

U.S. SENATOR BARBARA BOXER  
TESTIMONY FOR INDIAN AFFAIRS COMMITTEE HEARING ON SACRED SITES  
JULY 17, 2002

Mr. Chairman, I welcome the chance to testify today before this committee on an issue that is so personally important to me.

I want to start by welcoming two witnesses, President Jackson and Lorey Cachora, who are here today on behalf of the Quechan Nation. I have had a long relationship with this Tribe, a relationship that actually came about because of the unfortunate circumstances I will describe in a few moments.

But first, let me address the issue of sacred sites, and how strongly I feel that these sites must be protected.

In this world, there are a number of sacred sites that we all recognize, respect and revere as sacred, regardless of individual faith. The very idea of placing a cell phone tower at the Wailing Wall, making a parking lot out of Notre Dame, or putting an oil rig in the Blue Mosque or Westminster Abbey is preposterous – it's impossible to even conceive of it happening.

And yet, there are numerous Native American sacred sites – some that are unknown, but many that are known – that are currently being ravaged and destroyed in these very ways.

I feel comfortable saying that in this room, we all understand the importance of sacred sites and the role they play in the spiritual and religious life of a tribe. But there is a difference between understanding that sacred sites exist and respecting these sites, being cognizant of their importance and protecting them with the full force of law.

The protection of sacred sites is not a new issue. It has been dealt with numerous times, through Executive Order, and federal laws and regulations. However, sacred sites are still being threatened – in my state of California and across the nation.

Let me tell you about a specific sacred sites issue in which I have been intimately involved – one that involves the Quechan Nation's epic battle against a proposed gold mine. The story spans nearly a decade and began in 1994, when the Canadian-based Glamis Imperial Corporation proposed development of an open-pit gold mine that would impact over 1,600 acres of land in southern California.

“Impact” is a term that can mean many things. This proposed mine wouldn't just impact these lands – it promised to destroy them. Open pit gold mining, which is what Glamis proposed, literally alters the face of the landscape. And because the scope of the damage is sometimes hard to

comprehend, I brought a chart that shows a similar mine that exists in California. What I didn't bring were the pictures I have of the yellowish-orange rivers near this mine. These rivers are dead zones that have been poisoned by the cyanide used in this type of gold mining.

It is fair to say that this type of gold mining creates sacrifice zones. And in this case, Glamis proposed that the sacrifice zone be a location that is sacred to the Quechan people.

During the permit review process, the President's Advisory Council on Historic Preservation testified that the mine would "essentially destroy the Tribe's ability to practice and transmit to future generations the ceremonies and values that sustain their cultural existence." To me that says that this mine would rip the heart out of the Tribe's religious center.

The Tribe, to its credit, played by the rules. They participated in the environmental review process and they expressed their objections. I repeatedly expressed mine. I met with Secretary Babbitt to let him know of my opposition.

And in January 2001, the Clinton Administration did the right thing. In an unprecedented move, it denied Glamis the necessary permits. Never before had the Bureau of Land Management denied a mine because of its environmental and cultural impacts.

The Administration's decision to reject the mine was based in part on the fact that "the proposed project is in an area determined to have nationally significant Native American values and historic properties and would cause unavoidable adverse impacts to these resources."

The day that decision was made was a day when the federal government honored its legal and ethical obligations to protect the interests of the Quechan (QUITS-ON) Tribe. It sent a powerful and positive message that Native American religious rights would be honored and their sacred sites protected.

Unfortunately, that victory didn't last long.

In November 2001, Secretary Norton came up with a new interpretation of mining law and decided she was going to reopen consideration of the Glamis proposal. Although the initial permit denial took 6 years and hundreds of hours of consultation, the decision to reopen the permit involved no public input and took only a few months.

Nowhere in the convoluted explanation that Secretary Norton gave to justify this decision did she address the Tribe's concerns. She simply acted as if they didn't matter. Or maybe she knew there was no legal or moral justification she could give.

The decision is a rejection of her trust obligations to the Tribe. It ignores her duty to comply with the Executive Order on Sacred Sites. And it rejects her obligation to comply with the Native

American Grave Protection and Repatriation Act.

But what really bothers me deeply is that Secretary Norton met with the Glamis Corporation – a private Canadian company – prior to reversing the Clinton decision.

She did not similarly meet with, or even consult, the Tribe. In fact, she still has not met with the Tribe, despite her plans to move forward with a project that will tear the heart out of their culture.

I hope that today's witness for the Administration can give us confirmation that the Secretary will meet with the Tribe in the near future to discuss this.

When I ask myself how this could happen, the only conclusion I can draw is that Secretary Norton views the Glamis project as just another mining project. But I am here to tell you, it isn't. The Glamis project is about the desecration of a sacred site.

We in Congress must find a way to ensure that the Quechan Nation's sacred sites and the sacred sites of other Tribes are not allowed to fall prey to mining or any other form of destruction.

Although I have mentioned one situation in my state, I know that this is not a state-specific issue. It is a national issue, and one that we must address at the national level.

I once again thank you Mr. Chairman, for convening this series of hearings – and for your dedication to improving the protection of Native American sacred sites.