

More ancient remains going to tribes DOI releases Navajo coal plant study

BERKELEY, California (AP) — On a bluff overlooking a sweep of Southern California beach, scientists in 1976 unearthed what were among the oldest skeletal remains ever found in the Western Hemisphere.

Researchers would come to herald the bones — dating back nearly 10,000 years — as a potential treasure trove for understanding the earliest human history of the continental United States. But a local tribal group called the Kumeyaay Nation claimed that the bones, representing at least two people, were their ancestors and demanded them back several years ago.

For decades, fights like this over the provenance and treatment of human bones have played out across the U.S.

Yet new federal protections could mean that the vast majority of the remains of an estimated 160,000 Native Americans held by universities, museums and federal government agencies, including those sought by the Kumeyaay, may soon be transferred to tribes.

A recent federal regulation addresses what should happen to any remains that cannot be positively traced to the ancestors of modern-day tribes. Museums and agencies are required to notify tribes whose current or ancestral lands harbored the remains, then the tribe is entitled to have them back.

Prestigious institutions from Harvard to the University of California, Berkeley have already begun working through storehouses of remains uncovered by archeologists, highway and building contractors and others since the 19th century. A few are surrendering bones to Native tribes, and others are evaluating whether to do so.

Tribes have hailed the rule, saying it will help close a long and painful chapter that saw native peoples' bones stolen by grave robbers, boxed up in dusty storerooms and disrespected by researchers.

"Darn it, these are people," said Louis Guassac, a member of the Kumeyaay Cultural Repatriation Committee. "This isn't stuff. You don't do this to

people. I don't care how long they've been there. You respect them."

The Native American Graves Protection and Repatriation Act of 1990 provided for the return of remains connected to modern-day tribes. But it was not until 2010 that a rule on the disposition of so-called culturally unidentifiable remains was finalized by the Department of the Interior. Until then, more than 650 universities and other institutions had no clear guidance about how to return those remains, which account for the bones of about 116,000 people in their collections. That rule is still playing out, sometimes fractiously.

Universities find themselves tugged one way by the law's mandates, another by faculty research needs. Some anthropologists say more remains will become off limits, imperiling study of the diets, health, migrations and other habits of ancient peoples without guaranteeing that the remains will wind up with their true descendants.

In recent months, Harvard's Peabody Museum has received requests for about 500 remains and hired additional staff as they respond to the 2010 rule, said Patricia Capone, the museum's repatriation coordinator.

At the University of Michigan, officials have decided to transfer the bulk of their 1,580 culturally unaffiliated remains to 13 Native American tribes who want them. In the meantime, they have been put off limits to researchers. "The law is very clear that they will be transferred," said school spokesman Rick Fitzgerald.

At UC-Berkeley, more than 6,000 of the roughly 10,000 remains that were deemed culturally unidentifiable are now subject to potential transfer to tribes. And the Phoebe A. Hearst Museum of Archaeology here has added four new staff members to help match remains to tribes if possible and notify tribes whose lands held the remains.

The small, eclectic museum recently celebrated the 100th anniversary of a recording made by Ishi — the last surviv-

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ing member of the Yahi tribe who emerged from hiding in Northern California in 1911. The museum displays artifacts such as Pomo baskets, an Achumawi rabbit-skin blanket and arrowheads Ishi made out of obsidian and glass — but not the remains of native peoples. The collection of bones — one of the country's largest — is in storage. Officials declined to show them to The Associated Press during a recent campus visit on grounds that that could be offensive to tribes.

The university currently has four pending requests for remains. And Museum Director Mari Lyn Salvador said the regulation change has caused concern among researchers.

"There are very important opportunities to understand contemporary medicine... information that could be very useful to these (Native) communities themselves in terms of better understanding diabetes and other illnesses," she said.

The university presents such information to tribes, she said, but lets the tribes decide whether to allow researchers to work with the bones.

Tens of thousands of individual Native American remains have been collected since the mid-19th century. Some grave sites were looted or excavated to support scientific research, including a study of skulls purporting to show that Native Americans were inferior to Caucasians, according to Robert Bieder, an Indiana University professor who has written about the phenomenon.

The bones in dispute at UC San Diego have long since been out of the ground. They were excavated more than three decades ago from land around the university chancellor's house in La Jolla by a professor from

another school. But a photo of the original discovery shows the outlines of two skeletons with skulls, buried head to toe.

Since their discovery in 1976, they have been studied at the Smithsonian and carbon dated at the University of Oxford, according to Margaret Schoeninger, a professor in the Department of Anthropology at UCSD and the university's representative on Indian burial issues.

When the Kumeyaay Nation — a dozen native bands with reservations in San Diego County — first demanded the remains, the university rejected its claim that they were the tribe's ancestors.

Researchers have said Kumeyaay remains were cremated early in the tribe's history, not buried. They have also questioned whether the remains are even Native American, given their age, although the university has concluded that they are.

"In terms of what the Kumeyaay have put forward, the only thing I've heard is their belief, their deep tie to the land and folklore," Schoeninger said. "We need empirical evidence."

Tribal representatives say they have an oral history that goes back thousands of years and connects them to the remains.

In light of the recent rule, university officials did a reevaluation, concluding that the skeletons came from the Kumeyaay's ancestral lands while still maintaining they were not the Kumeyaay's direct ancestors.

In a filing in December, the university said it would turn the remains over to the Kumeyaay although it gave other tribal groups until Jan. 4 to come forward and dispute the Kumeyaay's claim.

Kumeyaay repatriation officials say they will accept the remains.

"It's pleasing to know that these are going to finally be returned and properly taken care of," Guassac said. "They are going to be getting the respectful treatment they deserve."

One option, he said, is that the remains will be reburied.

FLAGSTAFF, Ariz. (AP) — Requiring a coal-fired power plant on the Navajo Nation to further regulate pollution would not force its retirement but would increase water rates for agricultural users and American Indian tribes by up to 16 percent, according to a recent study.

The U.S. Environmental Protection Agency has been considering how to lower nitrogen oxide emissions from the Navajo Generating Station near Page. The power plant already has low-nitrogen oxide burners, but the EPA could mandate that the owners install more expensive technology.

The federal government created the 2,250-megawatt plant to ensure a low-cost water supply for the Central Arizona Project, which delivers the water through a series of canals to 80 percent of the state's population. It also ensures that water rights settlements with tribes are met.

A significant increase in the cost of power from the plant would affect settlements with some tribes and could bump up water rates between 13 percent

and 16 percent, according to the study. The cost burden of additional retrofits or a shutdown would fall most heavily on those who get water from the canals because unlike the plant's other owners, which are utilities, the U.S. Bureau of Reclamation has no way to recover those costs, the study found.

Reclamation and the Central Arizona Water Conservation District rely on the plant for 92 percent of electricity needed for the canals, while other owners of the plant rely on it for between 9 percent and 26 percent of their electric supply.

The Interior Department has asked the EPA to hold off on a final decision for pollution controls under a rule meant to reduce visibility in pristine areas like the Grand Canyon while it analyzed the impacts of retrofitting the plant, a shutdown due to the cost of retrofits, or no action.

The study also looks at the cost of compliance with EPA rules, the impact to the Navajo and Hopi tribes, the impact on energy production and the remaining life of the plant.



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Judge reflects on Wounded Knee trials

LINCOLN, Neb. (AP) — It's been more than 37 years since the federal trials of protesters who took over the Wounded Knee massacre site in South Dakota, and the Nebraska-based federal judge who presided remembers his efforts to respect the Native Americans and their traditions.

U.S. District Judge Warren Urbom spoke this month to students involved in the Native Sovereignty Youth Project, a yearlong leadership project organized by the Nebraska Commission on Indian Affairs with funding from the U.S. Department of Health and Human Services.

Nearly a dozen students from each of Nebraska's tribes—

Omaha, Ponca, Santee and Winnebago—have been introduced to university professors, politicians, attorneys, state senators and football coaches.

Urbom talked to the students about the 1890 massacre of dozens of Native Americans by U.S. cavalry troops and the 1973 standoff at the site between American Indian Movement protesters and federal officials.

The protesters occupied the village of Wounded Knee on the Pine Ridge Indian Reservation in South Dakota and held it for 71 days. One FBI agent was paralyzed and two activists were killed during the siege. The trials of about 150 protesters began in 1974 after the siege

ended, and they were consolidated under Urbom.

Urbom said he tried to respect the activists, even allowing many of them to be sworn in using a medicine pipe rather than a Bible.

He ignored a warning that accommodating the activists' wishes would lead to chaos in the courtroom.

"Nothing they did signaled to me that they were there to cause trouble," Urbom told the students. "They didn't cause trouble."

Some witnesses were allowed to testify in the Lakota language, and Urbom let some tribal leaders sit in the jury box.

The judge dismissed charges against about 100 of the activ-

ists. There wasn't enough evidence against them, he said.

Of the remainder, he found six guilty. The 8th U.S. Circuit Court of Appeals overturned four of those convictions, citing insufficient evidence.

Convictions against two for assaulting a federal officer and interfering with a federal officer were upheld. Both people got probation.

Cherish Mallory, a 16-year-old from Winnebago, said she was impressed by Urbom's accommodation of the activists' cultural requests.

"He was understanding about the traditions," Cherish said. "It's just interesting."

ND couple pleads guilty to tribal embezzlement

FARGO, N.D. (AP) — A North Dakota couple has pleaded guilty to stealing from a Spirit Lake tribal program.

The U.S. attorney's office says 67-year-old William Kazena and

66-year-old Martina Kazena pleaded guilty to conspiracy to embezzle from an Indian tribal organization, and aiding and abetting.

Authorities say Martina

Kazena, as director of the Spirit Lake Vocational Rehabilitation Program, illegally approved program benefits to William Kazena and others.

Each charge carries a maxi-

mum penalty of five years in prison.

Five other people charged in the case are scheduled for trial March 13.