

INDIAN SOVEREIGNTY AND RELIGIOUS FREEDOM: UNITED STATES PUBLIC LAND  
MANAGEMENT AND INDIAN SACRED SITES, 1978-2014

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ABSTRACT

Combining historical and policy analysis, this study argues that executive and congressional actions have strengthened and deepened the consultation process instituted by the American Indian Religious Freedom Act of 1978, which requires federal authorities to take into account the preferences of Native Americans regarding the uses of public lands that violate their sacred sites. The consultation process has helped bridge the gap in cultural understanding and knowledge of the Indigenous peoples, federal authorities, and private developers at odds over the management of public lands encompassing Indian sacred grounds. On the other hand, a continuing lack of First Amendment free exercise constraints on official land management choices has left open the door for administrators to allow cultural prejudices shape their decisions in ways inimical to the protection of tribal religious grounds. Improved understanding of Native American religions and of federal policy regarding Indian lands can help advance a new understanding of sovereignty for Native Americans and protect their constitutional right to religious freedom.