Spiral Lands

Footnotes / Fussnoten

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[1] "We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America." The Constitution of the United States, Preamble.

[2] Size of the territory of what is now called the United States of America, 2007. Source: *The World Fact Book* (Washington, D.C.: Central Intelligence Agency, 2007).

[3] How can a nation, that calls itself a Great Nation, that claims an enlightenment in its commitment to the rules of law and the principles of liberty, ignore the history and continuous reality of wasteful injustices in its claim for its very own territory?

[4] Vine Deloria, Jr., and Raymond J. DeMallie, *Documents of American Indian Diplomacy: Treaties, Agreements, and Conventions, 1775-1979, Volume One* (Norman: University of Oklahoma Press, 1999), 7.

Vine Deloria, Jr. (1933-2005). "Deloria was a rock, a steady hand in the struggle for justice. He was a man of great vision and spirit who understood the ongoing need to value Indian legacies in both tribal and non-tribal societies. He knew the wisdom of learning from our predecessors and comprehending ageless tribal traditions. I will miss Deloria's intellect and his abiding determination to secure justice for the tribes. I will also miss his humor. He used it well, even in the face of seemingly hopeless adversity. He often called me 'Billy Jack' as he teased me about being thrown into jail so often during the protest days of the 1960s. We fought many battles together, from the grassy banks of the Nisqually River to the marbled halls of Washington, D.C. We shared hundreds of podiums and thousands of thoughts and dreams. I credit him for instilling focus, leadership and direction to the ongoing struggles of the tribes. Deloria's ability to inspire unity, at all levels, was historic. In 1964, he was called on to rebuild the National Congress of American Indians. As NCAI's executive director he restored financial and managerial stability and rescued the organization from insolvency and internal differences. Through his writing and speeches he became a leading voice against tribal termination and for the reform of federal Indian policy. He laid the groundwork for the federal policy of tribal self-determination that emerged in the late 1960s and in the 1970 Nixon Statement on Indian Self-Determination. This marked a major turning point in federal Indian policy that continues to benefit both tribal and non-tribal communities today. In the tumultuous year of 1969, as we fought so hard to assert our generally neglected rights, Deloria published 'Custer Died for Your Sins.' It was possibly the most influential book ever written on federal Indian policy and, in my book, it and other Deloria writings, words and actions distinguished him as the tribal version of Gandhi or Martin Luther King Jr. He reminded us that 'ideological leverage is always superior to violence ... it is vitally important that the Indian people pick the intellectual arena as the one in which to wage war.' A few years after he wrote this, Judge George Boldt reaffirmed the validity of the treaties in the *U.S. v. Washington* decision. Deloria should be remembered for his giant contribution to paving the way for that far-reaching decision." Excerpt from Billy Frank, Jr., "The Vision of Vine Deloria, Jr.," *Indian Country Today*, December 1, 2005, www.indiancountry.com.

[5] "James O. Pattie, an early fur trapper in the American Southwest, described a treaty he had made with a band of Apaches. In it we see again the moral traditions of an Indian tribe as the dominant feature of treaty making: 'On the 5th, we repaired to the place designated, and in a short time, the Indians to the number of 80, came in sight. We had prepared a pipe, tobacco, and a council fire, and had spread a blanket, on which the chief might sit down. As soon as they came near us, they threw down their arms. The four chiefs came up to us, and we all sat down on the blanket. We commenced discussing the subject ... The four chiefs, each in succession made a long speech, in which we could often distinguish the terms Americans and espanola. The men listened with profound attention, occasionally sanctioning what was said by a nod of the head. We then commenced smoking, and the pipe passed twice around the circle. They then dug a hole in the ground in the center of the circle, and each one spat into it. They then filled it up with earth, danced round it, and stuck their arrows in a little mound. They then gathered a large pile of stones over it, and painted themselves red. Such are their ceremonies of making peace. All the forms of the ceremony are familiar to us, except the pile of stones, and spitting in the hole they had dug. We asked them the meaning of the spitting. They said that they did it in token of spitting out all their spite and revenge, and burying their anger under the ground.'" Deloria and DeMallie, *Documents of American Indian Diplomacy, Volume One*, 7.

[6] David E. Wilkins and K. Tsianina Lomawaima, *Uneven Ground: American Indian Sovereignty and Federal Law* (Norman: University of Oklahoma Press), 41.

Treaty of Fort Harmar (1789) [excerpts of transcript] Articles of a Treaty Made at Fort Harmar, between Arthur St. Clair, Governor of the Territory of the United States North-West of the River Ohio, and Commissioner Plenipotentiary of the United States of America, for removing all Causes of Controversy, regulating Trade, and settling Boundaries, with the Indian Nations in the Northern Department, of the one Part; and the Sachems and Warriors of the Wiandot, Delaware, Ottawa, Chippewa, Pattawatima and Sac Nations, on the other Part. /… / ARTICLE II. And whereas at the before mentioned treaty it was agreed between the United States and said nations, that a boundary line should be fixed between the lands of those nations and the territory of the United States; which boundary is as follows, viz.-Beginning at the mouth of Cayahoga river, and running thence up the said river to the portage between that and the Tuscarawa branch of Muskingum, then down the said branch to the forks at the crossing-place above fort Lawrence, thence westerly to the portage on that branch of the Big Miami river which runs into the Ohio, at the mouth of which branch the fort stood which was taken by the French in the year of our Lord one thousand seven hundred and fifty-two, then along the said portage to the Great Miami or Omie river, and down the south-east side of the same to its mouth; thence along the southern shore of Lake Erie to the mouth of Cayahoga, where it began. And the said Wyandot, Delaware, Ottawa and Chippewa Nations, for and in consideration of the peace then granted to them by the said United States, and the presents they then received, as well as of a quantity of goods to the value of six thousand dollars, now delivered to them by the said Arthur St. Clair, the receipt whereof they do hereby acknowledge, do by these presents renew and confirm the said boundary line; to the end that the same may remain as a division line between the lands of the United States of America, and the lands of said nations, forever. And the undersigned Indians do hereby in their own names and the names of their respective nations and tribes, their heirs and descendants, for the consideration above-mentioned, release, quit claim, relinquish and cede to the said United States, all the land east, south and west of the lines above described, so far as the said Indians formerly claimed the same; for them the said United States to have and to hold the same in true and absolute propriety forever. / ARTICLE III. The United States of America do by these presents relinquish and quit claim to the said nations respectively, all the lands lying between the limits above described, for them the said Indians to live and hunt upon, and otherwise to occupy as they shall see fit: But the said nations or either of them, shall not be at liberty to sell or dispose of the same, or any part thereof, to any sovereign power, except the United States; nor to the subjects or citizens of any other sovereign power, nor to the subjects or citizens of the United States. /… / ARTICLE VII. Trade shall be opened with the said nations, and they do hereby respectively engage to afford protection to the persons and property of such as may be duly licensed to reside among them or the purposes of trade, and to their agents, factors and servants; but no person shall be permitted to reside at their towns, or at their hunting camps, as a trader, who is not furnished with a license for that purpose, under the hand and seal of the Governor of the territory of the United States north-west of the Ohio, for the time being, or under the hand and seal of one of his deputies for the management of Indian affairs; to the end that they may not be imposed upon in their traffic. /… / ARTICLE IX. If any person or persons, citizens or subjects of the United States, or any other person not being an Indian, shall presume to settle upon the lands confirmed to the said nations, he and they shall be out of the protection of the United States; and the said nations may punish him or them in such manner as they see fit. /… / ARTICLE XIII. The United States of America do hereby renew and confirm the peace and friendship entered into with the said nations, at the treaty before mentioned, held at Fort M'Intosh; and the said nations again acknowledge themselves, and all their tribes, to be under the protection of the said United States, and no other power whatever. /… / Done at Fort Harmar, on the Muskingum, this ninth day of January, in the year of our Lord one thousand seven hundred and eighty nine. / In witness whereof, the parties have hereunto interchangeably set their hands and seals. / Arthur St. Clair, Peoutewatamie, his x mark, Konatikina, his x mark, / Sacs: Tepakee, his x mark Kesheylva, his x: mark, / Chippewas: Mesass, his x mark Paushquash, his x mark, Pawasicko, his x mark, / Ottawas: Wewiskia, his x mark, Neagey, his x mark, / Pattawatimas: Windigo, his x mark, Wapaskea, his x mark, Nequea, his x mark, / Delawares: Captain Pipe, his x mark, Wingenond, his x mark Pekelan, his x mark, Teataway, his x mark, / Chippewas: Nanamakeak, his x mark Wetenasa, his x mark, Soskene, his x mark, Pewanakum, his x mark, / Wyandots: Teyandatontec, his x mark Cheyawe, his x mark, Doueyenteat, his x mark Tarhe, his x mark, Terhataw, his x mark, Datasay, his x mark Maudoronk, his x mark, Skahomat, his x mark, / In presence of- / Jos. Harmar, lieutenant-colonel, commandant, First U. S. Regiment, and brigadier-general by brevet, Richard Butler, Jno. Gibson Will. McCurdey, captain E. Denny, ensign, First U. S. Regiment, F. A. Hartshorn. ensign. Robt. Thompson, ensign, First U. S. Regiment, Frans. Muse, ensign J. Williams, jr., Wm. Wilson, Joseph Nicholas James Rinkin … See www.yale.edu/lawweb/avalon/ntreaty/six1789.htm.

[7] Wilkins and Lomawaima, *Uneven Ground*, 63. David E. Wilkins is an associate professor of American Indian studies, political science, and law at the University of Minnesota, Twin Cities, and K. Tsianina Lomawaima is a professor of American Indian studies at the University of Arizona. In this book they offer indigenous perspectives on federal Indian policies and laws related to tribal sovereignty issues, arguing for more respect and recognition of the sovereign rights of American Indian nations. Because the relationship among Indian tribes and the federal government and state governments is an ongoing struggle over sovereignty, concerning such issues as power, control, jurisdiction, and identity.

[8] Millner S. Ball, "Constitution, Court, Indian Tribes," *American Bar Foundation Research Journal* Vol. 12, No. 1 (1987), 27.

[9] Senator Daniel K. Inouye, Foreword, in Deloria and DeMallie, *Documents of American Indian Diplomacy. Volume One*, ix. Senator Daniel K. Inouye is the senior U.S. Senator from Hawaii and a recipient of the Medal of Honor in World War II. Also the third most senior Senate Democrat, Senator Inouye was the first person of Japanese descent to serve in the U.S. House of Representatives and later the U.S. Senate, and the first U.S. Representative of Hawaii after it gained statehood in 1959. Re-elected every six-years since 1962, he has served on numerous committees for government regulation and oversight, including the Senate Watergate Committee, the Select Committee on Intelligence, and chaired a special committee to investigate the Iran-Contra affair from 1987-1989.

[10] Words of an elder from Taos Pueblo quoted in Glenn H. Welker, "Rediscovering What Has Always Been There." See www.indigenouspeople.net.

[11] "Buying time. With the money they made by stealing our land / They have bought themselves some time — / Air time / Water Time / And underground time. / By that they believe that they have bought history. // But when I look back, past the hundreds of years / Of history they claim to own, / Through our thousands of years, // And then when I think of the millions of red flowers / that opened each Spring of those thousand of years / No matter how white the winters, // I see hours like stars in the eyes of our children." Jimmie Durham, Foreword to Ward Churchill's *Struggle for the Land: Native North American Resistance to Genocide, Ecocide and Colonization*. Revised and expanded edition. (Winnipeg, Canada: Arbeiter Ring Publishing, 1999), 9.

[12] Peter Blue Cloud, Mohawk. *Through Indian Eyes: The Untold Story of Native American Peoples*, ed. Readers Digest Association (Pleasantville, New York: Reader's Digest Association, 1996).

Blue Cloud was born to the Turtle Clan of the Mohawk tribe on the Caughnawaga Reserve in Kahnawake, Quebec, Canada. He is noted for combining Native American myths with contemporary issues. He has worked as ironworker, logger, carpenter and woodcutter and was previously associated with journals *Akwesasne Notes* and *Indian Magazine*. Blue Cloud is especially noted for his use of the Coyote figure in his stories and poems. See The Native American Authors Project, The Internet Public Library, www.ipl.org/div/natam/bin/browse.pl.

[13] The Diné bury the umbilical cord of their children at either the site of their birth so that the child will always be able to find her or his way home, or at a site related to their wished designation in life: A loom, the sheep's corral, or by the horses night shed. A gesture that does not tie you backwards to a place of your origin but binds that origin forward into the place of your life.

[14] Rina Swentzell, Santa Clara Pueblo.

Rina Swentzell was born in Santa Clara Pueblo, New Mexico. She earned her B.A. in Education from New Mexico Highlands University, as well as her M.A. in Architecture in 1976 and her Ph.D. in American Studies in 1982. She is known for her environmental communication through architecture and has been active in promoting the traditional Pueblo way of life. Rina Swentzell is furthermore the author of *Children of Clay* (1992), the prize-winning *Ancient Land, Ancestral Places: Paul Logsden in the Pueblo Southwest* (1993), and, with J. J. Brody, *To Touch the Past: The Painted Pottery of the Mimbres People* (1995). She acts as a consultant to a number of museums including Santa Fe's Institute of American Indian Arts and the Smithsonian, and was a visiting lecturer at both Yale and Oxford in 1996. See The Native American Authors

Project, The Internet Public Library, www.ipl.org/div/natam/bin/browse.pl.

[15] "These stories were the libraries of our people. In each story, there was recorded some event of interest or importance, some happening that affected the lives of people. There were calamities, discoveries, achievements, and victories to be kept. The seasons and the years were named for principal events that took place. There was the year of the 'moving star' when these bright bodies left their places in the sky and seemed to fall to earth or vanished altogether; the year of the great prairie fire when the buffalo became scarce; and the year that Long Hair (Custer) was killed. But not all our stories were historical. Some taught the virtues — kindness, obedience, thrift, and the rewards of right living. Then there were stories of pure fancy in which I can see no meaning. Maybe they are so old that their meaning has been lost in the countless years, for our people are old. But even so, a people enrich their minds who keep their history on the leaves of memory. Countless leaves in countless books have robbed a people of both history and memory." Chief Luther Standing Bear, Lakota. Chief of the Oglala, Lakota (1905-1939). See www.humanistictexts.org.

[16] Traveling through the Southwest, it is clear that anything people share with me is a gift, a moment of trust and respect, that I sometimes understand and sometimes not. Over telling, I listen and realize that some people I spoke to gave me a task: not to tell their story but to tell whatever I need to through my own.

[17] I find another reflection on storytelling. Another language, another understanding of the subject engaged, but nevertheless a similar notion of telling and retelling. "There is nothing that commends a story to memory more efficiently than that chaste compactness which precludes psychological analysis. And the more natural the process by which the storyteller forgoes psychological shading, the greater becomes the story's claim to a place in the memory of the listener, the more completely it is integrated into his own experience, the greater will be his inclination to repeat it to someone else someday, sooner or later. This process [of storytelling] of assimilation, which takes place in depth, requires a state of relaxation which is becoming rarer and rarer. If sleep is the apogee of physical relaxation, boredom is the apogee of mental relaxation. Boredom is the dream bird that hatches the egg of experience … His nesting places — the activities that are intimately associated with boredom — are already extinct in the cities and are declining in the country as well. With this the gift for listening is lost and the community of listeners disappears. For storytelling is always the art of repeating stories, and this art is lost if the stories are no longer retained. It is lost because there is no more weaving and spinning to go on while they are being listened to … When the rhythm of work has seized him [her], [s]he listens to the tales in such a way, that the gift of retelling them come to him [her] all by itself. This, then, is the nature of the web in which the gift of storytelling is cradled." Walter Benjamin, "The Storyteller" in *Illuminations,* trans. Harry Zohn; ed. Hannah Arendt (New York: Schocken Books, 1968), 91.

"Walter Benjamin (1892-1940) was the quintessential European intellectual between the two world wars. Historian, philosopher, literary critic, student of language and culture, and journalist, the independent scholar was forever trying to define himself and his time as products of a tradition in crisis. In a very real sense, his life and work were one—a chronicle of the modern European intellectual and a mirror of an era." Bernd Witte, *Walter Benjamin, An Intellectual Biography* (Detroit: Wayne State University Press, 1997).

The tradition of the oppressed teaches us that the 'state of emergency' in which we live is not the exception but the rule. We must attain to a conception of history that is in keeping with this insight. Then we shall clearly realize that it is our task to bring about a real state of emergency, and this will improve our position in the struggle against Fascism. One reason why Fascism has a chance is that in the name of progress its opponents treat it as a historical norm. The current amazement that the things we are experiencing are 'still' possible in the twentieth century is not philosophical. This amazement is not the beginning of knowledge — unless it is the knowledge that the view of history which gives rise to it is untenable. Walter Benjamin, "Theses on the Philosophy of History" in *Illuminations,* 253.

[18] "Among Reichard's considerable writings on the Navajos, *Navaho Religion* (1950) and *Prayer: The Compulsive Word* (1944) are of particular interest to those who wish to know more about the ideologies held by Navajo people (as a generalized group) about the nature and functions of their language. Reichard more than convinces the reader that language and thought often function as a pair with active agency in the Navajo world — both in the general sense that the universe was brought into being by language and in the sense that language in the form of specific constructions (such as words, word formulas, prayers and songs) has a power that can be directed to positive or negative ends. She

writes extensively about the compulsive and irresistible power of prayer and song — within ceremonies and outside them — to secure the assistance of the Holy People for human purposes." Deborah House, *Language Shift Among the Navajos: Identity Politics and Cultural Continuity* (Tucson: University of Arizona Press, 2002), 24.

[19] "Does the Hopi language show a higher plan of thinking, a more rational analysis of situation than our vaunted English? Of course it does. In this field and in various others, English compared to Hopi is like a bludgeon compared to a rapier." Benjamin Lee Whorf, "The Relation of Habitual Thought and Behavior to Language" in *Language, Thought and Reality*, ed. John B. Carroll (Cambridge: MIT Press, 1956), 134-159.

[20] "Welcome. You have come to Hopi Land. We Hopi are known for having lived here as a people continuously from ancient time. Where we are located today in present-day Arizona is where we have always lived with roots back in time to some one hundred generations in our land. Our culture, therefore, is one of the first (oldest) on the continent." See www.hopiculturalcenter.com.

[21] Dick Grune, "Hopi. Survey of an Uto-Aztecan Language," 1997. See www.cs.vu.nl/~dick/Summaries/Languages/Hopi.pdf.

"The Hopi language has always been an integral and vital part of Hopi culture. It is the wellspring of Hopi ceremonial life; it expresses kinship and clan relationships; it holds our people's history. It is the foundation of creative expression and cultural continuity that stretches back at least one thousand years. Currently, there are approximately 10,000 individuals enrolled in the Hopi Tribe. Approximately 11,000 people live on the Hopi Reservation in 12 independent villages. Here, the Hopi people maintain their tradition of dry farming, food preparation, ceremonial life, and storytelling in an ancient tongue. / In recent times, however, the continuity of that tradition has been threatened. In a variety of public forums and in private conversations, many Hopi people have expressed the fear that the younger generations were losing the ability to speak Hopi, and with it, the centuries-old heart of the Hopi way of life. In 1997, with a grant from the Administration for Native Americans, the Hopi Cultural Preservation Office conducted the Hopi Language Assessment Project (HLAP). The goal of the project was to quantify, for the first time, the current status of Hopi language fluency in the community. This data was then used to develop a comprehensive plan for preserving the Hopi language. / The Hopi Language Education and Preservation Plan calls for a comprehensive, reservation-wide language instruction program. The survey results and community input show that the Hopi people believe that Hopi should be taught at home and in the villages by knowledgeable fluent speakers. They also want school-based programs for their children. They want assistance, training, and teaching materials so they can teach their own children and grandchildren how to speak Hopi. They want this home and village based instruction to be supported and reinforced by the educational system. / By developing, implementing, and evaluating pilot programs in different settings and among different ages, the Hopilavayi Project will give the community and school system the experience, resources and flexibility to design grassroots programs for language revitalization that fits their own needs. / For more details on the project, please contact the Hopilavayi Project at the Hopi Cultural Preservation Office, +1 (520) 734-3754." See www.nau.edu/~hcpo-p/projects/lavayi.htm.

[22] Or the blind man in the face of an unknown culture.

[23] "And God said 'Let us make man in our image, after our likeness, and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth and over every creeping thing that creepeth upon the earth.' So God created man in his own image, in the image of God created he him; male and female created he them. And God blessed them, and God said unto them, 'Be fruitful and multiply; and replenish the Earth and subdue it'" (Genesis 1:26-28).

[24] With this statute the British gave themselves the power to take land from not only the Indigenous Nations but also the land still held by other European Nations.

[25] "French and Indian Wars. 1689–1763, the name given by American historians to the North American colonial wars between Great Britain and France in the late 17th and the 18th centuries. They were really campaigns in the worldwide struggle for empire and were roughly linked to wars of the European coalitions. At the time they were viewed in Europe

as only an unimportant aspect of the struggle, and, although the stakes were Canada, the American West, and the West Indies, it was a fact that the fortunes of war in Europe had more effect in determining the authority over those lands than the fighting in the disputed territory itself. Britain finally gained victory over the French and the Indians and secured the land of the first thirteen colonies." *The Columbia Encyclopedia*, 6th ed. (New York: Columbia University Press, 2001–04).

[26] The war and following victory in regards to the lands along the North American East Coast had been a very costly one for the British crown. And consequently King George declared in 1763 that there should be no further aspiring of settlement or any other form of land acquisition by the British of lands west of a line running along the Allegheny and Appalachian Mountains from Canada to Spanish Colony of Florida. With this "Proclamation of 1763," the British expansion in North America was to stop. Immediately. Indefinitely.

[27] The lands west of the proscribed line had been a lucrative prospective for the individuals leading the British Empire in the New World and the colonists at large. This land was expected to hold unimaginable amounts of free resources. Some of it, for example, had been given by the Crown as land grants to individuals before the war. Among the individuals that had considerable speculative interest in regards to land were George Washington, Thomas Jefferson, John Adams, James Madison. and Anthony Wayne. When King George enforced his Proclamation of 1763, the resulting tensions became powerful underlying factors to start the American Revolution. Not surprisingly, during the war then fought for the Revolution, Western Land Grants beyond the 1763 line were promised to many of the high ranking rebels if the revolt against the crown succeded. See Thomas Perkins Abernathy, *Western Lands and the American Revolution* (New York: Russell & Russell, 1964).

[28] The revolution was won. And the thirteen colonies became an independent Nation and took over the legal status of the British crown, given that the United States would, through the British resignation, automatically receive their "Discovery Rights." These rights were established under the British and Spanish understanding of "Divine Rights" that were essentially tied to their monarchies. Walter Ullmann, *The Church and the Law in the Earlier Middle Ages: Selected Essays* (Northampton: Variorum Reprints, 1975).

[29] The passage of the ordinance forced the the thirteen States to relinquish all individual claims to territory, which from now on was to be administered directly and exclusively by Congress, with the intent of eventual admission of newly created states from the territory. Those states were created once a population of 60,000 had been achieved within a particular territory. The actual legal mechanism of the admission of new states was established in the Enabling Act of 1802. The first state created from the territory was Ohio, in 1803. This legislation was revolutionary in that it established the precedent for lands to be administered by the central government, albeit temporarily, rather than underneath the jurisdiction of particular states.

[30] However, many treaties signed after the Revolutionary War were challenged by American Indians who refused to recognize their validity and therefore the right of the United States to their lands. In the struggle around the lands north of the Ohio River, for example, a co-operation among the Native American nations forming the Western Lakes Confederacy that had first been established in the autumn of 1785 at Fort Detroit, was renewed. The confederacy was formed by Council of Three Fires, Iroquois Confederacy, Seven Nations of Canada, Wabash Confederacy, Illini Confederacy, Wyandot, Mississaugas, Menominee, Shawnee, Lenape, Miami, Kickapoo and the Kaskaskia. They proclaimed they would deal jointly with the United States, rather than individually, and stop further white settlement. The Confederacy insisted on the Ohio River as the boundary between their lands and those of the American settlers. The Confederacy raided white settlers along the Ohio River, and in two battles that proved devastating for the United States, they killed more than 800 soldiers, the worst defeat ever suffered by the United States at the hands of Native Americans. The casualties on side of the Confederacy have been left unnamed. As a response President Washington ordered an army to be built under the command of General "Mad" Anthony Wayne in 1793. In 1795, the so-called Legion of the United States broke the Native Resistance and the Confederacy was defeated. And white settlement continued across the Ohio River into the Northwest territory. See *Wikipedia, The Free Encyclopedia*, en.wikipedia.org/wiki/Western_Lakes_Confederacy.

[31] The leaders of the American Indian Movement (AIM) wrote this twenty point paper. Eight other Indian organizations were involved in putting together the Trail of Broken Treaties: the National Indian Brotherhood (a Canadian organization), the Native American Rights Fund, the National Indian Youth Council, the National American Indian Council, the National Council on Indian Work, National Indian Leadership Training, and the American Indian Committee on Alcohol and Drug Abuse. See Mark Grossman, *The Native American Rights Movement* (Santa Barbara: ABC-CLIO, Inc., 1996), 368.

[32] "On February 8, 1887, Congress passed the Dawes Act, named for its author, Senator Henry Dawes of Massachusetts. Also known as the General Allotment Act, the law allowed for the President to break up reservation land, which was held in common by the members of a tribe, into small allotments to be parceled out to individuals. Thus, Native Americans registering on a tribal 'roll' were granted allotments of reservation land. Federal Indian policy during the period from 1870 to 1900 marked a departure from earlier policies that were dominated by removal, treaties, reservations, and even war. The new policy focused specifically on breaking up reservations by granting land allotments to individual Native Americans. Very sincere individuals reasoned that if a person adopted white clothing and ways, and was responsible for his own farm, he would gradually drop his Indian-ness and be assimilated into the population. It would then no longer be necessary for the government to oversee Indian welfare in the paternalistic way it had been obligated to do, or provide meager annuities that seemed to keep the Indian in a subservient and poverty-stricken position. The purpose of the Dawes Act and the subsequent acts that extended its initial provisions was purportedly to protect Indian property rights, particularly during the land rushes of the 1890s, but in many instances the results were vastly different. The land allotted to the Indians included desert or near-desert lands unsuitable for farming. In addition, the techniques of self-sufficient farming were much different from their tribal way of life. Many Indians did not want to take up agriculture, and those who did want to farm could not afford the tools, animals, seed, and other supplies necessary to get started. There were also problems with inheritance. Often young children inherited allotments that they could not farm because they had been sent away to boarding schools. Multiple heirs also caused a problem; when several people inherited an allotment, the size of the holdings became too small for efficient farming." See www.archives.gov/education/lessons/fed-indian-policy.

Excerpt from transcript of the Dawes Act (1887): Forty-Ninth Congress of the United States of America; At the Second Session, Begun and held at the City of Washington on Monday, the sixth day of December, one thousand eight hundred and eight-six. / An Act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes. / Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where any tribe or band of Indians has been, or shall hereafter be, located upon any reservation created for their use, either by treaty stipulation or by virtue of an act of Congress or executive order setting apart the same for their use, the President of the United States be, and he hereby is, authorized, whenever in his opinion any reservation or any part thereof of such Indians is advantageous for agricultural and grazing purposes, to cause said reservation, or any part thereof, to be surveyed, or resurveyed if necessary, and to allot the lands in said reservation in severalty to any Indian located thereon in quantities as follows:

To each head of a family, one-quarter of a section;

To each single person over eighteen years of age, one-eighth of a section;

To each orphan child under eighteen years of age, one-eighth of a section; and

To each other single person under eighteen years now living, or who may be born prior to the date of the order of the President directing an allotment of the lands embraced in any reservation, one-sixteenth of a section:

Provided, That in case there is not sufficient land in any of said reservations to allot lands to each individual of the classes above named in quantities as above provided, the lands embraced in such reservation or reservations shall be allotted to each individual of each of said classes pro rata in accordance with the provisions of this act: And provided further, That where the treaty or act of Congress setting apart such reservation provides the allotment of lands in severalty in quantities in excess of those herein provided, the President, in making allotments upon such reservation, shall allot the lands to each individual Indian belonging thereon in quantity as specified in such treaty or act: And provided further, That when the lands allotted are only valuable for grazing purposes, an additional allotment of such grazing lands, in quantities as above provided, shall be made to each individual. See www.ourdocuments.gov.

[33] A current and ongoing investigation into the mismanagement of Indian Trust Money by the Bureau of Indian Affairs was started by Elouise Cobell. *Cobell v. Kempthorne* is a class-action lawsuit filed on June 10, 1996, in U.S. District Court in Washington, D.C., to force the federal government to account for billions of dollars belonging to approximately 500,000 American Indians and their heirs, and held in trust since the late 19th century.

Open Letter from Elouise Cobell:
The summer of 2006 has been an extremely volatile one for our cause. On July 11 the U.S. Court of Appeals removed U.S. District Judge Royce C. Lamberth from our case. In so doing, we lost the services of a dedicated and fair jurist who had presided over our case since its inception in 1996. / All individual Indian trust account holders should consider Judge Lamberth's removal a travesty of justice. It is, as columnist Suzan Shown Harjo said, yet another rebuke to one of the "good people" who is trying to change the way the U.S. Government deals with Native People. Because the appeals court removed the judge at the same time that it was finding the government's conduct in our case deplorable, we plan to appeal his removal. We will argue that the removal of a judge from a case he has faithfully presided over for 10 years is itself without precedent. / We will also tell the Supreme Court that the very conduct that made Judge Lamberth so troubled with the government was, in fact, well documented by the appeals court. The decision of the three-judge appeals court panel was as strong a denouncement of the trustee-delegates' conduct as we have ever seen: "To be sure, Interior's deplorable record deserves condemnation in the strongest terms," the court said. "Words like 'ignominious' and 'incompeten[t]' … and 'malfeasance' and 'recalcitrance' are fair and well-supported by the record." It reinforced earlier rulings by the appeals court that the government has abused its trust obligation and has failed to fulfill its most basic responsibilities to the individual Indian trust beneficiaries. / It should be stressed that, according to the court of appeals, the removal of our judge in no way exonerates the Departments of Interior and Justice. Most importantly, the decision reaffirms the merits of our case (a "worthy cause") and it underscores the core theme of Judge Lamberth's most recent decisions. / His removal was unusual because the appeals court noted approvingly that Judge Lamberth's strong language was based properly on irrefutable evidence of government misconduct. Indeed, Judge Lamberth's order of July 12, 2005, was "nothing more than the views of an experienced judge who, having presided over this exceptionally contentious case for almost a decade has become exceeding ill disposed toward [a] defendant that has flagrantly and repeated breached its fiduciary obligations." / As we have learned from the past decade, the United States government resists change fiercely. That's even when the need for that change is well documented and punctuated by a century of malfeasance and continuing abuse. We expect they will fight our effort to get the Supreme Court to review both the judge's removal and the vacation of the injunction he had issued on the Interior Department's computer system. Those systems were shown to be wide open to computer hackers, placing all our trust records at risk of being altered. / Even the appeals court acknowledged that fact. "To be sure," it said, "we have no doubt Interior's trust account information has serious reliability problems." That makes the need for an injunction even more pressing. / Finally, the appeals court ruling urged the parties "to work with the new judge to resolve this case expeditiously and fairly." Of course, this is precisely what we have engaged in for the last 10 years only to be thwarted time and again by the Department of the Interior and its Department of Justice attorneys who would rather delay a resolution of this matter and leave it to the next administration. Even now, less than a month after the July 11 decisions, we are aware that mid-level bureaucrats in Interior and Justice are urging members of Congress to reject legislation that would resolve the case. As usual, the government has no interest in a resolution that is "expeditious and fair." / This is not to say that my attorneys and I believe these decisions will further delay a resolution of this case. Indeed, there are reasons to be hopeful that a new judge will not wait another 10 years (or more), as the government now proposes, to render an historical accounting. Especially since the material facts are not even disputed by the government. Moreover, various media outlets are now reporting that Senator McCain is pressing legislation that would settle the case for $8 billion. This is a far cry from the over $27 billion we proposed last summer, but after bearing personal witness to the hardship and abuse that continues to be heaped upon the individual Indian beneficiaries after 10 years of hard-fought, acrimonious litigation I have directed my attorneys to seriously consider this offer. This nation's first citizens are also its poorest and any resolution that is "expeditious and fair" should be seriously and thoughtfully considered. We will be examining this legislation to make sure it is just that. / If you are an account holder or a trust beneficiary, now is the time to express your concerns and hopes about a possible settlement to your member of Congress. It's time for Indian Country to speak. The bureaucrats have had their say. /s/ Elouise Cobell
See www.indiantrust.com.

[34] The name *Shiprock* can be traced back to its first appearance on a 1870s U.S. Geological Survey Map. The Anglo-American legend tells of a group of settlers encountering the rock formation and thought its shape resembled a Clipper sailing ship in use at the time, thus the name Shiprock. Like many other sites the rock was named by an imported imagination, a likeness the settlers would be familiar with. This logic of naming helped newly arriving people to familiarize themselves with the land. Names that would make the unknown recognizable in a known way. See www.lapahie.com/Shiprock_Peak.cfm.

[35] It was not meant to be written but was transcribed with the narrator's consent. "The Navajo see even the most minute parts of their homelands and surrounding territories as infused with sacred significance. Places of special power are the most alive, and stories usually go with them … Navajos have responded to curiosity about these places and landscapes by trying to keep the locations and stories behind them secret — to save the sites from destruction and to keep their power from being sapped. In the face of unbridled land development, however, protecting landscapes may mean telling the stories … The authors believe that in time more examples may be revealed with the blessing of the Navajos who care for them, but the days when Navajos willingly give many such stories to others will come only when the Navajo people themselves have gained control over these of their land." Klara Bonsack Kelley and Harris Francis, *Navajo Sacred Places* (Bloomington: Indiana University Press, 1994), backcover.

[36] This kind of sense of place is tied into language that flows into the past as well as the future across generations of stories told.

[37] Mr. Reginald Nabahe, May 1990, in Kelley and Francis, *Navajo Sacred Places*, 65.

Klara Bonsack Kelley is a consulting ethnologist who has lived and studied in Navajo communities for more than seventeen years. Her publications include *Navajo Land Use: An Ethnoarchaeological Study* and (with Peter Whiteley) *Navajoland: Family Settlement and Land Use*. Harris Francis is a Navajo, Tachii'nii clan born for Tabaaha clan, who grew up on the Navajo Reservation speaking Navajo and observing traditions in daily use. He is an American Indian Cultural Rights Protection Consultant and co-author of several articles on Navajo cultural rights and sacred places.

[38] Bestor Robinson, "Shiprock," *American Alpine Journal*, Club Vol. IV, No.1 (1940), 54.

[39] As described in Eric Brazil's "David Brower Dies At 88: Militant Visionary Inspired a Generation to Save the Earth," *The San Francisco Examiner*, November 6, 2000: David Ross Brower was born in Berkeley, California, on July 1, 1912. During his extensive career, he served as the first Executive Director of the Sierra Club; founded Friends of the Earth (FOE); co-founded the League of Conservation Voters; and initiated the founding of international FOE organizations (now active in 69 nations). In 1982, he founded Earth Island Institute with colleagues from FOE. A famous mountain climber as a young man, Brower was a lifelong wilderness enthusiast who started working in 1938 to establish Kings Canyon National Park and didn't stop fighting conservation battles until 2000 when he died at the age of 88. He was nominated three times for the Nobel Peace Prize. As a skilled mountaineer, he made the first ascent of seventy routes in Yosemite and elsewhere in the western United States, including Shiprock in 1939. See www.earthisland.org.

[40] I am only recalling a small part of a long and flowing story.

[41] The following fragments of the Beginning are quoted from Sandoval. Hastin Tlo´tsihee.

"Sandoval, Hastin Tlo´tsi hee (Old Man Buffalo Grass), joined Aileen O'Bryan at Mesa Verde National Park in late November of 1928 for the purpose of having her record some of his knowledge. When he arrived he said to her: 'You look at me, and you see only an ugly old man, but within I am filled with great beauty. I sit as on a mountaintop and I look into the future. I see my people and your people living together. In time to come my people will have forgotten their early way of life unless they learn it from white men's books. So you must write down all that I will tell you; and you must have it made into a book that coming generations may know this truth.' Sandoval talked for seventeen days. His nephew Sam Ahkeah translated; O'Bryan recorded. It is reported that

Sandoval would often stop and chant a short prayer, then sprinkle the manuscript, Ahkeah, and O´Bryan with corn pollen." Aileen O'Bryan, *Navajo Indian Myths* (New York: Dover, 1956), iv.

[42] A lot of things happen in this and each of the coming worlds. But under no circumstances could this text be the time and place to tell about them all.

[43] I am told through an informant that the place of emergence is near Pagosa Springs, Colorado. The white people have put a wire fence around the Sacred Lake.

[44] Travel diary.

[45] Sitting in front of my campsite.

[46] Why did Robert Smithson in his writings on the Spiral Jetty never mention the local presence and meaning of the spiral?

[47] An observation of sun and moon movements well known to the Toltec of Mexico as well as the Maya.

[48] "… The discoveries documented in the film have transformed scientific understanding of this site — one of the most elaborate and mysterious of ancient Native-American ruins — and are revolutionizing perceptions of the Chacoan civilization" (excerpt from a description of the documentary). The Solstice Project (Producer), Anna Sofaer (Director), 1999. *The Mystery of Chaco Canyon* [Motion picture]: United States: The Solstice Project.

[49] "Andy Warhol died 20 years ago, on Feb. 22, 1987. A year later, as a collection of art and other objects owned by Warhol was about to be auctioned by Sotheby's, I received a call from one of my sisters, who had a friend working with the Zuni Indian tribe. E. Richard Hart, then director of the Institute of the North American West, had been helping the Zunis contact Sotheby's and the Warhol estate about an item listed in the auction catalog — a Zuni war god, appraised at $2,500 to $3,500. Because I had been a friend of Warhol's, I placed a call to the estate as well. To the Zunis, war gods — or Ahayu:da — have a value far greater than money. Carved by priests and placed in secret shrines on the reservation, the wooden figures are not considered art. To the Zuni people, Ahayu:da are living deities who, when disturbed, have the power to upset the world's balance. War gods are owned communally by the tribe and are never sold. If one appears in an art collection or museum, it has been stolen. Warhol's war god was probably a gallery purchase. American Indian artifacts, like cookie jars and jewelry, were one of his collecting passions. When representatives of Warhol's estate heard about the war god's background, they immediately volunteered to return it. They said Warhol could not have known of the war god's religious significance or its shady past. Although at this point [after a 15 year struggle of the Zuni tribe to retrieve their war gods from mayor museum collections, where they had been preserved from their designation of natural decay] all Ahayu:da in American collections have been repatriated, many major museums were not as swiftly cooperative. In May 1988, not long after the 10-day Warhol auction set records at Sotheby's, Richard Hart traveled from New Mexico to New York City with two Zuni priests and a tribal councilman. The Zunis spoke limited English and had no idea who Andy Warhol was. It was certainly the first time a Zuni song of welcome was chanted in the reception area of Warhol's famous Factory, then on East 33rd Street. Once the 2-foot-long wooden figure had been properly greeted, then cushioned in bubble wrap, and a photo taken of tribal members with Factory workers, the Zunis headed back to their hotel, near Penn Station … The Zunis wore ceremonial garb — white cotton clothing, sashes, prayer pouches and colorful headbands. Walking single file, the small group was led by Joseph Qualo, a war priest, holding the Ahayu:da up high. 'It was amazing to see them cross the streets,' remembers Hart. 'Cars stopped, and no one honked.' David Firestone, then at *New York Newsday*, now with the *New York Times*, also accompanied the Zunis that afternoon and described their walk west as 'a remarkable religious procession through midtown Manhattan, a minuscule homecoming parade that took place under the eyes of hundreds of New Yorkers sitting in traffic or striding to a business lunch or looking down from the Empire State Building at a city that moves so quickly it cannot see its minor miracles.'" Susan Mulcahy, "Warhol and the War God" (Feb. 22, 2007). See www.salon.com.

[50] 1821.William Wirt. Attorney General. Born in Bladensburg, Maryland, to a Swiss father and a German mother, Wirt was privately educated, studied law and was admitted to the Virginia bar in 1792. He began practice at Culpeper Courthouse, Virginia. After several years as a lawyer, he became clerk of the Virginia House of Delegates, then chancellor of the Eastern District of Virginia. In 1807, President Thomas Jefferson asked him to be the prosecutor in Aaron Burr's treason trial. President James Monroe named him the ninth Attorney General of the United States in 1817, a position he held for 12 years, through the administration of John Quincy Adams, until 1829. William Wirt has the record for the longest tenure in U.S. history of any attorney general. After his retirement he resided in Baltimore. In June 1830, a delegation of Cherokee led by Chief John Ross selected Wirt on the urging of Senators Webster and Frelinghuysen to defend Cherokee rights before the U.S. Supreme Court. Wirt argued in Cherokee Nation v. Georgia that "the Cherokee Nation [was] a foreign nation in the sense of our constitution and law …" and was not subject to Georgia's jurisdiction. Wirt asked the Supreme Court to null and void all Georgia laws extended over Cherokee territory on the grounds that they violated the U.S. Constitution, United States-Cherokee treaties, and United States intercourse laws. See *Wikipedia, The Free Encyclopedia*, en.wikipedia.org/wiki/William_Wirt_%28Attorney_General%29.

[51] 1823. Chief Justice John Marshall. The fourth Chief Justice of the United States Supreme Court. He held this office for over thirty years, shaping constitutional law and making the Supreme Court the center of power in the United States. Marshall as well as his father had received land grants of 10,000 in what is now West Virginia, after the revolution. It has been suspected that some of his particular interest in land rights orginated in that fact. See *Johnson v. McIntosh*, 21 US 98. Wheat 543, 1822, cited in David E. Wilkins, *Dine' Bibeehaz'aanii: A Handbook of Navajo Government* (Tsaile, AZ: Navajo Community College Press, 1987.)

[52] Widespread legal scholarship proves that until 1823, European Sovereigns as well as the young U. S.Congress acknowledged the Native Tribes as the rightful owners holding full title of their respective territory. Britain, France and then the United Stated negotiated among themselves a preemptive right to purchase land from the tribes, if they so decided to sell it. Thomas Jefferson: "I consider our right of preemption of the Indian Lands, not as amounting to any dominion, or jurisdiction, or paramountship whatever, but merely in the nature of a remainder after the extinguishment of a present right, which gave us no present right whatsoever, but of preventing other nations from taking possession, and so defeating our expectancy; that all Indians had the full, undivided and independent souring as long as they chose to keep it, and this might be forever." Thomas Jefferson, cited in Francis P. Prucha, *American Indian Treaties: The History of a Political Anomaly* (Berkeley: University of California Press, 1994), 227.

[53] "Ideological leverage is always superior to violence … The problems of Indians have always been ideological rather than social, political or economic … [I]t is vitally important that the Indian people pick the intellectual arena as the one in which to wage war. Past events have shown that the Indian people have always been fooled by the intentions of the white man. Always we have discussed irrelevant issues while he has taken our land. Never have we taken the time to examine the premises upon which he operates so that we could manipulate him as he has us." Vine Deloria, Jr., *Custer Died for Your Sins* (New York: Macmillan, 1969).

[54] And again: "And God said 'Let us make man in our image, after our likeness, and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth and over every creeping thing that creepeth upon the earth.' So God created man in his own image, in the image of God created he him; male and female created he them. And God blessed them, and God said unto them, 'Be fruitful and multiply; and replenish the Earth and subdue it.'" (Genesis 1:26-28).

[55] In the Cherokee cases Marshall held that "indigenous nations are imagined to be like children or wards, incompetent to manage their own territorial affairs. Tasks of land management, consolidation, and sales are left to the federal 'guardian,' who is empored to act on behalf of the tribal wards because of their alleged technical and cultural shortcommings." David E. Wilkins and K. Tsianina Lomawaima, *Uneven Ground: American Indian Sovereignty and Federal Law* (Norman: University of Oklahoma Press), 24.

[56] Wilkins and Lomawaima, *Uneven Ground*, 53.

[57] Corn Tassel (Cherokee), speech to the U.S. commissioner seeking a peace treaty, 1785, quoted in Wilkins and Lomawaima, *Uneven Ground*, 19.

[58] John O'Sullivan, "Annexation" in *Democratic Review* (July 1845), 5-10.

[59] John O'Sullivan, Editorial in *The New York Morning News* (December 27, 1845).

[60] From William Bradford, "With a Very Great Blame on Our Hearts: Reparations, Reconciliation, and an American Indian Plea for Peace with Justice," *American Indian Law Review* (2002-2003), 27.

William C. Bradford is currently (2007) an MBA student at the University of Florida. He was a professor of law, specializing in international law, federal Indian law, property, national security/foreign relations law, and the laws of armed conflict at the Indiana University School of Law, Indianapolis, from 2002-2005. His contract was not renewed after a controversial faculty vote. In Prof. Bradford's own words posted at the Volokh Conspiracy weblog, June 27, 2005: "It most certainly is a witch hunt, but what is really interesting about it (or would be interesting if I weren't at the center) is that it's impossible to characterize me as a right-winger. In fact, the Indian law community knows me as a far-left radical, which I don't think is entirely true, but I have indeed called for reparations from the U.S. to Indian tribes and even for tribes, in the wake of *U.S. v. Lara*, to declare independence from the U.S. The real reason for the votes of 5 tenured colleagues not to renew my contract, as best I can tell and based on what little has percolated down to me, was that I defend the war on terror (for reasons of self-determination principally) and won't sign letters in support of Ward Churchill's assertion that the victims of the 9/11 terrorists are the moral equivalents of the architect of the Jewish Shoah. I'm sorry, but that's, in my view, a very hateful and hurtful thing to say. My mom's parents were born as P.O.W.s in a U.S. Army prisoner of war camp, and I still love this country. I've actually heard the expression 'Clarence Tomahawk' used around the faculty suites." Some of William Bradford's writings can be found at: papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=336204.

[61] "Scorched Earth policy is a military tactic that involves destroying anything that might be useful to the enemy while advancing through or withdrawing from an area." The tactic has been used in a multitude of wars and conflicts, the first of which is reported to have been in the Gallic Wars (58-51 B.C.), when the Helvetii burned their own homes and agricultural resources in Switzerland and southern Germany as an incentive to flee invading Germanic tribes. Other implementations of "scorched earth" tactics and policy include Napoleon's armies' decimation of Spanish, Portuguese and Russian agriculture, livestock and dwellings during the Napoleonic Wars; William Tecumseh Sherman's infamous devastation of Georgia and the Carolinas in his "March to the Sea" in the Civil War; and Kit Carson's burning of Navajo crops, homes and livestock that culminated in the tribe's "Long Walk," in 1864, from its defeated stronghold of Canyon de Chelly to Fort Sumner, New Mexico. See *Wikipedia, The Free Encyclopedia*, en.wikipedia.org/wiki/Scorched_earth.

[62] "Initially, a legislative approach effected physical removal of Indian people from ancestral lands; however, when this proved politically inefficient, measures more clearly within the inherent powers of the executive and therefore less susceptible to judicial review were devised: Indian genocide became official policy of the United States and its political subdivisions." William Bradford, "With a Very Great Blame on Our Hearts: Reparations, Reconciliation," *American Indian Law Review* (2002-2003): 27, and "An American Indian Plea for Peace with Justice," *American Indian Law Review* (2002-2003).

[63] Brigadier General James H. Carleton (December 27, 1814–January 7, 1873) was an officer in the Union army during the Civil War. . In 1861 Carleton raised and was appointed colonel of the 1st California Volunteer Regiment. In 1862 he led the so-called California Column across California, Arizona, New Mexico, and into Texas. After the Confederate threat to New Mexico seemed to have been eliminated, Canby and many of the Union forces were sent to the east; so, in late August, Carleton was placed in command of the Department of New Mexico. During his tenure as department commander, Carleton was mainly concerned with Indian threats. He made it his first priority to conquer the Mescalero Apaches and the Navajos. He developed a plan to put them in a military prison camp to teach them farming and how to raise livestock to encourage "Western Style" self-sufficiency.

[64] An American Frontiersman born in Madison County, Kentucky and raised in Franklin, Missouri, Kit Carson's (December 24, 1809–May 23, 1868) life traversed work as a trapper, a hunter, a frontier guide, a soldier and a farmer. Carson's military career took him from the invasion and annexation of California (August, 1846) to the extermination and exiling of the Navajo at Canyon de Chelly (1864), under General James Carleton, during the American Civil War. His legend was perhaps, larger than his deeds and served as the template for at least 25 popular novels, many of which were printed in his lifetime. See *Wikipedia, The Free Encyclopedia*, en.wikipedia.org/wiki/Kit_Carson.

[65] "You have deceived us too often, and robbed and murdered our people too long, to trust you again at large in your own country. This war shall be pursued against you if it takes years, now that we have begun, until you cease to exist or move. There can be no other talk on the subject." General James H. Carleton's message given to Kit Carson to deliver to the Navajo (Diné). See *Wikipedia, The Free Encyclopedia*, en.wikipedia.org/wiki/Kit_Carson.

[66] In *Geopolitics of the Navajo-Hopi "Land Dispute"* by John Redhouse, I read: "From the colonial Ternary of Guadalupe Hidalgo to the Navajo Hopi Land Settlement Act, the United States of America has repeatedly violated the human rights and territorial integrity of the Navajo and Hopi people living on Black Mesa and throughout the former Joint Use Area. The executive, legislative, and judicial branches of the American state have separately and in concert aided and abetted this process by robbing the two tribes of their sovereign status and dispossessing them of their aboriginal land base. Seeking to divide and conquer, a coalition of special interests ranging from government-paid claims attorneys to multinational energy corporations have succeeded to a fine legal degree in alienating the two peoples and ending their joint tenure of the shared soil. Failing to resolve the dispute it helped create, the U.S. government through its Relocation Commission is now bent on clearing the land for large-scale mineral and water expropriation that will follow Indian removal in the late 1980s." What is called the Navajo Hopi Land dispute is a situation that has many different interests and forces invested outside the Navajo and the Hopi people at least since the 1882 Executive Order Reservation was established. I am told many reasons led to the establishment of this reservation, now called Hopi Reservation, one of them for the Indian Agent to have jurisdiction over the rebelling Hopi, another against the forced schooling of their children, another one to keep the Mormons out, another one to secure government control over the largest coal field of North America, that in its geographic outline matches the Reservation land, another one the draught and the live stock reduction and districting of grassing land, and I am sure there are many more brought up by different parties. But the legal conflict erupted when in the 1940s lawyers substituted by the government got involved (Indian Claims Commission Act, 1946) and at the same time interest in industrial mining of the vast mineral resource of the land were voiced. To explain the complexity of this situation, and to address the forced removal of people of both sides over the last 50 years, exceeds this footnote. On November 6th, 2006, the Hopi-Navajo Intergovernmental Compact was signed by both tribes, allowing mutual cultural use of the disputed land, as well as improvement to dwellings that had been forcefully stopped by the Bureau of Indian Affairs 40 years earlier. When I visit the Hopi in the summer of 2006 I talk to an elder and ask her about the conflict. She asks me what I know about it. I say a little. She asks me where I get my information from. I say, I read some books. She looks at her husband and both start laughing. See www.blackmesais.org/Geopolitics.html.

[67] Culture dictates appearance.

[68] Projections, not encounters between people.

[69] I am speaking of images and their ideology of a virgin land, a landscape pictured as being wide open, present, doing nothing but awaiting the settlers, miners and tourists that would ensure its cultivation towards a bright future. Historical photographs gave frame to geographical determinism and were soon followed by an ideological frame that offered an entrance into the picture for the settlers themselves: *From the conditions of frontier life came intellectual traits of profound importance … The result is that to the frontier the American intellect owes its striking characteristics. That coarseness and strength combined with acuteness and inquisitiveness; that practical, inventive turn of mind, quick to find expedients; that masterful grasp of material things, lacking in the artistic but powerful to effect great ends; that restless, nervous energy; that dominant individualism, working for good and for evil, and withal that buoyancy and exuberance which comes with freedom — these are traits of the frontier, or traits called out elsewhere because of the existence of the frontier.* Frederick Jackson Turner, "The Significance Of The Frontier In American History,"

(1893), a paper read at the July 12 meeting of the American Historical Association, Chicago.

[70] With Gerard, a Ute guide, I climb down into the cliffs of the Mancos canyon. He shows me ruins of the Puebloan Ancestors. Tucked into the wall is a Kiva, a circular ceremonial room. Its days of use lay easily 500 years back. He tells me there is a photograph of this room taken ca. 1874, showing all its original wall paintings and ornaments, and artifacts that had preserved over 400 years. The man who took the photograph, Henry William Jackson, had removed the entire wooden ceiling to have enough light to take this picture. The remains of it still piled up against the canyon wall. Today all we see looking down into the kiva are bare clay walls and small pieces of pottery chards on the floor, little trees growing among them. Some steps further down, the guide points to a boulder. It has the name H. W. Jackson scratched into the stone.

[71] James C. Faris, "The Gaze of Western Humanism" in *Navajo and Photography: A Critical History of the Representation of an American People* (Salt Lake City: University of Utah Press, 2003) 11.

[72] Faris, *Navajo and Photography*, 11.

[73] Both forms of images, those of landscapes and those of people, needed each other — separated — but were nevertheless faithfully intertwined trajectories, producing meaning with each other in the unfolding narrative of the West. Several early photographic portfolios combined sections of landscapes with sections of portraits. But soon, these subjects were separated from each other and presented and archived in different portfolios, to emphasize the disjunction of a people to a land.

[74] Edward Curtis (February 16, 1868–October 19, 1952) was a photographer whose primary subjects were Native Americans and the American West. He became an apprentice photographer at sixteen in St. Paul, Minnesota, and moving to Seattle in 1887, entered into a partnership in a new photography studio. In 1898, while photographing Mt. Rainer, Curtis came upon a team of scientists led by George Bird Grinnell, whose interest in Curtis' photography led him to invite the photographer to join him on a trip to photograph the Blackfoot Indians of Montana, in 1900. Perhaps Curtis' most famous work involved his 1906 contract with J. P. Morgan, who offered Curtis $75,000 to photograph and collect sounds of the "North American Indian" before "it" and "its" customs disappeared. As Curtis wrote of the venture, "the information is to be gathered … respecting the mode of life of one of the great races of mankind, must be collected at once or the opportunity will be lost." Curtis produced over 40,000 photographic plates as well as countless recordings and written records of the tribes among which he lived and with whom came in contact. See *Wikipedia, The Free Encyclopedia*, www.wikipedia.org/wiki/Edward_S._Curtis.

[75] "Lives 22 Years With Indians To Get Their Secrets," *New York Times*, April 16, 1911.

[76] David R. M. Beck, "The Myth of the Vanishing Race" (February, 2001). See www.memory.loc.gov/ammem/award98/ienhtml/essay2.html.

[77] Curtis' image of a single-file succession of Navajo on ponies riding away from the camera into the dark was titled *The Vanishing Race*. This name would later become the name of Curtis' project at large. In 1905 he writes in his diary:

"Alone with my campfire, I gaze about on the completely circling hilltop, crested with countless campfires, around which are gathered the people of a dying race. The gloom of the approaching night wraps itself around me. I feel that the life of these children of nature is the dying day drawing to its end; only off in the West is the glorious light of the setting sun, telling us, perhaps, of light after darkness." T. C. McLuhan, "Curtis: His Life" in *Portraits from North American Life* (New York: A&W Visual Library, 1975), viii.

[78] Rina Swentzell (Rina Naranjo), "A Pueblo Woman's Perspective on Chaco Canyon" in *In Search of Chaco, New Approaches to an Archaeological Enigma*, ed. David Grant Noble (Santa Fe, NM: SAR Press, 2004).

[79] The Acoma (Pueblo Indian) place name for Chaco is W'aasrba shak'a, meaning "place of greasewood," sometimes it is shortened to Chaca.

[80] I hike along the dry river bed at the bottom of the canyon. Suddenly in the distance I see a movement out of the corners of my eyes. A group of 8 elk move swiftly out of Chaco wash, crossing the small road. On the other side they stop. They watch me, watching them. Time expands. I lift my gaze up to the edge of the canyon walls. Again along its rugged edges, I feel the presence of (many) people looking down. Travel diary. June 2005.

[81] Simon J. Ortiz, "Poetics and Politics, A Reading Series Featuring 13 of the Country's Most Accomplished American Indian Writers." Lecture and conversation. Department of English and American Indian Studies Program, University of Arizona. February 3, 1992.

[82] John Locke, *The Second Treatise of Civil Government*, 1690 (Indianapolis: Hackett Publishing Company, 1980) German translation: John Locke, *Über die Regierung*. In der Übersetzung von Dorothee Tidow, herausgegeben von Peter Cornelius Mayer-Tasch, Bibliographisch ergänzte Ausgabe 1983 [Nachdr.]. Stuttgart: Reclam, 1983. 246 S., Universal-Bibliothek Nr. 9691.

[83] Ortiz, "Poetics and Politics."

[84] Chief Tecumseh, Shawnee, to a messenger from President James Madison, 1811.

[85] *Sell a country! Why not sell the air, the clouds and the great sea, as well as the earth? The way, the only way to stop this evil is for the red man to unite in claiming a common and equal right in the land, as it was first, and should be now, for it was never divided. / We gave them forest-clad mountains and valleys full of game, and in return what did they give our warriors and our women? Rum, trinkets, and a grave. / Brothers — My people wish for peace; the red men all wish for peace; but where the white people are, there is no peace for them, except it be on the bosom of our mother. Where today are the Pequot? / Where today are the Narranganset, the Mohican, the Pakanoket, and many other once powerful tribes of our people? They have vanished before the avarice and the oppression of the White Man, as snow before a summer sun.* Chief Tecumseh, Shawnee.

"Chief Tecumseh (c.1768?-October 5, 1813), whose name might be more accurately rendered as Tecumtha or Tekamthi, was a famous Shawnee leader. He fought against United States expansion into the Midwest in the early 19th century. Born in what is now Ohio, he was the son of a Shawnee chief who was killed fighting white settlers in the Battle of Point Pleasant (1774). In 1794 Tecumseh took part in the Battle of Fallen Timbers, in which a coalition of tribes was defeated by the U.S. general Anthony Wayne. Tecumseh became known for his opposition to any surrender of Native American land to whites, holding that a cession of land by any one tribe was illegal without the consent of all the others. He and his brother Tenskwatawa, a religious visionary known as The Prophet, preached against Native American adoption of white customs — especially the use of liquor. In 1808 they were forced out of Ohio and moved to Indiana, where they tried to form a broad alliance of Native American tribes with help from the British in Canada. Their plans were thwarted when Tenskwatawa was defeated by U.S. forces under William Henry Harrison at the Battle of Tippecanoe in 1811. Tecumseh fought on the British side in the War of 1812 and was killed in the Battle of the Thames, near Thamesville, Ontario, on October 5, 1813." See *Wikipedia, The Free Encyclopedia*, en.wikipedia.org/wiki/Tecumseh and www.danielnpaul.com/ChiefTecumseh-Shawnee.html

[86] The first usages of the term have gone out of vogue, replaced by words like *territoire*, *pays*, *domain* that corresponded to the larger political spaces of those with power.

[87] The word had been introduced originally as a technical term of painters.

[88] "The aesthetic change in the Renaissance conception of nature and landscape shows a development similar to the scientific one. The invention of linear perspective both offers a practical tool to construct spaces and their visual representation and allows for a new interpretation of the place of humans in the world. It stresses the individual and thus changeable perception, and not the divine view, as the key to spatial experience and location. The appropriation of landscape through an individually controllable position from a distant and panoramic viewpoint inside the

landscape itself, and not from God's bird's-eye perspective, emphasizes that access on individual, human conditions becomes the new practical and interpretative norm for human identity." Svend Erik Larsen, "Landscape, Identity, and War," *New Literary History* Vol. 35, No. 3 (2004), 469-490.

[89] Genocide. In 1933, Jurist Raphael Lemkin submitted a proposal to the International Conference for Unification of Criminal Law that would have made the destruction of racial, religious or social groups a crime under international law. Lemkin is believed to have been the first person to use the term "genocide," in 1944. At that time, he was a refugee from Nazi Germany, and had written a book about the Nazi Holocaust. The United Nations' General Assembly resolution from December 12,1946, defines the term "genocide" as follows: "Genocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings; such denial of the right of existence shocks the conscience of mankind, results in great losses to humanity in the form of cultural and other contributions represented by these human groups, and is contrary to moral law and to the spirit and aims of the United Nations. Many instances of such crimes of genocide have occurred when racial, religious, political, and other groups have been destroyed, entirely or in part. The punishment of the crime of genocide is a matter of international concern. The General Assembly, therefore, Affirms that genocide is a crime under international law which the civilized world condemns, and for the commission of which principals and accomplices — whether private individuals, public officials or statesmen, and whether the crime is committed on religious, racial, political or any other grounds — are punishable; Invites the Member States to enact the necessary legislation for the prevention and punishment of this crime; Recommends that international co-operation be organized between States with a view to facilitating the speedy prevention and punishment of the crime of genocide, and, to this end, Requests the Economic and Social Council to undertake the necessary studies, with a view to drawing up a draft convention on the crime of genocide to be submitted to the next regular session of the General Assembly." See www.religioustolerance.org/genocide6.htm.

[90] The stories I hear on this travel, day in day out move my mind, move my body, move the things I know, and the things I don't know. There is no one way of seeing, no essential truth, no scripted lesson to be learned.

[91] That same night in my mind another fictional memory revisits. A young girl in Germany reading a text about the endless lands far West. I thought I had forgotten. The writer himself, a German man, had never seen with his eyes what he described in so many detailed pictures for my eager, young mind. He was a romantic and knew the longing for adventure. His books follow a German hero, *Old Shatterhand*, May's alter ego, and a noble savage *Winnetou*, an Apache chief. Thinking of Karl May's characters now, they remind me of the equally famous photographs by Edward S. Curtis. It had not occurred to me that Curtis was working about the same time in the land of May's fantasy. Curtis' images too, are strong and mysterious and are like the books of my childhood. Both are *fiction*. *Winnetou* and *Old Shatterhand*, two men from different cultures, together as (blood) brothers prevailing on the side of the good against the evil. Thriving on higher morals than the world around them, the brothers struggle from adventure to adventure, with their loyal horses and the love of their loyal women. *Winnetou* eventually converts to Christianity and speaks of the Great Father with respect. A Manifest Destiny. A story so great and wonderfully told with utmost conviction in a land thousand of miles from my childhood room. I have been told that Hitler loved Karl May's books. He read them at night time, identifying with this story of a German hero with courage. Apparently in the middle of World War II Hitler had 300,000 copies of Karl May's *Winnetou* novels printed and sent to the soldiers at the Eastern front hoping it would give them courage, too.

[92] John Wayne's response to Richard Warren Lewis' question: "For years American Indians have played an important — if subordinate — role in your Westerns. Do you feel any empathy for them?" See John Wayne Interview, *Playboy Magazine* (May 1971).

The next story about the movies was told to me by David Reed in New York, summer of 2004. David Reed spent several summers on the Navajo Nation in the 1970s to paint. I am told he drove a Volkswagen Beetle with an easel nailed to its side.

Humor, all Indians will agree, is the cement by which the coming Indian movement is held together. When a people can laugh at themselves and laugh at others and hold all aspects of life together without letting anything drive them to extremes, then it seems to me that people can survive.

Vine Deloria, Jr., *Custer Died for Your Sins* (New York: Macmillan, 1969).

[93] Also a band did their video recently. He has not seen it yet.

[94] James C. Faris, "The Gaze of Western Humanism" in *Navajo and Photography: A Critical History of the Representation of an American People* (Salt Lake City: University of Utah Press, 2003), 11.

[95] Faris, *Navajo and Photography*, 14.

[96] Faris, *Navajo and Photography*, 13.

[97] "If one thinks of the adventure … image as a visual equivalent of progress, then we are confronted with a paradoxical immobility of thought, for such an image is only sustainable through repetition … to mask its lack of genuine social or ethical reflection. Myth too is capable of inducing inertia. To base one's identity on nostalgic myths is to be doomed to repetition, incapable of seeing and responding to the political realties of the present." Jean Fisher, "Chronicle of a Myth Retold" in *The American West*, exhibition catalogue (Warwickshire, England: Compton Verney, 2005), 41-42.

[98]

[99] Travel diary. 2005.

[100] Images of the American West have been part of my conciousness for a long time. From picture books to postcards, to advertising, they have made me familiar with forms and shapes and spaces of this land as photographs, color or black and white. The image of this land, a visual knowledge is held by many people.

[101] Signs found at Navajo Nation, Chaco Canyon. Canyon de Chelly. Ute Mountain Ute Tribal Park. Mesa Verde. Bandalier Canyon. Horseshoe Canyon. Newspaper Rock. Shiprock. Orabi. Painted Desert. Grand Canyon. Zuni Pueblo. St. Anna Pueblo …

[102] Photography introduced, as no other visual medium could, the "death effect," such that "the person who has been photographed is dead … dead for having been seen" — (see Christian Metz, "Photography and Fetish," *October* 34 [1985]: 85) — dead for having been stopped from breathing, speaking. Photographs mute; they render speechless, "for every photograph of the Other is a visual reduction of the Other — both a distancing and muting" (Craig Owens, "Improper Names," in *Unsettled Objects* [New York: Solomon R. Guggenheim Museum, 1993], 106). They do not speak; they are "worth a thousand words" only if there is nothing to say, if all communication has already taken place, if every possible sign is already shared — i.e., if all texts are already accepted. Faris, *Navajo and Photography*, 14.

[103] "There on the geologic picture plane is a procession of gods approaching inexorably from the earth. They are informed with irresistible power; they are beyond our understanding. Masks of infinite possibility. We do not know what they mean, but we know they are involved in their meaning. They persist through time in the imagination, and we cannot doubt that they are invested with the very essence of language, the language of story, of myth and primal song. They are two thousand years old, more or less, and they remark as closely as anything can the origin of Native American literature." N. Scott Momaday, "The Native Voice in American Literature," in *The Man Made of Words: Essays, Stories, Passages* (New York: St. Martin's Press, 1997), 13.

[104] I am told that the past is never separated from the present. What happened any time is itself always nearby in the here and now: A person, a breath, a story, a path, a rock, a structure, a slope, a breeze, a sound.

[105]

Time present and time past
Are both perhaps present in time future
And time future contained in time past.
If all time is eternally present
All time is unredeemable.
T. S. Eliot, "Burnt Norton: 'Four Quartets'" in *The Complete Poems and Plays* (New York: Harcourt Brace & Company, 1952), 117.

[106] I have been told that the quest for knowledge does not always produce certainties and it goes like this: "Questions about the purposes of rock art and reasons for its creation are asked by both casual observers and scholars. Unfortunately the questions usually cannot be answered with certainty. Rock art today exists out of its living cultural context. Rock art could have been created for a number of reasons. It may be the result of haphazard scratching or the irresponsible product of an unskilled novice … Perhaps some indentations were used in playing games … More easily recognizable are representations of human and animal forms; yet it is more difficult to determine the purpose of the form — whether it depicts a particular person or animal or a life form in general. Some rock art may have been strictly decorative in nature, accounting for crosses, rectangles, circles, spirals, and other designs. Other rock art representations could actually be a form of picture writing, recording dates, titles, names, ceremonial symbols, or great feats. Warnings, directions, or the posting of territorial limits could explain panels that appear to be maps. Notable events in local history, mythology, or tradition may be represented, as also could routine habits, customs, or life ways be depicted. Symbols such as mountain sheep or bear tracks may represent a group of related people … indicating the territory of the group … The practice of creating rock art may even have been part of a religious function, limited to a few skilled artists. In some cases, rock art may have been created by artists visiting an area for an important social or ceremonial occasion … Some rock art may identify cultural relationships, patterns of communication, evidence of trade, or other cultural contacts. All of these possibilities contribute to the difficulty of understanding the meaning or purposes of rock art … " See Salley J. Cole, *Legacy on Stone: Rock Art of the Colorado Plateau and Four Corners Region* (1990); Polly Schaafsma, *Indian Rock Art of the Southwest* (1980); Pam Miller and Blaine Miller,"Rock Art in Utah," www.media.utah.edu/UHE/r/ROCKART.html.

[107] Provided by the Cherokee Nation Cultural Resource Center. See www.cherokee.org.

[108] Shonto Councilman Harry Brown.

[109] According to the Center for Environmental Integrity in Washington, D.C.

[110] Brenda Norrell, "Policy Debate: Power Plants on Navajo Land," *Indian Country Today*, May 20, 2005.

[111] Janet Raloff, "Uranium, the newest 'hormone,'" *Science News* Vol. 166, No. 20 (2004): 318.

[112] Judy Pasternak, "Blighted Homeland: A Peril That Dwelt Among the Navajos," *Los Angeles Times*, November 16, 2006.

[113] Sandy Buffett, Executive Director of Conservation Voters, New Mexico. Conservation Voters New Mexico is a nonpartisan, non-profit 501c(4) organization, which works to protect New Mexico's natural environment and cherished way of life. Their mission is to make sensible conservation policies a top priority for elected officials, political candidates, and voters across the state. They do this by: Educating legislators and the public on critical conservation issues; Lobbying on behalf of pro-conservation legislation; Holding legislators accountable for decisions that impact the environment; and Endorsing and electing pro-conservation candidates to public office. See www.cvnm.org.

[114] See www.desert-rock-blog.com. This is a blog site that centers on the proposed building of a new power plant in the Four Corners of New Mexico.

[115] Kate Trainor, "Absolute Power: In the Four Corners Region of New Mexico, a Conflict Over Money, Power and Sovereign Rights has Grown Ugly," March 8, 2007. See www.Alibi.com.

[116] The BIA approval process is considered a Federal action requiring review under and in compliance with the National Environmental Policy Act of 1969 (NEPA). Purpose. Sec. 2 [42 USC § 4321]. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality. See www.desertrockenergy.com.

[117] Alice Gilmore. Resident.

[118] Mike Eisenfeld, New Mexico staff organizer for San Juan Citizen's Alliance.

Mission statement: Founded in 1986, San Juan Citizens Alliance is a grassroots organization dedicated to social, economic and environmental justice. We organize San Juan Basin residents to protect our water and air, our public lands, our rural character, and our unique quality of life while embracing the diversity of our region's people, economy and ecology. Our priorities at San Juan Citizens Alliance include protecting wildlife and wildlands, advocating greater corporate and governmental responsibility in development of oil and gas resources, protecting and restoring rivers, and promoting basic civil rights and civil liberties for all residents. See www.sanjuancitizens.org.

[119] Trainor, "Absolute Power."

[120] A bill that was defeated in March 2007 in the New Mexico Legislature.

[121] Vine Deloria, Jr., "Kinship with the World," in *Spirit and Reason: The Vine Deloria, Jr. Reader*, ed. Barbara Deloria et al. (Golden, CO: Fulcrum, 1999), 224.

[122] Klara Bonsack Kelley and Harris Francis, *Navajo Sacred Places* (Bloomington: Indiana University Press, 1994).

[123] I am told that the term *sacred* connotes respect, whatever it is applied to: a song, a dance, a river, a mountain, a site, a stone.

[124] Patti Smith, "*Spell*" ("Footnote to *Howl*" by Allen Ginsberg) from the album *Peace and Noise*, 1997.
Holy! Holy! Holy! Holy! Holy! Holy! Holy! Holy! Holy! / Holy! Holy! Holy! Holy! Holy! Holy! / The world is holy! The soul is holy! The skin is holy! / The nose is holy! The tongue and cock and hand / and asshole holy! / Everything is holy! Everybody's holy! everywhere is / holy! everyday is in eternity! Everyman's an / angel! / The bum's as holy as the seraphim! the madman is / holy as you my soul are holy! / The typewriter is holy the poem is holy the voice is / holy the hearers are holy the ecstasy is holy! / Holy Peter holy Allen holy Solomon holy Lucien holy / Kerouac holy Huncke holy Burroughs holy Cassady / holy the unknown buggered and suffering / beggars holy the hideous human angels! / Holy my mother in the insane asylum! Holy the cocks / of the grandfathers

of Kansas! / Holy the groaning saxophone! Holy the bop / apocalypse! Holy the jazz bands marijuana / hipsters peace & junk & drums! / Holy the solitudes of skyscrapers and pavements! Holy / the cafeterias filled with the millions! Holy the / mysterious rivers of tears under the streets! / Holy the lone juggernaut! Holy the vast lamb of the / middle class! Holy the crazy shepherds of rebellion / Who digs Los Angeles IS Los Angeles! / Holy New York Holy San Francisco Holy Peoria & / Seattle Holy Paris Holy Tangiers Holy Moscow / Holy Istanbul! / Holy time in eternity holy eternity in time holy the / clocks in space holy the fourth dimension holy / the fifth International holy the Angel in Moloch! / Holy the sea holy the desert holy the railroad holy the / locomotive holy the visions holy the hallucinations / holy the miracles holy the eyeball holy the / abyss! / Holy forgiveness! mercy! charity! faith! Holy! Ours! / bodies! suffering! magnanimity! / Holy the supernatural extra brilliant intelligent / kindness of the soul! / (Berkeley, 1955).

[125] "The manifestation of the sacred ontologically founds the world" by manifesting itself as ideal models, the Sacred gives the world value, direction, and purpose. Mircea Eliade, *The Sacred and the Profane: The Nature of Religion*, trans. Willard R. Trask (New York: Harper Torch Books, 1961).

[126] "An dieser 'Linie' endete Europa und begann die 'Neue Welt.' Hier hörte das europäische Recht, jedenfalls das 'europäische öffentlicher Recht' auf. Hier endete infolgedessen auch die durch das bisherige europäische Völkerecht bewirkte Hegung des Krieges und wurde der Kampf um die Landnahme hemmungslos. Jenseits der Linie beginnt eine 'überseeische' Zone, in der, magels jeder rechtlichen Schranke des Krieges, nur das Recht des Stärkeren galt." Carl Schmidt, "II Die Landnahme einer Neuen Welt," in *Der Nomos der Erde* (Berlin: Dunker & Humblot, 1997), 62.

[127] United States Patent #157,124 was granted to Joseph Glidden of DeKalb, Illinois on November 24th, 1874, it reshaped life in the American West. In 1875, 270 tons of barbed wire were manufactured, and by 1900 production had increased to over 150,000 tons. Source: EvaMarie Lindahl, Malmö, Sweden.

[128] N. Scott Momaday, "Essays in Place" in *The Man Made of Words: Essays, Stories, Passages* (New York: St. Martin's Press, 1997), 111.

"N. Scott Momaday was born in Lawton, but grew up on the Navajo Reservation. Momaday earned his M.A. and Ph.D degrees from Stanford University in 1960 and 1963 respectively. He has garnered critical acclaim for his focus on Kiowa traditions, customs and beliefs, and is also recognized as one of the most successful contemporary Native American literary figures. Momaday's writings are greatly influenced by oral tradition. He is professor of English at the University of Arizona, Tucson, and a consultant of the National Endowment for the Humanities and National Endowment for the Arts since 1970. He received the Academy of American Poets Prize in 1962, the Pulitzer Prize for Fiction in 1969, the Guggenheim Fellowship in 1966/67, and the National Institute of Arts and Letters grant, 1970. His writing includes *The Journey of Tai-me* (1967), *House Made of Dawn* (1968), *The Way to Rainy Mountain* (1969) (illustrated by his father, Alfred Momaday), *Angle of Geese* (1974), *The Gourd Dancer* (1976), *The Names: A Memoir* (1976), *The Ancient Child* (1989), *In the Presence of the Sun* (1992), *The Native Americans: Indian County* (1993), *Circle of Wonder: A Native American Christmas Story* (1994), *The Man Made of Words: Essays, Stories, Passages* (1997), and *In the Bear's House* (1999)." See The Native American Authors Project, The Internet Public Library, www.ipl.org/div/natam/bin/browse.pl.

[137] William Bradford, "Beyond Reparations: An American Indian Theory of Justice," *Ohio State Law Journal* Vol. 66 (2005).

[1(38)] The most expansive measure calls for the creation of a "Buffalo Commons" ["BC"] centered upon nearly 150,000 square miles of territory in 110 counties situated in a broad swath extending from Texas and New Mexico north to the Canadian border through Oklahoma, Colorado, Nebraska, Kansas, Wyoming, North and South Dakota, and Montana. The vast majority of this territory consists of lands that were never lawfully ceded to the United States and to which Indian tribes therefore remain legally entitled. To this land mass — currently occupied by a sparse and dispersed non-Indian population of only 400,000 — advocates of the BC would seek to append the unceded lands of over a dozen other Indian tribes, a land mass encompassing an additional 100 bordering counties, the Great Basin and Sonoran Desert, those parts of several other States designated surplus federal lands or land otherwise held in public trust, adjacent grasslands, national forests, military bases, and existing Indian reservations. Tribes claiming lands not within the area described in the BC might negotiate with the United States

and tribes the acceptance of grants of land within the BC in exchange for the surrender of claims, and tribes within the BC would negotiate arrangements for joint use of its resources. Although proponents of the BC stress that it is possible to facilitate the return of "every square inch of unceded Indian Country in the [United States] without tossing a single non-Indian homeowner off the land on which they [sic] now live[,]" individual non-Indians electing not to remain living in and accept Indian sovereignty over this "North American Union of Indigenous Nations" would be paid just compensation for the cession of their property interests by the U.S. See www.gprc.org/Buffalo_Commons.html.

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