

July 1, 1982

17 EXECUTIVE COUNCIL RESOLUTION #107

UNIVERSITY OF COLORADO
STUDENT UNION

Sponsored By: Representatives-at-Large: Mark Montalban
Brendon Shea
Becky Lawrence
Co-Rep from Env Design: Scott Martin
Co-Rep from Env Design: Robin Healey
Executives: Tad Miller
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A RESOLUTION

WHEREAS: The Student Union at the University of Colorado support H.R. S664 as an essential resolution in response to the deprivation of land for the Lakota-Dakota Sioux Indian nation; and,

WHEREAS: As believers in the Democratic process we find the passing of H.R. S664 as necessary to avoid bloodshed.

THEREFORE BE IT RESOLVED by the Executive Council of the University of Colorado Student Union, THAT:

SECTION 1: Upon passage of this UCSU resolution, a copy shall be mailed to the following in respect to the Yellow Thunder Camp Issue:

1. U.S. Forest Service
2. Bureau of Indian Affairs
3. Colorado Congressional Delegation
4. President Ronald Reagan
5. Secretary and Under Secretary of Interior
6. Secretary of Agriculture

SECTION 2: This resolution shall take effect upon passage.

THE BILL IN CONGRESS

97TH CONGRESS
2D SESSION
H.R. 5684

To provide that, for a ten-year period, certain Federal land in the Black Hills National Forest shall be withdrawn from public use in order that the Lakota-Dakota (Sioux) Nation may use such land as a cultural and religious resource area, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

March 2, 1982

Mrs. Chisholm (for herself, Mr. Weaver, and Mr. Moffett) introduced the following bill; which was referred to the Committee on Interior and Insular Affairs.

A BILL

To provide that, for a ten-year period, certain Federal land in the Black Hills National Forest shall be withdrawn from public use in order that the Lakota-Dakota (Sioux) Nation may use such land as a cultural and religious resource area, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the Congress finds that—

(1) on April 4, 1981, members of the Lakota-Dakota (Sioux) Nation established a cultural and religious community named "Yellow Thunder Camp" and settled such community on certain Federal land in the Black Hills National Forest,

(2) such land is part of the historic homeland of such nation and is spiritually sacred to the members of such nation,

(3) Yellow Thunder Camp is self-supporting, has established educational and medical facilities, and is a model of self-determination,

(4) the Forest Service refused to issue a special use permit that would have allowed Yellow Thunder Camp to remain on such land permanently,

(5) in the Act of August 11, 1978 (42 U.S.C. 1996), commonly known as the American Indian Religious Freedom Act, the Congress recognized the inherent rights of American Indians to believe, express, and exercise their traditional religions, including the rights to have access to sacred sites, to use and possess sacred objects, and to worship through ceremonials and traditional rites, and

(6) for a ten-year period Yellow Thunder Camp should be allowed to remain on, and use as a cultural and religious resource area, eight hundred acres of their holyland in the Black Hills National Forest during which time conflicts between the Lakota-Dakota Nation and Federal agencies concerning such nation's use of Federal land in the State of South Dakota for cultural and

religious purposes can be resolved.

SEC. 2 (a)(1) During the period beginning on the date the Secretary issues a permit under subsection (b) and ending ten years after such date, eight hundred acres of Federal land, which is described in paragraph (2) and is located twelve and one-half miles south of Rapid City, South Dakota, in the Black Hills National Forest, shall be withdrawn from public use and shall be used as provided in subsections (b) and (c).

(2) The land referred to in paragraph (1) is northwest quarter of section 27 and all of section 28, township 1 north, range 6 east, of the Black Hills meridian.

(b) As soon as practicable after the date of the enactment of this Act, the Secretary shall issue a ten-year permit to Yellow Thunder Camp to use the land described in subsection (a)(2) as a cultural and religious resource area. Such permit shall include terms providing that Yellow Thunder Camp—

(1) may erect semipermanent structures on such land, including dwellings,

(2) except as provided in paragraph (3), may not hunt, fish, or use any other natural resource of such land for commercial purposes,

(3) unless prohibited by any other provision of law (other than paragraph (2)), may hunt, and use parts of, animals to make products for sale, and

(4) may not deny access to such land—

(A) by any member of the public, other than individuals who Yellow Thunder Camp, after consultation with the Secretary, determines would unreasonably interfere with Yellow Thunder Camp's use of such land as a cultural and religious resource area, or

(b) by any officer or employee of the Forest Service if such officer or employee gives reasonable notice to Yellow Thunder Camp before entering such land.

(c)(1) During the period beginning on the date of the enactment of this Act, and ending ten years after the Secretary issues a permit under subsection (b), the Secretary shall not enter into contract or lease, or issue any permit, concerning any part of the land described in subsection (a)(2), or any natural resource of such land, unless Yellow Thunder Camp consents to such action.

(2)(A) As soon as practicable from the date of the enactment of this Act, the Secretary shall terminate any lease, permit, or contract concerning such land, or any natural resource of such land, if Yellow Thunder Camp, after consultation with the Secretary, determines that the carrying out of such lease, permit, or contract would unreasonably interfere with Yellow Thunder Camp's use of such land as a cultural and religious resource area.

(B) If any such lease, permit, or contract is so

terminated, then the Secretary, if possible, shall offer to enter into a comparable lease, permit, or contract with the lessee, permittee, or contractor involved concerning other Federal land in the Black Hills National Forest.

SEC. 3. Notwithstanding any other provision of law, in developing, maintaining, or revising any land and resource management plan concerning any land in the Black Hills National Forest under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) or any other provision of law, the Secretary shall assure that such plan—

(1) prohibits any activity on such land, including timber harvesting and grazing, that would result in unreasonable harm to, or destruction of, any religious or cultural site sacred to the Lakota-Dakota Nation unless such nation consents to such activity,

(2) prohibits any excavation, removal, or disposition of archeological resources located on such land unless the Lakota-Dakota Nation consents to such excavation, removal, or disposition, and

(3) guarantees to the members of the Lakota-Dakota Nation, the members of other Indian nations, and the allies of the Lakota-Dakota Nation the free exercise of their inherent rights to believe, express, and exercise their traditional religion, daily or otherwise, on such land, including the right to have access to such sites, to use and possess sacred objects on such land, and to worship through ceremonials and traditional rites on such land.

SEC. 4. (a) The Secretary and the Secretary of the Interior, jointly, shall undertake extensive consultations and negotiations with the traditional religious and cultural leaders of the Lakota-Dakota Nation in an effort to understand, and resolve to the satisfaction of such leaders, conflicts concerning—

(1) the free exercise of the inherent rights of the members of the Lakota-Dakota Nation, the members of other Indian nations, and the allies of the Lakota-Dakota nation to believe, express, and exercise their traditional religion, daily or otherwise, on Federal land in the State of South Dakota, including the rights to have access to sacred religious and cultural sites on such land, to use and possess sacred objects on such land, and to worship through ceremonials and traditional rites on such land,

(2) activities on such land which result in unreasonable harm to, or destruction of, religious and cultural sites sacred to the Lakota-Dakota Nation, and

(3) the excavation, removal, and disposition of archeological resources located in such land.

(b) Not later than ten years after the date of the

enactment of this Act, the Secretary and the Secretary of the Interior, jointly, shall submit a report to the President, the Speaker of the House of Representatives, and the President of the Senate containing a detailed description of the actions taken, and the findings made, under subsection (a) and any recommendations for legislation or administrative action.

SEC. 5. For purposes of this Act—

(1) the term "Yellow Thunder Camp" means the cultural and religious community which settled on part of the land described in section 2(a)(2) on April 4, 1981, and which is spiritually governed, self-sufficient, and guided by the teachings of Lakota-Dakota ancestors given to such community through Lakota-Dakota ceremonies and oral society,

(2) the term "Secretary" means the Secretary of Agriculture, and

(3) the term "archeological resources" means any material remains of past human life or activities which are of archeological interest, including pottery, basketry, bottles, weapons, weapon projectiles, tools, structures, or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of any of the foregoing items. Nonfossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archeological resources under this Act, unless found in an archeological context.

Co-Sponsors:

Shirley Chisholm (D-NY)

James Weaver (D-Ore.)

Toby Moffett (D-Conn)

Supporters of Congressional Bill

as of April 1, 1982

Jonathan Bingham (D-NY)

William Brodhead (D-Mich)

John Burton (D-Calif)

Ronald Dellums (D-Calif)

Don Edwards (D-Calif)

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