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The following lessons were created by Amy Woods, a teacher participating in a National Endowment for the Humanities Summer Institute for Teachers entitled Touch the Past: Archaeology of the Upper Mississippi River Region.

## Who Owns the Past? Comparing Perspectives on Kennewick Man

**Background:** Finding the balance between ancestral beliefs, scientific discovery and federal regulations is often convoluted at best. In the case of Kennewick Man, 9,000 year old skeletal remains discovered along the Columbia River in 1996, a controversy erupted that brought the rights versus regulations debate to national attention. Native American tribes, scientists and government officials all weighed in on what was most appropriate in terms of Kennewick Man's fate.

**Objective:** Through the use of primary sources, web based and print media research, students will become familiar with and be able to evaluate the varying viewpoints regarding archaeological/anthropological discoveries as well as the agencies and policies involved when conflicts erupt.

### Essential Questions

- How possible is it to determine legality and ownership when dealing with the distant past?
- How do we define stewardship? Do we understand ourselves to be stewards of the past, present and future? What are the differences between stewardship and possession? Where do we draw the lines? Who makes those decisions?
- Can science and spirituality ever be truly reconciled? How do we as a society deal with conflict when it arises between modern and traditional beliefs?
- What is society's responsibility in maintaining the balance between progress and preservation of the past?

**Methodology:** By using research to develop their own interpretation of the facts in this case, students will represent one of the parties involved and present their side in a simulated hearing or mock trial to determine the solution to the Kennewick dilemma.

**Recommended Resources:** Library access, internet or web access, and print media. Other resources may include but are not limited to:

*Native American Graves Protection and Repatriation Act* (can be found at [www.nps.gov/history/NAGPRA](http://www.nps.gov/history/NAGPRA) )

Lawler, Andrew. "What Ancient Bones Reveal" *American Archaeology Fall, 2006* 12-18

[www.kennewick-man.com](http://www.kennewick-man.com)

[www.pbs.org/newshour/bb/science/kennewick](http://www.pbs.org/newshour/bb/science/kennewick)

[www.news.bbc.co.uk/2/hi/science/nature/4651831.stm](http://www.news.bbc.co.uk/2/hi/science/nature/4651831.stm)

**Duration:** In a 90 minute block scheduled day, 3 blocks is a minimum recommendation- however, this could take as few as or as many periods as the instructor sees fit.

**Procedure:** Have students research the basics of the Kennewick Man controversy. Students should be able to describe the circumstances of and reactions to Kennewick Man's discovery. Who was involved? What are the various claims being made? What does the Federal Government indicate the regulations are? Which agencies are responsible for policy? What are the policies regarding such incidents? What does the scientific community think? Do they have any claim to this type of discovery? How do Native populations feel about this? Are there laws that protect their interests? What are they? How would they apply?

This can be written up into formal research papers, abstracts, outlines- it is at the discretion of the instructor.

Divide students up into representative sides. The following parties should be included:

**Social Scientists:** Anthropologists and Archaeologists

**Native Americans:** The Nez Perce, The Wanapum Band, The Confederated Tribes of the Colville Reservation, The Confederated Tribes of the Umatilla Indian Reservation, and the Confederated Tribes and Bands of the Yakama Nation

**Federal Agencies:** The United States Department of the Interior, National Park Service, Army Corps of Engineers

There should also be a group of students who will serve as the impartial panel to determine whose claim is the most sound. Alternatively, one could call upon other instructors, community members or administration if need be to serve that same purpose.

Among the representative sides, the following roles should be assigned:

**Lawyers** for each side- they will be responsible for delivering an opening and closing statement which summarizes their main points and how they will/have prove(n) they are the ones with the strongest case.

**Witnesses** to testify as to the validity of their view of what should be done with Kennewick Man

- For example, the Social Scientists could have a student playing the role of Jim Chatters whom their research will support as one of the main experts in Kennewick Man's case. In the case of the Native Americans, students could portray the views of certain tribes as stated by tribal leaders such as Armand Minthorn. Other students on the side of the Federal Government could be representatives from the US Dept. of the Interior.
- Lawyers should prepare questions for each of their witnesses and those of the other sides. Witnesses should be able to answer the questions put to them accurately and be able to emulate their point of view when being questioned by lawyers from the other sides.
- It may be helpful to consult law-related education websites for teachers who are not familiar with Mock Trial procedures. It may also be a good link for school-community interaction to call upon members of the legal community to come in as guest speakers/resources. Moreover, local historical societies and state archaeologist offices could be contacted and utilized as resources as well.

- ❖ A basic trial format could go as follows:
  - Determine the order of testimony. All lawyers present their opening statements outlining what they are going to bring out in terms of the basic points for their side.
  - In order, have each side call their witnesses and ask them questions.
  - Allow the other sides' lawyers to ask their questions as well.
  - Repeat that procedure until the lawyers have had a chance to question all witnesses.
  - At the conclusion of the testimony, have each side present its closing statement.
  - At the conclusion of the hearing, the impartial panel should be able to hand down its decision as to whose case was the strongest.

**Evaluation:** Regardless of the outcome, students should be evaluated on how well they presented their interpretation of the case of Kennewick Man. Did they understand and apply the laws to their side? Were they able to appeal to reason? Did they employ empathy when dealing with the sentiments of the tribes? Were they clear in their depiction of the circumstances? Most importantly, *were they accurate?*

**Extension:** Students could access local archaeologists and historical societies to see if there have been any cases in their area regarding Native American claims and government regulations. Compare and contrast the local officials' response with that of the Native Americans. How different are the nuances between using Native lands for casinos and preserving burial or sacred lands? Has there ever been a case where land once designated as sacred has been built on or developed by tribes at a later date?

Has there been a situation locally where archaeologists have been called in to assess construction or development sites? What had they found? What happened ultimately? What is society's responsibility in maintaining the balance between progress and preservation of the past?

## **New Hampshire State Frameworks**

### **Themes in the New Hampshire Social Studies Frameworks that this lesson plan and activity supports include:**

- Students will demonstrate a thorough understanding of and appreciation for the heritage of our nation, including its ideals, principles, institutions, and collective experiences.
- Students will be able to read and examine narratives, documents, and other evidence of the past to clarify, illustrate, or elaborate upon their understanding of history.
- Students will be able to examine cause and effect, review chronologies, consider ideas, and analyze trends in order to understand the past and the present and prepare for the future.
- Students will be able to use the knowledge, skills, principles, and ideals of civics and government, economics, geography, history, and other fields of the social studies to understand and address contemporary problems and issues.

### **Specific frameworks include but are not limited to the following:**

[SS - 4.16.6.8](#) - Understand the significance of the past to themselves and to society.

[SS - 4.16.6.9](#) - Display historical perspective by describing the past through the eyes and experiences of those who were there, as related through their memories, literature, diaries, letters, debates, arts, maps, and artifacts.

[SS - 4.16.6.10](#) - Discuss the importance of individuals and groups that have made a difference in history, and the significance of character and actions for both good and ill.

[SS - 4.16.6.11](#) - Recognize the difference between fact and conjecture and between evidence and assertion.

[SS - 4.16.6.12](#) - Frame useful questions in order to obtain, examine, organize, evaluate, and interpret historical information.

[SS - 4.16.6.13](#) - Use basic research skills to investigate and prepare a report on a historical person or event.