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G-O Road (Northern California)

As early as 1963 the U.S. Forest Service began considering plans to build a two-lane, paved road 55 miles from Gasquet to Orleans (G-O Road) through a remote and rugged area of northern California, rich in Douglas fir and in the traditions of Karuk, Tolowa, and Yurok peoples. The Forest Service claimed it needed the road to maintain the Six Rivers National Forest, to help control fires, to provide access to recreation, and to allow loggers to haul timber to mills in Crescent City. After creation of the Redwood National Park preserved 70,000 acres of the Forest in 1968, the timber industry increased pressure to build the road.

The Indian peoples believed that some 13,500 acres in the Blue Creek Unit of the Forest, a span of about six miles in the middle of the proposed G-O Road corridor, were sacred, places where they could engage in spiritual activity. There, approximately 140 elders meditated and guided adolescents through rites of passage, and tribal healers made medicine, gaining power to lead such rituals as the White Deerskin Dance of the World Renewal Ceremony. These rituals were meaningful only if leaders became empowered by visiting the sacred sites in solitude surrounded by unspoiled natural environment. They contended that any manmade interference with nature in this area prevented their exercising religion freely as guaranteed by the First Amendment of the U.S. Constitution.

This belief was explained and documented by the *American Indian Religious Freedom Act Report* and by an anthropological consulting firm hired by the Forest Service. The consultants concluded that “intrusions on the sanctity of the Blue Creek high country are . . . potentially destructive of the very core of Northwest [Indian] religious beliefs and practices” (Theodoratus 1979: 420).

Then, in 1981, the Keeper of the National Register of Historic Places declared the area eligible for special status, and the national Chairman of the Advisory Council on Historic Preservation wrote a letter to the Secretary of Agriculture, superior to the Chief of the Forest Service. He maintained “. . . it is fundamentally wrong to so seriously impact an area held sacred by a group of American citizens, if any feasible alternatives exist” (Aldrich 1982: 1). Yet the Forest Service ignored these admonitions and proceeded with plans to build the road. It claimed it could mitigate the adverse impact on Indian religion by not building the road over any “archeological areas” and by protecting specific religious sites from logging activity.

With their administrative remedies exhausted, Indian leaders turned to the judiciary. The U.S. District Court found evidence to support the Theodoratus Report and issued an injunction to stop the road. The Court of Appeals affirmed, but a 5–3 U.S. Supreme Court reversed.

Writing for the Court’s majority, Justice Sandra Day O’Connor relied on a rational basis test rather than strict

scrutiny, which is usually applied in cases involving fundamental rights or insular minorities. Instead of demanding that the government justify the road on grounds that it was necessary to achieve a compelling state interest, she said the road could be built if it were rationally related to a legitimate governmental purpose. While she acknowledged that the G-O Road “could have devastating effects on traditional Indian religious practices,” she perceived that building the road was merely an internal governmental decision related to the use of its own property. Further, she wrote,

. . . the affected individuals [would not] be coerced by the Government’s action into violating their religious beliefs; nor would . . . governmental action penalize [religious] activity by denying any person an equal share of the rights, benefits, and privileges enjoyed by other citizens (*Lyng v. Northwest Indian Cemetery Protective Association* 1988: 485 U.S. 439, 450).

She claimed the road was merely an “incidental” interference with religious freedom, not a deliberate government attack on a person’s faith. Therefore, it was permissible.

It is true that members of the Indian community were not prohibited from going through the motions of meditation, making medicine, or performing ceremonies. In that sense the G-O Road would not infringe upon the free exercise of religion. But the Supreme Court decision failed to take into account the nature of Indian religions. Unless the high country remained sacred, where leaders and members of the community could find privacy, silence, and undisturbed natural conditions, their religious acts were meaningless.

Nearly two years after the Court’s decision, on 2 January 1990, the Northwest Indian Cemetery Protective Association and three individuals appealed to the Inter-American Commission on Human Rights of the Organization of American States. They stated that they had spent their legal remedies under U.S. law and requested the OAS to intervene and protect their basic, human rights. They supported their petition by citing provisions in two international documents.

American Declaration of the Rights and Duties of Man, Article III: “Every person has the right freely to profess a religious faith, and to manifest and practice it both in public and in private.”

American Convention on Human Rights, Article 12: “Everyone has the right to freedom of conscience and of religion. This right includes freedom to maintain . . . one’s religion or beliefs . . .”

Further, the Tolowa Nation Tribal Council adopted a formal resolution supporting the request, which the parties attached to their petition.

Eleven months later, on 27 November 1990, the petitioners wrote to OAS, withdrawing their request. They said, Congress has “passed certain legislation that prohibits construction of the G-O Road.” This legislation, the Smith River National Recreation Area Act, signed by President Bush on November 16, preserved most of the natural surroundings in the region (PL101-612).

It was a long struggle with an abrupt and curious conclusion. Persons from three Indian tribes failed to persuade the Forest Service and the U.S. Supreme Court to guarantee the right to exercise their religion in a national forest. But, finally, they were able to join with environmentalists and convince Congress to prevent the government from building a paved road through their sacred lands in northern California.

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Further Reading

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- See also: Black Mesa; Deloria, Vine, Jr.; Devils Tower, *Mato Tipi*, or Bears Lodge; Indigenous Environmental Network; Law, Religion, and Native American Lands; Manifest Destiny.

Goddesses – History of

Books with titles such as *The Rebirth of the Goddess* are now common but were unheard of thirty years ago, at least as serious offerings to theological literature written in European languages. While there were Pagan groups who worshipped goddesses before the second wave of feminism, beginning in the late sixties and early seventies of the twentieth century, there is no question that, at least in Euro-American contexts, feminism spurred the growth and acceptability of female imagery and language about deity immensely. Today, the “rebirth” of the goddess is not only commonplace in Pagan religions, but is also a theological issue for Jews and Christians, as is demonstrated by the many controversies about non-sexist liturgies in those religions.

A title such as “rebirth of the Goddess” contains two theses that deserve examination. First is that it is proper and permissible to imagine the deity in female terms. Second is that this language represents a “rebirth,” a return to something familiar; it is not a new phenomenon or an unheard of feminist innovation. However, a title such as “rebirth of the Goddess” hides another thesis important to the history of goddesses: some religions are not experiencing a “rebirth” of the goddess because they never lost her in the first place. This third thesis strengthens the cogency of the first thesis while demonstrating the anomaly of a religious context in which the “rebirth” of the goddess could be necessary or controversial.

However, the first two theses *are* contentious for large segments of the European and North American public, who take for granted the convention that deity could only