

CONCLUSION

Exceptions and the Rule



JOHN MUIR ONCE DECLARED THAT true lovers of wilderness enjoy a "close and confiding union with [Nature]."¹ Having defined, created, and preserved the object of these affections, Muir and his friends could certainly lay a special claim to America's uninhabited wilderness parks. It is no great trick to love one's own creation, however, and scholars have recently begun to recognize a certain degree of narcissism in American conceptions of wilderness. For those native peoples who found themselves excluded from national park areas in the late nineteenth and early twentieth centuries, the cultural construction of wilderness was already old history. As Luther Standing Bear observed in the early 1930s, "Only to the white man was nature a 'wilderness,' and only to him was the land 'infested' with 'wild' animals and 'savage' people. To us it was tame." Likewise, a contemporary of Standing Bear's, Iktomi Lila Sica, characterized park service claims that Indians had not used preserved wilderness areas in the past as "ridiculous propaganda."² Long before Luther Standing Bear or Iktomi Lila Sica reached young adulthood, Shoshone, Bannock, and Crow people clearly understood the exclusive nature of wilderness and its appreciation, as would the Blackfeet and Yosemite a short while later. In time, the mostly unwritten experiences and sentiments of these peoples would inspire later generations to challenge their continued exclusion from national park lands.

By the 1930s, the object of John Muir's affections had largely become a reality. Yet the exclusion of native peoples from national parks did not represent the end of Indian efforts to regain access to their former homelands. If anything, the 1930s marked the beginning of several new attempts to open up national park areas for traditional uses. Under Commissioner of Indian Affairs John Collier, fifty years of forced assimilation programs were replaced with new federal policies that supported a certain degree of cultural and political autonomy for many tribes. While no one within the Indian Service directly supported native claims to the national parks, Collier's Indian New Deal did foster a level of tribal activism that made it difficult for the park service to "preserve" more wilderness areas at the expense of Indian communities.³ The example of the Blackfeet and Glacier National Park clearly demonstrates these new conditions, but similar developments took place at Canyon de Chelly National Monument and in the national forest reserves of the Pacific Northwest.⁴

One of the most remarkable proposals for national park management in the 1930s came from Iktomi Lila Sica, who called for the creation of several national "Indian-wild life sanctuar[ies]." Sounding like George Catlin before him and obviously sharing the concerns of Black Elk, he hoped to see Badlands National Monument, the Pine Ridge and Rosebud reservations, Black Hills National Forest, and Wind Cave National Park combined with other state and federal lands. Together, these would be "reestablished as a WILDERNESS AREA . . . FOR INDIANS AND WILD LIFE, and, for Indians and visitors, a scientifically zoned sporting, recreational, health and scientific area accompanied by conservation."⁵ Such an area would provide income for Indian tribes and allow unused or "wasted" wilderness areas to be utilized in a nonexploitive manner. Besides South Dakota, Iktomi Lila Sica proposed similar combinations of Indian reservations and public lands around Yellowstone and Glacier national parks. These "inter-reservations" would not only provide important cultural use areas but also support several campuses of a national "Indian University" where native and nonnative students could study traditional and modern land management techniques.⁶

Iktomi Lila Sica's program for "American Indian regeneration" partly smacked of George Catlin's romanticism and certainly shared much of the New Deal's optimism for grandiose public lands projects. Nevertheless, it stemmed from a belief that traditional land use practices must be maintained to guarantee the survival and future health of native societies and the environments on which they historically depended. In light of the recent events at Glacier and Yosemite national parks, however, these ideas had no chance of affecting Indian policy or park administration anywhere in the United States. As a forcefully stated protest, however, this proposal still served as a strong counterpoint to more popular concerns about wilderness preservation and management.

In the 1970s, ideas like Iktomi Lila Sica's began to receive limited recognition from officials within the National Park Service. At Glacier, the Blackfeet redoubled their efforts to assert usufruct rights in the national park and convinced park authorities to at least waive entrance and camping fees for tribal members.⁷ The Yosemite also won similar concessions from park officials at this time and played

a key role in the development of a new Indian cultural museum in the valley.⁸ More significantly and much closer to Iktomi Lila Sica's heart, the park service doubled the size of its holdings at Badlands National Park and expanded into the Pine Ridge Reservation. In a strong turn away from past policy, the Oglala Sioux retained ownership of all reservation land within the new park boundaries.⁹ At Grand Canyon, another plan for park expansion actually led to the enlargement of the Havasupai Reservation. Furthermore, a strip of park land adjacent to the reservation became a special "traditional use area" where tribal members could, under the discretion of the secretary of the Interior, hunt and gather plants in a sustainable manner.¹⁰

Unlike the Yosemite Indians, the Havasupai were a federally recognized tribe with a reservation, but at least until the 1970s the experiences of native peoples in Grand Canyon and Yosemite national parks were quite similar. Though excluded from more heavily visited areas of the park—namely, Indian Gardens along the popular Bright Angel Trail and other areas on the South Rim—some Havasupai worked at Grand Canyon Village in the 1920s and 1930s. They found employment on park construction projects or worked as maids and laundresses in the hotels, and approximately ten families lived at an old village site just west of the Grand Canyon headquarters.¹¹ As at Yosemite, park officials considered the Indian settlement to be a dirty eyesore and relocated the Havasupai to a new village in 1934. There, the Indians paid rent to live in small cabins built by the park service, and only the gainfully employed could remain for any length of time. Weary of this small encampment, both the park service and Grand Canyon concessionaires terminated almost all of their native employees in 1955, forced them out of the village, and tore down their homes.¹²

While a couple of families remained in the park, the rest moved back to the isolated, five-hundred-acre reservation at Cataract Canyon. Located approximately thirty roadless miles from Grand Canyon Village, the area is centered on the spectacular Havasupai Falls that spill turquoise waters over red canyon walls. Though a desert oasis of unparalleled beauty, the reservation could not support a tribe of two hundred individuals and their livestock. Many Havasupai traveled off the reservation to work for wages, but others farmed in the canyon, pastured their livestock on the plateau above the reservation, and hunted or farmed surreptitiously on national park and forest lands. While forest service employees encouraged Havasupai pastoralism by reserving preferred grazing permits for Indians, the National Park Service had long kept a sharp eye on any off-reservation activities. The 1919 Grand Canyon National Park Act authorized the secretary of the Interior, "[at] his discretion, to permit individual members of [the] tribe to use and occupy other tracts of land within [the] park," but officials chose instead to restrict all native use of park lands and resources.¹³

In 1970, the park service developed a new master plan for Grand Canyon that would incorporate adjacent national forest lands into a greatly enlarged national park. Part of a new emphasis in park policy that called for the preservation of a large wilderness area, the master plan required the elimination of all use permits within the expanded boundaries. Once the Havasupai learned of these proposed

changes, they appealed to powerful Arizona politicians like Senator Barry Goldwater and Representative Morris Udall. Both men worked on the tribe's behalf in Washington and sponsored legislation stipulating that any park expansion must also protect customary use of the plateau areas around Cataract Canyon. After several years of great controversy, in which groups like the Sierra Club and the National Parks Conservation Association lobbied against the "Indian threat" to Grand Canyon, the Havasupai and their allies won a decisive victory in January 1975. The reservation was increased by 185,000 acres, and the Havasupai gained "traditional usage" rights to more than 95,000 acres of adjacent national park lands. However, the tribe's victory was tempered by the success of the park service and preservationist groups in preventing the Havasupai from reestablishing their small community at Grand Canyon Village. Likewise, their rights to use national park lands still fell under the same discretionary terms of the original Grand Canyon National Park Act. Of course, the enlargement of the reservation onto the Coconino Plateau would probably never have occurred if the area possessed exceptional scenery or contained unique ecological features. Nevertheless, the Havasupai gained an exceptional victory in their ongoing conflict with the National Park Service in part because many non-Indians now found their arguments compelling.¹⁴

The principles that shaped events at Grand Canyon in the 1970s received further amplification when, under the outgoing administration of President Jimmy Carter, the Alaska National Interest Lands Conservation Act (ANILCA) added ten new units to the national park system and provided for subsistence use in nine of the new or enlarged land units.¹⁵ This unique situation within the national park system grew out of a long, complicated process that predated Alaskan statehood in 1959. The act admitting Alaska to the Union allowed the state to select 103.5 million acres of federal land but also required the state to disclaim any rights or jurisdiction that might still be subject to aboriginal title. Because the United States had never signed a treaty with any Alaskan native groups and the 1884 Organic Act for the Territory of Alaska recognized aboriginal rights to lands they used or occupied, the requirement that the state respect native claims applied to virtually all land in Alaska.

Despite the filing of protective blanket claims by several native groups, the federal government began processing the state's land selections almost immediately. This mobilized and unified Alaska Natives, Eskimos, and Aleuts, who organized both regionally and statewide. Their protests eventually caused Secretary of the Interior Stewart L. Udall to halt all state land selections in 1966. Eager to exploit Alaskan mineral resources, oil company lobbyists joined in an unlikely coalition with native groups to push for speedy settlement of the state land issue. These efforts culminated in 1971 with the Alaska Native Claims Settlement Act (ANCSA), which provided for the payment of \$962.5 million and conveyance of 45 million acres to Native Alaskans. Unlike aboriginal land settlements elsewhere in the United States, ANCSA did not create semisovereign reservations. A small fraction of the total native settlement did cover village sites, but the rest fell under the control of eleven native-run corporations. Although the management of

valuable mineral and forest resources by these corporations seemed the best way to guarantee economic self-sufficiency, many traditionalists supported ANCSA because it also set aside large areas where they might continue older subsistence practices.¹⁶

When native groups were protesting the federal government's wholesale disposal of millions of acres to the state, which in turn planned to sale or lease much of the land to mining and oil development interests, national preservationist groups also lobbied for the protection of unselected lands. ANCSA reflected their interests as well, for the act stipulated that the secretary of the Interior could withdraw eighty million acres of the public domain for the creation and expansion of national parks, forests, wildlife refuges, and wild and scenic rivers. Because efforts to retain aboriginal control over certain areas presented the strongest check against massive development of mineral and energy resources, national park advocates soon joined forces with those indigenous leaders who had been pushing for the protection of traditional use areas. Their combined efforts had a strong effect on the land selection process mandated by ANCSA and soon led to the passage of ANILCA. This latter piece of legislation would link preservationist interests with native concerns in ways that profoundly shaped federal land management policies in the forty-ninth state. In Alaska, at least, it seemed possible to protect large "wilderness" areas and incorporate the cultures that had long interacted with them.¹⁷

Except for the example of the Havasupai and Grand Canyon National Park, the integration of subsistence use areas into some of Alaska's national parks makes them wholly unlike other protected areas in the lower forty-eight states. However, Alaska's national parks do not guarantee exclusive rights to native people. Subsistence use of national park lands applies to local communities, native or nonnative, and falls within a larger set of land use policies that permit some sport hunting and mining. The only areas within Alaska's national parks where native people have specified rights are lands owned by native corporations. But these are essentially the same rights as those held by Alaskan homesteaders with prior claims on park lands. In no instance do native rights approximate the control that Indian tribes generally exercise over reservation lands in the rest of the United States. Consequently, Alaska may be less a harbinger of future national park policies than it is a throwback to the late nineteenth century, when park officials allowed hunting and recognized the claims of homesteaders and mining interests. Where things might be headed is perhaps best indicated by the situation at Denali National Park; the enlarged and renamed successor of Mount McKinley National Park, Denali does not permit subsistence use within the original 1917 boundaries. While Denali is the only Alaskan park that approximates the symbolic importance of Glacier, Yellowstone, or Yosemite, similar restrictions also apply to Glacier Bay and Katmai—the only other park areas that were in existence before the passage of ANILCA.¹⁸

Perhaps the strongest challenge to the uninhabited wilderness ideal has come from the Timbisha Shoshone in Death Valley. As with so many other holdings in the national park system, the creation of Death Valley National Monument in

1933 impinged directly on the area's native inhabitants. Hunting, food gathering, and seasonal camp movements were all banned; most of the local native bands dispersed to other areas outside the monument; and the few individuals who remained were confined to a small area, where they were charged for use of the valley's scarce water resources. Of a total tribal population that now numbers approximately three hundred individuals, a few dozen families have managed to remain in a small area adjacent to the park's main tourist facilities at Furnace Creek. While most Timbisha live in communities near the national park, tribal members who reside at Furnace Creek have managed to find employment with either the park service or one of the tourist concessionaires.¹⁹

The Timbisha Shoshone became a federally recognized tribe in 1983, with all the privileges and sovereign rights that most tribes hold by virtue of their earlier treaties with the United States. However, they do not yet have a reservation on which to exercise their newly recognized sovereignty. The California Desert Protection Act of 1994, which enlarged and upgraded Death Valley to national park status and designated adjacent lands as federal wilderness areas, required the secretary of the Interior to conduct a study of suitable locations for a reservation. Tribal leaders have pushed for control of about a quarter of the new park and shared management of nearby wilderness areas, but park officials have vigorously resisted both efforts. Keenly aware of the precedent-setting nature of the Timbisha claims, the National Park Service fears that any major concession to the tribe would open the doors to similar claims throughout the park system.²⁰

In the midst of their recent disagreements with the park service, the Timbisha Shoshone have joined with five other native groups to form the Alliance to Protect Native Rights in National Parks. The other members of the alliance are the Pai' Ohana, who have claims on Kaloko-Honokohau National Historic Park on the island of Hawaii; the Miccosukee Tribe, which has claims on Everglades National Park in Florida; the Navajo Nation, which comanages Canyon de Chelly National Monument with the park service in Arizona; the Five Sandoval Indian Pueblos, which have concerns over the management of cultural sites within Petroglyph National Monument in New Mexico; and the Hualapai Tribe, which has complained of a new "overflight" plan that affects their reservation near Grand Canyon National Park in Arizona. Although negotiations between the National Park Service and these native groups will no doubt produce a number of compromises that at least permit traditional use of some park lands, the difficult path toward resolution illustrates the persistence of century-old ideas about wilderness, land use, and native rights. Nevertheless, such agreements will probably not send any immediate tremors through the park system. Though Death Valley and these other park holdings certainly include areas of spectacular scenery and protect several endangered species, none have the same appeal as America's "crown jewel" national parks. Consequently, some degree of native use and control of these park areas would not challenge popular conceptions of wilderness in quite the same way that a group of Indian hunters in Yellowstone would.²¹

The issues surrounding native claims to Death Valley are very similar to those at Glacier National Park, where the Blackfeet first made a proposal for joint man-

agement of the eastern half of the park in 1975.²² The Blackfeet have yet to gain recognition of the rights guaranteed them in 1895, but the park service and the tribe have begun to reach accord on how to manage certain park features that have special religious significance for Blackfeet traditionalists. For the most part, there is now goodwill on both sides, and park officials genuinely want to incorporate Blackfeet concerns into future park policy. Likewise, many Blackfeet appreciate the park service's ability to protect an area of great significance to the tribe. As one tribal elder recently observed,

Here, our medicine on the Reservation is not as strong as that up there. And it's bigger up there. Because up there in the mountains it's so pure. And here, it's been trampled over and cars disturb it, everybody disturbing, cows graze it off. Whereas in the mountains, the elk and the wild game respect the medicines. And they use them themselves. There's so much of the Park left because it hasn't been bothered, it's been clean all these years.²³

The park service and the Blackfeet may have a long adversarial history, but both recognize how their interests have overlapped significantly in the past few years.

Despite a shared concern for the Glacier environment, the basic issues that have divided the Blackfeet and the National Park Service for most of this century are still far from easy resolution. The impasse not only reflects the powerful cultural values that remain embedded in two very different conceptions of the same landscape but also stems from the many difficult issues that have always impinged on the exercise of tribal political sovereignty within the United States. In recent years, the park service has begun to see that native subsistence practices do not necessarily compromise the integrity of park environments, which in turn has led to greater cooperation between park superintendents and tribal councils.²⁴ Cultural agreements between the park service and various native groups will probably lead to the acknowledgment of past wrongs, but nothing of lasting import will take place until there is some resolution of the issue of native rights on public lands.

If cooperation on cultural issues does further tribal efforts to exercise some control over national park lands, this could revolutionize the way all Americans experience the wilderness. At Glacier National Park, for instance, full recognition of Blackfeet claims would make plain that the American preservationist ideal is predicated on Indian dispossession. Furthermore, the notion of a usable or inhabitable wilderness implies that "nature" and "culture" are deeply intertwined, if not inseparable. Rather than idolize wilderness as a nonhuman landscape, where a person can be nothing more than "a visitor who does not remain," national parks might provide important new lessons about the degree to which cultural values and actions have always shaped the "natural world."²⁵ More particularly, to view a national park like Glacier as part of the "head" of the Blackfeet people and not simply the "crown of the continent" might lead tourists to see themselves as visitors in Indian country and not simply as pilgrims at an American shrine. Likewise, native use of national parks like Glacier, Yellowstone, and Yosemite would further tribal efforts to reclaim their traditions and, in the process, strengthen their ability to remain politically and culturally distinct nations.