Utah Monument Fight Pits Native Americans Against Land-Use Militants

A swath of high desert known as Bears Ears has become ground zero in the long-running battle over the nation's public lands.

JASON MARK, THE AMERICAN PROSPECT AUGUST 3, 2016

HTTP://PROSPECT.ORG/ARTICLE/UTAH-MONUMENT-FIGHT-PITS-NATIVE-AMERICANS-AGAINST-LAND-USE-MILITANTS

y all accounts, the looting was terrible. Across the Southwest a century ago, thousand-year-old Native American granaries were pillaged by clay pot hunters. Grave robbers worked in the open. In the sandstone dwellings perched high in the cliffs, tourists cut souvenirs out of the ancient ceiling beams. Vandals carted off heirlooms by the wagonload.

In response, Congress acted swiftly. In the summer of 1906, the House and the Senate passed, and President Theodore Roosevelt quickly signed, a law known as the Antiquities Act, which was designed to protect America's cultural and physical treasures. Results were immediate. Within two years, Roosevelt had invoked the new law to protect Wyoming's Devil's Tower (held sacred by the Cheyenne and the Lakota as "Bears Lodge") from timber and mining interests, to provide new security to Chaco Canyon and Gila Cliff Dwellings in New Mexico, and to safeguard Arizona's Montezuma's Castle and the Grand Canyon.

A century later, a similar (if less intense) looting spree is once again destroying tribal artifacts in Utah's red rock country, in an area known as Bears Ears. According to archaeologists, San Juan County, Utah, may be home to as many as 100,000 archaeological and cultural sites. Grave robbing and vandalism, always a problem in the vast and under-policed region, is on the rise. Since 2011, federal officials have reported **at least 25 incidents of looting** and disturbance of human

remains, though citizen watchdog groups say the number is likely twice as high. In one instance, vandals dismantled a 19th-century Navajo hogan for firewood. Prehistoric petroglyphs have been found pockmarked with bullet holes—the North American equivalent of, say, using the Chartres Cathedral's rose window for target practice.

Native Americans are in shock. "In the region here, the looting and vandalism of cultural sites is pretty rampant. It's a serious offense, but if it gets reported, it doesn't get dealt with," Regina Lopez-Whiteskunk, a councilmember of the Ute Mountain Ute, told *The American Prospect*. "This is the final resting place of our ancestors. We feel they deserve the same respect as, say, the battlefield at Gettsyburg. … When places like that get destroyed, it's like ripping a page out of history."

For now, the Bears Ears, a pair of red sandstone buttes popping out of the pinyon-juniper forest—the southern one cocked in what does resemble ursine curiosity—is ground zero in the dispute about who should get to manage western lands, how they should be managed, and, to some, whether there is even such a thing as federal lands.

In response, the Ute Mountain Ute have joined with four other native nations—the Navajo, the Hopi, the Utes, and the Pueblo of Zuni—in an unprecedented tribal alliance to press for additional federal protections for southeastern Utah. The five tribes—historic enemies still riven by contemporary disputes over resource allocation—have set aside their differences to join in the common cause of calling on President Obama to establish a 1.9 million–acre Bears Ears National Monument. But GOP lawmakers and some Utahns with links to the Bundy militia are intensely opposed to any monument designation, turning this swath of high desert into the latest front in a long-running war over public lands policy in the West. For now, the Bears Ears, a pair of red sandstone buttes popping out of the pinyon-juniper forest—the southern one cocked in what does resemble ursine curiosity—is ground zero in the dispute about who should get to manage western lands, how they should be managed, and, to some, whether there is even such a thing as federal lands.

The Bears Ears Inter-Tribal Coalition is barely a year old, but the group has an important ally in the Obama administration. On July 15 and 16, Interior Secretary Sally Jewell, National Park Service Director John Jarvis, and Neil Kornze, the head of the Bureau of Land Management, traveled to Utah for public hearings over the proposed monument. Jewell, for one, was moved by what she heard from tribal members. "Everyone recognizes this is a special area," **Jewell said** while standing in the middle of the Bears Ears meadow. "What I have seen on this trip, and especially here, is this incredible treasure trove of cultural resources. It's beyond imagination. I am also shocked at the lack of protection for many of these resources."

Utah's congressional delegation is also aghast—at the prospect of a new national monument in their region. Representative Rob Bishop, a Republican who chairs the Natural Resources Committee, has called the Antiquities Act **"the most evil act ever invented."** The San Juan County Commission, dominated by Bundy-clan sympathizers, is also vehemently opposed to the potential monument. Utah's **Senator Orrin Hatch has hinted** that a monument designation by Obama could lead to violence.

For the Native American nations spearheading the Bears Ears campaign, the drive for a national monument in their ancestral lands marks a major turnabout. The relationship between tribes and the federal land-management agencies has long been marked by mistrust, the natural result of centuries of dispossession and exclusion. The Obama administration has sought to hit the reset button on federal-tribal relations; at Grand Canyon National Park, for example, deputy superintendent Brian Drapeaux, a member of the Rosebud Sioux, has increased tribal representation at the main tourist spots, while boosting Indian involvement in the lucrative sale of concessions.

But tribal leaders remain suspicious. "Historically, we haven't been part of the [land] management process," says Carleton Bowekaty, a Zuni tribal

councilmember and the co-chair of the Bears Ears alliance. “Normally, we are consulted afterward.”

THE INTER-TRIBAL ALLIANCE’S proposal is as audacious as it is ambitious. The five tribes are asking the government to let the native nations co-manage Bears Ears National Monument, an arrangement without precedent. The tribes envision an oversight commission that would include the National Park Service, the Forest Service, the Bureau of Land Management, state and county representatives, and the five tribes in the coalition. “Here we want to make sure the tribes have a voice from the beginning,” Bowekaty says. “And that’s important because the voice we want to include doesn’t have to do with the material, but with the spiritual, and that’s normally foreign to federal policy.”

For their part, national conservation groups such as the Sierra Club and the Wilderness Society, which normally lead campaigns to protect public lands, have deliberately stepped back, acknowledging that the tribes have the highest moral ground when it comes to Bears Ears. “This is exactly what the Antiquities Act was designed to do—protect archaeological and cultural sites,” says Matt Lee-Ashley, director of the public lands program at the Center for American Progress. “The tribes are obviously able to speak to that very well. They’ve mapped out what needs protection, and how to engage in co-management to protect it.”

While the Indians merely mistrust the feds, many whites in southern Utah have openly voiced hatred against them. San Juan County is a hotbed of don’t-tread-on-me Sagebrush Rebellion sentiment.

But the local opposition to the monument proposal is fierce. While the Indians merely mistrust the feds, many whites in southern Utah have openly voiced hatred against them. San Juan County is a hotbed of don’t-tread-on-me Sagebrush Rebellion sentiment. In 2014, right after the armed standoff at the Bundy Ranch in Nevada, some local residents, led by County Commissioner Phil Lyman, violated federal laws by riding all-terrain vehicles into a canyon where they’d been banned after damage to archaeological sites. Many of the lawbreakers were packing guns.

On his Facebook page, Lyman has described the BLM as "despotic." **He has also been quoted as saying** that Native Americans have no standing on public lands issues because "they lost the war."

The dispute has devolved into the use of dark ops. Lands-rights activists have sought to gin up resistance among area Indians by floating rumors that monument designation would put an end to the common (and lawful) practice of collecting firewood and gathering medicinal herbs and plants for spiritual ceremonies. This spring, **leaflets that faked the appearance of Interior Department press releases** began appearing in public places on the Navajo Nation, stating falsely that the monument would seize four million acres of tribal land. Another phony flyer announced a party celebrating the Bears Ears Monument, and provocatively blared that "everyone is excited except Utah Navajos."

Native proponents of the monument dismiss this as nothing but dishonest scaremongering, and say their monument would not ban such traditional land uses as wood and plant gathering. "There is a lot of misinformation out there, a lack of understanding about the access to resources," Bowekaty says. "This is not exclusionary." Nevertheless, the inaccurate rumors have misled some area natives. A video produced by the Sutherland Institute, a Utah think tank "supporting limited government and private property rights," features a string of Indian speakers coming out against the Bears Ears proposal and asking that Obama not "take our land."

Monument opponents' most vocal champion on Capitol Hill is Utah's Bishop, who has said that anyone who likes the Antiquities Act as written should "die" because he "needs stupidity out of the gene pool." Bishop has repeatedly introduced or co-sponsored legislation that would dilute and render meaningless the Antiquities Act, and has supported calls for the transfer of federal lands to state governments to allow for more mining or oil and gas extraction.

In an effort to forestall a monument designation, Bishop and fellow Utah Representative Jason Chaffetz introduced a bill in early July called the Public

Lands Initiative as an alternative to the tribal plan. Bishop's proposal would protect 1.4 million acres in the Bears Ears region as National Conservation Areas (a designation that offers less protection than a national monument) while giving the state of Utah new powers to open 300,000 acres of federal land to oil and gas drilling.

Bishop has sought to sell his legislation as a "grand bargain" that could appeal to all sides. But it has left many cold. Green groups blasted it as an effort to "divest Americans of their shared public lands." The tribal leaders pushing for Bears Ears protection were nonplussed. "Where was the state delegation, and why haven't they approached the tribal governments earlier?" asks Lopez-Whiteskunk, of the Ute Mountain Utes. If anything, Lopez-Whiteskunk adds, Bishop has mostly been useful to the monument campaign as a political foil. "I would thank him for giving us an opposition. You always need an opposition."

Despite such local resistance and internecine divisions, the tribal leaders and their allies in the conservation movement are cautiously optimistic that Obama will act on Bears Ears before he leaves office. They are confident that public opinion is on their side: **A poll this spring** reported that 71 percent of Utah residents support a national monument designation—and they have been buoyed the strong turnout at the federal hearing on July 16.

That Saturday, the population of Bluff, Utah, tripled as people poured into town for the meeting with Secretary Jewell and other federal officials. Folks started lining up at 9 a.m. for the afternoon hearing. By midmorning the community hall was full, by noon a large overflow tent was filled, and by the time the hearing began, a second overflow tent was also packed to capacity. The Bears Ears Inter-Tribal Coalition brought a thousand turquoise-colored T-shirts to hand out to supporters; there were none left over. Participants say supporters outnumbered opponents at least 3 to 1. Lyman, the San Juan county commissioner, later complained that those "who care about federal overreach were horribly outnumbered."

For three and a half hours, Jewell listened to one emotional testimonial after another about why Bears Ears is a unique place that deserves the highest federal protections. Zuni tribal councilmember Bowekaty says he wanted to make a simple point to the federal officials who traveled to Utah: “We have been pushing the fact that we didn’t draw the reservation lines or the state lines or the country lines—we just had to adapt to them. Because we have such a deep connection to the [Bears Ears] area, this area holds great significance to the Zuni people and other peoples, even though we might not live there anymore. This time, we want to be the ones drawing the lines.”