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Blackfeet Indians and the Sweet Grass Hills:
Sacredness, Land, and Institutional Discrimination

by

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B.A., Women's Studies, Gettysburg College, 2009

Thesis

presented in partial fulfillment of the requirements

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The Sweet Grass Hills and Blackfeet Indians: Sacredness, Land, and Institutional Discrimination*

The Sweet Grass Hills of north-central Montana are part of the four Tribes of the Blackfoot Confederacy's traditional territory and play a vital role in perpetuating Blackfeet culture. The Blackfeet Tribe of Montana was forced to sell the Sweet Grass Hills to the federal government in 1888 after the decimation of bison populations. In 1992, the first large-scale corporate mining proposal in the Sweet Grass Hills was proposed by Lehmann and Associates and Manhattan Mineral, Ltd. In response to public outcries, environmental impact statements were issued by the Bureau of Land Management, the agency that manages the area, and Secretary of Interior Babbitt closed the Sweet Grass Hills to mineral entry through Public Land Order 7254 from 1997 to 2017. To assess how the Blackfeet Tribe and other stakeholders have attempted to influence stewardship of the Sweet Grass Hills from 1985-present, I engage a discourse analysis of public documents and informant interviews. Post-structuralism and standpoint theory frameworks are used for analysis. I found that Blackfeet Indians succeeded in influencing stewardship of the Sweet Grass Hills through sharing of cultural information, which has been part of a 'burden of proof' to demonstrate their traditional ties to the Sweet Grass Hills to the dominant society. However, Blackfeet Indians failed to influence stewardship of the area through legal means because American Indian religious and cultural are subjugated, which I argue exemplifies institutional discrimination against Blackfeet Indians. Blackfeet Indians' group identity politics were weakened because Canadian Blackfeet were excluded from consultation processes. Non-Native American residents living near the Sweet Grass Hills emphasized protecting their private property rights which decreased their support for Blackfeet influence over the area. The establishment of a Blackfeet Tribal Historic Preservation Officer in 2004 increased the potential for Blackfeet Indians' influence of stewardship in the area, but there is ambivalent evidence that consultations with the Office have been effective in affording Blackfeet power. With several years left before Order 7254 expires, assessment of discrimination against and political opportunities for the Blackfoot Confederacy is necessary before their culture and the Sweet Grass Hills landscape once again become vulnerable to mining in 2017.

*Note: The Bureau of Land Management's "West Hi-Line Draft Resource Management Plan", which addresses future management options for the Sweet Grass Hills and was released to the public on March 22, 2013, was not included in this thesis data and analysis.

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Chapter 1

Introduction

American Indian traditional land-based claims are a well-examined topic within several academic fields, including anthropology, environmental studies, and Native American Studies. Scholars in these fields have focused mainly on how groups have conflicted over how to manage natural resources. However, the political steps that American Indians must take to successfully re-claim influence over traditional Tribal lands have not been well-documented (Champagne 2007). To partially remedy that gap, this thesis investigates Blackfoot Indians' attempts to affect stewardship of a traditional area of land, the Sweet Grass Hills, in attempts to maintain their culture and spiritual ties to the area. The Sweet Grass Hills are located in north-central Montana, a few miles from southern Alberta, below the U.S./Canada border (Dormaar 2003). When referring to the Blackfoot Confederacy or the Blackfoot Nation, I refer to four Tribes: the north Piegan, Blood, and north Blackfoot Tribes of Alberta, Canada, and the South Piegan Tribe, also known as the Blackfoot Tribe, in the United States; this alliance was forged based on the Tribes have similar Algonquian languages and the desire for military support (Ewers 1958). When referring to the 'Blackfoot Tribe,' I am referring to just the federally recognized American Indian South Piegan group whose reservation lands are in the United States.

The Sweet Grass Hills¹, or Kátóyissiksi in Blackfoot, of north-central Montana are composed of three buttes within a prairie landscape. The area is geologically unique and sacred for several Rocky Mountain Native American Tribes ("Sweet Grass Hills" 2013; UMMLA, CN 239, Box 65, March, 1992). For the Blackfoot Tribe, the Sweet Grass Hills are especially significant, as they are part of the Tribe's creation story and other important stories (Bullchild

¹ The name Sweet Grass Hills is a mistranslation from the original Blackfoot name, which means Sweet Pine Hills (Schwab 1994).

1985; “Sweet Grass Hills” 2013) The Sweet Grass Hills play an integral part in perpetuating Blackfeet culture and have been used in cultural practices since time immemorial (Bullchild 1985; UMMLA, CN 239, Box 65, March, 1992).

In 1887, while under severe duress, the Blackfeet Tribe sold these lands to the United States during a winter of starvation caused by the decimation of buffalo populations (Ewers 1958). Since 1887, the Sweet Grass Hills have been under federal U.S. management, first under the General Land Office, and subsequently under the Bureau of Land Management (BLM) (Dana 1956). Since the federal government acquired the lands, small-scale mining operations legally occurred in the area because the 1872 Mining Law has allowed individuals and companies to explore and potentially develop mines on public lands while paying extremely low royalties (Maughan 2007). Large-scale mining was proposed in the mid-1980’s, resulting in years of public outcry, environmental impact and scoping processes, and the issuance of Public Land Order 7254. This Secretarial Order, issued in 1997 and expiring in 2017, protects the Sweet Grass Hills from new mining exploration in the area (U.S. Department of Interior 1997a).

However, some corporate mineral claims articulated in the mining proposals were found to be valid by the BLM in 1995 (HBFO, 1997). Under the 1872 Mining Law, these private property mineral rights are still valid in the Sweet Grass Hills despite the Secretarial Order (Maughan 2007; U.S. Department of Interior 1997a). However, the heap leach mining methods by which the company planned to extract minerals were banned by a state ballot initiative in Montana in 1998 (“Hardrock and Cyanide Mining in Montana” 2013), so the company has not been able to proceed with its mineral exploration. Instead the company has challenged the legality of Secretarial Order several times, but courts have supported the Order’s legality.

This progression of events offers a unique opportunity to analyze Blackfoot land claims and relations with the wider society. Engaging a sociological lens, I attempt to investigate the Sweet Grass Hills scenario by asking the following central research question: *In what ways have the Blackfoot Tribe and other stakeholders influenced land stewardship of the Sweet Grass Hills since 1985?*

This research question can be addressed through contextually specific, in-depth analysis of U.S. policies and social relations affecting the Sweet Grass Hills and Blackfoot Indians. Addressing this question reveals how different groups frame political and environmental issues concerning stewardship of the Sweet Grass Hills and how these groups interact within political systems to achieve their goals. Examining the Sweet Grass Hills setting also offers insights into how U.S. institutions allow for participation of American Indian groups in management of traditional indigenous land.

Several lessons from Native American Studies must be taken into account to understand this thesis. Scholars in Native American Studies and other fields have noted that the social position of every researcher colors some subjective aspects of doing and articulating research (Brown and Vibert 1996). As a non-Blackfoot, EuroAmerican, upper-middle class researcher, my social lens comes from a privileged position and cannot speak directly from the perspective of Blackfoot experiences in the Sweet Grass Hills situation, but is instead filtered through my own perspective and experiences. To be mindful of this, Native American Studies scholars remind researchers to not over-generalize or make assumptions about indigenous cultures, ways of knowing, peoples, and beliefs. I attempted to keep these sensitivities at the forefront of my research and writing processes.

To answer my research question, I applied discourse analysis to a variety of documents from Blackfeet Indians, federal agencies, mining company representatives, non-profit organizations, and the general public. In examining these documents, I found four general themes: 1) Blackfeet Indians have focused on ‘sacredness’ as a discourse about the Sweet Grass Hills; they do so to communicate a cultural connection to the landscape and as a form of activism to increase their influence over the area; 2) federal consultation processes mandated by the National Historic Preservation Act between the BLM, the Blackfeet Tribe, and cultural preservation agencies have been steeped in conflict over differing interpretations as to when consultation is required and whether Canadian Blackfeet should be included in formal consultations; 3) many Blackfeet Indians, BLM employees, mining company representatives, and other non-Native American citizens who have lived near the Sweet Grass Hills have employed ‘rights’ discourse, oftentimes with some rights claims opposing other types of rights claims; 4) discourse from Department of Interior employees and mining company representatives has been based in legality issues, and those legal claims have limited Blackfeet Indians’ ability to exercise stewardship claims.

I have used Foucaultian post-structuralist and standpoint theory perspectives in my data analysis for a number of reasons. Foucault argues that power is inherently related to knowledge creation, and marginalized groups are excluded from creating knowledge that is legitimated in the dominant society (Foucault 1977c). Applying this analysis to the Sweet Grass Hills scenario allows for an in-depth, nuanced discussion about discourse, power, and exclusion. Therefore, it is an appropriate perspective to engage in the case of Blackfeet Indians resisting against the dominant U.S. society. Second, standpoint theory, or the idea that groups with similar historical, oppressed experiences can band together to achieve a political goal, can offer members of the

Blackfoot Confederacy theoretical insights into political action. Also, standpoint theory has rarely been employed in sociological discussions concerning the power of indigenous groups to influence stewardship of natural landscapes. This leaves a gap in sociological knowledge about indigenous groups and their political land-use options. Third, I found no research studies that combined post-structuralism and standpoint theory. For instance, some political ecology scholars, or those who focus on how power is present within natural resource allocation, have employed a Foucaultian post-structural perspective in discussing indigenous discourse (Bosak 2008; Snodgrass et al. 2008), but none that I found took that discussion further to include standpoint theory's practical and theoretical applications regarding political action and opportunity for minority groups.

Based on these two theoretical perspectives, I generated several arguments from my data. Institutional discrimination, or "organization[ally] embedded" beliefs and actions (Feagin and Eckberg 1980: 9) that systematically and negatively affect certain groups, persists against Blackfeet Indians and has decreased their ability to influence stewardship of the Sweet Grass Hills. One of the main vehicles through which this discrimination has been employed is the legal system, which prioritizes private property rights, through the Mining Law of 1872, while subjugating cultural, historical, and religious rights. Legal discrimination has been demonstrated most blatantly by the ineffectiveness of Blackfeet Indians' attempts to use the American Indian Religious Freedom Act (AIRFA), which failed to challenge the U.S. Constitution's Establishment Clause and in protecting the Blackfeet Tribe's spiritual rights, and thus failed as a political tool in trying to keep mining out of the Sweet Grass Hills.

I also found that the Blackfeet Tribe has experienced power through sharing cultural information, which has increased general public support for protecting Native American cultural

and religious rights in the Sweet Grass Hills. As standpoint theory argues, a group identity politic, or political alignment of different group with similar historical experiences, was formed between Blackfeet Indians and other Native American Tribes who hold the Sweet Grass Hills as sacred. This political alliance increased in power when some non-Native American residents who lived near the Sweet Grass Hills and several environmental groups also aimed to protect the Sweet Grass Hills from mining. However, the exclusion of Canadian Blackfeet in meaningfully contributing to federal consultations required under the National Historic Preservation Act decreased the ability for the Blackfeet Tribe to increase its group identity politic.

Findings and analyses in this thesis are important to environmental sociology, political sociology, political science, environmental studies, and Native American Studies. Drawing from a variety of fields, this thesis analyzes how different groups experience power and how larger systemic connections to the economy, the environment, politics, and social relations influence the Blackfeet Tribe's ability to employ power. Furthermore, post-structuralism and standpoint theory have not been used together to analyze the experiences of Native Americans. By examining Blackfeet experiences, this gap in sociological literature will be partially filled. Therefore findings and analyses can inform scholars from the above listed disciplines in better understanding not only the Sweet Grass Hills and Blackfeet Indian experiences, but knowledge about American Indian conflicts over sacred lands within the United States in general.

Chapter 2

Background

Ecosystem

To better understand Blackfoot Indians' and other groups' relationship to the Sweet Grass Hills, it is necessary to describe the basic ecology of the area. In his study of the Sweet Grass Hills, Johan F. Dormaar offers a wealth of knowledge on the physical characteristics of the landscape. The Sweet Grass Hills are located within a subalpine zone in north-central Montana, a few miles from southern Alberta, below the U.S./Canada border (2003). The three "buttes" that make up the Sweet Grass Hills – East Butte, Middle or 'Gold' Butte, and West Butte – are actually an isolated mountain range that rises 3,000 feet above the surrounding prairie landscape, with the highest peak in West Butte reaching almost 7,000 feet (Dormaar 2003). The core of the mountains is composed of igneous rock punching through and covered by layers of sedimentary rock (Dormaar 2003). Gold deposits are the main type of hardrock mineral produced in the area, though silver, iron, and fluorite are also present (U. S. Department of the Interior 1996).

The Sweet Grass Hills hold montane and subalpine plant life, which, because of higher elevation, is different than flora existing in the surrounding plains (Dormaar 2003). Three hundred thirty-eight plant species have been recorded within the Sweet Grass Hills, including 71 graminoids, 228 forbs, 27 low shrubs/subshrubs, and 13 trees/tall shrubs (Western Technology and Engineering 1989). Two of the most important plants to note in relation to this study are 'sweetpine' or alpine fir (*Abies lasiocarpa*) and 'sweetgrass' or vanilla grass (*Hierochloe odorata*). Many Blackfoot Indians have used these two species of plants to connect with spirits they believe are present in the Sweet Grass Hills during their vision quests and other traditional ceremonies for centuries, and still do today (Bullchild 1985; Dormaar 2003).

The area also hosts a wide variety of fauna. Game animals include mountain sheep (*Ovis*), elk (*Cervus canadensis canadensis*), mule deer (*Odocoileus hemionus*), white tailed deer (*Odocoileus virginianus*), pronghorn (*Antilocapra americana americana*), sharp-tailed grouse (*Tympanuchus phasianellus*), and grizzly bears (*Ursus arctos horribills*) (Dormaar 2003; Department of Interior 1996). Big game that were once present in the Sweet Grass Hills, but no longer reside there due to the hunting and trapping practices of non-indigenous settlers, include bison (*Bison bison*), wolves (*Canis lupus*), and wolverines (*Gulo gulo*) (Dormaar 2003). Endangered species recorded in the area include bald eagles (*Haliaeetus leucocephalus*), black-footed ferret (*Mustela nigripes*), and peregrine falcons (*Falco peregrinus*) (Department of Interior 1996).

In terms of traditional Blackfeet connections to animals in the Sweet Grass Hills, the relationship with bison is perhaps the most important. Historically, Blackfeet culture revolved around bison migration patterns and hunting (Bullchild 1985; Ewers 1958), and the Sweet Grass Hills comprised one of the most highly populated areas for bison in Montana before the late nineteenth century (UMMLA, CN 239, Box 65, March, 1992). Although the Blackfeet Tribe's current cultural relationships with the Sweet Grass Hills do not involve economic and subsistence relations with wild bison, there are historical and cultural ties between bison in the Sweet Grass Hills and the Blackfeet Tribe today (UMMLA, CN 239, Box 65, March, 1992).

Cultural Significance of the Sweet Grass Hills

The Sweet Grass Hills are culturally significant to several Rocky Mountain Native American Tribes, including the Blackfeet, Assiniboine, Gros Ventre, Chippewa-Cree, Salish, Kootenai, and Coeur D'Alene, (UMMLA, CN 239, Box 65, March, 1992; LBFO, SGHAF, May 9, 1995a). The Blackfeet claim to be the group with longest historical ties to the Sweet Grass

Hills (Blackfeet Tribal Historic Preservation Office staff 2012). This claim is supported by a cultural inventory done by the Montana State Historic Preservation Office in 1992 and other sources (UMMLA, CN 239, Box 65, March, 1992).

In the past, the Tribes of the Blackfoot Confederacy's relationships to the Sweet Grass Hills have persisted through oral traditions, which have been passed down by Blackfeet elders to educate younger generations about their culture (Bullchild 1985). Blackfeet Indians' creation story includes the story of Napi, or Old Man, taking a challenge from the Creator to build the Sweet Grass Hills out of rocks he had collected along his journey on Earth (Bullchild 1985; Dormaar 2003). This story was traditionally, and continues to be told orally, but print versions of the stories exist today as well (Bullchild 1985; Kennerly et al. 1978). In a children's version of the Blackfeet Indian creation story, the Sweet Grass Hills are the only specific location mentioned in the 10 page short story (Kennerly et al. 1978). This presence speaks to the extreme significance of the Sweet Grass Hills to Blackfeet culture.

Blackfeet religious and cultural ties to the area are complemented by practices that engage with material items. Traditional Tribal activities conducted within the Sweet Grass Hills include vision quests, fasting, traditional herb gathering, and hunting (Dormaar 2003; UMMLA, CN 239, Box 65, March, 1992; Gulliford 2000). In practicing all of these activities within the area, historically and in a contemporary context, many Blackfeet Indians have and continue to engage with the Sweet Grass Hills on multiple levels: economically, historically, culturally, artistically, and spiritually.

Keeping in mind diversity among different Tribes, this multi-level relationship with land is a common characteristic among different Native American groups. In their study on Blackfeet

Indian connections to what is now called Glacier National Park, political ecologists Craig, Yung, and Borrie have noted that “Native American relationships with these [traditionally held] landscapes...are about more than just cultural identity. Struggles are simultaneously material (e.g., struggles over land and resources) and cultural (e.g., struggles over landscape meanings and spiritual practices)” (Craig, Yung, and Borrie 2012: 234). These multi-variant relationships with land tend to lead to conceptualizations of land that differ from non-indigenous understandings.

Traditional Blackfeet conceptualizations of the relationship between people and land and its non-human inhabitants are different than dominant Western constructions. Blackfeet connections to the Sweet Grass Hills are based on cultural and ecological interdependence. Although each indigenous Tribe in North America is distinct in its culture, practices, and conceptualizations, with sensitivity in mind, a similarity can be drawn about Native American Tribes: traditionally, Native American cultures do not engage the human/nature dichotomy present in Western thought, but see non-human creatures and land as equally animate and deserving of respect as humans (Booth 2003; Brady 2000). This is true for the Blackfeet Tribe and their northern cousins and applies to their cultural relationship with the Sweet Grass Hills (Chambers and Blood 2009). Differently, the predominate Western understanding of land is understood in economic terms: “Within capitalism, nature is treated as a commodity, broken apart and treated not as a whole, but as a discrete set of resources” (Bosak 2008: 221). Economic conceptualizations of land in the U.S. capitalist system tend to conflict with Blackfeet conceptualizations of the Sweet Grass Hills.

Many Blackfeet Indians understand the Sweet Grass Hills to be as animate and alive as humans (UMMLA, CN 239, Box 65, March, 1992). That is why perpetuating traditional, cultural

rituals and other cultural activities in the Sweet Grass Hills – such as vision quests, fasting, plant gathering, hunting, and other activities – is so important (Dormaar 2003). Not only does the land provide space for rituals and other activities to occur, it is a living actor that takes part in them (Chambers and Blood 2009). Without the land, its spirits, and the non-human inhabitants in the Sweet Grass Hills, the rituals would no longer be rituals, just empty actions without meaning.

Defining a sacred place for indigenous peoples defies characterization in words. Nevertheless, many attempts to describe Native American sacred places highlight the significance of geographic landmarks, or specifically mountains (Beck and Walters 1977: 80). However, sacred places are not just physical, limited by the tangible aspect of landmarks: “Mountains are more...than boundary markers defining the tribal space within which a people lives and carries on most of its meaningful, purposeful activities...[Sacred places can be] imbued with a high aura of mystery and sanctity. And this sacred meaning transcends all other meanings and functions” (Beck and Walters 1977: 80). Some signifiers of a traditional sacred space may include: the mentioning of a place in oral traditions; a place where supernatural events have occurred; an area where natural objects and materials are collected, such as water, minerals, or plants because of having healing characteristics or being used in ceremonies; and where spiritual rituals take place to converse with the supernatural (Beck and Walters 1977).

The Sweet Grass Hills meets these definitions of a sacred place. To Tribes of the Blackfoot Confederacy, the Sweet Grass Hills include the three buttes, as well as an undetermined general area surrounding the entirety of these landmarks (UMMLA, CN 239, Box 65, March, 1992). Curly Bear Wagner, Cultural Coordinator of the Blackfeet Tribe during mining disputes in the 1980s and 1990’s, said “the Hills, in their natural form, as home to many plants and animals, are part of our traditional economy and spirituality. No one part of the Hills

is more important than another. The Sweetgrass² Hills, in their entirety, are sacred” (Wagner in Gulliford 2000: 150). This is further supported by the spiritual and ceremonial activities that take place in the area. Additionally, there are items in the Sweet Grass Hills that are physical evidence of Blackfeet Indian spiritual interaction with the area. Some examples include stone structures (UMMLA, CN 239, Box 65, March, 1992); sacred bundles, or packages of objects brought together for ‘medicine’ or spiritual power, which are created for the purposes of offering to the Sweet Grass Hills spirits (LBFO, SGHAF, November, 1993), and tipi rings remnants (Schwab 1994).

To more fully understand the conflicts that have ensued between Blackfeet Indians and other groups concerned with the Sweet Grass Hills, traditional ways of knowing must be understood. Indigenous Studies scholar Leanne Simpson describes indigenous systems of knowledge as being “primarily oral,” through story-telling and passing on of knowledge through generations (2004: 375). The Western criticism that oral knowledge systems are underdeveloped compared to written knowledge is contestable; Simpson, along with many other Native American Studies scholars, notes it was not until vigorous, systematic colonization efforts by Euro-Americans to dismantle traditional Native American knowledge systems that those systems came to be subjugated as ways of knowing (2004). These systems have sustained cultures through millennia of challenges (Simpson 2004; Chambers and Blood 2009). Not only do traditional Blackfeet understandings of the Sweet Grass Hills differ from the dominant Western understanding of relationships with land, but the methods by which knowledge is produced and passed on differ.

² The area is referred to as the “Sweet Grass Hills” or the “Sweetgrass Hills.”

Blackfeet Indian and U.S. Legal History³

Blackfeet Land Appropriation

Blackfeet Tribal occupation⁴ and unrestricted use of the Sweet Grass Hills came to an end in the mid-nineteenth century when the United States federal government sought to make room for white settlers and the intercontinental railroad by appropriating traditional Blackfeet territory and by establishing the Blackfeet Reservation. In 1855, United States representative Isaac Stevens and representatives from the Blackfeet, Flathead, Pend d'Oreille, Nez Perce, Gros Ventre, and Kootenai, signed the Lame Bull Treaty, or Fort Benton Treaty (U.S. Federal Government and Blackfeet Tribe 1855). Despite that full Tribal representation was not present and claims that Blackfeet representatives did not understand the English-written contract, the treaty was signed into effect (“Making Treaties” 2010; “Blackfeet Tribal elders gather to mourn loss of their land” 1998). The treaty also guaranteed that lands not reserved for a specific American Indian tribe would be left open as “common hunting grounds” for all parties (U.S. Federal Government and Blackfeet Tribe 1855). That way, the Tribes thought they were protecting their collective rights to buffalo populations, which supplied food, shelter, economic, cultural, and religious security, and thereby perpetuated their traditional cultures and vitality.

The rights guaranteed under the Lame Bull Treaty and other treaties signed by the Blackfeet Tribe are protected by the trust relationship between the federal U.S. government and the Blackfeet Tribe. Trust relationship established the federal government as the superior and protective political body over federally recognized American Indian tribes, by Supreme Court Chief Justice John Marshall in court cases from 1823 to 1832 (Hawk 2007).

³ A timeline of historical events for the Blackfeet Tribe, U.S. law, and Sweet Grass Hills mining proposals are listed in Appendix A.

⁴ See Appendix C for a map of traditional Blackfeet territory.

After gold deposits were discovered in the western United States in the early nineteenth century, the federal government aimed to increase its ability to include mining business profits into the mainstream national economy and populate the western area of the nation with white settlers. To do this, a system to transport settlers west and the mineral deposits back east was necessary (Calloway 1996). At the time, the most efficient transport method was by the newest technology, the locomotive. For the United States government, the benefits of this plan were threefold: 1) it brought precious mineral deposits back east to build the economy; 2) it strengthened the United States economy by providing the new industry of railroad construction and operation; 3) it made western lands more accessible for white settlement, through massive train transportation, which was safer for civilian and family travel.

Before railroad construction could commence, the United States government and railroad companies decided Native American populations who lived in the path of the planned railroad route had to be designated to one area; this was part of the motivation for the United States signing the Lane Bull Treaty of 1855. In addition, the buffalo herds were an obstruction to building the railroad because they prevented allowing a safe flow of rail traffic, as there were sixty million of them at the time (Calloway 1996). With United States funding, non-Indian hunters were sent out to slaughter as many buffalo as possible (Calloway 1996). By the early 1880s, the buffalo were virtually extinct in the traditional Blackfeet territory, and by 1895, there were fewer than one thousand buffalo in the United States (Calloway 1996). In depleting the buffalo to near extinction to build the North Pacific Line going through Montana, the United States government, mining corporations, miners, and homestead settlers benefited (Wyatt 2005; Calloway 1996). For the Blackfeet and other Native American tribes dependent on the buffalo,

though, “the destruction of the herd set in motion [an] ongoing ecological and...economic crisis” (LaDuke 1999: 143).

Since a large area of non-reservation land had been transferred to private ownership by the turn of the 20th century, the Blackfeet Tribe was restricted to the reservation (Calloway 1996). Because of this restricted reservation and the buffalo depletion, the Blackfeet Tribe’s survival was at risk. The common hunting grounds guaranteed to them by the Lame Bull Treaty of 1855 had been eliminated because there were no longer buffalo left to hunt on those grounds. Without buffalo to supply them with food and shelter, the Tribe suffered from starving winters in the 1880’s (Calloway 1996). Additionally, Tribal culture was threatened because buffalo hunting rituals could no longer occur.

A presidential executive order was issued in 1873, and then an Act of Congress was passed in 1874 that changed the boundaries of the Blackfeet Reservation and decreased Blackfeet land in the U.S.⁵ (Dormaar 2003). The order and Act placed the Blackfeet Tribe on the same reservation as the Gros Ventre and River Crows Tribes (Dormaar 2003). In the winter of 1887, some Blackfeet, Gros Ventre, Assiniboine, and Sioux representatives met with United States treaty commissioners to sell a piece of traditional land stretching across the northern region of Montana, which included the Sweet Grass Hills⁶ (Dormaar 2003; “The Blackfeet Nation” 2011). The “Sweetgrass Hills Treaty,” as it came to be known, was ratified by the U.S. Congress in 1888 (U.S. Congress 1888). When sold to the United States, the Sweet Grass Hills came under the management of the General Land Office, and later under the BLM when that agency later was created in 1946 (U.S. Congress 1888; Dana 1956).

⁵ See Appendix D for a map of the 1873 Executive Order/1874 Act of Congress.

⁶ See Appendix E for a map of the 1887 land cession.

Political Appropriation, Self-Determination Era

After Blackfeet land appropriation occurred, the U.S. federal government forced its political systems onto American Indian Tribes. In 1934, Congress passed the Indian Reorganization Act, or Wheeler-Howard Act. This Act served to impose Western structures of government, namely the creation of a Tribal council with democratic elections of Tribal representatives, and supplant traditional Blackfeet forms of government (Cook-Lynn 2012).

Following the Civil Rights Movement, which began in the 1950's, and the American Indian Movement, which began in the late 1960's, the Blackfeet Tribe gained more power of self-determination. During the 1970's, federal Indian policy started focusing more on Tribal sovereignty of federally recognized American Indian tribes, framing Tribal/U.S. relationships in terms of a government-to-government interactions (Shraver and Tennant 2012). In 1975, American Indian Tribal representatives were designated as the main coordinators for distributing federal funds to their members (Anaya 2003). As an amendment to the American Indian Self-Determination and Education Assistance Act, the 1994 Tribal Self Governance Act (TSGA) "provide[d] a mechanism for transferring authority over federal programs, including the management of federal lands, to Indian Tribes" (King 2007: 475). This piece of legislation became an important potential addition to the few political tools that the Blackfeet Tribe can employ to protect landscapes sacred to them. However, studies have found that the BLM underuses the TSGA, with only one American Indian Tribe and BLM co-management arrangement ever existing (King 2007). That successful co-management example will be described in greater detail in the 'Similar Scenarios' section of this chapter.

Another political tool that has been used by groups who want to protect sacred areas in the U.S. is the National Historic Preservation Act (NHPA) of 1966. Originally, the Act ensured

that historical and cultural areas within the U.S. became systematically accounted for and preserved by the Advisory Council on Historic Preservation and State Historical Preservation Offices (SHPO). Specifically, “Section 106” of the NHPA laid out the procedures by which historical preservation was to take place, which includes required consultations between land management agencies and their respective SHPO, as well as consulting with the National Advisory Council, if the Council deems it necessary.

In 1992, the position of Tribal Historic Preservation Officer (THPO) was created for some federally recognized Tribes through an amendment to the NHPA. Each Tribal Historic Preservation Officer acquired the same responsibilities as State Historical Preservation Officers (“Tribal Historic Preservation Officers” 2009). In 2004, procedural justice, or the ability for a group to meaningfully participate in the decision-making processes that affect them (Kuehn 2000), for American Indians Tribes increased when Congress amended the NHPA to include consultation requirements with THPOs in determining the historic and cultural value of places in the United States; this requirement is entitled “Section 101(d)” of the NHPA (“The National Historic Preservation Act of 1966, As Amended” 2009). In the same year, the federal government and Blackfeet Tribe established a THPO. Although THPO positions have helped American Indians Tribes increase their voice in management of historical places in the U.S., tension has developed over the effectiveness of implementation and differing understandings of consultation requirements for federal agencies included in the NHPA.

The Blackfeet Tribe was also positively affected by the environmental movement of the late nineteenth century. The movement increased public participation in regards to environmental decisions made by U.S. government agencies. The National Environmental Policy Act (NEPA) of 1969 was especially empowering to the U.S. public. It guarantees U.S. citizens an opportunity

to be informed about and comment on any development projects that occur on public lands managed by federal agencies (U.S. Congress 1969).

In 1978, the American Indian Religious Freedom Act (AIRFA) was established by Congress. The Act promotes religious equality for American Indian Tribes to worship in the United States and on public lands (U.S. Congress 1978). Since 1978, American Indian Tribes, including the Blackfeet Tribe, have attempted to use the AIRFA as a legal means to protect spiritual practices on public lands. However, after many failed attempts by different American Tribes to use the legislation as protective measures for practicing activities involving sacred areas on public lands, it has been rendered inefficient as a legal tool by many scholars (Brady 2000; Clemmer 2004). The ‘Similar Scenarios’ section of this chapter delves into another case example for more in-depth understanding of the AIRFA’s legislative history.

Mining History and Public Land Order 7254

The 1872 Mining Law was signed into federal law, establishing the limitations and rights afforded to United States citizens and companies to mine federal lands (Maughan 2007). The 1872 Mining Law allows citizens and corporations to explore for and develop mineral deposits on federally-owned lands while paying extremely low royalties on their extraction and production (U.S. Congress 2008; Kahn 2009). If mineral deposits are discovered by an individual/company claimant, and validated as true claims by the United States government, then that individual/company is allowed to purchase the land holding deposits and commence extraction operations to retrieve the minerals (Maughan 2007). If the United States government does not rule the mineral claims as valid, then the individual/company is not be allowed to purchase the mineral rights to the land under exploration (*Memorandum Opinion denying 18 Plaintiffs' Motion for Summary Judgment and granting 19 Federal Defendants' Cross-Motion for*

Summary Judgment 2009). This law sets the United States mining precedent from the late nineteenth century on, as it has not been amended since its creation (Maughan 2007).

However, with the passage of the 1976 Federal Land Policy Management Act (FLPMA), federal agencies have gained more control over mining on federal lands. Specifically, “surface mining regulations” within the Code of Federal Regulation (43 CFR 3809) have increased the responsibilities of companies mining on federal lands. The regulations require that mining companies pay for reclamation of lands and submit a plan of operations that describe the mining process before mining can be approved by federal agencies (U.S. Department of Interior 2001).

Small-scale mining operations began to occur illegally in the Sweet Grass Hills in the mid-nineteenth century when the Blackfeet Tribe still owned the area. Small-scale mining has since continued legally as the U.S. government took ownership (Bureau of Land Management staff interview 2012). However, it was not until 1985 that a large-scale mining project was proposed (U.S. Department of the Interior 1996). In the fall of 1985, Santa Fe Pacific Mining (SFPM) proposed to explore for gold deposits the Tootsie Creek drainage of East Butte, which required building over 14,000 feet of access road and building six in-site drills (U.S. Department of the Interior 1996). Because of the size of the disturbance, the BLM conducted a cultural survey in May of 1986 to determine if there would be adverse impacts on archaeological resources and cultural resource values in the area (LBFO, SGHAF, June 17, 1986). No American Indian Tribes helped to co-author that document but were consulted during the process. According to BLM employees, the detailed contents of that cultural inventory hold sensitive Tribal information, and therefore are confidential (Bureau of Land Management staff 2012). However, the BLM did share that, based on that inventory, “no historic or prehistoric cultural

resources were found in the area which would potentially be impacted by the prospecting proposals” (BTA, July 16, 1986).

The Blackfeet Tribe appealed the SFPM mining proposal in 1986, but their appeal was not considered a reason to stay the project, so mining took place. The Department of Interior’s Board of Land Appeals (IBLA) did not make a decision on the appeal case until 1988. In that decision, they stated that the BLM made the appropriate decision to allow the project because the BLM made a “good faith effort” to consult with the Tribe to obtain information, and their decision to allow the exploration did not affect any resources that were eligible for the National Registry of Historic Places – a list of historically significant areas in the nation, as deemed by the National Park Service (LBFO, SGHAF, July 26, 1988; U.S. Department of Interior 1996). Shortly after, one of the investors in the SFPM project, Lehmann and Associates, partnered with Cominco American Resources, Inc. and proposed a gold mineral exploration project in the same area in 1989, with 2,600 feet of access road and nine drill sites (U.S. Department of Interior 1993). The Chippewa-Cree Tribe of the Rocky Boy Reservation filed an appeal (U.S. Department of Interior 1996). Again, the appeal did not halt the project, so mining occurred. In 1992, the IBLA threw out the Chippewa-Cree appeal as “moot” because mining and reclamation of land had already taken place (U.S. Department of Interior 1996: 3).

However, because of the sensitivity of Native American cultural connections to the Sweet Grass Hills, the BLM started an Environmental Assessment (EA) process, whereby they did additional cultural inventories of the area. Based on information from the EA, in 1992 7,580 acres of the Sweet Grass Hills were designated by the BLM as an Area of Critical Environmental Concern, which obligates the BLM to apply special protective management to the area (U.S. Department of Interior 1996). It was also in 1992 that employees at the State Historic

Preservation Office did a cultural inventory on the Sweet Grass Hills, turning over that material to the National Park Service as nomination for the Sweet Grass Hills to the National Register of Historic Places and labeled a Traditional Cultural Property, which under the 1966 NHPA, would increase the protection afforded to the area. The Sweet Grass Hills were deemed eligible to the National Register the following year (U.S. National Park System 2013).

In 1992, Lehmann and Associates, partnering with Manhattan Minerals, Ltd., proposed an exploration project in 1992 with ten times as much impact on both private and public lands within the Tootsie Creek drainage that would require heap leach mining⁷ (U.S. Department of Interior 1993). This mining technique is especially devastating to natural environments, wildlife, and water tables because it is not uncommon for cyanide leach mines to accidentally leak cyanide, a type of poison, into surrounding water sources (“Hardrock and Cyanide Mining in Montana” 2013; Eisler and Wiemeyer 2004). In reaction to this proposed mining method and the large size of the project, organized political backlash ensued. A consortium of environmentalists, ranchers, Native Americans, and U.S. politicians joined to fight this newest project (Cousins 1996a). Based on the public reaction and the information gained during the EA process, the BLM decided an environmental impact statement (EIS) process, which is a more detailed version of an EA, was required. To buy time to finish their environmental impact statement scoping process, the BLM temporarily retracted 19,765 acres within the Sweet Grass Hills – the same area Manhattan Minerals, Ltd. and Lehmann and Associates planned to mine – from new mineral entry from 1993 to 1995 and then once again from 1995 to 1997 (Department of Interior 1996).⁸

⁷ See Appendix F for proposed mining exploration site and private/public land ownership of the site area.

⁸ See Appendix A for detailed timeline of EIS draft processes and public comment periods.

In its final environmental impact statement, the BLM published four management options. The first option, Alternative A, was the management plan in force when the environmental review process began and allowed the area to stay open to mineral entry (U.S. Department of Interior 1996). Alternative B called for 19,765 acres to be withdrawn from mineral entry and development, and the BLM to attempt to take over any valid mining claims in that area through exchanging, issuing a conservation easement, buying, or condemnation of mineral claims. This was the most protective option (U.S. Department of the Interior 1996). Alternative C was published as the BLM's preferred management plan, which included the same withdrawal of 19,765 acres and relinquishment of valid claims through the same buyout process as described in Alternative B, save for condemning valid claims. Instead, in Alternative C, the BLM would use the existing "Plans of Operations" to guide valid claims processes, allowing for potential mining to occur (U.S. Department of Interior 1996). Alternative D included a withdrawal of 6,750 acres in the already established ACEC, a smaller physical withdrawal (U.S. Department of the Interior 1996).

Following the publication of the final environmental impact statement in April 1996, Secretary of Interior Bruce Babbitt passed Public Land Order 7254 in January of 1997 (Williams 2011; U.S. Department of Interior 1997a). The Order protects 19,765 acres from new mineral entry from 1997 to 2017, as twenty years is the maximum time a Secretary is allowed to relinquish an area of federal land from mineral entry (U.S. Department of Interior 1997a; Williams 2011). The Order lists several reasons, including protecting Native American religious practices, as reason for mineral withdrawal (U.S. Department of Interior 1997a). Lehmann and Associates tried several times to overturn the Order based on the claim that the U.S. Constitution's Establishment Clause disallows federal agencies from promoting any one religion

(“Establishment Clause” 2010). However, courts found the Order to be constitutional based on its inclusion of secular reasons for the withdrawal, and therefore it stands, protecting the Sweet Grass Hills from new mining exploration projects until 2017 (*Mount Royal Joint Venture Et Al., v. Dirk Kempthorn, Secretary of the Interior, et al.* 2007).

During the withdrawal, though, the BLM had ruled eight of Lehmann and Associate’s fourteen mineral claims as valid in perpetuity (*Mount Royal Joint Venture Et Al., v. Dirk Kempthorn, Secretary of the Interior, et al.* 2007). Under the Mining Law of 1872, these rights are still protected, despite the Order’s protection from new mineral entry. In 1998, heap leach mining was prohibited in the state of Montana. Between the halting of new mineral entry and illegalization of the methods by which Lehmann and Associates proposed to mine for gold (“U.S. Supreme Court Rejects Finals Legal Challenge to I-137” 2008), no mining has occurred in the Sweet Grass Hills since the initial withdrawal in 1993. However, mining could occur once again if further policy protection is not extended past the Order’s expiration in 2017, both by new methods found by Lehmann and Associates or from new mineral exploration proposals.

Similar Scenarios

American Indian Tribes deal with diverse off-reservation natural resource issues. However, there is a common theme in that many Tribes have to negotiate with U.S. agencies, as many traditional sites are now legally managed and controlled by the federal government (Nie 2008). The following scenarios were chosen because one or more aspects of their conflicts are similar to the Blackfeet Tribe’s challenges in protecting the Sweet Grass Hills from hardrock mining. Understanding these cases offer a wider, national context for understanding the challenges Blackfeet Indians face in influencing stewardship of the Sweet Grass Hills. To make these connections, I look at four scenarios: 1) the Blackfeet Tribes’ attempts to protect the

Badger-Two Medicine Area from oil and gas leasing and their co-authorship of ethnographic accounts of the area; 2) the Quechan Tribe's fight to keep a hardrock mine out of the Mojave Desert's Indian Pass and the precariousness of Secretarial Orders as protective policy options for traditional lands; 3) the Lakota-Sioux's conflicts with rock climbers in protecting spiritual practices at Bear Lodge, Wyoming and the challenge of managing indigenous religious practices against the national Constitution's Establishment Clause and the weakness of the AIRFA; and 4) the Pueblo de Cochiti's co-management of Kasha Katuwe Tent Rocks National Monument in New Mexico with the BLM, as designated under the 1994 TSGA.

The Blackfeet Tribe and Badger-Two Medicine Area

The Sweet Grass Hills are not the only sacred area to Blackfeet Indians currently managed by federal agencies. Like the Sweet Grass Hills, the Blackfeet Tribe considers the Badger-Two Medicine Area sacred. The Badger-Two Medicine Area is adjacent to the Blackfeet Reservation and includes part of the Lewis and Clark National Forest, managed by the U.S. Forest Service. Blackfeet Indians have engaged in vision quests, hunting, plant gathering, and other cultural activities within the Badger-Two Medicine Area for centuries and still do today ("Rocky Mountain Front" 2013).

The Badger-Two Medicine Area was sold to the federal government in 1896. Both the Forest Service and BLM have say in the approval of oil leases in the area (Nie 2008; U.S. Department of Interior 2011b). Like the Sweet Grass Hills Treaty, historical injustices are associated with the Treaty of 1896. Specifically, Blackfeet Indians argue that lands sold in the 1896 Treaty were only for a lease of lands, not permanent sale (Nie 2008). Hunting, gathering, and cultural activities were still afforded to Blackfeet Indians through the Treaty ("Rocky Mountain Front" 2013).

The sacredness and spiritual component of the Badger-Two Medicine Area is being threatened by oil and gas activity, leased out by the Forest Service and BLM (“Rocky Mountain Front” 2013). Fina Oil and Chemical Company put in a proposal in 1983 (U.S. Department of Interior 2011b). In response, Blackfeet Indians and other groups demanded further information was gained through environmental assessments and Tribal consultations before the project was approved. The Forest Service agreed and started systematic assessments, with the Blackfeet Tribe being a major contributor to ethnographic documentation on the area (U.S. Department of Interior 2011b). Because of the information gathered, the Badger-Two Medicine Area has been designated as a Traditional Cultural Property (TCP) and therefore eligible for listing on the National Register of Historic Places (Nie 2008), like the Sweet Grass Hills.

The effectiveness of this type of designation is ambivalent, though; it does not necessarily guarantee protection from natural resource development, but rather requires federal agencies to ensure historical values located on public lands are not disturbed by development. That determination process leaves for subjective interpretation of cultural values and what constitutes disturbance to those values. However, the fact that the Blackfeet Tribe played such a central role in gathering and validating cultural information about the area is encouraging because it brings in voices and perspectives from the Blackfeet Tribe in determining what is considered historically and culturally valuable. A similar contribution or co-authorship between the Blackfeet Tribe and BLM in terms of future options for the Sweet Grass Hills scenario may be helpful in giving Blackfeet voice to cultural inventories of the area.

This example demonstrates that Blackfeet Indians are managing multiple conflicts with multiple federal agencies to protect their culture, spiritual practices, and connections to sacred landscapes. The fact that the Badger-Two Medicine Area case involves desecration by oil and

gas, instead of hardrock mining, and involves Forest Service and BLM management policies instead of just BLM management, demonstrates the expertise that is required of Blackfeet Indians in understanding all of the agencies and regulations involved in these conflicts. It also shows evidence that resources to protect traditional Blackfeet interests may be spread thin across multiple sacred area conflicts in the U.S. It is important to keep this in mind when understanding the practicality of where the Blackfeet Tribe expends its political will and energy in attempting to protect sacred cultural traditions.

The Quechan Tribe and Indian Pass

There are several similarities between Blackfeet Indians challenging gold mining in the Sweet Grass Hills and the Quechan Tribe's fight against gold mining in the Mojave Desert of California near the Arizona border. The Quechan Tribe has used Indian Pass, a stretch of land in the Mojave Desert northwest of Yuma, Arizona, as a portal to other worlds, engaging in ceremonial activities like vision questing there since time immemorial (Weiser 2001; Fenger 2009). Like the Sweet Grass Hills, the historical and cultural significance of the area makes it eligible for listing on the National Register for Historic Places (Weiser 2001).

The Quechan Tribe's traditional territory was taken by the federal government over the course of the nineteenth century and is now managed by the BLM. Canadian mineral company Glamis Gold Ltd. first proposed opening a heap leach mine to extract an estimated three million ounces of gold in 1994, but its proposal was initially rejected by Secretary of Interior Bruce Babbitt in 2001 (Weiser 2001). The decision was reversed by the next Secretary, Gale Norton, because she argued the Department of Interior did not have authority to reject the project (Weiser 2001). This example shows how officials with the Department of Interior and BLM differently interpret U.S. laws, which can make it difficult for American Indian groups to know how to best

engage laws as political tools. Additionally, the reversal of administrative decisions by federal government officials creates a sense of protection precariousness and vulnerability for American Indian populations when it comes to sacred land protection.

A permit under Secretary Norton was never issued, even though she approved the mine (Fenger 2009). Under the Obama administration, both the state of California and the National American Free Trade Act (NAFTA) decided that the mining methods planned to use in the mine were no longer allowable (Fenger 2009). Like the Sweet Grass Hills scenario, although the mines were not ultimately rejected, the methods by which gold mining companies planned to employ were outlawed, which at least temporarily has postponed those mining threats.

Another similarity to the Sweet Grass Hills scenario is that boundaries to Quechan Tribal traditional lands were disputed, and some groups argued the Quechan's desire to protect their traditional areas was too far reaching both in geography and power. Like the Sweet Grass Hills, Indian Pass is understood to be a holistic area of sacredness that cannot be limited to individual protection of sites. It is an important point to keep in mind when American Indian Tribes, like the Quechan Tribe and Blackfeet Tribe, try to protect sacred areas through Western legal systems that do not engage the same holistic understanding of land stewardship.

The Lakota-Sioux and Bear Lodge

The Lakota-Sioux of South Dakota hold Mateo Tepee, or Bear Lodge, located in northeast Wyoming, as a sacred area. The Lakota-Sioux participate in cultural and spiritual activities at Bear Lodge and have done so for centuries (Brady 2000). However, in 1906 President Roosevelt designated Bear Lodge as the nation's first national monument, under its Western name, Devil's Tower (Dustin et al. 2002). It is currently managed by the National Park Service.

In an effort to find a solution between American Indians using the area for spiritual ceremonies and rock climbers using the area as a recreational climbing site, the National Park Service engaged in a cooperative management agreement with climbers, climbing guides, and several American Indian Tribes (Dustin et al. 2002). This process included gathering representatives from each group invested in using the area in different ways for collaborative deliberations. These discussions resulted in an attempt to ban rock climbing for the month of June, when many American Indians practice summer solstice ceremonies. However, the plan failed due to a successful legal claim involving the Constitution's Establishment Clause, which disallows the government to force any one religion onto the public (Dustin et al. 2002).

The protection of American Indian religion is threatened by the Establishment Clause in both the Bear Lodge and Sweet Grass Hills scenarios. In his assessment of the Establishment Clause block, legal scholar Joel Brady reminds federal agencies that “the fact that neutral land management decisions cannot create a burden on free exercise [of religion] does not relieve agencies of their obligation to accommodate Indian religious practices. To the contrary, the Constitution ‘affirmatively mandates accommodation, not merely tolerance, of all religions’” (2000: 162).

After litigation, the National Park Service went through with additional collaborative processes. As a result, a voluntary ban on rock climbing for the month of June was allowed and worked relatively well in that most climbers voluntarily adhere to not climbing at that time (Dustin et al. 2002). However, this solution may be more complicated for Blackfoot Indians dealing with the BLM's multiple use mission, which mandates different groups be accommodated in interacting with the Sweet Grass Hills for different uses (“Multiple Use Mission” 2013); the NPS does not have a multiple use mandate. Additionally, mining and

outdoor recreation are very different types of activities when it comes to levels of environmental degradation and the procedures that regulate each of those activities. Overall, the Bear Lodge example gives insight into the Establishment Clause as a block for American Indian religious practicing on public lands, but offers limited information about political tools that could be used for protection in the Sweet Grass Hills.

Pueblo de Cochiti and the Kasha Katuwe Tent Rocks National Monument

The Kasha Katuwe Tent Rocks National Monument is a sacred place for the Pueblo de Cochiti. Located next to the Pueblo's current village, in between Santa Fe and Albuquerque, New Mexico, sacred sites are located within the 5,400 acre national monument, designated by President Clinton in 2001 (Pinel and Pecos 2012). Before the monument designation, the Pueblo was unhappy with visitor rates and was in control of the only access road for visitation to the monument area (Pinel and Pecos 2012), so the BLM opted for a shared management system with the Pueblo.

Since 1999, the Pueblo de Cochiti Indians have co-managed the monument area with the BLM (Pinel and Pecos 2012). Under the 1994 Tribal Self Governance Act (TSGA), the BLM is allowed to enter into co-management agreements with federally recognized American Indian Tribes because of the government-to-government relationship between Tribes and the federal government. Tribes need to have specific management designations under this Act, and in the case of the Kasha Katuwe Tent Rocks National Monument, the Pueblo manage "the ACEC, a National Recreation Trail, a fee demonstration program, and visitor fee/information station" (Nie 2008: 614).

Since the Sweet Grass Hills also has an ACEC designation, focusing on that 'resource' may be a good starting point to formulate specific management tasks to the Blackfoot Tribe

under a similar co-management agreement with the BLM. In a collaboratively written article, scholar Pinel and Pueblo de Cochiti Tribal employee, Pecos, write that “recent comparative studies of adaptive co-management and collaborative governance found that trust, commitment, and epistemological understandings emerge from acting on small agreements over time rather than through legal mandate” (2012: 595). Beginning with a small step toward co-management in the Sweet Grass Hills may offer practical, long-term equality and respect between the BLM and the Blackfeet Tribe.

All four of these scenarios offer insight into political challenges and opportunities for the Blackfeet Tribe to affect stewardship of the Sweet Grass Hills. For instance, the Establishment Clause is oftentimes a block to applying the AIRFA to protect American Indian religious practices on public lands, which was demonstrated in the Lakota-Sioux’s attempts to practice spiritual and cultural activities in Bear Lodge. As demonstrated in the ‘Findings’ and ‘Discussion’ sections of this thesis, the same holds true for Blackfeet Indians in the Sweet Grass Hills. The Quechan Tribe’s efforts to keep mining out of Indian Pass demonstrate how Orders passed by federal administrative officials are precarious protective tools for Tribes to depend on for protection of sacred areas. In that way, Order 7254 that currently protects the Sweet Grass Hills is not the optimal policy option to ensure no mining occurs in the area. Both the Blackfeet Tribe’s involvement in contributing to the federal cultural inventory of the Badger-Two Medicine Area and the Pueblo’s co-management of the Kasha Katuwe Tent Rocks National Monument under the 1994 TSGA demonstrate that there are political tools that exist and have not yet been implemented that could aid Blackfeet Indians in influencing stewardship of the Sweet Grass Hills. Although the preceding four examples give a glimpse into American Indian Tribes’ efforts to protect off-reservation sacred area, further and regular research into similar

cases may produce helpful information about the most current political options for the Blackfeet Tribe.

Chapter 3

Literature Review

In this chapter, I discuss how scholars engage post-structuralism and standpoint theory to analyze power issues and minorities' experiences. Assessing Blackfeet Indians' power in influencing stewardship of the Sweet Grass Hills through post-structuralism and standpoint theory offers insights not yet existing in sociology. I only found one scholarly work that brought together standpoint theory and indigenous issues. This is an important gap in the field, considering standpoint theory focuses on empowering historically disempowered groups through political collaboration. Additionally, post-structuralism and standpoint theory have not been combined by sociologists in understanding experiences of American Indians; this is an important omission concerning social science research on minorities and their experiences with power and political opportunities in the United States.

Post-structuralism

Building on and critiquing Marxist structuralism, post-structuralism became popular through the works of French philosophers in the 1960's and 1970's (Young 1987a). Like structuralists, post-structuralists focus on power issues. However, one of the most prolific and cited post-structuralist writers, Michel Foucault, argues that power exists outside of the structuralist class system. He critiques structuralism in his writing:

We had to wait until the nineteenth century before we began to understand the nature of exploitation, and to this day, we have yet to fully comprehend the nature of power. It may be that Marx and Freud cannot satisfy our desire for understanding this enigmatic thing which we call power, which is at once visible and invisible, present and hidden, ubiquitous. Theories of government and the traditional analyses of their mechanisms certainly don't exhaust the field where power is exercised and where it functions. (1977b: 212-3)

Foucault, unlike Marx, believes that power exists in all spheres of life. It is not just the authoritative, official arenas of the economy and the state that maintain power dynamics between

groups and individuals; the personal, social, and individual components of life are also filled with power dynamics. Post-structuralists argue that if power is only analyzed in traditional authority dynamics and according to the limits of structuralist thinking, important aspects of power will be omitted from examination.

Foucault argues that discourse is an important part of power. Discourse includes peoples' talk, writing, illustrations, and any form of communication that transmits meaning beyond the face value of words; deeper philosophies, worldviews, and value judgments are expressed through these forms of communication. To Foucault, discourse is not just an isolated value message from one individual; the message sent through the use and production of discourse is ultimately tied to power relations and means of social control (Foucault 1977a). Political ecologist Keith Bosak agrees with Foucault's discourse analysis, reiterating that discourse eventually translates into material consequences: "Local people's daily lives are affected by...discourse, which is translated into action through various policy apparatuses" (Bosak 2008: 221). The challenge in understanding how discourses affect the material world is that some discourses are accepted in a society as being the 'norm' (Foucault 1977a), and therefore the discourse is so accepted that generally people do not believe a label is needed to legitimate its normality; it is simply understood as reality.

Post-structuralist Colin Gordon adds onto Foucault's analysis, positing that discourse is not only a product, but an action and concept, which Foucault and his followers refer to as "power/knowledge" (Gordon 1980). The term refers to the inherent relationship between power and knowledge that exists in societies, with different groups framing their knowledge as the norm or reality (Bouchard 1977). According to Foucaultian post-structuralism, in maintaining discourse, certain groups are excluded from participating in the mainstream discourse that drives

political, legal, and social choices on a daily basis; in many ways, these groups are excluded from having power (Foucault 1977c). Some political ecology scholars have supported this claim, applying a discourse analysis to understand how indigenous groups have been socially, politically, and geographically excluded from power within Western societies (Bosak 2008; Fletcher 2010; Snodgrass et al. 2008).

Post-structural analysis is helpful in understanding the Sweet Grass Hills scenario for several reasons. Its theoretical focus on power addresses my research question, which concentrates on Blackfeet Indians' power to influence stewardship of the Sweet Grass Hills. Additionally, a Foucaultian post-structuralist perspective emphasizes the importance of discourse, which gives insight into how power, laws, and historical discrimination exist within the Sweet Grass Hills scenario among different groups.

Standpoint Theory

Unlike post-structuralism, there is extremely little literature connecting a standpoint theoretical perspective and indigenous issues. Building on Foucault's discussion of discourse and power, a standpoint theory perspective offers more structural and tangible solutions to dealing with the Sweet Grass Hills scenario.

Standpoint theory has its roots in feminist scholarship, with Dorothy Smith creating the concept in 1974. In her article, "Women's Perspective as a Radical Critique of Sociology," Smith argues that social theories of her time lacked understanding of women's experiences (1974). She emphasizes the need for social theory to reflect women's experiences, which differ from men's experiences. Building on her work, feminist scholar Sandra Harding argues that social theories that do not take a feminist standpoint into account may be inaccurately communicating women's social perspectives and experiences (Harding 1986). Hence, this theoretical viewpoint came to be

known as ‘feminist standpoint theory.’ By a ‘standpoint,’ standpoint theorists are referring to the distinct social position and viewpoint that each individual uses as a lens to understand the outside world (Martinez 2000). Soon thereafter, feminist standpoint perspective was applied to other excluded groups’ perspectives, and when applied to other groups, can be more generally referred to as ‘standpoint theory,’ although feminist scholars should still be strongly credited for standpoint theory arguments.

Standpoint theory builds on aspects of Foucault’s post-structural discourse analysis. For sociologists, the theory is helpful in analyzing how groups that have been historically excluded from mainstream discourse and systems of power can gain power. Standpoint theory “posits a distinctive relationship among a group’s position in hierarchical power relations, the experiences attached to differential group positionality [within those historical experiences], and the standpoint that a group constructs in interpreting these experiences” (Hill Collins 1998: 193-4). Therefore, even though diversity among groups of people with similar historical experiences exists, those individuals, in some ways, have a common ‘standpoint.’ As a non-Blackfeet, white, upper-middle class, female individual, the difference between my historical positionality and those of interview informants and subjects who produced discourse in documents I analyze must be noted. Further details about my lens as a researcher are discussed in the next section, “Data and Methods.”

Like Foucault, standpoint theorists argue that processes of legitimating epistemologies and discourse have been historically exclusive. Black, feminist theorist Patricia Hill Collins writes that “privileged knowledges developed through exclusionary practices produce distorted sociological truths” (1998: 194). To combat these sociological misunderstandings and omissions, feminist standpoint theory challenges white, male hegemonic power by introducing a diverse

standpoint theory. Hill Collins discusses standpoint theory as a means for opening up traditionally white, male methods of knowledge. She writes that Black “women were blues singers, poets, autobiographers, storytellers, and orators validated by everyday Black women as experts on a Black women’s standpoint” (2003: 505). Before standpoint theory entered mainstream society during the United States’ second wave of feminism, social theory lacked any base for validating ways of knowing offered by non-white, non-male, non-heterosexual populations. Including a standpoint theory lens in present sociological research is one tool to help decrease the subordination of historically disempowered groups, by offering their methods and knowledges as valid forms of knowledge.

In general, standpoint theorists are more structural, than post-structuralists. While Foucault’s post-structuralism tends to focus on deconstructing discourse and power issues, standpoint theorists take their political agenda a step further by offering tangible, political strategies as a means for making political change. Also, Foucault is stringent on his stance that power and discourse, although potentially harmful, are not necessarily ‘bad’ or ‘good.’ Many standpoint theorists do not engage a neutral, post-structural understanding of power, steeping themselves in social and political concepts such as “domination,” and “class” (Delphy 2003; Hill Collins 1998). In this way, standpoint theorists are more structural than Michel Foucault because they engage Marxist concepts to take steps towards empowerment.

However, there are aspects of standpoint theory that remain post-structuralist in nature. Feminist standpoint scholar Patricia Hill Collins, like Foucault, puts holes in structuralism’s claims. She argues that Marx’s proletariat view is not more truthful than any other groups’, but just another perspective informed from a specific social angle (1998). Therefore, a standpoint theory does not argue that any one group’s perspective is ‘the truth,’ but rather societal

knowledge increases in accuracy as more groups within a society are able to contribute their knowledge and viewpoint into mainstream discourse (Harding 1986).

In engaging structural concepts with a standpoint perspective, a theoretical understanding of institutional discrimination can emerge. Institutional discrimination is the conscious or unconscious, systematic regulations or actions that are in place within an organization or society that result in differential and negative treatment of some groups over other groups (Feagin and Eckberg 1980). Assuming that different groups within a society experience varying levels of power within institutions, understanding different groups' standpoints should produce insights into how institutions are differently experienced by groups (Kinefuchi and Orbe 2008). Therefore standpoint theory is a helpful tool to understand political challenges and opportunities as they relate to power and institutional discrimination.

Engaging group-based politics can be part of a standpoint theory political agenda. Feminist scholar Kimberle Crenshaw writes “for those who engage in or advocate identity-based politics, membership in a group – defined by race, sex, class, sexual orientation or other characters – both helps to explain the nature of the oppression experienced by members of that group and serves as a source of strength, community, and intellectual development” (2003: 533). Crenshaw, as well as the other feminist theorists, is extremely clear in her mission of ending subjugation of historically disempowered groups within society. Having a sense of solidarity within a certain group of people who have a similar historical perspective can aid people who have been marginalized or disempowered in becoming more empowered within the wider society, and that political tool is referred to as a group identity politic. Therefore engaging a standpoint theory can result in a group identity politics, or the joining of many individuals who

have a similar historical viewpoint, based on one or more aspect of their identity, to achieve a similar political goal associated with that aspect of their identities.

Although standpoint theory has been applied to Black social positions by many African American Studies scholars (Hill Collins 1998; Allen 1996; Gibson and Abrams 2003), there is little literature applying the theory to indigenous perspectives. The only author found during my review of literature who does so is Martin Nakata. He articulates that indigenous groups can benefit politically from engaging a standpoint theory (2007). He writes that standpoint theory includes “both a discursive production and an intellectual device to persuade others and elevate what might not have been a focus of attention by others” (2007: 214). Therefore, standpoint theory could offer political empowerment for indigenous groups through a process of discourse production and re-education of the dominant society.

Crenshaw notes that standpoint theory has often led to minority and/or marginalized groups being inaccurately lumped together as homogenous (2003). To combat this possibility while engaging a standpoint theory and group-based identity politics, Nakata reminds audiences that an indigenous standpoint “theoris[es] knowledge from a particular and interested position – not to produce the ‘truth’ of the Indigenous position, but to better reveal the workings of [indigenous] knowledge” (2007: 215). To do so, standpoint theorists encourage focusing on groups’ shared historical experiences, not adopting the misunderstanding that all members of these historically positioned groups are alike. To combat this possibility while engaging a standpoint theory and group-based identity politics, nuanced analysis is necessary.

Standpoint theory offers useful analytical perspectives when applied to the Sweet Grass Hills scenario. One insight standpoint theory offers is a practical political strategy for Blackfeet

Indians to employ to increase their influence over the Sweet Grass Hills: group-based identity politics. Even though Blackfeet Indians are an extremely diverse group of individuals, being located in similar social positions within the broader society throughout history can offer a standpoint theory and a uniting political strategy of coming together to increase their voice in affecting Sweet Grass Hills stewardship. In understanding whether Blackfeet Indians collaborated with outsider groups who have similar historical experiences to increase their political sway is a telling point about Blackfeet political strategies. Also, any findings of a lack of group identity politics could offer Blackfeet Indians suggestions for political steps to take in future attempts to protect the Sweet Grass Hills from mining. Additionally, the process of incorporating indigenous historical perspectives into the mainstream discourse about the Sweet Grass Hills is a political move encouraged by a standpoint theoretical perspective; comparing indigenous and non-indigenous epistemological approaches to interacting with the Sweet Grass Hills will offer more information about challenges Blackfeet Indians experienced in attempting to protect the area from mining.

Chapter 4

Data and Methods

To articulate my main research question, *In what ways has the Blackfeet Tribe and other stakeholders influenced land stewardship of the Sweet Grass Hills since 1985*, I addressed the following sub-questions: 1) How has Blackfeet Indians' discourse about the Sweet Grass Hills compared to non-Blackfeet Indians' discourse about the area?; 2) If at all, how have changing federal policies affected the ways Blackfeet Indians and other stakeholders influence stewardship of the Sweet Grass Hills?; 3) How much power has the Blackfeet Tribe and other stakeholders had in affecting Sweet Grass Hills management decisions? The first question was chosen because it focuses on Foucault's concept of 'power/knowledge' in the Sweet Grass Hills situation; the second question takes into account the effects of institutional change over time which aligns with a standpoint theory perspective on the historical and political effects of marginalization; and the third was chosen to assess the relationship between stewardship, or the ethos that drives management decisions, and management decisions themselves. In answering these questions, I use qualitative methods, especially discourse analysis.

In sociology, qualitative methods provide "detailed description and analysis of the quality, or the substance, of the human experience" (Marvasti 2004:7). A qualitative analysis provides in-depth, contextually specific narrative about the topic under study. Because the Sweet Grass Hills have been the subject of very few social scientific analyses, offering a narrative in context of mining proposals put forth from 1985 to present is helpful in beginning exploratory research about the social relationships related to the area. Qualitative methods are necessary to address my research questions, which focus on the lived experiences of Blackfeet Indians and other groups concerned about the Sweet Grass Hills.

One type of qualitative method is discourse analysis. For Foucaultian academic Sara Mills, discourse is the “essence of meaning behind grouped statements and communications” (2003: 54). Discourse analysis allows a researcher to examine the deeper meaning that is communicated indirectly through text, speech, laws, or visual communication and aids researchers to understand what values are, consciously or subconsciously, communicated by a source when certain words or statements are chosen. As a sociological method, discourse analysis reveals how different groups frame an issue and which groups’ voices and understandings are legitimated in wider systems. Because discourse analysis can be applied across different groups, the method equips scholars to compare multiple groups’ communication styles and inferred values, it is ideal for exposing how groups have framed the stewardship of the Sweet Grass Hills over the past 28 years and which groups’ voices have been legitimized within the United States.

To analyze the discourse of different groups involved in the Sweet Grass Hills scenario, I gathered a wide variety of archival data related to the Sweet Grass Hills and Blackfeet Indians. For the purposes of understanding how Blackfeet Indians frame the Sweet Grass Hills and mining in the area, I referred to Blackfeet Tribal mining proposal appeal testimonies to the Department of Interior’s Board of Land Appeals, correspondences from the Blackfeet Tribe, Tribal personnel, and Canadian Blackfeet Tribes to the BLM, public comments from Blackfeet Indians recorded at public meetings, and comments from Blackfeet Tribal representatives at consultation meetings with BLM employees, other Native American Tribal representatives, mining company representatives, and Montana State Historic Preservation office employees.

To understand how policy-makers and courts frame issues in the Sweet Grass Hills, I looked at regulatory texts, laws, appeal case responses, and judicial rulings. I also looked at

correspondences from federal policy-makers to BLM employees and other policy-makers and newspaper articles that recorded policy-makers' comments.

Mining company discourse is analyzed by looking at newspaper articles written by or quoting mining company representatives, appeals to administrative decisions about the Sweet Grass Hills, correspondences from mining company representatives to the BLM, and comments from company representatives recorded at consultation meetings with BLM and Montana SHPO, and Tribal representatives, and mining company project proposals.

Discourse from the BLM was analyzed in newspaper articles quoting BLM employees, Sweet Grass Hills resource management plans, environmental assessments, environmental impact statements, and cultural inventories, minutes from public meetings run by the BLM, and consultation meeting minutes between BLM employees, Montana SHPO employees, mining company representatives, and Tribal representatives. Discourse analysis was also applied to BLM employee correspondences to other BLM employees, Tribal representatives, Advisory Council on Historic Preservation members and Montana SHPO employees.

Discourse from the general public was found in BLM-run public meeting comments and public comments written into the BLM about mining in the Sweet Grass Hills. Also, newspaper articles demonstrated how newspaper journalists framed issues in the Sweet Grass Hills.

All of these data were collected from The University of Montana Mansfield Library Archives, the Blackfeet Tribal Archives located in the Blackfeet Community College Medicine Spring Library, the Sweet Grass Hills administrative file located at the Lewistown BLM Field Office, and online.

Archival data that were recorded for reasons other than research has advantages. One advantage to using correspondences is that they are nonreactive, meaning that subjects produced discourse that they did not necessarily know was going to be recorded and analyzed at a later date (Singleton and Straits 2010). Having nonreactive data sources is advantageous because subjects oftentimes change their statements depending on if they know a public audience will read their statements later. This knowledge can produce a bias in that subjects filter out certain statements they may believe others find inappropriate (Singleton and Straits 2010).

Another strength of my data set is that historical accounts were recorded in the moment, not after the fact. Oftentimes, if a person is interviewed about what occurs in the past, the subject's memory is distorted (Singleton and Straits 2010). Instead of hoping for individuals' memories to be accurate during an after-the-fact interview, referring to past records ensures the person's sentiments were recorded as accurately as possible at the time they were produced. Every source in the above listed data set fits the criteria of being produced almost immediately after the person produced their statements, either verbally or in written form.

Another aspect of historical research is that it uses data from multiple time periods (Singleton and Straits 2010). Choosing sources that span from 1985 to the present allows for an understanding of how discourses about the Sweet Grass Hills and its stewardship may have changed over time. Using sources from multiple years allows me to analyze changes in discourse over time as well as determine if some themes are relatively static over time.

The sources described above are a diverse collection of data. Choosing a variety of sources was intentional. By having multiple types of data, I can analyze how different types of

discourse are used in different venues or types of documents. Also, the above data set is robust, accounting for hundreds of documents and thousands of pages of data.

Interviewing can also be a helpful method in sociohistorical research. To cross-reference written documents and offer more recent discourse from several of the organizations involved with the Sweet Grass Hills, I interviewed Blackfeet Tribal Historic Preservation Office staff, former Congressman Pat Williams and a former staff of his, and two employees of the Havre BLM office. These interviewees were chosen because of their expert understanding of the Sweet Grass Hills and the mining proposals put forth for the area. The Havre BLM staff members were interviewed so that I could gain information about how some BLM employees approach required Tribal consultation processes and factors that motivated management decisions about the Sweet Grass Hills. Blackfeet THPO staff members were interviewed to gain information about the Blackfeet Tribe/BLM consultation process from a Blackfeet Tribal agency perspective, as well as understand, as the agency representing cultural and historical preservation for the Blackfeet Tribe, what management and policy options they suggest implementing for the Sweet Grass Hills. Former Congressman Pat Williams and a former staff member of his were interviewed so I could better understand and assess the role of policy-makers within the Sweet Grass Hills scenario.

From a standpoint theory perspective, having interviewees from the BLM, the Blackfeet Tribe, and formerly in Congress offers multiple viewpoints on the Sweet Grass Hills situation. The lack of interviews with mining corporation representatives and the State Historic Preservation Office is a limitation, but data recorded from these groups in the forms of other types of documents are included in the non-interview data set described above.

For this research, interviewees are informants, not human research subjects. This distinction is important because an in-depth interview with a human research subject means the interviewee is asked about their personal opinions, versus informants, who are asked fact-based questions (DiCicco-Bloom and Crabtree 2006) about, in this case, political occurrences involving the Sweet Grass Hills and the Blackfoot Tribe. I treated interviewees as informants instead of research subjects so that they offered discourse from their organizations' point of view, versus their own personal discourse and opinions regarding mining in the Sweet Grass Hills. To get at discourse aligning with their respective organizations, I asked interviewees objective, historical, and policy-based questions about the Sweet Grass Hills and mining proposals, instead of asking them about their feelings regarding the situation. Because interviewees were informants and not human research subjects, the University of Montana Institutional Review Board (IRB) categorized my thesis research exempt from needing their approval; they also informed me that the Blackfoot Tribe did not have an IRB at the time my proposal went through, so no further IRB processes were necessary.

None of the interviewees' statements should be misunderstood as representative for their entire organization. Each speaker is creating his own discourse, as are each of the speakers recorded in other types of documents in my data set, which contributes to and may reflect the wider discourse of each interviewees' respective organization. Also like non-interview sources of data, discourse analysis was applied to interview content reported by informants. The interview questions used are listed in Appendices G – I.

Interviews took place between December 2011 and April 2012 and were conducted in-person or over email. In-person interviews lasted anywhere from twenty-five minutes to two hours. All in-person interviews were recorded and then transcribed verbatim by myself or a

professional transcriptionist. I conducted four in-person interviews: one with former Congressman Pat Williams, one with two Havre BLM Field Office employees, and two with different members of the Blackfeet Tribal Historic Preservation Office. One email interview was conducted with one of Pat Williams' former staff members.

All data were digitized and most were processed through the software program NVivo. For documents that could not be read by NVivo, such as handwritten public comments, I transcribed them individually into Microsoft Word and applied a similar organization process I did with data in NVivo. This allowed me to systematically read through all data and find common themes. As I read through data in NVivo, I pulled excerpts and organized them into different nodes as themes emerged. For instance, if a Blackfeet Tribal member discussed an older relative telling her stories about the Sweet Grass Hills, I put that excerpt under the larger node of 'Blackfeet Indians' and into the sub-nodes of 'storytelling' and 'elders.' That way, an excerpt could fall under multiple categories. However, data did not necessarily have to use the word included in a node title, but could instead be describing a conceptual part of the node title. The example of a Blackfeet Tribal member discussing her grandfather telling her a story about the Sweet Grass Hills could also fall under 'perpetuating culture' because storytelling was used to pass on cultural information from generation to generation.

Using this data organization process, I went through all the data I collected until I hit a 'saturation point,' meaning no new themes were emerging in the data. Then I read through the organized nodes and excerpts, seeing which themes emerged as more prevalent than others. Seeing general themes emerge in the data, I collapsed nodes and sub-nodes into those four categories, which are discussed in the 'Findings' section of this thesis. Therefore, when certain excerpts are presented in the 'Findings' section, those passages stand in for many more

comments that communicate similar sentiments. In both the ‘Findings’ and ‘Discussion’ sections, I applied discourse analysis to chosen excerpts, analyzing the deeper meaning behind groups’ language and framing choices regarding the Sweet Grass Hills.

There are limitations to the methods employed in this thesis. Findings are not always generalizable to broader situations because qualitative research focuses on contextual, detailed knowledge about a topic (Marvasti 2004). Another limitation is that my method of collecting data may have omitted certain types of discourse, such as oral communications that were not transcribed into written documents. This is especially important to keep in mind considering that Blackfeet Indian culture traditionally employs oral communication to pass on important information from generation to generation (Bullchild 1985). However, many of the data sources I gathered were transcribed stories that were originally told orally, which hopefully limited this potential sampling bias.

The informant interviews I conducted only represent a small pool of groups involved in the Sweet Grass Hills scenario. Unfortunately, Blackfeet Studies professors from the Blackfeet Community College and a Blackfeet federal consultant were not reached during the research process. Their input would have added depth to current Blackfeet discourse offered through interviews. Additionally, an interview with a State Historic Preservation Officer (SHPO) or Advisory Council on Historic Preservation (ACHP) employee would have offered more understanding on how the Blackfeet THPO has changed federal consultation processes. However, including Blackfeet Tribal Historic Preservation Office employees and BLM employees who were present for past and present Tribal consultations offered some insight into those current consultant dynamics. Fortunately, the plethora of documents offered by non-interview sources supplied me with a large amount of data to understand the general discourse

produced by federal policy-makers, corporate miners, Blackfoot Indians, other Native American Tribes, the Montana SHPO, the Advisory Council, non-Native American residents living near the Sweet Grass Hills, and other groups involved with the Sweet Grass Hills mining scenario from 1985 to the present.

Keeping in mind the ethics of good research, I volunteered with the Lewistown BLM Field Office for several hours one day in July, 2012 to establish a sense of reciprocity for the information they offered me. Also in the vein of reciprocity, this thesis and an additional technical report are going to be given to the Blackfoot Nation. After conducting interviews with personnel with the Blackfoot Tribal Historic Preservation Office, I was informed that my thesis might be utilized during consultations the Tribe has with BLM representatives in the years before Public Land Order 7254 expires in 2017. The technical report, overseen by Professor Robin Saha of the University of Montana Environmental Studies Program, recounts the historical and legal happenings that occurred after mining proposals were put forth in the Sweet Grass Hills since 1985 and also offers political options for groups looking to protect the Sweet Grass Hills from mining permanently. That technical report will soon be distributed to environmental, historical, and cultural groups and Blackfoot Indians in the U.S. and Canada, in hopes that it will aid in the goals of those groups. Between these two acts of reciprocity, I attempted a two-way interaction where my informants and I benefited from my research experience.

Chapter 5

Findings

In applying discourse analysis to informant interviews and documents, I found four common themes in the data: 1) many Blackfeet Indians believe the Sweet Grass Hills to be sacred and necessary in perpetuating Blackfeet culture. Also, Blackfeet Indians shared information about their cultural connections to the Sweet Grass Hills to persuade the federal government to not allow mining in the area, which turned out to be somewhat effective; 2) cross-cultural differences and disagreements among federal agencies about required consultations under the NHPA created conflicts that sometimes aided and sometimes blocked Blackfeet Indians from influencing stewardship; 3) rights-based discourses of Blackfeet Indians and other Native American groups, non-Native American government agencies, non-Native American residents living near the Sweet Grass Hills, and mining company representatives came in conflict with each other; and 4) discussions of legality among corporate mining representatives and BLM employees often worked against Blackfeet Indians' ability to influence stewardship of the area.

Sacredness and Cultural Connections

Sacredness of the Sweet Grass Hills

One of the most common features of discourse found in the data is that, traditionally, Blackfeet Indian culture holds the Sweet Grass Hills to be sacred. At a public meeting in Browning, Montana, in 1995, Curly Bear Wagner, the Cultural Coordinator for the Blackfeet Tribe at the time, stated that “all life was created by the creator, all life is sacred, and the Sweet Grass Hills, being a centrally located place, is where our prayers are gathered” (LBFO, SGHAF, 1616.74, February 28, 1995). Wagner explains that traditional Blackfeet spirituality conceptualizes all types of life as sacred, and that sacredness is acknowledged and engaged with through prayer in the Sweet Grass Hills. Also, he describes how the Sweet Grass Hills are a

meeting area where spiritual ceremonies take place and therefore the area is sacred to the Blackfeet people.

A discourse describing the Sweet Grass Hills as sacred existed long before 1985 and is expected to be taken far into the future by Blackfeet Indians. In more than one of the official Blackfeet Tribe's appeal testimonies against the proposed mining exploration project in 1986, Blackfeet elders emphasized the sacredness of the area: "Those Sweetgrass Hills are sacred mountains to the old people" (BTA, September, 1986). Another Tribal elder said, in reference to his father, "He told me 'as long as you live you will see these hills. Preserve them and hold onto them for our children because they are sacred'" (BTA, August1, 1986b). This intergenerational discourse adds depth to the cultural importance the Sweet Grass Hills holds for Blackfeet Indians and lets wider audiences be informed of that level of importance.

Sacred discourse about the Sweet Grass Hills was echoed by non-Blackfeet Indians as well. Other Native American Tribes, such as the Chippewa-Cree, were outspoken about the sacredness and holistic understanding of the Sweet Grass Hills, from their own cultural perspectives. At a public meeting on the Rocky Boy Reservation in 1995, one Chippewa-Cree member stated

that they felt that the hills should be left like they are. There are some parts of America that are still sacred to a lot of people...for the Indian people who have gone there for years and centuries...They use it as their church. Not only the Chippewa-Cree but some Tribes in Canada, Blackfeet Tribe, Assiniboine, Gros Ventre." (LBFO, SGHAF, 1616.74, March 2, 1995)

The Confederated Salish-Kootenai, Assiniboine, Gros Ventre, and Coeur D'Alene Tribes, and the non-government organization, KWIA Support for Indigenous People, echoed the same concerns and produced similar discourse about sacredness and protection from mining in correspondences to the BLM, the Montana SHPO, in newspapers, and at different public

meetings (LBFO, SGHAF, October 22, 1993; LBFO, SGHAF, May 9, 1995a; LBFO, SGHAF, May 9, 1995b).

Non-Native American populations also reproduced sacredness discourse. Congressman Pat Williams of Montana “urg[ed] the Secretary [of Interior] to consider only the most complete protection for the Sweet Grass Hills...which will preserve ancient and sacred religious sites of irreplaceable value and significance to Indian Tribes in America and Canada” (LBFO, SGHAF, May 16, 1995). Some individuals within the general public engaged sacred discourse to describe Blackfeet Indians’ connections to the Sweet Grass Hills as well. In May of 1995, thousands of public comment cards supporting the most stringent protection of the Sweet Grass Hills from mining were sent to the BLM during its final EIS comment period. Many of the comment cards said something similar to the following, written by an anonymous individual: “The Blackfeet Nation holds this place as sacred and a source of life” (LBFO, SGHAF, May, 1995). Many more public comments supporting protection of the area used the same language.

The BLM does not engage ‘sacred’ discourse when describing Blackfeet Indians’ connection to the Sweet Grass Hills. BLM employees only used ‘cultural,’ ‘religious,’ and sometimes ‘spiritual’ discourse. The final Sweet Grass Hills environmental impact statement referred to Blackfeet Indians’ connections to the area as “a religious and cultural use area for Native Americans” (U.S. Department of Interior 1996), and this language was typical of many BLM documents describing the Sweet Grass Hills. Note that the terms ‘religious and cultural use’ are different from ‘sacred’ in that ‘religious use’ puts Blackfeet Indians’ interactions with the Sweet Grass Hills more on par with ‘recreational use’ or ‘economic use.’ The omission of ‘sacredness’ in BLM discourse shows a lack of accurately reflecting the relationship between Blackfeet Indians and the Sweet Grass Hills.

BLM employees often referred to Native American interactions with the area in terms of resources, specifically “cultural resources” (Department of Interior 1996). With the BLM’s multiple use philosophy, its employees typically describe a landscape in terms of resources that are used by different groups, be it natural resources for mining or cultural resources for American Indian Tribes. Describing the Sweet Grass Hills in terms of a ‘cultural resource’ minimizes the centrality of the Sweet Grass Hills to Blackfeet Indian culture; the landscape is not merely a ‘resource’ or tool to aid Blackfeet culture, but rather a central part of the culture itself. Categorizing the cultural relationship Blackfeet have with the Sweet Grass Hills as using the area as a ‘cultural resource’ is an attempt by the BLM to fit an atypical relationship with land into the framework of the mainstream discourse about land use.

Sacredness and Mining

According to the Blackfeet Tribe and many of its members’ statements, the Sweet Grass Hills would no longer be sacred if large-scale mining took place. In an invitation to the general public for an encampment in the Sweet Grass Hills organized by the Blackfeet Tribe in 1993, Curly Bear Wagner wrote that “any exploration or development activities would impact the sacred value of the hills to Indian People and are totally unacceptable” (LBFO, SGHAF, 1616.088, August 23, 1993). Details as to how mining would decimate the sacredness of the area were limited, most likely due to the Blackfeet spiritual understanding that sharing sensitive traditional information with outsiders is unacceptable (Blackfeet Tribal Historic Preservation Office staff 2012). However, what was made clear to non-Blackfeet audiences is that there is no way to reduce the negative impacts of mining on the sacredness of the area, if mining was to be allowed. At a consultation meeting with BLM employees, mining company representatives, and Montana SHPO employees, a Blackfoot Tribal representative said “I cannot pretend to agree to mitigation [of effects left by mining in the area]” (LBFO, SGHAF, 1616.067, May 12, 1993).

Almost all Blackfeet Tribal statements spoke about the futility of mitigating the negative effects of mining; only stopping the exploration from occurring was acceptable according to Blackfeet Tribe representatives' comments.

Discourse that the Sweet Grass Hills are not an appropriate venue for mining has been present in the general public. In an article in 1995, *The Great Falls Tribune* wrote that "Several Native American Tribes in Montana have said the Sweet Grass Hills are sacred and used for vision quests and other cultural and religious activities that are incompatible with mining" (LBFO, SGHAF, November 21, 1995). Many of the public comments sent during the public comment period on the BLM's final EIS said similar things: "There is no such thing as 'multiple use' of a sacred site. There is no compatibility between gold mining and indigenous prayer" (LBFO, SGHFA, May, 1995). Despite the BLM being a 'multiple use' agency, many comments received by the BLM from Native American and non-Native American sources said that areas sacred to people cannot be mined, and therefore multiple use management styles were unacceptable.

The BLM acknowledged the comments produced by Native American Tribal representatives and the general public that challenged the multiple use philosophy. A summary of public and private comments received by the BLM during the EIS public comment period in 1995 reads: "Disturbance to a sacred place is viewed as a desecration... even where conventional [mining] reclamation techniques have been successfully applied. While the environmental impacts of mining would be localized, the overall impacts to the spiritual value of the Hills would be widespread and could not be reduced below significant" (LBFO, SGHFA, 1996). This statement demonstrates BLM acknowledgement of the permanent, negative consequences to Blackfeet connections to the Sweet Grass Hills that would result from mining exploration.

However, it is interesting to note that the discourse of sacredness acknowledged in this document was not included in the official environmental impact statement. Instead, the EIS described the relationship of sacredness in terms of ‘use’ and ‘resources,’ which shows the BLM’s limited willingness to engage sacred discourse about the Sweet Grass Hills and expand from the mainstream understanding of land as ‘resources.’

Holistic Land Conceptualizations

When Blackfeet Indians discussed the sacredness of the Sweet Grass Hills, they reiterated that the entire area is sacred, as opposed to the BLM recognition of only individual sites. One example took place in a meeting in 1993 between Blackfeet Tribal personnel, BLM employees, mining company representatives, and Montana SHPO employees. Tribal Cultural Coordinator Curly Bear Wagner said “We knew that land was sacred to our people. [We] can’t say which area is sacred, it all is. [The] BLM [is] always trying to divide and conquer” (LBFO, SGHAF, 1616.067, May 12, 1993). Wagner’s statement exemplifies how the Blackfeet Tribe and many of its members understand the Sweet Grass Hills to be sacred in its entirety. Second, the excerpt offers understanding into conflicting landscape understandings between the BLM and the Blackfeet Tribe. Many Blackfeet Indians have been battling the idea that the Sweet Grass Hills can be broken up into individual plots that could be kept from being affected by mining, while, as Wagner stated, the BLM was resistant to accepting this holistic approach to land stewardship.

The Montana SHPO and the Advisory Council on Historic Preservation, who hold authority through required consultation processes to ensure the protection of historic places through the National Historic Preservation Act, were the non-Native American groups that most often referred to Blackfeet discourse about the entirety of the Sweet Grass Hills being sacred. For instance, the cultural inventory and nomination of the Sweet Grass Hills to the National Register

of Historic Places done by SHPO employees read: “the Hills are believed to be essential to the continued practice of traditional spiritualism by Native American peoples, who value the entire Sweetgrass Hills as a sacred refuge (UMMLA, CN 239, Box 65, March, 1992).

Sometimes the DOI used Blackfeet discourse about the Sweet Grass Hills’ entirety. In a response to the Blackfeet Tribal mining appeal, the DOI Board of Land Appeals (IBLA) wrote that “members of the [Blackfeet] Tribe responded that there were no specific religious or cultural sites, rather the entire area was considered sacred to them (LBFO, SGHAF, 1616.067, October 31, 1986). However, this statement was not arguing to adopt the Blackfeet understanding of the Sweet Grass Hills into BLM stewardship; the IBLA ruled that the BLM was correct in assessing that adverse impacts to the area from mining could not be applied to the entire landscape. Especially from the mid 1980’s to early 1990’s, the DOI and BLM rejected Blackfeet discourse about the Sweet Grass Hills’ in terms of holistic stewardship.

More often, the BLM and DOI focused on site specific discourse instead of entire landscape discourse. For instance, later in the IBLA response to the Blackfeet Tribe’s appeal to the mining exploration in 1986, the IBLA wrote that “no site specific conflict was identified for this Plan of Operations. Our field visit and consultation have ensured that this action will not damage any specific sites but we are unable to satisfy concerns about the broader spiritual values of the areas as described by the Tribal representatives” (LBFO, SGHAF, July 26, 1988). Instead of discussing the sacredness Blackfeet Indian culture applies to the expansive Sweet Grass Hills, the Board communicates that ‘specific sites’ are the only important aspect in Sweet Grass Hills management decisions, which is part of the more dominant Western discourse of land parcelization.

Similarly, mining company discourse repeated this individualized understanding of the Sweet Grass Hills landscape. Mining company representative Ernest K. Lehmann wrote that “in three years of geologic mapping, our field personnel have not identified or noted a single archaeological site in the Sweet Grass Hills” (LBFO, SGHAF, October 5, 1993). This statement omits Blackfeet Indians’ understanding of the Sweet Grass Hills being, in its entirety, sacred, instead focusing on the necessity of individualized areas. Mining company representatives never swayed from this type of discourse from 1985 to present.

To conceptualize the sacredness of the Sweet Grass Hills, Blackfeet Indians and non-Blackfeet Indians compared the Sweet Grass Hills to Western religion. One example took place at a consultation meeting with BLM employees, mining company representatives, and Tribal representatives in 1993. Curly Bear Wagner said that “You people don’t sleep in your church, same way as those hills are to us. We get [a] calling to go into [the] hills, [we] went in and came out. We look at these hills as sacred, as you look at your church. [The] sacredness of these things, we want them left completely alone” (LBFO, SGHAF, 1616.067, May 12, 1993). One way Blackfeet Tribal personnel and Tribal members attempted to influence stewardship of the Sweet Grass Hills was to appeal to non-Native American individuals’ sense of religion by creating a cross-cultural discourse of religion.

This comparative discourse was also used by non-Blackfeet parties involved with the Sweet Grass Hills. Congressman Williams advocated for Blackfeet Indians by sharing their traditional views on the Sweet Grass Hills. In an article from a Native American newspaper, *The Circle*, he said “As Jews and Christians would ask for the protection of their shrines, so too do Native Americans ask for protection of the Sweetgrass Hills (LBFO, SGHAF, November, 1993).

Like Blackfeet Indians, Williams is appealing to practitioners of Western religions to increase support against mining in the Sweet Grass Hills.

Williams was not the only non-Native American to make this comparison; regular citizens drew similarities as well. At a 1995 public meeting in Chester, Montana, a non-Native American citizen living near the Sweet Grass Hills explained how he would feel if his place of worship was threatened by mining:

I'm just going to say what I would feel about my own religion. On my way to church, which to [Native Americans] may be the top of the mountain, I find that I can't get through because there is mineral exploration. Now how am I going to get to church? But if I do get to church, I would like to bow in reverence [and] in silence commune with my God; [then] there is an explosion because someone is mining, and I am almost blown off the mountain top. This interferes with my religion...And another part, [non-Native Americans] think 'Well, what is your site? Where are your religious sites?' OK. Ask me in my church where is my religious site? Is it up at the altar, by the baptismal font? Where is the most religious part of my church? So asking Native Americans to pinpoint their particular sites would be the same thing as far as I am concerned. (LBFO, SGHAF, 1616.74, March 1, 1995b)

Out of the dozens of non-Native Americans living near the Sweet Grass Hills who spoke at public meetings held by the BLM, this speaker is one of few who was sensitive to Blackfeet worshipping issues.

There were other non-Native American citizens who made connections between Native American and Western religions, though. Public comments sent to the BLM during the public comment period on the final EIS read things like "Sacred means sacred! It's time to stop the miners! No one is wanting to strip mine the Vatican!" and "Are they bulldozing and digging into the hearts of all churches in the U.S. or just the Indian churches? This area is where many go to worship the creator and ask for guidance" (LBFO, SGHAF, May, 1995). These comments display two points: 1) many citizens in the general public believe that American Indian religions are subordinated in the U.S., as compared to practices of Western religions; 2) comparative

discourse of Native American and Western religions was used as a tool within the general public to try and keep mining out of the Sweet Grass Hills. From a standpoint theory perspective, this political strategy was savvy because many religious practitioners across cultures sympathize with having a history of religious persecution.

Sweet Grass Hills and Culture

Along with sacredness, Blackfeet discourse focused on how the Sweet Grass Hills are an important part of Blackfeet culture. In an interview, one of the staff members at the Blackfeet Tribal Historic Preservation Office (THPO) said “The proposition [of mining in the Sweet Grass Hills] is in itself a slight and it’s offensive and it’s because of our cultural relationship with that area” (Blackfeet Tribal Historic Preservation Office staff 2012). According to many Blackfeet Tribal and Tribal members’ comments, the Sweet Grass Hills are sacred, and therefore should not be touched by mining because of the cultural importance of the area to Blackfeet Indians.

In a newspaper article, a Blackfoot elder went into more detail about cultural interactions between Blackfeet Indians and the Sweet Grass Hills:

A lot of the sacred bundles that we have in the Blackfeet nation originate [in the Sweet Grass Hills]. A lot of the legends that you hear of today originated right here in these hills. The people that left us, the old Indian people, this is where they had a lot of sacred doings in these hills, there was a lot of medicine lodges put up in these hills by the Blackfeet... This is what these hills means to us – it is a whole way of life to us, these hills. (LBFO, SGHAF, November, 1993)

This appeal describes how the Sweet Grass Hills are a part of Blackfeet culture on multiple levels, with stories based on the area’s history and rituals being conducted in the area regularly. In offering so much detail and different types of cultural interactions with the area, this elder offers cultural information as a means of trying to convince others that mining is unacceptable,

which is evidence of a historically marginalized individual sharing their ‘standpoint’ on culture and relations with the Sweet Grass Hills with the dominant society to achieve a political goal.

A common theme found in Blackfeet Indians’ testimony is the need to keep the Sweet Grass Hills pristine so as to perpetuate Blackfeet culture. One public comment to the BLM written by a self-identified Blackfeet Tribal member read that “Any mineral claims or mining in the Sweet Grass Hills is a desecration of a sacred site and an assault on my identity” (LBFO, SGHAF, May, 1995). This type of discourse, focusing on an individual’s cultural identity, was rare, with more statements focused on the entire Blackfeet Tribe as a whole. For instance, at a public meeting, Curly Bear Wagner said “[Blackfeet Indians] keep our old ways so that we can get along this world – to survive. These ways were handed down from generation to generation. The Sweet Grass Hills are a necessary part of our ways. Our survival is looking to the land and gaining knowledge from it. The Sweet Grass Hills are central to our survival” (LBFO, SGHAF, 1616.74, February 28, 1995). Wagner argues that the Sweet Grass Hills are not just a dispensable aspect of Blackfeet Indian culture; they are central to the existence and regeneration of Blackfeet society’s survival.

Only one statement from a Blackfeet Indian found in the data questioned the cultural tie to the area, in more of an esoteric, than direct manner. At a public meeting in Browning, Montana in 1993, he asked “I question what is real Indian religion, what is culture?” (LBFO, SGHAF, 1616.15, September 29, 1993). This individual pre-empted this question saying he was not a traditionally practicing Blackfoot Indian, which is evidence that there is variation within Blackfeet Indian populations concerning relationships to the Sweet Grass Hills. However, as a Blackfeet Indian, this individual’s position was unique as compared to other Blackfeet in the data set. This could be due to Blackfeet group identity politics, encouraging a sense of solidarity in

protecting Blackfeet traditions, despite some individual Blackfeet Indians having a non-traditional spiritual outlook; or it could be that few Blackfeet Indians engaged in debates about Sweet Grass Hills stewardship practiced something different from traditional spiritualism.

Statements emphasizing the cultural necessity of the area to Native Americans were repeated by non-Native American sources. In a cultural inventory of the Sweet Grass Hills, Montana State Historic Preservation Office employees wrote that “the sacred hills provide a continuum and a reference point by which [Blackfeet Indians] define their unique identity, their culture, their family and their place within the universe” (UMMLA, CN 239, Box 65, March, 1992). This cultural connection was represented in general public comments too: “Save the land and native heritage! Mining is not the answer!” and “Destroying lands sacred to a culture is wrong. All cultures should be celebrated, not just the European American culture” (LBFO, SGHAF, May, 1995). All of these comments demonstrate that some non-Blackfeet people understood that not just the natural environment and religion, but indigenous culture, would also be negatively affected by allowing mining. This may be evidence of the marginalized discourse of Blackfeet successfully resisting and penetrating the mainstream society’s discourse about the Sweet Grass Hills.

Blackfeet people often used storytelling to explain their relationships to the Sweet Grass Hills. During an interview with Blackfeet THPO staff, one employee noted “That’s the way [Blackfeet] culture is...It’s all passed down verbally...There are stories...And every one of us has got...history, [from our] parents and their grandparents” (Blackfeet Tribal Historic Preservation Office staff 2012). The mining appeal testimonies from 1986 are further evidence of this claim. Several elders relayed stories about Blackfeet culture to make claims to the area:

The spirits in the Sweetgrass Hills are not to be disturbed. If they are then a lot of people will die in that area. This is our Indian belief. (BTA, September, 1986)

Visits [to the Sweet Grass Hills] caused these wishes for good things to come true. My parents said the people had used these hills for that for a long time. A prayer used there was 'Help my children see everlasting.' People still go there to sleep, the Indians never quit using it. (BTA, August 1, 1986b)

[Ancestors] had target ranges they used to practice with bow and arrows. (BTA, August 1, 1986a)

I also heard about...buffalo jumps there. (BTA, August 1, 1986b)

All of these excerpts are filled with cultural claims to the Sweet Grass Hills, discussing hunting patterns, religious practices, spiritual connections, and oral traditions. Testimonies addressed to the Department of Interior's Board of Land Appeals during the Blackfoot Tribe's 1986 appeal were one of the most potentially influential interactions to shield the Sweet Grass Hills from mining. The fact that several elders shared stories about ties to the Sweet Grass Hills speaks to the importance of storytelling as a legitimate way of knowing for the Blackfoot Tribe.

Another way that Blackfoot culture was shared was through camping in the Sweet Grass Hills and sharing traditional activities with other Tribes, non-Indians, and local residents. The Blackfoot Nation organized a traditional encampment within the Sweet Grass Hills in 1993. Their public invitation to the encampment read that "[The Blackfoot Tribal Council] want[s] to explain our concerns for the Hills, together discuss the issues and develop a plan of action...Important ceremonies will be held, talks given and hikes/walks taken to places of interest. People knowledgeable of the Hills' natural and archaeological sites will be present" (LBFO, SGHAF, 1616.088, August 23, 1993). Since this letter was sent to many different groups, the Blackfoot Tribe was attempting to increase support for their cause in the general public, by sharing cultural activities and knowledge with outsiders. Once again, the informing of

the dominant society by the historically marginalized Blackfeet group exemplifies evidence of standpoint theory's arguments in the Sweet Grass Hills scenario.

Many general public newspapers covered the story of the encampment and its effects on non-Native Americans. One newspaper wrote that "Curly Bear Wagner, organizer of the encampment, said it will be an annual event because the sacredness of the Hills is being threatened" (LBFO, SGHAF, September 30, 1993). Another newspaper described the activities of the encampment attendees: "Participants sat through hours of meditation in a sweat lodge, hiked to the peak of one of the Hills, watched a sacred pipe ceremony and heard talks from Blackfeet Tribal leaders" (LBFO, SGHAF, September 26, 1993). This strategy seemed to work: "About 150 Indians, ranchers and activists gathered last weekend to reaffirm their belief that the Sweetgrass Hills have strong cultural and religious values" (LBFO, SGHAF, September 29, 1993).

The sharing of Blackfeet information and discourse increased public understanding and support for Blackfeet Indians influencing stewardship of the Sweet Grass Hills. One newspaper reported what a non-Native American archaeologist said during the encampment: "I think sometimes you have to be a part of something to understand and learn the traditions of the area. It's important to participate, and that's why we're here" (LBFO, SGHAF, September 26, 1993). This individual was quoted by another newspaper, further proclaiming his support for Blackfeet cultural activities: "The significance of the Hills as far as a cultural and religious site to the native Americans is no longer a question in my mind" (LBFO, SGHAF, September 29, 1993). Similarly, another newspaper wrote that another non-Native American encampment participant was "looking at the Hills with new eyes after the encampment. 'I learned about sacred space,' he said. 'It's like any religious concept. You can't really understand it in a short time. But the people

here conveyed their feeling for the land very powerfully and effectively” (LBFO, SGHAF, September 29, 1993).

These excerpts demonstrate that some non-Native American individuals did not understand Blackfeet relationships with the Sweet Grass Hills before the encampment and therefore did not necessarily support Blackfeet influence over stewardship decisions. After cultural sharing took place at the encampment, these individuals had a better understanding of Blackfeet ties to the Sweet Grass Hills and became advocates for Blackfeet stewardship. These were only two individuals interviewed at the encampment; it is most likely that cultural sharing was effective in increasing more encampment attendees’ support for Blackfeet influence in the Sweet Grass Hills, which demonstrates the effectiveness of cultural sharing and group identity political strategies.

Conflicts in Consultations

Much of the discussion about federal consultation requirements designated by the NHPA involved different interpretations of the policies, and conflicts arose from those different interpretations. DOI and BLM employees, cultural preservation agency employees, non-Native American residents living near the Sweet Grass Hills, mining company representatives, and environmental groups had a voice in these disagreements, understanding the need to consult with Native American Tribes in different ways. When Blackfeet Indians were consulted by the BLM, different cross-cultural understandings of the Sweet Grass Hills created further challenges.

Canadian Blackfeet and Consultation

A contentious issue regarding consultation has been whether or not Canadian Blackfeet Indians are to be involved in the consultation process. Blackfeet Tribal leaders and members repeatedly demanded that Canadian Blackfeet be included in consultations regarding the

significance of the Sweet Grass Hills because they were equally affected by management decisions made by the BLM. At one consultation meeting between BLM employees, Native American Tribal leaders, and mining company representatives, a Blackfeet Tribal representative said he “would like [the] mitigation process to continue to broaden so those people from [Canada] can participate” (LBFO, SGHAF, 1616.067, May 12, 1993). This position was mirrored in official Blackfeet Tribal letters to the BLM and public meetings where Blackfeet Tribal members spoke.

However, when the Blood Tribe, of Alberta, Canada, protested against the initial mining exploration proposal in 1986, they were excluded from consultation processes. Similar to other Blackfeet Indian requests, the letter read that they “object to any exploration or mining because [they] believe [they] have a responsibility as signatories to a treaty with the United States of America to protect the entire area which is a significant religious and cultural site” (BTA, June 13, 1986). There was no more correspondence found from the Blood Tribe; this is unsurprising considering BLM employees stated “[The BLM] consult[s] with federally recognized Tribes...As far as going up [to Canada], we didn’t set up consultation meetings...We said no because that would be off bounds” (Bureau of Land Management staff 2012). Therefore, all non-federally recognized Native American groups were excluded from contributing to stewardship of the Sweet Grass Hills through official federal consultations, which, arguing from a standpoint theory perspective, decreased the strength of the group identity politics for Blackfeet Indians in general.

Even with groups who were formally consulted, however, the BLM repeatedly noted that the scoping process did not give groups outside the BLM or Department of Interior power to make management decisions for the Sweet Grass Hills. At a 1993 consultation meeting with

Tribes, BLM employees, Montana SHPO employees, and mining company representatives, a BLM employee stated that “Section 106 and [the National Environmental Policy Act] do not dictate a decision on the part of the land manager. Mining regulations require compliance with Section 106 procedures but do not preclude any action” (LBFO, SGHAF, 1616.067, May 12, 1993). In the 1980’s and 1990’s, this position was repeated by BLM and DOI representatives, with regard to American Indian Tribes and historic preservation agencies. However, the current Lewistown BLM archaeologist said “[Tribes are] afforded an opportunity to voice their views and opinions and we take that into consideration” (Bureau of Land Management staff interview 2012). Discourse about Tribal input may have softened over the years; whether or not it reflects increases in the Blackfeet Tribe’s ability to influence stewardship decisions is uncertain.

When to Consult

Another issue filled with conflict was whether consultations were required at different times from 1985 to the present. For instance, the BLM thought the consultation process was unnecessary after the Sweet Grass Hills were withdrawn from mineral entry:

The Lewistown District wishes to suspend consultation on the proposed mineral exploration in the Sweetgrass Hills by Manhattan Minerals. The Department of the Interior temporarily segregated federal minerals within the Sweetgrass Hills from further mineral entry. During the two year segregation, BLM will conduct validity exams to determine if there are valid existing rights under the requirements of the mining law and evaluate long term management options for the area. (LBFO, SGHAF, August 11, 1993)

This BLM employee believed the Advisory Council on Historic Preservation and Blackfeet Tribe’s goal was to stop mining, and since that goal had been reached, there was no need to consult. Halting mining was only a partial goal for both groups. Increasing the presence of Blackfeet and historical protection agencies in the procedural stewardship decisions that affected the Sweet Grass Hills were also important. Even though temporary protection of the Sweet Grass

Hills mining occurred during this time, procedural justice was often limited by BLM interpretations of consultation processes.

However, the SHPO had a different interpretation of the situation. In a letter to the BLM, the Advisory Council on Historic Preservation Executive Director wrote:

In our view, this ‘take it or leave it’ approach to compliance with Section 106 [of NHPA], and the resulting exclusion of any opportunity to consult on other measures that may be more responsive to the values of the affected properties does not reflect a good faith effort by the BLM to resolve the conflicts that exist between the proposed development and the values of the historic properties. (UMMLA, CN 239, Box 65, April 8, 1993)

This heated level of disagreement occurred frequently between the Advisory Council and State Historic Preservation Office and the BLM.

BLM employees expressed confusion or frustration about how they were supposed to negotiate conflict in Tribal consultation mandates and other federal regulations. In a memo, one BLM employee asked “How does BLM involve Native Americans in exploration and development proposals in a meaningful way under the 1872 Mining Law?” (LBFO, SGHAF, June 8, 1993). In the memo, the BLM employee further implies that the consultation process is doomed to futility because of the strength of the mining law. Another BLM employee articulates his reaction to consultations: “It was very, very frustrating for me because you’re trying to consult with people and say we’re wanting to put drill roads all around this cave and in this mountain where you say the Creator will emerge at the end of time [and] call back the faithful. Is there any way we can make that less offensive to you?” (Bureau of Land Management staff 2012). In his interpretation of consultation processes, there was an inherent flaw based on the colliding values of sacredness of religion and management of mining mitigation. Many BLM employee statements reflected this frustration in understanding but not being able to negotiate the conflicting cross-cultural understandings of the Sweet Grass Hills, sacred versus technical

and legal discourses. It seems that even when BLM employees were open to engaging in and understanding Blackfeet-produced discourse about the Sweet Grass Hills, structural limitations, in the form of laws, blocked that discussion from occurring.

Consultation and Cultural Inventories

Another point of contention regarding consultation processes was the difference in cross-cultural understandings of the relationship between history and culture. The National Historic Preservation Act states that

the section 106 process [of the National Historic Preservation Act] seeks to accommodate historic preservation concerns with the needs of Federal undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties, commencing at the early stages of project planning. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties. (U.S. Congress 1966)

In their interpretation of these regulations, the Department of Interiors' Board of Land Appeals (IBLA) informed Blackfeet Indians that

the BLM deliberately separated compliance with the NHPA from the requirements of the American Indian Religious Freedom Act, because religious sites are specifically excluded from the reach of the NHPA. Sites or areas having religious associations (i.e., places where substances used in contemporary Indian ceremonies or places where ceremonies themselves currently occur) were described by the Blackfeet Tribe for the Sweet Grass Hills. The BLM did not consider these places in the context of cultural resource management. (LBFO, SGHAF, 1616.067, October 31, 1986)

Therefore, toward the beginning of consultation conflicts in 1986, the DOI determined that historical, religious, and cultural characteristics must be treated as separate 'resources' in the Sweet Grass Hills.

Because of these cross-cultural differences, it was a common trend that groups encouraged the BLM to consult more with Blackfeet Indians and other Native American Tribes.

During an interview, one BLM employee described the past cultural misunderstandings that took place in cultural resource surveys of the area:

A lot of people were looking at historic sites fairly simply as like an archaeological or historical site. There was some confusion because of the way that it was described in spiritual terms, rather than talking about the legendary figures and the battles and all of the things that happened, the geography and that geography that people associate of the history of the past of the Northern Plains with the Sweet Grass Hills. There was some misunderstanding about that, and it was not looked at as historic in that sense. (Bureau of Land Management staff 2012)

The BLM employee openly admitted to the cultural misinterpretations that limited the BLM from accurately accepting Blackfeet perceptions of the Sweet Grass Hills and therefore publishing incorrect and/or only partial cultural inventories of the area. Considering the excerpt came from the Assistant Field Manager of the Lewistown Field Office demonstrates that some higher-up BLM employees are being self-reflective about the Sweet Grass Hills cultural inventory process.

Over time, BLM employees became more aware of their inability to prepare accurate cultural inventories on the Sweet Grass Hills. The Blackfeet Tribe received the following letter from the Associate District Manager of the Lewistown BLM District Office in 1996:

Over the last few years we have had discussions with your cultural coordinator about the possibility of a joint study of the cultural resource values of the Sweet Grass Hills. As discussed, we would like to enter into a cooperative agreement to gather information on the Sweet Grass Hills...We plan to pursue an agreement for such a study and wanted to approach you first since the initial proposal [to do a Tribal study] was from the Blackfeet. (LBFO, SGHAF, 1616.0881, July 2, 1996)

This statement shows a large difference from previous discourse on consultations processes with Tribes since the original 1985 mining proposal, with this language demonstrating an openness to collaborating on a cultural resources inventory.

Although no proof of a joint study was found during research, the establishment of a Blackfeet Tribal Preservation Officer (THPO) in 2004 created a clear opportunity for such a study to take place. A staff member from the THPO said that development

companies bring in their own archeologists all the time, and they don't have the intimate knowledge that [THPO staff] have as far as the history coming from [Blackfeet] culture, interpreting what's sensitive and what's important. Having [the THPO] involved is the main thing, so that [the THPO staff] can interpret [Blackfeet cultural connections to the Sweet Grass Hills] for [themselves]. (Blackfeet Tribal Historic Preservation Office staff 2012)

Without including the Blackfeet THPO's cultural interpretation of the Sweet Grass Hills, the BLM's cultural inventory would be incomplete or even inaccurate.

There is some evidence that BLM cultural inventories of traditional Blackfeet lands are still limited today. When asked about cultural inventories in general, a Blackfeet Tribal Historic Preservation Office employee said "BLM cultural resource reports usually are only satisfying criteria D, which is [individual] sites on the ground. [The BLM] come[s] back and tell[s] us it's a cultural resources report, and it isn't" (Blackfeet Tribal Historic Office staff interview 2012).

The THPO employee's observation means that BLM inventories oftentimes need to be altered to accurately reflect Blackfeet understandings of cultural connections to certain landscapes. His comment also infers that BLM employees are still misunderstanding or omitting the holistic, cultural relationships with traditional lands that the Blackfeet Tribe has, instead focusing on the Western discourse of parceling lands. This lack of change in discourse demonstrates how the marginalized Blackfeet understandings have still not fully penetrated some mainstream discourses about the Sweet Grass Hills.

A lack of a cross-culturally appropriate inventory of the Sweet Grass Hills may be due to high workload levels for both organizations. A Blackfeet THPO employee noted that "There are

a lot of other issues that the Bureau of Land Management and we deal with...I don't think [the Sweet Grass Hills] is on the forefront of the BLM yet," although he expected them to address that issue with him in the near future (Blackfeet Tribal Historic Preservation Office staff 2012). The BLM also noted the Blackfeet THPO's burdensome workload: The Blackfeet THPO "are inundated with requests from the government and people doing various levels of research, and they have a minimal staff" (Bureau of Land Management staff 2012). With both agency's staff members stretched thin over a multitude of projects, consultations concerning the Sweet Grass Hills are not currently at the forefront of issues for either organization. However, it is common for agencies like the BLM to hire outside consultants to do cultural inventories, so that may open up more flexibility to work with the Blackfeet THPO's schedule for a collaborative inventory to take place.

Rights Claims

Unlike sacredness discourse, which developed solely from Native American sources and worked its way into the general public, discourse on the issue of rights originated from multiple groups involved with the Sweet Grass Hills. Specifically, Indian rights, mineral rights, treaty rights, spiritual rights, and property rights were the most regular types of rights claims present in discourse. This discourse was created from Blackfeet Indians, federal policy-makers, mining businesspeople, and non-Native American individuals who lived near the Sweet Grass Hills.

Indian Rights

Throughout the data, Blackfeet Indians often referred to their 'rights' as Indians. For instance, the following two comments were stated by Blackfeet Tribal members at public meetings:

We do have rights as Montanans, Americans and Native Americans. (LBFO, SGHAF, 1616.15, September 29, 1993)

I get the feeling that [Native Americans] are being used as of this date, this era. What are my rights today? (LBFO, SGHAF, 1616.15, September 29, 1993)

Similar rights-talk was used at closed meetings between Blackfeet Tribal representatives and BLM employees. One Blackfeet member said that the “US government must recognize that [Blackfeet Indians] have rights too” (LBFO, SGHAF, 1616.74, March 1, 1995a). Blackfeet Indians used discourse asserting their ‘rights’ in terms of being American, Native American, and Blackfeet. This multi-claim human rights discourse gave Blackfeet Indians several angles from which they could base claims and increase group identity politics that would increase chances of saving the Sweet Grass Hills from mining and consequently, their culture.

Similarly, the general public discussed ‘Indian rights.’ In public comments received by the BLM via mail, a wide variety of tones was received in regards to Indian rights discourse. Some comments were extremely positive and supportive, saying things like “I am all for the Native Indian rights. I have much interest in the Indian people and their beliefs. I wish them all the best. Keep up the fight” (LBFO, SGHAF, May, 1995). Others were more aggressive, labeling the federal government as against Indian rights: “It has become quite obvious to the average layman where the government stands on peoples’ rights, especially the Indian people” (LBFO, SGHAF, May, 1995). Some were more precise, focusing on mining issues in relations to Indian rights: “I believe mining [in the Sweet Grass Hills] is a violation of Native American rights” (LBFO, SGHAF, May, 1995). The discourse of Native American rights was pervasive throughout general public comments. Sometimes public comments focused on the Sweet Grass Hills scenario specifically, but the fact that more were generally about Native American rights speaks to the larger, more mainstream discourse of historical injustice towards Native Americans that has been inserted by North American indigenous groups, a successful group identity politics achievement, perhaps started during the American Indian Movement.

Tribal Mineral Rights

Blackfeet Indians also offered a fair amount of discussion about Tribal mineral rights, typically in context of how to override other groups' rights who wished to pursue mineral exploration. At a public meeting, a Blackfeet Tribal member stated that

[Blackfeet Tribal members] are trying to define, find out if we still have mineral rights or any other rights to this area. As you go through these treaties, executive orders, from long ago all the way up until May 1, 1988, none of them talked about mineral rights...Some of the questions that were raised tonight were what are the rights and when did the Indians sell them? (LBFO, SGHAF, 1616.15, September 29, 1993)

Blackfeet Indians zeroed in on political tools like treaties and government orders to historically situate their relationship to mineral rights in the Sweet Grass Hills, which is part of a group identity politics strategy. Another public meeting comment exemplified the same historical connection to mining rights: "In any case, that's a fact, this land when it was purchased, so called, there was nothing said about mineral rights...[and there is] nothing in [the 1888 treaty] that say[s] anything about any other rights, just a right to have influence and to govern the area" (LBFO, SGHAF, 1616.74, February 28, 1995). Blackfeet Indian discourse challenged the legal assumptions of historical mineral rights afforded to the federal government and mining companies, even going so far sometimes as to assert that Blackfeet Indians still own the mineral rights in the Sweet Grass Hills. There was no support for these claims from any group outside of Blackfeet Tribal members found in the data set.

Trust Responsibility Rights

Another issue brought up by Blackfeet Indians was the rights afforded to them by federal trust responsibility. Most of these arguments are aggressively aimed at BLM employees and their role in upholding the trust responsibilities the federal government has guaranteed to American Indian Tribes. At a public meeting, one Blackfeet Tribal member said "I asked [the BLM employee facilitating the meeting] about the definition of trust responsibility because it is

important. It not only has something to do with land but also peoples' rights (LBFO, SGHAF, 1616.74, February 28, 1995). This individual is challenging the BLM to look past land management responsibilities and enforce trust responsibilities to American Indian agreed upon in treaties signed by the U.S. federal government.

At the same public meeting, the same BLM employee was addressed by another Tribal member regarding trust responsibility: "Are you familiar with trust responsibility?" to which that employee responded "[Trust responsibility] means that under the authorities that I operate under, I have responsibility to the Tribal government that I deal with to protect their interest (LBFO, SGHAF, 1616.74, February 28, 1995). This BLM employee did not engage discourse including 'rights' when it came to trust responsibility, but rather just 'interests.' Having an 'interest' in a land matter is certainly a weaker description than a group having a right protected.

Sometimes BLM employees minimized the extent of their trust responsibilities even further. At the same public meeting, one BLM employee said that "the federal government recognizes...trust responsibility towards resources, programs, and services to Indian Tribes" (LBFO, SGHAF, 1616.74, February 28, 1995). Here, trust responsibility takes out the human competent of treaty rights and instead, as the BLM employee sees it, only protects the non-human components of services to Tribes. This is a much different, more narrowly defined, and less empowering notion of trust responsibility than most Blackfeet Indians have employed when discussing mining in the Sweet Grass Hills.

Spiritual Rights

There was also evidence of Blackfeet Indians referring to spiritual rights in Sweet Grass Hills. The Canadian Blood Tribe's initial appeal to mining proposals, written to the BLM, reads "Our request to disallow exploration of the Sweetgrass Hills should be considered as it is our

inherent right to practice our traditional religion and any obstruction of that right may be deemed an abrogation of our religious freedom” (BTA, June 13, 1986). Religious rights discourse was probably an appealing argument at the time, considering the AIRFA was the primary legal tool used to attempt to gain Blackfeet rights to the area.

Spiritual rights claims were challenged institutionally. In the DOI Board of Land Appeal’s (IBLA) answer to the Blackfeet mining appeal, one Congressional representative was quoted saying “I hope we can keep an open mind long enough to realize that [AIRFA] is not conveying any rights to anybody” (LBFO, SGHAF, 1616.067, October 31, 1986). Here, the Congressman is speaking to the fact that the AIRFA was poorly written and has since been found to be an ineffective political tool for protecting rights in court systems. The DOI, though, was using this statement to justify not enforcing AIRFA to protect Blackfeet Tribal religious rights in the Sweet Grass Hills scenario. It is an ironic outcome that the historical discourse of the U.S. being found on religious freedoms rights has not resulted in political protection of American Indian religious rights, including those of the Blackfeet. Even after the IBLA made its stance on the subordination of religious rights, though, spiritual rights claims were still used by Blackfeet Indians.

There was some discourse about Native American ‘religious rights’ produced by non-Native American environmental agencies, non-profit organizations, and the general public. Instead of just focusing on the physical, natural environment, environmental groups just as often mentioned protecting Native American spiritual rights as they did protecting water and other physical features of the landscape. An example from the U.S. Environmental Protection Agency (EPA) reads:

Protection of traditional spiritual values of Native Americans and aquifers that provide potable water to local residents cannot be insured if underground or open pit mining using the cyanide heap leaching process occurs. As stated in the [Draft] EIS, 'A mining operation within the Tootsie Creek basin could result in the permanent loss of traditional Native American spiritual practices associated with this area.' (LBFO, SGHAF, 1616.087, May 15, 1995)

The second sentence in this excerpt does not mention physical features of the Sweet Grass Hills ecosystem, but only speaks to the importance of Native American spiritual ties to the area. Non-government environmental groups echoed a similar level of support for Native American rights in the Sweet Grass Hills. A member of Missoula, Montana's Ecology Center, a non-profit conservation group, wrote that the group "entirely support[s] moves that recognize the importance of Native American beliefs on the one hand, and the need for clean water on the other" (LBFO, SCHAF, October 29, 1993). The environmental agencies and several non-government organizations that supported Native American spiritual rights in the Sweet Grass Hills do not have mission statements that include the support for cultural preservation, but instead just focus on biological features of protecting the environment. Therefore, gaining support from these environmental groups shows the high success of Blackfeet Indians and other Native American groups in sharing marginalized, cultural information to increase public support for their cause against mining; also citing Native American spiritual connections to the Sweet Grass Hills may be politically strategic for environmental groups, in offering reasons in addition to biological preservation, for mining to be kept out of the Sweet Grass Hills.

Many individuals in the general public also supported Native American spiritual rights in the Sweet Grass Hills. One public comment written to the BLM read "Freedom of religion as a right should be extended to Native Americans. That means not desecrating places they hold sacred" (LBFO, SGHAF, May, 1995). Many public comments written to the BLM echoed this support.

Property Rights

One of the most frequent rights-talk produced by non-Native American groups centered on 'property rights.' One of the groups that discussed property rights regularly was 'local,' non-Native American citizens who lived near the Sweet Grass Hills. At a public meeting, one such resident said

I'm real concerned about private ownership. I think we're coming to a time where we're in real jeopardy of private ownership, private control... Let's keep these hills here, in private hands and not some foreign people influencing our decisions. Let's keep it locally, let's keep it in the people that live around here in this area, [so] they're involved in the hills." (LBFO, SGHAF, 1616.13, October 20, 1993)

Similarly, the next comment challenges historical protections imposed by 'outsider' groups: "If I list my home or business in the National Register, what restrictions will be placed on my rights to modify or sell the property?" (LBFO, SGHAF, 1616.13, October 20, 1993). Fear of property restrictions based on historical designations was a common theme found in non-Native American populations living in the area. This discourse speaks to how individual property rights are prioritized over Blackfeet Indians' cultural, and religious rights in many non-Native, 'local' groups. It also speaks to the Western values of individualization, instead of collective protection of community rights.

At a public meeting in 1995, a non-Native American resident living near the Sweet Grass Hills defended private property rights on principle. He said

my biggest concern is what rights do we as individuals have by attacking another individual right in preventing him from making an economic impact or economic gain? What rights are we going to relinquish from ourselves? I guess that's been my biggest complaint all along. We are attacking one individual or one industry on the fear that they may or may not find valuable minerals in the Sweet Grass Hills. I don't think we all know what they portray. Even he is not sure yet. (LBFO, SGHAF, 1616.74, March 1, 1995b)

Even though this individual is not sure that the mining corporation has a valid mining claim and therefore private property rights in the Sweet Grass Hills, he is hesitant to condemn anyone who

might have a mining claim because he does not want to change the status quo of private property rights given to all citizens. Once again, non-Native Americans defend notions of private property rights, privileging economic gain over cultural, religious, historical, and environmental protection. This is consistent with mainstream U.S. discourse in that it tends to support a capitalist economy. Although it does not fall under the label of a group identity politics because the non-Native American residents living near the Sweet Grass Hills and mining corporations have not been historically marginalized, there was a political confluence between the two groups in that both aimed to protect property rights and supported each other's' rights to property.

There was also discussion from non-Native American individuals concerned about the potential for mining to negatively impact private property. At a public meeting, one individual said the following:

[There is] one little comment I have on property rights. I am all for property rights and with your property rights comes property responsibility. If you live above me and pour poison in the water and [poison] comes down past my place, that's where your property rights end. If you have a cannon in your yard and you are pointing it at my house, your property rights do not extend to my house. (LBFO, SGHAF, 1616.74, March 1 1995b)

This was one of the few times that 'property rights' were connected to 'responsibility.' It was also one of the few times that 'property rights' discourse was used in the context of being against mining in the Sweet Grass Hills, which supports the argument that dominant Western understandings of property ownership are connected to individualization and profit, versus protection of a community.

Most often property rights were discussed in terms of mining claim holders having a property right in the Sweet Grass Hills. Much of this discourse came from mining company representatives themselves. Ernest K. Lehmann, the main claim holder of the large-scale

proposal put forth for the area, produced all of the following comments at a consultation meeting with BLM employees, Tribal representatives, and Montana SHPO employees:

I really do respect the concerns of people. [Mining interests] also have concerns. [Mining interests] also have a position and certain rights, [and] I think we need to have a mutual respect for those things. (LBFO, SGHAF, 16161.067, May 12, 1993)

These are not just public lands involved ([The] project is also on private land). [The] Historic Preservation Act doesn't apply. Our rights take precedence. (LBFO, SGHAF, 1616.067, May 12, 1993)

These are private rights, rights under the mining law. (LBFO, SGHAF, 1616.067, May 12, 1993)

As the main beneficiary of the mining exploration project, Lehmann considered his mining claims in the Sweet Grass Hills to fall under 'rights,' specifically 'private property rights.' More interestingly, he openly prioritizes his own private property rights above other groups' non-private property based rights.

An equal amount of discussion of 'property rights' in the Sweet Grass Hills in terms of mining claims came from Department of Interior employees. In response to the Blackfeet Tribe's appeal against mining exploration, the IBLA wrote that "a closure [against mining] would seriously infringe on private property rights in both surface and minerals and rights of mineral claimants under the mining law of 1872" (LBFO, SGHAF, 1616.067, October 31, 1986). At a meeting between BLM employees, Montana SHPO employees, mining company representatives, and Tribal representatives, one BLM employee told a Blackfeet Tribal Council member that "if Congress tells us to act differently, we'll act differently. These [property rights] are legitimate rights. [You need to] acknowledge those rights" (LBFO, SGHAF, 1616.067, May 12, 1993). Reflected in these excerpts are the institutional biases that the BLM enforces, favoring private property rights over Tribal community-based cultural and spiritual rights.

Another theme emerging about mining company property rights was that the government was not protecting those rights as much as Native American rights. In an appeal against the withdrawal, Lehmann and Associates argued that “the State Director’s decision to recommend withdrawal of the entire federal locatable mineral estate in the Sweet Grass Hills on the basis of this Amendment/EA violates Claimant’s right to equal protection of the laws” (LBFO, SGHAF, 1616.769, June 20, 1995). Lehmann argued the same case against the BLM’s final environmental impact statement: “The Amendment/EIS purports to protect the religious rights of Native American traditionalists but does not protect the rights of [the mining company] to develop its claims under the mining laws” (LBFO, SGHAF, November 18, 1996). The fact that potential mineral deposits are described as ‘rights’ and put on an equal level with religious, cultural, and environmental rights speaks to the prioritized values for mining company representatives, and, as shown in the below discussion of laws, within the mainstream U.S. discourse about land.

Legality

Rights-talk gave rise to discussions of legality because laws reflect social values, and those values determined whose rights were protected in the Sweet Grass Hills. In general, the BLM discussed its role in the Sweet Grass Hills management plans in terms of laws. Two other issues that were discussed in terms of legality were the withdrawal of lands from mining exploration and the tension surrounding reforming the Mining Law of 1872.

BLM Legal Limitations

BLM employees repeatedly discussed how they were controlled by federal laws in making management decisions for the Sweet Grass Hills. At a consultation meeting, a BLM employee commented: “Not that we are unwilling to listen to other values, but we have to carry out laws (LBFO, SGHAF, 1616.067, May 12, 1993). This statement implies that certain values are not protected under management laws, namely those of Blackfeet Indians, versus mineral

property development, which is protected under the 1872 Mining Law. Another BLM employee fleshed this point out, arguing that it is impossible to follow every regulation:

There's the law, [and] there's implementing regulations, 43 CFR 3809 regulations and they have these very specific time frames. They are written based on the law; you're responding in a rapid way. You're trying to incorporate all of the environmental legislation that came about in the [19]60's, the Historic Preservation Act in 1966, NEPA in 1969...the Federal Land Management Policy Act of 1976. All of these things are law, but then you have this anachronism that preempts that, and you're trying to find some way to comply with all of these authorities when you really can't. (Bureau of Land Management staff 2012)

The 'anachronism that preempts' the more contemporary regulations that attempt to promote more procedural justice and environmental protection is the Mining Law of 1872, which guarantees private property rights on public lands. Even though an assortment of different 'values' or 'rights' are protected under law, it may not be possible for agencies to enforce every law; some laws and regulations are inherently at odds with each other. Unfortunately for Blackfeet Indians and other parties interested in protecting the Sweet Grass Hills from mining, the Mining Law of 1872 has trumped all other legal avenues thus far, save for the temporary withdrawal power of the Secretary.

BLM employees regularly made statements about the legal limitations of their agency. At a meeting between BLM employees and Blackfeet Tribal representatives, a BLM employee said that "it is beyond [the] scope of this [environmental impact statement] to review anything like [the history of mineral rights in the Sweet Grass Hills.]...That issue [is] way beyond what we have authority to do (LBFO, SGHAF, 1616.74, March 1, 1995a). This point was repeated at a recent interview conducted with a BLM employee. He said that "some people may not agree with the law, well ok. This is not the forum to change that. You're going to have to go elsewhere to change the law or the treaty or whatever the case may be" (Bureau of Land Management staff

2012). By engaging a discourse of bureaucratic limitations, the BLM does little to aid Blackfoot Indians in challenging unjust historical precedents, unequal law protection, and other institutional discriminatory effects.

Economic, Western land conceptualizations were prioritized when BLM employees argued that mining was inevitable in the Sweet Grass Hills. One BLM employee during a public meeting said “It is important to realize that even though we are doing all we can, from [a] federal standpoint it may not be enough to discourage mining in [the Sweet Grass Hills]” (LBFO, SGHAF, February 28, 1995). Another BLM employee agreed, communicating his frustration with public misunderstanding of the situation. In an interview, he said “One of the things that the public was quite upset about was everyone just kept saying reject, reject it. There is no rejection” (Bureau of Land Management staff 2012). As members of a federal agency, BLM employees were restricted to their organizational perspective that they enforce federal laws, such as the Mining Law of 1872, even when those laws work against the legal protection of Blackfoot Indian culture, religion, and history.

Building on the assumption that mining on public lands is inevitable, there is evidence that institutionally, mining projects through the BLM are given preferential treatment. In a letter from the BLM area manager in 1986, the following was written:

You should understand that authorization of the mining project is a non-discretionary BLM action and our authority to avoid or mitigate environmental impacts is quite limited under existing regulations (43 CFR 22C9) . However, we will do whatever is possible to reduce or eliminate unnecessary environmental damage. Unfortunately, the regulations allow the BLM only a ten day review period, after that time we must approve the permit. (BTA, June 2, 1986)

Even before even receiving comments from the Blackfoot Tribe, the BLM communicated that its ability to stop mining in the area was limited. This claim seems premature, considering reasons

behind Blackfeet objections were not articulated yet. Second, the extremely short return period demonstrates how mining projects are often given large amounts of momentum and protesting such a project is given little turnaround time. Third, it shows that BLM employees assumed that a reduction in the extent of the mining operation, versus full rejection, was a possible answer to appease Blackfeet Indian concerns. This reaction could reflect an underappreciation or lack of understanding of Blackfeet conceptualizations of the Sweet Grass Hills.

In following through on their interpretation of federal laws, BLM employees rejected the most protective management options against mining in the Sweet Grass Hills. In an email to co-workers, a BLM employee wrote

we cannot say for certain that no mining will occur UNLESS we pursue condemnation. What we are doing under Alt[ernative] C is recognizing some risk management and telling the public that we will do whatever it takes under our authority to protect these resources, and this may require help from the public (through conservation easements), but we are unwilling to pursue condemnation. I think the majority of the public can accept this. (LBFO, SGHAF, 1616.032, July 11, 1994)

This claim that the general public would accept alternative C as an appropriate management suggestion is not necessarily accurate, considering the majority of public comments supported alternative B, a more protective management plan that would have involved condemnation of validated mineral claims.

Some Native American and non-Native American groups challenged the BLM to reject the mining exploration project entirely. At a meeting between BLM employees, mining company representatives, Tribal representatives, and SHPO employees, the following conversation took place:

SHPO employee: Section 106 [of the National Historic Preservation Act] by definition includes avoidance. You can avoid the impact.

BLM employee: Avoiding the project totally?

SHPO: Yes.
(LBFO, SGHAF, 1616.067, May 12, 1993)

Historic and cultural preservation agency employees repeated this argument throughout consultation processes with the BLM. By differently interpreting the wording of the NHPA, this group used federal regulations to try and combat the strength of the Mining Law of 1872's hold on BLM interpretations. Blackfeet Tribal representatives, members, and other Native American groups also pushed for an entire rejection of the project, asking BLM employees to look into further legal options.

Challenging Legislation and Public Land Order 7254

There was also legal discourse pressuring the BLM to support the Mining Law of 1872. Lehmann and Associates argued that “if the BLM denies the proposed exploration work it will not only be denying legitimate property rights under the mining law but also access to private property, both minerals and surface. We believe they cannot legally do so” (LBFO, SGHAF, August 28, 1993). In this claim, Lehmann takes his property rights discourse a step further, demanding that those rights are supported by the law. Lehmann's son, speaking as his father's attorney, was quoted in a general public newspaper saying: “Anti-mining interests have ‘managed to bend and twist the land management laws in a cynical effort to harass legitimate mining interests with valid private property rights’” (LBFO, SGHAF, February 8, 1995). Here, Lehmann's son frames Native American Tribes, cultural preservation offices, environmental groups, and other parties who fought to keep mining out of the Sweet Grass Hills as manipulative and powerful. His defensive language may reflect the fact that the marginalized discourse of Blackfeet Indians was starting to successfully resist against and change the

previously unchallenged, mainstream discourse supporting private property rights on public lands.

Once Public Land Order 7254 was issued in 1997 and temporarily protected the Sweet Grass Hills from mineral entry, mineral development interests' legal discourse switched over to contesting that decision. Multiple sources confirmed that the withdrawal would not have been legal if Native American religious use was the only reason why the area was withdrawn.

Lehmann took the Secretary of Interior to court on the count that

the Amendment/EA's proposal is being done to protect the area's cultural value, having spiritual importance to Native Americans; this purpose is an impermissible action by the government in violation of the establishment clause of the First Amendment. BLM is creating a government-managed religious shrine. (LBFO, SGHAF, 1616.769, June 20, 1995)

In response, the U.S. Court of Appeals agreed with Lehmann, to a certain degree. The judge ruled against Lehmann's claim that the Secretary's decision was illegal because

the Secretary enunciated several secular purposes for withdrawing the Hills, including protection of aquifers and the environment. Furthermore, [Public Land Order] 7254 does not primarily affect religious interests; on the contrary, it protects all non-mineral resources in the Hills. Finally, the land order does not foster excessive government entanglement with religion because it neither regulates religious practices nor increases Native American influence over management of the Hills. (*Mount Royal Joint Venture et al., v. Dirk Kempthorn, Secretary of the Interior, et al.* 2007: 23)

Lehmann did not gain any legal basis for exploring mineral rights in the Sweet Grass Hills, simply because the Secretary withdrew the acreage to protect the secular reasons attached to Blackfeet Indian cultural and spiritual connections to the area. However, this ruling offers no legal support for Native American religious rights and practices, since, if it had stood alone as the reason for the withdrawal, the court would have overturned the Secretary's temporary protection. Furthermore, the court explicitly stated that Native Americans were not given any more influence over management of the Sweet Grass Hills; that decision could not be clearer in

communicating that Blackfeet Indians were not to be empowered in a court of law to influence stewardship of the Sweet Grass Hills.

Multiple legal rulings, including *Mount Royal Joint Venture et al., v. Dirk Kempthorn, Secretary of the Interior, et al.*, demonstrate how, in effect, the AIRFA proved to be an ineffective legal tool for Blackfeet Indians to assert religious protection and equality. In the IBLA's rejection of the Blackfeet Tribal appeal, the following Congressional speech about AIRFA was quoted:

Mr. Speaker, this is a simple bill, a sense of Congress joint resolution, which seeks to protect the constitutional rights of native Americans to practice their traditional religion free of unwarranted interference. Mr. Speaker, it is not the intent of my bill to wipe out laws passed for the benefit of the general public or to confer special religious rights on Indians. It is not the intent or the effect of my bill to permit Indians to cause the extinction of a species or destroy a wilderness area in the name of religion. It is the intent of this bill to insure that the basic right of the Indian people to exercise their traditional religious practices is not infringed without clear decision on the part of the Congress or the administrators that such religious practices must yield to some higher consideration...It is the Department's understanding that this resolution, in and of itself, does not change any existing State, or Federal law. That, of course, is the committee's understanding and intent...It simply says to our managers of public lands that [Native Americans] ought to be encouraged to use these [public] places [for religious practice]. It has no teeth in it. [underline in original] (Udall in LBFO, SGHAF, 1616.067, October 31, 1986)

Although it was the weak wording of AIRFA itself, not Congressman Udall's discussion about the legislation that made AIRFA ineffective, BLM employees and the IBLA then adopted his words, referring to AIRFA as illegitimate and ineffective. Accepting this perspective of the AIRFA allowed for them to not enforce the piece of legislation to protect Blackfeet rights.

1872 Mining Law

Unlike AIRFA, the Mining Law of 1872 has remained legally potent. Some discourse involved in the Sweet Grass Hills scenario focused on changing the mining law. At a meeting between Blackfeet Tribal representatives and BLM employees, one BLM employee said "You

may want to close [the area to mining] but you have to follow the law. Go to Congress [and] ask for [a] change of law” (LBFO, SGHAF, 1616.74, March 1, 1995a). Once again, BLM employees are asserting that they are not able to work outside of the Mining Law of 1872. Other groups involved in consultation disagreed with that perspective. One SHPO employee demanded at a Tribal and BLM consultation meeting that the group must “look at ways [they] can change the [mining] law” (LBFO, SGHAF, 1616.067, May 12, 1993). Despite this push to reform the Mining Law of 1872 and its hold over the Sweet Grass Hills situation, no reform has taken place since the law’s inception.

Even if the task of reforming the Mining Law of 1872 occurred, according to BLM employees, mining proposals brought forth before those reforms would hold. A newspaper article read:

Even if the 1872 General Mining Law is changed within the next two years it is unlikely that those changes would affect the situation in the Sweetgrass Hills. Scott Height, District Geologist for the BLM, speculated that ‘... whatever the changes might be, they would include some provisions for honoring existing mining claims.’ (LBFO, SGHAF, November, 1993)

Positions like these create challenges for Blackfeet Indians and other groups who do not want mining to occur in the Sweet Grass Hills. Limiting the general public’s idea of how mining rights can be transformed conditions the privilege of individualized property conceptualizations on public lands. This framing may lead people to believe that a discussion of reforming the Mining Law of 1872 is futile, which could weaken the political will to do so and allow mining rights to continue to legally dominate mainstream discourse, the Sweet Grass Hills scenario, and other conflicts like it.

Chapter 6

Discussion

Political Strategies, Laws, and Values

Cultural sharing and legal tools were the two major avenues through which the Blackfeet Tribe tried to influence stewardship of the Sweet Grass Hills from 1985 to the present. The outcome of those two methods were quite different, with cultural sharing being effective and legal approaches being ineffective.

The cultural sharing strategies the Blackfeet Tribe employed worked effectively to increase their influence on stewardship of the Sweet Grass Hills. When offered information via stories, traditional activities, and media coverage, some non-Native American populations stopped questioning ideas about the legitimacy of Blackfeet claims to the Sweet Grass Hills. The fact that Blackfeet Indians had to share information to establish their cultural, religious, and historical claims shows that understanding of Blackfeet Indian spiritual practices and relationships to the Sweet Grass Hills is still limited in the general public. Foucaultian and standpoint perspectives would argue that before cultural sharing took place, the discourse produced by Blackfeet Indians, a marginalized group, was labeled as ‘less than’ and not as legitimate as the mainstream dominant society’s discourse about the Sweet Grass Hills, framed in economic and land-use terms of ‘resources.’ Since discourse is not just produced or changed in one instance or by one person (Foucault 1977a), the cultural sharing that took place did not completely change mainstream discourse, but instead increased the understanding and acceptance of the way Blackfeet Tribal representatives and their members frame the Sweet Grass Hills in the wider society.

Differently, the AIRFA, which seemed promising as a political tool, was delegitimized by judicial interpretation after American Indians tried to use it as leverage against other types of rights. In referencing the Congressional hearing on the AIRFA, when the legislation was described as having ‘no teeth,’ the DOI’s IBLA took that as reason to not apply the sentiments behind AIRFA in protecting Blackfeet spiritual practices in the Sweet Grass Hills. As discussed in similar scenarios, AIRFA proved to be ineffective as a legal tool for other Tribes making sacred rights claims on U.S. public lands. Without strong legislation to protect American Indian spiritual and cultural practices, Congressional law-making has remained ineffective. Arguing from a Foucaultian perspective, the discourse of the AIRFA as a law and the discussion of its ineffectiveness afterwards reflects Congress’ and the courts’ true values of downplaying the importance of American Indian religious rights in the U.S.

Similarly, the Establishment Clause is a legal block to the Blackfeet Tribe’s influence on the Sweet Grass Hills. Whereas Western religions do not necessarily have to interact with natural landscapes to engage in spiritual practices, Blackfeet traditionalism necessitates interaction with the Sweet Grass Hills (Bullchild 1985). Because parts of the Sweet Grass Hills are owned and labeled ‘public land’ under federal management, the Establishment Clause limits Blackfeet Indians’ abilities to practice traditional spirituality because the BLM, as a federal agency, cannot condone any one religion; without the secular, biological protective reasons listed as reasons for Public Land Order 7254, the Order would not have been upheld as legal in the court system. Blackfeet Indians are not the only group to experience this institutional discrimination; the Establishment Clause has been a challenge in American Indian land-based claims throughout the nation (Brady 2000; Dustin et al. 2002). The use of the Establishment Clause against American Indian religious practicing must be challenged on a legal and institutional level so that

indigenous groups in the U.S. are not perpetually blocked from freely practicing their spiritual practices on public lands.

The predominant piece of legislation in the Sweet Grass Hills scenario is the Mining Law of 1872. As sociologist Sharon Hays wrote, “A nation’s laws reflect a nation’s values” (2011: 196). Post-structuralist and standpoint views would agree with that sentiment, because laws are a large part of social and political discourse. According to the strong enforcement of the Mining Law of 1872, then, the U.S. values private property rights, especially for corporations, over religious, cultural, and historical principles. A Foucaultian perspective would argue, though, that there are other powerful avenues that the Blackfoot Tribe effectively used to gain power in the situation, namely the cultural sharing that increased public support discussed above.

It should also be noted that the Blackfoot Tribe did not make cultural rights claims in relation to U.S. laws. That is because the U.S. lacks a cultural rights discourse in general (Toussaint 2012); this omission exists because the U.S. focuses on individualized rights, such as those conceptualized in Western property understandings or individual religious experiences instead of group rights claims (Toussaint 2012). This individualized focus was dominant in laws, as well as mining company and ‘local,’ non-Native Americans’ discourse. Resisting this individual, national discourse may be one of the largest challenges for the Blackfoot Tribe in the future because the mainstream U.S. discourse rarely understands or conceptualizes society in terms of community ownership and responsibility. Having only other Native American groups to understand and share this part of its identity, the Blackfoot Tribe’s opportunity to engage communal discourse as a part of a group identity politics is limited.

The post-structuralist assertion that property rights are prioritized in Western legal systems holds true in the Sweet Grass Hills scenario (Foucault 1977c). Also, the prioritization of private property rights supports and normalizes the commodification of land and natural environments (Bosak 2008). Therefore, the way that different groups conceptualize their relationships with the Sweet Grass Hills affects the physical landscape of the Sweet Grass Hills. Many Blackfeet Indians have a social relationship with the Sweet Grass Hills and need it to be protected from mining, which designates them and their stakeholders as stewards of environmental protection, versus degradation, of the area. The social implications of this inequality are that groups that prioritize anything other than economic relationships with the land, the way many Blackfeet Indians prioritize cultural and cultural relationships with the Sweet Grass Hills, are excluded from legal protection under the law.

Until this normalized, property-driven discourse is successfully challenged more in mainstream and legal venues, there is little chance that Blackfeet Indians will be afforded enough power to have an equal voice in affecting stewardship of the Sweet Grass Hills. Through a capitalist lens where nature equals money, and money and power go hand in hand, challenging the Mining Law of 1872 and the large-scale proprietors who benefit economically from its regulations will be difficult. However, some options to do so will be discussed briefly in the conclusions of this thesis.

The social repercussions of these legal decisions are that Blackfeet Indians' cultural and religious rights are only precariously protected, under the temporary Order. For instance, the perpetuation of the protective Order is dependent on the politics of administrators. As demonstrated in the Quechan Tribe's case in one Secretary of Interior rejecting the mining threat to Indian Pass, and then the next Secretary overturning the rejection, administrative designations

of protection for areas like the Sweet Grass Hills are not permanent and could open up the opportunity for mining in the Sweet Grass Hills. Native American scholar Winona LaDuke argues that “ethnostress,” or the perpetual burdens and threats against culture, land, and health, is a typical quality of many Native Americans’ lives (1999: 90). Using a standpoint theory, ‘ethnostress’ of Native Americans is similar to what many racial minorities/ethnicities experience when they are disempowered and marginalized within a wider society, which decreases their chances of economic opportunities, good health, equal protection under the law, and other similar quality of life variables. However, Native Americans’ experiences with ethnostress are unique in that land is almost always a variable in the level of their quality of life – physically, economically, religiously, culturally, etc. – and their level of empowerment because of the interdependent relationship with land and its non-human inhabitants that many Blackfoot Indians and Native Americans hold to be true.

Discrimination and Burden of Proof

Group Identity Politics and Institutional Discrimination

Discrimination is obvious for American Indian Tribes that are not federally recognized or are located outside of the U.S. In the Sweet Grass Hills scenario, Canadian Blackfeet are not on a list of federally recognized Tribes and within the U.S. national boundary, which was created without the Blackfoot Confederacy’s consent. Therefore they are excluded from consultations that could influence stewardship decisions affecting the Sweet Grass Hills. This is an example of institutional discrimination because no one person is discriminating against Canadian Blackfeet, but they nevertheless experience differential treatment in having their voices omitted from consultation processes. Institutional discrimination differs from individual acts of prejudice in that oftentimes there is no one person to ‘blame’ for discriminatory practices. In general, members of the dominant society rarely see or understand institutional discrimination because

they are not forced to experience the negative consequences of it (Feagin and Feagin 1978). In the Sweet Grass Hills scenario, institutional discrimination is enforced through bureaucratic procedures and regulations for Tribal consultation requirements are systematically omitting Native American groups that are affected by U.S. policy decision-making. With the BLM only being required to consult with the Blackfoot Tribe of Montana, Canadian Blackfeet have been experiencing procedural injustice and systematically unequal treatment.

Beyond just weakening Canadian Blackfoot Indians' power, the exclusion of Canadian Blackfeet from Sweet Grass Hills consultations decreased the power of all Blackfoot Indians in influencing stewardship of the Sweet Grass Hills. According to standpoint theory' group identity politics, the gathering of individuals or groups who have similar historical positions can increase political power for the larger group, inserting a more highly supported discourse into the mainstream population (Crenshaw 2003). By excluding Canadian Blackfeet from formal conversations with federal agencies, the federal government limited Blackfoot Indians' ability to engage in group identity politics. The Blackfoot Tribe of Montana could have become a more powerful political voice if it had been allowed to formally join with Canadian Blackfoot Tribes in the consultation process.

Although post-structuralists would argue that power existing outside of institutions is important, nevertheless the structural aspects of the Sweet Grass Hills scenario and omitting Canadian Blackfoot Indians is a reality that decreases Blackfoot Confederacy Tribal power. Standpoint theory, in focusing on the importance of structures more than post-structuralism, would argue that U.S. institutions are discriminating against Blackfoot Indians, which has perpetuated a cycle of inequality against them. Specifically, the creation of the U.S./Canadian border, the systematic land appropriation that occurred in the mid to late nineteenth century via

land cessions and treaties, and the political appropriation of Blackfeet Tribal governments under a paternalistic Congressional/Tribal government plenary system, are all institutional decisions that have negatively affected Blackfeet Indians by decreasing their voices in how their traditional lands and people are treated. Standpoint theory argues that the cumulative effects of institutional discrimination are part of the fabric of Blackfeet Indians' group identity and must be taken into account when understanding the position from which Blackfoot Confederacy members enter the Sweet Grass Hills situation.

The Burden of Proof for Marginalized Groups

To non-Native American populations, institutional discrimination against the federally recognized Blackfeet Tribe may have a less overt quality. In general, a 'burden of proof' requires groups that are being discriminated against to educate the members of the dominant society to understand their historical viewpoint and experiences ("Burden of Proof" 2010). It is an unfair, extra task afforded to people already experiencing discrimination. For Blackfeet Indians, cultural sharing was most likely a task required because of this burden of proof. During consultation meetings and public meetings, Blackfeet Indians shared information about their history, culture, religion, and family stories to convince the BLM that they had legitimate reasons to stop mining in the Sweet Grass Hills. Engaging a post-structural lens, it is because Blackfeet Indians are politically and socially disempowered that their knowledge and understanding of the Sweet Grass Hills have been labeled less legitimate since the BLM came to manage the area. Therefore, cultural sharing is in part a resistance to mainstream, dominant cultural understandings of the Sweet Grass Hills. That resistance ended up successfully challenging the mainstream discourse about the area. Building on that analysis, standpoint theory would argue that the political objectives of the Blackfeet Tribe in attempting to keep mining out of the Sweet Grass Hills was achieved because of that re-educating of mainstream discourse about the area.

One of the most unjust aspects of this burden of proof is related to different land conceptualizations and historical injustices. If the U.S. government had not forced Blackfoot Indians onto a reservation system, coerced the sale of traditional territories, allotted land to individuals in Montana, and decimated buffalo populations, Blackfoot Indians would never have had to prove that they have a deep connection to the Sweet Grass Hills. The connection would have been physically self-evident because they lived there or have travelled there regularly for spiritual reasons, to hunt, and such.

Even though the burden of legitimation is unfair to Blackfoot Indians, a standpoint theory perspective would argue that sharing their collective experiences as a culture and as a group of people institutionally discriminated against has increased the political power they harbor to affect stewardship of the Sweet Grass Hills. Collaboration among Blackfoot Indians in compiling arguments of how they have experienced institutional discrimination in the Sweet Grass Hills scenario may be a helpful step in increasing their political and social influence in the future, especially considering general public discourse included anger about the disrespect of the Blackfoot and violation of their religious rights and more general Native American rights. The general discourse was also responsive to the fact that Native Americans have been historically mistreated by the federal government. However, a discourse of anti-discrimination was never engaged by groups in the scenario from 1985 to the present. That political tactic has worked well for some ethnic and racial minorities in the U.S. in the past and may prove helpful in people looking to protect the Sweet Grass Hills and Blackfoot culture come 2017.

Through the cultural sharing process, Blackfoot Indians were able to influence stewardship of the Sweet Grass Hills. The information shared during consultation processes, public meetings, and the encampment was believed by some federal agency representatives,

elected officials, and a large part of the general public. Because of this information, the temporary Order was passed to lessen the chances of corporate mining claims going through to exploration. It was also effective in that the Order will most likely be renewed in 2017, according to BLM employees.

Challenging Multiple Use

The BLM's multiple use philosophy has been another challenge to Blackfeet Indian's ability to influence stewardship because of the legal subordination of religious and cultural rights in the U.S. (Toussaint 2012). As stated in FLPMA, the BLM manages public land to balance an assortment of activities taking place on public lands, while conserving natural and historical resources ("Multiple Use Mission" 2013). In its dedication to allowing multiple uses in the Sweet Grass Hills, the BLM is fundamentally conflicted in acting as the organization able to protect Blackfeet Indians' cultural rights; BLM employees are automatically set up to disappoint some groups more than others (Brady 2000). Some public and BLM employees' comments reflected this awareness, claiming that the BLM's multiple use philosophy did not complement Blackfeet Indians' needs. The fact that this inherent philosophical discord was never challenged on an institutional level demonstrates that the federal government never attempted to change public land agencies like the BLM to better accommodate Blackfeet Indian rights, with the AIRFA falling short of its protective intentions and multiple use taking precedent through secular reasons ultimately holding up the Order of temporary protection from mineral entry. An unquestioned BLM multiple use mission supported by the legal mandate of FLPMA may be a future challenge to Blackfeet Indians, since a very large and influential group identity politics/and or general political alliance would be required to challenge the fundamental multiple use philosophy driving BLM management decisions.

More Protective Management Options

In protecting Blackfeet Indians' spiritual and cultural practices in the Sweet Grass Hills, it must be admitted that high maintenance management is necessary. Unlike some mining projects, motorized and non-motorized recreational use, hunting, and other activities that take place on many public lands, Blackfeet Indians' spiritual use of the area is incompatible with mining and other natural resource extraction processes that would alter or affect the spiritual aspects of the landscape. With an ACEC designation already in place, special management needs have been acknowledged by the BLM. Even though the Sweet Grass Hills have been named as an ACEC, Traditional Cultural Property, and listed as eligible for the National History Registry, none of those management policies or labels necessarily protect the area from mineral extraction. However, they have had an impact on management decisions for the area, as those designations were made based on cultural information collected by the BLM, the Montana SHPO, the Blackfeet Tribe, and other Native American Tribes since the mid 1980's. Even stronger management designations are necessary to guarantee keeping mining out of the area, which is not an easy task considering the institutional discriminatory systems that work against Blackfeet Indians.

One way that Blackfeet Indians could work within the multiple use framework to protect its interests is by focusing on government-to-government, co-management options through the 1994 Tribal Self Governance Act, which allows for American Indian Tribes to be contract to carry out specific programs, management tasks, or activities on public lands within the Department of Interior. The general public will need a clear description of co-management, though, to aid Blackfeet Indian support; the Blackfeet Tribe is not an outsider group being contracted or receiving special treatment, if decided they should co-manage. They are an equal, sovereign government that has equal interest to the federal government in managing the Sweet

Grass Hills (King 2007). Including trust responsibility in this public discussion may be a savvy political step within the next few years, considering trust responsibility focuses on government-to-government relationships and unique rights afforded by treaties signed by both governments. Considering there was no discussion of the 1994 TSGA within the data from 1985 to the present, it may be a new political tool for Blackfoot Indians in the Sweet Grass Hills scenario.

Blackfeet and 'Local,' non-Native American Relationships

'Local,' non-Native Americans were in some ways allies for Blackfoot Indians. Non-Native American and Native Americans came together to oppose heap leach mining in the Sweet Grass Hills. Water protection and the future of children's relationships with the Sweet Grass Hills were reasons cited by both Blackfoot Indians and non-Native Americans residents living in the area as reasons to halt mining exploration. This confluence of political goals from different cultural groups put pressure on the BLM to respond to concerns about heap leach mining and therefore increased political power held by Blackfoot Indians. Arguing from a standpoint theory perspective, the relationship between these groups is not an example of group identity politics, but rather just a political alliance, because the groups did not come together over a marginalized aspect of their historical experiences and identity. Without this more intimate connection, and just a political goal in mind, the alliance between these groups is less permanent and powerful.

In support of the claim that the alliance between these groups was weak, just as often 'local,' non-Native Americans directly challenged Blackfoot Indians' power in influencing stewardship of the area. By challenging the boundaries, both physical and political, of Native American Tribes trying to protect the Sweet Grass Hills from certain disturbances, non-Native Americans aimed to decrease the reach of Blackfoot Indian political sway. Many non-Native Americans living in the area reacted defensively to Traditional Cultural Property boundaries,

sometimes going so far as to blame Native Americans for taking away their personal property. Further studies about the ambivalence of support exchanged between these groups might offer greater insight into rural studies and cross-cultural group conflicts.

Forming an effective group identity politic may be challenging for Blackfeet Indians in the future, with other alliances forming from non-Native American ‘locals’ and mining corporations over property rights. Some legal scholars argue that engaging a ‘rights’ discourse is ineffective in protecting discriminated groups because ‘rights’ can be applied to groups in both dominant and oppressed groups (Crenshaw 2011), which has been the case in corporate mining representatives and the Blackfeet Tribe engaging rights claims in the Sweet Grass Hills. However, it may work to Blackfeet Indians’ advantage that the public discourse seems to support American Indians in their efforts to regain rights that were taken away during historical injustices. Appealing to the human side of things, media sources seemed more interested in reporting on ‘rights’ discourse that focused on Native Americans, not those that focused on property. Employing media on a national level, as compared to mostly regional and local media coverage in the past, may be politically empowering to Blackfeet Indians in the next few years.

Blackfeet Tribal Historic Preservation Office

The creation of a Blackfeet Tribal Historic Preservation Office in 2004 increased Blackfeet Indians’ abilities to influence stewardship of the Sweet Grass Hills. By creating a THPO position, federal policy-makers acknowledged that Tribal members and appointed Tribal representatives offer important insights and management approaches that maintain Tribal connections to history and culture better than non-Tribal members can accomplish. Requiring the BLM to consult the Blackfeet THPO is evidence of increased power for Blackfeet Indians in influencing stewardship of the Sweet Grass Hills, a level of power that did not formally exist

before 2004. The creation of a THPO position is unsurprising, if engaging a standpoint theory perspective, because federal progress for American Indians Tribes came about following the efforts of participants in the American Indian Movement. This movement employed a strong group identity politic, including indigenous individuals from across the nation. The local and regional nature of the issue of keeping mining out of the Sweet Grass Hills leaves the Blackfeet THPO more isolated politically and less able to increase group identity politics, which increases challenges to achieving political goals.

Despite official federal backing of the THPO, there seems to be a lack of cooperation between the BLM and Blackfeet THPO. There has yet to be a completed cultural inventory of the Sweet Grass Hills that is viewed as adequate by the Blackfeet in capturing understandings of Blackfeet cultural relationships with the landscapes. An employee from the THPO said if an extension of the Secretarial Order was the only option offered by the BLM, then that policy option would be accepted by the THPO. This immediate acceptance suggests the THPO may not be interested in coordinating with BLM on an inventory or expending the Office's limited resources advocating for a permanent protection when another 20 year withdrawal at least ensures temporary protection. Also, Tribal representatives' and other Tribal agencies play a role in the official policy options adopted by the Blackfeet Tribe, so those must be taken into account when understanding Tribal decisions about management of the Sweet Grass Hills.

Conclusion

There have been several legal roadblocks for Blackfeet Indians in their ability to influence stewardship over the Sweet Grass Hills. Although legally protected by the courts because of secular resources in the area, the Establishment Clause and the Mining Law of 1872 enforce a preferential power dynamic towards economic, not spiritual or cultural, relationships

with land, both on an organizational level through the BLM and on an institutional level within the United States. This institutional discrimination has not been challenged in any meaningful way by non-Native American populations within the Sweet Grass Hills setting, save for Montana SHPO employees and Congressman Williams who sometimes pushed to change the Mining Law of 1872. Unfortunately, that change never occurred.

Cultural sharing proved to be an effective tool for Blackfeet Indians in that some non-Native Americans advocated against mining because of the significance of traditional Blackfeet relationships to the Sweet Grass Hills. In taking on a burden of proof, Blackfeet Indians shared cultural, religious, and historic information with federal agency employees and the general public. A fair amount of political support was gained from this sharing, which increased the voice of Blackfeet Indians within larger Sweet Grass Hills management decisions, with the BLM citing Native American religious and cultural ties to the area as one reason behind limiting mining in the Sweet Grass Hills. This group identity politics tactic could be employed again before 2017, when Public Land Order 7254 expires and the area becomes more vulnerable to mining.

Now that heap leach mining has been outlawed in the state of Montana, non-Native American citizens living near the Sweet Grass Hills may be less willing to partner with Blackfeet Indians to increase political power against mining. The non-Native American, 'local' group of citizens living near the Sweet Grass Hills also produced discourse that challenged Blackfeet Indians' ability to influence stewardship of the area, with some individuals going so far as to accuse Blackfeet of fabricating the level of connection and importance the Sweet Grass Hills holds to traditional culture. That type of discourse is reflective of the institutional discrimination that required Blackfeet Indians to legitimate their land-based spiritual practices to the wider

society. Political alliances between this group and corporate mining representatives may directly challenge the group identity political aims of Blackfeet Indians and other Native American Tribes and should be expected again if more stringent management policies are proposed in the Sweet Grass Hills.

American Indians across the nation are similarly burdened with a requirement to prove their cultural connections to certain landscapes. As exemplified in the Badger-Two Medicine Area, Indian Pass, Bear Lodge, and Kasha Katuwe Tent Rocks National Monument, challenges similar to the Sweet Grass Hills scenario persist throughout the nation. Blackfeet Indians' experiences in trying to protect the Sweet Grass Hills are not isolated and may be able to draw from the success of other cases to establish their own political footing in the Sweet Grass Hills. For instance, the Blackfeet Tribe was co-author to an ethnographic study of the Badger-Two Medicine Area used by the Forest Service (U.S. Department of Interior 2011b). A similar co-authorship of cultural inventory of the Sweet Grass Hills could assist Blackfeet Indians in increasing their influence over the stewardship of the area. Co-management between the BLM and the Pueblo de Cochiti is currently successful in managing the Kasha Katuwe Tent Rocks National Monument. A similar co-management agreement under the 1994 TSGA could designate the Blackfeet Tribe co-manage the Sweet Grass Hills's ACEC.

Inclusive cultural documentation processes could include the Blackfeet THPO. Any future cultural inventory of the Sweet Grass Hills should be collaboratively written by the Blackfeet THPO, the BLM, and other Native American Tribes with cultural connections to the area. Because the Blackfeet Tribe's and federal government's government-to-government relationship, a co-authorship would not be out of line with federal regulations. However, that

type of land management relationship is still new and often contested (Hocutt 2008), so challenges from mining corporations and ‘local,’ non-Native Americans may develop.

Canadian Blackfeet need to be included in consultation processes to combat procedural injustices that group has endured since the mid-1980’s concerning mining in the Sweet Grass Hills. Although U.S. federal requirements may be limited to national boundaries, versus geographical and cultural boundaries, international indigenous rights documents like the U.N.’s Declaration on the Rights of Indigenous People (DRIP) are not. Even though the U.S. did not sign the DRIP and has a poor track record of supporting U.N. rights-based documents (Clausen 2012), such tools could be used to attempt to instigate dialogue about the significance of trans-national landscape issues in the Sweet Grass Hills. Outreach to the State Department may be another political avenue for Blackfeet Indians to investigate in this regard.

Federal and state policy-makers are imperative in fighting against institutional discrimination. As demonstrated by BLM employees’ comments, the BLM does not enforce its trust responsibility in the form of challenging legal parameters it is given; that is the job of policy-makers. Those policy-makers need to ensure that legislation, like the AIRFA, that is written to protect the rights of American Indians in the U.S. is written so that its sentiments stand in courts; that is exactly what did not happen with AIRFA, making it an ineffective tool for American Indians and demonstrating a lack of investment in writing strong laws to protect American Indians religious rights by Congress. Additionally, many federal policy-makers have already been attempting to reform the Mining Law of 1872. This goal needs to be achieved so as to lessen the power of mining corporations and increase the protection of cultural and spiritual rights of indigenous peoples; the ‘Similar Scenarios’ described in this thesis demonstrate how many other Tribes across the nation are negatively impacted by the Mining Law of 1872.

Like federal agencies, policy-makers need to consult the Blackfoot Tribe, Canadian Blackfeet, and other Native American groups that hold the Sweet Grass Hills as sacred before putting through future policy options. Sometimes Tribes do not want the most stringent management protection option because they may lose the ability to practice traditional activities of hunting and gathering (Nie 2008; Craig et al. 2012). Nuanced understanding of Tribal engagement with the Sweet Grass Hills area must be taken into account so traditional activities are not made illegal by protective designations.

Limitations of this study need to be noted. By being aware of my own standpoint as a non-Blackfeet, female researcher, my position may have affected what some interview information shared with me. Also, as a non-Blackfeet individual, I have approached sensitive cultural, spiritual, and historical information without an insider's insight into that knowledge. Despite the in-depth research process and analysis presented in this thesis, findings and analyses will be limited until they are paired with an insider's knowledge on Blackfeet culture. Accepting this limitation, I aim to offer this thesis as a sociopolitical analysis and tool for groups and individuals looking to protect the Sweet Grass Hills.

Additionally, the subjectivity of interpreting these research data must be acknowledged. My personal experiences and position in the social order color my interpretations of data, making them subjective. Nevertheless, investigating the research questions, data set, and Sweet Grass Hills scenario from an outsider perspective offers important and helpful information to the body of sociological literature, as well as groups hoping to protect the Sweet Grass Hills from mining.

Further research could reveal different understandings about the Sweet Grass Hills setting. Field research and observations of meetings involving the Blackfeet THPO and BLM

employees could be helpful in providing information about power dynamics in those interactions. However, formal consultation meetings are confidential, so future scoping meetings might be a more practical option. Approaching the setting from a different angle, in-depth interviews, versus informant interviews, with representatives involved in consultations and activism in response to mining would offer an analysis about the individuals involved with the Sweet Grass Hills, versus the overarching discourse analysis. That in-depth data might offer further information about power dynamics and motivations involved in activities responding to Sweet Grass Hills mining proposals, which could further inform future policy options and cooperative agreements.

In less than four years, the Sweet Grass Hills will be reopened to mining exploration projects unless proactive political action is taken. Although institutional discrimination is still working against Blackfoot Indians in terms of the Mining Law of 1872 and indigenous cultural and religious rights are still subordinated within the Western legal system, there is still time for group identity politics to take place in hopes of protecting Blackfoot Indian culture and the Sweet Grass Hills environment. Environmental and indigenous rights groups could collaborate with the Tribes of the Blackfoot Confederacy in strengthening their political power, as they did before during the 1990's. The Blackfoot THPO could increase Blackfoot power in influencing stewardship of the area more so than was experienced since 1985.

A necessary component to this empowerment is the dominant culture acknowledging the historical, institutional, and cultural power imbalances that oppress Blackfoot Indians. However, as Blackfoot Indian culture has demonstrated again and again, resistance against injustice is always present. Public Land Order 7254 has bought Blackfoot Indians and other groups looking to keep mining out of the Sweet Grass Hills time in protecting the sacredness of the area. The

next few years will tell if the Tribes of the Blackfoot Confederacy are afforded procedural justice and a legitimated standpoint that equally influences the stewardship of their sacred area.

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Appendices

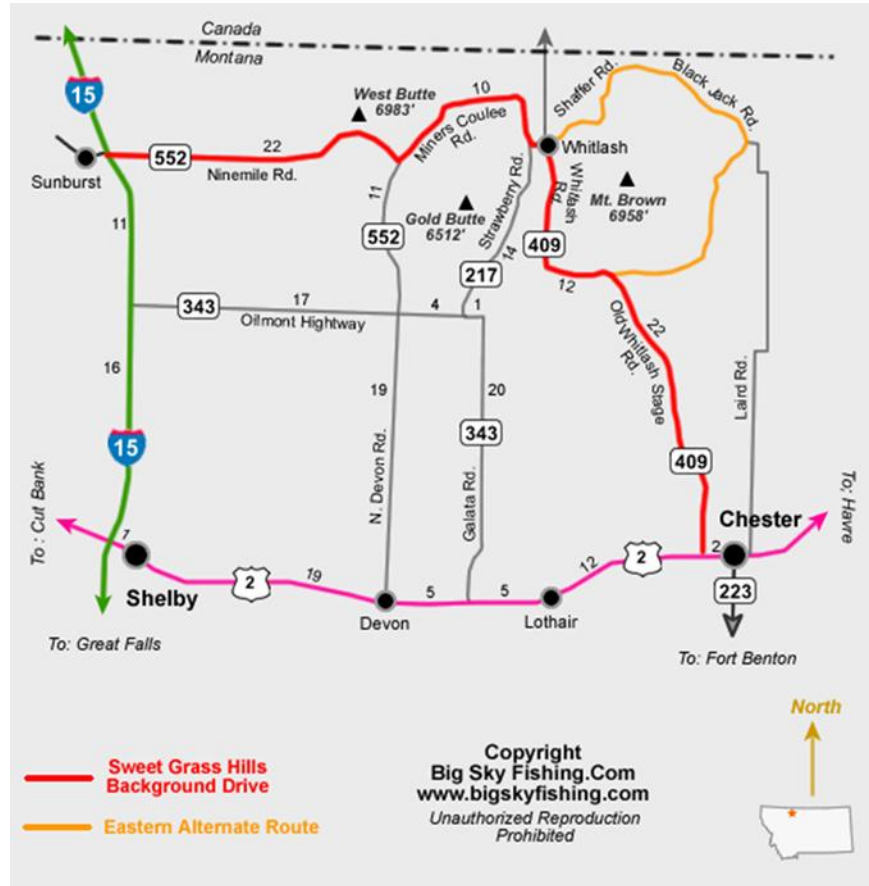
Appendix A – Sweet Grass Hills and U.S. Law Timeline

Time immemorial	Old Man Napi creates Sweet Grass Hills
1786	U.S. General Assembly passes Establishment Clause of U.S. Constitution, deeming it unconstitutional for federal government to endorse any one religion
1855	Lame Bull Treaty, Blackfeet Tribe signs with U.S. and other Tribes to establish common hunting ground
1883-4	Starving Winters, experienced by Blackfeet Tribe after bison desecration
1872	Mining Law of 1872, establishes low royalties for U.S. miners exploring and developing on public land
1888	Sweet Grass Hills Treaty Ratified by U.S. Congress
1934	Indian Reorganization Act, established U.S. democratic political systems onto Tribal governments
1966	National Historic Preservation Act, establishes consultation procedures for federal agencies to protect historical places
1969	National Environmental Policy Act, mandates federal agencies to share information about environmental effects of development projects
1978	American Indian Religious Freedom Act, encourages American Indian groups to practice religion on public land
1985	Santa Fe Pacific Mining, Co. mining proposal
June 30, 1986	BLM approves SFPM's proposal
July 2, 1986	Blackfeet Tribe appeals mining project, does not stay project
July 26, 1988	DOI's Board of Land Appeal approves BLM decision
August, 1988	Cominco American Resources, Inc.'s proposal
1989	Cominco approved by BLM

1989	Chippewa Cree appeal mining project, does not stay project
1992	DOIs Board of Land Appeal labels appeal as moot
January 1992	ACEC designation, 7,580 acres of Sweet Grass Hills
February, 1992	Manhattan Minerals, Ltd. mining proposal
July 7, 1992	Environmental Assessment released
September 1, 1992	EA public comment period ends
1993	Sweet Grass Hills eligible for National Register of Historic Places
February, 1993	BLM release draft “Royal East Joint Venture Exploration Project Sweet Grass Hills” EIS to public
April 27, 1993	Draft EIS public comment period ends
August 3, 1993	Emergency withdrawal of 19,764 acres for 2 years
August 26, 1993	EIS/ West Hi-Line Amendment RMP began
February 8, 1995	“Sweet Grass Hills Amendment and Environmental Impact Statement” released to public
Feb. 17-May 18, 1995	EIS final comment period
May 11, 1995	Amendment/EA addressing mining only released to public
June 16, 1995	Public protest period on Amendment/EA ends
July 28, 1995	2nd emergency withdrawal, pending legislation, up to 2 years
July 28, 1995	2nd emergency withdrawal, pending legislation, up to 2 years
1996	BLM charges that 6 of Lehmann and Associate’s claims invalid
1996	Lehmann and Associates, Woods family bring invalid claims case to Administrative judge Sweitzer
April, 1996	BLM publish final EIS/amendment to RMP
January, 1997	BLM Record of Decision on final EIS/amendment
April, 1997	Public Land Order 7254 effective
1998	Sweitzer backs Department of Interior’s decision on invalid claims

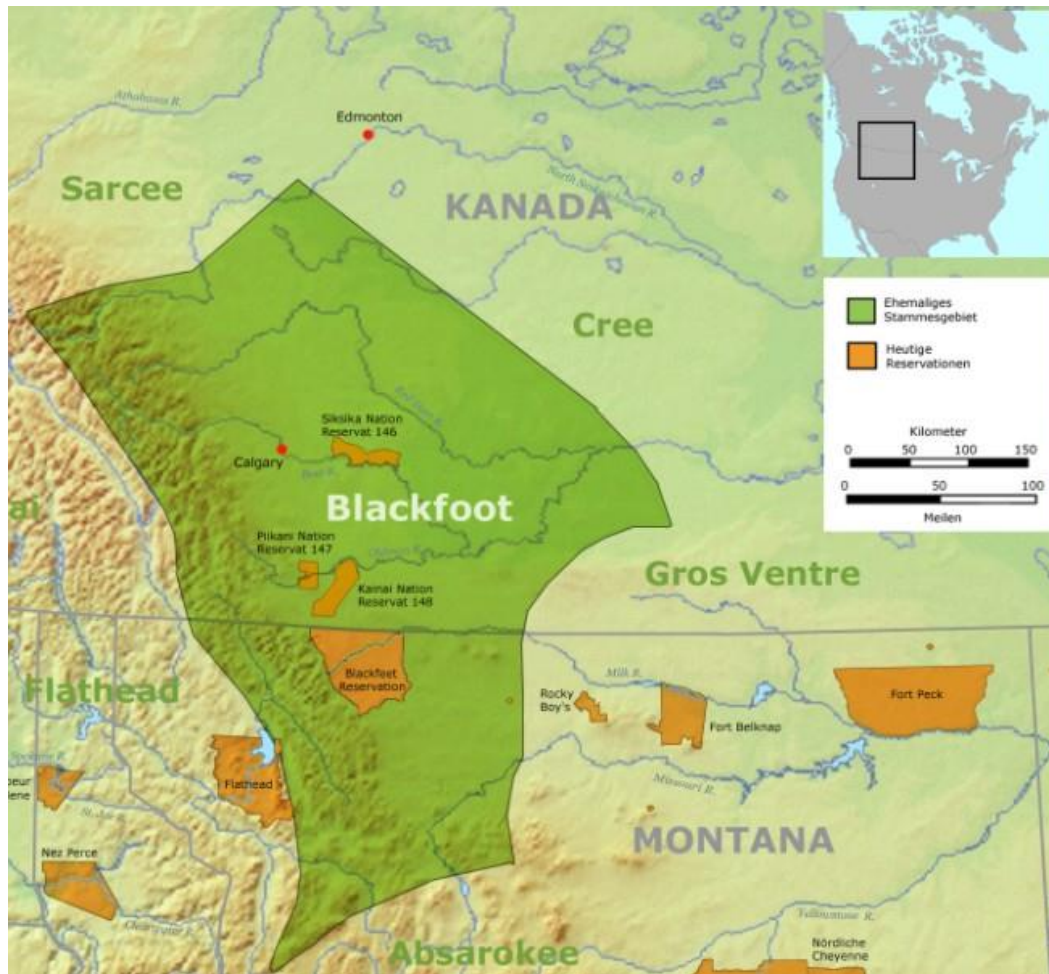
1999	Lehmann et al. appeal case to Department of Interior Board of Land Appeals
2003	Buyouts of Lehmann's claims in Sweet Grass Hills fail
2004	Board of Land Appeals decides DOI was correct in invalidity claims, backs Order 7254
2004	Blackfeet Tribal Historic Preservation Office created by federal government
2006	Lehmann et al. appealed the decision to the U.S. Court of Appeals
2007	U.S. Court of Appeals backs DOI's Order 7254
March 16, 2009	Lehmann et al. brought same case to the D.C. District Court, was denied again
January, 2017	Public Land Order 7254 expires

Appendix B – Location of the Sweet Grass Hills in Montana, Nearby Cities



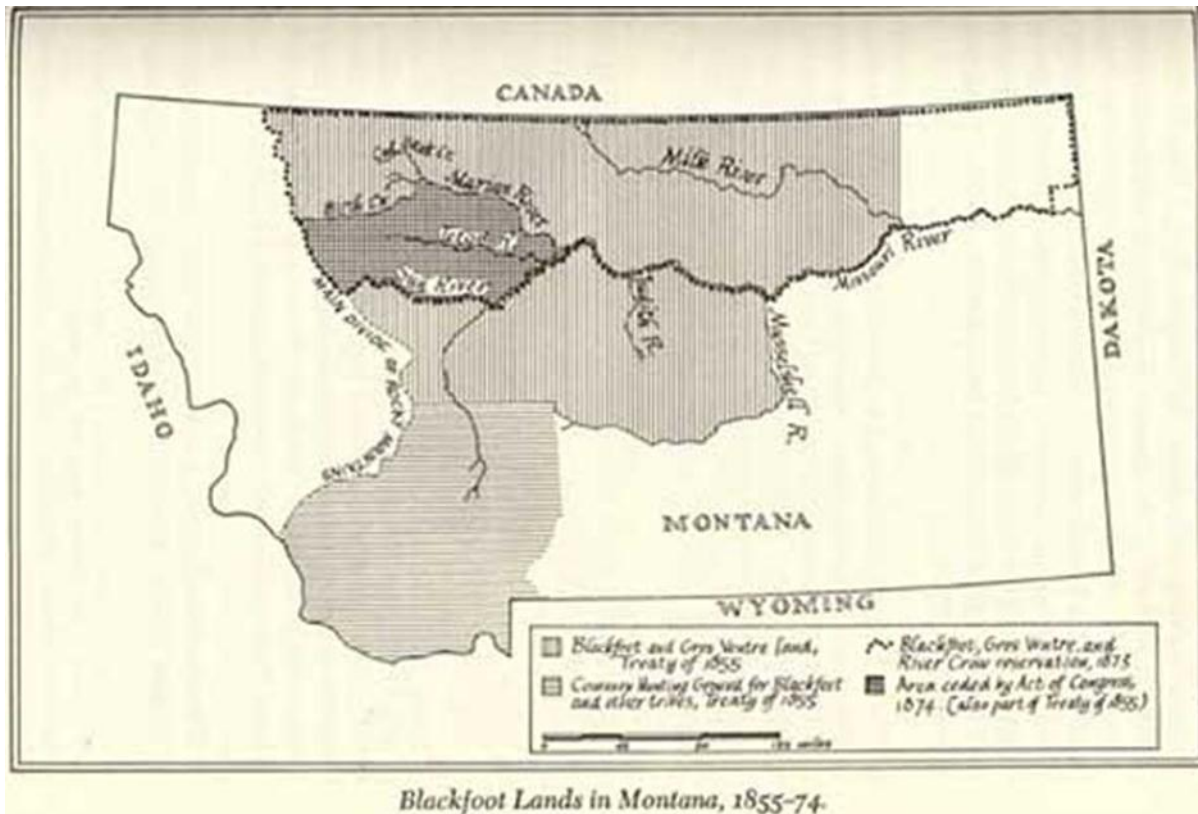
“Map of the Sweet Grass Hills Backcountry Drive.” 2011. Big Sky Fishing.Com. Retrieved December 12, 2011 (<http://www.bigskyfishing.com/scenic-drives/sweetgrass-hills.php>).

Appendix C – Traditional Blackfoot Territory (green) and Current Blackfoot Confederacy Reservations (yellow)



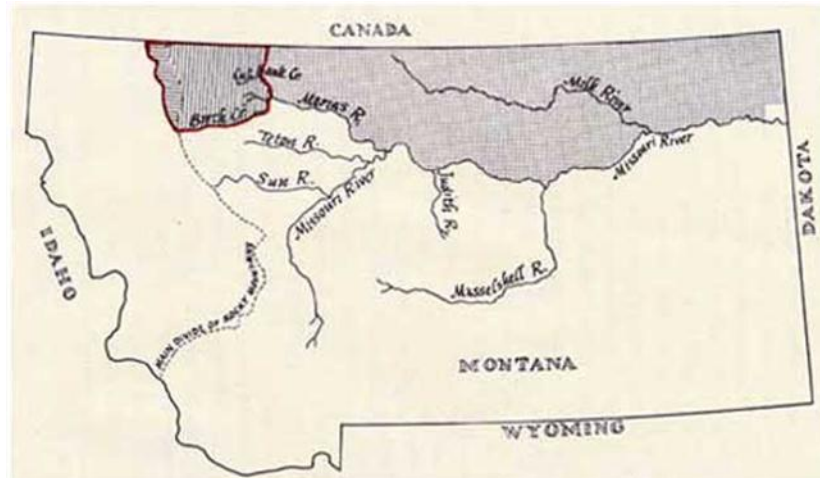
“Blood Reserve. 2011. Climate Connections. Retrieved May 3, 2013 (<http://climate-connections.org/2011/03/14/blood-Tribe-members-call-for-moratorium-on-hydro-fracking/>).

Appendix D – Blackfoot Reservation Boundaries Designated by Treaty of 1855, Act of Congress in 1874



“Blackfoot lands in Montana, 1855-74 by Ewers, 1958.” 2010. TrailTribes.org. Retrieved March 5, 2013 (<http://www.trailTribes.org/greatfalls/shrinking-reservation.htm>).

Appendix E – Blackfoot Land Cession of 1887, including Sweet Grass Hills

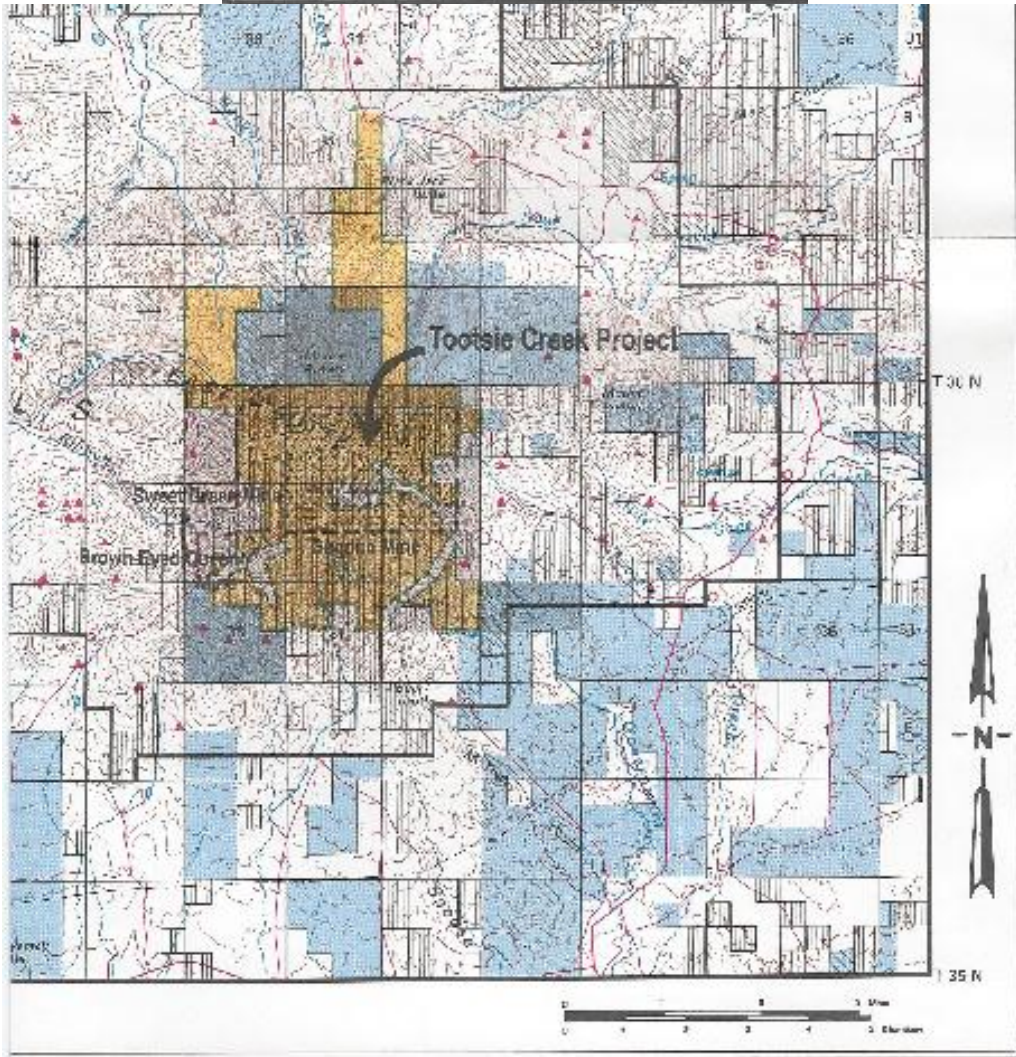
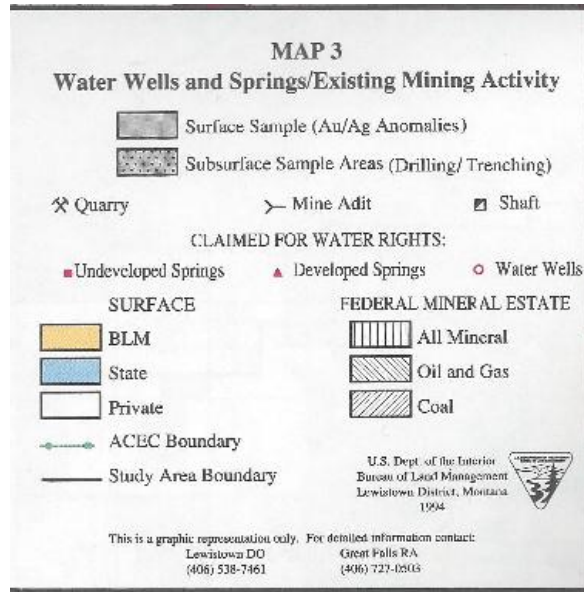


Act of Congress
May 1, 1887

Map adapted from: Ewers, 1958

“Act of Congress, May 1st, 1887.” 1887. TrailTribes.org. Retrieved May 5, 2012 (<http://www.trailTribes.org/greatfalls/sites/showonecontent.asp@contentid1204.htm>).

Appendix F – East Butte Ownership, Mine Sites



Appendix G – Interview with U.S. federal policy-makers

1. How were you involved with efforts to protect the Sweet Grass Hills from mining while you worked for Congressman Williams?
2. Do you know if any legislation was introduced to protect the Sweet Grass Hills?
 - a. Who introduced it, when, what was the name of the bill and its bill number, and how would it have protected the areas from mining?
 - b. Did the bill have a hearing and if so in what committee?
 - c. Why did the bill not pass?
3. Do you know how the idea of a Secretarial Order came about to prevent development of mineral leases in the Sweet Grass Hills for 20 years?
4. Do you know why the Order was set to expire after 20 years?
5. Who did you work with from the Blackfeet Tribe on the Sweet Grass Hills?
6. Who did you work with from the Department of Interior / Bureau of Land Management?
7. Do you recommend I talk to anybody else and if so who?
8. Do you think that the mineral withdrawals for the Sweet Grass Hills should be extended past 2017?
9. Do you recommend legislation?
 - a. If so, what kind?
 - b. If not, why?
10. Do you think listing on the National Register of Historic Places would be appropriate and helpful?
11. Do you think a presidential order, for example, to create a National Monument under the Antiquities Act should be considered? Why or why not?
12. Who do you think should be involved in such efforts?
13. What advice do you have for them?

Appendix H – Interview with BLM employees

1. In accordance with Section 106 regulations, what kind of consultations did the BLM conduct with Tribes concerning management decisions of the Sweet Grass Hills during the 1990's?
 - a. Who in the Tribes was contacted for these consultations
2. When was this decided?
 - a. Why was it decided?
 - b. Who made those decisions?
3. Were comments from Tribal legal offices received by the BLM?
4. How about comments from Tribal Chairmen?
5. What can you tell me about the nature of the consultations, for example, the types of concerns or issues raised?
6. Were concerns raised during consultations with Tribes accommodated in the ACEC Management Plan or other BLM plans, policies or procedures? Please explain how.
7. Which individual employees in the BLM Havre office were included in these consultations?
 - a. Why were these individuals chosen to be involved?
8. Are consultations with Tribes currently going on in accordance with Section 106?
 - a. If so, with whom?
9. What are some of the issues being raised about the Sweet Grass Hills' management in these most current consultations?
10. Have any consultations taken place or are taking place with Tribes that are not required by Section 106?
 - a. If yes, what types of consultations are these?;
 - b. If yes, why did the BLM decide to conduct these consultations;
11. What kind of relations does the BLM have with Tribes in regards to implementing the management plans established in the final 1996 Sweet Grass Hills Amendment and EIS?;

12. What kind of future plans does the BLM have for Tribal consultations regarding the management of the Sweet Grass Hills?

Appendix I – Interview with Blackfeet Tribal Historic Preservation Officer & staff

1. Do you know how the Blackfeet Nation was first informed of or heard about the large-scale mining proposals in the Sweet Grass Hills in the early 1990's?
2. Has the Blackfeet Tribe been involved in any of the land management issues directly related to the Sweet Grass Hills?
 - a. If so, what issues?
 - b. When?
3. Has the Blackfeet Tribe been contacted by the Bureau of Land Management in order to consult about the management decisions of the Sweet Grass Hills?
4. When did consultations with the Bureau of Land Management occur?
5. What was the nature of concerns discussed during those consultations?
6. Who did you work with from the Department of Interior / Bureau of Land Management?
7. Where were those meetings held?
8. Were Blackfeet opinions offered during consultations incorporated into the BLM's management plan for the Sweet Grass Hills?
9. Do you know how the idea of a Secretarial Order came about to prevent development of mineral leases in the Sweet Grass Hills for 20 years?
10. Do you think that the mineral withdrawals for the Sweet Grass Hills should be extended past 2017?
11. Do you recommend legislation?
 - a. If so, what kind?
 - b. If not, why?
13. Do you think a presidential order, for example, to create a National Monument under the Antiquities Act should be considered? Why or why not?
14. Do you have any other policy suggestions for protecting the Sweet Grass Hills from mineral entries and mining?
15. Who do you think should be involved in such efforts?
16. What advice do you have for them?