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Land repatriation as decolonization: Indigenous methods of reclaiming land and reversing “colonial spatial violence”

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Land Repatriation as Decolonization: Indigenous Methods of Reclaiming Land and Reversing “Colonial Spatial Violence”

A Senior Thesis in Women’s Studies

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Introduction

“In the United States alone it is estimated that Indian nations still have legitimate (moral and legal) claim to some two-thirds of the U.S. land mass. Ultimately, such an act as return of Native lands to Native control would have a significant ripple effect on other states around the world where indigenous peoples still have aboriginal land claims and suffer ongoing results of conquest and displacement in their own territories.”¹

My Project and Myself

This thesis explores the repatriation of land to Native peoples within the United States through examining three case studies, each of which illustrates a different strategy to achieve land repatriation. These include shared stewardship of land with the National Forest Service, the establishment of land tenure organizations and conservation easements, and the creation of a public park in collaboration with environmental justice nonprofit groups. A Native feminist theoretical framework deepens this inquiry to explore how land reclamation by Native peoples directly resists settler colonial mapping and fragmentation of lands that leads to fragmentation of and violence towards Native peoples, and especially Native women.² This thesis looks to land reclamation strategies that involve collaboration with Americans living on the land to explore how the undoing of settler colonial fragmentation can be implemented immediately within the current formulation of the United States. This lens also emphasizes that the process of land repatriation necessarily involves and directly implicates non-Native American actors.

¹ George Tinker, “An American Indian Theological Response to Ecojustice,” in *Defending Mother Earth*, ed. Jace Weaver (Maryknoll, NY: Orbis Books, 1996), 171. Ward Churchill provides the “two thirds” estimate.

² Native feminists Maile Arvin, Eve Tuck and Angie Morrill define settler colonialism: “Settler colonialism refers to the structure of a society and cannot be reduced to, as many nationalist ideologies would have it, the merely unfortunate birth pangs of its establishment that remain in the distant past; settler colonialism and patriarchy are structures, not events (Wolfe 1999). Settler colonialism is a persistent social and political formation in which newcomers/colonizers/settlers come to a place, claim it as their own, and do whatever it takes to disappear the Indigenous peoples that are there. Within settler colonialism, it is exploitation of land that yields supreme value. In order for settlers to usurp the land and extract its value, Indigenous peoples must be destroyed, removed, and made into ghosts. ... Profit is obtained by making property out of the land, as well as out of the body of the slave.” Maile Arvin, Eve Tuck and Angie Morrill, “Decolonizing Feminism: Challenging Connections between Settler Colonialism and Heteropatriarchy,” *Feminist Formations* 25, no. 1 (Spring 2013): 12, accessed October 16, 2015, doi: 10.1353/ff.2013.0006.

I come to this project as a White woman who has approached and processed the information and theory of this project in the academic context of Vassar College, an elite, private undergraduate college. Born and raised in Oregon, I have always felt an intense emotional connection to the landscape of the Northwest – a visceral understanding of it as my home. Growing up, I had a dim awareness of the “history of Native Americans” in the Northwest. However, it was not until taking a Native American Studies class at Vassar that I began the process of educating myself about the histories of the places that I call home, and the complex relationships that Native American peoples within the United States have with the United States government and its citizens. This thesis project is an extension and deepening of my Native American Studies academic work at Vassar. I focus this project geographically on the “Northwest” region of the United States (Washington, Oregon, and Northern California) in an attempt to learn about the histories of the peoples who have inhabited and currently live in the places that I call “my” home. Through the process of writing this thesis, I think critically about my identity as a second-generation Oregonian, and how I can use my geographic position and national and racial identity to increase equitable and just spaces in my communities that serve Native American peoples.

Native feminists Maile Arvin, Eve Tuck and Angie Morrill assert that Native peoples have a unique understanding of and connection to land bases that is antithetical to Western understandings of the importance and use of land:

Within Indigenous contexts land is not property, as in settler colonialism, but rather land is knowing and knowledge. Conceptualizations of land and place that rely upon latent notions of property are tangled in the ideologies of settler colonialism, dependent on constructions of land as extractable capital, the denial of Indigenous sovereignty, the myth of discovery, and the inevitability of the nation-state.³

Native Studies scholar Vine Deloria expands this idea of land as knowledge, explaining that

³ Arvin et al, “Decolonizing Feminism,” 21.

Native American tribal wisdom is created, formed, learned and internalized through the prolonged experience of living within a land base.⁴ In contrast, as Arvin, Tuck and Morrill explain, settler colonialism does not see land as a source of knowledge, but rather as a source of extractable natural resources for economic gain. This conceptualization of land creates the drive to establish and expand the settler colonial nation state. This expansion, they note, denies Native American sovereignty through various ideological processes, including the “myth of discovery” or manifest destiny, which causes the displacement of Native peoples from their ancestral lands, often in tandem with their violent annihilation or assimilation.

Thus, Arvin et al assert, these Native American relationships with land bases and their ecosystems amplify the damaging effects of land removal policies, and environmentally racist actions that have contaminated Native American land bases and made them dangerous to live within. Native Studies and Native feminist scholar Mishuana Goeman describes these acts that intentionally displace Native peoples, make uninhabitable ancestral lands, and enforce imposed boundaries on Native American nations as acts of “spatial violence inflicted upon generations of Native peoples.”⁵ She goes on to explain that one of the compounded destructive outcomes of spatial violence is “a disruption of this grounding knowledge,”⁶ the knowledge that emerges from the land that Deloria and Arvin et al describe. Deloria, Arvin et al, and Goeman all explain that, for Native Americans, the desecration of land is not simply the spoiling of a territory, but is an uprooting of ancestors’ remains, a destruction of a sacred location, and the extermination of family members of another species. It is for these reasons that monetary compensation for lands “stolen” or “misappropriated” or “contaminated” is not always regarded by Native peoples as an

⁴ Vine Deloria, *For This Land* (New York: Routledge, 1999), 251.

⁵ Mishuana Goeman, *Mark My Words: Native Women Mapping Our Nations* (Minneapolis: University of Minneapolis Press, 2013), 37.

⁶ Goeman, *Mark My Words*, 37.

appropriate or adequate response by the United States government.⁷ Even the word “compensation” belies a settler colonial understanding of land that believes, as Native feminist Andrea Smith asserts, “simply paying a lump sum for the injustices [the United States] has perpetrated and continues to perpetuate ... can absolve [the United States] of any responsibility to transform these institutionalized structures of white supremacy.”⁸ Within this framework, land repatriation or reclamation is a path forward from the displacement and desecration of ancestral lands that Native peoples have faced that does not necessarily rely on settler colonial evaluations of land as a commodifiable resource.

Definitions of “Repatriation”

I draw my definition of repatriation from Educational studies scholar Eve Tuck, who describes the concept in this way:

In my teaching, I like to use this metaphor to explain repatriation: I think of the times I caught a fish and suddenly the fish jumped out of the boat back into the ocean and swam away. Repatriation is jumping back into the sea and swimming away. Sometimes it may be with a hook, or line, or entire fishing pole still attached to the fish’s mouth, just as in repatriation, in which we are marked, even tied to our experiences of colonization. But repatriation is escaping the suffocating boat and returning to water and who we were meant to be.⁹

This definition of repatriation does not follow the definition set out by legal policies like the Native American Graves Protection and Repatriation Act (NAGPRA), focusing instead on how repatriation is founded on Native American agency and action. This figuration of repatriation refutes the idea that an “imperfect” or “non-traditional” repatriation is not valuable. Rather, Tuck embraces the idea that repatriation is largely and inevitably about imperfection: that this act is not free of the baggage of settler colonialism, but rather often brings those complex realities with

⁷ See Andrea Smith, *Conquest: Sexual Violence and American Indian Genocide* (Cambridge, MA: South End Press, 2005) 48-49 for a brief summary of the history of governmental compensation for tribally held lands.

⁸ Smith, *Conquest*, 53.

⁹ Tuck, *Urban Youth and School Pushout*, 15.

it.¹⁰ In this light, the land repatriation that I explore in this project is not about a symbolic gift given from one sovereign nation to another as a form of “atonement” for past wrongs, but rather, frequently, emerges from Native communities and attempts to limit engagement with the United States government. As Tuck emphasizes the act of “escape” from the boat as much as the ultimate return to water of the fish, in this project, I regard the process of defining and actualizing repatriation of land as significant as the “end product” of these acts. Focusing on the active, ongoing nature of achieving repatriation allows the *process itself* to be understood as a decolonizing act. In finding meaning in the process of repatriation, I draw on Native feminist Dian Million’s definition of indigenous theory: “Theory, *theorizing* is, as I have argued in other places, a verb, an action. I think that theorizing is something that we do plainly every day, in any moment where we make a proposition about what is happening and why. ... Theory is always practical first, rather than abstract.”¹¹ Million regards action as constituting indigenous theory that is grounded in the lived and felt experiences of individuals and communities. In this paper I regard the work of Native American activists in achieving repatriation as constituting theory that can be applied to understand how, where, and why land repatriation works or does not work.

NAGPRA, enacted on November 16, 1990, is the only piece of United States legislation that explicitly names “repatriation” as its goal, and defines this term as ensuring the rights of Native Americans, Native Hawaiians, and Native Alaskans to “cultural items, including human

¹⁰ Native feminist Dian Million also embraces this framework of imperfection: “The struggle in our generation has been to honor our own paradigms, concepts that arise from our own lives, our histories, our cultures while knowing that these are often inextricably mixed with concepts growing from our subjugation.”

Dian Million, “There Is a River in Me: Theory from Life,” in *Theorizing Native Studies*, ed. Audra Simpson and Andrea Smith (Durham: Duke University Press, 2014), 34

¹¹ Million, “There Is a River in Me,” 32-33.

Another salient quotation by Million also speaks to the importance of embracing change and action as a force of indigenous theory: “These values exist, not in an unchanging oral tradition necessarily, or in an unchanging world, but *in change*, in the moment by moment struggle to live Gwich’in meaning into another day.”

Million, “There Is a River in Me,” 39.

remains, funerary objects, sacred objects, and objects of cultural patrimony.”¹² This legislation constitutes an important part of the legal and cultural background for this project in terms of its specific parameters regarding what can be repatriated (sometimes referred to as “repatriatables”) and who is eligible to receive these “repatriatables.” NAGPRA mandates all institutions receiving federal funding to catalogue and research the ancestry of all Native American remains, religious or culturally significant artifacts, and burial artifacts in their care.¹³ Additionally, these institutions must contact the related or affected federally recognized Native American groups to arrange (if desired by said Native American groups) repatriation of the remains and artifacts. In response to NAGPRA, many have asked whether federal-legal action is the best way of “righting wrongs” that have been sanctioned by these same federal-legal means.¹⁴ The implementation of NAGPRA has also raised questions and problems surrounding how Native American identities and federally recognized status of groups intersect. Only federally recognized tribes are legally able to receive NAGPRA-related artifacts, which alienates Native American groups that do not have federal recognition.¹⁵ NAGPRA also brings to the fore problems relating to repatriation of ancestral remains on limited land bases. As the repatriation of NAGPRA is generally in the spirit of giving tribes the ability to reinter artifacts and ancestors’ remains to heal psychic-spiritual

¹² “National NAGPRA,” *National Parks Service, U.S. Department of the Interior*, accessed April 13, 2016, <https://www.nps.gov/nagpra/>.

¹³ I have heard this description of “repatriatables” summed up as “those things that would be found and therefore looted from graves.”

¹⁴ These “federal-legal means” includes significantly the government-sanctioned looting of Native American graves and decapitation of Native American bodies during the mid-1800s for the study of infectious diseases as championed by the Army Medical Museum.

Kathleen S. Fine-Dare, *Grave Injustice: The American Indian Repatriation Movement and NAGPRA*, (Lincoln, NE: University of Nebraska Press, 2002), 32-33.

For more information about this, and about the history of NAGPRA, see *Grave Injustice: The American Indian Repatriation Movement and NAGPRA*.

¹⁵ “National NAGPRA: Frequently Asked Questions,” *National Park Service: U.S. Department of the Interior*, accessed April 13, 2016, <https://www.nps.gov/nagpra/FAQ/INDEX.HTM>.

For more information about the process of receiving federal recognition and the history of termination policies for Native American groups, see Vine Deloria, Jr and Clifford M. Lytle, *The Nations Within: The Past and Future of American Indian Sovereignty*, (New York: Pantheon Books, 1984).

wounds of the tribe, tribes that do not have the physical space to rebury these artifacts are faced with being unable to fully bring home and peace to their ancestors.¹⁶ Therefore, although NAGPRA does not explicitly speak to the repatriation of land, tribal land ownership or control has become a central issue relating to the implementation of this legislation.

Native Feminisms Informing Repatriation

As the process of repatriation can be fraught with complexity and ambiguity, whether pertaining to burial artifacts and ancestral remains or lands, Native feminist theoretical frameworks can help make sense of and analyze acts of repatriation to ensure they are serving Native American communities, and Native American women specifically. In the words of Aboriginal feminist Joyce Green, generally speaking, Native Feminisms “raise issues of colonialism, racism and sexism, and the unpleasant synergy between these three violations of human rights.”¹⁷ Native feminisms are as varied as “Western” feminisms (or any other type of “feminisms”), so beyond Green’s definition, I will not attempt to define them in any holistic way because a single definition is ultimately reductive of Native feminist scholarship that is often misunderstood and marginalized in White feminist discourses. Rather, I draw upon the scholarship and theory of specific Native feminists in this paper – not to generalize that they represent all of “Native feminisms,” but because they have been instrumental in the analysis of the case studies presented in this thesis.¹⁸

Native feminist scholar Mishuana Goeman writes about (re)mapping as a Native feminist

¹⁶ For more information on the history and implementation of NAGPRA, see *Grave Injustice*.

¹⁷ Joyce Green, “Taking Account of Aboriginal Feminism,” in *Making Space for Indigenous Feminism*, ed. Joyce Green (New York: Zed Books, 2008), 20.

¹⁸ A note on terminology: the terms “Native,” “Indigenous” and “Aboriginal” used as prefixes before “feminist” generally denote where in the world the authors are situated. In general, “Native feminists” are from the continental United States, whereas “Aboriginal” feminists are generally from beyond the United States (although often used in English “colonies” like Canada and Australia), and “Indigenous” feminists are similarly more globally situated. As this project focuses on Native peoples of the United States, I have primarily drawn on the theory of “Native” feminists to inform my analysis.

practice emerging from the writing of Native women. Goeman defines (re)mapping as “the labor Native authors and the communities they write within and about undertake, in the simultaneously metaphoric and material capacities of map making, to generate new possibilities.”¹⁹ Although Goeman speaks specifically to literary endeavors, her analysis of colonial mapping and Native American (re)mapping provide a theoretical frame to understand and evaluate land repatriation. Goeman notes that mapping is a colonial tool that draws boundaries around and creates hierarchies of people and land, and renders these designations legitimate and normalized. This analysis is deepened by Arvin et al’s discussion of colonial studies scholar Lorenzo Veracini’s description of settler colonial states: “Lorenzo Veracini ... posits that settler colonialism is “characterized by a persistent drive to supersede the conditions of its operation” (3) – that is, to make itself seem natural, without origin (and without end) and inevitable.”²⁰ Mapping is one tool that settler colonial nations utilize to achieve this sense of invisibility and inevitability.

Goeman posits Native (re)mapping as a counter-tool to expose and uproot settler colonial states, and my project uses her theoretical framework to understand land repatriation as a process that similarly contests the naturalization of the United States. Goeman describes how a Native feminist theoretical framework can help analyze projects of “recovery.” This analysis links her theory to critically appraising the land repatriations explored in this project:

Recovery has a certain saliency in Native American studies; it is appealing to people who have been dispossessed materially and culturally. I contend, however, that it is also our responsibility to interrogate our ever-changing Native epistemologies that frame our understanding of land and our relationships to it and to other peoples. In this vein, (re)mapping is not just about regaining that which was lost and returning to an original and pure point in history, but instead understanding the processes that have defined our current spatialities in order to sustain vibrant Native futures.²¹

Land repatriation is, in many ways, a “recovery” project – of land, the right and ability to

¹⁹ Goeman, *Mark My Words*, 3.

²⁰ Arvin et al, “Decolonizing Feminism,” 14.

²¹ Goeman, *Mark My Words*, 3.

steward it and live within it in culturally specific ways, and of the sovereignty that emerges from regaining those liberties.²² Therefore, Native feminist theoretical frameworks, like that of Goeman, are useful to interrogate land repatriation to ensure it does not result in an essentializing narrative of returning to the “original and pure point in history”²³ but rather builds and relies on processes and ways of living that Native peoples are currently utilizing (whether or not these groups define themselves as “traditional”).

One of the pitfalls of “recovery” projects that Goeman addresses is the oversimplification of the relationship of Native peoples to land, which is frequently accomplished by prescribing a static “traditional,” “Native American” relationship to land. Goeman explains that

Describing Native relationships to land is riddled with pitfalls and paradoxes, many of which are impossible to avoid given the nature of power and colonialism. I do not take the phrase ‘relationship to the land’ as a given, unchanging, and naturalized part of Native American identities, especially as capitalism and colonization have produced new ways of experiencing time and space ... Native relationships to land are presumed and oversimplified as natural and even worse, romanticized. In this, the politics of maintaining and protecting tribal lands drop out of the conversation. ... [This discourse] appeals to the realm of the emotional, rather than reflecting on the intellectual and critical work that Native people undertake to pass on these sets of relationships for generations and generations. ... The stories that connect Native people to the land and form their relationships to the land and one another are much older than colonial governments.²⁴

In this paper I hope to avoid this pitfall by exploring specific land repatriation projects that manifest themselves in locations and within different communities that are not always marked as romanticized “traditional” Native American spaces. This project focuses on the “intellectual and critical work that Native people undertake”²⁵ to advance land repatriation projects, which encourage and foster the solidifying and reworking of the relationships and “stories that connect

²² The word “liberties” is fraught in this context – for Native feminist (re)mappings are not about returning to or demanding “rights” as they are set out by the United States or other “democratic” settler colonial nations, but about reclaiming ways of living and knowing that predate and extend beyond the legal-political framework of “rights.”

²³ Goeman, *Mark My Words*, 3.

²⁴ Goeman, *Mark My Words*, 28.

²⁵ Goeman, *Mark My Words*, 28.

Native people to the land.”²⁶ By focusing on urban and “rural” land repatriations taking place within and by federally recognized and unrecognized Native groups alike, this thesis will complicate a static Native American “relationship to the land.”²⁷

Indigenous Studies scholar Linda Tuhiwai Smith writes that imperialism and colonialism “was a process of systematic fragmentation ... [that] brought complete disorder to colonized peoples, disconnecting them from their histories, their landscapes, their languages, their social relations, and their own ways of thinking, feeling, and interacting with the world.”²⁸ Unpacking this quote, Tuhiwai Smith asserts that colonial states, like the United States, are founded on mapping land and peoples in a way that legitimized land grabbing and conquest. This mapping of and mapping over physical space both caused and perpetuated this fragmentation because the world was being divvied up in new ways. However, as Tuhiwai Smith explains, fragmentation was also a tool *in and of itself* to destroy indigenous peoples’ sense of being peoples through practices including genocide, removal from their lands, and implementation and naturalization of a “new” history of the world.²⁹ Goeman deepens this point, noting that “Colonization resulted in a sorting of space based on ideological premises of hierarchies and binaries, and Indigenous women did not fare well in these systems of inequity.”³⁰ The fragmentation of land bases and indigenous peoples’ identities is also experienced along gendered lines, where Native women frequently stood at the intersection of sexist and racist policies and actions, including land removal policies and the Dawes Allotment Act.³¹ Thus, colonial mapping of both space and

²⁶ Goeman, *Mark My Words*, 28.

²⁷ Goeman, *Mark My Words*, 28.

²⁸ Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples*, (New York: Zed Books Ltd, 1999), 28.

²⁹ Tuhiwai Smith covers how this is implicated and perpetuated in Western schooling: Tuhiwai Smith, *Decolonizing Methodologies*, 33.

³⁰ Goeman, *Mark My Words*, 2.

³¹ Goeman, *Mark My Words*, 15. Especially within matrilineal Native American societies, Native American women functioned as “nation-builders,” and therefore women were targeted by colonial violence due to this generative

people through the implementation and naturalization of hierarchies along national and gendered lines placed Native peoples, and Native women specifically, in a place of inherent human inferiority. By pathologizing Native cultures and fragmenting land which led to the fragmenting of Native groups, colonial mapping created figurations of Native peoples as less than human, and Native women as “inherently ‘rapable.’”³²

Native feminisms directly link the violence felt by Native peoples and Native women to violence inflicted upon lands. Native feminists explore how settler colonial states accomplish this by objectifying or “thingifying”³³ Native peoples, a process that is instigated and perpetuated by sexual and other forms of violence that reinforce the “inherently violable” status of Native peoples. Once Native peoples, and Native women in particular, are objectified, they are reduced to being an extension of the landscape of the settler colonial state’s domain, and these lands in turn are seen as violable. Andrea Smith writes: “The project of colonial sexual violence establishes the ideology that Native bodies are inherently violable – and by extension, that Native lands are also inherently violable.”³⁴ Goeman expands on this point, noting that the process of settler mapping covers geography and Native bodies to “limit definitions of self and community ... as property.”³⁵ Taking these theorists in sum, Goeman and Smith illuminate how the objectification of Native peoples, and Native women in particular is perpetuated by sexual violence, and this designation of Native peoples as less than human is intimately tied to, and

power. For more information on this topic, specifically how colonial policies were specifically leveled at the bodies of Native American women, see Goeman’s introductory chapter (quoted extensively in this project), J. Kēhaulani Kauanui’s book *Hawaiian Blood: Colonialism and the Politics of Sovereignty and Indigeneity* (Durham, NC: Duke University Press, 2008), Theda Perdue’s book *Cherokee Women: Gender and Culture Change, 1700-1835*. (Lincoln, U of Nebraska, 1998), and the first chapter of Andrea Smith’s book, *Conquest: Sexual Violence and American Indian Genocide* (Cambridge, MA: South End Press, 2005).

³² Smith, *Conquest*, 3.

Smith also notes that the “colonizers ... [naturalized] hierarchy through instituting patriarchy. Patriarchal gender violence is the process by which colonizers inscribe hierarchy and domination on the bodies of the colonized.” Smith, *Conquest*, 23.

³³ Aimé Césaire quoted in Smith, *Conquest*, 12.

³⁴ Smith, *Conquest*, 12.

³⁵ Goeman, *Mark My Words*, 11.

rationalizes, violence against Native lands. Just as Tuhiwai Smith points to the parallels of fragmentation of homelands and of peoples with the imposition of settler states on Native American communities, colonial ideologies about the inherent “rability” of Native peoples extends to also seeing their lands as “violable.” This, in turn, legitimizes the “spatial violence” felt by Native peoples, as described by Goeman.³⁶

Land Repatriation through a Transnational Lens

Land repatriation reverses the trend of fragmentation of Native peoples by uniting lands and through the reclamation and use of those lands, uniting communities. Native feminist Shari Huhndorf notes that this process of land reclamation to better Native American communities is frequently described in terms of nationalist movements of federally recognized tribes. In this context, federally recognized tribes focus on recovering ancestral lands and restoring and strengthening their exercise of sovereignty over those lands. The goal of this process is to be regarded as Native American nations by the United States and other nations. However, Huhndorf notes that a transnationalist perspective is a more inclusive way to envision a reversal of land and community fragmentation that does not dismiss those Native peoples that are often left out of nationalist arguments. Huhndorf defines transnationalism as the “alliances among tribes and the social structures and practices that transcend their boundaries, as well as processes on a global scale such as colonialism and capitalism. Concentrating on the connections that tie indigenous communities together rather than on the boundaries that separate them allows me to raise questions about gender, imperialism, class, and the worldwide circulation of culture.”³⁷

Huhndorf’s transnationalist lens aligns with Goeman’s theory of (re)mapping, as both stress finding connections and “alliances” across colonial boundaries that divide Native

³⁶ Goeman, *Mark My Words*, 37.

³⁷ Shari Huhndorf, *Mapping the Americas* (Ithaca, NY: Cornell University Press, 2009), 2.

American communities. Huhndorf asserts that looking across and through these boundaries “makes possible a critical analysis of the ways in which colonization has reshaped Native societies, culture, and modes of resistance.”³⁸ This transnational lens informs the structure and theoretical framework for this project. My thesis draws connections across national and cultural boundaries of Native American groups within the Northwest to understand common trends and histories of colonization and the violence inflicted upon Native peoples through the fragmentation of land. Goeman also asserts the importance of moving beyond the nationalist model of conceptualizing the (re)mapping of space and Native American communities: “We need to complicate our conceptual maps in Native nation-building as they are necessary in defining new terrains that move away from an ordering of abstract nation-state space and the asymmetrical relationships they produce. Remembering important connections to land and community is instrumental in mapping a decolonized Native presence.”³⁹ This project works outside of the nationalist model to explore land repatriation opportunities that are not always tied to federally recognized nations and their reservation lands, with the intent of complicating the concept of “Native nation-building” to “[map] a decolonized Native presence”⁴⁰ throughout the Northwest.

The Historical and Cultural Context of Land Repatriation: Blue Lake and the Taos Pueblo

To understand the historical and cultural context of land repatriation as explored in this project through the investigation of several case studies, it is vital to consider the legacy of the battle of the Taos Pueblo to repatriate the lands of Blue Lake. The reclamation of Blue Lake in 1970 is a pivotal land claims case and is regarded as a precedent-setting victory for Native American tribes in securing and repatriating sacred lands. Blue Lake opened up the possibility

³⁸ Huhndorf, *Mapping the Americas*, 3.

³⁹ Goeman, *Mark My Words*, 29.

⁴⁰ Goeman, *Mark My Words*, 29.

for other Native American groups to receive land rather than only financial compensation in land claims cases as “it was the first time the US government returned a large and valuable tract of land to an Indian tribe.”⁴¹ Simultaneously, this process illustrates how land repatriation efforts that are mounted within settler colonial structures of governance cause violence to native communities and, for many, is an unfeasible route to land reclamation. The formal process of lobbying to reclaim the lands of Blue Lake “took Taos officials, and a nationwide coalition of Indians and non-Indians, sixty-five years of sustained, expensive, agonizing effort.”⁴²

Prior to European incursion, the land of the Taos Pueblo “[encompassed] some 300,000 acres ... and Blue Lake was its sacred center.”⁴³ This land base was eroded by Spanish and United States’ rule, and Blue Lake and its surrounding lands were ultimately incorporated into

⁴¹ Cloud Bringing Rain and Marguerite Culp “Our Blue Lake Lands: Na Keim Pah Whe Pa Wha ee” in *Native Peoples* 5 no. 3 (Spring 1992): 40.

⁴² Cloud Bringing Rain et al “Our Blue Lake Lands,” 40.

A note about sources relating to Blue Lake: although, as stated above, this event is regarded as *the* landmark land repatriation case between Native American tribes and the United States government, in my research the only comprehensive source on the subject that I found was R.C. Gordon-McCutchan’s book *The Taos Indians and the Battle for Blue Lake*, (Santa Fe: Red Crane Books, 1991). Although Gordon-McCutchan was a tribal planner for the Taos Pueblo for four years, this book belies a heavy Western bias on the proceedings, speaking at length about the heroic involvement of white politicians and shedding very little light on activism mounted by the Taos Pueblo itself regarding the Blue Lake struggle. The article “Our Blue Lake Lands” written by Cloud Bringing Rain and Marguerite Culp was the only source on Blue Lake that I was able to locate that was written by a Native person (Cloud Bringing Rain) and focused on the Taos community, albeit many years after the 1970 ruling. I am perplexed by the lack of sources relating to this well-known topic. However, in regards to Gordon-McCutchan’s Western bias, I wonder whether the fact that much of the Blue Lake struggle played out in Washington, D.C. and other governmental centers pushes the scholarship to valorize the efforts of non-Native people.

⁴³ Gordon-McCutchan, *The Taos Indians and the Battle for Blue Lake*, 9.

Cloud Bringing Rain et al describe the utilitarian and sacred facets of Blue Lake: “Located at the base of a mountain, Taos Pueblo (*la sla pai ta*, or Red Willow Place) is noted for its multi-storied earthen structures ... To this day the pueblo has no running water or electricity, in order to preserve the sanctity of ancient beliefs that identify the people as one with the earth. The river, which originates in the Blue Lake watershed of the nearby Taos Peak, *Ma wha lu na*, runs year-round, supplying life-giving nourishment to the surrounding mountain areas and the valley below. The sacred Blue Lake, or *Pa whe chal mu*, is located beyond Taos Peak. This forest land – which Taos people believe was not meant to be logged, grazed or in any way violated – is the life support system of the three thousand Taos people, and provides both spiritual and physical sustenance.”

Cloud Bringing Rain et al “Our Blue Lake Lands,” 40-1.

“Annual religious pilgrimages are made to Blue Lake as part of an ancient ritual. The *Pa whe* pilgrimage, as it is called in Tiwa, is a trek of fifteen to twenty miles to the lake shrine where prayers are offered for the universal welfare of all people and for guidance and harmony in the spirit world. ... The mountain provides a sanctuary for religious activities as well as for recreation, hunting and herb gathering. Blue Lake also provides drinking water and irrigation for Taos Pueblo and the nearby town of Taos.”

Cloud Bringing Rain et al “Our Blue Lake Lands,” 41.

the Carson National Forest in 1906.⁴⁴ Upon incorporation into the National Forest system, the public increasingly flooded into the Blue Lake area as “in the late twenties, commercial operators ... took campers into the watershed. ... The practice was seriously disruptive to the Indians. They had no way of knowing when visitors might be coming into the sacred area, possibly interrupting their religious observances.”⁴⁵ After attempts to create cooperative use agreements between the Taos Pueblo and the Forest Service that inevitably denied the Taos any rights to or privacy of use of Blue Lake, the Taos Pueblo filed a land claim to the lands of Blue Lake with the Indian Claims Commission.⁴⁶ Although the function of the ICC was to award monetary settlements for cases involving Native American groups’ land and government liability, the Taos pushed for more than a financial reparation. “Dollars, they emphatically maintained, could never compensate them for the loss of the sacred area.”⁴⁷ Although initially pushing for “an expansion of [their] permit area”⁴⁸ in the Carson National Forest to protect the privacy of their spiritual practices, in 1960 the Taos decided to seek instead the “trust title to the entire 50,000-acre watershed”⁴⁹ and forbid public recreation and logging in the land parcel.

Fourteen years after the Taos submitted their application, the ICC “concluded that the government documents demonstrated that the Taos Indians had exclusive right of the land

⁴⁴ Initially this area was the Taos Forest Reserve, but it becomes the Carson National Forest.

⁴⁵ Gordon-McCutchan, *The Taos Indians and the Battle for Blue Lake*, 20.

⁴⁶ The ICC was created by the Claims Commission Act of 1946, which allowed the creation of “a special court to which tribes could present claims for land they had lost and for which they had received inadequate compensation. Under the Claims Act, such cases did not require special enabling legislation as had previously been the case. Considerations of justice as well as a desire to save time and money in adjudicating tribal claims motivated passage of the act.”

Gordon-McCutchan, *The Taos Indians and the Battle for Blue Lake*, 43.

“Prior to 1946, an Indian tribe could sue the government over land it felt had been illegally or wrongfully taken only if the government consented to such a suit. The wealthier tribes, able to afford litigation, filed such suits and had their day in court, but the poorer tribes lacked the money necessary to initiate legal action. To lay to rest centuries of Indian grievances, the ICC Act waived the statute of limitations from 1946 to 1951, during this period according tribes the right to ‘file claims based on Government misdeeds ever since the beginning of the Republic.’”

Gordon-McCutchan, *The Taos Indians and the Battle for Blue Lake*, 75.

⁴⁷ Gordon-McCutchan, *The Taos Indians and the Battle for Blue Lake*, 75

⁴⁸ Gordon-McCutchan, *The Taos Indians and the Battle for Blue Lake*, 56.

⁴⁹ Gordon-McCutchan, *The Taos Indians and the Battle for Blue Lake*, 56.

claimed until 1906, when the forest reserves were created. ... [With this legislative victory, the Taos Pueblo] prepared once again to approach the New Mexico delegation to develop a bill which would convey to them trust title to the 50,000 acres of the sacred watershed.”⁵⁰ H.R. 471, the bill proposed to return the 50,000 acres of Blue Lake lands to the Taos, rested on three central points: first, that Blue Lake was inexorably connected to the Taos Pueblo identity – that “if Blue Lake and the surrounding lands are not returned to the tribe it will effectively destroy Taos culture.”⁵¹ Secondly, that the Taos’ use of Blue Lake “required complete privacy in the practice of their faith because the presence of outsiders made the celebrants ritually impure and their devotions, therefore, ineffective. Fear of covert observation was a constant concern,”⁵² and the only way to ensure privacy was to eliminate Forest Service administration of the land and give the Taos trust title to the Blue Lake lands. Thirdly, the Taos Pueblo asserted their capability and cultural duty to “[protect] ... the plants and animals in their natural state,”⁵³ which the Forest service directly opposed because they permitted logging and did not allow the Taos to steward the Blue Lake lands.

On December 15, 1970 President Richard Nixon signed H.R. 471 into law, restoring 48,000 acres of traditional lands surrounding Blue Lake to the Taos Pueblo through trust title. Some of the factors that contributed to the passing of watershed legislation included widespread public support for the Taos Pueblo, Nixon’s desire to use this bill as a symbol of his positive “Indian policy,” and the widely held opinion by American politicians that this was a “unique case” of the identity of a Native American group being so closely tied to a land base. Since the mid-1960s, the Taos Pueblo’s fight for Blue Lake case was featured in popular media in a

⁵⁰ Gordon-McCutchan, *The Taos Indians and the Battle for Blue Lake*, 83.

⁵¹ John Bodine quoted in Gordon-McCutchan, *The Taos Indians and the Battle for Blue Lake*, 193. Bodine was a professor of anthropology at the American University in Washington.

⁵² Gordon-McCutchan, *The Taos Indians and the Battle for Blue Lake*, 98-9.

⁵³ Gordon-McCutchan, *The Taos Indians and the Battle for Blue Lake*, 99.

favorable light, most significantly in newspapers⁵⁴ and on television.⁵⁵ Religious studies scholar and former tribal planner for the Taos who wrote the seminal historical study of the Blue Lake case *The Taos Indians and the Battle for Blue Lake*, R.C. Gordon-McCutchan also argues that “the Tribe’s quest resonated with some important themes of the later sixties—cultural pluralism, minority rights, and the back-to-nature movement. Their quest ... was favored by the temper of the times.”⁵⁶ The Taos recognized the importance of popular opinion and created a “national committee of prestigious people in support of the return of Blue Lake,”⁵⁷ whose membership included “merchandiser John Wanamaker, political cartoonist Bill Mauldin, conservationist and photographer Eliot Porter, ... [Commissioner for the Bureau of Indian Affairs (BIA) under President Roosevelt and creator of the Indian Reorganization Act of 1934] John Collier”⁵⁸ and religiously affiliated members including members of the National Council of Churches, the New Mexico Council of Churches and the American Jewish Congress, and the archbishop of Santa Fe. Popular opinion that regarded the Taos Pueblo’s claim to the land as legitimate influenced state representatives’ perspectives on the bill.

Nixon also saw H.R. 471 as a “good faith” symbol to Native Americans in the United

⁵⁴ The Taos Pueblo received an endorsement from the *Taos News*, a “sympathetic editorial” in the *New York Times* (“The Indians Need Blue Lake”).

Gordon-McCutchan, *The Taos Indians and the Battle for Blue Lake*, 137.

⁵⁵ In March of 1962, the TV show *Accent* released an episode about the Tribe’s struggle, shown nationally. Uproar from non-native people that “the program told only the Indian side of the story” and wanted time for a non-native rebuttal.

Gordon-McCutchan, *The Taos Indians and the Battle for Blue Lake*, 60.

“Television special on the Blue Lake quest by Joe Phipps of WFIL-TV in Philadelphia.”

Gordon-McCutchan, *The Taos Indians and the Battle for Blue Lake*, 124.

“As both sides were vigorously lobbying, H.R. 471 received invaluable favorable publicity when National Education Television aired a program devoted to the Taos quest. Called “The Water Is So Clear that a Blind Man Could See,” the program was written by an ardent Taos supporter, Stan Steiner. The program cast Anderson in a distinctly negative light, and emphasized the threat posed by Anderson and the Forest Service to the timber in the watershed. Aired nationally, and more than once in many communities, the program generated a flood of letters to the Senate in support of H.R. 471.”

Gordon-McCutchan, *The Taos Indians and the Battle for Blue Lake*, 203.

⁵⁶ Gordon-McCutchan, *The Taos Indians and the Battle for Blue Lake*, 137.

⁵⁷ Gordon-McCutchan, *The Taos Indians and the Battle for Blue Lake*, 124.

⁵⁸ Gordon-McCutchan, *The Taos Indians and the Battle for Blue Lake*, 128.

States that his Native American policies would support Native American demands including the preservation and actualization of Native self-determination and cultural preservation.⁵⁹ Bobbie Kilberg (then Greene), a member of Nixon’s Domestic Policy Council, notes that the ideology of Native American self-determination fit into Nixon’s perspective on “race relations” in the United States. She explains that Nixon

cared about the Indian community because they were not in favor of integration, they were in favor of self-determination ... He was not comfortable with the concept of integration ... He firmly believed, not in separate but equal necessarily, but in people doing their own things and not being forced together. And the Indian community’s desire fir that beautifully—they wanted to be themselves, they wanted to have self-determination but not assimilation, they wanted to keep their culture and their heritage.⁶⁰

Therefore, H.R. 471 fit into Nixon’s racial theoretical framework of non-integration in the United States, increasing its potential to be passed into law.

Finally, the argument was made by supporters of H.R. 471 that the Blue Lake was a stand-alone case in terms of needing the title to land to secure a Native people’s cultural identity. Anthropologist John Bodine, who offered testimony in the hearings of H.R. 471 sums up this argument: “No other Indian tribe can make [the land] claim [of the Taos Pueblo], because no other Indian group today relies to the same degree on shrines in a restricted area for the continuance of its religion.”⁶¹ This repeated assurance that giving the Taos Pueblo title to the Blue Lake lands would not open the flood gates for other tribes to demand similar rights pushed politicians to support the bill. However, this argument turned out to underestimate the degree to which other tribes could lobby for their connectedness to land, and therefore the passing of the Blue Lake bill has allowed “millions of acres [to be] returned to Indian tribes by judicial or legislative action. These successful claims [have been] based in part upon the precedent set by

⁵⁹ Gordon-McCutchan, *The Taos Indians and the Battle for Blue Lake*, 194.

⁶⁰ Gordon-McCutchan, *The Taos Indians and the Battle for Blue Lake*, 186.

⁶¹ John Bodine quoted in Gordon-McCutchan, *The Taos Indians and the Battle for Blue Lake*, 193. Bodine was a professor of anthropology at the American University in Washington.

Blue Lake.’’⁶²

The Taos Pueblo’s struggle for Blue Lake illustrates several key themes or occurrences that appear in other land repatriation efforts, and offers lessons for analyzing past land repatriation efforts and envisioning how future endeavors might function. The return of Blue Lake provided watershed legislation that has opened the door for tribes to repatriate land rather than receive monetary settlements for land claims. Keeping in mind Goeman’s warnings about not essentializing this connection, Blue Lake also made the foundational argument that Native peoples’ identities are often integrally tied to a specific land base, and that many cultural-religious practices are harmed by removal from that land base, or are unable to be performed without a specific geographic setting. Additionally, the Taos assert that their cultural-religious practices that rely on Blue Lake are subsequently harmed by public intrusion, making the case that privacy surrounding cultural-religious practices is vital for cultural preservation and safety. Both of these arguments about why land repatriation is vital for cultural preservation and national identity appear in the case studies covered in this project.

Blue Lake also illustrates the practical importance of building coalitions and finding common ground and shared goals with non-Native people and organizations. The passage of H.R. 471 was largely influenced by the widespread public support of the Taos Pueblo through opinion-driven media coverage, as well as how Blue Lake related to Native American self-determination policies that dovetailed with Nixon’s understandings of race in the United States. In the case studies explored in this project, Native peoples understand and often strategically integrate non-Native individuals and groups into their land repatriation efforts to increase resources available for these efforts and to expand positive public perception.

The process of reclaiming Blue Lake also demonstrates some central problematic realities

⁶² Gordon-McCutchan, *The Taos Indians and the Battle for Blue Lake*, 219.

of land repatriation efforts, especially when those efforts are reliant on governmental structures and actors. The length of the fight to regain Blue Lake, a sixty-five-year-long process, is testament to the draining nature of the process mounted by the Taos Pueblo by working through governmental structures (including the National Forest Service, the ICC and the House of Representatives) to achieve their goals. This approach to land repatriation required the Taos to have the knowledge and skills to understand and survive within the inaccessible governmental environments of the ICC and the House of Representatives. The fight for Blue Lake required the financial resources and political contacts to employ lawyers, convince politicians to take up the Taos' campaign, and find other "experts" to create convincing court cases and bills.⁶³

The length of the fight to repatriate Blue Lake is a symptom of the fact that this case was fought within a system, the United States government, that is founded upon and geared toward the suspicion and denial of Native peoples' rights. Therefore, the process mounted by the Taos Pueblo was an extremely uphill battle, as victory for the Taos was predicated on convincing the United States government that it does not have ownership over all of "its lands," a foundational concept of the settler colonial nation. In other words, the Taos had to persuade the United States government that this "right" of land ownership is an instance of "land grabbing." Additionally, this governmental location of the struggle for Blue Lake meant that Native people were not able to directly participate in the ultimate moment of "decision" of passing of H.R. 471, as they did not have a vote in the forum of the House of Representatives. Ultimately, as the process of repatriating Blue Lake occurred almost entirely within a governmental structure *designed* to uphold settler colonialism, the Taos succeeded only because they won a small enough victory to not sway the "status quo" of the United States. The passing H.R. 471 can be understood as a

⁶³ Additionally, extensive financial resources were necessary to transport Taos representatives across the country to lobby in Washington D.C.

moment that “let steam” out of the “pressure cooker” of America as a racial and inter-national hegemonic society. Therefore, radical change in terms of widespread land repatriation as a decolonizing strategy cannot be accomplished within the structural bounds of the United States government. This reality is echoed in the land repatriation cases explored in this project. Those projects that circumvent governmental influence and instead take strategic advantage of legal tools (outside of the normal functioning scope of the government) have the potential to create pathways for land repatriation that are not as taxing or violent for Native people. This is because these strategies do not rely on directly challenging central ideologies of the United States’ government.

Finally, it is important to recognize the physical limitations of the Blue Lake repatriation in the eyes of the Taos Pueblo. A retrospective article on the Blue Lake in a 1992 issue of the journal *Native Peoples* describes the current (as of 1992) views of the Taos Pueblo on Blue Lake: “The land given back ... excluded 2,000 acres known as *Cu tun na* (Where the Bears Live), which includes a portion of the pilgrimage trail running along the northeastern rim of the abyss of the Pueblo universe, to Blue Lake. ... For the Taos people, the bottleneck issue is more than a land claim; the additional 800 acres are necessary for religious ceremonial practices.”⁶⁴ This reality speaks to the ultimate limitations of the Blue Lake battle: despite working for over half of a century, the Taos Pueblo was unable to restore all of the lands necessary to their survival. Ultimately, the repatriation of Blue Lake illustrates Tuck’s description of repatriation as a process marked by fragmentation, as repatriation builds from imperfect and limited realities and histories in an attempt to expand and improve living conditions and cultural vitality.

Summary of Chapters

This thesis explores three case studies of ongoing land repatriation efforts that illustrate

⁶⁴ Cloud Bringing Rain et al “Our Blue Lake Lands,” 41.

different strategies for achieving land repatriation in varying geographic contexts (ranging from the rural to urban) and historical tribal contexts (including both federally recognized and non-recognized tribes). This comparison emphasizes the overlapping goals and similar obstacles each case has encountered while attempting to use land repatriation as a decolonizing strategy to contest the continued legacy of oppression and land dispossession of the United States as a settler colonial nation. Ultimately, these land repatriations are a physical enactment of Goeman's theory of Native (re)mapping of the Americas. Each case study demonstrates a Native community claiming culturally significant land and contesting the fragmentation they have endured due "colonial spatial violence."⁶⁵

In chapter one, I explore the repatriation of culturally significant huckleberry fields of the Yakama Nation that have been absorbed into the Gifford-Pinchot National Park in Washington State, and have been subsequently harmed due to non-Native over-picking and poor land stewardship practices by the National Forest Service. This land repatriation has taken shape both through the establishment of an informal agreement between the Yakama and the National Forest Service to reserve some of the huckleberry fields for Yakama use, and through increased shared land stewardship efforts between these two bodies. In chapter two, I compare the work and philosophies of two land trust organizations in Northern California, one serving rurally located federally recognized tribes (the InterTribal Sinkyone Wilderness Council), and one serving non-federally recognized urban Native peoples (the Sogorea Te' Land Trust organization). These two groups use their status as land trusts and the legal mechanism of conservation easements to repatriate land by establishing land stewardship and protection of culturally significant natural resources. In chapter three, I examine the ongoing process of designing and constructing the

⁶⁵ This action also exposes the United States as a settler colonial nation, which is usually rendered invisible through the imposition of a rhetoric of "democracy."

InterTribal Gathering Garden within Cully Park in Portland, Oregon. I use the unfinished nature of this project to explore questions relating to what land repatriation could look like in an urban space, and how urban Native communities are tangibly connecting the healing of land to the healing of their communities. In my conclusion, I discuss how land repatriations (re)map the United States, unsettling and overlaying colonial maps so that Native American peoples and their histories cannot be ignored.

Chapter 1: Yakama Huckleberry Fields in the Gifford-Pinchot National Forest

Case Study Overview

This case study explores a land dispute that emerged from the creation of the Columbia National Forest (as of 1949 the Gifford-Pinchot National Forest)⁶⁶ on lands treated to the Yakama that contain culturally significant huckleberry fields.⁶⁷ Fundamental cultural differences between the Yakama and the National Forest Service (NFS) concerning the stewardship of the huckleberry fields create the context for this land dispute. With the onset of the Great Depression, starving Americans who over-picked of the huckleberry fields intensified Yakama concerns about their access to and use of these huckleberry fields. An unofficial “Handshake” Agreement, established in 1932 between National Forest Supervisor J.R. Bruckart and Chief Willam Yallup of the Kah-milt-pah (Rock Creek) band of Yakama,⁶⁸ protects the treaty rights of the Yakama to harvest huckleberries within the National Park.⁶⁹ This dispute was settled without intervention by a governmental organization like the ICC (as that body would not be established until 1946), but used capitalist rubrics to evaluate this land repatriation case. The Handshake Agreement occurred due to the alignment of the NFS’s capitalist interests with the wishes of the Yakama. This capitalist evaluation of the Gifford-Pinchot lands continues into the present, and

⁶⁶ “Gifford Pinchot National Forest: History & Culture,” *USDA Forest Service*, accessed March 10, 2016, <http://www.fs.usda.gov/main/giffordpinchot/learning/history-culture>.

I was unable to ascertain whether this also applied to other “treaty tribes” or only to the Yakama.

⁶⁷ These huckleberry fields are in the “Indian Heaven Wilderness Area” of the Gifford-Pinchot National Forest.

⁶⁸ Throughout this paper I will use the spelling “Yakama” (as opposed to “Yakima,” another frequent spelling) to respect the 1993 Yakama Tribal Council's decision to adhere to the original spelling of the tribe’s name that appears on the 1855 treaty between the Yakama and the United States.

“The Confederated Tribes and Bands of the Yakama Nation,” *Columbia River Inter-Tribal Fish Commission*, accessed April 23, 2015, http://www.critfc.org/member_tribes_overview/the-confederated-tribes-and-bands-of-the-yakama-nation/.

⁶⁹ Andrew H. Fisher, “The 1932 Handshake Agreement: Yakama Indian Treaty Rights and Forest Service Policy in the Pacific Northwest,” *The Western Historical Quarterly* 28, no. 2 (Summer, 1997): 204, accessed September 18, 2015, <http://www.jstor.org/stable/970893>.

continuing cultural dissonance between the NFS and the Yakama is perceptible in recent literature describing the history and management of these disputed huckleberry fields. Recent interest in huckleberries as a “boutique” food by restaurants and other food manufacturers has led to increased non-Native trespassing on the treated huckleberry fields, illustrating the limitations of and importance of strengthening the Handshake Agreement.

Ultimately, the repatriation of land in this case is contingent on the good will of the NFS and the public, making it one of the most tenuous repatriations of land explored in my thesis. This case illustrates the strategic power of linking land repatriation arguments to financial gain for governmental organizations, as well as the increased power that comes with allying the interests of a Native American group with a dominant group, like non-Native citizens who use the Gifford-Pinchot National Park. Recently, joint stewardship of the Gifford-Pinchot by the NFS and the Yakama illustrates a positive development in this case in terms of increased opportunities for land stewardship as a form of expanded land repatriation. In keeping with Tuck’s articulation of repatriation as an inherently imperfect process, the repatriation of the huckleberry fields in the Gifford-Pinchot National Park has limitations but is also being strengthened through Yakama stewardship opportunities.

Historical Background

“The huckleberries in the mountain have great power. They hold to the people’s bodies. They are the same as good words from the other world. This has been from a long time ago. They know everything; they do nothing wrong. They do right all the time, night and day. ... The huckleberries and chokecherries are sisters. Chokecherry is the oldest sister. ... The younger sister has power in the mountains. ... These sisters keep track of each day and each night. They keep track of all that is done, even to the sun. In the next world we will know and see it all. We will then understand everything.”⁷⁰ – Donald M. Hines, transcribing a Yakama narrative

“Early August remains the occasion for the first-foods celebration in honor of the Indians’ number one fruit, the black mountain huckleberry (*Vaccinium membranaceum*, known in

⁷⁰ Donald M. Hines, *Ghost Voices: Yakima Indian Myths, Legends, Humor and Hunting Stories*, (Issaquah, WA: Great Eagle Publications, 1992), 51.

Sahaptin as wíwnu). This feast is the obligatory prelude to a series of day, overnight, or weekend trips to the productive berry fields, the knowledge of which is part of an Indian family's inheritance."⁷¹ – Eugene S. Hunn, *Nich'I Wána, "The Big River"*

“Gathering requires a detailed knowledge of the land and of plant habitat associations and life cycles. Roots, berries, and greens can be harvested only at certain times and places. Careful planning is essential so that one may be at the right place at the right time, as is cooperation among women, both for the sake of company and for assistance in acquiring the knowledge on which successful gathering depends.”⁷² – Eugene S. Hunn, *Nich'I Wána, "The Big River"*

In 1855, as settlers⁷³ increasingly flooded into the Northwest territories, Isaac I. Stevens, the governor and superintendent of Indian Affairs for the Territory of Washington, coerced tribes of the area to enter into treaties that would cede a collective land mass larger than the state of Tennessee to the United States government.⁷⁴ One of these treaties, the “Treaty with the Yakima, 1855” legally bound together 14 separate tribes and bands as the 14 Confederated Tribes and Bands of the Yakama Nation and ceded 29,000 square miles of land.⁷⁵ In return for this loss of land, the 1855 treaty reserves the right of the Yakama Nation to fish, hunt, and forage “at all usual and accustomed places.”⁷⁶ However, observance of these traditional practices and rights

⁷¹ Eugene S. Hunn, *Nich'I Wána, "The Big River": Mid-Columbia Indians and their Land*, (Seattle, WA: University of Washington Press, 1991), 129.

⁷² Hunn, *Nich'I Wána, "The Big River,"* 209.

⁷³ I use the politically fraught term “settlers” in this paper to describe Americans who moved into territories of the United States and therefore necessarily displaced Native American groups. This is not to say that I believe that these white Americans “settled” previously “unsettled” lands, but rather that these individuals create a collective mass that furthers the expansion of the United States as a settler colonial nation.

⁷⁴ Roberta Ulrich, *Empty Nets: Indians, Dams, and the Columbia River*. (Corvallis: OSU, 2007), 6.

For a map of “traditionally/historically used,” ceded, and reservation lands of the tribes of Washington State, see Vivian M. Adams, “Welcome Statement,” in *A Time of Gathering: Native Heritage in Washington State*, ed. Robin K. Wright (Seattle: University of Washington Press and the Thomas Burke Memorial Washington State Museum, 1991), 27.

⁷⁵ These tribes and bands were the Yakama, Palouse, Pisquouse, Wenatshapam, Klikatat, Klinquit, Kowwas-say-ee, Li-ay-was, Skin-pah, Wish-ham. Shyiks, Ochechotes, Kah milt-pah, and Se-ap-cat.

Fish and Wildlife Service, “Treaty With The Yakima, 1855,” accessed April 18, 2015, <http://www.fws.gov/pacific/ea/tribal/treaties/Yakima.pdf>.

⁷⁶ Fish and Wildlife Service, “Treaty With The Yakima, 1855.”

“River Land for River People—Land&People,” The Trust for Public Land, accessed April 23, 2015, <https://www.tpl.org/magazine/river-land-river-people%C2%97landpeople>.

This right to fish, hunt, and forage “at all usual and accustomed places” was also guaranteed in 1855 treaties with the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Nez Perce Tribe.

The Founding of CRITFC,” Columbia River Inter-Tribal Fish Commission, accessed April 23, 2015,

has been inhibited by the settlement of non-Native people in the Northwest and the ensuing over-use and destruction of natural resources.⁷⁷ One example of the erosion of these rights was with the creation of the Gifford-Pinchot National Forest which has within its borders huckleberry fields that are culturally vital for the Yakama people. The establishment of the Forest caused the Yakama to come into increasing competition with non-Native people for opportunities to pick the huckleberries, while also making it difficult for the Yakama to practice sacred cultural rites including vision quests and first-food meals that required space and privacy.⁷⁸

<http://www.critfc.org/about-us/critfcs-founding/>.

⁷⁷ Charles Wilkinson, "Celilo Falls: At the Center of Western History," *Oregon Historical Quarterly*, 108.4 (Winter, 2007): 536-7, accessed November 11, 2014, <http://www.jstor.org/stable/20615791>.

The creation of large hydroelectric dams on the Columbia River (which forms the border between Oregon and Washington) is one of the central ways the over-use and destruction of natural resources has been achieved in the Northwest.

⁷⁸ Fisher, "The 1932 Handshake Agreement," 202-05.

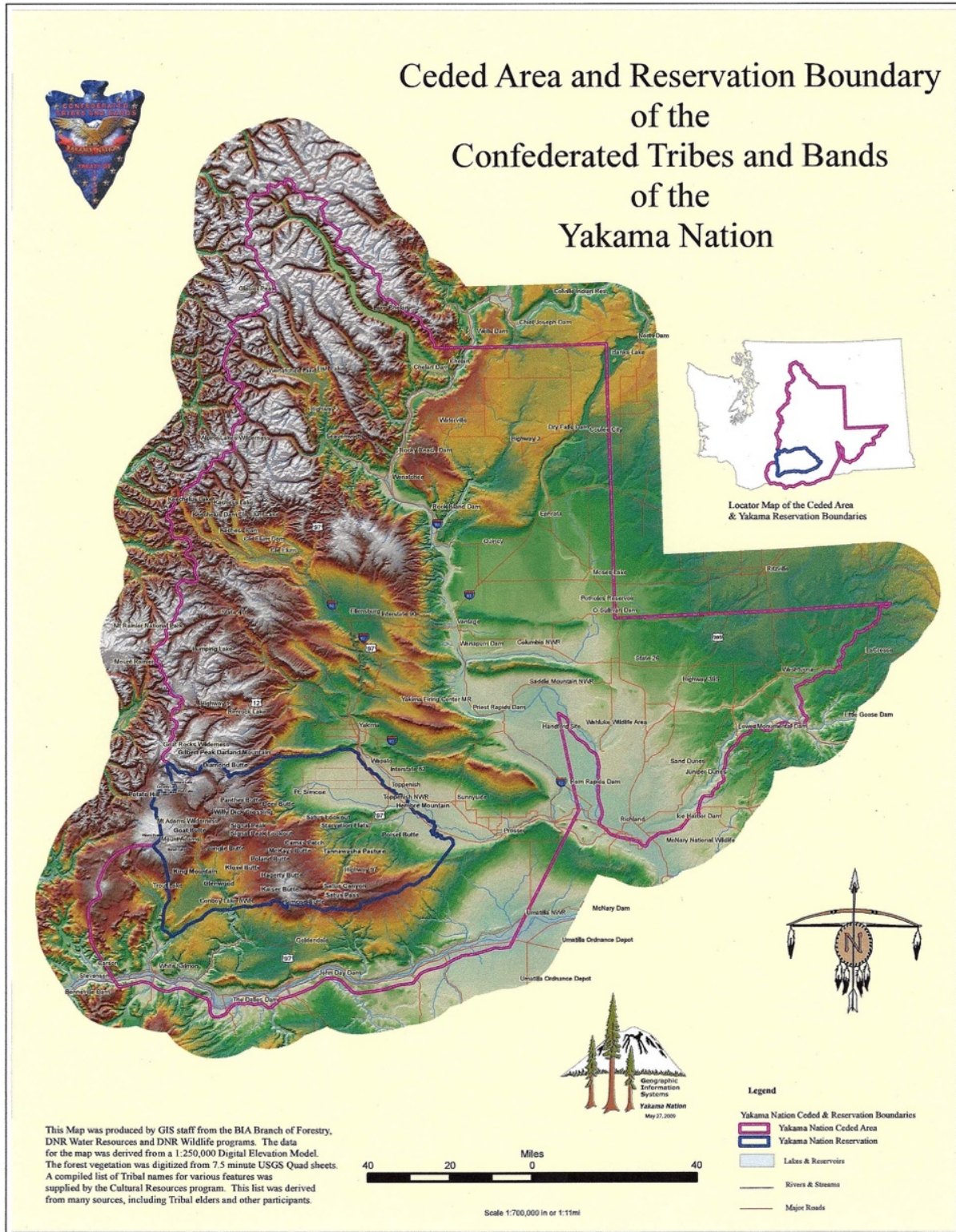


Figure 1: Yakama Ceded Lands and Reservation Map
<http://www.yakamanation-nsn.gov/docs/CededMap0001.pdf>

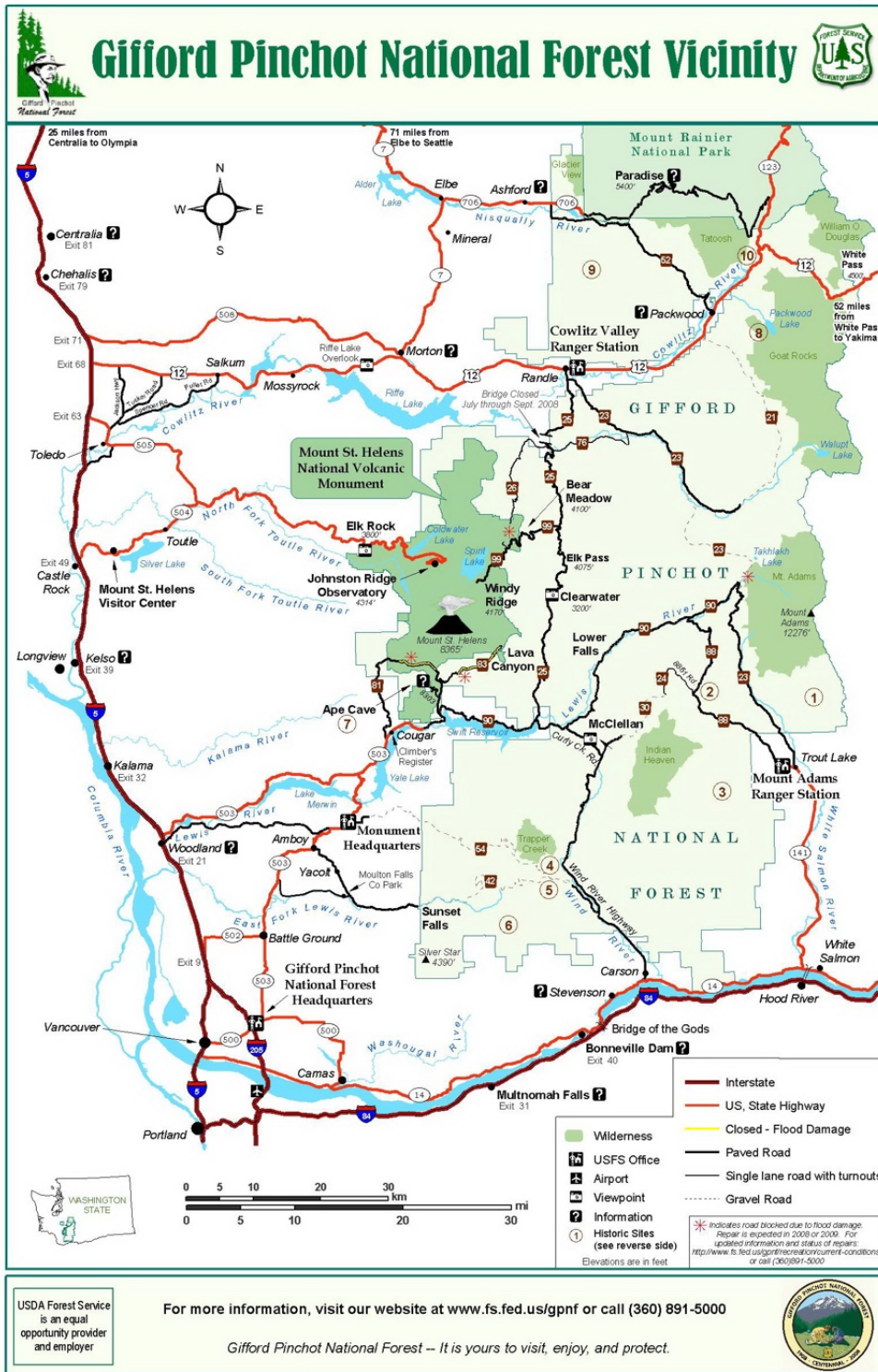


Figure 2: Map of Gifford Pinchot National Forest, https://fs.usda.gov/wps/PA_WIDConsumption/wid/EnlargeImage.jsp?param5=null¶m1=PA_WIDConsumption¶m2=STELPRDB5160498¶m3=Gifford%20Pinchot%20National%20Forest%20general%20map¶m4=/Internet/FSE_MEDI_A/stelprdb5160498.jpg&pname=Forest%20Service

The Gifford-Pinchot National Forest was established on July 1, 1908. The park is 941,000 acres, stretching from Mt. Adams south to the Columbia River and west to Mt. St. Helens.⁷⁹ The Mt Baker-Snoqualmie and Okanogan-Wenatchee National Forests border the Columbia National Forest to the east, and to the west lies the Yakama Reservation, as well as other state and privately owned lands.⁸⁰

Reflecting nation-wide trends of land dispossession happening at the time, the creation of the Gifford-Pinchot National Forest began to chip away at the Yakama's treated right to gather huckleberries within the Forest.⁸¹ National Forests and the NFS are frequently framed as entities designed to "sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations."⁸² However, the creation of National Parks and the conservation ideology that legitimated their establishment closed treated hunting, fishing, and foraging lands to Native Americans, like the Yakama, as well as their ability to steward the lands through use of techniques including controlled burns of forests. Historian of Native American and American conservation Karl Jacoby points out that the creation of the National Parks worked in tandem with other policies like the Dawes Allotment Act⁸³ and treaties that ceded tribal lands to the United States government to "displace Indians' claims on the natural world ... [so that] conservation was for Native Americans inextricably bound up with

⁷⁹ "Gifford Pinchot National Forest: Forest History," *USDA Forest Service*, accessed March 10, 2016, <http://www.fs.usda.gov/detail/giffordpinchot/learning/history-culture/?cid=STELPRDB5172182>.

⁸⁰ National Forest Service, *Gifford-Pinchot National Forest Fire Management Plan*, accessed March 10, 2016, http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5378423.pdf.

⁸¹ Fisher, "The 1932 Handshake Agreement," 199.

⁸² "Mission," *USDA Forest Service*, accessed March 10, 2016, <http://www.fs.fed.us/about-agency/what-we-believe>.

⁸³ The Dawes Allotment Act of 1887 removed two thirds of tribally held land from Native Americans and placed it either in the hands of private landowners or the state. This was accomplished by dividing tribally held land into parcels generally distributed to male heads of household of nuclear family units. Once this land was allotted, the remaining acreage was "opened" to settlers, or absorbed into government-controlled lands. Some of this federally owned acreage became National Forests and National Parks. This was accomplished through the passage of the Forest Reserve Act (1891), legislation beginning in 1872 to create individual National Parks and the 1912 Organic Act that established the National Parks Service.

"Land Loss," *Indian Land Tenure Foundation*, accessed March 10, 2016, <https://www.iltf.org/land-issues/land-loss>.

conquest—with a larger conflict over land and resources that predated conservation’s rise.”⁸⁴

Ultimately, National Parks functioned to eject Native American peoples from landscapes deemed “naturally wild” by the United States government in order to “protect” these geographies.

However, in doing so National Parks have disrupted relationships between ecologies and human populations that have developed over thousands of years, which has led to changing environments and, in some cases, disappearing species and habitats.⁸⁵

The land conservation tactics of the NFS, as well as the development of the land of the Gifford-Pinchot National Forest to make it more accessible for settlers, negatively affected the Yakama’s ability to utilize their treaty rights to huckleberry gathering. One of the most important land stewardship practices of the Yakama for maintaining the huckleberry fields was intentional seasonal burning, which would ensure that space remained for huckleberry bushes to grow without getting overrun by trees.⁸⁶ The Yakama regard this as an obligation to the huckleberries.⁸⁷ However, this practice was not supported by the NFS as they, at the time favored “fire suppression policy”⁸⁸ which caused the huckleberry fields of the Gifford-Pinchot National Forest to shrink.⁸⁹ Additionally, casual enforcement of grazing policies on National Forest lands

⁸⁴ Karl Jacoby, quoted in Beth Rose Middleton, *Trust in the Land: New Directions in Tribal Conservation* (Tucson, AZ: University of Arizona Press, 2011), 37.

⁸⁵ Middleton, *Trust in the Land*, 36.

For an example of how the creation of National Parks can have detrimental effects on their local environments, Native feminist and environmental activist Winona LaDuke provides a description of how Yellowstone National Park’s management of a herd of buffalo calls for periodic “culls” that were (and are) opposed by Native Americans. LaDuke, *All Our Relations*, 151-53.

⁸⁶ Anthropologist Eugene Hunn explains: “Fire is one of the Indians’ most powerful tools of food production. Fire creates sunny openings in the forest, creates edges that foster the rapid spread of nutritious herbs and shrubs, most notably the black mountain huckleberry and related species, blueberry and grouseberry ... Such zones of increased natural productivity draw deer and elk within the hunter’s range as well.” Hunn, *Nich’I Wana*, “*The Big River*,” 130.

⁸⁷ Margaret Saluskin quoted in LaDuke, *All Our Relations*, 2.

⁸⁸ Fisher, “The 1932 Handshake Agreement,” 192.

⁸⁹ Fisher, “The 1932 Handshake Agreement,” 192.

allowed the sheep of non-Indian farmers to graze in the huckleberry fields meadows, destroy huckleberry bushes and pollute the water.⁹⁰

Non-Native American presence in and over-picking of huckleberry fields as instigated by the Great Depression brought the conflict between the Yakama and the NFS to a head. The NFS's construction of an "improved road" into the huckleberry areas in 1926 caused a spike in settlers visiting and picking in the fields.⁹¹ With the onset of the Depression desperate Americans descended on the fields as they offered a free source of food for starving families and a potential opportunity for income as Americans began to sell huckleberries picked in the Forest to canneries and other outside businesses and individuals.⁹² The Yakama objected to the increased competition and crowding experienced in the huckleberry fields. Additionally, they opposed the commercialization of the huckleberry harvest as they saw these huckleberry fields as a Yakama resource that could be shared but not completely monetized or usurped.⁹³

The history of the conflict between the Yakama and the NFS and non-Indian park visitors parallels the history of the conflict surrounding Blue Lake: the dispute demonstrates incompatible cultural understandings of identity and belonging or entitlement to land. In this case and in the case of Blue Lake, the NFS strove to make National Parks and specific outstanding natural features, like Blue Lake and the huckleberry fields, more accessible to the public by

⁹⁰ Fisher, "The 1932 Handshake Agreement," 196.

⁹¹ Fisher, "The 1932 Handshake Agreement," 199.

It should be noted that this road was initially built for "fire prevention," but concurrently allowed easier access to the huckleberry fields for non-Yakama visitors.

Rebecca T. Richards and Susan J. Alexander, "A Social History of Wild Huckleberry Harvesting in the Pacific Northwest," *USDA Forest Service* (February 2006): 24, accessed March 10, 2016, http://www.fs.fed.us/pnw/pubs/pnw_gtr657.pdf.

⁹² "Before the stock market crash only a few hundred non-Indians had visited the Twin Buttes country every year. Most were local residents or recreationists who saw huckleberry season as a holiday and picked the fruit for home consumption. Over the next three years this trickle of tourists became a torrent of refugees that threatened to swamp both the Yakamas and the staff of the Mt. Adams Ranger District. Nearly seven thousand jobless whites poured into the mountains during the 1931 huckleberry season..."

Fisher, "The 1932 Handshake Agreement," 200-201.

⁹³ Fisher, "The 1932 Handshake Agreement," 202.

building roads or trails. This behavior of the NFS is a manifestation of a national land-based identity for Americans that emerged with the creation of National Forests and Parks. The locations where the government preserves outstanding natural landmarks or “pristine, natural” landscapes through the creation of National Parks fosters an American entitlement to visiting, and consuming, these spaces.⁹⁴ The pervasive ideology that Americans have a *right* to see natural sights and spaces within the fifty United States, and to recreate near or within them becomes a part of American identity. As this histories of Blue Lake and the huckleberry fields illustrate, this sense of entitlement to “consuming” the land through recreational experiences obscures histories and treated rights of Native peoples who have lived within and shaped these landscapes. This lack of understanding of the legal relationship between the Yakama and the U.S. government caused the overcrowding of the huckleberry fields.

Additionally, the absence of knowledge regarding the cultural and spiritual relationship between the Yakama and the huckleberry further explains why non-Indian huckleberry pickers felt justified in selling the berries, while the Yakama saw this to be a disrespectful aberration of the relationship between people and the Creator.⁹⁵ Settlers saw the fields as a site for economic entrepreneurship and opportunity for a unique “American” foray into the wild. In contrast, Margaret Saluskin, member of the Yakama tribe, explains that “Our sisters are the roots and berries. And you would treat them as such. Their life to you is just as valuable as another person’s would be.”⁹⁶ Ultimately, the space of the huckleberry field brought together conflicting understandings between the Yakama and the NFS and non-Native berry-pickers concerning

⁹⁴ Expanding on this point, Native Studies scholar Vine Deloria Jr. writes: “A good deal of what constitutes present-day love of and appreciation for land is aesthetic, a momentary warm feeling that is invoked by the uniqueness of the place. This warmth does inspire the individual, but it does not sustain communities, and therefore a prolonged relationship with the land is forfeited.”

Deloria, *For This Land*, 254.

⁹⁵ Fisher, “The 1932 Handshake Agreement,” 202.

⁹⁶ Margaret Saluskin, quoted in LaDuke, *All Our Relations*, 2.

national identities and the space of the Columbia National Forest, as well as the cultural significance of the huckleberry. Resulting from the power dynamic between the NFS, allied with settlers, and the Yakama, the Yakama decided that their cultural sovereignty and safety depended on having exclusive use of some of the huckleberry fields.

In 1921 the Yakama pushed for exclusive rights to a few berry fields that had not been widely used since the 1920s, strategically linking the desires of the Yakama to the NFS's goal of respecting the wishes of their American constituents. The Yakama directed their efforts to reserving huckleberry fields that white berry pickers no longer widely used, but that the Yakama still used for harvesting and hunting purposes. They hoped that this settlement would guarantee them some privacy to hunt, gather berries, and conduct ceremonies without much outcry from non-Native berry pickers.⁹⁷

However, this solution was shot down by the NFS due to concerns about public outcry, a lack of understanding that the Yakama have specific traditional berry fields, and a clash of cultural meanings pertaining to the gathering of huckleberries. The NFS's denial of the Yakama's solution on the grounds of potential public protest illustrates how the NFS defined that its constituency – whom the NFS “served” – excluded the Yakama.⁹⁸ As a result of drawing the distinction between American citizens and the Yakama, the NFS violated the treaty rights of the Yakama that assure the Yakama's access to hunting and foraging “at all usual and accustomed places.”⁹⁹ Additionally, the NFS did not understand the basis of the Yakama's appeal, which was that there exist specific, traditional sites for huckleberry gathering that the Yakama felt strongly

⁹⁷ Fisher, “The 1932 Handshake Agreement,” 203.

⁹⁸ Fisher, “The 1932 Handshake Agreement,” 204.

It is important to note that the Indian Citizenship Act would not be passed until 1924.

“Indian Affairs: Laws and Treaties. Indian Citizenship,” *Oklahoma State University Library*, compiled and edited by Charles J. Kappler, accessed March 10, 2016, http://digital.library.okstate.edu/kappler/vol4/html_files/v4p1165.html

⁹⁹ Fish and Wildlife Service, “Treaty With The Yakima, 1855”

“River Land for River People—Land&People”

about using and stewarding.¹⁰⁰ Instead, the NFS saw an abundance of identical huckleberry fields throughout the Cascades area and did not understand how the Yakama differentiated between them. As historian Andrew Fisher describes, at the time the NFS's ethic of conservation "equated unutilized resources with 'waste.'"¹⁰¹ Therefore, the NFS attached Western values to this behavior, and "Unable to grasp the Yakamas' attachment to traditional areas, the Forest Service dismissed their requests as demands for a monopoly on berry picking."¹⁰² It is ironic and yet entirely comprehensible that the NFS would deny the Yakama's request to exclusive right to huckleberry fields due to a misinterpretation of the Yakama's behavior stemming from an automatic assumption of Western values. This example of the Yakama and the NFS "talking past each other" due to cultural rifts is echoed in current NFS descriptions of the behavior of the Yakama.

¹⁰⁰ Fisher, "The 1932 Handshake Agreement," 197.

Eugene S. Hunn, *Nich'I Wana, "The Big River": Mid-Columbia Indians and their Land*, (Seattle, WA: University of Washington Press, 1991), 129.

¹⁰¹ Fisher, "The 1932 Handshake Agreement," 198.

¹⁰² Fisher, "The 1932 Handshake Agreement," 197.

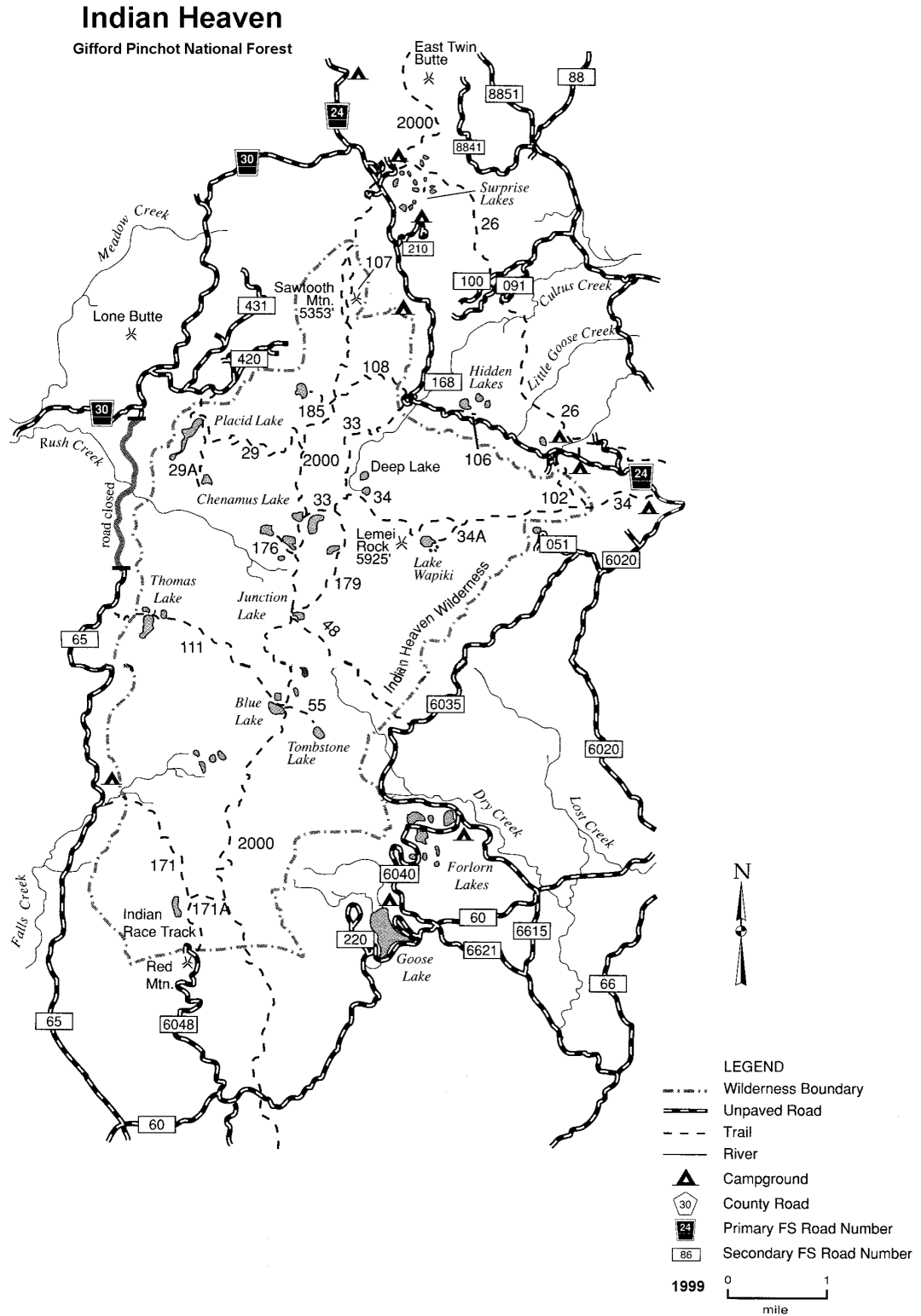


Figure 3: Map of the Indian Heaven Wilderness Area of the Gifford-Pinchot National Park. Huckleberry fields are located East of Road 24.

http://www.fs.usda.gov/Internet/FSE_MEDIA/stelprdb5160883.pdf

The Handshake Agreement



Figure 4: Example of Signage Noting Handshake Agreement Exclusive Use Lands,
<http://static1.squarespace.com/static/5384d440e4b0ba5104451018/5391fcf6e4b0037d4d324445/5391fde4e4b04a87d8e45357/1402076647436/4c+Handshake+agreement.JPG?format=1000w>

After further negotiation, in 1932 the Handshake Agreement, between Chief Willam Yallup of the Kah-milt-pah (Rock Creek) band of Yakama and Forest Supervisor J.R. Bruckart, created exclusive spaces for Yakama huckleberry gathering in the Gifford-Pinchot National Forest.¹⁰³ During the meeting to come to this agreement Bruckart explained to the Yakama that he did not have the power to ban non-Native people from the huckleberry fields: “I myself was placed here by the Great White Father to see that all people enjoyed the forest equally,” he explained. “I cannot exclude the White Man from the berry fields or I would also have to exclude

¹⁰³ Fisher, “The 1932 Handshake Agreement,” 204.

the Indians.”¹⁰⁴ However, Bruckart agreed to designate 2,800 acres and three campsites for exclusive Yakama use while the huckleberries were ripe.¹⁰⁵ The Yakama agreed to this settlement, and the agreement received its name by the affirming and closing gesture of the interaction – a handshake between Yallup and Bruckart. However, as Bruckart explained, he and the NFS had no power to expel non-Native people from the area, so he “relied on stop-gap measures and non-Indian cooperation”¹⁰⁶ to enforce the agreement.¹⁰⁷ These tactics for enforcement are the same today, with the addition of informative signage bordering the protected huckleberry fields.¹⁰⁸

¹⁰⁴ Fisher, “The 1932 Handshake Agreement,” 205-6.

¹⁰⁵ The campsites are Meadow Cree, Cold Springs and Surprise Lakes.

¹⁰⁶ Fisher, “The 1932 Handshake Agreement,” 205-6.

¹⁰⁷ Fisher, “The 1932 Handshake Agreement,” 205-6.

¹⁰⁸ I have been unable to find information as to the specific, current character of the handshake agreement in terms of whether it only allows Yakama huckleberry gathering, or includes all Native Americans. The signs posted within the Gifford-Pinchot remain generic, stating that the fields are reserved “for indians,” whereas the proceedings of the 1932 handshake agreement specifically refer to Yakama rights. I would assume that the informal character of the agreement explains why this inconsistency has not been easily rectified in my research.



Figure 5: Handshake Agreement Monument

[http://1.bp.blogspot.com/-M_YHkO03-](http://1.bp.blogspot.com/-M_YHkO03-WE/Tj8LjFnf7kI/AAAAAAAAABmU/dnVIfolSjpE/s1600/Aug%2B5%2B2011%2B%252846%2529.jpg)

[WE/Tj8LjFnf7kI/AAAAAAAAABmU/dnVIfolSjpE/s1600/Aug%2B5%2B2011%2B%252846%2529.jpg](http://1.bp.blogspot.com/-M_YHkO03-WE/Tj8LjFnf7kI/AAAAAAAAABmU/dnVIfolSjpE/s1600/Aug%2B5%2B2011%2B%252846%2529.jpg)

Reactions to the Handshake Agreement

NFS personnel reacted negatively to the creation of the Handshake Agreement. These reactions, in which NFS personnel regarded the Yakama as asking for “special privileges,”¹⁰⁹ illustrates the invisibility of the settler colonial underpinnings of the United States and functioned as a discursive tool to continue this invisibility. This argument frames the Yakama and other Native American groups as welfare recipients rather than sovereign nations with trespassed rights. This perspective undermines the sovereignty of Native nations like the

¹⁰⁹ Fisher, “The 1932 Handshake Agreement,” 208.

Yakama.¹¹⁰ This, in turn, leads to the legitimization of Goeman's articulation of "spatial colonial violence." By denying the existence of Native American nations in the United States through denying their sovereign rights, the United States' acquisition of lands is not seen as violence or as causing "fragmentation" because these newly "incorporated" lands are seen as a "tabula rasa."¹¹¹ In this way, the settler colonialism of the United States maintains its invisibility by never acknowledging that its land base is premised on taking land away from other sovereign nations. This is accomplished when NFS personnel regard the Yakama as asking for "special privileges" rather than the respect of treaties that establish the Yakama's sovereign character, because to acknowledge that the Yakama's claims to the huckleberry fields are legitimate would be to expose the United States as a settler colonial state. Therefore, in this model, the idea of having separate, exclusive spaces for use is seen as greedily appropriating resources from American citizens due to "preferential treatment," rather than protecting rights assured to the Yakama by the government. This configuration of Native American identities and understandings of Native peoples' battles for rights is pervasive today and frames most American debates surrounding issues relating to Native American rights, especially in terms of land claims. This misperception is the central stereotype that must be fought in order to achieve widespread success within land repatriations. As the Handshake Agreement confronts these entrenched beliefs about Native Americans as "welfare recipients," its success at adequately protecting the huckleberry fields for exclusive Yakama use is hindered.

The Handshake Agreement was informally maintained until committed to paper in 1990 to render it "an official component of the cultural resources program of the Gifford Pinchot

¹¹⁰ For more information on the legal status of Native American nations as "domestic dependent nations" within the United States, and the historical figuration of these nations as "wards of the state," see Joanne Barker "For Whom Sovereignty Matters" in *Sovereignty Matters: Locations of Possibility and Contestation in Indigenous Struggles for Self-Determination*, ed. Joanne Barker (Lincoln, NE: University of Nebraska Press, 2005), 1-31.

¹¹¹ Goeman *Mark My Words*, 32.

National Forest.”¹¹² However, since the NFS cannot legally close the reserved huckleberry fields to non-Native visitors, and because the NFS does not have adequate resources to have staff members patrolling the area, the Handshake Agreement is primarily upheld through “voluntary compliance”¹¹³ and the good will of the Forest Service and the public.

As the success of the repatriation of the land is due to public and NFS cooperation, the repatriation of land in this case is therefore more historically and socially contingent than other land repatriations explored in this paper. This begs the question, *is* this a case of land repatriation? I argue that it is: the Yakama have exclusive use rights to a portion of land that is vital to their cultural sovereignty, and are expanding the protection and actualization of these rights through increased stewardship opportunities within the Gifford-Pinchot National Forest. Additionally, the longevity of the Handshake Agreement is testament to the NFS’s commitment to its preservation. Ultimately, the Agreement is a step in the right direction toward protecting the interests of the Yakama.

Analyzing the Cultural Contexts of the Handshake Agreement

The preservation of the huckleberry fields through the Handshake Agreement only came about with the decline of settler interest in the huckleberry fields, in addition to the increasing overlap of the NFS and Yakama’s interests. Fisher notes that by 1932, Americans were no longer reliant on the Gifford-Pinchot huckleberry fields for survival, and visitors to this area began to abate. Therefore, the NFS was less likely to offend or interfere with the survival of its constituents by making an agreement with the Yakama. In addition, those Americans still using the huckleberry fields had a common interest with the Yakama in terms of preserving the huckleberry fields by limiting public overcrowding. This convergence of interest increased the

¹¹² Fisher, “The 1932 Handshake Agreement,” 214.

¹¹³ Fisher, “The 1932 Handshake Agreement,” 211.

desire of the NFS to forge the Handshake Agreement to fulfill the NFS's mission of stewarding the land to the desires of the American people.¹¹⁴ Therefore, the actualization of the Agreement can be understood as emerging from a momentary intersection of settler colonial and Native American decolonization interests. The NFS also considered the fact that Yakama presence in the huckleberry fields could be "a potential tourist attraction,"¹¹⁵ illustrating the pervasive American practice of commodifying the cultural practices of Native American peoples. In this case, the Yakama are essentialized as a static, "traditional" people, and reduced to a new facet of the "wildness" of the Gifford-Pinchot designed to increase revenue. Additionally, and perhaps most importantly, because huckleberries grow on land that is poor for timber growth, the NFS does not lose profitable land to huckleberry fields.¹¹⁶ In other words, one of the central reasons that the NFS made and kept the Handshake agreement was because they would not suffer financial or resource loss. In analyzing the cultural context of the establishment of the Agreement, it becomes clear that the NFS was working from a more secure and powerful position (in that they didn't have to negotiate from a place of survival), whereas for the Yakama, the protection of the huckleberry fields was a matter of cultural integrity and survival.

The Handshake Agreement in a Modern Context

"The alternative use of land proposed by the Forest Service, the Bureau of Land Management, and the National Park Service is the rapid exploitation of natural resources by a few favored private clients—a wholly secular and destructive use of the lands."¹¹⁷ – Vine Deloria

The cultural dissonance that created problems between the Yakama and the NFS, partially mediated by the Handshake Agreement, is still present in documents produced by the

¹¹⁴ Fisher, "The 1932 Handshake Agreement," 215.

This applies more directly to current land stewardship practices of the NFS in partnership with the Yakama (which I will explain below) than to the agreement to have exclusive use areas – but ultimately, both work to protect and manage the huckleberry fields to ensure their longevity.

¹¹⁵ Fisher, "The 1932 Handshake Agreement," 215-16.

¹¹⁶ Carol Craig, "Protecting the Huckleberry Fields Forever," *USDA Forest Service*. accessed March 10, 2016, http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fsbdev3_004852.pdf.

¹¹⁷ Deloria, *For This Land*, 212.

NFS about the huckleberry fields. Official Gifford-Pinchot NFS documents demonstrate a continued lack of understanding of importance of the fields as well as and best maintenance practices of these fields by the Yakama. This is exemplified in the NFS's 1990 *Final Environmental Impact Statement, Land and Resource Management Plan* in regards to the cultural importance of specific huckleberry fields to the Yakama:

[The Yakama] often prefer to remain in areas that they know, even though other berryfields do exist. ... The Forest supply of huckleberry fields, used by Native Americans as well as other recreationists, is essentially endless. ... As a result of forest succession and fire control efforts, however, the traditional berryfield locations known to Native Americans are disappearing.¹¹⁸

Several cultural rifts between the NFS and Yakama are displayed in this brief excerpt. The NFS describes the Yakama's use of specific culturally significant huckleberry fields as a preference to "remain in the areas that they know, even though other berryfields do exist,"¹¹⁹ painting their behavior as stubborn and uninformed rather than adhering to and respecting ancestral knowledge. Additionally, by equating the Yakama to "other recreationists" demonstrates that the NFS regards Yakama huckleberry harvesting as "recreation" rather than an integral part of their cultural survival and as a spiritual practice. Finally, the description of "disappearing" traditional berryfields due to NFS land stewardship practices is prefaced with the assertion that other huckleberry fields are "essentially endless."¹²⁰ This rhetorical configuration diverts attention from the NFS's failings to preserve the huckleberry fields specifically protected for the Yakama to focus on the Yakama's "ignorant" choice to not move on to other berryfields. By focusing on how the Yakama's berryfields are those that are disappearing, the NFS can partially foist responsibility onto the Yakama for the disappearance of these fields instead of owning up to their own detrimental land stewardship practices. These fundamental cultural rifts, as well as the tone

¹¹⁸ *Final Environmental Impact Statement, Land and Resource Management Plan: Gifford Pinchot National Forest*. USDA Forest Service, Pacific Northwest Region, 1990, 99.

¹¹⁹ *Final Environmental Impact Statement, Land and Resource Management Plan*, 99.

¹²⁰ *Final Environmental Impact Statement, Land and Resource Management Plan*, 99.

of this excerpt, indicate that friction is likely to arise with collaboration between the Yakama and NFS.

Information made available to the public by the NFS about the huckleberry fields provides a limited history of the Yakama's legal right to have exclusive use of huckleberry fields, which could lead to public rejection of the Handshake Agreement due to lack of information about the Yakama's treaty history. A brochure distributed by the NFS about the huckleberry fields provides a brief description of the significance of huckleberries to the Yakama on its first page. The second page lists "Do's and don'ts to harvest and help preserve a tradition of the Yakama Tribe,"¹²¹ which includes "Respect the Handshake Agreement Area [and] Respect the Treaty of 1855."¹²² However, the "historical" section of the pamphlet does not mention the treaty of 1855, beginning instead with an account of settlers during the Depression relying on huckleberries to survive.¹²³ After briefly describing this period, although not the consequences of overpicking, the brochure says "Tribal people complained that all of the newcomers were crowding them out of their own hunting and berrying grounds,"¹²⁴ which led to the Handshake Agreement. By not providing increased contextual and historical information about the Yakama's use of the huckleberry fields, as well as omitting the effects of overpicking during the depression and diminishing the reasons for the Handshake Agreement by using the word "complained," the brochure presents a devalued image of the legal right and cultural importance of the Agreement. In addition to the lack of information about the Yakama, the brochure also perpetuates a lack of understanding and respect for the Handshake Agreement as it centers

¹²¹ Craig, "Protecting the Huckleberry Fields Forever"

¹²² Craig, "Protecting the Huckleberry Fields Forever"

¹²³ It should be noted that the brochure was written by a member of the Yakama Nation, Carol Craig. Alison Owings, *Indian Voices: Listening to Native Americans*, (New Brunswick, NJ: Rutgers University Press, 2011), 262.

¹²⁴ Craig, "Protecting the Huckleberry Fields Forever"

American histories of the colonial mapping and concurrent use of space. By beginning its historical narrative with settler use of the huckleberry fields, the brochure marks the space of the huckleberry fields as a colonial, mapped space upon which Yakama rights are uneasily and superficially superimposed. If this is the only contextual information Gifford-Pinchot Forest visitors encounter about the history and legitimacy of the Handshake Agreement, the lack of coverage of longstanding legal claim to the area might deter members of the public from respecting the posted Agreement signs.

In the piece “Indian Humor” written about Yakama member Carol Craig, non-Yakama encroachment on the reserved berry fields was discussed as a recurring problem that is continuing today.¹²⁵ Writing in 2011, Craig explains that:

“Now immigrants, particularly from Southeast Asia, [are harvesting huckleberries and] ... either had no regard for, or knowledge of, rights of aboriginal people, literally spelled out on road signs: “This side of road reserved for Indians.” Furthermore, today’s intruders were not handpicking, as per tradition, but using metal rakes, aggressively. Some of the pickers cut limbs off the fragile bushes and then found a shady spot to strip the berries.”¹²⁶

Although it is far-fetched to completely assign this behavior to the lack of information on the NFS’s brochure about the huckleberry fields, the brochure is an example of (mis)information that centers colonial narratives while decentering and devaluing Yakama histories and rights to the huckleberry fields. This mindset is especially threatening as demand for huckleberries increases as this berry is becoming a “new” delicacy to many Americans.¹²⁷ Increasing numbers of

¹²⁵ For a non-Native’s perspective on the practice of huckleberry gathering and the threatened status of wild huckleberries due to increased consumer demand for them, see Annick Smith’s essay “Huckleberries”: Annick Smith, “Huckleberries,” in *The Sweet Breathing of Plants: Women Writing on the Green World*, ed. Linda Hogan and Brenda Peterson (New York: North Point Press, 2001), 38-48.

¹²⁶ Carol Craig quoted in Owings, *Indian Voices*, 267.

¹²⁷ “Similar to the blueberry, but juicier and more aromatic, the huckleberry has remained relatively obscure — until recently. It’s now used in more than 100 products, from pies and teas to candles and shampoos. Made In Washington, a gift basket and souvenir company based in Spokane, ranks huckleberry jams and syrups among its top sellers. The berries make a mouthwatering topping for cheesecake. And who can resist huckleberry ice cream?” Tan Vinh, “Hunt is on for rare, wild huckleberry,” *The Seattle Times*, August 14, 2005, accessed March 10, 2016, <http://www.seattletimes.com/seattle-news/hunt-is-on-for-rare-wild-huckleberry/>.

huckleberry pickers has escalated conflict between the Yakama and American pickers as American pickers are increasingly trespassing on Agreement-reserved land.¹²⁸ In this moment, pre-Agreement history is repeating itself, although now the impetus for encroachment is perhaps less about individual survival and more driven by the commodification of a “wild” food.¹²⁹ The NFS has attempted to delay non-Native huckleberry picking by pushing commercial huckleberry harvesting permit dates back to mid-August in an attempt to let the Yakama begin picking the fields first. However, it remains to be seen how effective this plan will be without encompassing increased education about the Handshake Agreement and the Yakama’s treaty rights.

Repatriation Through Shared Stewardship

A positive, recent development involving the repatriation of land to the Yakama has been the increasing involvement of the Yakama in the stewardship and preservation of the huckleberry fields of the Gifford-Pinchot National Forest. As the Yakama increasingly work with the NFS and incorporate some traditional stewardship practices for maintaining the huckleberry fields, they increase the degree to which they can work with the land and work to repair and reestablish a mutually beneficial relationship with the land. The Yakama understand the importance of periodic, prescribed burns to increase the habitat area and nutrients available to the huckleberries.¹³⁰ As of 2011, prescribed burns in the huckleberry fields have been planned and

¹²⁸ Vinh, “Hunt is on for rare, wild huckleberry.”

Robin Kimmerer’s essay about the illegal harvesting of moss in the Northwest illustrates the emotional toll that illegal and destructive harvesting practices of natural materials (including huckleberries) can have on Native peoples: “The other side of the stand has been picked clean; like vultures, they left only the bare bones. I imagine them sticking their dirty hands deep into the mat and ripping it off in swaths the length of their arms. It gives me the shivers to think of that tearing, like a woman stripped naked before her attackers. ... I imagine that they whistled to the dogs and headed back down the hill, dragging their hostages behind them. ... A pickup load’s not bad for the day. There’s a buyer down at the Pacific Pride station who’s paying cash.”

Robin Kimmerer, *Gathering Moss, A Natural and Cultural History of Mosses* (Corvallis, OR: Oregon State University Press, 2003), 152.

¹²⁹ The patenting of “wild rice” is another significant realm of debate about the consequences of the commodification of “wild” food. For more information, see Winona LaDuke, Ricekeepers, *Orion Magazine*, July/August 2007, accessed April 14, 2016, <https://orionmagazine.org/article/ricekeepers/>.

¹³⁰ Burning trees and underbrush brings an infusion of nutrients into the ground that the huckleberry bushes absorb,

executed in collaboration with the NFS and the Yakama,¹³¹ and the NFS acknowledges the potential of these burns to “enhance huckleberry production.”¹³²

The increased cooperation between the NFS and the Yakama illustrates an expansion of land repatriation to the Yakama, as Yakama stewardship of the huckleberry fields represents a return to and valuing of Goeman’s articulation of Yakama “grounding knowledge”¹³³ that has been disrupted by colonial spatial violence. In other words, land stewardship is land repatriation because it focuses on and makes possible the practiced, reciprocal relationship of Native peoples, like the Yakama, to culturally significant spaces. Repatriation of land is contingent on reestablishing and valuing these grounding knowledges of land that have emerged from continual, generational experiences on land. The reestablishment of grounding knowledges through their active practice also fosters the teaching of these knowledges, which increases community cohesion and health, and health of the ecologies of which the Yakama are a part.¹³⁴ Additionally, having institutional support by the NFS for Yakama stewardship allows these practices to be given a degree of protection, rather than mounting controlled burns without the

and maintains the integrity of the huckleberry fields from being overgrown by other flora. Huckleberry harvesters use other fields while a burned area regenerates, encouraging cyclic alternation of site use to allow constant cycles of renewal.

Owings, *Indian Voices*, 267.

¹³¹ “This fire management plan has been developed through coordination with adjacent State, tribal and rural cooperators. Key collaborators include Washington Department of Natural Resources, Yakama Nation and Yakama Agency Bureau of Indian Affairs, Columbia River Gorge National Scenic Area, Okanogan-Wenatchee National Forest, Mt Rainer National Park, the US Fish and Wildlife Service and the counties of Clark, Cowlitz, Klickitat, Lewis, Yakama, Pierce and Skamania.”

National Forest Service, *Gifford-Pinchot National Forest Fire Management Plan*, http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5378423.pdf.

¹³² “Gifford Pinchot National Forest: Sawtooth Berry Field Burn Tomorrow,” *USDA Forest Service*, September 22, 2011, accessed March 10, 2016, <http://www.fs.usda.gov/detail/giffordpinchot/news-events?cid=STELPRDB5331950>.

¹³⁴ Goeman, *Mark My Words*, 37.

¹³⁴ This can be linked to my previous discussion of how the Yakama regard their land stewardship practice of periodic, controlled burns as a practice that honors the huckleberries. Another way to view this is that practicing grounded knowledge has the effect of honoring and strengthening the health of ecosystems of the Yakama. Similar to how ecosystems are disrupted when a top predator is removed from an ecological web, so can the removal of Native American stewardship practices, like those of the Yakama, damage an environment.

NFS's permission and being charged with a crime for destroying federal property.¹³⁵ As the Yakama are tethered to colonial structures including the NFS, a land stewardship partnership is a decolonizing act of land repatriation because the Yakama are returning to and strengthening grounding knowledges within a constrained structure. In other words, the Yakama are working from an imperfect structure and a violent past to regain a practiced and partial sovereignty over the huckleberry fields.¹³⁶

Conclusion and Current Relevance of the Handshake Agreement

“The significance of the [seventy-fifth] anniversary [of the Handshake Agreement] was not only about access to the huckleberries, but that a treaty involving a white man, sealed with merely a handshake, has held.”¹³⁷

Ultimately the Handshake Agreement, while not involving monetary evaluations of land,¹³⁸ is mediated by capitalist understandings of land use and whether a “deal” will be economically advantageous to the United States government as represented by the NFS. Therefore, this case study illustrates the permeation of capitalist interests into non-ICC procedures (as the ICC was not established until 1946), and may also demonstrate that monetary advantage (or at least lack of monetary detriment) is the motivating factor for federal institutions to work with Native American groups like the Yakama to come to an agreement involving land use. In addition to being limited by economic factors, the lack of legal safeguards to protect the

¹³⁵ Concurrently, the consultation of the Yakama by the NFS demonstrates that the United States government respects and values the stewardship practices of the Yakama, signifying that the government recognizes not only the sovereignty of the Yakama, but also their unique ties to the land that can and should be learned from. As the Yakama are increasingly able to relate to the huckleberry fields and other lands of the Gifford Pinchot through the process of controlled burning, the Yakama are able to re-inscribe their unique, reciprocal relationship with the land. The restoration of this cultural practice strengthens their community and as it is legitimized and adopted by the government, can be seen as increasing the government's respect for the sovereignty of the Yakama.

¹³⁶ Additionally, although not adding to the reserved land of the Handshake Agreement, this stewardship partnership between the NFS and the Yakama allows for an expansion of the Yakama's physical relationship with to the land as recognized by the government (although ostensibly partially for the perpetuation of the National Forest's health so “mixed use” activity, including logging, can persist).

¹³⁸ By this I mean that the Yakama were never offered a dollar amount as a settlement instead of receiving claim to the land.

Handshake Agreement makes this a tenuous repatriation that is dependent on the NFS's continued honoring of it, as well as the public's awareness and respect of its provisions. This tenuous repatriation is strengthened and expanded, however, with the implementation by the NFS of Yakama traditional stewardship practices to preserving the huckleberry fields. By formally integrating these practices through collaboration with the Yakama, the Yakama also become more formally linked to the land and its health in the government's mind, which strengthens their claim to exclusive use spaces as protected by the Handshake Agreement.

Although limited, the repatriation encapsulated in the Handshake Agreement and the land stewardship collaboration between the Yakama and NFS is an unprecedented arrangement between a National Forest and a local tribal entity. In a report published by the U.S. Department of Agriculture and the NFS, titled *A Social History of Wild Huckleberry Harvesting in the Pacific Northwest*, these entities note that

At present, no such setaside agreement between the national forests of the Northern Region and the resident Native American tribes exists although tribal concerns about the commercial huckleberry industry have been regularly expressed. ... the tribes today are ... concerned with preserving traditional gathering and cultural significance. ... Forest Service huckleberry management policy in the Northern Region will undoubtedly have to develop ways to address regional tribal concerns and cross-border tribal/First Nations rights in the future.¹³⁹

Although not a perfect solution, the relationship established between the NFS and the Yakama may serve as a template for the NFS in other National Parks and Forests to create land use agreements that are mutually beneficial for Native peoples and the NFS.¹⁴⁰

The Handshake Agreement offers some practical lessons in actualizing land repatriation.

¹³⁹ Owings, *Indian Voices*, 262.

¹³⁹ Richards et al, "A Social History of Wild Huckleberry Harvesting in the Pacific Northwest," 91.

¹⁴⁰ Although National Forests and National Parks have "established or strengthened provisions allowing Indians to visit sacred sites and to gather traditional foods and medicinal plants on public property" (Fisher, "The 1932 Handshake Agreement," 217), the Handshake Agreement goes further than these provisions to ensure through a land reserve that these practices will be honored and not eroded by public interference. Richards et al, "A Social History of Wild Huckleberry Harvesting in the Pacific Northwest," 90-91.

These include understanding the importance of pointing out how an arrangement is economically advantageous to a government organization and the power that can come from aligning indigenous interests with those of more populous or dominant groups. Analysis of the historical and current contexts of the Handshake Agreement illustrates that governmental organizations highly value partnerships that will increase their revenue. Therefore, the more a Native American group can demonstrate how land repatriation will financially benefit a government agency like the NFS, the more likely this arrangement will take place. Complementarily, governmental organizations like the NFS should recognize the value inherent in allowing Native American groups protected access to lands within National Parks and Forests, as well as (for some groups) their treated rights to those areas. Additionally, getting the support of groups that the NFS sees as its “constituency” encourages the NFS to tackle these issues that might not otherwise be dealt with because they are seen as being raised by “Others,” individuals not within the body of people to whom the NFS is accountable. However, it is important to note the potential danger of indigenous interests getting coopted during the process of attempting to align them with the interests of the “general population.”

This case study also demonstrates that land repatriation encompasses land stewardship, thereby expanding the definition or understanding of land repatriation beyond simple ownership of lands. Understanding repatriation as the cultivation and strengthening of grounding knowledge through the practice of stewardship illustrates that land ownership on its own does not fully constitute repatriation. This opens possibilities of land repatriation for entities that do not have the financial or legal means to “buy back” lands from private or governmental landowners. Ultimately, the Yakama’s struggle to establish protection for and stewardship of huckleberry fields is itself theory relating to repatriation: their actions, working from a history of

dispossession and disempowerment by the United States demonstrate how land repatriation is imperfect, must involve action within the land, and is an ongoing process.

Chapter 2: The Inter-Tribal Sinkyone Wilderness Council and the Sogorea Te' Land Trust

Case Study Overview

This chapter will explore two land trust organizations, the Sinkyone InterTribal Wilderness Council and the Sogorea Te' Land Trust, both managed by and created to repatriate land to Native Americans. Examination of these two groups illustrates how land trust organizations and conservation easements are avenues to achieve land repatriation with less reliance on the government than necessary in the Gifford-Pinchot and Blue Lake cases. The Sinkyone InterTribal Wilderness Council is an example of a group of federally recognized tribes obtaining and managing a wilderness area in Northern California. The Sinkyone InterTribal Wilderness Council uses its member tribes' federally recognized status to achieve land repatriation, and thereby get community justice and healing, through innovative use of Western legal tools. The Sogorea Te' Land Trust is a Native American women-led organization that works to reclaim lands for the Ohlone people and other urban Native Americans in the Bay Area. These two examples chart opportunities for federally and non-federally recognized tribes to repatriate land in rural and urban contexts. Both privilege restoring and maintaining security for their Native American communities through land repatriation by viewing this land as space to re-inter ancestors, pass on knowledge, practice grounding knowledge-led land stewardship, create sustainable tribal employment opportunities, and remember and respect histories of the land and its native peoples that have been obscured by settler colonial mapping. They actualize this security through the strategic use of legal frameworks to work against a history of land-grabbing from Native peoples that is sanctioned by settler colonial justice systems and federal leaders.

The Sinkyone InterTribal Wilderness Council

The Sinkyone InterTribal Wilderness (hereafter, the Wilderness) is the first land parcel in the United States to be owned by a nonprofit land-conservation organization made up of federally recognized tribes.¹⁴¹ The Sinkyone InterTribal Wilderness Council (hereafter, the Council) is comprised of ten federally recognized Native American tribes with direct ancestral, cultural and historical connection to the land and the Sinkyone people. The Wilderness is made up of 3,845 acres of traditional tribal territory of the Sinkyone “located between the Pacific Ocean and the vicinity of the South Fork and main stem of the Eel River in Northern Mendocino and Southern Humboldt Counties.”¹⁴² The Council was formed in 1986 and later acquired the Wilderness land with help from multiple nonprofit and government organizations in order to “protect the Sinkyone rain forest and its numerous cultural and ecological values.”¹⁴³ The work of the Council focuses specifically on the Sinkyone Wilderness in terms of environmental stewardship and use of the Wilderness to strengthen tribal cultures. The Council also functions as a teaching body to encourage other tribal entities to take on their own ecological stewardship and cultural revitalization programs.¹⁴⁴

¹⁴¹ The Council’s member Tribes include: Cahto Tribe of Laytonville Rancheria; Coyote Valley Band of Pomo Indians; Hopland Band of Pomo Indians; Pinoleville Pomo Nation; Potter Valley Tribe; Redwood Valley Band of Pomo Indians; Robinson Rancheria of Pomo Indians; Round Valley Indian Tribes (a confederation of 7 Tribes); Scotts Valley Band of Pomo Indians; and Sherwood Valley Rancheria of Pomo Indians. The 7 confederated Tribes of Round Valley include: Yuki, Wailaki, Pomo, Little Lake, Nomlacki, Concow, and Pit River.” InterTribal Sinkyone Wilderness Council, “Appendix E: California Tribes and Tribal Identities,” prepared for *The California Tribes and Tribal Communities Appendix, North Coast Regional Profile, Marine Life Protection Act Initiative* (April 10, 2010): 228, accessed March 10, 2016, <http://www.dfg.ca.gov/mlpa/pdfs/rpnc0410/appendixe.pdf>.

“The Council’s Tribes have members who trace their ancestry directly back to full-blooded Sinkyone Indian people” InterTribal Sinkyone Wilderness Council, “Appendix E: California Tribes and Tribal Identities,” 231.

¹⁴² Middleton, *Trust in the Land*, 45.

It should be noted that the park covers only a fraction of the lands that the Sinkyone used to inhabit.

¹⁴³ Middleton, *Trust in the Land*, 45.

¹⁴⁴ Professor of Native American studies at the University of California, Davis has written extensively on Native American use of and thereby indigenization of Land Trusts and conservation easement legislation to serve Native American interests. A chapter of her book, *Trust in the Land: New Directions in Tribal Conservation* details the history of the establishment of the Council and Wilderness, and I draw extensively from her research for this chapter. She has also worked with the Sogorea Te’ Land Trust, and has written an article that describes their work.



Figure 6: Map of the InterTribal Sinkyone Wilderness and the Sinkyone Wilderness State Park, <http://ww2.hdnux.com/photos/12/75/21/2872433/13/rawImage.jpg>

The Sinkyone People

As mentioned above, the Council's member tribes have direct ties to the Sinkyone people, a Native American group that no longer exists as its own tribal entity. In the 1850s white settlers entered the land of the Sinkyone intent on the timber and gold available. As the Sinkyone and other California tribes could not be relocated Westward to accommodate the interests of the United States, a policy of extermination was chosen over one of relocation. This violent decision is illustrated in the words of California's first governor, Peter Burnett, addressing the legislature

in 1851: “A war of extermination will continue to be waged between the races until the Indian race becomes extinct.”¹⁴⁵ Contextualizing this policy decision in terms of the Sinkyone, Hawk Rosales, executive director of the Council,¹⁴⁶ explains that “Within 15 years, most of the Sinkyone people were annihilated through a combination of massacres, slavery, forced relocations, starvation, land theft, introduced diseases, rape, impoverishment, and other atrocities.”¹⁴⁷ The government sanctioned this violence aimed at obliterating the Sinkyone to better use their local resources, and both state and federal governments offered cash prizes to white settlers for the scalps of Sinkyone men, women, and children. In the face of this violence, Sinkyone people married into other local tribal groups and became enrolled members.¹⁴⁸

As the industry of logging redwood forests in Northern California intensified throughout the 1800s, including within the Sinkyone tribal territory, local tribes faced increasing economic impoverishment as well as violent oppression sanctioned by the state. As an act of survival, members of tribes local to the Sinkyone area turned to timber companies as their only source of employment. Rosales describes how this was a traumatic choice for these tribal people as they were tasked with “felling the ancient and sacred redwood trees that had sheltered and provided for their prosperity for countless generations.”¹⁴⁹ He explains how the redwood trees were and

¹⁴⁵ Philip Laverty, “The Ohlone/Costanoan-Esselen Nation of Monterey, California: Dispossession, Federal Neglect, and the Bitter Irony of the Federal Acknowledgment Process,” *Wicazo Sa Review*, 18, no. 2 (Autumn 2003): 51, accessed February 25, 2016, <http://www.jstor.org/stable/1409537>.

¹⁴⁶ I have been unable to determine with certainty whether Rosales is still the executive director of the Council, but I believe that he is as he is the most often cited as the executive director in media about the Council.

¹⁴⁷ Hawk Rosales, “The InterTribal Sinkyone Wilderness: Ten Tribes Reclaiming, Stewarding, and Restoring Ancestral Lands,” *International Journal of Wilderness*, 16, no. 1 (April 2010): 9, accessed March 10, 2016, http://ijw.org/wp-content/uploads/2010/08/Apr10-IJW-text-pgs-Vol16_no1.pdf.

¹⁴⁸ To get a sense of the scale of the annihilation of Native American lives in California (after contact with both Spanish and American groups): “Conservative estimates place the precontact aboriginal population of California at 300,000; more recent estimates place the population at around one million. By the end of the Mexican period the population in the entire state had dropped to 150,000, with most of the loss occurring among coastal peoples whose numbers had declined by about 95 percent. ... The nadir was reached in 1900 when the population [of Native Americans in California] was only 15,000.”

Laverty, “The Ohlone/Costanoan-Esselen Nation of Monterey, California,” 51.

¹⁴⁹ Rosales, “The InterTribal Sinkyone Wilderness,” 10.

are still used by member tribes: “the people used various parts of the redwood in the manufacture of their houses, clothing, baskets, fish traps, canoes, and a host of other items. Carved parts of the canoe corresponded to various parts of the human body, such as the heart and lungs. The Sinkyone people considered their canoes to be alive, and they often spoke to them.”¹⁵⁰

The Fight for the Sinkyone InterTribal Wilderness

Before the creation of the Council, a large portion of the ancestral lands of the Sinkyone were owned by the Georgia-Pacific Corporation, “one of the world's leading makers of tissue, pulp, paper, packaging, [and] building products,”¹⁵¹ who intended to log the redwood rain forest. However, after the 1985 court case *EPIC v. Johnson*,¹⁵² Georgia-Pacific were legally barred from proceeding with their logging plans and sold 7,100 acres of its Sinkyone rain forest land to the Trust for Public Land (TPL).¹⁵³ The TPL “raises funds to purchase conservation easements or accept and oversee donated easements on properties within their area of focus.”¹⁵⁴ The Sinkyone California State Park, established in 1975, received 3,225 acres of the Trust for Public Land parcel, while the rest of the 3,845 acres remained to be managed.¹⁵⁵ This history mirrors the creation of the Gifford-Pinchot National Forest, as in both cases land historically inhabited by Native Americans was turned into State and National Parks without any consultation with or acknowledge of local Native American groups.

Concerned about how the remaining TPL parcel would be handled, the Council formed

¹⁵⁰ Rosales, “The InterTribal Sinkyone Wilderness,” 9.

¹⁵¹ “About Georgia-Pacific,” *Georgia-Pacific*, accessed April 14, 2016, <https://www.gp.com/Company/Company-Overview>.

¹⁵² In which the International Indian Treaty Council, the Environmental Protection Information Center (EPIC) and others charged that Georgia-Pacific and the California Department of Forestry and Fire Protection (CDF) had failed to consult with Native Americans, protect local Native American cultural resources, and fully consider the consequences of the logging.

Middleton, *Trust in the Land*, 46-7.

¹⁵³ The Trust for Public Land received financial aid from the Save-the-Redwoods League and the California Coastal Conservancy.

Middleton, *Trust in the Land*, 47.

¹⁵⁴ Middleton, *Trust in the Land*, 25-26.

¹⁵⁵ Middleton, *Trust in the Land*, 47.

with the intent to purchase the remaining TPL lands to ensure that it was not transferred to another logging company.¹⁵⁶ The Council understood that the expectation of California state and other conservation and logging groups was that the rest of the Sinkyone parcel would be designated “multiple use,” opening it up to logging interests, as half of the TPL parcel would be permanently conserved.¹⁵⁷ In other words, in the eyes of the State and of conservation and logging groups, monetary gain and conservation can only ever be on equal footing – conservation can never supersede monetary interests. This mindset parallels that of the NFS when negotiating the Handshake Agreement, as the Agreement largely occurred and has been respected because it does not interfere with the NFS’s “mixed use” policies as huckleberry fields are bad timber land. Additionally, as expressed on the Council’s profile for California’s Fish & Wildlife report on California’s Marine Life Protection Act, “The Tribes have never relinquished or ceded their aboriginal rights to traditional and customary use of the coastline and marine waters within the North Coast Region.”¹⁵⁸ This also forms a parallel to the Yakama’s argument for the repatriation of huckleberry fields, citing ancestral-cultural use of the fields as protected by treaties made with the United States. Therefore, the Council formed to advocate for and protect the inherent, sovereign rights of its member tribes to use and steward ancestral lands from which they had been displaced.

¹⁵⁶ Middleton, *Trust in the Land*, 48.

¹⁵⁷ It is interesting to point out the euphemistic use of “multiple use” as it has been used by the NFS and other government entities in describing practices that often condone destructive logging practices.

¹⁵⁸ InterTribal Sinkyone Wilderness Council, “Appendix E: California Tribes and Tribal Identities,” 233.



InterTribal Sinkyone Wilderness Council

Figure 7: InterTribal Wilderness Council Logo,
<http://ww2.hdnux.com/photos/12/75/21/2872433/13/rawImage.jpg>

The member tribes chose specifically to pursue the actualization of their rights to access and steward the natural resources of the Sinkyone parcel through the formation of the Council “a 501(c)(3) nonprofit Tribal conservation consortium,”¹⁵⁹ because they recognized the legally strategic potential of forming a nonprofit organization to defend their land claim. Founder and former chairperson of the Council Priscilla Hunter explains that the Council could “serve as the official platform for gaining support and negotiating with the state of California and the TPL to acquire this land.”¹⁶⁰ The formation of the Council was a calculated move by the member tribes

¹⁵⁹ InterTribal Sinkyone Wilderness Council, “Appendix E: California Tribes and Tribal Identities,” 228.

¹⁶⁰ Middleton, *Trust in the Land*, 48.

to use legal and organizational systems of the United States, which have not historically favored Native American interests, as in the case of Blue Lake, to the tribes' advantage. Similar to the Yakama, the Council's member tribes also understood the importance of collaboration with conservation entities to strengthen their case, and therefore developed "restoration and stewardship projects, which the TPL and Coastal Conservancy supported."¹⁶¹ This effort allowed the Council to gain the support of these respected conservation groups to ultimately "[enable] the reestablishment of Indian stewardship on the land."¹⁶² It is important to note that this was the first collaboration between environmental conservation groups and local Indian communities in the Sinkyone area. The fact that this was unparalleled work is indicative of the divergent agendas of member tribes and local (and national) conservation and environmentalist groups, and that Native American groups have historically not been listened to or served by conservation agencies. This was also apparent in the huckleberry fields case study, as the stewardship strategies like controlled burns were not valued by the NFS. The Council, understanding conservation groups as gatekeepers to gaining widespread support for their stewardship plan for the Sinkyone parcel, articulated their shared interests and made strategic alliances to secure the support of the wide-ranging constituency of environmentalists. Council members also demonstrated their interest and commitment by attending public meetings about the land parcel and "[networking] with with local and regional environmental organizations and environmental justice supporters."¹⁶³

Ultimately, the Mendocino County Board of Supervisors, who oversaw the allocation of the TIL-managed Sinkyone land parcel, supported giving the parcel to the Council. The BOS noted that this decision was made due to the "benefits to the Court and the people of the State of

¹⁶¹ Middleton, *Trust in the Land*, 49.

¹⁶² Middleton, *Trust in the Land*, 49.

¹⁶³ Middleton, *Trust in the Land*, 49.

California that would result from returning this land to the indigenous people.”¹⁶⁴ This articulation by the BOS of the mutual benefits for the state and for local tribes resulting from the repatriation of the Sinkyone parcel demonstrates the effectiveness of the strategic educational work mounted by Council members. The heads of the PFT and the Coastal Conservancy agree that the BOS decision was probably due to a change in “the composition of the Board . . . and their constituencies” that caused these entities to support tribal stewardship, as well as due to the strategic work of the Council to “garner diverse local and regional support” for their initiative.¹⁶⁵ An example of the consciousness-raising efforts of the Council is their 1994 collaborative documentary project, *The Run to Save Sinkyone*, that was screened at the 1995 Sundance Film Festival.¹⁶⁶

Conservation Easement Development for the Sinkyone Parcel

Once in control of the Sinkyone parcel, the Council worked to develop a conservation easement for the land that would ensure stewardship of the land by member tribes in perpetuity.¹⁶⁷ A conservation easement delineates and protects the development of a property. This agreement is monitored by a third party that can intervene if the easement is not being respected. A conservation easement established as “in perpetuity” specifically delineates the way the land will be stewarded and can be enforced by legal means even if the property is bought or sold to another landowner.¹⁶⁸ In this light, conservation easements represent a legal avenue for tribes and other Native American groups “to gain access to and [increase] stewardship of”

¹⁶⁴ InterTribal Sinkyone Wilderness Council, “Appendix E: California Tribes and Tribal Identities,” 228.

¹⁶⁵ Middleton, *Trust in the Land*, 50.

¹⁶⁶ Middleton, *Trust in the Land*, 50-51.

¹⁶⁷ Middleton, *Trust in the Land*, 49-50.

It is important to note that this arrangement is very unique and separate from land that is held in trust for Native American groups by the federal government, which is the case with most tribal lands in the US. For the Sinkyone parcel, it is Native American delegates of tribes that oversee the land and have legal title to it – and the easement is enforced under state not federal law.

Middleton, *Trust in the Land*, 53-4.

¹⁶⁸ Middleton, *Trust in the Land*, 9-10, 12.

ancestral lands and culturally significant natural resources.¹⁶⁹ The Council is the first tribal group to establish a conservation easement with a private land trust, and is an example of the positive potential of conservation easements in terms of expanding stewardship opportunities and reincorporating ancestral lands into the purview of Native American groups.¹⁷⁰

The importance the Council places on maintaining privacy surrounding tribes' cultural traditions involving the use of natural materials stems in part from a history of these practices being infringed upon by the state either due to economic concerns (for instance, through sanctioning the logging of redwood trees), or, more recently, conservation motives. Recently, the Council has opposed the creation and proposed implementation of the State of California's Marine Life Protection Act (MPLA) because the Council feels the MPLA requires member tribes to share sensitive cultural information that could infringe upon their rights as sovereign nations:

“The State of California must understand that in requesting information from the Tribes about their ancestral territories, cultural uses, and relationships with coastal/marine resources, Tribal concerns about how the MLPAI will affect their traditional territories, uses, and relationships with coastal areas concurrently will be raised. The State cannot expect to receive Tribal use information without it being accompanied by the many serious concerns that go hand-in-hand with the potential threats to the Tribes' traditional cultural ways posed by implementation of the MLPAI. In our view, it is critically important that the preferred alternative adopted by the Fish and Game Commission at the end of this process contain provisions to ensure that traditional non-commercial Tribal uses are not restricted for the present or at any future time.”¹⁷¹

In this statement, the Council calls upon historical trends of land dispossession and demonization or appropriation of Native American cultural uses of natural resources to explain why they object to the implementation of an act that would probably curtail their ability to use “protected” resources. Whether these practices are appropriated or demonized, the net result is that

¹⁶⁹ As Middleton explains, “Conservation easements can help tribes to gain access to and stewardship of culturally important species; protect off-reservation treaty fishing and hunting rights; memorialize and cleanse sites where massacres occurred; reacquire alienated tribal lands; find a secure land base for ceremonies.” Middleton, *Trust in the Land*, 10.

¹⁷⁰ Middleton, *Trust in the Land*, 52.

¹⁷¹ InterTribal Sinkyone Wilderness Council, “Appendix E: California Tribes and Tribal Identities,” 240.

appropriating settler “[ignores] the humanity, complexity and intellect of Native peoples, just as they ignore the history of oppression that has been the experience of Native peoples in relation to the United States government and “mainstream society.”¹⁷² Therefore, in designing the conservation easements for the Wilderness, the Council was concerned with implementing legislation that would ensure the protection of traditional-cultural use of natural resources in the Wilderness through the maintenance of privacy. This focus on maintaining privacy echoes the concerns of the Taos Pueblo and the Yakama in their land repatriation struggles. All three groups directly link tribal sovereignty and the security of their community and culture to the protection of cultural practices that have faced criticism, violation and appropriation from the settler colonial nation itself.

The in perpetuity conservation easement for the Sinkyone parcel was developed in collaboration with the Council, the TPL, the Pacific Forest Trust, the Coastal Conservancy, and the Lannan Foundation.¹⁷³ The easement creates restrictions “on occupancy, use of horses, timber harvest, and development” in order to protect the health of the ecologies of the parcel, as well as the needs of the member tribes relating to use and stewardship of culturally significant resources. Importantly, “the easement does not detail the tribes’ traditional use of resources,”¹⁷⁴ an intentional decision to protect the cultural practices and rights of these member tribes from

¹⁷² Inez Hernández-Ávila, “Mediations of the Spirit: Native American Religious Traditions and the Ethics of Representation,” in *Native American Spirituality: A Critical Reader* ed. Lee Irwin (Lincoln, NE: University of Nebraska Press, 2000), 26.

Hernández-Ávila further elaborates on the psychology of appropriation of Native American cultural practices and artifacts: “Many, if not most, non-Native Americans seem to feel an entitlement regarding Native American ceremonial and cultural traditions, artifacts, and gravesites, including ancestral bones, that can only be understood in the context of the original entitlement the first colonizers felt toward this land by ‘right of conquest’ and soon after, ‘Manifest Destiny.’”

Hernández-Ávila, “Mediations of the Spirit,” 25.

¹⁷³ The Lannan Foundation gave the Council a \$1.3 million grant to purchase the Sinkyone land after being impressed with the Council’s work and vision for the land. From their website, “[The] Lannan Foundation is a family foundation dedicated to cultural freedom, diversity and creativity through projects which support exceptional contemporary artists and writers, as well as inspired Native activists in rural indigenous communities.”

“Welcome,” *Lannan Foundation*, accessed March 10, 2016, <http://www.lannan.org/about/about/>.

¹⁷⁴ Middleton, *Trust in the Land*, 52.

abuse by outside forces.¹⁷⁵ By consciously withholding information about how the land is used for ceremonies and other cultural practices, the Council protects the member tribes from voyeurism and destructive appropriation of specific cultural practices by outside groups.¹⁷⁶ The PFT monitors the easement by walking the land with Council members, another specification of the easement to ensure the cultural practices of the member tribes remain protected. This case is also different from other conservation easements with non-Native people because the Council has such deep cultural and ancestral ties to the land. Therefore, this easement provides an opportunity for “cultural restoration and healing”¹⁷⁷ on a different plane than what is normally accomplished in non-tribal conservation easements.

The Council also created a second in perpetuity conservation easement with the land conservation trust Sanctuary Forest that prohibits commercial logging. The easement only allows member tribes to harvest trees as a part of their restoration work and for cultural, not economic, purposes. This ensures that the forestry that happens on the land will always be aligned with local tribes’ practices and ideologies. Sanctuary Forest monitors the easement by recording the number and location of trees cut down for traditional purposes but does not ask specifically what cultural practices are at the heart of this process – another measure to protect the cultural practices of the member tribes.¹⁷⁸ Ultimately, the cultural easements established for the Wilderness ensure the security and permanence of the Council’s land stewardship practices, effecting a holistic repatriation of land that values and protects the grounding knowledge of the Council’s member tribes that informs their land stewardship practices.

¹⁷⁵ Middleton, *Trust in the Land*, 52.

¹⁷⁶ See Inez Hernández-Ávila’s essay “Mediations on the Spirit” for a discussion of the destructive effects of non-Native people appropriating Native American religious and spiritual practices. Hernández-Ávila, “Mediations of the Spirit,” 11-36.

¹⁷⁷ Middleton, *Trust in the Land*, 54.

¹⁷⁸ Middleton, *Trust in the Land*, 54-5.

Currently the Wilderness allows limited public access, and will ultimately contain three hiking trails and a few camping areas. The Council decided to limit traffic in the park to “[protect] the land’s cultural ecological resources and cultural privacy, and ... [promote] the Councils original intent to revitalize traditional tribal uses and stewardship.”¹⁷⁹ This use plan dovetails with the conservation easements established for the land to protect the ecological integrity of the area and to provide another layer of protection of member tribes’ cultural practices.¹⁸⁰

The Council and its Work: Land Stewardship

As Native Studies scholar Beth Rose Middleton delineates in her book *Trust in the Land*, the Council’s work focuses on land conservation within the historical territory of the Sinkyone tribe “through the acquisition, conservation, and stewardship of land, the revitalization of Native cultural land uses, and the preservation and restoration of important cultural-ecological resources.”¹⁸¹ This work is most notably mounted within the Wilderness.

Traditional stewardship methods employed in the Wilderness include controlled, rotational burning of forest understory plants for the health of the redwood forests; harvesting and thinning of resources used in basket-making, and for medicines and food; and the “breaching

¹⁷⁹ Middleton, *Trust in the Land*, 58.

¹⁸⁰ Although presenting a more extreme argument than what the Council advocates for, Vine Deloria, Jr. expands on why Native Americans believe that certain spaces should be protected from most or all human contact: “Land, for traditional peoples, includes the other forms of life that share places with us. Thus some places were perceived by Indians as sacred because they were inhabited by certain kinds of birds and animals. The Black Hills, for example, were regarded as a sanctuary for the animals, and human beings were not supposed to dominate the Hills or make their presence an inhibiting factor in the animals’ use of the area.” Deloria, *For This Land*, 258.

“Although we rarely experience it, there must be times when non-human forms of life perform ceremonies without the presence of human beings. ... In recent years we have seen good faith efforts by Congress and state legislatures to set aside areas of land as “wild rivers” or “wilderness areas.” These lands are to be protected from commercial exploitation and are to be used by human beings only under rigid rules of behavior. But this effort does not go far enough.”

Deloria, *For This Land*, 259.

¹⁸¹ Middleton, *Trust in the Land*, 56.

of berms at river mouths”¹⁸² to aid salmon migration.¹⁸³ Hawk Rosales explains that these practices have been conducted “for eons throughout this land,”¹⁸⁴ and are a vital facet of spiritual and ceremonial life for the member tribes of the Council. The Council encourages and fosters these Native-driven stewardship practices within the Wilderness, which would not be allowed in State or National Parks (like the Sinkyone California State Park), in an effort to reclaim and restore the relationships between member tribes and the ancestral land of the Sinkyone people.

Council members like basket weaver Luwana Quitquit¹⁸⁵ also work to establish spaces beyond the Wilderness to educate about land stewardship and cultural uses of the natural resources of the Sinkyone area. Quitquit endeavored to establish “Native gardens . . . to ensure the abundance and well-being of native plants that are needed for continuing age-old basket-weaving traditions.”¹⁸⁶ She also coordinated and led workshops for tribal youth that would “[teach] them to identify at least twenty plants per day. Once the children are confident in their knowledge, Quitquit takes them on a walk with the elders and the two groups identify and discuss the plants as they walk along together.”¹⁸⁷ Thus, the Council understands the integral link between stewardship of the Wilderness and education that connects youth and elders. As part of land repatriation is the practice of land stewardship, education regarding stewardship practices and their grounding knowledge is vital to land repatriation. This teaching also strengthens and connects communities as generational gaps between elders and youth are closed through traditional teaching practices that foster community cohesion.

Since 1992 the Council has worked with the California State Parks on various ecological

¹⁸² Rosales, “The InterTribal Sinkyone Wilderness,” 8.

¹⁸³ Rosales, “The InterTribal Sinkyone Wilderness,” 8.

¹⁸⁴ Rosales, “The InterTribal Sinkyone Wilderness,” 8.

¹⁸⁵ Quitquit passed away in 2011 and was a member of the Pomo tribe.

“Luwana Fay Quitquit Obituary,” *Lake County Record Bee*, December 28, 2011, accessed March 10, 2016, <http://www.legacy.com/obituaries/record-bee/obituary.aspx?pid=155226362>.

¹⁸⁶ Middleton, *Trust in the Land*, 57.

¹⁸⁷ Middleton, *Trust in the Land*, 57.

restoration projects in the Wilderness, including salmon habitat restoration. Council members are always involved in any restoration work done in the park, and use restoration projects as opportunities for employment for local tribal members, as well as a few non-tribal members.¹⁸⁸ This partnership has also resulted in increased opportunities for the Council to “conduct restoration projects, stewardship work, and cultural activities”¹⁸⁹ within the Sinkyone Wilderness State Park, which shares a 12-mile boundary with the Wilderness. Thus, a close partnership with the California State Parks has allowed the Council to effectively implement multiple ambitious restoration projects within and beyond the Wilderness area, as well as provide revenue and employment opportunities for member tribes and others in the area.

Looking toward the future, the Council hopes to develop more programs that encourage the use and stewardship of “the land’s traditional cultural-use plants,”¹⁹⁰ as well as expand the land conservation and stewardship influence of the Council beyond the Wilderness but within the historic Sinkyone tribal territory, especially in locations threatened by “development or industrial extraction.”¹⁹¹ Therefore, the Council’s current and proposed future work focuses on the meaningful use and integration of the land into tribal life as well as to use the Wilderness as a springboard for further preservation of ancestral Sinkyone lands.

The Council and its Work: Teaching Tribal Land and Resource Management

The Council is a teaching body for member tribes in terms of tribal management of land and natural resources, providing a concrete example of how to work within Western structures and collaborate with Western entities to articulate common goals and achieve land repatriation.

¹⁸⁸ Middleton, *Trust in the Land*, 59.

¹⁸⁹ Rosales, “The InterTribal Sinkyone Wilderness,” 12.

¹⁹⁰ Middleton, *Trust in the Land*, 60.

¹⁹¹ Middleton, *Trust in the Land*, 60.

Trust in the Land highlights the comments of several council members that testify to how serving on the Council enabled them to mount land restoration projects within their own tribal communities. A Council representative from the Pinoleville Pomo Nation, David Edmunds, notes that “The Council has shown us about networking, building alliances, and managing resources in a way that is consistent with cultural values.”¹⁹² The Pinoleville Pomo Nation has established an “Environmental Department” that oversees the development and maintenance of community gardens, educational outreach programs for children and young adults about Traditional Ecological Knowledge and ecological restoration projects within Pinoleville Pomo lands.¹⁹³ The Environmental Department does not directly credit the Council for its creation, however the Council’s pioneering work in establishing the Wilderness, as well as the opportunities it affords tribal leaders to learn about formal procedures for land restoration and reclamation augments and supports the land stewardship work of the Pinoleville Pomo Nation.

Council members, like Quitquit, also hope that the Council will formalize its status as a resource for tribal groups to learn how to navigate the reclamation of land by providing “workshops to other Native groups interested in forming Native land organizations focused on regaining Native lands for cultural conservation.”¹⁹⁴ In this way, the Council will expand its teaching mission beyond the member tribes directly involved in the Council, helping to steward lands and protect cultural practices throughout the United States by educating about how to use legal tools like conservation easements and land trust organizations to secure rights and access to lands and cultural resources.

Ideology of the Council

¹⁹² Middleton, *Trust in the Land*, 58.

¹⁹³ “Our Focus Areas,” *Pinoleville Pomo Nation Environmental Department*, accessed March 10, 2016, <http://www.ppnenvironmental.com/ourfocus/>.

¹⁹⁴ Middleton, *Trust in the Land*, 57.

The Council's decision to only allow the participation of federally recognized tribes in the organization implicitly makes the claim that only federally recognized tribes have the infrastructure and responsibility to mount the large-scale land reclamation and restoration projects mounted by the Council. Rosales explains that "The Council was formed by and for these federally recognized tribes—sovereign Indian communities that have recognizable tribal governments with the ability, authority, and responsibility to govern their own people, and to legitimately represent them."¹⁹⁵ Extrapolating from Rosales' words, only federally recognized tribes are included in the Council because their federally recognized status demonstrates that these groups have governmental structures that are strong and sophisticated enough to be dependable entities on the Council and serve their people. However, in terms of evaluating the structure of the Council within a larger United States context and implementing it on a wider scale, it is important to consider those who are left out of this model – tribes or groups of Native peoples who do not have federal recognition. Therefore, the question is raised of whether the Council's model of only accepting federally recognized tribes is the only way to ensure the presence of responsible, responsive Native American representatives. Without a "formal," Westernized governmental structure, non-recognized tribes may have a more difficult time determining a single representative of the group that is necessary for the organizational structure of the Council, made up of representatives of the ten member tribes. However, the fact that a tribe has federal recognition does not guarantee that the government in place actually serves its people authentically and effectively. The historical context of the establishment of Western governmental structures for Native American nations through the Indian Reorganization Act and the designation of federal recognition for certain tribes complicates the correlation of federal recognition and centralized, Western governmental structures to effective representation of and

¹⁹⁵ Hawk Rosales quoted in Middleton, *Trust in the Land*, 58.

governance for Native peoples.

The Indian Reorganization Act (IRA) of 1934 enforced the creation of tribal governments that were “based, not in native traditions, but in ‘constitutions’ and/or ‘charters’ drafted by the BIA”¹⁹⁶ and that, at least initially, were reliant on the approval of the Secretary of the Interior or the commissioner of Indian affairs.¹⁹⁷ Many scholars of Native Studies point to this legislation as a seminal moment of governmental paternalism and overt involvement in and influence over sovereign Native American nations.¹⁹⁸ Native Studies scholar Rebecca L. Robbins (Standing Rock Sioux) asserts that “the Reorganization Act was ... designed to undercut the unity marking traditional native societies, replacing it with a permanent divisiveness.”¹⁹⁹ Native studies scholars and activists Ward Churchill and Winona LaDuke point to the insidious nature of this legislation, asserting that “The “reorganization” created a structure within which U.S. “developmental” policies could be implemented through a formalized agency *comprised of the Indians themselves.*”²⁰⁰ Although the decision of the Council to only allow the participation of federally recognized tribes is not a wholesale endorsement of the IRA and the often ineffective or even destructive governments this legislation fostered, this history informs the tribal groups and leaders that are included in the Council’s work.

Additionally, federal recognition has not been easy to achieve for many tribes throughout

¹⁹⁶ Rebecca L. Robbins, “Self-Determination and Subordination: The Past, Present, and Future of American Indian Governance,” in *The State of Native America: Genocide, Colonization, and Resistance*, edited by Jaimes, M. Annette (Boston: South End Press, 1992), 95.

¹⁹⁷ Robbins, “Self-Determination and Subordination,” 95.

¹⁹⁸ Donald Fixico, “Federal and State Policies and American Indians” in *A Companion to American Indian History*, ed. Philip J. Deloria and Neal Salisbury (Malden, MA: Wiley-Blackwell, 2002), 386.

¹⁹⁹ Robbins, “Self-Determination and Subordination,” 95.

This sentiment is echoed by writer and literary critic Leslie Marmon Silko (Laguna Pueblo), as she notes that this circumvention of traditional governmental practices allowed the political prominence and power of “so-called progressives ... who had been brainwashed in Bureau of Indian Affairs schools or missionary schools.”

Leslie Marmon Silko, *Yellow Woman and a Beauty of the Spirit* (New York: Simon & Schuster, 1996), 93-94.

²⁰⁰ Ward Churchill and Winona LaDuke, “Native North America: The Political Economy of Radioactive Colonialism,” in *The State of Native America: Genocide, Colonization, and Resistance*, edited by Jaimes, M. Annette (Boston: South End Press, 1992), 244. Emphasis theirs.

the United States for the requirements for demonstrating sovereignty are directly at odds with historic State and Federal policies, for instance in California, policies of extermination of Native peoples.²⁰¹ Anthropologist Philip Laverty writes that:

The fear of violence that led to exhortations never to admit you are Indian in public call into question simplistic federal acknowledgement criteria requiring the identification of Indian communities as Indian tribes by reliable, external authorities. When “experts” and the general public hold views crafted through the colonial experience of what constitutes Indian identity, when non-Indians partake in widespread ideologies of extinction, and when Indians hide their identity because of concrete fears of violence, mandatory criteria relating to the identification of a community as an “Indian tribe” by external sources prove patently senseless. This is the bitter irony of the federal acknowledgement process.²⁰²

This passage illuminates the paradox many tribal people face concerning federal recognition.

The federal recognition process institutionally “forgets” the past actions of the government by requiring criteria that many tribes are unavailable to provide *due* to the government’s actions involving land displacement, genocidal violence and denial of religious freedom. Therefore, the fact that the Council uses federal recognition as a gauge for participation prevents the engagement of tribes who have faced more extreme, pervasive, and violent colonialism.²⁰³

Andrea Smith asserts that Native feminisms offer an antidote to the negative aspects of tribal governments, asserting that “There is power in tribal governments whose claims for sovereignty are dependent on recognition by a racist colonial empire, power that Native feminist theories and their centering of gender and indigeneity undermine.”²⁰⁴ Although the Council and its member tribes sought “recognition by a racist colonial empire”²⁰⁵ in the form of the

²⁰¹ For more information about the process to become a federally recognized tribe, see Vine Deloria, Jr and Clifford M. Lytle, *The Nations Within: The Past and Future of American Indian Sovereignty*, (New York: Pantheon Books, 1984).

²⁰² Laverty, “The Ohlone/Costanoan-Esselen Nation of Monterey, California,” 71.

²⁰³ This in some ways is an ironic point to consider as the Council’s expressed goal is to protect and preserve the interests of the Sinkyone people (who are now members of each of the member tribes), but who as an entity no longer exist in the eyes of the government.

²⁰⁴ Arvin et al, “Decolonizing Feminism,” 22.

²⁰⁵ Arvin et al, “Decolonizing Feminism,” 22.

Mendocino BOS, the fact that the Council was able to reclaim the Wilderness through the relatively government-independent process of forming a land tenure organization indicates that the Council's work is not directly profiting the government to the detriment of Native peoples. Rather, a more nuanced reading of the Council's decision to restrict membership to federally recognized tribes is necessary. This decision of the Council is couched in the reality that all Native American tribes are tethered to a settler colonial nation and its colonial rubrics of legitimacy, like the criteria necessary for federal recognition. As the United States government views federally recognized tribes as more legitimate national entities than non-recognized groups, Native peoples face constraints relating to the effectiveness of their organizing efforts, especially as they attempt to work transnationally. As the process of establishing the Wilderness was only accomplished through extensive collaboration with outside entities for financial reasons and because the Council was the first of its kind, the Council had a stake in ensuring it would be understood by Western individuals and groups as a dependable and respected organization. Therefore, as the Council mounts decolonizing land repatriation work, they make compromises regarding only involving federally recognized tribes in an effort to increase their efficacy. The Council's land repatriation, therefore, embodies Tuck's assessment of repatriation as a messy process that contests settler colonialism from a position and history of marginalization.

The Wilderness as Land Repatriation

“Easements and land trusts can fit within a portfolio of admirable work ‘in which Indians and their representatives have used the judicial and legislative processes to reclaim land, natural resources, and political power.’”²⁰⁶ – Charles F. Wilkinson

The creation of the Wilderness by the Council is an act of land repatriation. The Council illustrates a path to this goal, the creation of land tenure organizations and establishment of conservation easements, that allows Native peoples to dictate the terms of land repatriation.

²⁰⁶ Charles F. Wilkinson quoted in Middleton, *Trust in the Land*, 6.

Although this process demands the creation of coalitions due to the fact that it is financially demanding and requires knowledge of laws surrounding property rights and conservation, the Council illustrated that it was successful in creating mutually beneficial coalitions with environmental conservation groups and governmental agencies.²⁰⁷ Rather than waiting for government structures to recognize the inherent rights of tribes' to lands, as in the case of Blue Lake; or being dependent to the beneficence of the government in honoring informal land use agreements, as in the case of the Huckleberry fields in the Gifford-Pinchot National Forest; by using the legal tools of land trust organizations and conservation easements, the Council was able to largely set its own agenda of land reclamation and execute it with little governmental interference. The Council illustrates a way to achieve the "end goal" of land repatriation, the regaining of control over lands, without the limitations that often come with government-mediated land repatriation cases. Additionally, and most importantly for non-federally recognized tribes, this process completely circumvents the government's awarding of lands to Native Americans based on federal recognition. Land tenure organization and conservation easements opens avenues for non-federally recognized tribes to repatriate land completely separate from the government's influence.

This method of repatriation by creating land tenure organizations and buying back land or creating conservation easements bypasses *and* plays into capitalist and United States

²⁰⁷ As a caveat, Winona LaDuke notes an instance where collaboration with environmental groups is destructive for Native Americans: "The National Wildlife Federation, for instance, sued the Bureau of Land Management (BLM) to make it stop leasing five canyons in southern Utah to the Ute. ... The Nature Conservancy, a wealthy national environmental organization with chapters across the country, likes to buy land and preserve it. The conservancy holds over one million acres of land in the United States. In 1983, the Nature Conservancy purchased 400 acres on the White Earth reservation in order to preserve it. Then they gave that land to the state of Minnesota, with not so much as a by-your-leave to the Native community that lived there. Although the conservancy recognized their *faux pas* in internal briefing documents, the organization has expressed no interest in working collaboratively with the reservation to restore and protect its ecosystems. When approached to consider collaborative ventures with the Native people of White Earth, the conservancy has thus far shunned us as marginal to the conservancy's priorities." LaDuke, *All Our Relations*, 131.

governmental and legal systems for acquiring land. Ultimately, the scale of land repatriation that the Council mounts through the creation of the Wilderness is one that privileges Native American groups or nations that have a measure of financial stability and resources. As was expressed above, the Council's process for reclaiming land completely side-steps legal systems like the ICC and government bargaining so that Native American peoples have a greater chance of achieving their goals. However, the Council's method of repatriating the Wilderness required it to pay for the land, which plays into evaluating land based on capitalist terms. It is important to note that establishing conservation easements on land does not necessitate purchasing the land, so this is not an inherent facet of the land repatriation mounted by the Council.

Ultimately, the Council's project to establish the Wilderness is one that may be most effective for federally recognized tribes, as the process of purchasing that large of a parcel of land may not be financially feasible for Native American groups that do not have federal recognition and therefore have few financial resources. As the Council illustrates, even a group of federally recognized tribes needs extensive monetary support, and the Council relied on networking and collaborating with other groups to achieve their goals. The creation of land tenure organizations and conservation easements has the potential to meaningfully change the minds and practices of non-tribal groups, like conservation organizations to further tribal stewardship of lands not solely belonging to Native American groups. However, this progress will probably necessitate Native American groups educating non-Native groups. Additionally, the Council's method of banding together many different tribes could also circumvent problems relating to the infeasibility of purchasing land, which increases opportunities for non-federally recognized tribes to follow this path. This method also encourages communal ties between Native groups as they unite against oppressive settler colonial structures. The intertribal model of

the Council works outside of and contests the fragmentation and isolation of Native communities that settler colonialism enforces. Transnational alliances not only allow Native groups to pool resources, but also recognize patterns of oppression stemming from settler colonial mapping and work to more effectively and innovatively contest them. These innovative challenges to settler colonialism include the repatriation of land to a consortium of Native American groups with the intent to be used inter-tribally, rather than in an isolated manner.

The Council and the creation of the Wilderness are examples of strategic legal work executed by Native American groups. For twenty years the Council has successfully maintained its structure, raised funds for and accomplished environmental restoration projects within the Sinkyone Wilderness area. The two-decade tenure of the Council illustrates it has a structure and mission that are effective in their local environment. The Council notes that, in their experience “the most successful Native conservation organizations are those that establish and maintain sound fiscal management practices, develop and expand effective infrastructure, and collaborate via long-term partnerships with other organizations and agencies.”²⁰⁸ Studying the Council’s work illustrates how tactically accommodating or playing into Western practices and organizational procedures allowed the Council to achieve their goal of creating the Wilderness by demonstrating their legitimacy in a Western context and framing their goal in a way that was understandable to Westerners. This hard, trail-blazing work of the Council has paved the way for other Native American groups who are interested in land and cultural stewardship to be more immediately recognized as legitimate stakeholders in conservation projects. One of these groups building on the work of the Council is the Sogorea Te’ Land Trust.

The Sogorea Te’ Land Trust

Sogorea Te’ Land Trust is an organization headed by Corinna Gould (Chochenyo/Karkin

²⁰⁸ Middleton, *Trust in the Land*, 60.

Ohlone) and Johnella LaRose (Shoshone Bannock) that works to protect and preserve sacred burial sites and other lands for use by the Ohlone and other urban Native American people living in the San Francisco Bay Area. As the Ohlone are a tribe that is not federally recognized, Sogorea Te' Land Trust works to “[facilitate] the return of Chochenyo and Karkin Ohlone lands in the San Francisco Bay Area to Indigenous stewardship.”²⁰⁹ In response to the central impediment of financial limitations in acquiring land, Sogorea Te' Land Trust recently has implemented a voluntary “Shuumi Tax”²¹⁰ program that allows non-Native individuals living on Ohlone land to pay a tax that directly funds the land reclamation work of Sogorea Te'. The Sogorea Te' Land Trust illustrates that land trusts can be implemented in urban settings, and to serve Native people who do not belong to a federally recognized tribe. Through the innovative “Shuumi Tax” program that subverts and inverts the effects of taxes to gather financial resources for reclaiming land on Native American terms, Sogorea Te' Land Trust is an organization that upholds tenets of indigenous feminisms by defining and actualizing security for urban, non-federally recognized Native peoples through land repatriation.

History

The ancestral lands of the Ohlone, also known as the Costanoan-Esselen, are in and around Monterey Bay, including the land upon which San Francisco now sits. The Ohlone were among the “Mission Indians” that faced enslavement in Spanish missions from the late 1700s to 1846, and subsequent enslavement and attempted extermination by the United States government until the early 1900s.²¹¹ To gain access to land some Ohlone married non-Native people, and

²⁰⁹ “HorSe Tuuxi (Good day),” *Sogorea Te' Land Trust*, accessed March 10, 2016, <http://www.sogoreate-landtrust.org/>.

²¹⁰ “Shuumi” means “to give” in Ohlone.

“Shuumi Land Tax,” *Sogorea Te' Land Trust*, accessed March 10, 2016, <http://sogoreate-landtrust.com/shuumi-land-tax/>.

²¹¹ Lavery “The Ohlone/Costanoan-Esselen Nation of Monterey, California,” 42-55.

“Nearly simultaneously with the founding of San Carlos was a devastating increase in mortality rates among native

many, faced with the threat of violence, increasingly went “underground,” and hid their indigenous identities.²¹² Today, Ohlone activists fight for protection of sacred burials sites, shellmounds, in and around San Francisco. Shellmounds are large earthen mounds that receive their name from the large amount of broken seashells in them. Shellmounds contain burial artifacts and ancestral remains and have in the past and continue today to be disturbed and desecrated.²¹³ Approximately 12,000 ancestral remains removed from the shellmounds are now housed at the University of California, Berkeley.²¹⁴

peoples resulting from diseases both endemic and epidemic and amounting to a net population decline of 62 percent per generation and a mean life expectancy of only 7.6 years.”

Laverty, “The Ohlone/Costanoan-Esselen Nation of Monterey, California,” 44.

²¹² Laverty, “The Ohlone/Costanoan-Esselen Nation of Monterey, California,” 59.

²¹³ Janice Hwang, “Protecting the Ohlone Shellmounds of Berkeley, San Bruno, and Emeryville,” *News from Native California*, 17 no. 3 (Spring 2004): 12, accessed March 10, 2016,

<http://libproxy.vassar.edu/login?url=http://search.proquest.com/docview/217815372?accountid=14824>.

Shadi Rahimi, “Black Friday Brings Shellmound Protest,” *Indian Country Today*, January 2, 2009, *Indian Country Today Media Network*, accessed February 24, 2016, <http://indiancountrytodaymedianetwork.com/2009/01/02/black-friday-brings-shellmound-protest-80668>.

“Save the Shellmounds!” *Indian People Organizing for Change [IPOC]*, accessed February 24, 2016,

<http://ipocshellmoundwalk.homestead.com/shellmound.html>.

²¹⁴ Rucha Chitnis, “4 Native Women Redefine Security and Fight for Sacred Places,” *Indian Country Today*, July 22, 2015, *Indian Country Today Media Network*, accessed March 10, 2016,

<http://indiancountrytodaymedianetwork.com/2015/07/22/4-native-women-redefine-security-and-fight-sacred-places-161060>.

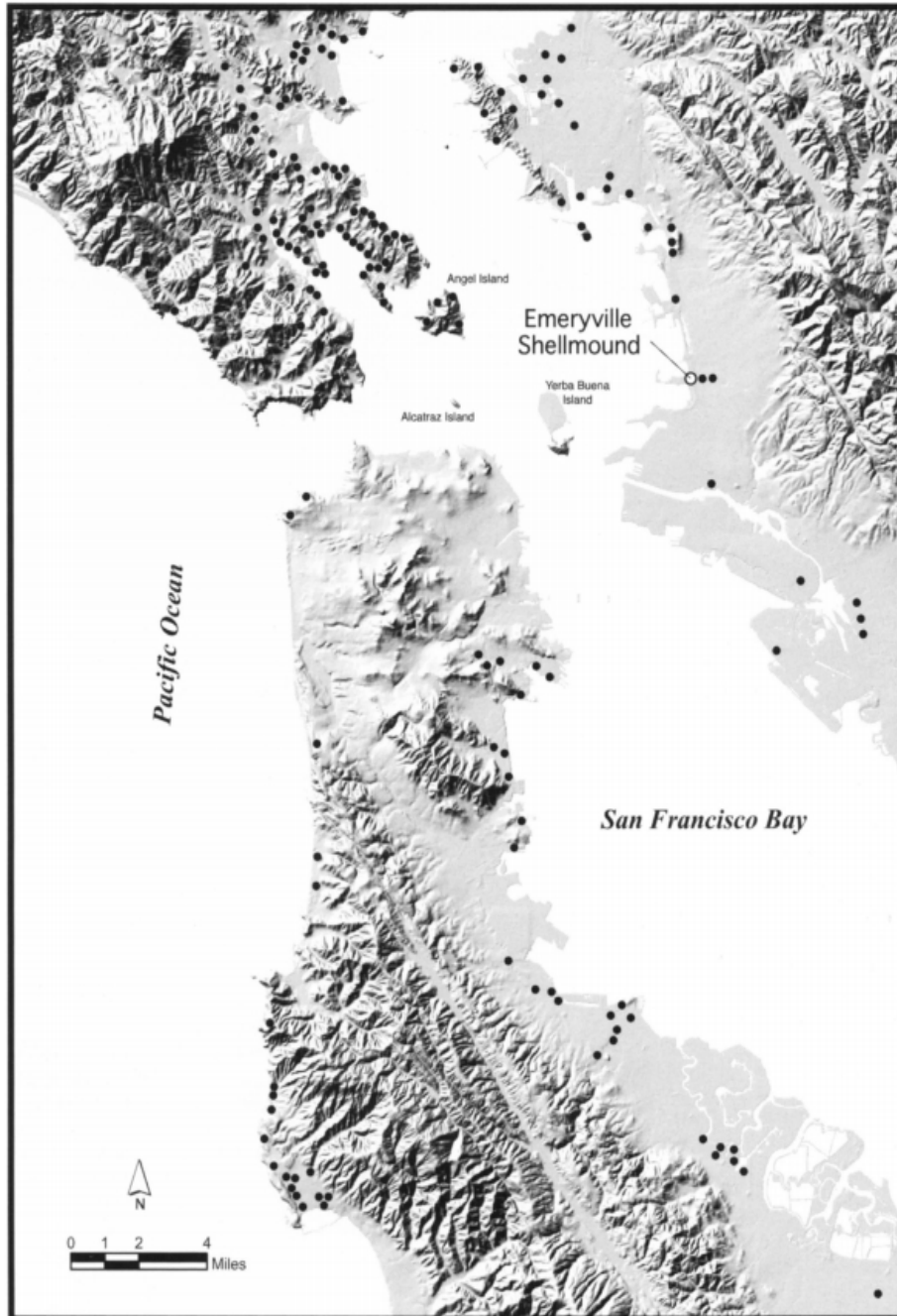


FIG. 1. Map of the San Francisco Bay area, showing location of the Emeryville Shellmound and other shellmound sites (site locations from Nelson 1909).

Figure 8: Map of Shellmound Locations
<http://www.jstor.org/stable/40166805>.



Figure 9: Emeryville shellmound being leveled, photo taken in 1924
<http://berkeleyplaques.org/wp-content/uploads/2014/04/Emeryville-Shellmound-being-leveled-photo-1924-W.E.-Schenck-L.L.-Lound-Hearst-Museum-of-Anthropology.jpg>



Figure 10: Emeryville Shellmound "today," photo taken 2013
<http://berkeleyplaques.org/e-plaque/shellmound/>

Ohlone Shellmounds Activism

Ohlone activists have organized around the desecration of shellmounds with varying degrees of success. Two divergent examples of organizing around shellmounds are the Emeryville shellmounds, which resulted in a mall being built on top of the shellmound, and Sogorea Te' (also known as Glen Cove), which resulted in a cultural conservation easement managed by local federally recognized tribes. The Bay Street Mall, built directly on top of the Emeryville shellmounds, opened in 2002 amid protests from the Ohlone people. Archaeologists have estimated that the shellmound was used from 2,500 years ago until the 1700s, but that multiple archaeological and construction projects have disturbed and reduced the size of the mound.²¹⁵ Noted on the 1859 survey map of the area, the shellmound was estimated to be thirty feet tall and 600 feet wide.²¹⁶ Unable to protect the shellmound from construction due to its location on private land and perhaps also misinformation about the mound being a trash heap,²¹⁷ the Ohlone have periodically protested at the mall on "Black Friday" to raise awareness about the desecration of this sacred burial ground.²¹⁸

²¹⁵ Hwang, "Protecting the Ohlone Shellmounds of Berkeley, San Bruno, and Emeryville," 12.

²¹⁶ Chitnis "4 Native Women Redefine Security and Fight for Sacred Places," <http://indiancountrytodaymedianetwork.com/2015/07/22/4-native-women-redefine-security-and-fight-sacred-places-161060>.

²¹⁸ "Save the Shellmounds!"

²¹⁸ Rahimi, "Black Friday Brings Shellmound Protest"

Also interesting to note, "The [Bay Street Mall] developer plans to install a memorial called "Landscape and Memory" in tribute to the Ohlone people and the shellmound."

Hwang, "Protecting the Ohlone Shellmounds of Berkeley, San Bruno, and Emeryville," 12.



Figure 11: Signage constructed at Sogorea Te during indigenous occupation (activist/Sogorea Te' Land Trust creator Corinna Gould pictured far right)
https://upload.wikimedia.org/wikipedia/commons/0/0a/Sogorea_Te.jpg

Ohlone and other Native American activists were able to mediate the construction of a parking lot and restrooms at a “recognized sacred site”²¹⁹ called Sogorea Te’, resulting in a cultural conservation easement negotiated in 2012 between the City of Vallejo and two local federally recognized tribes. The Greater Vallejo Recreation District (GVRD) on behalf of the City made plans to develop Sogorea Te’ into a city park, including a restroom facility and

²¹⁹ Beth Rose Middleton, “‘Just Another Hoop to Jump Through?’ Using Environmental Laws and Processes to Protect Indigenous Rights,” *Environmental Management*, 52, no. 5 (November 2013): 1063, accessed March 10, 2016, doi: <http://dx.doi.org/10.1007/s00267-012-9984-5>.

“Known as Sogorea Te, Gould said the site is a former village that dates back to at least 1500 B.C. and was once a vibrant trading outpost used by many tribes for commerce, intermarriage and burials. It was also where [Corinna Gould’s] great-great-great grandmother was born.”

Marc Dadigan, “Protesters Say Vallejo Park Construction Desecrated Shellmound and Burial Ground,” *Indian Country Today*, June 25, 2012, *Indian Country Today Media Network*, accessed March 10, 2016, <http://indiancountrytodaymedianetwork.com/2012/06/25/protesters-say-vallejo-park-construction-desecrated-shellmound-and-burial-ground-119599>.

parking lot on “an area of the site containing cremations.”²²⁰ After consulting with a lone Native American individual, as the law stipulates that “getting permission from the Indian community only requires the permission of one individual,”²²¹ the GVRD began to “develop” the property. In protest of desecration of this sacred site, Ohlone and other Native American activists, including Corinna Gould, camped on the property for 109 days. Finally, activists reached an agreement with the GRVD to create a cultural conservation easement with two federally recognized tribes that historically used the site, the Cortina Rancheria and Yocha Dehe Wintun Nation. This easement stipulated that a smaller parking lot would be constructed and that representatives from both federally recognized tribes would be on site monitoring the construction.

However, in an interview with *Indian Country Today*, Gould notes that portions of the construction agreement at Sogorea Te’ were not followed and expresses her frustration at the lack of Ohlone voices in this process. Gould explains the agreement made between the GRVD and the federally recognized nations was not followed, as “six parking spaces were built instead of two, and an estimated six feet of shellmound was graded and contoured, likely disturbing [Gould’s] ancestors burials.”²²² Gould implies in this interview that this transgression of the agreement was due to the lack of Ohlone involvement in construction, saying “I think we were naïve in thinking the recognized tribes would do the right thing. *We’ve learned a government is a government.*”²²³ Gould’s comment draws a distinction between the values of federally and non-federally recognized tribes, noting that federally recognized Native American governments are as

²²⁰ Middleton, “‘Just Another Hoop to Jump Through?’” 1063.

²²¹ Poor News Network/Prensa POBRE, “PNN-TV: Sogorea Te (Glen Cove) Sacred Site Resistance,” Youtube video, 9:22, Uploaded April 15, 2011, accessed March 10, 2016, <https://www.youtube.com/watch?v=oBVHH8XaLKw>.

²²² Dadigan, “Protesters Say Vallejo Park Construction Desecrated Shellmound and Burial Ground.”

²²³ Dadigan, “Protesters Say Vallejo Park Construction Desecrated Shellmound and Burial Ground.” Emphasis mine.

“bad” for the Ohlone as the United States as a settler colonial nation. Speaking from the historical and cultural context of federally recognized governments, organized through the IRA, that simply functioned as extensions of the settler colonial aims of the United States, Gould directly challenges the legitimacy of Western governmental structures imposed on Native American groups. Huhndorf’s critique of nationalist Native American movements deepens Gould’s argument:

Even as ... assertions of autonomy and distinctiveness render indigenous nationalism a subversive force, it nevertheless remains an inherently limited, contradictory mode of anticolonial resistance. ... It neglects indigenous communities that fall outside the legal category of “nation” – those without treaties, for example, or urban communities whose histories render “restoration” and political autonomy irrelevant. This creates a paradox within indigenous nationalism because it challenges some colonial relationships while leaving others unquestioned. Additionally, nationalism ironically imports problematic political structures and ideologies derived from Europe. ... These contradictions reveal nationalism as a perilous strategy for indigenous resistance.²²⁴

In her brief statement, Gould asserts that the Ohlone, as a non-federally recognized tribe, are left out of the decision-making process about Sogorea Te’, and therefore a nationalist, government-to-government model was privileged. In this exchange, Gould sees that “some colonial relationships [are left] unquestioned”²²⁵ and that, therefore, that neither the Cortina Rancheria nor the Yocha Dehe Wintun Nation represent her people’s needs.

Sogorea Te’ Land Trust

And honestly, all the issues we’re struggling with come down to land. You know, the land was taken and that was such a deep soul wound. The taking of the land, the heart of the people, was the cause of a lot of problems. And I believe that with the land trust, and you know, the land itself, I think that’s really going to help us to find our way back. —Johnella LaRose²²⁶

²²⁴ Huhndorf, *Mapping the Americas*, 11-12.

²²⁵ Huhndorf, *Mapping the Americas*, 11-12.

²²⁶ “Our Vision,” *Sogorea Te’ Land Trust*, accessed March 10, 2016, <http://sogoreate-landtrust.com/our-vision/>.



Figure 12: Sogorea Te' Land Trust founders Johnella LaRose (left) and Corinna Gould (right)
http://naturalheroes.org/season6/wp-content/uploads/NH700-Beyond_Recognition-2CorrinaJohnella.png

Perhaps in response to concerns about the process of “protecting” Sogorea Te, Corinna Gould and fellow Native American activist Johnella LaRose established the Sogorea Te’ Land Trust as a way to create a land base for the Ohlone people and other Native Americans living in the San Francisco area. This Land Trust works specifically with urban Native American communities that are not federally recognized. It endeavors to reclaim spaces to rebury Ohlone ancestors who are currently kept at UC-Berkley and to allow Native American communities to gather, steward the land, and ensure future generations are taught cultural practices and have access to “traditional and sustainable foods.”²²⁷ Gould articulates that she hopes to accomplish this by buying back parcels of land and by establishing cultural easements on lands “so that we can practice our cultural belief systems, protect our sacred places, and actually have a voice over what happens there.”²²⁸ Therefore, the Sogorea Te’ Land Trust is an articulation of how non-

federally recognized Native American groups can make themselves legally “legible” to the government and other organizations in charge of controlling land as worthy actors to innovatively reclaim and create land bases for Native American people, especially in urban settings.

The Sogorea Te’ Land Trust sees the reclamation of land as central to inter-tribal healing from “legacies of colonialism and genocide,” and intentionally places Ohlone women at the center of its leadership to lead a land-based movement toward the restoration of security for the Ohlone and other urban Native American peoples. Gould and LaRose articulate that a central goal of Sogorea Te’ Land Trust is to radically “re-envision the Bay Area community and what it means to live on Ohlone land,”²²⁹ which they assert needs inter-tribal and non-Native American support.²³⁰ More than simply putting up educational plaques around the Bay Area, the Sogorea Te’ Land Trust argues that indigenous stewardship of lands, especially those “in the midst of an urban setting,”²³¹ is crucial to the healing of Native peoples in the Bay Area, as well as restoring Ohlone tribal security that was violated with the destruction of shellmounds. Gould articulates that “the removal of burial grounds was a way of perpetuating cultural genocide, an attempt to strip away notions of identity, “security” and dignity,”²³² and that the reclamation of shellmound sites and other parcels of land will allow the Ohlone to re-inter their ancestors.²³³ Gould connects the importance of having control over land to tribal healing, which is achieved by honoring her

²²⁹ “Our Vision”

²²⁹ “Our Vision”

²³⁰ “HorSe Tuuxi (Good day)”

²³¹ “HorSe Tuuxi (Good day)”

²³² “Our Vision”

²³² Chitnis “4 Native Women Redefine Security and Fight for Sacred Places”

<http://indiancountrytodaymedianetwork.com/2015/07/22/4-native-women-redefine-security-and-fight-sacred-places-161060>.

²³³ “My goal is that one day, with everyone helping, we could re-create a shellmound so there is a place for us to actually bring those ancestors home and re-inter them.”

“Our Vision”

ancestors through the reburial of their remains. This healing is linked to security, as the stewardship of lands where ancestors are reinterred allows Native Americans to be sure that their ancestors will not be disturbed again. Therefore, land repatriation restores security through healing for Native American communities by offering space to rebury Ohlone ancestors.

In addition to reburial of ancestral remains, Gould and LaRose connect indigenous stewardship of land to “do the work that our ancestors and future generations are calling us to do,” which includes creating spaces for gathering to “revitalize language and song and dance and ceremony,” as well as to “relearn ... traditional methods of taking care of the land.”²³⁴ Both women use the Land Trust to connect land reclamation to cultural and physical revitalization of urban Native American communities, which works within the teachings of their ancestors and elders. This linking is illustrated in Sogorea Te’ Land Trust’s plans to create community gardens that improve community health,²³⁵ provide opportunities for elders to teach youth about traditional foods of the Ohlone, and make available space for community gathering. Gould sees potential for these plans through creating cultural easements on “open space parks in the Bay Area [that are] set up for recreation,” so urban Native peoples can “practice our cultural belief systems, protect our sacred places, and actually have a voice over what happens there.”²³⁶ Gould’s plan does not necessitate large financial investment to buy land, and works with urban space already designated as “green” to construct gardens, making the process more feasible for a Land Trust organization that does not have extensive financial resources.

²³⁵ “HorSe Tuuxi (Good day)”

²³⁶ “Getting back to traditional and sustainable foods is also important for us because as native people, we have some of the highest rates of diabetes and heart disease and all of these other horrible things that came with western culture. By going back to our original food sources, we can start reversing that. We can heal ourselves with the food that was always here for us.” “Our Vision”

Shuumi Tax

The Shuumi Tax is an innovative strategy that Sogorea Te' Land Trust utilizes to support their financially demanding land reclamation work. The Land Trust asks non-Native residents of Ohlone lands to participate in this voluntary tax, progressive along financial lines, as a form of monetary reparation for the benefits non-Native people have gained from this physical space. Sogorea Te' Land Trust intentionally frames this program of financial contributions as a tax to emphasize the concept that this is an obligation of non-Native people rather than a gift, and to legitimize the sovereignty of the Ohlone. As nations can request and receive taxes, so Sogorea Te' Land Trust is using the Shuumi Tax as a tool that has discursive and tangible financial benefits to recognize and legitimize Ohlone sovereignty.

In materials on their website concerning the Shuumi Tax, the Sogorea Te' Land Trust connects taxation in the United States to the Ohlone's experience of colonialism, which demonstrates the inventive "flipping" nature of the Shuumi Tax that uses a tax directly to further decolonization efforts. The webpage "Shuumi Land Tax" explains that "The civic infrastructure, the economic system, the private development and the consumption of natural resources in our society are all connected to and in different ways built upon the colonial occupation of this land and the violent displacement of the Ohlone."²³⁷ This text not only serves as background educational information for non-Native contributors, but also illustrates how the Shuumi Tax is a reclamation and inversion of a colonial practice. The Shuumi Tax uses a tool, taxation, that has unified the United States as a colonial power and facilitated the physical building on Ohlone land to facilitate the removal of land from the purview of the United States government and return it to the Ohlone people. The fact that it is paid by non-Native people also plays on the idea of obligation and nationhood. Whereas citizens of a colonial state are obligated to pay taxes to

²³⁷ "Our Vision"

support the nation, the Shuumi Tax stresses the achievement of national equity between the Ohlone and United States through an obligation of non-Native people, people who do not belong to the Ohlone nation, to pay this tax as an acknowledgement of past and current benefit from Ohlone lands and oppression of the Ohlone people.²³⁸

The Shuumi Tax also takes into account scales of profiting from Ohlone lands as the tax is progressive along lines of income. The Shuumi Tax FAQ page explains: “Generally, people with a higher income and more wealth consume more local (and global) resources and therefore should make a proportionally larger contribution. ... [therefore] the annual amount a person pays is informed by both the person’s relationship to the land they live on (renting or owning) and their ability to pay.”²³⁹ The page also elaborates that although not formally factored into the “Tax calculator,” that contributors should consider their historical or ancestral ties to the area, noting that “the impacts of colonization have accumulated over time and oppressed generations of Ohlone people. Our response should be proportional.”²⁴⁰ Therefore, the Shuumi Tax functions with the intention of redistributing resources along financial lines while keeping in mind spectrums of use and benefit from Ohlone lands due to class and historical, land-based backgrounds.²⁴¹

An important facet of this tax to consider in terms of making it palatable to a non-Native

²³⁸ “Shuumi Land Tax”

²³⁸ This point is articulated more pointedly on a related website for Indian People Organizing for Change (IPOC) that is headed by LaRose. The IPOC website states that “The City is funded in large part from the property tax increases that result from all this new modern high-rise construction. Thus, the City Council is constrained by its own volition to build the many towers you see around you.”

“Shellmounds,” *IPOC: Indian People Organizing for Change*, accessed April 14, 2016, <http://ipocshellmoundwalk.homestead.com/shellmound.html>.

In this quote, IPOC makes the point that even beyond simply creating shared infrastructure that is built upon Ohlone land and erases Ohlone identity, certain cities have specific incentives to make the city not listen to and go against the interests of marginalized people like the Ohlone. This exposes the reality that the central democratic ideal/tenet that the government being for the people, not for personal/economic interests is often false.

²³⁹ “Shuumi Land Tax FAQ,” *Sogorea Te’ Land Trust*, accessed March 10, 2016, <http://sogoreate-landtrust.com/shuumi-land-tax-faq/>.

²⁴¹ “Shuumi Tax FAQ”

audience is that the contributions through this mechanism are tax-deductible as the Sogorea Te' Land Trust is a non-profit organization. Although seemingly small, this incentivizes the support of the Shuumi Tax and allows contributors to see it as "mutually beneficial." This can be interpreted as a stepping stone to encourage non-Indigenous contributors to see the entire project of Sogorea Te' Land Trust as beneficial for all residents of the Bay Area. Ultimately, the Sogorea Te' Land Trust asserts that "The Shuumi Land Tax is about repairing our broken relationships with each other and the land we live on,"²⁴² signaling a holistic and multifaceted process of healing that has widespread benefits for Ohlone and non-Ohlone individuals alike.²⁴³

Conclusions: The Unified and Differing Goals of the Inter-Tribal Sinkyone Wilderness Council and the Sogorea Te' Land Trust

"The ultimate success of such cultural conservation efforts requires that they originate from within the tribal communities themselves and are accompanied by investments of long-term involvement and strong, committed tribal leadership. The movement itself must emanate from within the tribal communities that, since time immemorial, have maintained traditional beliefs and cultural values, including important relationships with their aboriginal lands." – Hawk Rosales²⁴⁴

"It's exciting to think about a land trust in an urban context, because in the urban context you have unrecognized Indigenous people's rights always being affected, always being trampled on, really. Now, we're exploring how the land trust or the conservation easement can be used as a tool for justice in this context. I don't think anyone's really seen that yet." – Beth Rose Middleton²⁴⁵

Although the Inter-Tribal Sinkyone Wilderness Council and the Sogorea Te' Land Trust both use land tenure organizations and conservation easements to reclaim lands, they have

²⁴³ Relatedly, Middleton argues that making conservation easements "inviting" to Americans is important: "Law and policy must be friendly specifically to tribal and cultural conservation, by creating statutes (such as SB-18) that affirm the rights of recognized and unrecognized tribes to hold easements. Additionally, the Internal Revenue Code (IRC) should state specifically that landowners can receive a tax deduction for donating or selling a conservation easement to a tribe. Although the LTA works hard to maintain the tax incentives for conservation, it has yet to call for incentives to increase tribal conservation."

Middleton, *Trust in the Land*, 9.

²⁴⁴ "Shuumi Land Tax"

²⁴⁴ Hawk Rosales quoted in Middleton, *Trust in the Land*, 62.

divergent agendas stemming from their different geographic locations in rural and urban spaces and the communities they serve as federally recognized or non-federally recognized peoples. However, both are united in how they link of land reclamation to community healing and security. As Sogorea Te' Land Trust serves an urban, non-federally recognized Native American population, it is primarily concerned with land repatriation due to its potential to create gathering spaces for Native peoples and to provide ground to reinter Ohlone ancestors who are currently held by UC-Berkley. In contrast, the Council, which is made up of federally recognized tribes and whose land base is a wilderness, is focused on land repatriation to protect cultural resources, mount Native-led habitat restoration and land stewardship, and ensure the safety of cultural practices of member tribes. Both Sogorea Te' Land Trust and the Council are invested in increasing the practice of and knowledge of indigenous land stewardship, but this takes on different forms in rural as opposed to urban settings.

Both organizations identify security and healing as central tenets of their land repatriation practice. Sogorea Te' Land Trust creator Gould articulates how the demolishing of burial mounds and the removal of her Ohlone ancestors from their resting places to be housed and studied in a university's museum are deliberate acts to rob the Ohlone people of a sense of security and national integrity. Therefore, she views reinterring her ancestors as an actualization of security for Ohlone people. Concurrently, reinterring ancestors and reclaiming or re-creating traditional burial mounds is vital to the healing of the Ohlone people and other Native Americans living in the Bay Area. Additionally, the repatriation of land has a healing element because it physically carves out space for urban Native peoples to not just exist, but thrive. This claiming of space in an urban context physically maps the presence of Native peoples in areas where they are frequently rendered invisible. At the same time, it provides opportunities to improve the

physical, spiritual, and cultural health of urban Native peoples through projects like the creation of community gardens. The Council also understands its work in establishing and maintaining the Wilderness as protecting the safety of its member tribes. This is accomplished through measures that provide privacy surrounding cultural practices that have been infringed upon by actions including the historical over-logging of redwood forests and the implementation of “conservation” legislation. The Council’s work is also tied to healing as evidenced by the naming of the Council and Wilderness after the Sinkyone people, a tribe that has been decimated and forced to integrate into other tribes due to violence instigated by the government. Claiming this land for the Sinkyone people, and working to foster the ecological healing of the Sinkyone’s tribal lands demonstrates the Council’s commitment to healing through remembering the Sinkyone people and protecting and stewarding their lands.

Chapter 3: The Inter-Tribal Gathering Garden of Cully Park

Case Study Overview

The Inter-Tribal Gathering Garden²⁴⁶ in Cully Park, which is soon to be Portland, Oregon's newest public park, is an ongoing land repatriation in an urban setting. This project is the product of a collaboration between the Portland Bureau of Parks & Recreation (PP&R), the nonprofit Verde, and the Native American Youth and Family Center (NAYA), which serves Native American communities in Portland. Stated in a short film made about the Garden, "The mission of the Cully Park Tribal Gathering Garden is to provide the Portland Native community and Tribes whose ceded land includes the Cully Park site with a place to commune, cultivate indigenous foods and materials for cultural practices and traditions, and restore the associated knowledge, skills, and ethics."²⁴⁷ The Park is situated on an old landfill, and throughout the design and construction process, a central emphasis has been placed on the restoration of the land and how this practice is intimately tied to the work of community rebuilding and revitalization. Throughout process of creation of the Garden connections have been drawn between the vitality of Native American communities and their local ecologies. This location also has limitations to its capacity to function as a full repatriation of land, as it is a public park rather than a space solely reserved for Native American use. Ultimately, the Garden illustrates an imaginative and resourceful use of urban space by an urban Native American community as a space to strengthen Native American transnational connections, value and teach "grounding knowledges" about local

²⁴⁶ "Our Vision"

²⁴⁶ Depending on the source, this space is either called the "Inter-Tribal Gathering Garden" or the "Tribal Gathering Garden." For the purposes of this paper, I will use the term "Inter-Tribal," but hereafter refer to the Inter-Tribal Gathering Garden as "the Garden."

²⁴⁷ "Inter-Tribal Gathering Garden," *Let Us Build Cully Park*, accessed December 10, 2015, <http://letusbuildcullypark.org/park-features/inter-tribal-gathering-garden>.

ecologies, and (re)map a piece of urban Portland as “Indian Country.”

The Garden is an example of the kind of work that the Sogorea Te’ Land Trust will probably mount through collaboration with other organizations as the Garden’s mission and urban location aligns with those of the Land Trust. The Sogorea Te’ Land Trust specifically identifies the creation of community gardens as a way to enact their land-based movement to heal urban Native communities through giving these communities access to spaces to gather, and practice and teach land stewardship practices founded in their “grounding knowledges.” Therefore, the Garden functions as an ongoing and tangible project that may be exemplary of Sogorea Te’ Land Trust’s work, as well as the work of other organizations working to repatriate urban land to non-federally recognized Native American groups. Furthermore, the process of creating the Garden can be examined to puzzle through the questions and problems that arise in attempting to repatriate urban land. This case study takes on a more exploratory tone than previous chapters as I use the Garden to envision different possibilities for the future of urban land repatriation, as well as reflect on the process of repatriation as it happens – seeing the process *as* theory, as Native feminist Diane Million instructs. Additionally, the ongoing nature of the Garden’s creation provides an opportunity to evaluate the realities of a land repatriation without the benefit of historical hindsight.

Park Collaborators

As with the land repatriations of the Yakama and the InterTribal Sinkyoone Wilderness Council, the creation of Cully Park and its Garden was made possible due to extensive collaboration. The collaborating organizations in this project include the PP&R, the nonprofit Verde (which fights for environmental justice for low-income people),²⁴⁸ and NAYA. PP&R

²⁴⁸ Verde’s mission is to serve “communities by building environmental wealth through Social Enterprise, Outreach and Advocacy,” (1) and “to improve the economic health of disadvantaged communities by creating environmental

purchased the Park property in 2002 to “help fulfill the need for park and open space within the Cully Neighborhood.”²⁴⁹ From the 1950s until 1980 the site was home to a sand and gravel mine, later becoming a construction landfill until its use was discontinued in 1991 and it was established as a “brownfield site.”²⁵⁰ However, the PP&R lacked sufficient funds to develop the site as a park, and it was left unused until 2011 when Verde reached out to the PP&R with a plan for the creation of Cully Park. Verde created a network of alliances with several Cully neighborhood organizations (including NAYA), and called the resulting coalition “Let Us Build Cully Park.” This group works with the PP&R to design, fundraise, and build Cully Park. However, as full funding of the project is still being sought, the Park has no definitive construction schedule, although it is estimated that the entire process may take up to 20 years.²⁵¹

job training, employment, and entrepreneurial opportunities, fostering the connection between economic vitality and environmental protection and restoration” (2). Verde distances itself from the “sustainability” movement, arguing that this movement has largely ignored the needs of low-income communities, similar to the critiques of sustainability movements by Native feminists like Andrea Smith (3). Verde provided the initial organizing push to create the collaboration “Let Us Build Cully Park,” as well as serving, within its “Verde builds” project, as a “co-general contractor” at Cully Park that “increases assets and wealth among low-income people by supporting target business contracting and local hiring” (4).

(1) “About Verde,” *Verde*, accessed December 11, 2015, <http://www.verdenw.org/about-us>.

(2) <no title,> *Verde*, accessed December 11, 2015, http://www.verdenw.org/images/stories/documents/cully_stats_for_website.pdf

(3) Andrea Smith, “Ecofeminism through an Anticolonial Framework” in *Ecofeminism: Women, Culture, Nature*, ed. Karen J. Warren (Bloomington, IN: Indiana University Press, 1997); “Outreach-Advocacy,” *Verde*, accessed December 11, 2015, <http://www.verdenw.org/outreach-and-advocacy>.

(4) “Verde Builds,” *Verde*, accessed December 11, 2015, <http://www.verdenw.org/social-enterprise/verde-builds>.

²⁴⁹ “K^hunamokwst Park,” *The City of Portland, Oregon, Portland Bureau of Parks & Recreation*, accessed December 10, 2015, <https://www.portlandoregon.gov/parks/61985>.

²⁵⁰ Portland Parks and Recreation, *Thomas Cully Master Plan*, December 2008, accessed December 10, 2015, http://letusbuildcullypark.org/images/health_safety/cully_park_master_plan.pdf, 2.

EPA definition of “brownfield”: “The Environmental Protection Agency (EPA) defines a brownfield as “real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant”. The actual presence of contaminants on this “real property” must be determined by a carefully planned investigation known as an environmental site assessment (ESA).”

“What is a “brownfield”?” *Brownfield Action*, accessed December 10, 2010, http://brownfieldaction.org/brownfield/brownfield_basics.

²⁵¹ “Nonprofit Verde and the “Let Us Build Cully Park” coalition raised \$4.85 million to develop the first phase of what’s envisioned to be a two-stage development in the long-underserved Cully neighborhood of Northeast Portland. But the project cost for the first phase of construction alone is an estimated \$6.7 million, according to City Council records from 2014.”

Then, “Portland’s Thomas Cully Park nets \$500,000 grant, still millions of dollars short.”

Sheila Frugoli, “Request for Response,” *City of Portland, Oregon Bureau of Land Development Land Use Services*, June 1, 2015, accessed December 10, 2015, <http://www.portlandoregon.gov/bds/article/532507>.

The collaborators embrace this timeline and encourage an approach to the Park that focuses on building it one piece at a time.²⁵²

NAYA, based in the Cully neighborhood, serves self-identified Native American populations in Portland and is integrally involved in the Cully Park project, spearheading the creation of the Garden.²⁵³ As their “history” webpage attests, the “NAYA Family Center strives to fulfill its mission: ‘to enhance the diverse strengths of our youth and families in partnership with the community through cultural identity and education. ... We believe that traditional cultural values are integral to regaining sovereignty and building self-esteem.’”²⁵⁴ NAYA’s “vision” page explains:

NAYA creates a place for our people to gather together and live the values of our own unique cultures. When the Native community thrives so does the entire Portland region. NAYA offers a wide array of comprehensive services and community-based solutions ... NAYA is an urban center building strong partnerships and authentic relationships with tribes, organizations, communities of color, and our neighbors throughout the region. ... all strategic decisions made throughout the organization are youth centered, family driven and elder guided.²⁵⁵

NAYA’s services are focused on comprehensive community care through education and connecting elders to youth, and articulates the importance of building working relationships with other organizations that serve marginalized communities. As NAYA leaders and community members are integrally involved in the design and execution of the Garden, NAYA’s values are manifested in the Garden’s mission of creating space for Portland’s urban Native American communities to gather and, through the practice of land stewardship, “restore ... associated knowledge, skills, and ethics,”²⁵⁶ – in other words, reinvigorate and value the “grounding

²⁵² Anne Laufe, “First step of Cully Park in northeast Portland opens to public,” *OregonLive, The Oregonian* (Portland, OR), November 19, 2012, accessed December 10, 2015,

http://www.oregonlive.com/portland/index.ssf/2012/11/first_step_of_cully_park_in_no.html.

²⁵³ “History,” *NAYA*, accessed December 11, 2015, <http://nayapdx.org/about/history/>.

²⁵⁴ “History.”

²⁵⁵ “Vision,” *NAYA*, accessed December 11, 2015, <http://nayapdx.org/about/vision/>.

²⁵⁶ “Inter-Tribal Gathering Garden,” *Let Us Build Cully Park*, accessed December 10, 2015,

knowledges” of this community.

Nuts and Bolts of the Park and Garden



Figure 13: Cully Park Design as of January 2015

http://www.oregonlive.com/portland/index.ssf/2015/04/portlands_thomas_cully_park_ne.html

Cully neighborhood, in Northeast Portland, is a relatively low-income neighborhood and has historically been “park deficient.”²⁵⁷ The 25 acre Cully Park will include “a playground, ... picnic tables ..., lights, park benches, a nature play area including a slide, native trees and plants, climbing boulders, a large grassy lawn, rainwater drainage features, on-street parking, and west and north-side curb, street and sidewalk improvements to allow people to safely walk the park’s

<http://letusbuildcullypark.org/park-features/inter-tribal-gathering-garden>.

²⁵⁷ “Cully,” *City of Portland: Office of Neighborhood Involvement and Bureau of Planning and Sustainability*, accessed April 14, 2016, <http://www.portlandoregon.gov/oni/article/58370>.

Portland Parks and Recreation, *Thomas Cully Master Plan*, 11.

Portland Parks and Recreation, *Thomas Cully Master Plan*, 13.

perimeter. The park will also feature a small, beginner-level skateboard area.”²⁵⁸

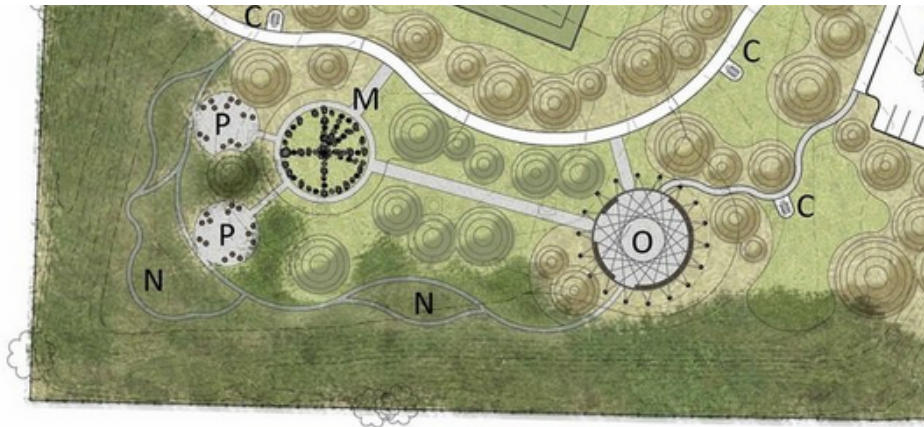


Figure 14: Detail of Inter-Tribal Gathering Garden

http://www.oregonlive.com/portland/index.ssf/2015/04/portlands_thomas_cully_park_ne.html

The Inter-Tribal Healing Garden is a 36,000 square foot installation in the Park designed by the “Portland Urban Indian” community²⁵⁹ that “provides the unifying design theme for the entire Park. This innovative project is based in traditional indigenous wisdom, and will create a place to ... Commune, cultivate indigenous foods and materials for cultural practices and traditions, [and] revitalize the associated knowledge, skills and ethics in an urban landscape.”²⁶⁰

Although explicit plans for the Healing Garden are difficult to find online, in a video about the creation of the Park, Judy Bluehorse Skelton (Nez Perce/Cherokee), an Indigenous Nations Studies Affiliated Faculty Member at Portland State University, said that the Garden “represents a place for us to plant medicinal, edible, basketmaking, native bird habitat, insectiaries, holding

²⁵⁸ Portland Parks and Recreation, *Thomas Cully Master Plan*, 1.

“Portland Parks & Recreation Moves Forward on New Park in Cully Neighborhood,” *The City of Portland, Oregon, Portland Bureau of Parks & Recreation*, accessed December 10, 2015, <https://www.portlandoregon.gov/parks/article/462715>.

²⁵⁹ The website specifically recognizes the “Portland Youth and Elders Council, Native American Youth & Family Center, Native American Community Advisory Council to Portland Parks, and attendees of community conversations hosted at PSU's Native American Student and Community Center. Thanks and recognition for the unending commitment of the project's core group: Judy Bluehorse Skelton, Donita Sue-Fry, David Hall, Ridhi D'Cruz, Isabel Lacourse, Cary Watters, and Shawna Zierdt.”

“Inter-Tribal Gathering Garden.”

²⁶⁰ “Inter-Tribal Gathering Garden.”

the soil together, collecting water, all of those will be happening as we do this. But there's the piece of the urban and tribal Native community being able to come to this place for not just berry picking, but for ceremony, for teaching, for just appreciating once more this place."²⁶¹ Co-creator Shawna Zierdt (Cowcreek Band of Umpqua Tribe) describes the design of the Park in broader, more ideological terms: "Our design isn't just about people. Our design is about habitat and wildlife and thinking about how the water is flowing on the site and how we can really create a system that is healthy and reciprocal and gives back not just to us but to the habitat beyond."²⁶²

Kʰunamokwst Park: A Brief Case Study of the PP&R in Cully Neighborhood

²⁶¹ Verde, "The Let Us Build Cully Park! Tribal Gathering Garden," *Vimeo* video, 20:15, 2013, <https://vimeo.com/72322386>.

²⁶² Verde, "The Let Us Build Cully P



Figure 15: Khunamokwst Park <http://greenworkspc.com/2015/04/23/khunamokwst-park-opening-date/>

While the Cully Park project was underway, the PP&R built Cully Neighborhood’s first park, Khunamokwst Park.²⁶³ Because Khunamokwst Park and Cully Park are located in the same neighborhood and share similar aims, the development process of this park can be potentially indicative of the process and outcomes of Cully Park. The creation of Khunamokwst Park demonstrates the PP&R’s commitment to increasing the amount of green space in the Cully Neighborhood, as well as to respecting Native American histories.²⁶⁴ The PP&R purchased the 2.4 acre parcel of land in 2009, and the park opened on April 25, 2015 with a Native American naming ceremony: “[It] will be called Khunamokwst Park (pronounced KAHN-ah-mockst). Khunamokwst is a Chinook wawa name meaning “together”. Khunamokwst will be the first

²⁶⁴ “Khunamokwst Park.”

²⁶⁴ The park is located on NE 52nd Avenue between Alberta Street and Wygant Street. “Khunamokwst Park.”

PP&R park to enjoy a name indigenous to the land it sits on.”²⁶⁵ This name gives visibility to and honors past and current Native peoples living in Oregon.²⁶⁶ The PP&R also worked to ensure that the planning and development process was accessible to community members. For instance, because Cully is home to a large Latinx population, the PP&R ensured that there were Spanish translators at information sessions and open houses about the park planning process (these meetings took place in community spaces, like the local elementary school), and translated all park-related documents into Spanish.²⁶⁷ Thus, K^hunamokwst park illustrates that PP&R is working to increase authentic community collaboration, which indicates success for PP&R’s current collaboration with “Let Us Build Cully Park.” Additionally, the creation of K^hunamokwst park demonstrates that the PP&R is committed to working with and increasing visibility for local Native American populations, histories, and cultures; and is committed to increasing park space in the Cully neighborhood.

Urban Space & Repatriation

The repatriation of “blighted” urban space as actualized in the Garden must be contextualized with historical Native American dispossession narratives of both Portland and the United States broadly. As explored in the previous chapter, Native Americans have been continually pushed Westward onto lands deemed “worthless” due to the expansion of the settler colonial nation of the United States moving Westward. Often, this dispossession was not a singular event, but experienced as cycles of spatial displacement to under-resourced locations as oil or valuable ores were found on previously “useless” lands that had been “given” to Native

²⁶⁵ “First Developed Park in Cully Neighborhood to be Named K^hunamokwst Park,” *The City of Portland, Oregon, Portland Bureau of Parks & Recreation*, accessed December 11, 2015, <https://www.portlandoregon.gov/parks/article/499437>.

²⁶⁶ In addition, Grande Ronde Tribal Councilman Jon A. George noted that this park offers a space where “we will enjoy the beauty and protect the health of this place, just as our ancestors did.”

“First Developed Park in Cully Neighborhood to be Named K^hunamokwst Park.”

²⁶⁷ “First Developed Park in Cully Neighborhood to be Named K^hunamokwst Park.”

Americans. Although this process is frequently conceptualized in terms of the rural space of the reservation, cycles of dispossession also occur in urban spaces, especially for non-federally recognized Native peoples who do not have access to federal trust lands.²⁶⁸ In both rural and urban settings, Native Americans are pushed into areas that are either judged to be of little value (rural areas with no marketable natural resources – an absence of valuable ores, for instance; and urban areas with a lack of amenity infrastructure – like a lack of restaurants and parks), or spoiled (for both rural and urban contexts this generally denotes chemical contamination due to overuse and/or destruction of natural resources – for instance, housing reservations near nuclear test sites, or seeing high concentrations of Native Americans living in deindustrialized centers of cities).

In Portland specifically, urban space has physically built upon and displaced Native communities, but also displaced Native peoples (who have come to Portland for various reasons) within its urban limits by pushing them into under-resourced neighborhoods. The NAYA leadership group explains that “Portland has been built upon the [lands of the] Multnomah, Kathlamet, Clackamas, Bands of Chinook, Tualatin Kalapuya, Molalla and many other tribes.”²⁶⁹ The Oregon Donation Land Act gave the legal impetus for the dispossession of these and other Native peoples, as it allowed settlers to claim vast tracts of land, even lands that had previously been entrusted to Native American tribes through treaties.²⁷⁰ Finally, the terminations of federally recognized statuses of many Oregon tribes in the 1950s also dispossessed many Native

²⁶⁸ Native feminist Tuck elaborates on this relationship between urban and rural displacement of Native peoples: “...because settler colonialism has shaped how the US nation-state has managed not only Indigenous people but all peoples on presumably valuable property, indigenous theories of settler colonialism and contestations of that structure are especially relevant to the theorizing of urban space.”

Tuck, *Urban Youth and School Pushout*, 14.

²⁶⁹ “Making the Invisible Visible: Portland’s Native American Community,” *Portland Indian Leaders Roundtable*, accessed December 11, 2015, <http://www.portlandindianleadersroundtable.org/making-the-invisible-visible.php>.

²⁷⁰ William G. Robbins, “Oregon Donation Land Act,” *The Oregon Encyclopedia*, accessed December 11, 2015, http://oregonencyclopedia.org/articles/oregon_donation_land_act/#.Vmr6MI9Vikq.

Americans from their ancestral lands.²⁷¹ As of 2000, Portland has the ninth largest Native American population in the United States,²⁷² and Native Americans in Portland live in primarily low-income and under-resourced areas, like Cully Neighborhood.²⁷³ Therefore, in Portland, the history of Native American displacement from their homelands and (re)location to urban space manifests itself in the presence of Native Americans, and NAYA, in the Cully neighborhood.

This context illustrates why the Cully Park project and the Garden exist: the land of the Garden, and more generally Cully Neighborhood, fits the criteria of space that is deemed “worthless” by the United States as a settler colonial nation and therefore is able to be lived on and used by Native American (and other marginalized) populations. Cully is a peripheral neighborhood in Portland, is highly industrial and marked as a food desert, and the Park is being built on a defunct landfill. In light of these realities, the Garden encourages viewing this land as valuable and “repatriatable” as it revitalizes and heals space that has been damaged by settler colonial factors. As BlueHorse Skelton explains: “This is an opportunity for our community to come back to this place this landfill, Cully Park site, and begin that healing with not only the land but with ourselves as we create a relationship or restore or reclaim the relationship that

²⁷¹ Donald Fixico, “Termination and Restoration in Oregon,” *The Oregon Encyclopedia*, accessed December 11, 2015, http://oregonencyclopedia.org/articles/termination_and_restoration/#.Vmr64o9Vikp.

²⁷² Portland Indian Leaders Roundtable, “Making the Invisible Visible: Portland’s Native American Community” Stella U. Ogunwole, “The American Indian and Alaska Native Population: 2000: 2000 Census Brief,” *U.S. Department of Commerce, Economics and Statistics Administration, U.S. Census Bureau*, February 2002, accessed December 11, 2015, <https://www.census.gov/prod/2002pubs/c2kbr01-15.pdf>.

²⁷³ At the same time, buying or even retaining a house in these largely low-income and geographically peripheral neighborhoods is becoming more and more difficult due to rising housing prices due to the spreading gentrification of Portland: “A median-income black household can’t afford to rent anything bigger than a studio apartment outside the 122nd and Division neighborhood. Median-income Native American households are limited to studio apartments in Parkrose or Cully. . . . The report showed communities of color are now concentrated at the periphery of the city.” Corey Pein, “The Other Portland,” *Willamette Week*, (Portland, OR), October 11, 2011, accessed December 11, 2015, http://www.wweek.com/portland/article-18071-the_other_portland.html.

²⁷³ Lee Van Der Voo, “Report: Average Black and Native American Households Priced Out of Portland” *Investigate West* (Portland, OR), May 7, 2015, accessed December 11, 2015, <http://invw.org/2015/05/07/report-average-black-and-native-american-households-priced-out-of-portland/#site-footer>.

we've always had with the land."²⁷⁴ However, as this repatriation process started from within Cully neighborhood communities, specifically urban Native American communities, this project is not simply another displacement of Native peoples onto "spoiled" land. Rather, by claiming this land as Native land that deserves to be healed, the Garden is a decolonizing project as it values land that has been "cast off" by the colonizer, and uses that space to strengthen the sovereignty of the urban Native American community of Portland through (re)forging ties to the physical land of Portland.²⁷⁵

The Indigenous Feminist Goals of the Garden

"[Cully park] symbolizes hope to me. This is what sustainability looks and feels like." – Shawna Zierdt (Cowcreek Band of Umpqua Tribe)²⁷⁶

According to the mission statement of the Garden, as well as the words of its Native American female designers²⁷⁷ demonstrate that the core values of the Garden include remembering and respecting the communities that lived and are still living on this land; giving communities space and resources to teach and learn about "grounding knowledges"; and understanding the connection between reclaiming and revitalizing the physical space of the park and the healing of the Native American (and non-Native) community. These central goals of the Garden follow the trend that has been established in the previous land repatriations covered in this thesis of recognizing the active quality of land repatriation. In other words, the land

²⁷⁴ Verde, "The Let Us Build Cully Park! Tribal Gathering Garden."

²⁷⁵ Leslie Marmon Silko notes the importance to regard all land as sacred and "redeemable": "All places and all beings of the earth are sacred. It is dangerous to designate some places sacred when all are sacred. Such compromises imply that there is a hierarchy of value, with some places and some living beings not as important as others. No part of the earth is expendable; the earth is a whole that cannot be fragmented, as it has been by the destroyers' mentality of the industrial age. The greedy destroyers of life and bringers of suffering demand that sacred land be sacrificed so that a few designated sacred places may survive; but once any part is deemed expendable, others can easily be redefined to fit the category of expendable."

Silko, *Yellow Woman and a Beauty of the Spirit*, 94.

²⁷⁶ Verde, "The Let Us Build Cully Park! Tribal Gathering Garden."

²⁷⁷ The majority of the strategic team working on the Garden is made up of Native American women, who are the experts in what their communities need, and how their Native feminist practice uniquely fits in with their communities' values.

repatriation of the Garden, as in the other case studies, involves (re)integrating land with specific cultural significance into Native communities through the (re)establishment of the practiced and active relationship between these communities and the land. Ultimately, the Garden's mission and the words of its Native American female designers illustrate how the Garden will embody the Native feminist values of valuing transnational or inter-tribal Native communities, and using land to reverse the colonial fragmentation of Native peoples through practicing and teaching "grounding knowledges" that Native American communities to the land.

The Garden's commitment to remembering and honoring communities that have lived on this land is evidenced in its mission statement, and is concretized in the past action of NAYA in honoring the Native peoples who lived on the land occupied by their current offices. Before purchasing land in the Cully Neighborhood to center their headquarters, NAYA officially asked the Multnomah Chinook people, who had lived at the site of the Cully Neighborhood in a village named Neerchokikoo but are not a federally recognized tribe, for permission to "make our [NAYA's] home on their homeland. This was the first time ever that the Chinook people had been asked for permission to be on their land."²⁷⁸ This action illustrates NAYA's commitment to honoring local communities and their histories as it not only gives visibility to the Chinook and their history, but also legitimizes and humanizes this group that, due to their lack of federal recognition, are not seen as a people in the eyes of the State. Remembering the original dispossessions and dislocations experienced by Native peoples by the creation of Portland as an urban center also connects the Chinook to the experiences of dispossession felt by other urban Native Americans living in Portland. This act, therefore, sets the precedent of thinking transnationally and inter-tribally in terms of who are stakeholders in the creation of the Garden.

²⁷⁸ "Neerchokikoo," *Verde*, accessed December 11, 2015, http://www.verdenw.org/images/stories/documents/neercho_chikoo.pdf.

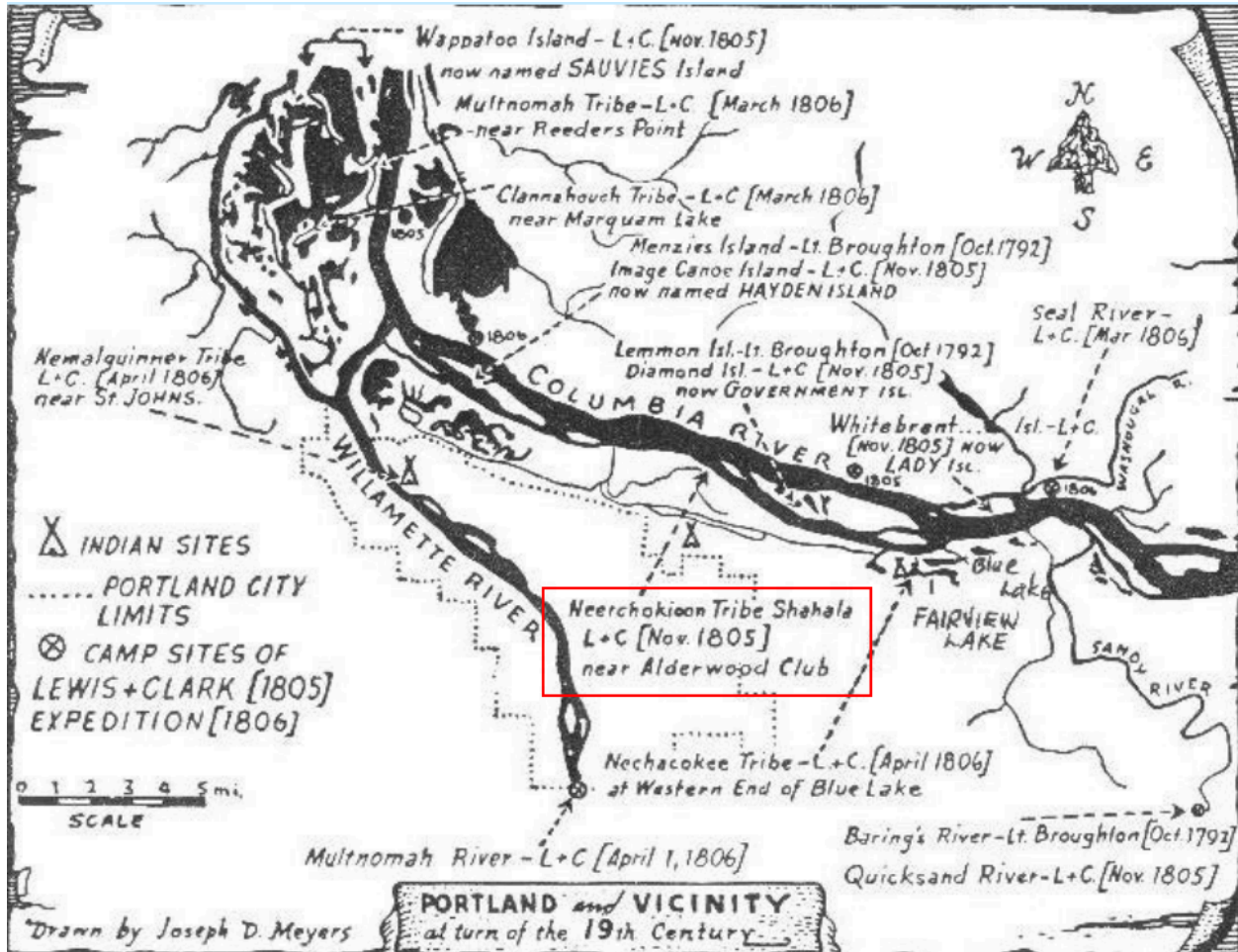


Figure 16: Map of Portland Area with Neerchokikoo featured
http://www.verdenw.org/images/stories/documents/neercho_chikoo.pdf

Ultimately, the Garden’s recognition of previous Native American communities living on the land of Cully Park acknowledges the violent histories of land dispossession of the space, indicating the Garden’s potential to be a space of Native (re)mapping. Garden collaborator and Portland Youth and Elders Council organizer for NAYA²⁷⁹ Donita Sue Fry (Shoshone-Bannock) explains this connection: “There is historical trauma associated with the loss of place for native people. So this piece of land here is really quite significant in that it gives us an opportunity to acknowledge the history and sacred relationship that native people have in

²⁷⁹ Anne Laufe, “First step of Cully Park in northeast Portland opens to public.”

place.”²⁸⁰ In telling and respecting the specific colonial and indigenous histories of the land of the Garden, the space is reclaimed from the colonial erasure of these histories.

As with all of the previous case studies, a central goal of the Garden is to restore and protect “knowledge, skills and ethics”²⁸¹ related to the growing of culturally significant indigenous plants, by providing opportunities for elders and youth to teach and learn “...to close a gap of tradition that has been lost.”²⁸² Tuck describes this practice of learning about land stewardship in the context of a “traditional Native garden,” explaining that it is “an example of a deep understanding of ‘practiced’ relationships. Native gardens were ‘mythic-spiritual-cultural-aesthetic expressions of tribal participation and relationship’ ... Dimensions of the practiced relationship included the technology of farming, responsibility of care for the food plants, the cultivation of an attitude of appreciation and reverence for the food plants, reflection, planning, communication, negotiation, addressing missteps, and celebration ...”²⁸³ The “Native garden” links cultural identity to a practiced and active life within a specific landscape, connecting the Garden’s aim of community healing through the healing of the land. As has been highlighted in previous land repatriation efforts, elders are integral to this process as they help younger generations interpret information taken in through observation and practice to replicate and protect cultural knowledge.²⁸⁴ Therefore, the Garden and its partnership with NAYA provides the raw materials of the “Native garden,” and the instructive and interpretive abilities of elders to strengthen and pass on knowledge related to the cultivation and use of culturally significant plants. This lens of the “Native garden” is also useful to understand the active character of the

²⁸⁰ Verde, “The Let Us Build Cully Park! Tribal Gathering Garden.”

²⁸¹ Verde, “The Let Us Build Cully Park! Tribal Gathering Garden.”

²⁸² Verde, “The Let Us Build Cully Park! Tribal Gathering Garden.”

²⁸³ Gregory Cajete quoted in Tuck, *Urban Youth and School Pushout*, 154.

²⁸⁴ Donald Fixico, “The Struggle for Our Homes: Indian and White Values and Tribal Lands,” in *Defending Mother Earth*, ed. Jace Weaver (Maryknoll, NY: Orbis Books, 1996), 35.

other land repatriations examined in this thesis.

The Native American female designers of the Garden frame the creation of the Garden and Cully Park as a process of reclaiming and healing the land that will foster the healing and strengthening of Portland's urban Native American community, and the community of Cully Neighborhood. Collaborator Shawna Zierdt (Cowcreek Band of Umpqua Tribe) elaborates:

This land deserves just as much energy and positive visioning as any other piece of land – and how much more important for us to put that type of heart into a space like this that needs healing as we heal ourselves – to know that there is hope for undoing some of the mistakes that have been done in the past. And this is the hard work that we have in our generation, and we have to roll up our sleeves and move forward and really reach out to not just the native community but the entire community for the resources and ideas and visions that they can bring to a project like this to discover who we are in this place, and what our story is here.²⁸⁵

Zierdt explicitly links the act of improving the health of the space of Cully Park to the process not only of strengthening her urban Native American community, but also to more fundamentally “discover who we are in this place.”²⁸⁶ She also implicitly notes that every piece of land has the potential to be healed, and that those spaces that are most damaged or cast off by colonial powers, like the landfill upon which Cully Park is constructed, deserve the most attention. In this qualifying statement she connects the physical conditions of land to the experiences of Native Americans in her community by asserting the importance of holding out “hope for undoing some of the mistakes that have been done in the past.”²⁸⁷ This rhetoric of colonial “mistakes” emphasizes the connected states of Native Americans and the land they live on, as well as the frequently dual impact of colonial decisions (or mistakes) on land and Native Americans. This echoes Native feminist Linda Tuhiwai Smith's description of how the settler colonialism concurrently causes the fracturing of Native communities and the fracturing of their

²⁸⁵ Verde, “The Let Us Build Cully Park! Tribal Gathering Garden.”

²⁸⁶ Verde, “The Let Us Build Cully Park! Tribal Gathering Garden.”

²⁸⁷ Verde, “The Let Us Build Cully Park! Tribal Gathering Garden.”

lands. Zierdt stresses the effect that her generation can have on future generations through the construction of the Garden and Cully Park, and has hope for healing her community as they work to heal the land.

The Native feminist facets of the Garden explained above work in tandem to enable Native American communities to decolonize, and are decolonizing efforts in and of themselves. As demonstrated by the words of female collaborators on the Garden, the Garden (re)maps the Garden as Native space affirming and bringing to light the histories of dispossession and oppression of Native Americans that are erased or buried by colonial imaginaries. This space will also increase cultural knowledge about traditional subsistence and provide an avenue to allow youth and elders to connect, which will strengthen Portland's urban Native American community from the centrifugal forces of colonialism, as described by Tuhiwai Smith. Additionally, the understanding that the Garden allows Native Americans not only to participate in the healing and decolonizing acts described before, but also heal the land emphasizes an indigenous approach to land stewardship. As Native Studies scholar Jace Weaver asserts, "Natives view the environmental depredations being visited upon them as merely one more manifestation of the colonialism that has attacked their lives for over five hundred years. Ecojustice, therefore, if it is to be meaningful, cannot be discussed apart from that racism and colonialism."²⁸⁸ Similar to Native feminist assertions that the effects of colonialism, patriarchy, and racism are fundamentally imbricated, Weaver articulates that environmental justice is an integral step to decolonization as the land and Native Americans have both been attacked by colonial powers. Thus, the Garden stands as an example of a decolonizing effort that focuses on the natural environment as much as it does the human populations it serves.

²⁸⁸ Jace Weaver, introduction to "Triangulated Power and the Environment: Tribes, the Federal Government, and the States," by Jace Weaver, in *Defending Mother Earth*, ed. Jace Weaver, (Maryknoll, NY: Orbis Books, 1996), 107.

The Limited Repatriative Potential of Public Parks

Cully Park and its Garden have limitations in serving as a model of repatriation due to the politics of creating and maintaining a space in a public park dedicated to a group that is widely stereotyped in the United States. Similar to the problem faced by the Yakama in their use of huckleberry fields due to widespread public misinformation about their rights, the Garden's goals must be considered as somewhat abridged by to the "publicness" of the public park as a model of repatriation. Other limitations to the effectiveness of the Garden as land repatriation include how the Park may play into the gentrification of the Cully Neighborhood, the long timeline of the process to create the Park, and that the repatriation process is temporally, emotionally, and financially taxing for the urban Native American community.



Figure 17: Public Webcam image of Cully Park on November 24, 2015
<http://68.25.24.190:8010/guest/main.html>



Figure 18: Public Webcam image of Cully Park on April 11, 2016
<http://68.25.24.190:8010/guest/main.html>

The creation of Cully Park and the Garden have the potential to foster gentrification in the Cully neighborhood. As this Park aims to promote environmental justice for low-income people by giving them access to green space and public infrastructure, the presence of the Park also makes the neighborhood more “livable,” which increases its attractiveness for more economically affluent people.²⁸⁹ This means that the construction of the Park could effectively displace the very people it is attempting to serve, reversing its potential to serve as a repatriated space for the local urban Native American population currently living in Cully Neighborhood. Verde is attentive to this problem, and is attempting to combat gentrification by “[building] local contracting, hiring and business development into the bedrock of their strategy; as the amenities multiply, so will jobs and incomes. ‘We need to own the park,’ [Verde organizer Tony DeFalco] asserts. ‘If there’s restoration, we want to put local people to work doing that.

²⁸⁹ Noah Enelow, “Building Cully Park: Social Equity in America’s Greenest City,” *Ecotrust*, January 8, 2013, accessed December 11, 2015, <http://www.ecotrust.org/building-cully-park-social-equity-in-americas-greenest-city-2/>.

If there's a new community center, we want to build it."²⁹⁰ Although this is an appealing proposition, it is unclear whether a small nonprofit like Verde can effectively stand up against a trend that has almost completely redefined the ethnic and economic make-up of Portland to become mostly white and upper-middle class. Therefore, the Garden has the potential to serve as another factor in a cycle of dispossession and displacement of urban Native people, as they are pushed into even more peripheral fringes of Portland or other urban spaces in the Northwest.²⁹¹

Another limitation of this case study is the incredibly long timeline of the project, as well as the potential to be “making more work” for Native Americans by involving them so integrally in the process. As noted above, Cully Park is not expected to be completed for another 20 years, and although the Garden may be built before then, the timeline for its construction is unknown.²⁹² This long timeline for the completion of the Park is due to a lack of funding for the park stemming from the PP&R's inability to provide adequate funds for its construction, and is also influenced by the long process of applying for grants and fundraising that Verde and the Let Us Build Cully Park coalition have spearheaded.²⁹³ Even though this process of working together to raise funds has been seemingly free of conflict, the process is simply slow moving. Therefore, the question is broached: is justice delayed justice served? To what extent must repatriations of land be expedient, and where is the line drawn in terms of a project taking too long? In grappling with these questions, it is insightful to reflect upon the time frames of the repatriations for the Yakama's huckleberry fields and of Blue Lake. Depending on how you qualify the processes of repatriation in each case, land repatriation took anywhere from ten years to over half a decade,

²⁹⁰ Enelow, “Building Cully Park: Social Equity in America's Greenest City.”

²⁹¹ This reality is made even more ironic when taking into account the integral part that NAYA is playing in the creation of this park – that the infrastructure largely built by Native Americans (due to the fact that the PP&R does not have sufficient resources to build the park on their own), for Native Americans, becomes the reason that Native Americans can no longer afford to live near it.

²⁹² Frugoli, “Request for Response.”

²⁹³ Theen, “Portland's Thomas Cully Park nets \$500,000 grant, still millions of dollars short.”

and is still ongoing in both cases. Confronting that the Garden may not be finished for another two decades sheds light on the toll that lengthy repatriation proceedings have on Native communities. In other words, twenty years feels like a longer and harder wait from the present, as opposed to reflecting on it from the past with the knowledge that “success” has been achieved.

In tandem with the issue of the Garden’s long time frame is the potential over-involvement of the urban Native American community in the construction of the project. As described above, the integral involvement of NAYA and Native American women in the core creation group for the Garden is an important strength of this project that illustrates its potential to be an effective repatriation. However, is expecting Native American groups to fundraise and manage the intense legwork of the construction of the park making this project more of a burden than a collaborative gift? Although never explicitly addressed by any Native American people in media coverage of the park, has the line between meaningful participation and dependence on the labor of Native Americans been crossed? It is clear that Cully Park needs the fundraising support of as many organizations as possible for it to be built, especially as the state has disinvested in the creation and maintenance of public infrastructure.²⁹⁴ Perhaps, then, the model of the public park as land repatriation is ineffective as it necessitates too much time and energy from Native American groups in the creation process.

Similar to the Yakama’s struggle for repatriation, as the Garden is in a public park that (although specifically designed for Native American use) is open to the public, questions of what authentic repatriation looks like come into play. A weakness of the model of public park as site of repatriation is the opportunity for misinterpretation, or lack of interpretation, of the Garden by park users. Allowing the public to enter this space increases the likelihood that the significance

²⁹⁴ “Portland Parks & Recreation Contributes \$1.25 Million towards Thomas Cully Park Construction,” *The City of Portland, Oregon, Portland Bureau of Parks & Recreation*, accessed December 11, 2015, <https://www.portlandoregon.gov/parks/article/480939>.

and meaning of the Garden will be misunderstood. Acknowledging the surfeit of damaging stereotypes about Native Americans entrenched in American education and cultures, the Garden could be misinterpreted in ways that reinforce stereotypes.²⁹⁵ As the Garden plans have yet to be finalized, it is unclear how the space will be “marked,” and whether there will be interpretive materials at the site. Although the presence of interpretive materials may ameliorate public misunderstanding, they will not completely eliminate this problem.²⁹⁶

Thoughts on Potential Futures of “Public” Repatriation

Taken in sum, the central question raised when examining the Garden as a form of repatriation relates to the purpose of repatriation: should repatriation privilege challenging and dismantling ingrained stereotypes about Native Americans harbored by other Americans, or should it center the authentic needs of the Native American community it serves? Although ideally these two goals would intersect, they might not. With Cully Park, one avenue to address the first goal could be to create a public park that is entirely the Garden: instead of soccer fields and picnic tables, the park would cultivate culturally significant plants, and allow for indigenous bird and insect habitat to flourish. This park would be basically unrecognizable as a park to non-Natives, as it would not include the parts of a park that are de rigueur to Western individuals, which would probably cause many non-Native people to think critically about the space as a site specifically designed for Native Americans to use, and notice that Native Americans still exist as an important part of Portland. However, this plan could also entrench the stereotypes about

²⁹⁵ For instance, believing that the Garden illustrates that Native Americans can talk to animals and that they live only in “traditional” and not “modern” contexts, or that Native Americans get special treatment and recognition by the state for no real reason.

²⁹⁶ It should be noted that the fact that this park is being built in the Portland neighborhood with the highest percentage of Native Americans, and that the building of the park has been an intensely community-focused effort, increases the likelihood that the Garden will be understood and respected due to community awareness of the Garden. However, this awareness cannot be completely guaranteed within the community, and as the park is open to all people, people from outside of Cully Park will also probably visit it – increasing the likelihood that the Garden will not be understood.

Native Americans cited above. Additionally, this plan, effectively “scaling up” the size of the Garden significantly, might not be useful or applicable to the urban Native American population of Portland on such a large scale. It is equally if not more likely that the local population would prefer to have those parts of Cully Park that are inherently “Western,” like baseball diamonds and covered eating areas over a large field covered in plants. Ultimately, the question remains: which of these two sides, or what combination of them, will best serve Native American communities in their efforts to decolonize and assert their sovereignty? Both goals must be addressed to completely achieve decolonization, as communities need the resources to be able to exist as their own entities and affirm their community-building efforts and receive respect for their sovereign status from others.

Conclusions: A Limited but “Likely” Model for Urban Repatriation

Cully Park and its Inter-Tribal Gathering Garden presents an imperfect model of repatriation in an urban setting. Drawing upon, valuing and incorporating the expertise and input of the community at large, and Native Americans in particular in relation to the Garden, the nonprofit coalition “Let Us Build Cully Park” illustrates a hopeful scenario of community involvement and investment in a public space. With this strong community backing, as well as the project’s commitment to Native American voices and practices, Cully Park and the Garden may function as a space that allows Portland’s urban Native American community to continue in their decolonizing efforts. This is achieved through the remembering of local histories of dispossession and oppression faced by Native American people, the preservation and strengthening of culturally-specific knowledge, and the ability to participate in a process of healing the land which allows the local Native American community to connect with and understand who they are. Therefore, the Garden can be seen as an example of what the land

repatriation efforts mounted by collaborative works between the Sogorea Te' Land Trust and other entities might look like.

However, declaring the creation of the Garden an example of “land repatriation” must be met with a few caveats, which acknowledge the limitations of the model of the public park as a site of repatriation. The process of constructing a park in a low-income neighborhood, as well as the “publicness” of the park present tensions regarding the goal of land repatriation. This model requires intense investment by the local Native American community in its construction along a very long timeline, and has the potential to ultimately push Native Americans out of this neighborhood, as well as allow for misinterpretation and perpetuation of negative stereotypes about Native Americans.

Cully Park and the Garden illustrate an avenue forward for urban Native American populations that are not collectively federally recognized, to create space in an urban setting to foster decolonization. The public park model is fraught with contradictions, but is more likely to occur than a city government gift to a Native American community of complete control over a parcel or urban land. The Garden demonstrates a way that Native Americans have taken advantage of an institutional offer of public space and worked to create opportunities for community betterment in that space. The Garden functions as a space to build and strengthen the urban Native American communities of Portland through the practice of these communities’ “grounding knowledges.” Furthermore, the Garden engages in a physical (re)mapping of the land of Portland as it is claimed and valued as Native land, contesting the cycles of spatial dispossession felt by urban Native American communities of Portland.

Conclusions

“Most non-Indians (of all races and ethnicities and both genders) have been indoctrinated to believe the officially contrived notion that, in the event “the Indians get their land back,” or even if the extent of present federal domination is relaxed, native people will do unto their occupiers exactly as has been done to them: Mass dispossession and eviction of non-Indians, especially Euroamericans, is expected to ensue.”²⁹⁷ – Ward Churchill

“We must be committed to our long-term vision, but we must also be flexible with our strategies, understanding that our strategies will change constantly as we strive together for a more just world.”²⁹⁸ – Andrea Smith

““Listen, ... you don’t lose 1,905,000,000 acres of land only under Republican administrations.”²⁹⁹ – Leslie Marmon Silko

Returning to Mishauna Goeman’s theory of Native women’s (re)mapping efforts, the land repatriation cases explored in this thesis can be understood as physically (re)mapping the United States. Although Goeman speaks about (re)mapping as a discursive and imaginative practice in which Native women writers engage, throughout this thesis I have asserted that Goeman’s theory can expand to theorize the process and effects of land repatriation. My research for this thesis demonstrates that the cases that were most successful³⁰⁰ in achieving (or working toward) land repatriation involved repatriating lands that are not well integrated into settler colonial maps. Furthermore, my research illustrates that Native American communities are leveraging the fact that they have been pushed onto the most marginal lands of the United States by the forces of settler colonialism. These communities use the repatriation and claiming of those lands as “Indian Country” as a tool to interrupt cycles of physical dispossession and community fragmentation. In other words, Native people claim these spaces at the fringe of colonial maps

²⁹⁷ Ward Churchill, *The Earth is Our Mother: Struggles for American Indian Land and Liberation in the Contemporary United States*, in *The State of Native America: Genocide, Colonization, and Resistance*, edited by Jaimes, M. Annette (Boston: South End Press, 1992), 174-5.

²⁹⁸ Smith “American Studies without America,” 313.

²⁹⁹ Smith, *Conquest*, 49, 51.

²⁹⁹ Leslie Marmon Silko, *Yellow Woman and a Beauty of the Spirit* (New York: Simon & Schuster, 1996), 83.

³⁰⁰ I define “success” in terms of being the least taxing for the Native communities involved in terms of temporal, financial and emotional strain.

and, from them, contest settler colonial maps from their weakest points by engaging in Native (re)mapping of the United States. Land repatriations serve as a physical genesis for Native (re)mapping, acting as footholds to push back settler colonial mapping that fragments Native American lands and communities. At the same time, repatriated lands are spaces to begin the envisioning of the shape Native maps. These maps lay on top of colonial maps like layered overhead projector transparencies, attesting to the survivance³⁰¹ of Native peoples.

Goeman describes settler colonial maps as static, creating fixed borders and functioning to facilitate the invisibility of the settler colonial state's expansion through demarcating specific boundaries where marginalized communities (especially Native Americans) can dwell.³⁰² In general, the land repatriations covered in this thesis have been on lands that are relatively unimportant to the integrity of colonial maps, as these are often the under-resourced areas into which Native Americans have been pushed. The repatriation of Blue Lake, the Yakama's huckleberry fields,³⁰³ and the InterTribal Sinkyone Wilderness all take place in National Parks or Wilderness areas, which are only vaguely connected to settler colonial maps: they are not privately owned, and, broadly speaking, are made up of land that most Americans are not directly familiar with.³⁰⁴ The remaining case studies of the InterTribal Gathering Garden and the work of the Sogorea Te' Land Trust both take place in urban locations, the Garden specifically in

³⁰¹ Gerald Vizenor, "Aesthetics of Survivance: Literary Theory and Practice," in *Survivance: Narratives of Native Presence*, ed. Gerald Vizenor (Lincoln, NE: University of Nebraska Press, 2008), 1.

³⁰² Goeman *Mark My Words*, 16.

³⁰³ The length and draining character of the repatriation process of Blue Lake, and to a certain degree, that of the huckleberry fields of the Yakama, can be understood in this framework because both attempted to repatriate "landmarks" of the colonial map – facets of the natural or man-made landscape that anchor colonial maps to the physical geography of the United States. Blue Lake and the huckleberry fields are both seen as sources of value to the United States as a settler colonial nation: Blue Lake due to its aesthetic qualities, and the huckleberry fields due to their potential to be a source of revenue for the NFS and for the status of huckleberries as a commodity. Therefore, because these two locations serve as (lesser) landmarks in the colonial map of the United States, the repatriation process was especially contested and the process drawn out accordingly.

³⁰⁴ While I recognize the key role that National Parks play in the development of an American identity, most Americans do not directly interface with the lands of National Forests (especially Wilderness areas), unlike key natural landmarks like the Grand Canyon.

a space that has been deemed as “spoiled” by urban decay and toxic contamination. Therefore, across rural and urban contexts, lands that have been repatriated exist on the edges of settler colonial maps and are points of departure for Native American (re)mappings of space.

Native feminists Leslie Marmon Silko and Andrea Smith help to conceptualize the importance and potential of (re)mapping from spaces that are “weak points” in settler colonial maps of the United States. Silko writes that “The land has not been desecrated; human beings desecrate only themselves.”³⁰⁵ Beginning the (re)mapping of the Americas *from* spaces that exist at the edges of colonial maps due to their lack of resources is a way of respecting Silko’s words by valuing *all* lands. This repatriation of spaces that have been “cast off” by settler colonial states is a Native feminist practice because it connects the healing of land to the healing of communities. This functions as a reassertion of the “grounding knowledges” of Native communities as a contestation of the fragmentation of these communities brought on by colonialism.

Building from Silko’s analysis, Smith notes that Native American women are specifically poised to effectively (re)map the Americas and envision new futures for Native American sovereignty. She writes:

The colonial context of indigenous women provides them with an opportunity to critically interrogate the contradictions between the United States articulating itself as a democratic country on the one hand and simultaneously founding itself on the past and current genocide of Native peoples on the other hand. When we do not presume that the United States should or will always continue to exist, we create the space to reflect on what might be more just forms of governance, not only for Native peoples, but for the rest of the world.³⁰⁶

Smith’s quote unsettles the supposed permanency and invisibility of the colonial map of the United States by “not [presuming] that the United States should or will always continue to

³⁰⁵ Silko, *Yellow Woman and a Beauty of the Spirit*, 95.

³⁰⁶ Smith “American Studies without America,” 311-12.

exist,³⁰⁷ creating space for Native American women to envision new maps of land and of governance. She points to Native American women as the genesis of these (re)mapping practices as they are situated at the intersections of colonialism, racism and sexism – and therefore have the best understanding of which structures and maps will most equitably serve all parts of Native American communities. Therefore, the question emerges: what do these new maps and newly mapped spaces look like? Furthermore, how will newly (re)mapped spaces interact with the settler colonial maps of the United States?

Goeman describes Native American (re)mapping as a process of (re)covering and “grasping” “the geographies foundational to Native communities,”³⁰⁸ and creating maps that are adaptive and “generate new possibilities.”³⁰⁹ These maps are relational, connecting peoples to larger ecologies of the land base they live within. As Smith states, “Whereas nation-states are governed through domination and coercion, indigenous sovereignty and nationhood are predicated on interrelatedness and responsibility. In opposition to nation-states, which are based on control over territory, these visions of indigenous nationhood are based on care and responsibility for land that all can share.”³¹⁰ Because Native American (re)mapping efforts privilege interconnectedness, are flexible, and are culturally specific, they cannot be equated to colonial maps and the way that colonial maps “steamroller” over other ways of viewing land. Rather, Native American maps can be understood as complicating and laying over colonial maps like transparencies, asserting the “active sense of [Native American] presence over absence, deracination, and oblivion.”³¹¹

³⁰⁷ Smith “American Studies without America,” 311-12.

³⁰⁸ Goeman *Mark My Words*, 205.

³⁰⁹ Goeman *Mark My Words*, 3.

³¹⁰ Smith “American Studies without America,” 312. Arvin et al also agree with this point: Arvin et al, “Decolonizing Feminism,” 16.

³¹¹ Vizenor, “Aesthetics of Survivance: Literary Theory and Practice,” 1.

The intersections of Native and colonial maps, as seen in the processes of land repatriation explored in this thesis, can be conceptualized through the image of layering two overhead projector transparencies on top of one another. Once the two sheets are aligned, the image presented is a combination of the two transparencies – the image of the first is irrevocably altered and can no longer be seen without the image of the second. However, unlike two perfectly matched images, I believe that the meeting of Native and colonial maps is more accurately envisioned through a clumsy layering – one transparency catching on the other and forcibly pushing it out of place. The first transparency is both physically moved and visually changed by the overlying image of the second. Native (re)mapping as originating from land repatriations has this effect on colonial maps. It physically pushes colonial maps back from lands claimed by Native peoples through repatriation, and extends Native maps over colonial geographies so that Native peoples and their histories cannot be “un-seen.”

Each land repatriation in this thesis creates space for Native American (re)mapping efforts to meet and push against colonial maps, and in each the colonial maps are irrevocably changed and either complicated or challenged by the proximity of Native maps. In the process of repatriating the Yakama’s huckleberry fields, the land stewardship practices of the NFS have changed to include Yakama influence, and American entitlement to the huckleberries of the Gifford-Pinchot Forest has diminished as the Yakama have carved out a semi-sovereign space for themselves within the Forest and marked it with signs. Now it is difficult to visit huckleberry fields of the Gifford-Pinchot without visual reminders of the rights of the Yakama. The InterTribal Sinkyone Wilderness shifts colonial maps of resource extraction, and its name encourages the confrontation with the absence of the Sinkyone people in a modern California landscape. The Sogorea Te’ Land Trust also aims to unsettle and uproot the pervasive colonial

maps of the Bay Area to assert that San Francisco is Indian Country through the creation of community gardens and spaces to reinter Ohlone ancestors. The InterTribal Gathering Garden also plans to shift the colonial maps of Portland, Oregon by centering and giving voice to Native American histories of dispossession and community building in Portland. Ultimately, each land repatriation has the effect of creating Native American maps that physically contest the sprawl of colonial maps, while also laying on top of colonial geography to ensure that the land of the United States cannot be seen without the presence of Native American peoples, and Native American maps.