

### Extra Credit for History 157 Assignment:

Following are short readings on two issues in contemporary American Indian affairs (Kennewick Man and casinos). In order to get a 5% extra credit boost to your grade (i.e., on a scale of 1-100, having your final grade increased by 5%) you will need to read the two articles on BOTH of these issues, and then indicate 3 points which EACH side makes for their position, and then compose a 5-sentence paragraph explaining which position makes more sense to you (if you are unsure/divided, that's ok—just give me 5 sentences on why you hadn't made up your mind!). This is due the same time that you take the final exam (and turn in your term paper/project, as well).

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Kennewick Man is the remains of a body found in Washington state a little over a decade ago. Scientists that were investigating it (actually, the first guy who saw it was a coroner—they didn't know that it was an ancient body) found that it was in fact several thousand years old; but with a skeletal structure unlike that typical for Native Americans, more like that found with Caucasians. Indian groups want to bury the body as a deceased member of a local Native American tribe; scientists want to continue investigating this ancient corpse. Some feel that it calls into question who can claim to be the “first peoples” of the Americas, and that this is really what is fueling the debate on each side.

Casino gaming is just that. Some feel it is unethical, destructive to many gamblers' lives, and isn't profiting the sponsoring American Indian groups anyways; others feel that it is making a solid contribution in the economic life of Native Americans.

Fate of Kennewick Man: Burial or Investigation

## Investigation: Kennewick Man

By James C. Chatters

On July 28, 1996 two young men encountered a human skull in the Columbia River at Kennewick, Washington. That evening I was contacted by Coroner Floyd Johnson, for whom I conduct skeletal forensics. I joined him at the site and helped police recover much of the skeleton. During the next month, under an ARPA permit issued by the Walla Walla District Corps of Engineers, I recovered more wave-scattered bones from the reservoir mud. Throughout the process, I maintained contact with the Corps, which interacted with two local Indian Tribes.

The completeness and unusually good condition of the skeleton, presence of caucasoid traits, lack of definitive Native-American characteristics, and the association with an early homestead led me to suspect that the bones represented a European settler. I first began to question this when I detected a gray object partially healed within the right ilium. CT scans revealed the 20 by 54 mm base of a leaf-shaped, serrated Cascade projectile point typical of Southern Plateau assemblages from 8500 B.P. [Before Present, that is, 6500 BC] to 4500 B.P. However, similar styles were in use elsewhere in western North America and Australia into the nineteenth century. Nevertheless, the point raised the possibility of great antiquity, while the skeleton's traits argued for the early nineteenth century. We either had an ancient individual with physical characteristics unlike later native peoples' or a trapper/explorer who'd had difficulties with "stone-age" peoples during his travels. To resolve this issue, the Coroner ordered radiocarbon and DNA analyses.

### Forensic Observations

I conducted a standard forensic examination and measurements with assistance from Central Washington University student Scott Turner, and photographed the skull, teeth, and pathologies. Physical anthropologists Catherine J. MacMillan of Central Washington University and Grover S. Krantz of Washington State University examined the skeleton briefly. Kenneth Reid, Rainshadow Research, helped identify the projectile point. Kenneth Lagergren, DDS interpreted dental X-rays, and Kennewick General Hospital CT scanned the right innominate and cross-sections of longbones. AMS dating was conducted by Donna Kirner of the University of California at Riverside, who also measured amino acid composition and stable C and N ratios. Frederika Kaestle of the University of California, Davis attempted DNA extraction.

The skeleton is nearly complete, missing only the sternum and a few small bones of hands and feet. All teeth were present at the time of death. This was a male of late middle age (40-55 years), and tall (170 to 176 cm ), slender build. He had suffered numerous injuries, the most severe of which were compound fractures of at least 6 ribs and apparent damage to his left shoulder musculature, atrophy of the left humerus due to the muscle damage, and the healing projectile wound in his right pelvis. The lack of head flattening from cradle board use, minimal arthritis in weight-bearing bones, and the

unusually light wear on his teeth distinguish the behavior and diet of Kennewick Man from that of more recent peoples in the region. A fragment of the fifth left metacarpal analyzed by AMS has an isotopically-corrected age of 8410 +/- 60 B.P. (UCR 3476) (ca 7300 to 7600 B.C.). Amino acids and stable isotopes indicate heavy dependence on anadromous fish. DNA was intact, but two partially-completed extractions were inconclusive.

The man lacks definitive characteristics of the classic mongoloid stock to which modern Native Americans belong. The skull is dolichocranic (cranial index 73.8) rather than brachycranial, the face narrow and prognathous rather than broad and flat. Cheek bones recede slightly and lack an inferior zygomatic projection; the lower rim of the orbit is even with the upper. Other features are a long, broad nose that projects markedly from the face and high, round orbits. The mandible is v-shaped, with a pronounced, deep chin. Many of these characteristics are definitive of modern-day caucasoid peoples, while others, such as the orbits are typical of neither race. Dental characteristics fit Turner's (1983) Sundadont pattern, indicating possible relationship to south Asian peoples.

### **Current Status**

On August 30, four days after the startling radiocarbon result, the Corps insisted all studies be terminated and soon took possession of the skeleton. After publishing their intent to repatriate the remains to an alliance of five tribes and bands--Umatilla, Yakama, Nez Perce, Wanapum and Colville--the Corps received numerous requests for scientific study from citizens, congressmen and anthropologists. The Colville then filed a separate claim of their own. A group of internationally-known archaeologists and physical anthropologists filed suit, asserting that NAGPRA does not apply to this case and seeking the opportunity for study. The Asutru Folk Assembly, a traditional European religion, also sued for the right to determine if this individual was their ancestor. The Umatilla, who have taken the lead on the issue, intend immediate reburial in a secret location. The remains now lie in a federal repository awaiting resolution.

### **The Unknown and Unknowable**

The Kennewick discovery, along with other recent finds in Nevada, may significantly alter conventional views of how, when, and by whom the Americas were peopled. If the Corps persists in its refusal to allow additional studies and decides on immediate repatriation, experts will lose the chance to directly examine this rare phenomenon. Although I have studied him extensively and learned much about his life, our descendants--of whatever ethnicity-- will lose the broader view that only multiple perspectives can provide. Data that might be used for such studies in lieu of actual bones remain incomplete as of this writing. When the remains were seized, I had yet to take measured photographs of the postcranial skeleton, and I was still waiting for specialized equipment for state-of-the-art skull measurement. Furthermore, DNA was well preserved and, if restrictive enzyme analysis and detailed sequencing were completed, we might ultimately learn this man's relationship to other peoples of his time and ours. In broader

view, reburial without study may set a precedent that forecloses the opportunity for study of most future paleoAmerican finds.

Much, however, is beyond our reach regardless of political outcomes. No matter how long we might study the Kennewick man we would never know the form or color of his eyes, skin and hair, whether his hair was curly or straight, his lips thin or full -- in short many of the characteristics by which we judge living peoples' racial affiliation. We will never be certain if his wound was by accident or intent, what language he spoke, or his religious beliefs. We cannot know if he is truly anyone's ancestor. Given the millennia since he lived, he may be sire to none or all of us.

Source: [http://www.mnh.si.edu/arctic/html/kennewick\\_man.html](http://www.mnh.si.edu/arctic/html/kennewick_man.html)

## Burial: Human Remains Should Be Reburied

*By Armand Minthorn*

*Board of Trustees member, the Confederated Tribes of the Umatilla Indian Reservation*

In the summer of 1996 a human burial, believed to be about 9,000 years old, was discovered near Columbia Park in Kennewick, Washington. Scientists and others want to study this individual. They believe that he should be further desecrated for the sake of science, and for their own personal gain. The people of my tribe, and four other affected tribes, strongly believe that the individual must be re-buried as soon as possible.

My tribe has ties to this individual because he was uncovered in our traditional homeland -- a homeland where we still retain fishing, hunting, gathering, and other rights under our 1855 Treaty with the US Government.

Like any inadvertent discovery of ancestral human remains, this is a very sensitive issue for me and my tribe. Our religious beliefs, culture, and our adopted policies and procedures tell us that this individual must be re-buried as soon as possible. Our elders have taught us that once a body goes into the ground, it is meant to stay there until the end of time.

It is not our practice to publicize these types of discoveries, both for the protection of the individual as well as sensitivity to our tribal members. In this case, however, we must take the opportunity this incident has created to help educate the general public about the laws governing these discoveries and what these discoveries mean to us, as Indians. We also hope to give people a better understanding of why this is such a sensitive issue.

The Native American Graves Protection and Repatriation Act (NAGPRA) and Archaeological Resources Protection Act (ARPA), as well as other federal and state laws, are in place to prevent the destruction of, and to protect, human burials and cultural resources. The laws also say that authorities must notify affected Tribes and consult with tribal officials on how to handle the discovery, as well as protection and preservation. Our Tribe was not properly notified and if we had been, this difficult situation might have been avoided.

Under the Native American Graves Protection and Repatriation Act, tribes are allowed to file a claim to have ancestral human remains reburied. My tribe has filed a claim for this individual and when it is approved, we will rebury him and put him back to rest.

In filing this claim, we have the support of the four other tribes who potentially have ties to this individual. These tribes are the Yakama, Nez Perce, Colville, and Wanapum. We share the same religious belief, traditional practices, as well as oral histories that go back 10,000 years.

If this individual is truly over 9,000 years old, that only substantiates our belief that he is Native American. From our oral histories, we know that our people have been part of this

land since the beginning of time. We do not believe that our people migrated here from another continent, as the scientists do.

We also do not agree with the notion that this individual is Caucasian. Scientists say that because the individual's head measurement does not match ours, he is not Native American. We believe that humans and animals change over time to adapt to their environment. And, our elders have told us that Indian people did not always look the way we look today.

Some scientists say that if this individual is not studied further, we, as Indians, will be destroying evidence of our own history. We already know our history. It is passed on to us through our elders and through our religious practices.

Scientists have dug up and studied Native Americans for decades. We view this practice as desecration of the body and a violation of our most deeply-held religious beliefs. Today thousands of native human remains sit on the shelves of museums and institutions, waiting for the day when they can return to the earth, and waiting for the day that scientists and others pay them the respect they are due.

Our tribal policies and procedures, and our own religious beliefs, prohibit scientific testing on human remains. Our beliefs and policies also tell us that this individual must be re-buried as soon as possible.

Our religion and our elders have taught us that we have an inherent responsibility to care for those who are no longer with us. We have a responsibility to protect all human burials, regardless of race. We are taught to treat them all with the same respect.

Many people are asking if there's any chance for a compromise in this issue. We remind them that not only has this individual already been compromised, but our religious beliefs have once again been compromised. Many non-Indians are looking for a compromise -- a compromise that fits their desires.

And, many non-Indians are trying to bend the laws to fit their desires. The Native American Graves Protection and Repatriation Act was passed by Congress in 1990 to protect Native American burials and set in place a mechanism to have human remains and artifacts returned to the tribes.

We are trying to ensure that the federal government lives up to its own laws, as well as honoring our policies, procedures, and religious beliefs. We understand that non-Indian cultures have different values and beliefs than us, but I ask the American people to please understand our stance on this issue. We are not trying to be troublemakers, we are doing what our elders have taught us -- to respect people, while they're with us and after they've become part of the earth.

Source: <http://www.umatilla.nsn.us/kman1.html>

## Indian Gambling, Pro and Con

### Pro: Everyone Wins With Indian Gaming

Tim Sanchez

Where today are the Pequot? Where are the Narragansett, the Mohican, the Pokanoket, and many other once powerful tribes of our people? They have vanished before the avarice and the oppression of the White Man, as snow before a summer sun. - TECUMSEH (SHAWNEE)

Today, the Mashantucket Pequot Indians of Connecticut generate an income in the neighborhood of \$1 billion annually from their Foxwoods Resort Casino. They are one of the most influential and respected Indian nations in Native America because of their use of casino revenues in reconstructing their infrastructure and expanding their tribal homeland. However, the people and State of Connecticut hold the Pequots under suspicion and distrust because they perceive the Pequot's wealth to be unregulated. The fact is, Indian gaming can only be operated by tribal governments, not individuals, as mandated by the 1988 Indian Gaming Regulatory Act (IGRA). The 1988 Act directs gaming tribes to use their gaming revenues solely on their reservation infrastructure. The gaming tribes have used their revenues to build schools, houses, roads, sewer and water systems, and to fund health care and educational programs. Indian gaming has given economic, social, and cultural vitality and stability to gaming tribes.

The Indian Gaming Regulatory Act created three levels of Indian gaming: Class I gaming is social games solely for prizes of minimal value, Class II is bingo and related games such as lotteries, etc., Class III is casino-style high stakes gaming. Class I gaming has been in existence long before European contact. In the last eight years Indian tribes have developed Class III gaming on their reservations. Today, 104 out of the 557 Indian tribes have Class III casino-style gaming. This class of Indian gaming accounts for only 5% of the entire gaming industry and Indian gaming revenues account for approximately \$5.5 billion, a mere 1.6 percent of the national gaming revenues. It seems strange, given these statistics, that American Indian tribes should be faced with such overwhelming obstacles in establishing gaming on their reservations.

Economic security on Indian reservations is in a state of emergency. The Republican-controlled Congress has proposed to cut \$214 million from the Bureau of Indian Affairs (BIA) \$1.9 billion budget. The proposed cut will have a detrimental effect on tribal services and programs. In 1991, the BIA reported that the unemployment rate on reservations was 45 percent. Isolated tribes have an unemployment rates as high as 80 percent. These isolated tribes suffer the highest unemployment, the lowest per capita income, the lowest level of formal education, the highest rate of infant mortality, the greatest incidence of malnutrition, and the highest rate of death by exposure in the United States. Indian gaming has become a survival tool for reservations. Two examples are the Santa Ynez and Monrongo reservation in Southern California. Santa Ynez reservation has been able to employ 100 percent of its tribal community because of gaming. In 1983, the Monrongo Band employed 50 of their 700 tribal members at their bingo (Class II)

operation. Their unemployment rate was at 70 percent , their dropout rate was 80 percent, and they were in extreme poverty. In 1994, Casino Monrogo provided 600 jobs for Indian and non-Indian employees. They were able to eliminate welfare on their reservation entirely because their revenues exceeded \$50 million. They are now the second leading employer for the Banning Beaumont area of California, and have projected that an additional 200 jobs will be created by the casino within the next year.

The myth that Indian gaming is only beneficial to Indians can be refuted by employment rates and economic development in local communities, and revenue sharing with state governments. The National Indian Gaming Association reports that "over 120,00 direct jobs and 160,000 indirect jobs have been created nationwide." The Michigan gaming tribes provide 2,000 jobs, of which 40 percent are filled by non-Indians. Wisconsin gaming tribes provide jobs for 4,500 people, of which 2,000 are non-Indians. The Mashantucket Pequot tribal enrollment is about 300 members. Their Foxwoods Resort Casino employs approximately 9,000 people. The Pequot also have a revenue-sharing agreement with the State of Connecticut. Last year, the Pequots paid the State of Connecticut approximately \$100 million.

For the first time, gaming tribes are able to provide employment, education, health care, housing, and other important services without federal government assistance.

In summation, Indian nations have the sovereign right to operate Class III gaming. Indian gaming is providing capital through which tribes are able to make economic and social improvements on their reservation. For the first time gaming tribes are able to provide employment, education, health care, housing and other important services without federal government assistance. Indian gaming is benefiting communities immediately surrounding the reservation as well as the taxpaying Americans. The fact of the matter is that everyone benefits from self-sufficient Indian nations and gaming is viable route to self-sufficiency.

Tim Sanchez, Graduate Student in Education, Jemez/San Felipe Pueblo

Source: <http://www.stanford.edu/group/Thinker/v2/v2n2/Sanchez.html>

## Con: A Modern "Small-pox" for Native Culture

Clay Akiwenzie

Gaming will give tribes more money which will enable them to diversify and realize the long sought after goal of individual tribal sovereignty. At least, that is the succession of events that proponents of Indian gaming would like us to believe. While the allure of more money in communities that generally have precious little industry, nearly no liquid assets, and extremely high unemployment is fairly easy to see, what is often missing from a thorough discussion of gaming is a clear understanding of basic issues like what sovereignty actually means, how best to achieve it, and who exactly "counts" as Indian? These sort of basic questions about the terminology used in this debate are often sidestepped altogether when more pressing questions come up like; where is all of this money actually going? Who decides where it goes? And of course, most importantly; when do I get mine? Among other things, the rising tide of crime on Indian reservations that have already instituted gaming, from the Mashantucket Pequot in Connecticut to the Fort Regis Mohawk in New York to the Clear Lake Pomo Indian Colony in California, would seem to indicate that perhaps, Indian gaming does not represent the panacea for Indian country that we have been lead to believe.

The problems are practically uniform throughout Indian country. Disorganized, factionalized, and historically poor communities with limited infrastructure and little-to-no experience managing large sums of money are now being confronted with the daunting task of effectively managing a multi-million dollar corporation. Given the obvious enticements of Indian gaming, it should come as no surprise that many of the actual members from these reserves have accepted gaming with a less than perfect understanding of what they were getting into and, perhaps have made some less than ideal management decisions. This poor understanding of what gaming and sovereignty actually mean portends disaster for a disturbingly large number of tribes.

However, vague concepts and ideals aside, former proponents of Indian gaming have been echoing each other with warning calls to tribes pondering the plunge into the business of high stakes gambling. Beverley Louis, a registered band member of the Sault St. Marie Band of Chippewa Indians, noted in her letter to the editor in the July 6, 1995 edition of Indian Country Today that while her "tribe has grossed billions of dollars since the conception of casinos,...our people - our true Native Americans - remain indigent, disgracefully poor. We have no idea where the money is going, and diligent inquiry into this matter is met by silence - or in the alternative - misrepresentations." Ms. Louis repeated references to the disparity of wealth and subsequent friction between what she describes as the "true Native American," or full-blooded Indians, and the increasingly large numbers of migrating mixed breeds is a massive problem for nearly every single reservation in North America.

While the membership issue may seem like a completely separate issue from gaming , this power to decide who does and does not belong to the group becomes an absolutely

crucial and potentially divisive issue when you start talking about gaming and the distribution of profits. Although, there are federal guidelines for membership criteria, each reserve implements their own membership criteria as an exercise of tribal sovereignty and self-government which the feds in turn refer to when allotting federal funding. The point being that membership roles, federal funding, and the distribution of wealth are all intimately connected and whoever controls membership, also controls the future of the Nation. Often, the irony of the situation is that the people who justify the continued existence of Indian Nations as distinct Nations (i.e. the people who keep the traditions alive), are often left out in the cold when the profits are divvied up.

One issue that always comes up with gaming is the issue of sovereignty and its relation to Indian gaming. Proponents of gaming invariably point to gaming as a means to the ultimate end, real, not just quasi-sovereignty, but real sovereignty for Native peoples. Few, however have a clear understanding of what sovereignty would actually mean to Indian tribes. For example, does sovereignty mean an end to the federal fiduciary relationship between Indians and the Federal government? What will sovereignty mean to the trust status of Indian lands? Will sovereignty legitimate us as Nations, states, or municipalities? Are we, as a collective group of Native peoples, ready for tribal sovereignty and all of its implications? If we aren't, and if gaming moves already unstable Nations towards some uncertain and undetermined fate, then all of this talk about sovereignty and economic independence may turn out to be another classic example of counting your chickens before the eggs are hatched.

Another similarly discussed, but never resolved issue in Indian country is to how best balance traditional cultural practices and moral belief systems with economic development. This idea of balance has been central to the debate over gaming on the Hopi Reservation in Arizona as well as on the Navajo Reservation which surrounds them. Both nations have chosen to reject gaming as a source of revenue because for them, the question takes on an either/or sensibility. Either you value your culture and moral values above all else, or you support economic development with the knowledge that culture will be inevitably compromised to one degree or another. While this may seem rigid and anti-progressive to some people, it is a very real concern to many of the traditional people whose reality exists outside the world of profit margins and economic theory.

So does gaming on reservations represent a new hope for an economic resurgence in Indian country? Maybe, but at best, it's still an unsure bet, and tribes should know the risks before entering into any agreement with any outside corporation, investors, or government. I want to be clear that I'm not saying that Indians have to be poor in order to be "real" Indians, or that casinos are "bad"; so we shouldn't have them. However, it is my fear that many tribes have rushed into these ventures without a clear understanding of what they wanted to gain from their involvement with gaming, aside from the vague assumption that more money means less problems.

Finally, without the right leadership, discussion, and understanding of gaming and all its implications, the ubiquitous construction of casinos on Indian lands across the continent could prove the most destructive and divisive element introduced to Native culture since

Christopher Columbus brought the small-pox.

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Source: <http://www.stanford.edu/group/Thinker/v2/v2n2/Akiwenzie.html>