



MAKING INDIGENOUS RELIGION AT THE SAN FRANCISCO PEAKS:

Navajo Discourses and Strategies of Familiarization

INTRODUCTION: SACRED SPACE, FAMILIARIZATION,
AND THE PROBLEM OF AUTHENTICITY

Sacred space is contested space. Indeed, even the category of the ‘sacred’ itself is subject to continued contestation. Whether the “sacred” is conceptualized by scholars as ineffable, inviolable, an inalienable community resource, the opposite of profane, a source of danger, or a source of power, it is uncertain that the category of the “sacred” is productive in application to Native American and Indigenous religious traditions. In light of such disputes, this paper assumes that the sacred is a culturally contingent construction. Because the sacredness of a place is not inherently determined—nor even the “place-ness” of the place itself—it remains “open to unlimited claims and counter-claims to its significance” (Chidester and Linenthal 1995: 18). Consequently, since different constructions of meaning at the site inevitably lead to conflicts between groups, sacred space is inherently “contested space” (Chidester and Linenthal 1995: 15).

With the hope of transcending some of these differences, Native Americans engage in what Mary Louise Pratt has called “autoethnography,” or strategic discourses in which “colonized subjects undertake to represent themselves in ways that *engage with* the colonizer’s own terms[...]in response to or in dialogue with[...]metropolitan representations” (Pratt 1992: 7; emphasis

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in original). Pratt's conception of "autoethnography" may also be used productively in conjunction with Jonathan Z. Smith's (2004) strategies of "familiarization" and "defamiliarization." In the words of Bruce Lincoln, these discursive strategies are employed in the hopes of "evoking previously latent sentiments of affinity or estrangement" (Lincoln 1989: 174). Therefore, when sacred claims are made in public venues and in legal contexts, strategies of "familiarization" and "defamiliarization" are frequently employed, most often through analogy (Michaelsen 1985: 65-68; Mazur 1999: 117-118). Since Native Americans often try to assert the legitimacy of their own religious traditions in relation to the most established religion in the United States, Christianity, many of these discursive strategies employ analogies with explicitly Christian content in order to familiarize their own traditions to non-Native audiences.

Such familiarization in these contexts is necessary, since the premise of any religious freedom case is that what one is talking about is "religion." Of course, defining religion is not a simple matter. Definitions of religion abound among academics, courts, and practitioners themselves. More to the point, any judicial test of what counts as "religious" is problematic: beyond the general difficulty of defining religion, there is always the likelihood that courts will favor the familiar over the strange. For example, because of the framers' articulation of religion in the United States Constitution as a private and individual affair, practitioners of communal and land-based traditions encounter much difficulty in their contemporary efforts to seek the protection and return of sacred lands, the repatriation of human remains and cultural artifacts, and so forth, on the basis of freedom of "religion" (Wenger 2009: 15-16). Nonetheless, if a religious practitioner feels that one's "exercise of religion" is somehow burdened, courts must first be able to determine whether the practice in question is 'religious,' and therefore deserving of protection under the First Amendment or subsequent laws protecting religious freedom (Jenkins 2004: 245).

However, according to Winnifred Fallers Sullivan, most Americans "would recoil at the idea that a federal judge should be deciding in a federal court, for the purposes of secular law, what

does and what does not count as real religion” (Sullivan 2005: 4). While this may be true for most Americans generally, it is perhaps especially true for Native Americans. Winona LaDuke remarks, “[i]n the end there is no absence of irony: the integrity of what is sacred to Native Americans will be determined by the government that has been responsible for doing everything in its power to destroy Native American cultures” (LaDuke 2005: 4). According to anthropologist Dorothea Theodoratus, the task of translating one’s traditions may be particularly difficult for Native Americans, since “any division into ‘religious’ or ‘sacred’ is in reality an exercise which forces Indian concepts into non-Indian ‘categories,’ and distorts the original conceptualization in the process” (Brown 1999: 127; Wenger 2009: 256).

Navajo claims pertaining to the sacredness of the San Francisco Peaks in northern Arizona (as well as those of other Native American tribes), while no doubt profoundly sincere, are necessarily and strategically positioned in relation to the contemporary legal struggles within which they have arisen. This should not suggest that their claims are spurious, invented, or in other words ‘inauthentic.’¹ Greg Johnson asserts that “[f]requently, the specter against which authenticity is measured is what critics might call ‘postured tradition,’ a shorthand means of suggesting that tradition expressed in political contexts is ‘merely political’” (Johnson 2007: 3). To be sure, the discourses that posit the sacredness of the Peaks are fundamentally and simultaneously both religious and political; yet this does not necessarily mean that traditional religious claims made in contemporary political contexts are motivated by purely political considerations. Although these claims are necessarily formulated to persuade others of the incontestable “authenticity” of their claims, I suggest that the degree to which this incontestability is achieved is directly related to an accumulation and accretion of discourse resulting from decades of continuing conflict at the Peaks.²

1. I strive to set myself apart from the often-harsh rhetoric of “the invention of tradition” (Hobsbawm and Ranger 1983).

2. I wrote my senior thesis in anthropology at Colorado State University on the San Francisco Peaks case in 2005. Then I wrote my MA thesis in religious studies at the University of Colorado at Boulder on the same

For the purposes of this paper, I have primarily limited my inquiry to the claims of only one of five tribes engaged in the litigation concerning the San Francisco Peaks between 2005 and 2009: the Navajos.³ Moreover, they are only one of at least thirteen Native American tribes to describe the Peaks as sacred. My limited focus is not intended to suggest that the claims of these other tribes are less important, or especially less “authentic.” Rather, the only compelling reason that I do not provide a full analysis of every tribe’s claims regarding the sacredness of the Peaks is the limitation of space in this project. With these preliminary remarks, I now turn to the Navajo, who are perhaps the most dominant of the various tribes involved in *Navajo Nation v. United States Forest Service*.

A BRIEF INTRODUCTION TO NAVAJOS

According to archaeologists, the peoples known today as Navajos arrived in the Southwest sometime between five hundred and one thousand years ago (Brugge 1983: 489). Perhaps they arrived at about the same time that Columbus set sail from Spain.⁴ However, there is no consensus and, even within this time frame,

topic in 2008. The Supreme Court’s decision to not hear the case in 2009 upheld the lower court’s decision against the litigating tribes in *Navajo Nation v. United States Forest Service*. This decision came out when I was living on the Navajo Nation and attending Diné College to study the Navajo language and prepare for a doctoral dissertation in religious studies at Arizona State University that would involve ethnographic field research and interviews in Navajo. The decision significantly contributed to a change in research focus away from the San Francisco Peaks as I began studying O’odham pilgrimages to Magdalena (Schermerhorn 2019).

3. Within the Navajo language, or *Diné Bizaad*, Navajos call themselves Diné. The other litigating tribes are Hopis, Havasupais, Hualapais, and Yavapai-Apaches (Schermerhorn 2008).

4. This data should not be construed to delegitimize Navajo territorial claims relative to non-Native territorial claims. As one anonymous Native American has argued: “We were the first human beings on earth. Whites write that we came from Asia where the blood types are not even like ours. Don’t give us those fairy tales that you tell children and say it is not our land. You always say that we were never here to justify your white ass coming over here. We are the first people on earth, there is no way around that” (Van Otten 1982: 52).

some historians and archeologists suggest that Navajos initially lived east of their current territory, which they did not come to until a later date (Opler 1983: 382). On the other hand, historian Peter Iverson argues that in many of these scholarly and not-so-scholarly stories,

the Diné too often lurch onto the Southwestern stage as nomadic vagabonds [...]. Such scenarios doom the Navajos to second-class citizenship, demote them to newcomers in a new land, and relegate them to the category of upstarts whose eventual ambition becomes arrogance, in stark contrast to sedentary and supposedly always peaceful Puebloan groups. (Iverson 2002: 14)

Following almost predictably from this, the Hopi Cultural Preservation Office surprisingly asserts that Navajos did not migrate to the Southwest until 1700 (Hopi Cultural Preservation Office).⁵ Of course, Navajos have their own origin stories, which tell an altogether different kind of story. According to Iverson, for Navajos themselves,

Navajo history does not start in Alaska or Northwestern Canada or along the Rocky Mountains or in the Great Basin [...]. It begins with the sacred mountains [...]. All that may have occurred prior to what happened here is prelude. Prior to this place, there were no Navajos. Without this place, there could be no Diné. (Iverson 2002: 5–6)

Furthermore, it should perhaps be noted that some Navajos have been willing and able to reconcile these competing narratives.⁶ Nevertheless, most scholars have continued to privilege the accounts of archaeologists above Navajo traditions of their own

5. Similarly, in Platt Cline's history of Flagstaff, Arizona, he introduces Navajos as "those latecomers who were probably not in the immediate area at all prior to A.D. 1700" (Cline 1976: 6).

6. For example, Philip Jenkins asserts: "The Navajo believe that the Creator gave them a special territory located between four sacred mountains in the Four Corners region, and that they have always lived within these boundaries. Many Navajos will also happily acknowledge that their ancestors migrated from the northwestern regions of the continent, and arrived within their sacred homeland only during the fifteenth century [...]. That knowledge does not detract from the sacred quality of the four mountains, or suggest that there is anything 'false' about the Navajo religious tradition. In practice, though, 'time immemorial' can span just a few centuries."

origins, assuming that much time and effort has been invested in transforming a land to which other indigenous groups laid prior claim into *Diné Bikéyah* (Nabokov 2002: 141). In doing so, the Navajo, in the words of anthropologist Peter Nabokov,

smother[ed] it with stories. Few American Indian nations have produced such a crowded atlas of place-names and localized narratives. One wonders if a certain insecurity may lie at the root of this tendency to leave no site untitled or unstoried, and whether the impulse to stake spiritual claims becomes stronger when those of historical residency are weaker. (Nabokov 2006: 91)⁷

Indeed, Navajo claims to origins between four sacred mountains are not merely stories; they are also territorial claims that inevitably deny the legitimacy of claims by other indigenous populations who lived in the region prior to Navajo arrival. Historian of religions Karl W. Luckert describes these territorial-claiming stories as Navajo “geographization” mythology in which “[t]he gods traverse, name, and lay claim to stretches of land on behalf of their chosen people” (Luckert 1977: 58). In keeping with this, Navajos such as Wilson Aronilth, Jr. assert “[t]hese sacred mountains were placed here for us” (Aronilth 1992: 31)—that is, *exclusively* for Navajos and not Hopis, non-Natives, or anyone else.⁸ Therefore, out of deference to the competing territorial claims of other Native American nations (but not Euro-American settler-colonizers), I cannot unproblematically assert, as other scholars have, that “[t]he mountains are placed there for the Diné; they are to live within these mountains” (Iverson 2002: 7).

7. In their defense, Karl Luckert argues: “Long-settled cultures tend to suffocate in their own secretions of tradition. They become complacent in what seems to be established; they are therefore no match for newcomers who still believe, in all honesty, that they are in direct touch with the sources of reality—and whose storytellers still dare to explain anything, from trivia to ultimacies and gods.” (Luckert 1977: 4–5)

8. Most explicitly, Sylvia Manygoats argued: “the land they [Hopis] claim now was never theirs. It’s Navajo land. The white people also never lived here” (in Kelley and Francis 1994: 34). Likewise, Floyd Laughter claimed, “all the space between these mountains is Navajoland, is ours” (in Luckert 1977: 50).

As I hope to have begun suggesting, much is at stake in Navajo origin stories. They are in fact claims of authority and authenticity. As such, they can only be successful in inverse relation with other competing claims of various other groups. Although it is fair to say that this is accurate of such claims generally, it is especially the case for such claims made in explicitly legal contexts. Furthermore, courts have become increasingly entangled in claims of authenticity; despite the fact that the Religious Freedom Restoration Act (RFRA) as well as its subsequent amendments does not mandate a “Centrality Standard,” as does the “toothless” American Indian Religious Freedom Act (AIRFA), the specter of “centrality” has haunted the processing of free exercise claims in *Navajo Nation*. In each of the decisions in the case—the Rosenblatt ruling at the district court level, the Fletcher ruling for the appellate court (as well as his dissenting opinion in the *en banc* decision), and the *en banc* decision authored by Judge Bea—even though the authors of these decisions have asserted that they were not guided by the Centrality Standard, they rely on it nonetheless. That these judges might rely on discourses of “centrality,” perhaps without even knowing, suggests that the problem of authenticity lies deeper than most have been willing to recognize. As Justice Scalia argued in *Employment Division of Oregon v. Smith*, “inquiry into ‘severe impact’ [or ‘substantial burden’] is no different from inquiry into centrality” (US Supreme Court 1990: 887). To do so is merely to substitute “for the question ‘How important is X to the religious adherent?’ the question ‘How great [substantial] will be the harm [burden] to the religious adherent if X is taken away?’ There is no material difference” (US Supreme Court 1990: 887). As Scalia noted, this is “akin to the unacceptable ‘business of evaluating the relative merits of differing religious claims’” (US Supreme Court 1990: 887). In other words, when courts evaluate the substantiality of burdens upon practitioners’ free exercise of religion, they inevitably evaluate the authenticity of the practitioners’ claims. Although RFRA has disavowed the Centrality Standard, “centrality” has by no means been abandoned. Establishing the centrality of one’s free exercise claim is still the greatest legal distinction that a litigant

can aspire to with regard to the putative “authenticity” of their religious claims.

Judge Rosenblatt illustrates how the Centrality Standard was operative for Navajo claimants in his summary of their claims:

The Peaks are one of four mountains sacred to the Navajo people. In the Navajo religion, the creation of the Navajo people took place at the Peaks. Accordingly, the Peaks are considered in Navajo culture and religion to be the ‘Mother of the Navajo People,’ their essence and their home. The whole of the Peaks is the holiest of the shrines in the Navajo way of life. (US District Court 2006: 32)

However, for Rosenblatt, the centrality of the San Francisco Peaks as a whole was irrelevant because the development in question did not concern the Peaks as a whole, but only a 777-acre area upon which the Arizona Snowbowl bases its operations.⁹ Judge Fletcher also demonstrated the concern with establishing centrality of the Peaks in Navajo claims. Fletcher maintained:

The Peaks are[...] of fundamental importance to the religious beliefs and practices of the Navajo [...].The Navajo creation story revolves around the Peaks [...]. The Peaks are represented in the Navajo medicine bundles found in nearly every Navajo household [...]. The Peaks play a role in every Navajo religious ceremony. (US Court of Appeals 2007: 2848-2849; US Court of Appeals 2008: 10111-10113)

MEDICINE BUNDLES, MOUNTAINS, AND METAPHORS

Concerning the Navajo medicine bundles, or *jish*, that represent the Peaks, Judge Fletcher elaborated: “[t]he medicine bundles are composed of stones, shells, herbs, and soil from each of the four sacred mountains” (US Court of Appeals 2007: 2848). Navajo practitioner and keeper of Chief Barboncito’s *jish*, Larry Foster, described the San Francisco Peaks as “our sacred, bundle mountain” (US District Court 2005: 206). Furthermore, Navajo medicine man Norris Nez explained that “[t]he bundle is made up of the mountain[...]it’s like the mountain recreated in the medicine bundle” (US District

9. “Although the witnesses generally testified that the Peaks were central and indispensable to the Navajo way of life, President Shirley and Mr. Begay provided no evidence that they use the Snowbowl SUP area [Special Use Permit area upon which the Arizona Snowbowl is located] for any religious purpose” (US District Court 2006: 32).

Court 2005: 890–891). Foster described these medicine bundles as “our Bible,” because “the unwritten way of life” for Navajos is said to be “embedded” within them (US District Court 2005: 194–195, 198, 216). Highlighting the importance of these medicine bundles in Navajo healing, Nez maintained that “like the western doctor has his black bag with needles and other medicine, this bundle has in there the things to apply medicine to a patient” (US Court of Appeals 2008: 10112). Significantly, such non-explicitly religious analogies were relatively uncommon in the testimony by practitioners in *Navajo Nation*, at least in juxtaposition with prior claims. After all, the case concerned religious freedom; hence, it made little sense to speak of the Peaks in language that was not explicitly religious, lest their claims be considered as having little if anything to do with religion.

Therefore, analogies of the Peaks without explicitly religious content have been attenuated in *Navajo Nation*, whereas heretofore, such analogies proliferated as strategies of familiarization. One Navajo woman who spoke to writer Douglas Preston, compared medicine bundles to the U.S. Constitution (Preston 1995: 132). Likewise, in the 1970s, Navajo practitioner Floyd Laughter told historian of religions Karl W. Luckert, “these mountains have been set up as our–our constitution. Yes, it is like the very same thing which the White people call their Constitution. For us these four mountains were set up and sanctified for that same purpose” (Luckert 1977: 50).¹⁰ Similar to comparisons between the sacred mountains and medicine bundles (containing elements from the four sacred mountains) and the US Constitution, some Navajos have also compared the Peaks to the US Government. As early as 1941, or perhaps even earlier, a Navajo man explained to an anthropologist “[t]he white people all look to the government like we look to the sacred mountains. You [...] hold out your hands to the government. In accord with that, the government, you live. But we look to our sacred mountains [...]. According to them we live—they are our Washington” (Young and Morgan 1941: 17; McPherson 1992: 19; Lloyd 1995: 27; Preston 1995: 131; Fink 1998: 72). Floyd Laughter restated this analogy to Luckert,

10. Norris Nez also referred to medicine bundles as “our constitution” (US District Court 2005: 890).

asserting “we revere these holy places as they do [revere] their Washington, D.C.” (Luckert 1977). Quite understandably, analogies lacking explicitly religious content such as these have been attenuated in *Navajo Nation*.

Accordingly, unambiguously religious analogies and metaphors have been invoked far more frequently during the current litigation. Take for instance the analogy of land or mountains as Bible: “This land, it’s our bible. Like you have your Bible, all black and white, written down, fresh and new. And we have our bible, old, worn, which is the land and the songs about the land” (Preston 1995: 97; Nabokov 2002: 133). In his testimony before the district court in 2005, Navajo Nation President Joe Shirley, Jr. asserted that “[t]he Bible is what makes a Christian; the mountain is what makes a Navajo” (Indianz.com 2005). In July 2005, during his appeal to the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Paris for the protection of the San Francisco Peaks as a World Heritage Site, Shirley claimed:

To the Navajo people, the San Francisco Peaks are as sacred as the Qur’an to Muslims, as sacred as the pages of the Bible to Christians [...]. Desecrating this mountain is like tearing out pages of the scriptures, wading them up and throwing them away. When you desecrate the mountain, you’re doing away with a way of life. It’s not right. It’s sacrilegious. (Norrel 2005: B1)

However, even this metaphor has fallen out of vogue somewhat as a strategy of familiarization in juxtaposition to another unambiguously religious analogy.

Perhaps the most effective analogy that Navajos and other Native Americans have utilized in describing the Peaks as sacred has been the metaphor of mountain as church. This has been a potent strategy of familiarization with many non-Natives, especially those who are inclined to see the sublime in the monumental (Cronon 1996: 73–76). Navajo and Sierra Club environmental justice organizer Robert Toho argued, “Wastewater on the Peaks is like desecrating a cathedral” (Norrel 2005: B1). Indeed, the effort to familiarize the Peaks as a church for non-Native audiences has been so successful that some non-Natives have used the analogy to assert that sacred mountains are more sacred than churches

because they, unlike churches, are not “man made.” For instance, Douglas Preston has written,

judges do not understand that a pristine mountaintop can be just as sacred as the Dome of the Rock is to Muslims, the Western Wall to Jews, or the Church of the Nativity to Christians. Somehow, our laws recognize only man-made structures as being ‘sacred’—a truly strange idea if you think about it. (Preston 1995: 130)

A related metaphor that invokes the permanence of desecration through defecation comes from the Navajo medicine man, Larry Archie, who said, “The Peaks have a lot of religious power when they are undisturbed. But putting wastewater up there would be like turning our shrine into a toilet” (Shaffer 2005). According to one Arizona Snowbowl representative: “there’s been a lot of talk like it’s [that is, making snow with treated sewage effluent is like] pissing in a cathedral or something, which I don’t see, [be] cause the water is as clean, if not cleaner than the stuff coming right out of the sky” (*The Snowbowl Effect* 2005).¹¹ Nonetheless, the metaphor of mountain as church has not been dismissed by all non-Natives. Many non-Natives have even invoked the metaphor themselves.¹² During the Ninth Circuit Court of Appeals hearing in September 2006, and again in December 2007, Judge William A. Fletcher asked the attorneys representing the Arizona Snowbowl whether they would consider filling baptismal fonts (normally containing holy water) with treated sewage to be a ‘substantial burden’ for the Catholic Church and its practitioners. In both 2006 and 2007, after a long pause to find an acceptable answer to this impossible question, the attorneys replied, “I’m not Catholic.”

Indeed, the metaphor has been so pervasive that, on occasion, it seems to have lost its figurativeness.¹³ The day before the *en banc*

11. Whether snow made from reclaimed waste water is in fact cleaner than naturally occurring snow is disputed.

12. During the opposition to further development at the Snowbowl in the 1980s, Frisbie asserted that such development would be “comparable to promoting restaurants in and ski tows through St Peter’s basilica or Westminster Abbey, or as Griffen has said, ‘skating in the Sistine Chapel’” (Frisbie 1987: 300; Griffen 1983).

13. When metaphors acquire this power, the ideologies inherent within them become naturalized “metaphors we live by” (Lakoff and Johnson 1980).

rehearing of *Navajo Nation*, the Save the Peaks Coalition organized a march on 10 December 2007 from All Saints Episcopal Church to the Ninth Circuit Court of Appeals in Pasadena, California. At the church, Klee Benally, the Navajo organizer of the coalition, spoke to the crowd of protesters through a megaphone: “Hopefully today, in some way, shape, or form, the judges that have been randomly selected to hear this case, will not only see a mountain, they’ll also see a church, just like this one here, because that’s how we view this mountain” (Roa 2007). Indeed, at least as he saw it, the court’s decision would rely on whether or not the Peaks would be viewed by non-Native judges as a church. That the Save the Peaks march began at a church and ended at the courthouse where the case would be reheard reiterated this point. The message of the protesters was clear: the Peaks are not merely *like* a church—the San Francisco Peaks *is* a church.

Surely, the metaphor itself has been made to do much work. In his decision ruling in favor of the tribes, Judge Fletcher summarized Navajo practitioner Larry Foster, albeit without attributing the words to him, who “drew an analogy to a church, with the area within the mountains as the part of the church where the people sit, and the Peaks as ‘our altar to the west’” (US Court of Appeals 2007: 2850; US Court of Appeals 2008: 10113). The mountain as church analogy can be made to work for multiple purposes and, on occasion, it has been appropriated to promote the Forest Service’s multiple use policy and recreation on the Peaks:

Our church building [...] is used by a very large number of community groups for meetings, education, and recreation. This can include the sanctuary as well as the fellowship and education areas. We have never felt that welcoming these groups into our space is in any way detrimental to the sacredness of our worship experiences. So what’s the objection? (Kirk and Kirk 2002; Sefiha and Lauderdale 2008: 503)

Clearly, the metaphor can be and has been put to multiple uses and despite the concerted effort of Native Americans and their supporters, the analogy has not been accepted as intuitive. From time to time, the use of the analogy has been defensively protected, as one Navajo man argued, “[j]ust because the Peaks don’t look like a church, that doesn’t mean that it’s not spiritual” (*The Snowbowl Effect* 2005). According to sociologists Ophir Sefiha

and Pat Lauderdale, when the church metaphor has faltered as a strategy of familiarization among non-Natives, efforts have been made to redirect the discussion toward the scientifically verifiable environmental issues at stake in making snow with treated sewage effluent (Sefiha and Lauderdale 2008: 502).

NAVAJO SACRED MOUNTAINS

One of the factors that seems to work against Navajo analogies of the San Francisco Peaks as a church is that it is not the only mountain that they consider to be sacred. Indeed, it is a well-known fact that the Navajo have four sacred mountains.¹⁴ Even District Court Judge Paul G. Rosenblatt, who decided against the tribes' claims to protect the Peaks, acknowledged that "[t]he Peaks are one of four mountains sacred to the Navajo people" (US District Court 2006: 32). That the Peaks are "one of [only] four" sacred mountains to the Navajo resonates with many non-Natives and it is widely held that the number four is sacred to many, if not all, Native American tribes (Buckland 1896; O'Bryan 1956: 5, 113; Beck et. al. 1992: 79–80). After all, there are four directions, four seasons, four stages of life, four elements—why not four sacred mountains? (Preston 1995: 132). Also, to non-Native audiences, four sacred mountains may seem like a reasonably small number of sacred mountains—an allowable number.

According to Robert McPherson, "[t]he heart and soul of Navajo beliefs starts with the four sacred mountains," but he then goes on to mention "two other mountains—Governador Knob and Huerfano Mountain [...]. All six mountains are called chieftains, and in each gods reside" (McPherson 1992: 15).¹⁵ Although some Navajos have asserted that they have six sacred mountains in various contexts, notably, this claim has been absent from *Navajo Nation* (Bingham and Bingham 1982: 2–3). Yet in addition to these six sacred mountains, anthropologist Leland Wyman adds that "another internal peak of considerable mythic importance is Peak-on-Range or Hosta Butte" (Wyman 1957: 37). Furthermore, anthropologist

14. This is widely acknowledged (Wyman 1957: 16; Griffin-Pierce 1992: 70–72; Preston 1995: 132; Iverson 2002: 1).

15. According to Frisbie, "variations occur in references to the number of sacred mountains, with four or six being most common" (Frisbie 1987: 431).

Gladys A. Reichard adds to this number, making at least seven sacred Navajo mountains:

Seven or more mountains are mentioned in the myths, but attempts to identify them with actual elevations are more or less futile. One mountain of ritualistic importance lies in each of the cardinal directions forming the mythical boundaries of the Navajo territory. There is agreement about the location of the southern mountain, Mt. Taylor (tsodzil), and the western, Mt. Humphreys [the highest point on the San Francisco Peaks] (doko'oslid). The eastern mountain, sisanádjini (sisanadjini) 'Black-belted-one,' and the northern, dibéntsah, 'Mountain sheep,' are variously identified. Other mountains between these have ceremonial significance. (Reichard 1963: 20)

Therefore, according to Reichard, even the four sacred mountains that are somehow largely agreed upon today by Navajos, academics, and courts were not at all agreed upon in 1950. Regardless of how many other mountains are sacred to the Navajo, there was widespread disagreement concerning which mountains were actually the four sacred mountains corresponding to the cardinal directions encompassing Navajo land. Although the southern and western mountains (the San Francisco Peaks) were largely agreed upon, there was no consensus concerning the eastern and northern mountains.¹⁶ Wyman, writing in 1957, has offered a thorough summary of the complexity of the situation.

Four peaks of outstanding mythological significance are thought of as the cardinal outposts of the Navaho territory [...]. There is general agreement as to the actual location of the southern and western peaks: respectively, Mount Taylor, of the San Mateo Range, in New Mexico, and Mount Humphrey, of the San Francisco Peaks, in Arizona. Big Sheep, mountain of the north, was once placed in the San Juan Mountains of Colorado, but Father Berard Haile's informants thought it might be Hesperus Peak of the La Plata Range [...]. The identity of Black Belted Mountain, the peak of the east is a problem. It has been variously identified as Abiquiu Peak, Pedernal Peak, and Wheeler Peak, but perhaps most often as Pelado Peak, in the Jemez Mountains of New Mexico. Father Berard's informants were convinced that it was Sierra Blanca Peak, at the southern end of the Sangre de Cristo Range, east of Alamosa, Colorado. This mountain actually lies farther north than

16. The disputed northern and eastern mountains are well-documented (Kluckhohn 1974: 191-193; Zolbrod 1984: 364).

does Hesperus Peak, the mountain of the north, so this identification is suspect. (Wyman 1957: 36–37)¹⁷

While much of the disagreement concerning which sacred mountains are which might be attributed to divergent localized sacred geographies, this lack of consensus might also be attributed to late Navajo migrations first coming from the north and then from the east before the Navajo occupied the land that is generally held to be Navajo land today (Opler 1983: 382).¹⁸ Since this time, a variety of localized sacred geographies have become universalized and ‘fixed’ in place. Although Navajos themselves may well have driven this progression toward consensus concerning the sacred mountains of the Navajo, it is likely that non-Native scholars have also contributed to the consensus that seems to have emerged regarding the sacred mountains of the Navajo. In 1964, only 10 years after he summarized the general disagreement concerning which Navajo sacred mountains were the ‘true’ sacred mountains, Wyman was content to simplify the aforementioned complexities by identifying Blanca Peak, Mount Taylor, San Francisco Peak, Hesperus Peak, Huerfano Mountain, Gobernador Knob and Hosta Butte as “the actual mountains which are most often equated with the mythological peaks,” deferring to Washington Matthew’s late nineteenth century description of them as “the seven sacred mountains of the present Navaho land” (Wyman 1967: 7, 24; Matthews 1994: 78).

Although many scholars may be content with such simplifications, Sam Gill has noted that depending on the version of the Navajo creation story, the number of sacred mountains may vary “from four to seven or more” (Gill 1983: 502). Indeed,

17. Most writers refer and defer to the Wyman account presented here (Evans-Wentz 1981: 78; Gill 1983: 503; Lindford 2000).

18. Regarding the eastern mountain of the Navajos, Van Valkenburgh asserted the following: “The mountain of the east is most disputed, but what is pertinent is that every identification places it considerably to the east of the present territory assigned to the Navajo. It does not matter much whether the location be in the Jemez Mountains or in the mountains near Taos or east of Alamosa, Colorado. What does matter is that in any case there is no dispute about its indicating that the traditional Navajo country embraced an area much to the east of present Navajo boundaries” (Van Valkenburgh, 1974: 190).

Navajo scholar Wilson Aronilth, Jr. asserts that “[a]ccording to our forefathers’ teachings, there are four sacred mountains, there are six sacred mountains and there are twelve sacred mountains” (Aronilth 1992: 30). However, none of this complexity has been addressed in *Navajo Nation*. Surprisingly, attorneys representing the Forest Service, the Snowbowl, and even Judge Rosenblatt, who ruled against the tribes in the district court, maintained “[t]he Peaks are one of [only] four mountains sacred to the Navajo people” (US District Court 2006: 32).¹⁹ Perhaps the possibility that the Navajo may have twelve or even more sacred mountains is irrelevant to the case, particularly since “[a]ll authorities, Navajo and anthropological, agree completely” that the San Francisco Peaks is the western mountain of the Navajo (Van Valkenburgh 1974: 189). Nonetheless, the silence on this matter in *Navajo Nation* is noteworthy.

ARE SOME MOUNTAINS MORE SACRED THAN OTHERS?

Knowing that there may be as many as twelve or even more Navajo sacred mountains, McPherson asks, “But what of those mountains near the Four Corners that are not among the four or six most sacred ones?” Perhaps unsurprisingly, the answer that McPherson offers is implied within the phrasing of his question: “To the people who live near them, they assume an important but subordinate role” (McPherson 1992: 19).²⁰ However, neither McPherson’s answer, nor even his question, is necessarily intuitive. Both assume that there are degrees of the sacred, or more plainly, that when it comes to sacred places, some are more sacred than others.

To be sure, Navajos and other Native Americans have articulated hierarchical theologies of the sacred, although not always as succinctly. Often, theologies of hierarchized sacredness remain

19. Likewise, in *Wilson v. Block*, the court found that “the Peaks are one of the four sacred mountains which mark the boundaries of their homeland” (US Court of Appeals 1983: 738).

20. Washington Matthews asserted that “the resident deities of [the sacred mountains] seem to receive more honor than any other place gods, but the presiding genii of other mountains rock and canons [sic] are not neglected by the devout” (Zolbrod 1984: 363).

more implicit by focusing on the inverse: hierarchies of desecration. In his testimony before the district court in *Navajo Nation*, Navajo practitioner Larry Foster noted that while he objected to the current use of the Peaks as a ski area in general, the proposed use of treated sewage in snowmaking at the Peaks would be “far more serious.” He compared the status quo to a scar and the proposed use of treated sewage to a lethal injection.

I can live with a scar as a human being. But if something is injected into my body that is foreign, a foreign object—and reclaimed water, in my opinion, could be water that’s reclaimed through sewage, wastewater, comes from mortuaries, hospitals, there could be disease in the waters—and that would be like injecting me and my mother, my grandmother, the Peaks, with impurities, foreign matter that’s not natural. (US District Court 2005: 205; US Court of Appeals 2007: 2856–2857; US Court of Appeals 2008: 10118)

Although Navajos and other Native Americans have articulated degrees of the sacred in various direct and indirect ways, non-Native academics have also pressed for more sophisticated elaborations regarding degrees of the sacredness of places. The 1970s protests of Navajos, Hopis, other Native Americans, and their non-Native sympathizers against the proposed expansion of the ski resort on the San Francisco Peaks contributed to a public relations catastrophe for the Forest Service. In response to this, the Forest Service commissioned the 1981 study by Walter Vannette and Alison Feary (Kelley and Francis 1994: 143). Within this study, Vannette and Feary attempted to rank Navajo sacred sites according to the frequency to which they were referred. Relying on data from the late 1970s and early 1980s, in the heat of the litigation in which Navajos and Hopis sought to protect the Peaks from further development, it should come as no surprise that their study found that San Francisco Peaks was mentioned the most. “However, in response to the question ‘Are the San Francisco Peaks a place of Holy People more than others,’ only 7 percent of the [Navajo] interviewees said yes” (Kelley and Francis, 1994: 94). Vannette and Feary suggested,

It is likely the nature of these responses reflects a reluctance of Navajo specialists to differentiate too specifically as to significant differences between sacred places, or perhaps due to the omnipresent character

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of the gods, they are somewhat uncertain about how best to answer such a question. (Kelley and Francis 1994: 94)

In addition to these reasons, it might be added that some Navajos may have been weary of the unintended consequences of answering such questions affirmatively for other sacred sites. Since the Forest Service commissioned the study while it was at the same time engaged in the litigation of various sacred lands claims against the Navajo Nation including *Badoni v. Higginson* and *Wilson v. Block*, the intent of this study that was determined to rank Navajo sacred places hierarchically is intrinsically suspect.

It is clear that the primary reason that Vannette and Feary—and by extension, the Forest Service which commissioned their study—were concerned with ranking the sacredness of places was so that they could establish some basis of discerning, by implication, “that with moderation and respect, activities not permissible at the most significant places (e.g., Peaks) may be tolerated and even appropriate at these lesser locations” (Kelley and Francis 1994: 94). Perhaps more than anything else, this illustrates why many Navajos may have been (and for good cause, might still remain) reluctant to rank some places that they describe as sacred to be more sacred than other places they also describe as sacred. Since such rankings might be used as a justification for exploiting certain so-called lesser sacred places, Navajos and other Native Americans have sufficient reason to be wary of attempts to rank sacred places in order of degree. Although it might be very tempting to describe a certain sacred place as more sacred than other sacred places, especially during a struggle to protect a particular sacred place from desecration, such assertions might also be used against tribes in later sacred lands claims.

In another study commissioned by a Northern New Mexico utility, Public Service Company of New Mexico, Charles Carroll suggested that Navajo sacred places might be ranked by whether or not they are mentioned in Navajo origin myths and by how widely known particular places are among Navajos.²¹ Significantly,

21. Without suggesting that there was any difference of importance, J. Lee Correll and Editha L. Watson noted, “[s]ome of the sacred places are known to all Navajos; others are famous only locally. There are few Navajos even

Carroll concluded that “[i]n my opinion, there is no utility in attempting to carry this category of ‘sacredness’ further in degrees of significance” (Kelley and Francis 1994: 95). Furthermore, he acknowledged that such a notion was foreign to Navajos and that “it is a category of primary concern for studies seeking to identify potential impacts upon sites of traditional religious importance” (Kelley and Francis, 1994: 95).²² Perhaps more to the point, Carroll found that such attempts to rank Navajo sacred places were utterly incoherent because “even a particular site ‘known to only one person [...] would be recognized by ‘all Navajos’ as ‘sacred’” (Kelley and Francis 1994: 95).²³

Clearly, if in principle all Navajos would recognize a place as sacred, even if only one Navajo person considered the place to be sacred, then there is good cause for Navajos to be reluctant about ranking places according to their purported degrees of sacredness relative to other Navajo places that are described as sacred. Carroll offers a note of caution for those who would pursue such a project: “A hierarchy of Navajo sacred places is probably a dangerous precedent to attempt to establish. But the first few steps are probably relatively uncontroversial” (Kelley and Francis 1994: 95). However, not walking down this path in *Navajo Nation* has been a luxury that Navajos and their legal representatives have perceived to be unaffordable. Instead, Navajos have argued that the sanctity of the Peaks is central to their exercise of religion (US Court of Appeals 2007: 2848–2849; US Court of Appeals 2008: 10111–10113). Judge Fletcher maintained, no doubt at the urging

today who cannot name the four sacred peaks that bound the traditional Navajo country” (Correll and Watson 1969).

22. If the category of the ‘sacred’ is itself foreign to Navajo thought, then describing anything—especially a place—as being sacred, might also be understood as a familiarization strategy and not necessarily as a timeless theological truth (Schermerhorn 2009).

23. A similarly pluralistic perspective is suggested by Joseph Winter, who suggests “it should be noted that different singers or medicine men know different versions of the stories. All of the versions are equally valid” (Winter 1993: 97; Fink, 1998: 69). Likewise, as anthropologist Maureen Schwarz has noted, “Navajo views on the partial nature of individual knowledge coincide nicely with anthropological views on native consultants and ethnographers as situated subjects in positions to know certain things while being limited from knowing about other things” (Schwarz 1997: 252).

of Navajo litigants and their attorneys, that “[a]lthough the whole reservation is sacred to the Navajo, the mountains are the most sacred part” (US Court of Appeals 2007: 2850; US Court of Appeals 2008: 10113). While this strategy may achieve its desired result of protecting the San Francisco Peaks from a perceived and predicted desecration, it also makes it more difficult to protect Navajo places that are described as sacred that are not mountains, or to be more specific considering the unstated assumptions of the court, those places that Navajos describe as sacred that are not one of the principal four mountains corresponding to the cardinal directions.²⁴

Arguing for the greater degree of sacredness for one place—and hence, the greater responsibility of bureaucrats and courts to protect it—can only come at the expense of implying a lesser degree of sacredness for other places—and hence, the lesser responsibility—or more probably, lack of responsibility to protect it.²⁵ If Navajos and other Native Americans make such assertions, especially in legal contexts, it is likely because they have little other choice. Otherwise, it seems likely that non-Natives would be far less receptive to their concerns. Such assertions should be understood not as timeless theological truths, but rather as historically contingent and strategic claims, necessarily asserted so that non-Natives might take their claims more seriously. Furthermore, if such claims are made, particularly to the detriment of purportedly less sacred places, scholars and courts ought to be sensitive to the circumstances that produced them.

In the 1970s, for instance, Navajo practitioner, Floyd Laugh-
ter, suggested that Navajo Mountain, which Navajos had only

24. For example, Rainbow Bridge and Navajo Mountain (Luckert 1977; Bernbaum 1990: 161; Brown 1999: 39–60; Nabokov 2006: 95–104).

25. As Kelley and Francis assert, “[a] focus on places isolated from their landscape contexts also allows preservation bureaucrats to try to assign different levels of significance to each place to justify not preserving certain places” (Kelley and Francis 1994: 98). Similarly, addressing this point by invoking the church metaphor, former Navajo Tribal Chairman Peter McDonald remarked: “You ask us which of the slopes of Doko’oslid is sacred to us, so that you might leave it unscathed by development. I say that no one slope is more sacred than the others. Which of your churches is more sacred than the others? Which stone in the wailing wall is most holy?” (Lubick 1980: 151).

discovered in 1863, was more sacred than even the four sacred mountains that bound Navajo territorial claims.

It was said that this Mountain did not go crazy. You see, these four mountains [...] at some time after they were brought into being, they all went berserk and burned themselves. But this mountain here, Navajo Mountain, did not do this to itself [...]. And it was for this reason that this Mountain became sacred. (Luckert 1977: 72)

It is likely that for Floyd Laughter, Navajo Mountain may very well have been more significant in his own practice of his necessarily localized traditions. I maintain that the existence of diverse localized ritual and mythic traditions, and the absence of any monolithic Navajo tradition in general, should not in any way imply the inauthenticity of either Floyd Laughter's claims about Navajo Mountain or contemporary practitioners claims about the San Francisco Peaks.

In fact, during the bench trial for *Navajo Nation* in 2005, the prevailing notion of a hierarchy of Navajo sacred places was used against Navajos by a Department of Justice attorney defending the Forest Service. The following excerpt comes from the transcript of Navajo medicine man Norris Nez's cross-examination by the government attorney:

Q: The Ch'ool'ii [Gobernador Knob] is quite a distance from the San Francisco Peaks, correct?

A: Yes. It is quite a distance.

Q: Thank you. And you, sir, have described that as the most important of our sacred mountains, correct?

A: Yes.

Q: And the occasion for that was when you took issue with the development of a natural gas well, a potential well, some distance from Ch'ool'ii, correct? [...] The occasion for your comment Mr. Nez, about Ch'ool'ii being the most important mountain was when you were down there protesting the installation of this well, correct?

A: When I said no to drilling for this oil. Is that the occasion?

Q: Yes. That is the occasion which you said Ch'ool'ii is the most important of our sacred mountains, correct?

A: Yes.

Q: Thank you. (US District Court 2005: 900–901)

Clearly, there can be no doubt that claims such as this could only be detrimental to Navajo interests in *Navajo Nation*, or for that matter in any other sacred lands claim. Claims engaging in a discourse of sacredness as something that can be ranked in order of its degrees have a clear potential for backfiring upon one another. And just as Navajo litigants engaged in long-term efforts of protecting the San Francisco Peaks from the threat of desecration would not appreciate having to explain how assertions like this do not contradict their claims about the Peaks in *Navajo Nation*, it may well be in the interest of Navajos to take certain precautions—if it is not already too late—so that the outcome of *Navajo Nation* does not come at the expense of other (not necessarily lesser) Navajo sacred sites.

MOUNTAIN AS PERSON: GENDERED DISCOURSES
AND WHY A MOUNTAIN CANNOT BE DIVIDED INTO PARTS?

More broadly, Navajos and other Native Americans are caught in the difficult position of employing the foreign category of the sacred in order to simultaneously assert the sacredness of particular places and the sacredness of the entire earth (Kelley and Francis 1994: 98). In their study of Navajo sacred places, Kelley and Francis reported that they and many other researchers were often told “the whole land is sacred” and by implication, the whole planet and perhaps the entire cosmos (Kelley and Francis 1994: 1, 28, 42, 100).²⁶ In struggling to prevent the Arizona Snowbowl from making snow on the Peaks with treated sewage effluent, non-Natives frequently assert that the Snowbowl’s operations make use of only about one

26. Leland Wyman asserted that for Navajos, “Animals, plants, mountains, and many natural phenomena are endowed with power. Even the seemingly most insignificant of these are indispensable; all are interdependent, being complementary parts of the whole” (Wyman 1975: 8–9; Kelley and Francis 1994: 92). This sentiment seems to have been reaffirmed in 1987 by Marmie Salt, who claimed that “[e]very inch of ground, and the fauna on it are considered sacred. There are no places that are holier than others” (Kelley and Francis 1994: 28). On the sacredness of the earth in general, see Gill’s *Mother Earth* (1987); for a critique of Gill’s controversial thesis, see Deloria (1998: 75–78).

percent of the entire mountain.²⁷ In their analysis of three Arizona newspapers, the Flagstaff based *Arizona Daily Sun*, the *Navajo-Hopi Observer*, and the Phoenix based *Arizona Republic*, as well as numerous national daily newspapers, sociologists Ophir Sefiha and Pat Lauderdale found that “over fifty percent (52%) [of the articles in the Newspapers that were surveyed] expressly noted this percentage” (Sefiha and Lauderdale 2008: 501). In his decision against the tribes, Judge Rosenblatt also referred to this percentage and based much of his ruling on it (US District Court, 2006: 23, 28). He concluded that “Although the witnesses generally testified that the Peaks were central and indispensable to the Navajo way of life, President Shirley and Mr. Begay provided no evidence that they use the Snowbowl SUP [Special Use Permit] area [that would be affected by artificial snowmaking] for any religious purpose” (US District Court, 2006: 32). Therefore, since Navajos and other Native Americans could still use approximately ninety-nine percent of the mountain for religious purposes, their free exercise claims had already been reasonably accommodated.

In his criticism of Rosenblatt’s decision, Joe Shirley, Jr., stated that “[t]he district court ruling makes no sense. The entire mountain is a shrine, not just parts of it” (Hardeen 2006). For Shirley, the percentage of the mountain that the Snowbowl used and sprayed treated sewage on was irrelevant. The sanctity of the mountain as a whole was at stake, not merely one percent of it. In the 1980s case of *Wilson v. Block*, which was also ultimately decided against the tribes, a federal judge acknowledged that Navajos “consider the Peaks to be the body of a spiritual being or god, with various

27. Environmentalist John Dunklee has suggested that developers plan to expand the operations of the ski resort beyond merely one percent of the mountain: “I’ve got to say something about developers. They upset me. I don’t trust them. Don’t you trust them. They say one percent of the Mountain. That’s just a lot of baloney. In the back of their minds they’re after more than one percent of the Mountain. I’ll tell you a story. During the condo fight in which I was heavily involved, we extracted some materials which showed planned ski runs in Antelope Canyon and all over the Mountain. They had already engineered it and had taken aerial photos. I don’t believe what they say now. When they propose one percent of the Mountain, don’t believe it. They want more” (Van Otten 1982: 61).

peaks forming the head, shoulders, and knees of a body reclining and facing to the east, while the trees, plants, rocks, and earth form the skin” (US Court of Appeals 1983: 738). Furthermore, what non-Natives might describe here as anthropomorphism is pervasive among Navajos, since “[i]n the Navajo view of the physical world all phenomena are personified” (Beck et al. 1992: 74).²⁸ Corroborating this statement, Luckert records Floyd Laughter saying, “these persons are persons as (much as) we [...]. And all of these [mountains] have their own and distinct Holy Person standing within” (Luckert 1977: 50). Anthropologist Maureen Trudelle Schwarz cautions against those who would label this as ‘anthropomorphism’:

Many [non-Native] researchers have assumed that references to physical traits like Earth’s feet or a mountain’s feet, the representation of Diyin Dine’é, “Navajo Holy People,” as rainbows with arms and feet, or attribution of personal characteristics such as stubbornness, fear, loneliness, and understanding to Diyin Dine’é are examples of anthropomorphism—the attribution of human shape or characteristics to supernaturals, animals, or objects. But the assumption is false. The Navajo people with whom I consulted all agreed that they recognize these phenomena to be kin, but they emphatically denied that they consider them to be made in the image of humans. (Schwarz 1997: 10)

Rather, as Harry Walters explained to Schwarz, “In Navajo [...] man is in the image of the Holy People. When we see something like that, it is a Holy Person, it is not a human image” (Schwarz 1997: 11).

According to Luckert, “Navajo mountains are gods; they are not only places at which gods live. The analogy of Jewish, Christian, or Muslim sacred sites is usually misleading [...]. Thus, to be exact, talking about the Navajo Holy People as if they are things or places may in itself be seen as a sacrilegious act” (Nabokov 2006: 93). Luckert further explains:

Navajo Holy People are not “spiritual” beings who transcend their “material” manifestations. They are divine persons who appear as they wish—anthropomorphically or disguised in whichever costumes they prefer to be seen at the time—even clothed in invisibility. All the while,

28. Moreover, Buck Navajo told Luckert that his chants “start at their (the mountains’) feet, (move up referring to) their legs, and on up their whole bodies” (Luckert 1977: 50).

the momentary size of their appearances does not mean very much. Size and shape are both functions of clothing, and clothes are interchangeable. The actual personage, generally thought of as being anthropomorphic, “stands within” its clothes, or within what we [non-Natives] might prefer to call “natural phenomena.” (Luckert 1977: 42)²⁹

However, as Schwarz has already suggested, from at least one Navajo perspective, it is problematic to refer to Navajo Holy People (*Diyin Dine'é*) as anthropomorphic. Furthermore, Luckert errs in invoking the categories of “spiritual,” “divine,” “material,” and “natural.” According to Sam Gill, “[t]he fact that ‘person’ for the Navajo is not restricted to human person is essential to an understanding of Navajo religion” (Gill 1987: 128).³⁰ For Navajos, there are at least two categories of persons (*Dine'é*): there are the *Nihookáá Dine'é*, or the “earth surface people,” and the *Diyin Dine'é*, commonly translated as “Holy People,” but perhaps more accurately translated as “powerful” or “potentially dangerous people,” following John Farella’s assertion that “*Diyin* contains both *bidziil* and *bahadzid*, ‘power’ and ‘danger’” (Schwarz 1997: 10, 17; Farella 1984: 67). Consequently, at least traditionally, Navajos have not distinguished between the ‘natural,’ ‘cultural,’ and the ‘super-natural’ as Westerners generally do (Schermerhorn 2009).

Additionally, *Diyin Dine'é*, like all persons, are gendered and addressed as kin. Wilson Aronilth, Jr. maintains, “[w]e don’t pray to the sacred mountains: we talk to them. We address them as relatives, just as we say to the earth, Mother Earth, give us your blessings” (Bernbaum 1990: 159). Likewise, Steven Begay asserts that “we talk to them just as we talk to our family members” and that the mountains are treated “like family.”

29. Wilson Aronilth, Jr., adds, “[i]f you ask a person where music is in a violin and he takes it apart, he will find nothing. In the same way, if we excavate and take apart a sacred mountain, we will also find nothing. But with belief we can find the holy person and his power in the mountain” (Bernbaum 1990, 159).

30. In support of his position, Gill cites A. I. Hallowell, “[f]or an especially illuminating discussion of the concept of person as it applies to the Ojibwa” (Gill 1987: 128). A. I. Hallowell, ‘Ojibwa Ontology, Behavior, and World View,’ in *Culture in History: Essays in Honor of Paul Radin*, Stanley Diamond ed., (New York: Columbia University Press, 1960), 18–52; Hallowell’s essay is reprinted in (Tedlock and Tedlock 1975: 139–178).

Further elaborating, Begay states the “San Francisco Peaks sits as a female figure, just as our mother sits for us in our home [...]. We are the children, so we greet the mountain as a mother” (US District Court 2005: 740). According to Gary Witherspoon, the word *shimá*, “my mother” refers to virtually everything that contributes to the sustenance and development of Navajos (Witherspoon 1977: 91–93; Witherspoon 1975: 15–22). Thus, Navajo practitioner, Norris Nez, explains, “we call her Mother. She is holding medicine and things to make us well and healthy. We suckle from her and get well when we consider her our Mother” (US District Court 2005: 894; US Court of Appeals 2007: 2849; US Court of Appeals 2008: 10112–10113). Similarly, Judge Rosenblatt maintained that “the Peaks are considered in Navajo culture and religion to be the ‘Mother of the Navajo People’” (US District Court 2006: 32).³¹ Most simply, Klee Benally said “This [mountain] is our mother” (Benally 2008). However, in spite of the pervasiveness of these appeals to the Peaks as mother, many scholars assert that the San Francisco Peaks has been customarily identified as male.³²

On the other hand, according to Sam Gill, there is a long and venerable tradition of Native Americans employing the metaphor of motherhood as a strategy of familiarization with non-Native audiences.³³ The gendered intercultural discourse, whose origins

31. Presumably, Foster meant similarly when he asserted “[t]he mountain is the living mountain. It is our grandmother” (US District Court 2005: 215).

32. Apparently, the eastern and western Navajo mountains have traditionally been considered to be male and the southern and northern Navajo mountains have been considered to be female (Luckert 1977: 51; Linford 2000: 128). Alternatively, Witherspoon offers a different interpretation in which the southern and western mountains are female (Witherspoon 1977: 142).

33. According to Gill: “These [earliest] references to the earth are metaphorical, not theological. The Native Americans seek in the metaphor of motherhood some commonality with their oppressors by which to communicate effectively their reluctance to be severed from their lands [...]. Statements about the earth that were metaphorical and political, though contained within a basically religious perspective, were consistently misinterpreted [by non-Natives] as theological. In time (not such a very long time, really), these misinterpretations were appropriated by Native Americans who transformed metaphor into divinity” (Gill 1987: 66). For a recent review of the controversial reception history following this claim, see Laurie Patton’s chapter in *Who Owns Religion?* titled “Mother Earth: The Near Impossibility of a Public” (Patton 2019: 121–143). Looking at Gill’s thesis in the Navajo

may lie in the nineteenth century “cult of true womanhood,” seems to rely on the paired purity and weakness of womanhood that is dependent upon masculine protection. The threat of desecration—at least to non-Native audiences—is perhaps more becoming of femininity than masculinity. In the terms of *Navajo Nation*, the (feminine) sacredness of the Peaks must be protected against desecration (dishonor, rape), lest her dishonor tarnish the (masculine) reputation of her children—Navajos, and perhaps by extension non-Natives and federal courts. If the sanctity of the Peaks is not protected, and its desecration is not prevented, the consequence may be divine retribution upon those who sought the desecration of the Peaks’ sanctity, or perhaps even those who stood by and did nothing.³⁴

In *Navajo Nation*, the feminine corporeality familiarizes the duty to protect the sanctity of the Peaks to which some Navajos may feel bound. At the same time, the metaphor of motherhood also defamiliarizes snowmaking by not only categorizing it as desecration, but also as rape. In his testimony during the eleven-day bench trial, Joe Shirley, Jr., proclaimed:

context in the 1990s, Kelley and Francis concluded the following: “We aren’t so sure that a lot of Indians who refer to ‘Mother Earth’ in their public statements even today actually see the earth as a divinity. Many may still use the phrase as a metaphor (and a veil) for their own particular tribal beliefs. Others, especially those with much formal education, may have trouble believing literally in any kind of earth-inhabiting, humanlike deities, including the immortals of their own particular tribal beliefs. They may think of Mother Earth and the other immortals as metaphors for an all-pervading power. Such people may not have adopted the ‘European-American’ construction, as Gill suggests, so much as shared with ‘European-Americans’ the difficulty of squaring a secularized formal education that emphasizes scientific routes to knowledge with a literal belief in anthropomorphic immortal beings immanent in the land. Figurative language is the way out—its ambiguity allows one to keep two seemingly contradictory frames of reference” (Kelley and Francis 1994: 100).

34. Judge Rosenblatt found that “Certain practitioners believe that the alleged desecration of the Peaks has caused many ills to mankind, including attacks on 9/11/01, the Columbia Shuttle crash, and the increase in natural disasters, such as recent hurricanes, tornados, and the [2004] tsunami” (US District Court 2006: 30).

when you continue to abuse and desecrate my Mother—and this is our Mother, Dook’oosliid, the San Francisco Peaks, Mother to Navajo people. It’s like as a child, I’m standing right here and somebody is coming in and violating and raping my mother and that hurts—that hurts me just watching. (US District Court 2005: 802)

In light of Navajos having conceptualized the Peaks (in their entirety) as a gendered body, it is important to consider the likelihood that Navajo and other Native American conceptualizations of the mountain may be at odds with non-Native conceptualizations of the Peaks. In short, what Navajos and other Native Americans describe as the mountain that is commonly referred to as the San Francisco Peaks may not necessarily be conceptualized in the same manner as non-Natives, despite the fact that both natives and non-Natives may refer to it by the same name. According to Judge Rosenblatt,

Collectively, Humphrey’s Peak (12,633 feet), Agassiz Peak (12,356 feet), Doyle Peak (11,460 feet) and Fremont Peak (11,696 feet) are identified on the USGS maps as the San Francisco Mountain. However, the mountain is more commonly referred to as the San Francisco Peaks and is identified as such herein. (US District Court 2006: 23)

What I am arguing, and what has been suggested by many Navajos and other Native Americans, is that various Native American—and for that matter, even some non-Native—conceptualizations of the San Francisco Peaks do not correspond to the model of the Peaks that is mapped by the United States Geological Survey (USGS), particularly with regard to its boundaries that purportedly set the Peaks apart from surrounding terrain.

My concern here is that simply because various native and non-Native groups may refer to the Peaks using the same name—which is not always the case, since each tribe has at least one name for the Peaks in their own languages—this should not imply that they are talking about the same place. In the fullest sense, as then Navajo Tribal Chairman Peter McDonald asserted in 1978, “A thousand men can look at a mountain and see a thousand different mountains” (Lubick 1980: 133).

Although I have already demonstrated that the Peaks have been conceptualized in a variety of ways, as with the example of a Navajo conceptualization of the mountain as a Navajo Holy Person juxtaposed with an inanimate geological formation, I turn now to the potential spatial implications of Navajo paradigms, particularly with regard to the boundaries (or lack thereof) that purportedly set the mountain apart from the surrounding terrain. What I am critical of is the notion that there are different names for the same place. Rather, different names imply different places that are conceived of in historically and culturally contingent ways. For example, Reichard, as well as many other non-Natives, referred to Mount Humphreys as the Navajos' sacred mountain of the west, not the San Francisco Peaks as a whole (Reichard 1963: 20). Such synecdochic misunderstandings in cross-cultural translation are understandable. Regardless, what non-Natives have named as Mount Humphreys, the highest peak on the San Francisco Mountain, which because of its height is also purportedly regarded by many Navajos as its most sacred part, ought not to be conflated with Navajo conceptualizations of the mountain.³⁵ By the same token, I have already said the same about the appellation, San Francisco Peaks (or Mountain). According to anthropologist Joann Kealiinohomoku, "[t]he Peaks cannot, in native thought, be divided into areas in which non-Indians can pursue secular activities. The entire place is a sacred living being for the Navajo" (Van Otten 1982: 17-18). But it has yet to be established what, precisely, this entire place is. According to anthropologist Deward Walker, "one of the most difficult factual questions to answer is the geographical extent of sacred sites and spaces" (Walker 1991: 114). I seek to further demonstrate this difficulty regarding the San Francisco Peaks.

Assuming that different names imply different places, Navajos may likely have a variety of conceptions of the mountain as an entity as has already been suggested by gendered Navajo discourses

35. For example, Foster perhaps promotes this interpretation by mentioning, "[w]e don't go to the top of the mountain" (US District Court 2005: 228).

about the mountain.³⁶ Navajo practitioner Ernest Nelson asserted that Dook’o’slííd is not the only Navajo name for the mountain:

[D]uring the debates about the San Francisco Peaks (Dook’o’slííd—as to whether a ski village should be built at the lower end of its western slope) [...] only the (plain) name of that mountain was mentioned. Its sacred name is White-Shell-Sitting-tunneled-through (Diichilí yee sidaaí dzilghááłts ‘iil). That is the way the San Francisco Peaks is called. (Luckert 1977: 116)

Similarly, Navajo practitioner Steven Begay asserted,

There are several names. We call San Francisco Peaks Do’ok’oosliid and it has another ritual name that we call Diichilii Dziil [...] Diichilii Dziil is one of the jewels that we regard as sacred. It’s abalone shell. And in Navajo we say that the mountain is decorated with this abalone shell. It’s a garment, just like how we dress every day. And that is its name [...]. It’s called also Dził Nataani. Nataani. It has songs. It has prayers. It is our Mother. (US District Court, 2005: 742)

Returning again to the problem of boundaries, in the aforementioned study of Navajo sacred places in the late 1970s and 1980s by Vannette and Feary that was commissioned by the Forest Service, which found that the notion of hierarchically ranking sacred places was foreign to the Navajo, the forest managers also wanted them to address the issue of boundaries around sacred places. Vannette and Feary found that “boundaries [...] are largely conceptual and physically not well defined” (Kelley and Francis 1994: 94). Kelley and Francis suggest that identifying where various activities that are otherwise permissible become impermissible might uncover some Navajo notions of boundaries around sacred places. According to Kelley and Francis,

[a]ctivities appropriate at sacred places are praying, gathering plants, conducting ceremonies; also gathering food and fuel wood in some places, but not mining, grazing livestock, or building roads in the upper elevations

36. I should also note that not all names necessarily imply different conceptions of places. Gill, for instance, asserts that Navajo Holy People (diyin dine’é) may be referred to or invoked with “a descriptive name, a proper name, and a title” (Gill 1981: 15).

of sacred places (one example of which, according to Vannette and Feary, is the San Francisco Peaks). (Kelley and Francis 1994: 94)³⁷

However, even this attempt to define the boundaries of sacred places is somewhat simplistic. Perhaps the coincidence of restricted behavior in sacred places may serve as a general rule, but desperate times call for desperate measures. After their defeat in *Wilson v. Block*, in a largely successful attempt to forestall further development, the Navajo Nation acquired a grazing lease for most of the land surrounding the Peaks in 1984 (Kelley and Francis 1994: 170). Significantly, this preservation tactic has not been without costs. Judge Rosenblatt cited Navajo cattle grazing on the northern slopes of the Peaks as evidence of alleged Navajo hypocrisy regarding sacred land claims (US District Court 2006: 44).³⁸

Regardless of how it is studied, the imposition of boundaries around sacred places in general and around the San Francisco Peaks in particular is fundamentally problematic. According to Pinxten, van Dooren, and Harvey, even the boundaries of the Navajo world

cannot be pointed at in an unambiguous way, and they may be considered to be “fuzzy”: they are unstable, since they may move continuously with expansions of population and/or territory; they are not visibly marked (boundary posts or any such things are absent), but remain at all times within the region defined by the four Sacred Mountains. (Pinxten et al. 1983: 23–24)

Because of this, when Navajos and other Native Americans fight for the protection of the San Francisco Peaks, it is fundamentally unclear what they are fighting for spatially with regard to boundaries, despite the fact that it is readily apparent that they are fighting against a particular activity in a particular area,

37. Similarly, McPherson asserts that “[t]reating the sacred places on a mountain in sacrilegious ways, including mining, road construction, logging, ranching, and recreation, causes the holy beings to flee and their power to be lost” (McPherson 1992: 17).

38. Other examples of purported Navajo hypocrisy cited by Rosenblatt include mining on Black Mesa, despite the fact that both Navajos and Hopis describe it as sacred. Furthermore, Rosenblatt claimed that “[w]astes from medical clinics on the reservation are disposed in lagoons or on the ground at the Navajo reservation, which is considered sacred” (US District Court 2006: 46).

in an otherwise indeterminate space.³⁹ In an interview with Luckert, Navajo practitioner Lamar Bedonie claimed that Navajo sacred sites are attached by “roots” (Luckert 1977: 149).⁴⁰ Bedonie further asserted that Rainbow Bridge “is attached to Blanca Peak; it is attached to Mount Taylor; San Francisco Peaks it is attached to; La Plata Range is another to which it is attached. This is the way it is [...] it is attached to Navajo Mountain and to Carrizo Mountains, and to some smaller ones” (Luckert 1977: 149). Anthropologist Trudy Griffin-Pierce adds to this that “[n]ot only are these mountains alive individually but they also exist as a single entity [...] Power derives from the wholeness and completeness of the entire group” (Griffin-Pierce 1992: 72). Moreover, according to Norris Nez, the six major mountains of the Navajos are “tied together by the rainbow, that it is like a cord that ties them together. And they communicate, they talk to each other” (US District Court 2005: 892). Similarly, Joe Shirley, Jr., claimed, “These mountains are a part of one another. They’re home to Navajo people. And they’re all related. They see each other. They talk to each other” (US District Court 2005: 800). As I hope to have demonstrated, such conceptualizations of Navajo sacred space clearly do not lend themselves to discrete boundaries or degrees of the sacred.

NAVAJO SACRED CLAIMS, THE “PARADE OF HORRIBLES,”
AND THE NECESSITY OF COMPROMISE

If on the one hand Navajo conceptualizations of sacred places do not easily lend themselves to discrete boundaries, on the other hand, neither do such conceptualizations lend themselves to legal paradigms within which tribes must operate in order to protect places that they describe as sacred from actions that they perceive as desecration. Thus, compromises must be made so that their sacred land claims might prevail in (at least potentially) hostile courts. After all, there is the ever-present fear among

39. For example, Steven Begay asserted that his conceptualization of the San Francisco Peaks as a whole includes housing on the base of the Peaks (US District Court 2005: 779–780).

40. Similarly, Steven Begay claimed that “the roots [of plants], we say, could go anywhere on the mountain [...] are all [...] connected” (US District Court 2005: 756).

many non-Natives that if tribal claims prevail that it will only be a matter of time before the ever-growing number of hundreds of federally recognized tribes dictate how federal agencies manage millions of acres of public lands, from the Grand Canyon to Mount Rushmore (Draper 2005). Suzan Harjo dubs this the “there-goes-the-neighborhood concern” (Harjo 2005: A3). Sandra Day O’Connor perhaps best immortalizes this sentiment in her 1988 *Lyng v. Northwest Indian Cemetery Protective Association* decision:

No disrespect for these practices is implied when one notes that such beliefs could easily require *de facto* beneficial ownership of some rather spacious tracts of public property [...] Whatever rights the Indians may have [...] those rights do not divest the Government of its right to use what is, after all, *its* land. (US Supreme Court 1988: 453; emphasis in original)

Although O’Connor derisively referred to such slippery slope reasoning to as a “parade of horrors” in her concurring decision in *Smith*, she apparently had no compunctions with the logical fallacy two years earlier (US Supreme Court 1990: 902). This “parade of horrors” has also made numerous prominent appearances in every ruling that has been made against the litigating tribes in *Navajo Nation*. For instance, Rosenblatt sought to expose the unreasonableness of Navajo sacred land claims by observing that,

Within the Navajo Nation’s four cardinal mountains, all of which are located on federal land, there are several thousand sacred sites. For example, the Navajo Plaintiffs consider the entire Colorado River—from the headwaters to Mexico—and the Little Colorado River to be sacred. (US District Court 2006: 45)

Another compromise that Navajos have made so that their sacred land claims might prevail has been relinquishing the possibility of reconsecration after a place that has been described as sacred is perceived to have been desecrated. According to Navajo practitioner Paul Goodman, if given time to themselves desecrated places might become sacred again (Luckert 1977: 141).⁴¹ Similarly,

41. This particular example pertains to the possibility of reconsecrating places that have been purportedly desecrated by urination and defecation, similar the threat of snowmaking with treated sewage effluent on the San

the possibility of the impossibility of desecration has been abandoned in *Navajo Nation*. In the 1970s Navajo practitioner Ernest Nelson offered prayers to the Peaks invoking the mountain's powers to save itself:

And we said to it (the mountain): "Because of this glorious shiny [White Shell] armor, the things now being plotted against you will not happen—and this, because you yourself will say that it shall be so [...] We have come only to request that you invoke the power which is already within yourself" [...] And this is what I myself said to it (the mountain) [...] And because we did this, things about that Mountain have quieted down somewhat. (Luckert 1977: 116)

Likewise, in 1982, attorney Ben Hufford related the following story:

When I expressed discouragement to some of my medicine men clients and tried to explain to them the difficulties of accomplishing the protection of their beliefs and way of life in the Anglo courts they would say "Don't worry, our job is to do what we can to protect and preserve while we're here. The mountain eventually will take care of itself." (Van Otten 1982: 42)

Instead, Navajos have more often subscribed to a fragile inviolability of the sacred, or what might be called the permanence of desecration, in *Navajo Nation*.⁴² Navajo practitioner, Larry Foster claimed, "once water is tainted and if water comes from mortuaries or hospitals, for Navajo there's no words to say that that water can be reclaimed" (US District Court 2005: 220–221; US Court of Appeals 2007: 2856; US Court of Appeals 2008: 10118). Judge Fletcher upheld this notion claiming that "[t]he purity of nature, including the Peaks, plays an important part in Navajo

Francisco Peaks. A similar argument is also made by Vine Deloria, Jr., in the documentary, *In the Light of Reverence* (2001).

42. Douglas Preston writes: "Timbering, mining, road construction, skiing, rock climbing, and other activities on the four mountains disturb their inner beings. The inner beings might flee, and then the mountain will die. This has already happened, Navajos say, to certain sacred places[...]. When developers wanted to expand the ski area on the San Francisco Peaks, they were surprised at the angry reaction from the Navajo Nation. They could not understand that to the Navajos, putting the Fairfield Snow Bowl on Dook'o'osliid, Light Always Glitters on Top, the Sacred Mountain of the West, threatened the Navajos' very existence as a people" (Preston 1995: 129–130).

beliefs" (US Court of Appeals 2007: 2849; US Court of Appeals 2008: 10113). Following the unfavorable result of *Wilson v. Block*, a Navajo Tribal resolution declared: "The rain and snow will cease to fall; the Navajo people will be unprotected from the forces of destruction; our traditions will die, and Doo-ko-oslid [the San Francisco Peaks] will turn away from us" (Matthaissen 1984: 309).

The problem with the notion of the permanence of desecration is that it stresses the capability of human action to permanently destroy the purported sacredness of a place, while at the same time disregarding the potential for a defiled place to be purified and sanctified. Although such discursive permanence of desecration is no doubt profoundly sincere, it is also strategic. If judges can be persuaded that the desecration of the San Francisco Peaks resulting from artificial snowmaking with treated sewage effluent would be hopelessly permanent, then the whole ordeal and accompanying agonizing grief might be altogether avoided. Perhaps as Chidester and Linenthal argue, "sacred space is perceived as sacred precisely because it is always in danger of desecration" (Chidester and Linenthal 1995: 21). On the one hand, invoking the inviolability of the sacred mobilizes an affect of 'spiritual loss,' to which nostalgia-minded Americans tend to respond. On the other hand, were Navajos and other Native Americans to testify that the defilement of the Peaks was potentially negligible in the long run because they could always be purified or reconsecrated later, then their legal claims would be insupportable. Indeed, were such a dismissive perspective to prevail, or alternatively, if all could agree upon the inviolable sacredness of the Peaks, then there would be no conflict. Alas, the world is not so simple.

CONCLUSION

Whatever the ultimate outcome may be for the San Francisco Peaks, it is unlikely that it would bring greater protection to all Native American and Indigenous sacred sites. Such comprehensive protection is not likely to occur any time soon. However, because of this unlikelihood, one can appreciate the need to compromise and sacrifice the claims of some tribes and some sacred places so that at least a few of these sacred places might receive such protection. Furthermore, it is perhaps this need to compromise

that contributes to “[a] belief that while all aspects of nature and culture are potentially sacred, there are certain [...] geographical locations that [...] possess great sacredness” (Walker 1991: 102). In any case, this is a long-term battle and as for time immemorial—whenever that is deemed to have been—the indigenous inhabitants of the Americas are in it for the long haul.

If I have done nothing else, I hope to have told an extended cautionary tale about the dangers of engaging in discourses of “authenticity.” Participating in such discourses, either as an advocate or critic, invariably results in a number of pitfalls and consequences, whether intended or not; few, if any, might be desirable. Moreover, as Johnson asserts, “[w]hat will not suffice is equating ‘constructedness’ with inauthenticity and the latter with deception” (Johnson, 2007: 23). Because I fear that certain audiences may not appreciate these crucial distinctions, it is worthwhile to conclude this article by stressing the importance of abandoning authenticity claims, which I hope to have done throughout this article. In its place, a different approach is required, such as that advocated by Johnson in which,

[O]ne is no longer straining to hear the one “true voice” of tradition but instead must be attuned to a cacophony of voices. And when the “true voice” of tradition is abandoned as the subject of analysis, so too must quests for authenticity also be abandoned. In place of these reifications, one should seek to discern and describe processes of authentication and authorization. (Johnson 2007: 160)

Beyond this, I hope to have shown some of the ways in which Indigenous religion is “made” in contemporary legal settings (Johnson 2011: 170–86). While this article focuses on the making of traditional Navajo religion in the context of a series of legal conflicts over a period of several decades, Indigenous Peoples the world over regularly encounter similarly drawn out conflicts to protect the places that are important to them. Moreover, in this particular context, Navajos have not been the sole “authors” of Navajo religion. Diverse Navajo practitioners have been joined—whether as allies, adversaries, critics, or observers—by politicians, bureaucrats, activists, judges, lawyers, journalists, filmmakers, academics of all stripes, and many others. Even among allies of the Navajo, most have been complicit in co-authoring an “authentic” Navajo religion

that arguably excludes much of the diversity they presumably seek to foster.

Abstract: Navajo claims pertaining to the sacredness of the San Francisco Peaks (as well as those of other Native American tribes), while no doubt profoundly sincere, are necessarily and strategically positioned in relation to the contemporary legal struggles within which they have arisen. However, I cannot stress too heavily that this should not suggest that their claims are spurious, invented, or in other words “inauthentic.” Greg Johnson asserts that “frequently, the specter against which authenticity is measured is what critics might call ‘postured tradition,’ a shorthand means of suggesting that tradition expressed in political contexts is ‘merely political’” (2007: 3). To be sure, the discourses that posit the sacredness of the Peaks are fundamentally and simultaneously both religious and political; yet this does not necessarily mean that traditional religious claims made in contemporary political contexts are motivated by purely political considerations. Although these claims are necessarily formulated to persuade others of the incontestable ‘authenticity’ of their claims, I suggest that the degree to which this incontestability is achieved is directly related to an accumulation and accretion of discourse resulting from nearly four decades of continuing conflict at the Peaks. For the purposes of this article, I have primarily limited my inquiry to the claims of only one of five tribes engaged in the litigation concerning the San Francisco Peaks between 2005 and 2009: the Navajos. Moreover, they are only one of at least thirteen Native American tribes to describe the Peaks as sacred. My limited focus is not intended to suggest that the claims of these other tribes are less important, or especially less ‘authentic.’ Rather, the only compelling reason that I do not provide a full analysis of every tribe’s claims regarding the sacredness of the Peaks is the limitation of space in this project.

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WORKS CITED

- Aronilth, Wilson, Jr. *Foundation of Navajo Culture*. Navajo Community College Press, 1992.
- Beck, Peggy, et al. *The Sacred: Ways of Knowledge, Sources of Life*. Navajo Community College Press, 1992.
- Benally, Klee. Interviewed on KPFF, Pacifica Radio in Los Angeles. *UPRISING: Subverting the Airwaves*, uprising.org/home/?p=2170. Accessed 13 March 2008.
- Bernbaum, Edwin. *Sacred Mountains of the World*. Sierra Club Books, 1990.
- Bingham, Sam, and Janet Bingham, eds. *Between Sacred Mountains: Navajo Stories and Lessons from the Land*. Suntracks and U of Arizona P, 1982.
- Brown, Brian Edward. *Religion, Law, and the Land: Native Americans and the Judicial Interpretation of Sacred Land*. Greenwood Press, 1999.
- Brugge, David M. "Navajo Prehistory and History to 1850." *Handbook of North American Indian, Volume 10: Southwest*, Alfonso Ortiz, ed. Washington: Smithsonian Institution, 1983, pp. 489-501.
- Buckland, A. W. "Four as a Sacred Number." *The Journal of the Anthropological Institute of Great Britain and Ireland*, vol. 25, 1896, pp. 96-102.
- Chidester, David, and Edward T. Linenthal, eds. *American Sacred Space*. Indiana UP, 1995.
- Cline, Platt. *They Came to the Mountain: The Story of Flagstaff's Beginnings*. Northern Arizona U and Northland P, 1976.
- Correll, J. Lee, and Editha L. Watson, eds. *Welcome to the Land of the Navajo: A Book of Information About the Navajo Indians*. Navajo Times Publishing, 1969.
- Cronon, William, ed. *Uncommon Ground: Rethinking the Human Place in Nature*. W. W. Norton & Company, 1996.
- Deloria, Vine, Jr. "Comfortable Fictions and the Struggle for Turf: An Essay Review of *The Invented Indian: Cultural Fictions and Government Policies*." *Natives and Academics: Researching and Writing about American Indians*, edited by Devon Mihesuah. U of Nebraska P, 1998, pp. 65-83.

- Draper, Electra. "Tribes Fight Ski Area over Sacred Site." *Denver Post*, 18 October 2005. http://www.denverpost.com/ci_3126412?rss#. Accessed 28 April 2006.
- Evans-Wentz, W. Y. *Cuchama and Sacred Mountains*, edited by Frank Waters and Charles L. Adams. Swallow Press, 1981.
- Farella, John R. *The Main Stalk: A Synthesis of Navajo Philosophy*. U of Arizona P, 1984.
- Fink, Jameson M. *The Hart Prairie/San Francisco Peaks Controversy: Culture, Land, and Conflict*. 1998. Northern Arizona University, MA thesis.
- Frisbie, Charlotte J. *Navajo Medicine Bundles, or Jish: Acquisition, Transmission, and Disposition in the Past and Present*. U of New Mexico P, 1987.
- Gill, Sam. *Mother Earth: An American Story*. U of Chicago P, 1987.
- . *Native American Religious Action: A Performance Approach to Religion*. U of South Carolina P, 1987.
- . "Navajo Views of Their Origin," *Handbook of North American Indian, Volume 10: Southwest*, edited by Alfonso Ortiz. Smithsonian Institution, 1983, pp. 502-05.
- . *Sacred Words: A Study of Navajo Religion and Prayer*. Greenwood Press, 1981.
- Griffen, Joyce. "Skating in the Sistine Chapel: The San Francisco Peaks and (Non-) Implementation of the American Indian Religious Freedom Act." American Anthropological Association Annual Meeting, November 1983, Chicago, IL. Conference paper.
- Griffin-Pierce, Trudy. *Earth is My Mother, Sky is My Father: Space, Time and Astronomy in Navajo Sandpainting*. U of New Mexico P, 1992.
- Hallowell, A. Irving. "Ojibwa Ontology, Behavior, and World View." *Culture in History: Essays in Honor of Paul Radin*, edited by Stanley Diamond. Columbia UP, 1960, pp. 18-52.
- . "Ojibwa Ontology, Behavior, and World View." *Teachings from the American Earth: Indian Religion and Philosophy*, edited by Dennis Tedlock and Barbara Tedlock. Liveright Press, 1975, pp. 139-78.

- Hardeen, George. "Navajo Nation today files appeal in San Francisco Peaks court decision." *Navajo Nation Press Release*, 27 February 2006. <http://www.navajo.org/images/pdf%20releases/George%20Hardeen/feb06/Navajo%20Nation%20appeals%20Peaks%20decision%20for%20Feb%20%2027.pdf>. Accessed 20 November 2006.
- Harjo, Suzan. "O'Connor's Footprints on Native Sacred Lands." *Indian Country Today*, 14 January 2005, p. A3.
- Hobsbawm, Eric, and Terence Ranger, eds. *The Invention of Tradition*. Cambridge UP, 1983.
- Hopi Cultural Preservation Office. "The Navajo-Hopi Land Issue: A Chronology." <http://www.nau.edu/~hcopo-p/current/Chronology.html>. Accessed 1 April 2008.
- In The Light of Reverence*. Directed by Christopher McLeod. Bullfrog Films, 2001.
- Indianz.com. "Navajo president testifies in San Francisco Peaks trial." 3 November 2005. <http://www.indianz.com/News/2005/011110.asp>. Accessed 20 November 2006.
- Iverson, Peter. *Diné: A History of the Navajos*. U of New Mexico P, 2002.
- Jenkins, Philip. *Dream Catchers: How Mainstream America Discovered Native Spirituality*. Oxford UP, 2004.
- Johnson, Greg. "Apache Revelation: Making Indigenous Religion in the Legal Sphere." *Secularism and Religion-Making*, edited by Markus Dressler and Arvind Mandair. Oxford UP, 2011., pp. 170-86.
- , *Sacred Claims: Repatriation and Living Tradition*. U of Virginia P, 2007.
- Kelley, Klara Bonsack, and Harris Francis. *Navajo Sacred Places*. Indiana UP, 1994.
- Kirk, Nancy, and Jim Kirk. Editorial. *Arizona Daily Sun*, 5 November 2002.
- LaDuke, Winona. *Recovering the Sacred: The Power of Naming and Claiming*. South End Press, 2005.
- Lakoff, George, and Mark Johnson. *Metaphors We Live By*. U of Chicago P, 1980.

- Lincoln, Bruce. *Discourse and the Construction of Society: Comparative Studies of Myth, Ritual, and Classification*. Oxford UP, 1989.
- Linford, Laurence D. *Navajo Places: History, Legend, Landscape*. U of Utah P, 2000.
- Lloyd, Harvey. *Sacred Lands of the Southwest*. Monacelli Press, 1995.
- Lubick, George. "Sacred Mountains, Kachinas, and Skiers: The Controversy over the San Francisco Peaks." *The American West: Essays in Honor of W. Eugene Hollon*, edited by Ronald Lora. U of Toledo P, 1980, pp. 133–54.
- Luckert, Karl W. *Navajo Mountain and Rainbow Bridge Religion*. Museum of Northern Arizona Press, 1977.
- . *The Navajo Hunter Tradition*. U of Arizona P, 1975.
- Matthaissen, Peter. *Indian Country*. 1979. Viking Press, 1984.
- Matthews, Washington. *Navaho Legends*. 1897. U of Utah P, 1994.
- Mazur, Eric Michael. *The Americanization of Religious Minorities: Confronting the Constitutional Order*. Johns Hopkins UP, 1999.
- McNeley, James Kale. *Holy Wind in Navajo Philosophy*. U of Arizona P, 1981.
- McPherson, Robert S. *Sacred Land, Sacred View: Navajo Perceptions of the Four Corners Region*. Signature Books, 1992.
- Michaelsen, Robert S. "American Indian Religious Freedom Litigation: Promise and Perils." *Journal of Law and Religion*, vol. 3, no. 1, 1985, pp. 47–76.
- Nabokov, Peter. *Where the Lightning Strikes: The Lives of American Indian Sacred Places*. Penguin Books, 2006.
- . *A Forest of Time: American Indian Ways of History*. Cambridge UP, 2002.
- Norrel, Brenda. "Lawsuit filed to halt Peaks desecration." *Indian Country Today*. 13 July 2005, p. B1.
- O'Bryan, Aileen. "The Diné: Origin Myths of the Navaho Indians," *Bureau of American Ethnography Bulletin 163*. U.S. Government Printing Office, 1956.

- Opler, Morris E. "The Apachean Culture Pattern and Its Origins," *Handbook of North American Indian, Volume 10: Southwest*, edited by Alfonso Ortiz. Smithsonian Institution, 1983, pp. 368–92.
- Patton, Laurie L. *Who Owns Religion?: Scholars and their Publics in the Late Twentieth Century*. U of Chicago P, 2019.
- Pinxten, Rik, et al. *Anthropology of Space: Explorations into the Natural Philosophy and Semantics of the Navajo*. U of Pennsylvania P, 1983.
- Pratt, Mary Louise. *Imperial Eyes: Travel Writing and Transculturation*. Routledge, 1992.
- Preston, Douglas. *Talking to the Ground: One Family's Journey on Horseback Across the Sacred Land of the Navajo*. Simon & Schuster, 1995.
- Reichard, Gladys A. *Navaho Religion: A Study of Symbolism*. 1950. Princeton UP, 1963.
- Roa, Raul. "Tribes Protest Federal Plans for Sacred Peaks," *SGV Tribune*. 10 December 2007. <http://www.savethepeaks.org/>. Accessed 18 December 2007.
- Schwarz, Maureen Trudelle. *Molded in the Image of Changing Woman: Navajo Views on the Human Body and Personhood*. U of Arizona P, 1997.
- Sefiha, Ophir, and Pat Lauderdale. "Sacred Mountains and Profane Dollars: Discourses about Snowmaking on the San Francisco Peaks." *Social & Legal Studies*, vol. 17, no. 4, 2008, pp. 491–511.
- Schermerhorn, Seth. *Walking to Magdalena: Personhood and Place in Tohono O'odham Songs, Sticks, and Stories*. U of Nebraska P, 2019.
- . "Secularisation by the 'Sacred'? : Discourses of 'Religion' and the San Francisco Peaks." *Eras*, vol. 11, 2009, pp. 1–17.
- . *Regulating Desecration and the San Francisco Peaks: Native American Sacred Land Claims and the Problem of Authenticity*. 2008. University Colorado, MA thesis.
- Shaffer, Mark. "Peaks' Sacred Essence Key to Tribes' Fight vs. Snowbowl." *Arizona Republic*, 7 June 2005. <http://www.azcentral.com/arizonarepublic/news/articles/0607peaks06.html>. Accessed 28 April 2006.

- Smith, Jonathan Z. "God Save this Honorable Court: Religion and Civic Discourse." *Relating Religion: Essays in the Study of Religion*. U of Chicago P, 2004, pp. 375–390.
- Sullivan, Winnifred Fallers. *The Impossibility of Religious Freedom*. Princeton UP, 2005.
- The Snowbowl Effect*. Directed by Klee Benally. Indigenous Action Media, 2005.
- United States, Court of Appeals, District of Columbia Circuit. *Wilson v. Block*, 20 May 1983.
- United States, Court of Appeals, Ninth Circuit, *en banc*. *Navajo Nation v. United States Forest Service*, 8 August 2008.
- United States, Court of Appeals, Ninth Circuit. *Navajo Nation v. United States Forest Service*, 12 March 2007.
- United States, Court of Appeals, Tenth Circuit. *Badoni v. Higginson*. 3 November 1980.
- United States, District Court, District of Arizona. *Navajo Nation v. United States Forest Service*, 11 January 2006.
- . *Navajo Nation v. United States Forest Service*, 2005.
- United States, Supreme Court. *Employment Division of Oregon v. Smith*. 17 April 1990.
- . *Lyng v. Northwest Indian Cemetery Protective Association*. 19 April 1988.
- Van Otten, George A. ed. *Respecting a Mountain: Proceedings of the Arizona Humanities Council-Forum on Development of Arizona Snow Bowl on the San Francisco Peaks, Arizona*. Northern Arizona University Department of Geography, 1982.
- Van Valkenburgh, Richard F. "Navajo Sacred Places." *Navajo Indians III*, edited by Clyde Kluckhohn. Garland Publishing, 1974.
- Walker, Deward. "Protection of American Indian Sacred Geography." *Handbook of American Indian Religious Freedom*, edited by Christopher Vecsey. Crossroad Publishing, 1991, pp. 100–15.
- Wenger, Tisa. *We Have a Religion: The 1920's Pueblo Indian Dance Controversy and American Religious Freedom*. U of North Carolina P, 2009.

- Winter, Joseph C. "Navajo Sacred Sites and the Transwestern Pipeline Expansion Project." *Papers from the Third, Fourth, and Sixth Navajo Studies Conferences*, edited by June-e1 Piper. Navajo Nation Historical Preservation Department, 1993, pp. 65-109.
- Witherspoon, Gary. *Language and Art in the Navajo Universe*. U of Michigan P, 1977.
- . *Navajo Kinship and Marriage*. U of Chicago P, 1975.
- Wyman, Leland C., ed. *Beautyway: A Navajo Ceremonial*. Pantheon Books, 1957.
- . *The Mountainway of the Navajo*. U of Arizona P, 1975.
- . *The Sacred Mountains of the Navajo in Four Paintings by Harrison Begay*. Museum of Northern Arizona and Northland Press, 1967.
- Young, Robert W. and William Morgan. *Navajo Historical Selections*. Bureau of Indian Affairs, 1941.
- Zolbrod, Paul G. *Diné Bahane': The Navajo Creation Story*. U of New Mexico P, 1984.