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## The Sun Dance and the Gustafsen Lake Standoff: Healing Through Resistance and the Danger of Dismissing Religion

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# The Sun Dance and the Gustafsen Lake Standoff: Healing Through Resistance and the Danger of Dismissing Religion

## Abstract

The revitalization and renewal of traditional indigenous spiritual practices have produced new forms of indigenous religiosity rooted in experience, contact and combination. This paper examines the contemporary Sun Dance, a traditional healing ritual that seeks to address pain and sickness in indigenous communities through religious practice. For some Sun Dancers in both the United States and Canada who seek freedom for indigenous peoples through radical political activism, the Sun Dance has provided courage, validity and deeper meaning in their endeavours. However, when a highly politicized form of the ritual emerged in the non-traditional region of the British Columbia interior at Gustafsen Lake, it led the media, the state, and local elected First Nations leadership to dismiss the ritual as fraudulent. As demonstrated below, a failure to protect sacred sites and ceremonies and to understand the embodied spiritualities that accompany them can lead to violence between religious communities and the state.

## Keywords

indigenous, Sun Dance, religion, spiritualities, resistance, sacred sites, politics, sovereignty, Canada, United States; Gustafsen Lake; American Indian Movement

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## Introduction

In British Columbia during the summer of 1995 a small group of indigenous peoples from both Canada and the United States gathered for a Sun Dance, which they had been participating in at Gustafsen Lake for the previous five years. The leaders of the Sun Dance were not only deeply committed to the religious ceremony on what they perceived to be sacred space but they also held the belief that their Sun Dance site and much of Canada had been unlawfully seized by the federal government. Tensions grew when the property owner served an eviction notice to the Sun Dancers who, with their supporters, refused to leave the site, calling for the protection of their sacred space and an international inquiry into the subject of unceded indigenous lands. Eventually, the perception on the part of the occupiers of an impending police invasion, and encroachment on the camp by the Royal Canadian Mounted Police (RCMP), led to a standoff beginning 18 August and ending 17 September. The RCMP operation, with support from the Canadian military, would be the most costly of its kind in Canadian history. No one was killed in the confrontation but eighteen people were charged in a trial that would last just over ten months.

Religion was marginalized and dismissed during the standoff. As the political arguments for sovereignty became more public it was believed that political militants were using religion to advance their agenda. At the same time, local elected indigenous leadership publically challenged the occupiers' claim that Gustafsen Lake was sacred space. And as the standoff came to a close the perception that the peaceful religious members of the occupation finally succeeded over the militants became the narrative employed by outside observers to understand why violence erupted and how it was quelled.

This paper examines the Sun Dance ceremony and its relationship to political action as found at Gustafsen Lake, contextualizing it within the broader development of the religious ceremony in North America and its connection to violent uprisings against the state. I argue that while the religious tradition is not inherently violent and subversive, the healing nature of the ceremony in the face of colonial oppression has, in both Canada and the United States, provided courage, validity and deeper meaning for some indigenous peoples who believe they, and those they collectively identify with under the unifying experience of colonialism, need to secure sovereignty for themselves and future generations.

## Theoretical Considerations

How we understand "religion" has real world consequences. With the protection of religion in constitutional frameworks, such as those in Canada and the United States, multicultural liberal democracies must, at times, decide what warrants inclusion under such protection and what does not. There can be no universal definition of religion because its constitutive elements are often the product of historical, social and cultural processes. Complicating this fact, as Talal Asad (1993) argues, is that universal (standardized) conceptions of religion are often those of the social and political elite. Unlike in academia where the long-standing debate over the definition of religion persists, neither Canada nor the United States have offered a working definition of the concept. Avigail Eisenberg (2006) argues that the result is that individuals with the authority of the state end up applying normative values as to what constitutes "religion" based on their own specific knowledge and experiences.

Indigenous spiritualities have faced specific problems regarding the definition of religion in the public arena. Scholars such as Michael Lee Ross (2005), Lori G. Beaman (2006) and Tracy Leavelle (2010) have inferred that both Canada and the United States ought to have more self-awareness regarding the treatment of indigenous spirituality in indigenous-state disputes. The failure on the part of the state, as noted by these scholars, is the preconception that religion has a certain form, resulting in the dismissal

of religious beliefs that do not meet certain criteria. This failure results in the destruction of indigenous spiritualities and, more generally, communication barriers between disputing parties.

Michael Lee Ross (2005) echoes the concerns of Eisenberg, with specific reference to the experience of First Nations communities seeking the protection of their off-reserve sacred sites in Canada's courts. He argues that a translation barrier and the application of non-indigenous normative values regarding religion are highly probable given the very few First Nations members of the judiciary. Generally, courts have proceeded with inadequate information regarding the ethic of sacred space and "they have failed to exhibit a good understanding of the perspectives of First Nations on the particular significance of their sacred sites" (p. 160). In particular, Ross points to the failure on the part of the courts to recognize holistic perspectives of space. The result has been a virtually incomprehensible indigenous-state dialogue, which most often results in the predominantly non-indigenous state destroying the indigenous sacred site.

Lori Beaman (2006) argues that the religious landscape of both Canada and the United States is dominated by mainstream Christianity, resulting in a narrow interpretation of indigenous religions that places them outside the constitutional protection of religion. She writes, "[d]espite much ado about religious pluralism, there is a Christian hegemony that largely determines the manner and extent to which religious minorities are able to express their beliefs" (p. 230). These restrictions manifest themselves in how the state conceives of sacred space and, more specifically, its ability to conceptualize a spiritual relationship with land and animals.

Tracy Leavelle (2010) adds that while authenticity has been granted to indigenous religions of the past, contemporary forms of these religion traditions, altered by what she calls "contact and combination", have been left in limbo between historically-decontextualized traditions and contemporary mainstream Christian religious forms. Those practices that do not conform to these two categories have for the most part been ignored, marginalized or dismissed by the state. Citing Vine Deloria Jr. (1999), Leavelle explains that a major difference between Christianity and Native American religions is that the former's canon is closed and the latter is influenced by revelation and experience. The expectation placed upon Native American religions is that ceremonies, beliefs and spaces must be historically legitimated and presented in a state of purity. The very nature of indigenous spiritualities and the experience of colonialism have greatly affected Native American religions but the courts still insist on models fit for a museum. As with Ross and Beaman, preconceived notions of religion result in barriers in the ability of indigenous peoples and the state to communicate.

At the level of law enforcement, preconceived notions of religion can manifest themselves in very different ways than in the courts. Miscommunication may still result in the violation of sacred space, but it may also result in violence. Gustafsen Lake demonstrates the real dangers of dismissing indigenous religious practices as fraudulent, incorrect or false. Generally speaking, recognizing the role religion may play both implicitly and explicitly in indigenous-state disagreements may foster a better understanding of positions and motivations, facilitate effective negotiations and possibly even lead to swifter and more just resolutions.

This process begins, as Eisenberg (2006) argues, with an acknowledgement of the inherent difficulties and biases involved in conceptualizing "religion." This involves not only recognizing the biases of individuals, but the institutional constraints that persist in countries such as Canada and the United States. Finally, it involves a better understanding of indigenous spiritualities as experiential traditions that may not always conform to historical forms.

Although the focus of this paper is on the experience of indigenous peoples in Canada and the United States, the examples here of fluid, adaptive and renewed indigenous spiritualities may provide valuable insight into other post-colonial states as they struggle with the arduous task of defining religion in order that it may be acknowledged and protected. There is a possibility that these concerns and experiences could be extended to other states with indigenous populations living under similar systems.

## Contemporary Forms of the Sun Dance Ceremony

Dale Stover (2001) points to a specific problem regarding the study of the contemporary Lakota Sun Dance. He writes

For traditional Lakota people the contemporary Sun Dance signifies the continuation of and identification with the traditional ways of ancestral generations, whereas for European American culture it represents the epitome of “otherness,” the imagined “primitive” world of indigenous America before European contact. Lakota Sun Dancing carries this double marking because it emphatically represents an embodied spirituality that is, on the one hand, deeply characteristic of indigenous traditions and is, on the other hand, at profound odds with a Eurocentric modernism that dualistically segregates the religious experience of the subjective self from the objective, embodied realities of the world. European American descriptions of Lakota Sun Dancing typically manifest the predilection of the metropole for assigning to indigenous rituals only those meanings that conform to modernist categories of thought. (p. 823)

Stover goes on to examine three studies of the Sun Dance, which focus on the authenticity of the ritual as opposed to the aspects that make up its contemporary forms.

For this latter reason, there is an inherent difficulty in any general examination of the Sun Dance ceremony given the fluid, adaptive nature of indigenous spiritualities. A historical study of the ceremony does provide evidence of the adaptive and experiential nature of the Sun Dance, but it does not dictate its modern forms. Within the region where the Sun Dance originated, Great Plains communities such as the Cheyenne and Lakota have oral traditions that trace the ceremony to time immemorial. While Western scholarship acknowledges that the origins of the Sun Dance certainly extend deep into the unwritten histories of North American civilizations, it is typically argued that the ritual first emerged among the Plains Algonquians at the turn of the eighteenth century. The ceremony then spread throughout the Great Plains to communities in contemporary Canada and the United States including the Arapaho, Ankara, Assiniboine, Blackfeet, Cheyenne, Comanche, Crow, Eastern Dakota, Gros Ventre, Hidatsa, Kiowa, Lakota, Mandan, Ponca, Plains Cree, Plains Ojibway, Sarsi, Shoshone and Ute (Hirschfelder & Molin 2001).

Although the well-being of a community was always the focus of the early Sun Dance, the experience of colonialism and reserve life implemented what Joseph Jorgensen (1985) calls a contemporary form of the Sun Dance “born of misery and oppression” and persisting in a context of misery and oppression (p. 117). Although it cannot be broadened to include all communities, Jorgensen does point to a significant change among the Wind River Shoshone that saw the meaning of the Sun Dance move away from the purposes of “insuring successful bison hunts and warfare to an increased concern over illness and community misery” (p. 114). He argues that similar patterns emerged among the Ute. Legislation banning the ritual in both Canada and the United States over the first half of the twentieth century meant that further changes were required of the ceremony. Thomas Mails (1998) explains that for the Sioux, maintenance of an illegal ceremony meant changing the time of the ritual (to blend with American holidays such as Independence Day) and the hiding of the piercing ritual, which had, in part, initiated the ban of the ceremony in both countries.

The components of the Sun Dance vary from community to community. The most prominent aspect of the Sun Dance has been the piercing ritual which involves the tearing of flesh as an act of self-sacrifice, embodiment of pain and suffering, the dismantlement of egos, the initiation of visions and the attainment of power among other things. But some groups, such as the Kiowa, did not include the piercing practice within their Sun Dance ceremony (Hirschfelder & Molin 2001). Generally speaking, the

ceremony involves a sweat lodge, pledges or prayers, fasting, singing and dancing with the intention of healing (people, communities, planet, and cosmos) and giving thanks.

The Sun Dance has for a long time been associated with political change. In 1884, in response to new reserve conditions and the onset of famine a Sun Dance was called at a reserve in Saskatchewan by Cree leader Big Bear. The ceremony gathered 2000 people together. Big Bear's purpose was to secure land for the Cree, determine leadership in dealing with Canada, and protest treaty abuses by the federal government (Dickason, 2009). In the United States, one Sioux leader suggested to Mails (1998) that the "Sun Dance effects change" (p. 2).

And the (public) re-emergence of the Sun Dance and its ritual components in the 1960s demonstrated yet another important political focus for Sun Dance practitioners. Among the Shoshone, Ute and Sioux, Sun Dance leaders were actively participating in local political affairs, often acting as powerful voices of dissent towards the federally established tribal governments (Jorgenson, 1985; Mails, 1998). Generally speaking, the Sun Dance has always been connected to the well-being of communities and for the most part it has been associated with political change.

Amidst the 1995 Sun Dance at Gustafsen Lake, Jorgenson explained to *Vancouver Sun* readers that it should not be surprising to see the ritual – which originated and developed among Plains communities – emerge in places where it had not historically been part of indigenous religious practice. Making reference to the Navajo of Arizona and the Paiutes in Nevada and Oregon, Jorgenson contends that following the standoff at Wounded Knee in 1973, a new religious movement began to spread across North America, emphasizing redemption through spirituality; and, it was traditional practices such as the Ghost Dance and Sun Dance that young indigenous peoples were embracing (Hume, 1995). Splitting the Sky, the leader of the 1995 Gustafsen Lake Sun Dance and member of American Indian Movement (AIM) in the 1980s, identified the Sioux Sun Dance as one of the primary means by which AIM was able to establish a unified pan-indigenous community. Within a year of becoming involved with AIM, Splitting the Sky was on his way to South Dakota to participate in his first Sun Dance. The ceremony at Gustafsen Lake would be his sixteenth.

This particular manifestation of the Sun Dance, that Jorgenson alludes to in the Vancouver news, is a form of the Sun Dance that understands healing and self-sacrifice on a grander scheme that could involve martyrdom. In 1973 AIM was involved in a 71-day standoff at Wounded Knee, South Dakota, resulting in the trial of two prominent AIM leaders, including Dennis Banks, an Anishinabe from Minnesota. At his trial Banks articulated the following about his experience as a Sun Dancer and the standoff:

The piercing of the skin is a reminder to me that I truly owe myself to Mother Earth and to all the female things of this planet ... Wounded Knee represented a last pint or a last blood transfusion. It was unfortunate that three Indians have died but they died knowing, and all of us who were at Wounded Knee, and those people who called us to Wounded Knee will go the Spirit world knowing that the unborn generation will be given the opportunity to live the life that they choose and not the life that somebody else dictates. (Sayer, 1997, p. 98)

When AIM was called to Wounded Knee they were requested for a number of reasons, including the mismanagement of tribal funds, the continued loss of land and the refusal on the part of local leadership to allow for the 1973 traditional Sun Dance to take place (Sayer, 1997).

Five years later, Leonard Peltier, an AIM participant at Wounded Knee and a native of North Dakota, was convicted of killing two Federal Bureau of Investigation (FBI) agents during a 1975 shootout at Pine Ridge, South Dakota. In Peltier's autobiography *Prison Writings: My Life is My Sun Dance* (1999), Chief Arvol Looking Horse, an internationally recognized Dakota spiritual leader and spokesperson for

the religious rights of indigenous peoples, said that, as a Sun Dancer, Peltier “sacrificed his life to the People seeking justice for all our relatives. He offered himself to Wakan Tanka so that the People might have peace and happiness once again” (p. ix).<sup>1</sup> Peltier describes the power, revelation, and responsibility of sacrifice that his experience of the Sun Dance has revealed to him:

As the white-hot sun pours molten through your eyes into your inner being, as the skewers implanted in your chest pull and yank and rip at your screaming flesh, a strange and powerful lucidity gradually expands within your mind. The pain explodes into a bright white light, into revelation. You are given a wordless vision of what it is to be in touch with all Being and all beings.

And for the rest of your life, once you have made the sacrifice of your flesh to the Great Mystery, you will never forget that greater reality of which we are each an intimate and essential part and which holds each of us in an embrace as loving as a mother’s arms. Every time a pin pricks your finger from then on, that little pain will be but a tiny reminder of that larger pain and of the still greater reality that exists within each of us, an infinite realm beyond reach of all pain. (pp. 11-12)

Those who have participated in the Sun Dance can provide a cosmologically contextualized legitimacy to violent, albeit defensive, confrontations. For Peltier and Banks the Sun Dance created warriors, who could perceive the suffering of all indigenous peoples, cope with the pain and use that knowledge to relieve such suffering.

Many Sun Dancers have not interpreted the ceremony in the same way as Banks, Peltier or, later, as those at Gustafsen Lake. For example, participants of the Dakota Eagle Sun Dance in Manitoba incorporate the ideals of the Sun Dance by helping the elderly and responding to community requests (Ruml 2009). Given the adaptive nature of the ceremony, however, interpretations of the ritual that involve violence cannot be dismissed as an anomaly or rejected from the tradition altogether. To do so inhibits one’s ability to understand the motivations and support structures of a particular group.

### **The Gustafsen Lake Sun Dance**

The first Sun Dance at Gustafsen Lake was held in 1990. The location of the Sun Dance and the burial grounds believed to be near it were discovered through visions by Percy Rosette, a Shuswap from the region, and others. The discovery of sacred sites through visions was not unique to Gustafsen Lake. Mark Ruml (2009) explains the sacredness of a site grows as a community establishes their connection to the space. In Ruml’s case study, a Sun Dance site was discovered in 1999 at Birds Hill Provincial Park in Manitoba by a member of the Sioux Valley Dakota Nation. Ruml contends that from the moment the site was chosen to the first dance, there is “a process of increasing sanctification” (p. 196). After eight years of performing the ceremony at the site (2000-2007), the community is seeking to protect the area of the provincial park as sacred space.

Rosette approached the owner of the area at Gustafsen Lake to ask for permission to hold a Sun Dance at the site. Lyle James, an American rancher who held title over the land for his cattle company (since 1972) made a verbal agreement with Rosette that he could use the area for a period of four years under the condition that no permanent structures were erected on the site. Gustafsen Lake (or Ts’peten

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<sup>1</sup> It is widely believed that Leonard Peltier was convicted based on falsified testimony. Looking Horse’s comments here should not be understood as a glorification of violence. Rather it should be understood as a standard interpretation of self-sacrifice that has manifested itself in violent ways (i.e., Wounded Knee).

for local indigenous communities) was a popular camping and fishing area for indigenous and non-indigenous peoples alike, so allowing the ritual to take place was of little consequence to James. The Sun Dance drew participants from both Canada and the United States, attracting between 400 and 500 people in the first two years. Rosette would take the title “Faith Keeper”, responsible for protecting the sacred Sun Dance site. Members of the local elected Shuswap leadership admitted that they were not familiar with the ceremony before Rosette and Stevens brought it to the B.C. interior (Lambertus 2004; Switlo, 1997).

In 1994 the Sun Dance continued as usual despite the fact that Rosette’s initial agreement with Lyle James had ended in the previous year. James visited the site after the completion of the ceremony to find that Rosette and his partner Mary Pena had taken up residence at the lake. Unknown to James at the time Rosette and Stevens had enlisted the aid of lawyer and veteran activist for indigenous land rights, Dr. Bruce Clark. Rosette had been involved in researching land claims for the Shuswap Nation and had discovered that the land on which the Sun Dance grounds was revealed was part of a larger tract of land whose rightful owner, in Rosette’s view, was the Shuswap Nation and not the James Cattle Company. Rosette claimed that local elected leadership had intentionally lost the evidence he had collected.<sup>2</sup> As early as 1992, local elected Shuswap leadership had been having problems with the Sun Dancers. One member of the Cariboo Tribal Council commented that he was concerned with the fact that the Sun Dancers were “mixing religion and politics” in their preparatory meetings (Lambertus 2004, p. 30).

It was Clark’s 3 January 1995 Petition to Queen Elizabeth II, signed by both Rosette and Stevens, which would become central to the standoff to occur later that year. Clark’s *Petition* is an exercise in Canadian and British jurisprudence and international law, arguing for third-party adjudication over unceded indigenous lands within the contemporary boundaries of the Canadian state. The petitioners attested that because of the illegal usurpation of land by the federal government, indigenous peoples, under the current tribal system, were facing “serious mental harm”, as defined under the United Nations’ *Convention on Genocide* (1948), leading to “prejudiced rates of mortality” (cited in *Splitting the Sky*, 2001, p. 83).<sup>3</sup> The plaintiffs identify themselves as “The Tribal System Natives of the Sun-Dance (central), the Potlatch (western), and the Feast of the Dead (eastern) traditions.” Restitution from the Queen was sought not from representatives of particular Nations nor by grassroots organizations but by representatives of indigenous religious traditions. The petition would not be forwarded to Ottawa, having been stopped at the Attorney General’s office in British Columbia.

The RCMP was involved early in 1995 to mediate what they had determined to be a civil matter. After chasing grazing cattle from the Sun Dance site in the previous year, occupiers erected a fence around the sacred arbour to protect the space from defecating cattle (Lambertus, 2004). On 13 June, out of fear that the Sun Dancers were trying to stake out territory, James presented the Sun Dancers with an eviction notice. Although James would argue that the serving of the notice was quite formal, Sun Dancers would contend that a number of violations towards their religious beliefs were undertaken in

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<sup>2</sup> The Sun Dance site did fall under the land claim of the Cariboo Tribal Council but negotiations, under the new procedures of the B.C. Treaty Commission (established in 1993), had yet to begin. Ten days after the standoff, the Council would enter into stage two of the six stage process. The claim remains unresolved (as of July 2011). For more information on the B.C. treaty process see McKee (2000).

<sup>3</sup> *Splitting the Sky’s* autobiography (2001) was written in part to provide access to the position of the defenders in a confrontation which saw the orchestrated suppression of that perspective by the RCMP. *Splitting the Sky’s* autobiography along with the electronic database provided by Settlers in Support of Indigenous Sovereignty (SISIS) has helped to promote the dissemination of the defenders’ perspectives. These sources will be used for that purpose. For more information regarding the orchestrated “smear campaign” and suppression of occupiers’ perspectives by the RCMP see Susan Lambertus’ *Wartime Images, Peacetime Wounds: The Media and the Gustafsen Lake Standoff* (2004).

the exchange, including the interruption of ritual preparation, the photographing of Sun Dancers in preparation and the desecration of a sacred spear on which the eviction notice was impaled. The violation of sacred objects and religious practice was complicated by the fact that the ranch workers were allegedly brandishing weapons and stated it would “be a good day to string up some red niggers” (Lambertus, 2004, p. 32). Although Rosette and Splitting the Sky, the 1995 Sun Dance leader, were away from the camp at the time the eviction notice was served the accounts were enough that they felt they were under attack and Splitting the Sky made the decision to mount an “armed defensive stance” (2001, p. 94).

As mentioned above, Splitting the Sky was introduced to the Sun Dance by AIM in 1980. His childhood memories are mostly filled with his experiences in foster homes and various state-sponsored housing and correction facilities. He was taken from his mother at a very young age and only briefly remembers spending some time with his grandmother on a reservation just outside of Buffalo, New York. He spent most of his early life partying and getting into trouble without any real sense of identity or direction. He spent the 1970s in prison following an attempted robbery conviction and the subsequent conviction of killing a prison guard during the 1971 Attica prison riot. During this time he began to come “into awareness historically of [his] own roots as an indigenous person, as a Mohawk Native” (interview, March 31, 2011). Literature rather than first-hand accounts provided Splitting the Sky with the foundations of his identity. His studies began with Dee Brown’s *Bury My Heart at Wounded Knee* (1970). And his knowledge of the Sun Dance was first informed by *Lame Deer: Seeker of Visions* (1972), *Black Elk Speaks* (1932), and, through American cinema, Elliot Silverstein’s *A Man Called Horse* (1970). Following a prison-cell revelation in the mid-1970s, which he interpreted through eastern philosophy, he became more fascinated with the power and strength that could be attained through religious belief and experience.

His interpretation of the Lakota origin of the Sun Dance and Black Elk’s teachings is that indigenous ceremonies, in general, are sources of community strength that can help to unify indigenous peoples and combat the genocide brought on by the colonial experience. During his fifth Sun Dance ceremony, while suspended in the sacred arbour, he articulated that a vision and journey to the spirit world gave him an understanding of how strength, unity, and freedom could be attained. He recounted:

I started crying, in my heart it felt like I was crying. And then I could see, I looked into the sky and the whole sky was this face of this great powerful thunder and lightning being. And I said to him, ‘spiritual father, are you the power, the thunder and the lightning being? And it just smiled at me, this beautiful smile, almost like a Mona Lisa smile on a great powerful warrior in the sky ...I began to sob, not through my face but my heart was sobbing and I wept like a child and I totally broke down, my ego was broke down. I had a momentary vision that said ‘prepare for hard times to come’ but don’t worry, the powers are with you and then there was just these thousands of eagles that were flying in the spiritual realm, all around ... [It] helped me see, at that point, on physical levels, that this world does not stop here. (Interview, March 31, 2011)

Through the Sun Dance he was able to establish a connection between past, present and future generations. He was also able to transcend a fear of death that would give him the courage to engage in defensive stances with those who threatened “his nation, his extended family.” In response to a question regarding the 1995 Gustafsen Lake Sun Dance, he would admit that sovereignty was a means for freedom and that freedom was a means of healing.

A 17 June 1995 Press Release, signed by the self-proclaimed “Defenders of the Shuswap Nation,” outlined the events of 13 June and the various violations to their sacred site that took place at the hands of the James Cattle Company. Fearing the suppression of their religious ceremony, they

offered an open invitation to all Sun Dancers “to come to Gustafson Lake and ensure that this Sun Dance [would] be held as planned to sustain [Original Peoples’] inheritance and religious freedom” (cited in *Splitting the Sky*, 2001, p. 97). Conceptualized within the context of the colonial experience, the attempted eviction on the part of James and the passive response of the RCMP to engage as anything more than mediator at this early juncture contributed to the perception that indigenous spirituality on the whole was under attack.

On 17 June a meeting would be held between representatives of the James Cattle Company, the Sun Dancers and local elected leadership from the Cariboo Tribal Council. At the meeting an agreement was supposedly reached that would allow the Sun Dance to occur in early July, at which point occupiers would vacate the site. The Sun Dancers, who would reject the resolution, issued a press release on 18 June – for the moment changing their identification from “defenders of the Shuswap nation” to the “defenders of the Gustafsen Lake Sacred Grounds” – affirming that the space was non-negotiable and articulated that “[i]t is our belief that the presence of the ancestral powers on this land will ensure that our struggle will be victorious” (cited in *Splitting the Sky* 2001, p. 104). Asserting their belief in the spiritual significance of the Sun Dance site the defenders again confirmed their intention to ensure that the ritual take place, despite the perceived attempts being made to suppress the ceremony.

In the early stages of the occupation, three indigenous RCMP constables were involved in the mediation of the civil dispute between James and the Sun Dancers. They were responsible for maintaining some form of security for the site and they were active in setting up meetings between the competing parties. Constable Wood was invited by *Splitting the Sky* in mid-June to attend the ceremony. Constable Andrew attended the opening day of the ceremony and reported that there were no problems at the site. Constable Findley was taken on a tour of the burial grounds and sacred arbour before he was invited to participate in prayer and a cleansing sweat with the Sun Dancers. Findley expressed in his notes that he had established a good rapport with the occupiers and that the presence of eagles upon their concluding handshakes was considered a good sign (Switlo 1997). Wood, Andrew, and Findley believed that a meeting established for late August would have resolved the situation if not for the Emergency Response Team (ERT) that was discovered by occupiers on 18 August. After the incident, the indigenous officers, who had been mediating the situation since June and who were familiar with many of the occupiers, were taken off the case. Wood would eventually quit the RCMP. Andrew and Findley would express their frustrations over being ignored during the later stages of the occupation (Pemberton 1997).<sup>4</sup>

One of the greatest detriments to recognizing the important role religion played at Gustafsen Lake was the combined efforts of local Shuswap leadership and the media, who helped to dismiss the validity of religious beliefs altogether. The early introduction of mixing politics and religion, which upset Shuswap Chief Antoine Archie, led him to research the Sun Dance practice that had begun occurring in Shuswap territory in 1990. Archie explained in a July 1997 interview that the elected Shuswap leadership challenged those at Gustafsen Lake, articulating that the “real Sun Dancers” told them they need to take a break (Lambertus, 2004, p. 31). Newspapers picked up the story of the Sun Dance as a ‘modified import’, which challenged the occupiers’ right to stand in defence of the land. Additionally, the assertion by local leadership that there were no burial sites on the premise (‘Chiefs condemn’, 1995) and that the land held no specific spiritual significance (Platiel, 1995) were some of the most damaging statements in understanding the important role religion played in the dispute.

The Sun Dance began on 2 July but not without controversy and criticism. The strong political nature of the occupation led many to believe that the religious beliefs at Gustafsen Lake were less than

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<sup>4</sup> Findley would express his frustrations during the trial for those from Gustafsen Lake but would later recant his concerns in lieu of the evidence of weapon caches, articulating that he was not sure if they did the right or wrong thing (Pemberton 1997).

genuine. On the day the Sun Dance began a news article in the *100 Mile House Free Press* reported a local Sun Dance elder as condemning the militancy of the 1995 Sun Dancers, arguing the occupiers were “part and parcel of the Confederacy movement for sovereignty under the umbrella of the Sun Dance” (‘Sun Dancer denounce’, 1995).

When local media, which had been covering the Sun Dance since 1993, were invited into the camp in late June to view the site, Steven Frasher noted that the things Splitting the Sky spoke to them about were “entirely different than anything [they’d] heard associated with Gustafsen Lake before.” He explained that despite the speech they received on jurisdiction and rightful ownership of the land, there was no evidence provided to support their claims, and interpreted the tour of the Sun Dance grounds and alleged burial site as a ploy to “create their spin on the situation.” While observing Splitting the Sky and Rosette speaking during the tour he recalled that Rosette was uncomfortable because “for him it was a Native spiritual thing.” Frasher also noted that Splitting the Sky and the militant faction of the group “would have to latch [their] cause to take whatever legitimacy they could from what Percy was doing,” a claim he and other reporters had been asserting since the beginning of the occupation (2004, pp. 35-36).

The ceremony, which was dedicated to the healing of the pain of women, children and men, concluded on 12 July. Since June it had been clear that the Sun Dancers felt that the site was spiritually protected, but the sanctity of the grounds grew with the performance of the ceremony. This ‘increasing sanctification’ took on a particular meaning in the face of confrontations with local elected indigenous leadership and ranch hands, and the fear of an impending police raid. Splitting the Sky (2001) recounts the opening of the Sun Dance:

The shrill of the eagle bone whistle screech cut the atoms in half and a clasp of thunder and lightning blasted the entire sky. The powers of creation, had stepped through the crack in the veil of dimensions announcing the presence of the thunderers, communion had been made ... Most of the people jumped at the sound and sight of the power. Taking a survey of people’s eyes, I concluded they understood man’s meagre armies couldn’t penetrate the field of protection that had just engulfed the grounds (p. 110).

He continues that the “Sacred arbour became a vortex between two worlds and we could feel no pain, bullets simply could not and would not touch those who were of the Sun Dance family” (p. 111). Occupiers would put down their weapons and take off their fatigues for the ceremony but Splitting the Sky (2001) would admit that it was not easy to organize a Sun Dance and simultaneously prepare participants to be vision seekers and soldiers.

Deriving from motifs of self-sacrifice and community healing so central to the modern Sun Dance, practitioners can incorporate a purpose in political action with the power they acquire that aims at relieving the suffering of generations, present and future. After a 19 July meeting where local Shuswap elders had expressed concerns that they were being mistreated and disrespected, Splitting the Sky noted that his delegation of Sun Dancers was “concerned for the people, territories and for the future generations. What form of security would the people have if left in the hands of government puppets and brainwashed peoples who willingly allow the roots of assimilation to hold steadfast” (2001, p. 117). Similar testimonies from the dancers would reveal a common perception of what exactly it was they were doing at Gustafsen Lake. Mary Pena, at a benefit in the summer of 1996, explained that it was not for self-interest, “not for glory, not for money, not for any kind of recognition. We were doing this for our children and our grandchildren and our future generations to come. We figured that this would help our people along in waking up” (Pena, 1996). James Pitawanakwat (also known as OJ), a young Anishinabe from Ontario, who was pierced during the 1995 Sun Dance, expressed similar sentiments, articulating that relief for indigenous peoples could only be ascertained through sovereignty and a

return to traditional ways of life, which had historically been suppressed by the federal government. In his statement to the court prior to being found guilty of “mischief causing danger to life”, OJ would defend his stand at Gustafsen Lake: “Ceremonies like the Sun Dance need to be protected from cultural genocide. This is the basis for my resistance. We are not militants or terrorists. We are warriors to our people. Our families. Our generations yet to come” (2001, p. 38). Pitawanakwat understood that religion and politics at Gustafsen Lake – or, as he would contend, for all indigenous peoples – were inseparable. In addition, Pitawanakwat’s statement emphasizes a concern that was made explicit in pre-ceremony press releases: indigenous spirituality was under attack at Gustafsen Lake. The ceremony was both a means for defence and a reason for defending.

Following the conclusion of the Sun Dance, fighting for the right to practice the religious ritual became less explicit in the attempt to begin the healing process of indigenous peoples in Canada by securing legal recognition of the claims made in the 3 January 1995 petition. Splitting the Sky recalls that when RCMP Staff Sergeant Martin Sarich asked him if the occupiers would leave if they were given the Sun Dance grounds, he told him that the “Sun Dance grounds by itself is insignificant as a claim in lieu of the fact that the whole province is unceded Indian land” (2001, p. 113). By the 18 July Press Release the occupiers identified themselves as “Defenders of unceded Shuswap territory containing sacred Sun Dance Grounds and Burial Sites at Gustafsen Lake.” The release outlines the events of 13 June where a number of aspects of the Sun Dance ritual were violated, but unlike in earlier releases, the focus is on the jurisdiction argument.

### **The Gustafsen Lake Standoff**

Tensions had been building at the occupation site well before the eviction incident in June. Altercations had occurred between the occupiers and campers at the lake as early as 1993. The reason for those confrontations, given to the media, was that campers were being rowdy and disturbing the ceremony. Following the armament that proceeded 13 June, shots were allegedly fired near two British Columbia forestry workers inspecting timber near the area. In mid-July, an employee of James went into the camp to retrieve stolen materials and shots were fired in his direction as he left. Finally, on 18 August a group of ERT officers conducting reconnaissance was discovered and shot at by occupiers, transforming the occupation into a standoff. All incidents were related to the disruption of ceremony, violation of sacred space or the encroachment of outsiders onto sacred grounds.

Four hundred RCMP officers and four Armoured Personnel Carriers (APCs) supplied by the Canadian military (under Operation Wallaby) would converge on the small piece of land outside of 100 Mile House in the B.C. interior to confront less than two dozen people. Three violent episodes would occur after the initial confrontation, which began the standoff. The first, on 27 August, took place when two ERT officers sustained minor wounds when struck by gunfire in their bullet-proof vests. Second, on 11 September an “early warning device” planted in an access road to the camp was detonated by RCMP, when a vehicle with occupiers driving to pick up food and water drove over it. The incident set off a gun battle, which involved the use of the APCs. Finally, after ordering more APCs, more ammunition and requesting more troops following the firefight, on 12 September a sharpshooter shot at and missed a Native man walking through an established no-shoot zone – a mistake they would admit to making during the trial.

During the standoff a divide was distinguished between “hawks” and “doves”, which sought to explain violence in the camp as the result of militant factions manipulating the situation in support of their political agenda. News media perpetuated the perception that religious believers in the camp were standing in peaceful defence of perceived religious space and were at odds with sovereigntist militants in the camp (Lambertus, 2004). In a 31 August *Vancouver Sun* article where National Chief Ovide

Mercredi confirmed a divide between “hawks and doves”. Rosette was depicted as a spiritual man with ties to pacifist organizations, while the other side, represented through another leader of the standoff, William Ignace, was depicted as conspiracy theorists and militants (Crawley, 1995). During the trial this division continued to perpetuate that religion had no role in the violent confrontation at Gustafsen Lake. These assertions require further examination.

For a number of years William Ignace had been actively participating in blockades and occupations in support of indigenous sovereignty. He had also been working with Bruce Clark in the courts since 1990 trying to have the subject of jurisdiction officially addressed. He was asked by Rosette to join them at the lake to ensure that the Sun Dance took place and told that they would not be removed from the land, which he believed was rightfully that of the Shuswap Nation (Mahony 1997). He was brought to the site for the protection of sacred space and a religious ceremony but he was not an outwardly religious man. *Splitting the Sky* (2001) claims that Ignace was a man of no religion because of his experiences in residential schools. However, he would also contend that a certain level of power was achieved when Ignace joined in dancing and helped to suspend *Splitting the Sky* in the sacred arbour. Even if Ignace’s participation in the ceremony is ignored, he was called to Gustafsen Lake to protect the Sun Dance ceremony, which its leaders felt was under threat.

Four non-indigenous supporters were arrested following the standoff, including videographer Trond Halle. The Sun Dance is a ritual strictly for indigenous peoples (at least in this particular case), so non-indigenous participation was forbidden.<sup>5</sup> Halle was called to the site by Rosette to provide documentation of the occupation as a deterrent against police action. He was not directly involved with the Sun Dance but he thanked the Great Spirit for his protection during the occupation and was deeply influenced by Rosette’s teachings. In a statement, entitled “The Spiritual Stand at Gustafsen Lake” published on the Settlers in Support of Indigenous Sovereignty website, he recalled that Rosette continually reminded him that “it wasn’t us making the stand at Ts’peten – it was the spirit of the ancestors working through us. Without our prayers and the prayers of medicine people from all over Turtle Island, the outcome would have been vastly different” (Halle). All those at Gustafsen Lake were not there necessarily to participate in the Sun Dance but they were there because of the tense environment surrounding the start of the ceremony.

After the 12 September incident a shift in the approach by the RCMP turned their attention back to the religious aspect of Gustafsen Lake. Up until this point negotiation had been attempted primarily through local elected leadership and then, in the early days of the standoff, through the National Chief of the Assembly of First Nations, Ovide Mercredi. Both parties were understood by the occupiers as components of colonial oppression and their involvement was unsurprisingly ineffective. On 13 September, on the same day a spiritual leader from the local Penticton band was able to bring someone out of the camp, the RCMP arranged for Dakota spiritual leader Arvol Looking Horse to enter the site. Looking Horse explained to the occupiers that “you can’t have a gun in one hand and a pipe in the other,” implying that violence was not part of the Sun Dance. While performing a religious ceremony the occupiers agreed to leave the camp after three days. However, this progressive meeting was stifled by the RCMP orchestrated broadcast on CBC radio of a promise of safety from local Shuswap leadership, an

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<sup>5</sup> Non-indigenous supporter Suniva Bronson was allowed to observe the Sun Dance despite *Splitting the Sky*’s objections. Bronson would be the only person wounded in the standoff, suffering a gunshot wound to the arm during the 11 September fire. In his autobiography, *Splitting the Sky* (2001) would assert that Bronson was the only one struck by a bullet in the occupation because she did not have the same spiritual protection as the Sun Dancers.

action to which Looking Horse (who was unaware of the RCMP plan) criticized the police for not giving him enough time (Lee, 1995, p. B2).<sup>6</sup>

On 17 September it was medicine man John Stevens who was able to lead the twelve remaining occupiers out of the camp, ending the standoff. Two days afterwards it was discovered that at least three weeks earlier Splitting the Sky had provided two names to the RCMP regarding mediators for the conflict, Looking Horse and Stevens. RCMP Corporal John Ward confirmed the list of mediators from Splitting the Sky, denied that they ignored the importance of spirituality in the conflict and told reporters it was “not a big deal. We knew about these people. We had a list of them. It was a matter of when we were going to use them, plain and simple” (Lee, 1995, p. B2). But even in the post-standoff period, even as the importance of religion in resolving the conflict was acknowledged, the promotion of a divide in the camp between a peaceful religious group and a militant political group was embraced to explain the standoff.

### **Implications for Future Policy and Action**

Religion was marginalized and excluded by the media, local indigenous leadership and the state due in part to preconceived notions of religion and, in particular, what constitutes indigenous religiosity. While the Sun Dance is traditionally peaceful, the embodied experience of practitioners in socio-political contexts where they feel oppressed and threatened may provide support for armament, self-sacrifice and defensive violence. This experience and interpretation of the Sun Dance is one that has emerged in both the United States and Canada, playing a role in violent standoffs with the state in both countries, as demonstrated in British Columbia and referenced to in South Dakota. Violence potentially could have been avoided at Gustafsen Lake. This concluding section provides four suggestions for future policy.

#### **1. A First-Step Protection of Sacred Space**

The primary reason why occupiers converged on the site and armed themselves was the persistent violations towards the space they believed to be sacred, and interruptions to the preparations for the Sun Dance ceremony. The definition of the dispute as a civil matter and the passive response of the RCMP to violations of the sacred space greatly contributed to the rising tensions at the site.

Interim measures agreements have been one of the primary methods by which First Nations communities have been able, in the short term, to protect their off-reserve sacred sites. Ross (2005) explains that these agreements move negotiations toward a more comprehensive understanding of the importance of particular sacred sites. One of the primary issues with the handling of sacred space in Canada’s courts, according to Ross, is their failure to properly understand the ethic of a site. Interim agreements, which provide protection until the conclusion of legal proceedings on a case, provide for the initial and outright protection of sacred sites. Ross argues that the religious significance of the space and potential damage to the site should be addressed during this period (although it rarely is) before any action is taken. At the law enforcement level, it is even more important to ensure these sites are protected, not only because of the potential damage they can bring to a religious community, but also

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<sup>6</sup> Arvol Looking Horse is a respected authority of the Lakota Sun Dance. But, from a sociological perspective, it should not be inferred that he has the only true understanding of the ceremony. In my interview with Splitting the Sky on March 31, 2011, I asked him what he thought of Chief Looking Horse’s message to the occupiers. He dismissed Looking Horse’s comments and exclaimed that John Stevens was their authority.

the potential violence that could erupt upon the violation of a particular space or the hindrance of a particular ceremony.

## **2. The Prioritization of a More Comprehensive Understanding of Religious Traditions**

The first-step protection is fairly consistent with First Nations court proceedings regarding off-reserve sacred space – a step Gustafsen Lake was not afforded. But what is evident in both Ross’s study and the one presented here is a failure to utilize a temporary protection in order to ascertain a better understanding of the sacred site and its components. At the lake, comprehensive knowledge of religion in general and this version of the Sun Dance in particular in the occupation was never adequately sought by the state or local elected leadership. Confrontations between the Cariboo Tribal Council and occupiers regarding authority over the space translated into public arguments regarding the authenticity of their religious beliefs. Implicitly, the public condemnation of Sun Dancers applied a particular conception of religion that separated religion from politics and dictated that it should not be associated with violence.

The first step in understanding the complexities of religious communities outside of one’s own personal conception of religion involves recognition of the inherent difficulties in such a task. Eisenberg (2006) suggests that effectively protecting religious freedom and, in turn, eliminating the prioritization of some religious beliefs over others begins with an acknowledgment of the normative values that are often unknowingly imposed by one person onto another. Ross (2005) concurs that this process begins with distinguishing between ‘what is believed’ and ‘what I believe.’

These changes are, in part, a responsibility of the state. Canada has yet to adequately address the long-standing relationship between Christianity and the state. David Seljak (2009) argues that policy makers and most of the Canadian public have been content with the de-Christianization and subsequent removal of all religion in public schools in its push toward a multicultural polity. He argues that a multicultural Canada “lacks credibility when its school system, an important state-controlled vehicle of socialization into a common Canadian culture, values, and social institutions for young people, ignores or suppresses a key element in the identity of so many citizens.” Canada has “raised a generation of religiously illiterate students” (p. 179). Although teaching indigenous spiritualities contains its own set of difficulties,<sup>7</sup> a commitment to a diverse religious education program may help to provide the socially and political elite with different conceptual frameworks. This may allow for those in places of authority to perform the necessary “cultural relocation” as Ross (2005) calls it. A more complex understanding of religions could help to decrease the application of particular normative forms of religion such as those which occurred at Gustafsen Lake.

## **3. The Prioritization of the Analysis of Religion**

In the long-term, the second suggestion listed above may be very helpful, but in the short-term there have been demonstrated effective methods in avoiding violent confrontations with religious communities, who feel under threat by the state. The RCMP praised their own acts following the standoff arguing that “patience, psychology, and overwhelming firepower” helped to avoid an incident such as that at Waco, Texas in 1993 between Mount Carmel Davidians and federal authorities which

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<sup>7</sup> Two examples of these difficulties include (1) the pedagogical methods of teaching diverse experiential religious traditions such as those of indigenous spiritualities, and (2) the debate on who has the authority to teach indigenous religious traditions.

resulted in the deaths of over 75 people (Howard 1996). Their efforts may have ensured that no one died at Gustafsen Lake, but it was not simply a result of psychology and certainly not a result of patience or excessive firepower. The standoff came to a close because the RCMP began to accept the role of religion in the standoff.

One of the primary downfalls at Waco was that there was no proper analysis conducted of the religious beliefs of David Koresh and his new religious movement. Following the siege at Waco, the U.S. Attorney General and Federal Bureau of Investigation (FBI) director, developed a “critical response management policy” to effectively manage situations such as those at Waco. This policy included three components: (1) actions should be predicated on known facts; (2) negotiations should dictate strategy; and (3) “the FBI must never hesitate to go outside of government to seek other experts or other people who might help [them] peacefully [resolve] a crisis situation” (Rosenfeld 2000, p. 325). In compliance with the third component of this policy, three scholars were called in to provide aid to the FBI during the Justus Freeman standoff in Montana in 1996. Jean E. Rosenfeld was one of the three scholars contacted by the FBI. She argues that it was the FBI’s willingness to better understand the religious motivations of the group that resulted in a peaceful end to the 81-day standoff. In an article detailing her role in the confrontation, Rosenfeld (2000) explains that one of the first tasks she was asked to complete was to divide the Freeman into religious and non-religious groups. The FBI assumed that those with criminal records were not religious, but she was able to provide evidence that all the members of the group were in fact religious and they were most likely willing to die for their beliefs. She explains that the FBI’s assumptions regarding those with criminal records were “based on the conventional wisdom that religion is intrinsically good” (p. 330). The assembled scholars informed the FBI that any breach of the perimeter of the site would most likely result in violence. The support provided by Rosenfeld and two other scholars established a context in which meaningful dialogue could take place. It can be inferred from the means by which the standoff at Gustafsen Lake ended that a closer attention to the role of religion may have helped to establish (1) a more suitable environment for effective negotiations and (2) more effective methods of mediation in the early stages of the occupation.

#### **4. The Participation of Indigenous Peoples**

Finally, it has historically been a regrettable choice to make decisions *for* indigenous peoples when they should be active participants in the legal and political decisions that affect their lives. Despite the political differences among indigenous scholars, the overwhelming consensus is that indigenous voices, perspectives and frameworks need to be brought into the legal and political structures that dictate a significant portion of indigenous lives. The socio-economic condition of indigenous communities, and the failure of indigenous schooling that Harold Cardinal identified over four decades ago, continues to restrict the ability of indigenous peoples to reach significant levels of political and legal influence. An integration of indigenous perspectives such as those proposed by Borrows (2002) could help to avoid the need for cultural relocation and promote the broadening of the existing dominant Canadian culture.

At Gustafsen Lake, mediators such as the RCMP First Nations constables who were able to understand cultural symbolism (such as the presence of eagles) and who were also invited to participate in the Sun Dance are valuable assets to a state in bridging the perceived disconnect between occupiers and the government. It does not follow that this will quell all dissent or conflict. Just as indigenous spiritualities cannot be reduced to the singular, indigenous communities contain many voices. But it has been demonstrated in other cases that possessing the proper knowledge and conceptual frameworks can help to ensure that these situations do not turn violent. Continued efforts to address the effects of

colonialism and the embrace (and comprehension) of indigenous perspectives will undoubtedly help to reduce some of the tensions which manifested themselves at Gustafsen Lake and beyond.

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