclusive in this is traditional ceremonial access and use. The area of consultation encompasses approximately 22,000 acres around the Medicine Wheel and Medicine Mountain.

FAA is included because of a radar tower that is located on Medicine Mountain that monitors air traffic in a several state area. It should be noted that tribes have requested that the FAA radar tower be removed, because it is visually and physically intrusive. FAA is working on this possibility, however, for technical reasons it may be awhile before this comes about.

While the HPP is encouraging because of the ongoing consultation proceedings, there have been a number of setbacks and extensive delays such as the litigation initiated by the Wyoming Sawmills and the Mountain States Legal Foundation against the BNF/USFS (with the Medicine Wheel Coalition intervening), contesting the validity of the HPP and purporting that the HPP interferes with their timber harvesting. The case is currently pending in the US 10th Circuit Court of Appeals.

The Medicine Wheel was designated as a National Historic Landmark (NHL), an administrative federal designation, in the early 1960's for its archaeological significance, the area of designation encompasses approximately 110 acres with ambiguous

STATEMENT – Steve Brady

Sen. Indian Affairs Cmte.

Pg. 3

6/18/03

boundaries. Among one of the many objectives of the parties to the HPP was to ascertain whether or not the NHL designation needed to be expanded or to file for a new nomination for an NHL designation and/or file under the National Register of Historic Places to protect the many archaeological and cultural features that were not included in the earlier designation.

Since the 1990's, the BNF/USFS and the Medicine Wheel Coalition with the support of the Association on American Indian Affairs (AAIA) have conducted extensive and comprehensive ethnographic studies with traditional spiritual leaders, tribal elders and the local community in the surrounding area of the Medicine Wheel/Medicine Mountain to justify or substantiate this proposed nomination undertaking.

Although the ethnographic study has been complete for quite sometime, the BNF/USFS the lead federal agency that should submit this nomination for the NHL or the National Register because the current Medicine Wheel NHL is within the Bighorn National Forest and therefore is within its purview has found virtually every excuse under the sun not to submit this nomination. While Bighorn National Forest is a federally designated area and the nomination to the National Register is a federal designation procedure and therefore if approved would be a federal designation within an already federally designated area, the BNF/USFS appears to be absolutely fearful of political retribution from the local community. In any case, it is imperative that the existing cultural resources based upon the ethnographic studies must be protected as soon as possible, to not protect these precious cultural resources would be criminally negligent.

NOAH VOSE'

From Noah vose' (Bear Butte) the holiest of holy shrines, the Cheyenne received a sacred way of life from the Holy Prophet Sweet Medicine, which included a Sacred Covenant, a governing body comprised of the Council of 44 Chiefs and the Military Societies, including: the Crazy Dog, the Elkhorn Scraper, the Bow String, the Kit Fox, and the Dog Soldier Societies, all of which we still have today.

During the time of the dogs, a time when the Cheyenne people roamed this continent with the dogs as the beasts of burden, before the time of the horse, Sweet Medicine prophesized many things of which the Cheyenne people should expect, much of which has indeed come to pass.

The Cheyenne, since time immemorial have gone to worship and leave offerings at Noah vose', more recently Noah vose' has been threaten with increasing various forms of development seriously impacting the serenity of the mountain. The various forms of

STATEMENT – Steve Brady
Sen. Indian Affairs Cmte.
Pg. 4
6/18/03

development include, new businesses, auto racetracks, motorcycle rallies and proposed rifle range, all centered toward drawing tourists during the summer months, during the same time Cheyenne and other tribes worship at Noah vose’.

All these forms of development are all within the noise and view shed of the Sacred Mountain, Noah vose’, all done without consultation with the Northern or Southern Cheyenne or any other affected tribe. Based upon Cheyenne spiritual connection with the Sacred Mountain, Noah vose’ is designated a National Historic Landmark. Moreover, the Northern Cheyenne along with other tribes are landowners all around the mountain, in addition to it being a state park of South Dakota.

Currently, the Sacred Mountain, Noah vose’ is the subject and center of litigation due to the proposed gun range just immediately north of the mountain. The Northern Cheyenne are the lead plaintiff, along with other tribes and the Defenders of the Black Hills against Housing Urban Development (HUD) and other parties, including the city of Sturgis, South Dakota. HUD is providing the funding via a Community Development Block Grant (CDBG) amounting close to one million dollars. This was done without consultation to any of the affected tribes. The case is pending in the US District Court of South Dakota, Western District, Rapid City.

BEAR’S LODGE

Bear’s Lodge is the traditional Cheyenne translation of what is now referred to as Devils Tower. Along with traditional Cheyenne creation stories through oral history, it was here that the Holy Prophet Sweet Medicine left the Cheyenne people. Again, Cheyenne people have gone here to worship and leave offerings at Bear’s Lodge.

Bear’s Lodge is a federally designated National Monument, under the National Park Service (NPS). There were efforts by NPS to consult with tribes with regard to spiritual use and access to Bear’s Lodge, with the tribes requesting that month of June be set aside for the tribes to worship. However, this proposal was met with litigation, by the Bear Lodge Multiple Users Association (primarily rock climbing guides) and the Mountain States Legal Foundation against the National Park Service, the case ended up in the US 10th Circuit Court of Appeals. While the tribes would rather not have any rock climbing at all (because it is a desecration of a sacred site), the month of June has been set aside as a voluntary ban on rock climbing.

ENERGY DEVELOPMENT – NORTHERN CHEYENNE RESERVATION

The **Northern Cheyenne Reservation** was established by Executive Order in 1884 and extended in 1900 in the same manner and along with the Northern Cheyenne Allotment

STATEMENT – Steve Brady
Sen. Indian Affairs Cmte.
Pg. 5
6/18/03

Act of 1926, remains approximately 97% tribally owned, including the minerals. The Northern Cheyenne, a people, a sovereign nation, with their own distinct culture, history, language and land base, the very existence of our people is threatened today. The threat comes from numerous forms of energy development in the **Powder River Basin** situated in the southeastern Montana and northeastern Wyoming, e.g. coalbed methane, coal development, railroads, power lines, pipelines, power plants, including the depletion and contamination of our surface and underground water supplies beginning from the Bighorn Mountains downstream through the **Northern Cheyenne Reservation**. There is indeed a question of whether or not our reservation will exist after everything is all said and done. I believe the term used for this is “genocide,” a systematic extermination of distinct group of people and their land base.

CHEYENNE BATTLE SITES & MASSACRE SITES

The Cheyenne resisted the encroachment of the United States into their traditional homelands that resulted in many battles and massacres. These battle sites and massacre sites have not been protected and encompass at least an 8 state area east of the Rocky Mountains. Many of these sites have ended up in private ownership, or state or federal ownership. Often times our people left these areas with hastily buried human remains and often have ended up being subjected to grave robbers.

The federal government along with the consultation of the Northern Cheyenne and the Southern Cheyenne must begin the painstaking process of recording and protecting these sites somehow, before everything is lost due to the effects of time. The Little Bighorn Battlefield name change and the Indian Memorial and the Sand Creek Massacre National Historic Site Act of 2000 is only the beginning. The memory of these very difficult times of the Cheyenne people remains fresh – Repression is over!

Despite the overwhelming military power of the United States of America, many sacred sites of worship and antiquities were preserved for the Iraqi people for their culture and religion during the recent “Operation Iraqi Freedom,” the reverse appears to hold true on this soil, in this country for the indigenous peoples referred to as Indians or Native Americans. Many foreign countries and nations have been rebuilt because of “War Recovery Efforts,” the reverse appears to hold true for the indigenous peoples referred to as Indians or Native Americans.

NATIVE AMERICAN CHURCH – ACCESS AND ACQUISITION OF PEYOTE

Many of the Northern Cheyenne people, as well as other tribes practice the medicinal and ceremonial use of the holy sacrament peyote. While traditional ceremonial use of peyote by Native Americans is recognized, it has become increasingly difficult to acquire this

STATEMENT – Steve Brady
Sen. Indian Affairs Cmte.

Pg. 6
6/18/03

holy sacrament peyote. Our tribal members often travel from the Northern Cheyenne Reservation in Montana to southern Texas for acquisition of the holy sacrament peyote and visit the sacred ground of “Peyote Gardens.” In older times, our people used to go to the “Peyote Gardens” to pick the medicine and worship while they were there at the site. However, it is no longer the case, the acquisition of the holy sacrament peyote for traditional ceremonial use has become increasingly commercialized and very costly taking away the sanctity and purpose of the sacramental use of peyote.

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Sad to say that so many of the venerable traditional spiritual leaders that I have had the unique and wonderful privilege of working with at various levels and on different occasions and who provided a profound inspiration on the protection of our sacred sites and for the perpetuation of our traditional sacred way of life from the Northern Cheyenne: Alex Brady, Charles Brady, Luke Brady, John Paul Flying, Sr., Harold Fisher, Sr., James Kills Night, Sr., and James Black Wolf Sr., Keeper of Esevone’; the Cheyenne & Arapaho of Oklahoma: Willie Fletcher, Virgil Franklin and William Wayne Red Hat, Keeper of Maahotse’, Edward Red Hat, Keeper of Maahotse’; the Northern Arapaho: Anthony Sitting Eagle, Hiram Armejo and Vince Red Man; the Lakota: Pete Catches, and Phillip Under Baggage, among many others, who have dedicated their lives and even to the very end remained vigilant, have journeyed on realizing that our sacred sites of worship remain unprotected – I dedicate this testimony to them and then, especially, for the generations who are on the sacred journey and have yet to arrive.

I would like to thank the Committee on Indian Affairs of the United States Senate for allowing me to provide testimony on issues that are profoundly meaningful to the Cheyenne people and other tribes.

****NOTE:** Please carefully review the recommendations at the beginning of this statement and I would like submit additional comments at a later date – Again, Thank you!

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