

Falling outs and forced federalism:
*American Indian tribes and Hanford Nuclear
Site health studies 1988 – 1999*

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Master's thesis in Peace and Conflict Studies
Department of Archeology, Conservation and History
University of Oslo
Spring 2018

Word count: 34,414

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2018

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<http://www.duo.uio.no/>

Printed by: Representralen, Universitetet i Oslo

Abstract

The Hanford Site, located in Washington State, USA, was integral to the World War II Manhattan Project and Cold War nuclear weapons programs. Hanford produced plutonium used in the bomb dropped on Nagasaki, and later became a dual nuclear energy and plutonium production site.

In the 1980s, as Hanford was about to be shut down, residents of Washington, Oregon, and Idaho found out they had been exposed to possibly dangerous levels of nuclear radiation via air and water pathways. Those residents included indigenous peoples. Health studies began in the late 1980s and early 1990s to determine both how much radiation people had been exposed to and what the effects might have been. American Indian leaders and representatives, having feared Hanford radiation for years, became heavily involved with those studies.

This thesis looks at two avenues for American Indian involvement via citizen advisory committees: the Technical Steering Panel to the Hanford Environmental Dose Reconstruction Project, and the Hanford Health Effects Subcommittee. How were American Indian tribes involved with investigations into the Hanford's sites effects on tribal populations, and specifically in what ways did the US Department of Energy, its contractors, and citizen advisory board members develop communication with American Indian tribes? I build on anthropologist Edward Liebow's application of forced federalism to the Hanford case, which shows that after the 1988 Tribal Self-Governance Act, tribal-federal relations began to deteriorate and be replaced by state-tribal relations that absolved the federal government of a special trust relationship to tribes.

By looking at communication between tribal representatives and other actors through the lens of forced federalism, this project highlights how tribes were treated as stakeholders instead of as self-governed indigenous groups. I conclude that the sovereign status of tribes was deemphasized and even ignored by civilian stakeholders and Battelle, the contractor for the Department of Energy. As a result, tribal representatives were often frustrated by the process of the Hanford health studies, and formed their own advocacy group, the Native American Working Group – later called the Inter-Tribal Council on Hanford Health Projects – in order to more effectively express and implement their positions and needs.

Acknowledgements

Thanks to the Fritt Ord Foundation and to the University of Oslo Department of Archaeology, Conservation and History for stipends which allowed me to conduct archival research and interviews in the US.

Thank you, Sigurd, for always supporting me through the washing of countless dirty dishes, and delivery of unending cups of tea.

Dad, thank you for being the best research assistant, copyeditor, and road trip companion I could ask for. This project would have been a lot lonelier without you.

Mum, thank you for a work ethic I have finally managed to grow into, and for knowing when to tell me to get back to writing. You inspire me.

Thank you, Aiden, for all the encouragement and pep talks, and for having my back.

Thank you Anisa, Hunter, Renata, Dashni, and Eleanor for listening to me, discussing with me, and distracting me.

Thank you to all my fellow Peace and Conflict Studies friends and colleagues for the best class I could ask for, with more in-depth political discussions at parties than I would have thought possible.

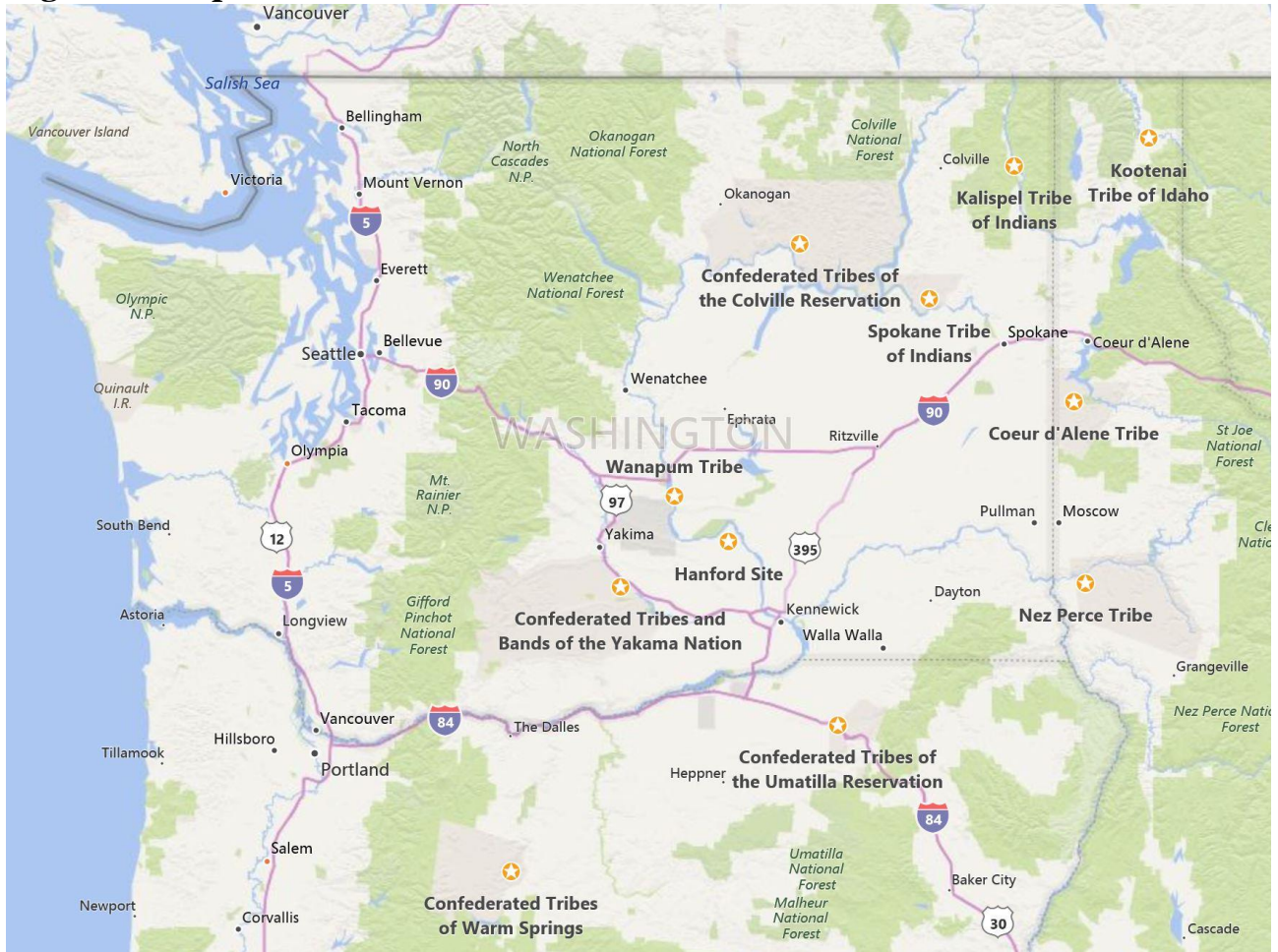
Finally, thank you to my advisors Hanne Hagtvedt Vik and Halvard Buhaug, for guidance, editing, and discussions over the last year and a half. You helped make writing a thesis smooth, organized, and yes, dare I say, fun.

Contents

Figure 1: Map of American Indian tribes and Hanford	1
Figure 2: Map of Hanford Site and surrounding area	2
Chapter 1: Introduction	3
1.1 Historiography	6
1.2 Historiography: Indigenous rights and sovereignty	7
1.3 Historiography: Hanford Site	12
1.4 Research question	14
1.5 Sources and methods	17
1.6 Outline	20
Chapter 2: Contextualizing 1990s indigenous positions in the US.....	22
2.1 Removal era and assimilation era, 1830s-1930s.....	22
2.2 The “Indian New Deal,” 1930s-1950s.....	24
2.3 Self-determination era, 1960s and 1970s	26
2.4 International indigenous activism and identity develops, 1960s-1990s	28
2.5 American Indian activism in Washington State	31
2.6 The Hanford Site 1942 – 1988.....	33
Chapter 3: Hanford health investigations begin	38
Figure 3: Actors involved with the Hanford Environmental Dose Reconstruction Project and Hanford Health Effects Subcommittee.....	38
3.1 Establishment of the Hanford Environmental Dose Reconstruction Project and Technical Steering Panel.....	39
3.2 Distrust and Phase 1 of Dose Reconstruction.....	41
3.3 Money, mismanagement, or miscommunication?	48
Chapter 4: Forced federalism, self-determination, and sovereignty characterize American Indian-US government relations.....	52
Figure 4: American Indian tribes involved with the Hanford Dose Reconstruction Project and Hanford Health Effects Subcommittee	53
4.1 Sovereignty and self-determination in context and practice	53
4.2 Forced federalism and the federal trust doctrine	58
4.3 Establishing sovereignty in Hanford-related communication	63
4.4 1991 evaluation of communication	66
4.5 The Native American Working Group	69
Chapter 5: Tribal involvement in the Hanford Health Effects Subcommittee	73

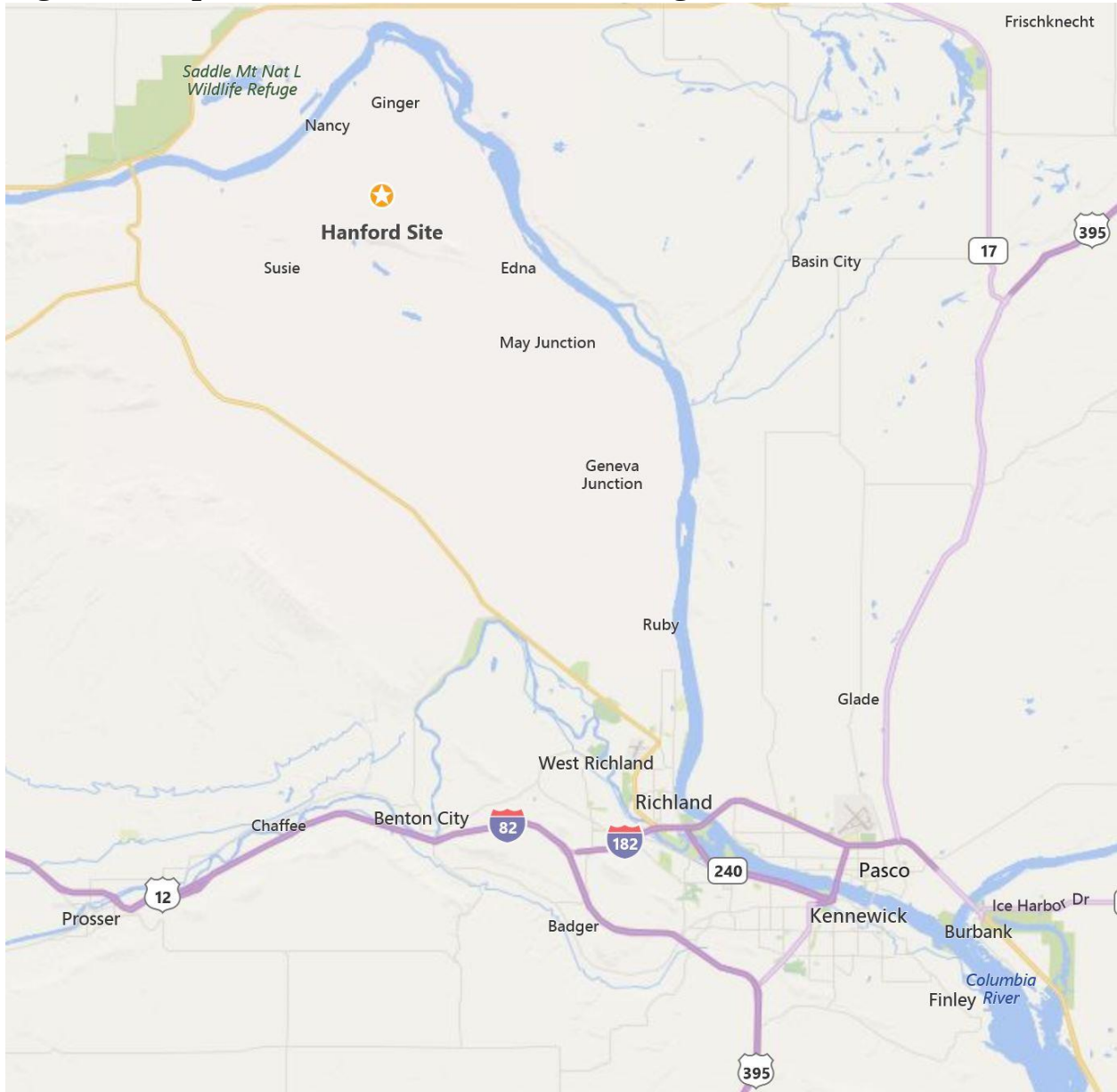
Chapter 6: Enduring divisions and venues for cooperation	80
6.1 Divided and united by an environmental health issue in common	80
6.2 Outgroups and ingroups: indifference and racism	83
Chapter 7: Hanford’s legacy and position in a nuclear world	87
Bibliography	91
Primary sources	91
Archival sources	97
Interviews	98
Secondary sources	99
Appendix	104
Interview guide	104
Interview consent form	105

Figure 1: Map of American Indian tribes and Hanford



Tribes located by seats of government or tribal headquarters.

Figure 2: Map of Hanford Site and surrounding area



Chapter 1: Introduction

In a seemingly-barren section of Eastern Washington there is a national monument, a protected area open for recreation and closed to development, called the Hanford Reach. It encompasses part of the Columbia River, the Reach being an undammed stretch of that river, but it also includes land; hills, cliffs, and wide-open shrub-steppe.

It is not barren though, nor uninhabited. For the last 75 years the area has played host to the Hanford Site, a set of now-decommissioned nuclear reactors for both energy and plutonium production, first built during WWII as part of the Manhattan Project and then ramped up during the Cold War.¹ The site has served several purposes, its most infamous being that the plutonium produced at Hanford was used in the bomb which was ultimately dropped on Nagasaki, killing 70,000 people.²

The legacy of the reactors is now two-fold. Without Hanford, the neighboring Tri-Cities of Richland, Kennewick, and Pasco would not have become as prosperous as they did. People there are proud of their heritage, and many are still employed either by the Department of Energy or Battelle, a long-time Department of Energy laboratory contractor. The narrative of Hanford was once overwhelmingly triumphant, a story of successful war efforts. People felt they had helped to win the war, and that the price was worth it – both at home and abroad. Even those who have mixed feelings still recognize the importance of Hanford to the region, in terms of economic benefit.³ But histories of Hanford have shifted. Now, the focus is on government neglect and mismanagement. That shift undoubtedly started to solidify in 1986, when the US Department of Energy (DOE) released 19,000 declassified documents, and local residents found out they had been exposed to airborne radioactivity in a Department of Defense-approved experiment. The government had intended to learn more about Soviet nuclear production by adjusting the Hanford emissions to mimic Soviet reactor emissions. The experiment exposed the local population to large amounts of radiation.⁴ Local residents who before had been proud of

¹ Andrew H. Fisher, *Shadow Tribe: The making of Columbia River Indian identity* (Seattle and London: University of Washington, 2010), 17; John M. Findlay and Bruce Hevly, *Atomic Frontier Days: Hanford and the American West* (Seattle and London: University of Washington Press, 2011), XI-XIV.

² Findlay and Hevly, *Atomic Frontier Days*, 36.

³ *Ibid.*, 3-13.

⁴ Kate Brown, *Plutopia: Nuclear families, atomic cities, and the great Soviet and American plutonium disasters* (Oxford: Oxford University Press, 2015), 291.

Hanford, and enjoyed its economic benefits, now began to question what kind of effects it might have had on them. Only months after Hanford's declassified documents were released, the Chernobyl disaster occurred, creating an even more hostile environment toward nuclear operations of any kind. Chernobyl was also a factor in deciding to close Hanford's last operational reactor in 1986.⁵

In some ways, the story of Hanford starts with local indigenous peoples. Colonel Franklin T. Matthias of the Army Corps of Engineers was in charge of finding a site with very specific requirements, and once he found it, the WWII race to build a bomb was on – never mind the people living nearby. There were several local residents and landowners in small towns of Hanford, Richland and White Bluffs who were relocated and paid for their land.⁶ In 1943, as Hanford construction began, the Wanapum tribe was moved off of the land bordering the Columbia River, where they had traditionally fished and camped.⁷ Based on their longtime connection to the area, especially as it pertained to religion, the Wanapum were the only people allowed to return to the site, under certain limited circumstances. Despite Matthias's best efforts, they refused to be paid out for their fishing rights and to not return. He relented and allowed army-supervised visits to occur.⁸ For a period after the bomb was dropped on Nagasaki however, the Wanapum could no longer visit the sites, and said the military escorts were disconcerting and disturbing to them.⁹

Fishing rights and relocation were not the only effects Hanford had on American Indian populations. Just as white “downwinders”¹⁰ and former Hanford employees had become alarmed by the document release and its implications in 1986, American Indians had reason to be concerned as well. Tribal populations were well within the area of airborne pathways, as would be determined in the 1990s health studies, but many also fished on the Columbia River, and had started to believe there was reason to be concerned about nuclear contamination both from the water and the fish they were eating. As conveyed to Seattle activist Hazel Wolf in a letter from

⁵ Ibid., 291.

⁶ Findlay and Hevly, *Atomic Frontier Days*, 20-21.

⁷ Brown, *Plutopia*, 32-33.

⁸ Findlay and Hevly, *Atomic Frontier Days*, 21

⁹ Brown, *Plutopia*, 36.

¹⁰ The term “downwinders” refers to people living in the radius of radiation or radioactive fallout from nuclear testing or weapons production. Though most often associated with the Nevada Test Site, individuals who lived near Hanford during years of production are also called downwinders.

an attorney, Johnny Jackson and David Sohappy, both of the Yakama tribe, said they had caught deformed fish, “covered with lesions, stunted in growth, and foul smelling,” as well as “reduced [in] sizes.” The lawyer included a photo Jackson had taken, showing mottled white-and-red, lesion-covered salmon on a dock.¹¹

The waste from Hanford’s many years of operations still sits on-site, contained with stop-gap solutions that were never meant to last. In 2017, 10 percent (approximately \$3 billion) of the Department of Energy’s budget went to Hanford.¹² The site is an integral part of the identity of the Tri-Cities – Richland, Kennewick, and Pasco – which flourished as a result of Hanford. The three towns had existed before the site was established, but the population swelled with workers from Hanford, and the project directly influenced how prosperous they became. The negative effects of Hanford are a controversial topic in the Tri-Cities area, and the project still highlights rifts between Eastern and Western Washington values and culture.¹³ That division can be expressed most simply as conservative (East) versus liberal (West), but especially in the case of Hanford it is more complex than that. The now-defunct nuclear site brought industry and innovation to the Tri-Cities. Its cleanup, which is ongoing, is a constant source of tension in the news as Seattle-area liberals condemn the hazardous environmental effects, and holdouts in the Tri-Cities continue to defend it, saying the dangers are overblown and being taken care of. One visit to the area is enough to show how different the attitudes there are, just four hours’ drive from Seattle.

Hanford’s local and regional notoriety has garnered it continuous attention, both in the media and in various history books, especially with regards to the integral part it played in the World War II Manhattan Project. However, the effects on local American Indian tribes are given minimal attention in the literature, when mentioned at all. The Hanford Site sits on land that was ceded to the US government in the 1855 Yakama Treaty, in exchange for certain reserved rights, including religious rights, fishing, and hunting.¹⁴ The numbers fluctuate drastically depending on

¹¹ Letter from Thomas Patrick Keefe Jr. to Hazel Wolf, 5 August 1988. Box 3. Accession number 3647-004. Hazel Wolf Papers, University of Washington Special Collections, Seattle, WA. November 2017.

¹² Michael Lewis, “Why the scariest nuclear threat may be coming from inside the White House,” *Vanity Fair*, July 2017, accessed March 2018. <https://www.vanityfair.com/news/2017/07/department-of-energy-risks-michael-lewis>.

¹³ Annette Cary, “Where should Hanford be regulated from – Seattle or Tri-Cities?” *Tri-City Herald*, November 2017, accessed March 2018. www.tri-cityherald.com/news/local/hanford/article184667478.html.

¹⁴ “Treaty with the Yakima, 1855,” *US Fish and Wildlife Service website*, accessed March 2018. <https://www.fws.gov/pacific/ea/tribal/treaties/Yakima.pdf>

the source, but at times there have been up to nine tribes involved with or affected by Hanford, with three of them found “officially” affected under the Nuclear Waste Policy Act of 1982: the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation and the Nez Perce Tribe.¹⁵

After the 1986 document release, people began to seek compensation, justice, and simply information, through various civilian stakeholder groups and government-created committees.¹⁶ These groups and committees often wished to have, or had to have, tribal representatives, which means the Department of Energy (DOE) and its main contractor, the Battelle laboratory, had consistent contact with tribes.

This project focuses on two different citizen advisory committees: the Technical Steering Panel of the Hanford Environmental Dose Reconstruction Project, and the Hanford Health Effects Subcommittee. Both these groups had American Indian tribes associated with their work. The Native American Working Group was a group of representatives which formed to address issues with the Technical Steering Panel, and which worked with the panel during the course of its existence. The Native American Working Group then later transitioned into being the Inter-Tribal Council on Hanford Health Effects, which met in conjunction with the Hanford Health Effects Subcommittee.¹⁷ Although there was other American Indian involvement during this time period, the focus of this thesis is on these projects and groups because they were consistently active, have extensive documentation, and were directly connected to and in contact with the Department of Energy and its subcontractors.

1.1 Historiography

Although this thesis is about the Hanford Site, American Indians, and communication around health projects related to that site, the core of much of the secondary literature discussed here is on indigenous peoples in the North America. When I first started writing, I wanted to research the health effects of the Hanford Site on indigenous people in the surrounding area, since I had found several references to Hanford having a disproportionate effect on tribes.¹⁸ I

¹⁵ “Department of Energy’s Tribal Program,” *Hanford Site website*, accessed May 2018. <https://www.hanford.gov/page.cfm/INP>.

¹⁶ Brown, *Plutopia*, 306-312.

¹⁷ For a guide to the various groups mentioned through this project, please see figure 4 on page 53.

¹⁸ Blaine Harden, *A River Lost: The Life and Death of the Columbia* (New York and London: W.W. Norton & Company), 154, 246.

read further, trying to find a source for statements about how susceptible and vulnerable American Indians were to Hanford radiation. Finally, I got in contact with Edward Liebow, a former researcher on the projects in the 1990s, who sent me several reports, but explained the studies were complicated because of other environmental factors, and epidemiological issues. There was never conclusive evidence for what kinds of health effects Hanford had on local populations – American Indian or otherwise – and the tribes’ populations proved especially difficult to study because of population size and other factors.¹⁹ From what I found through preliminary reading, in particular a book chapter by Liebow, it seemed there had been difficulties in communication between tribes and other actors involved with the Hanford health projects; and not just the health projects, but in fact ever since the Hanford Site was established there had been federal disregard for tribes’ rights and needs. My thesis then shifted from looking at the effects of Hanford itself, to instead delving into the way Hanford was a venue and channel for the tribal-federal relationship. My thesis now analyzes how modes and outcomes of communication might also show something about the legal status and power dynamics between the US government and tribal governments at the time.

As this thesis evolved, the focus moved from Hanford itself to a case of indigenous rights and expression within this particular setting. Accordingly, my historical sources also shifted. Therefore, it is necessary to briefly survey some history writing on indigenous peoples within the US, especially pertaining to sovereignty and self-determination, as well as transnational histories of indigenous movements and international activism.

1.2 Historiography: Indigenous rights and sovereignty

History writing around American Indians and sovereignty evolved significantly from the 1970s to the 2010s, reflecting, amongst other changes, the shift from the 1960s-1980s self-determination era to the 1988-present day forced federalism era and the backlash against it, as well as growing indigenous writing and expression. The sources used in the background history section and discussion of tribal sovereignty span from the late 1960s to the 2010s, therefore functioning as both secondary and primary sources, documenting how terminologies and

¹⁹ Brown, *Plutopia*, 310.

historical views have both changed, increasingly prioritize indigenous scholars and indigenous points of view in the wake of activism and increased visibility.

The terminology used to define and discuss indigenous peoples within the US has also changed through time periods and contexts. Throughout this thesis I use the terms American Indian, Native American, indigenous, and tribes to talk about the local native peoples involved with the Hanford case, and the Native American or American Indian histories in general. The term used depends on the context, since not all terms are necessarily always interchangeable. Some argue as well that "Native American" may refer to any indigenous people from the Americas, including Middle and South America, and Canada. This is also why, at times, "indigenous" is too vague, as I refer specifically to indigenous peoples in the United States, not the whole continent. In a federal context, the term American Indian is often used. However, the sources reflect the myriad of terms used in meeting transcripts, letters, contractor documents, and discussions.

There is no one term accepted by everyone in the plurality of tribes.²⁰ This is also why the best option is always to refer to people or groups with their specific tribe names. Where possible, I do so. However, when speaking about the groups more generally, I refer to them as American Indians or tribes, but with the caveat and awareness that the very "tribe" term is non-ideal and that as Joanne Barker writes, "Through the discourses of recognition, U.S. national narrations represent recognition [of tribes] as an expected outcome of Native cultural authenticity."²¹ The designation and organization of indigenous groups into tribes was something imposed on indigenous people and does not necessarily reflect historical groupings.²²

This thesis focuses closely on the tension between tribes and the federal government during the 1990s Hanford health studies. Building off of Edward Liebow's work in analyzing the process and outcomes of those studies, I, like Liebow, attribute many of the communication issues to be a result of forced federalism. In the book *Forced Federalism: Contemporary Challenges to Indigenous Nationhood*, Jeff Corntassel and Richard C. Witmer II propose that the 1988 Indian Gaming Regulatory Act and the Tribal Self-Governance Act ushered in a new era of

²⁰ Amanda Blackhorse, "Do You Prefer 'Native American' or 'American Indian'? 6 Prominent Voices Respond," *Indian Country Today*, 22 May, 2015, accessed March 2018. <https://indiancountrymedianetwork.com/culture/social-issues/blackhorse-do-you-prefer-native-american-or-american-indian-6-prominent-voices-respond/>.

²¹ Joanne Barker, *Native Acts: Law, Recognition, and Cultural Authenticity* (Durham: Duke University Press, 2011), 28, <https://doi.org/10.1215/9780822393382>.

²² For additional terms and their definitions please see Appendix X.

American Indian government policy, which they called the forced federalism era. Federalism refers simply to the form of government, wherein there are two levels, in this case the US federal government and the individual state governments. Hence, “forced federalism” is when indigenous groups are compelled to deal with federalism and the two-level institution, rather than simply the federal level. Corntassel and Witmer argue that tribes are forced to negotiate with states on legal issues to a much larger extent than they did before 1988, since the federal government has ceded some of its trust responsibility.²³

Corntassel and Witmer’s book reflects the changing landscape of tribal-state-federal relationships, and their outlook is grim. Indigenous scholars writing before 1988 were similarly skeptical of tribes’ situation – both in the US, and internationally. But as indigenous scholarship and activism grew during the 1970s and 1980s, questions about sovereignty, nationhood, and self-determination were increasingly debated and, at times, answered and defined at least in part through international venues such as conferences and meetings with organizations like the International Labour Organization and the United Nations.²⁴

In the US, indigenous scholarship blossomed in the 1970s, exemplified by writers like Vine Deloria, Jr., a Standing Rock Sioux scholar and activist. His first book, *Custer Died for Your Sins: An Indian Manifesto*, published in 1969, was a radical reframing of US history as well as an analysis of contemporary attitudes toward American Indians.²⁵ Deloria continued to write books along similar lines which influenced and reflected the burgeoning Red Power Movement which had occupied Alcatraz Island in 1969 and continued to be active in the 1970s.²⁶ His 1974 book *Behind the Trail of Broken Treaties: An Indian Declaration of Independence* was written in response to the occupation of Wounded Knee on the Pine Ridge Reservation in 1974. The 71-day occupation, which ended with two Sioux men killed, drew much-needed attention to the American Indian state of affairs.²⁷ In 1984 Deloria co-wrote *The Nations Within: The Past and Future of American Indian Sovereignty* along with Clifford Lytle. The book questions the federal

²³ Jeff Corntassel and Richard C. Witmer, *Forced Federalism: contemporary challenges to indigenous nationhood* (Norman: University of Oklahoma Press, 2008), 18-20.

²⁴ Hanne Hagtvedt Vik, “Indigenous Internationalism” in *Internationalisms: A Twentieth-Century History*, ed. Glenda Sluga and Patricia Clavin (Cambridge: Cambridge University Press, 2017), 321-326, 338-339.

²⁵ Vine Deloria, Jr., *Custer Died for Your Sins: An Indian Manifesto* (New York: The Macmillan Company, 1972).

²⁶ Stephen T. Newcomb, “The UN Declaration on the Rights of Indigenous Peoples and the Paradigm of Domination.” *Griffith Law Review* 20, no. 3 (2011): 583. <https://doi.org/10.1080/10383441.2011.10854711>.

²⁷ Vine Deloria, Jr., *Behind the Trail of Broken Treaties: An Indian Declaration of Independence* (New York: Delacorte Press, 1974).

trust relationship and argues that American Indians should be free not only to choose self-government, which the authors argue is ultimately repressive in how it is presented as a right to be earned, but rather to establish indigenous nationhood.²⁸

As international recognition grew, with the 1977 UN International NGO Conference on Discrimination against Indigenous Populations in the Americas, and later the 1989 ILO Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries, literature on sovereignty began to reflect the growing global indigenous movement and identity. Indigenous peoples had carved out a space from which they could advocate for greater international recognition, pressuring national governments and international institutions for a larger degree of self-determination. As James Ananya wrote in his 1996 book *Indigenous Peoples in International Law*, “international law, although once an instrument of colonialism, has developed and continues to develop, however grudgingly or imperfectly, to support indigenous peoples’ demands.”²⁹

That possibility of using international and national law frameworks to fight for indigenous rights is part of Joanne Barker’s 2011 book *Native Acts: Law, Recognition, and Cultural Authenticity*. She argues the law can provide opportunities for decolonization and contribute to the elusive goal of self-determination. Like Ananya, Barker sees law as a tool indigenous people can use to obtain greater rights, despite a history in which “laws that regulate Native status and rights are central in defining the conditions of power for those classified as ‘white.’”³⁰ Barker writes about how law has been used to shape Native identity and create a concept of cultural authenticity that constrains them.³¹ But she asserts that Native peoples can decolonize “their concepts and projects for self-determination,” partly by interrogating the functions of international and national law:

. . . the Declaration represents indigenous peoples’ efforts to rearticulate themselves to other discourses than those of oppression (as the oppressed), to shift the ‘intelligibility of

²⁸ Vine Deloria, Jr. and Clifford Lytle, *The Nations Within: the past and future of American Indian sovereignty* (New York: Pantheon Books, 1984), 14.

²⁹ S. James Ananya, *Indigenous Peoples in International Law* (New York and Oxford: Oxford University Press, 1996), 4.

³⁰ Barker, *Native Acts*, 5.

³¹ *Ibid.*, 7.

their historical situation' (Hall, in Grossberg 1996, 142) from the legal constraints of federal plenary power to the internationally recognized legal status and rights of peoples to sovereignty and self-determination.³²

However, international legal recognition when paired with increasing globalism can paradoxically lead to erasure of indigenous peoples, an issue which has been taken up post-1990s globalization. In the book *Sovereign Subjects*, a collection of essays on aboriginal peoples in Australia edited by Aileen Moreton-Robinson, Maggie Walter argues that starting in the 1990s, increased globalization actually led to an erosion of aboriginal rights. As countries join international organizations and lose some of the state sovereignty, Walter argues, this “diminishes the state’s capacity to acknowledge within-state Indigenous sovereignty,” while simultaneously globalization has bought in a neo-liberal policy framework that diminishes state capacity.³³ “Globalisation entrenches the primacy of the global economy over those of nation states, leading to a replacement of nationally defined public policy directions with the imperatives of global markets.”³⁴ However, *Sovereign Subjects* was published in 2007, and stands somewhat in contrast to 1990s writing on global indigenous communities and movements. For example, writing in 1996, Peruvian anthropologist Stefano Varese argued that globalization led to indigenous diasporas from Mexico forming communities and supporting each other in the US, creating “ethnic nationalism” as they brought with them their home cultures and reconstructed them.³⁵ These globalized indigenous spaces, Varese writes, present both challenges and opportunities, for example by rethinking how indigenous peoples’ rights can be upheld across borders.³⁶

³² Barker, *Native Acts*, 9-10; Lawrence Grossberg. “On Postmodernism and Articulation: An Interview with Stuart Hall,” *Stuart Hall: Critical Dialogues in Cultural Studies*, ed. David Morley and Kuan-Hsing Chen, 131–50 (New York: Routledge, 1996).

³³ Maggie Walter, “Indigenous sovereignty and the Australian state: Relations in a globalizing era,” in *Sovereign Subjects: Indigenous Sovereignty Matters*, ed. Aileen Moreton-Robinson (Crows Nest, Australia, 2007), 158.

³⁴ *Ibid.*, 166.

³⁵ Stefano Varese, “Transnational Indigenous Migrants: Diaspora, Identities and Collective Rights (1996),” in *Witness to sovereignty: Essays on the Indian Movement in Latin America* (Copenhagen: International Work Group for Indigenous Affairs: 2006), 238.

³⁶ *Ibid.*, 251-252.

1.3 Historiography: Hanford Site

Historical literature on Hanford itself is plentiful. The project is well-documented, and its notoriety and central role in the Manhattan Project means it has been given significant attention in many books and academic articles. The WWII US nuclear weapons program was and is considered an engineering achievement and, for many, a source of national pride, but Manhattan Project histories have taken on a measured, and sometimes quite critical view of the WWII mission. *Atomic Spaces: Living on the Manhattan Project* by Peter Bacon Hales, for example, emphasizes the stories of individuals and groups that have been overlooked in the past – African Americans, Hispanics, Native Americans, women – while situating in what he conceives as a “geographical enterprise, defined by space as reality and as metaphor.”³⁷ Hales’ work is a survey of the project across North America, and though he highlights minorities’ places in the Manhattan Project, there is still little information about tribes beyond the Wanapum.

There are also some histories which, with the benefit of hindsight, primarily condemn the nuclear research, production, and effects of the Manhattan Project. Such is the case with Michael D’Antonio’s 1993 book *Atomic Harvest: Hanford and the Lethal Toll of America’s Nuclear Arsenal*, which is an incisive journalistic-style book about the negative health effects and various cover-ups related to Hanford. Although this book is compelling and dramatic, the historical accuracy is difficult to confirm at times, and therefore not necessarily appropriate as reliable secondary source literature. D’Antonio does not cite sources, presumably having based much of the book on interviews. It makes one skeptical when reading for historical accuracy. As one reviewer for the *Journal of the American Medical Association* noted, D’Antonio makes several decisive statements about the negative health effects from Hanford, when in fact the effects and doses at this point had not been determined – and in fact the effects never would be, as explained in this thesis.³⁸ D’Antonio writes an exciting narrative, but as a historian it is impossible to rely on it.

The two most recent and thorough histories of Hanford are Kate Brown’s 2013 book *Plutopia: Nuclear families, atomic cities, and the great Soviet and American plutonium disasters*, and John M. Findlay and Bruce Hevly’s 2011 book *Atomic Frontier Days: Hanford*

³⁷ Peter Bacon Hales, *Atomic Spaces: Living on the Manhattan Project*, (Urbana and Chicago: University of Illinois Press, 1997), 4.

³⁸ John W. Gofman, “Review: Atomic Harvest: Hanford and the Lethal Toll of America’s Nuclear Arsenal,” *Journal of the American Medical Association*, 272, no. 5 (August, 1994): 408, doi:10.1001/jama.1994.03520050090041.

and the American West. Both books have been indispensable for the background history of Hanford presented here. However, they both illustrate the gap this project attempts to begin filling. Although both feature in-depth looks at the Hanford Site, neither devotes more than a few pages to discussing the effects on or involvement of local American Indian tribes. *Plutopia* is a comparison between Richland (where many Hanford workers lived), and Ozersk, a Russian town that was also the site of a plutonium production plant much like Hanford's. Brown focuses on human rights violations, and the negative effects the two towns' populations experienced because of plutonium production. However, she did not write about American Indians' experiences with Hanford, except for a short section on the Wanapum, and their removal from the future Hanford site in 1943. Although the introduction mentions that "farmers and indigenous people dwelled near the plutonium plants," there is no discussion of American Indians in chapters where she discusses effects.³⁹ Similarly, *Atomic Frontier Days* discusses the Wanapum being barred from the site, but apart from a few general words about tribes being affected, there is no in-depth discussion of the effects they experienced. This is partly because the authors wanted to write about "the nature of the work undertaken at Hanford and the employees performing that work," as well as "the development of communities surrounding Hanford," but also because the scope of the book is very wide and touches on a large variety of topics.⁴⁰

The project which comes closest to covering similar topics to this thesis is Christine Jezreela Anderson's master's thesis, titled "The Hanford Nuclear Reservation and Radioactive Pollution in the Columbia River Region: A Case of Environmental Racism; Possibilities for Environmental Justice."⁴¹ This work outlines tribal issues with Hanford and incorporates extensive interviews with various American Indian actors. However, this thesis was finished in 1994, in the middle of the period I am looking at, and therefore does not cover the same events. Additionally, Anderson focused more on outcomes as a result of environmental racism. Some similar theories inform my analysis (see chapter 6 for a discussion of environmental racism, environmental stereotypes regarding American Indians, and how environmental issues are dealt with through forced federalism), but her project was distinctly different from the one here.

³⁹ Brown, *Plutopia*, 32-33, 7.

⁴⁰ Findlay and Hevly, *Atomic Frontier Days*, 7.

⁴¹ Christine Jezreela Anderson, "The Hanford Nuclear Reservation and Radioactive Pollution in the Columbia River Region: A Case of Environmental Racism; Possibilities for Environmental Justice" (master's thesis, University of Oregon, 1994).

As mentioned above, this project grew directly out of a book chapter by Edward Liebow, entitled “Hanford, Tribal Risks, and Public Health in an Era of Forced Federalism,” in the book *Half-lives and half-truths: confronting the radioactive legacies of the Cold War*.⁴² Liebow is an anthropologist who was one of the researchers at Battelle looking at how much radiation people may have been exposed to – though he was involved in various additional capacities, including as an advisor to American Indian committees. In his brief 15-page chapter, based much on his own experience and work, Liebow writes about some of the issues the project ran into, including cultural disconnects, distrust, forced federalism, and what he calls the “blame-affixing adversarial model of risk research,” wherein restitution for wrongs can only be paid when a culprit is found.⁴³ Liebow’s chapter was an important inspiration and integral resource for this thesis, which can be seen as a successor to his work. My thesis deviates in approach, sources, and depth. Liebow bases most of his piece on extensive personal experience. The only primary sources he draws from are the health study reports and a news article. Additionally, he approaches the case as an anthropologist and researcher, drawing from his own experiences to analyze how tribes’ opinions and needs were set aside. Liebow attributes this to forced federalism; it is from that starting point that I began my own project. Whereas Liebow gives a brief overview of the Hanford Environmental Dose Reconstruction Project, the Hanford Thyroid Disease Study, and their aftermath, my thesis goes deep into the primary source documents relating to the Dose Reconstruction Project and Hanford Health Effects Subcommittee and explores competing narratives of sovereignty as espoused by tribes, citizen advisory committee members, and the US government.

1.4 Research question

The question guiding this thesis is: **During the period 1988 – 1999, how were American Indian tribes involved with investigations into the Hanford’s sites effects on tribal populations, and specifically in what ways did the US Department of Energy, its contractors, and citizen advisory board members develop communication with American Indian tribes?** Communication here is taken to mean what groups or individuals within groups

⁴² Edward Liebow, “Public health in an era of forced federalism” in *Half-lives and half-truths: Confronting the radioactive legacies of the cold war*, ed. Barbara R. Johnston (Santa Fe, N.M: School for Advanced Research Press, 2007).

⁴³ *Ibid.*, 60.

conveyed to each other, through written or oral means. This is not just correspondence between agencies or contractors and tribes, but also conversations in meetings available via meeting transcripts, and how tribes or their representatives were talked about between non-Indian individuals. In this context, Hanford is not seen as a catalyst for increased American Indian community efforts or communication amongst tribes, but rather as an example of one venue where tribes formed the Native American Working Group, later called the Inter-Tribal Council on Hanford Health Projects, to try to most effectively advocate for themselves through capacity building efforts.

The topic of Hanford and local indigenous peoples is unique simply because it has not been studied extensively. Research on the topic is definitively lacking. The case is also unique in both what was studied, and how it was studied. There are many instances, all around the world, of indigenous people having to work with and navigate relationships with politically more powerful, dominant governing bodies, including many cases with environmental contexts, and health effects tied to environmental issues. Hanford is unique in that the government both admitted there had been radiation pollution – though culpability or effects were never admitted to, as will be discussed – and worked to incorporate tribes in health studies after the site was shut down. Unlike in the cases of Australia’s Maralinga test site, or Taiwan’s Orchid Island nuclear waste storage facility, there was in fact dialogue between the government and indigenous people at Hanford. At Maralinga and Orchid Island, aboriginal people say the effects are ongoing and only mounting, and yet in those cases there has been little to no dialogue between actors.⁴⁴ Hanford in this way is perhaps more positive – there was dialogue, and ongoing involvement, even up to the present day in the form of the Hanford Advisory Board.⁴⁵

Still, tribal representation and involvement with the Hanford health studies in the 1990s was lacking at times, based on the dissatisfaction expressed by tribal representatives at the

⁴⁴ Loa Iok-sin, “Tao protest against nuclear facility,” *Taipei Times*, 21 February 2012, accessed May 2018. <http://www.taipeitimes.com/News/front/archives/2012/02/21/2003525985>; Jon Donnison, “Lingering impact of British nuclear tests in the Australian outback,” *BBC News*, 31 December, 2014, accessed May 2018. <http://www.bbc.com/news/world-australia-30640338>; Arrigo, Linda Gail, Si Jilgilan and Si Maraos, “A Minority within a Minority: Cultural Survival on Taiwan's Orchid Island,” *Cultural Survival Quarterly Magazine*, June 2002, accessed May 2018. <https://www.culturalsurvival.org/publications/cultural-survival-quarterly/minority-within-minority-cultural-survival-taiwans-orchid>.

⁴⁵ “Hanford Advisory Board and Committee Lists,” Hanford Site website, accessed May 2018. <https://www.hanford.gov/page.cfm/hab/HABLlists>.

time.⁴⁶ Data on American Indian doses was generated, and some reports resulted from the studies, indicating possible radiation pathways.⁴⁷ But as this project shows, there was also miscommunication, frustration between actors, and problems with generating data, all of which led American Indian tribes to form their own advisory groups in order to communicate more effectively in a landscape they felt was hostile to their status as sovereign nations and insensitive to the effects they experienced from Hanford.

In order to understand American Indian involvement in the Hanford post-Cold War health initiatives, I look at the greater picture of changing legal status for American Indian tribes during the forced federalism era, starting in 1988, when tribes increasingly had to work with state governments instead of the federal government. This conceptualization of the period starting in 1988 and lasting through the 1990s helps illustrate how tribes were treated as stakeholders in this case, rather than as sovereign nations.

It is important to note that this thesis does not focus on the actual health impacts from Hanford on American Indians.⁴⁸ For the purposes of the project, based on existing research and analysis in primary and secondary sources, it is taken at face value that there were impacts. Exactly what they were has been difficult to determine, and for that reason, the focus of this thesis evolved into the communication around the Hanford health projects. The project starts in 1988, when the Hanford Environmental Dose Reconstruction Project began, and ends in 1999, when the Dose Reconstruction Project was over, and the Hanford Health Effects Subcommittee had been meeting for several years. Although 1999 is not a hard cutoff for any specific Hanford-related health research projects or American Indian involvement, there was no specific cutoff date simply because this is an ongoing issue. Some projects which tribes worked on specifically did get finished, as will be explained in this thesis, but the choice of primary sources here is not meant to explain the projects they worked on specifically, but rather to have a robust sample of communications-related historical material to draw from. The goal is not to map projects that address Hanford health impacts, although that may sometimes be a side effect of my analysis,

⁴⁶ Amy Kuebelbeck, "Some tribes decry omission from radiation report," *The Seattle Times*, 25 July, 1990; Keith Schneider, "Washington Nuclear Plant Poses Risk for Indians," *The New York Times*, 3 September, 1990, accessed March 2018. <https://www.nytimes.com/1990/09/03/us/washington-nuclear-plant-poses-risk-for-indians.html>.

⁴⁷ Edward Liebow. Interviewed by Indigo Trigg-Hauger. Skype interview, Washington and Maryland, 28 February, 2018.

⁴⁸ For more information and a more detailed explanation and analysis of health impacts, please see "The Hanford Nuclear Reservation and Radioactive Pollution in the Columbia River Region: A Case of Environmental Racism; Possibilities for Environmental Justice" by Christine Jezreela Anderson (1994).

but rather to investigate how they were talked about – or not talked about – and dealt with in communication between American Indian tribes and the government or government’s contractors.

1.5 Sources and methods

Research for this project was conducted over the course of two archival trips. I visited the University of Washington Special Collections, where I looked at several collections of papers: the Hazel Wolf papers, 1916-2000; James P. Thomas papers, 1920-2005; Hanford Litigation Office records, circa 1950-2015; Brock Adams papers, 1947-1993; Sierra Club, Northwest Office records, 1946-1996. UW Special Collections papers were found by doing keyword searches in Archives West, a database of primary sources in the western US. However, much of the material had to be found using more general Hanford-related search terms, and then sorted through onsite, since American Indian-related materials are often not categorized as such. As a result, many of the collections were more heavily focused on the WWII- and Cold War-era management of Hanford, and the politics at the time. Nevertheless, there were several useful documents in the collections, some of which also pointed me in the right direction when I visited additional archives. While at the University of Washington, I also visited the newspaper microfiche collection for old, local news articles, and collected extensive material from the Public Information Repository. There are five repositories associated with the Department of Energy’s Hanford project records which were created to make that information accessible to the public.⁴⁹ I visited both the University of Washington Government Publications section, which functions partly as a Public Information Repository, and the Department of Energy Richland Public Reading Room at Washington State University Tri-Cities.

When it came to American Indian archives, I visited Confederated Tribes of the Umatilla Indian Reservation archive, which is housed in the Tamástslíkt Cultural Institute in Pendleton, Oregon. Engaging with additional tribal archives and resources proved difficult. In the case of some potential archives or document repositories, I never received a reply from the authorities in charge, despite repeated attempts at contacting them. This is partly due to bureaucracy, but in other cases, I was told there would not be records relevant to my project, in part because up until

⁴⁹ Administrative Record and Public Information Repository, *Department of Energy Hanford Site*, accessed March 2018. <https://pdw.hanford.gov/arpir/>.

recently (and in some places this is still the case) many tribes' records were kept not by the tribes themselves but by the Bureau of Indian Affairs. This was not something I was made aware of until late in my archival research process. Despite not having a wider variety of sources, I was able to complete the project by drawing from the government repositories since my focus was on communication between the federal and state governments and their representatives, and the American Indian tribes. Because the projects I was looking at were run by the government, all relevant documents had to be saved and placed in the repositories I visited, and for that reason, I am not sure if the Bureau of Indian Affairs would have anything more than the sources I found in the repositories. Still, visiting more tribes' archives would have been a benefit to the project in diversifying the voices and sources I drew on.

The kinds of resources I most hoped to find were private letters or other forms of communication amongst committee members or representatives – it would have been invaluable to know how people talked when they were outside a formal meeting setting or not confined to official correspondence. In the future, I believe a more effective way of garnering people's personal opinions would be to conduct more in-person interviews. I conducted three interviews. One was with Dr. Edward Liebow, who had worked in various capacities on several of the Hanford effects projects and committees in the 1990s and into the 2000s. He had also worked with American Indian tribes and representatives, and his name often came up in the meeting transcripts. The second was with Chief William H. Burke, better known as Bill Burke, a chief of the Confederated Tribes of the Umatilla, who was part of the Native American Working Group, and had supervised Hanford-related projects. Finally, I spoke to Dr. Carol Bruneau, who had also partly worked with Edward Liebow through their positions at Battelle, a contractor with the Department of Energy. She worked at Battelle from 1986 to 1991 and acted as a tribal liaison.

The interview with Dr. Liebow was conducted over Skype, I spoke with Chief Bill Burke in person, and with Dr. Bruneau over the phone. All the interviews were conducted using a semi-structured approach, with adjustments being made during each. Although there were certain topics I asked all three subjects about, their experiences were all somewhat different. I prepared relevant questions ahead of time for each, but let them determine the course of the interview, within reason. Questions were sometimes asked in order to keep the subject on track, or to follow up on a point they had made. At times specific questions were asked in reference to their role as portrayed in primary sources. Otherwise, I simply attempted to gather as much information as

possible, considering the barriers of time and memory. If I was to follow up on this project and expand it, I would want to interview these subjects again, along with others, since providing them with examples and quotes from the primary archival material seemed to jog their memories. Having the time to conduct two or three interviews with each subject rather than just one might yield greater information.

My interview guide, consent form, and data storage procedure were all approved by the Data Protection Official for Research in the Norwegian Centre for Research Data (NSD). The interview guide and consent form can be found in the appendix.

In analyzing my sources, my goal was to observe communication; how it played out between actors, and what kind of language they used to achieve their goals. The consequences, results, or lack thereof from this multitude of meetings, committees, discussion groups, public meetings, and so on are not always apparent or easily quantifiable. Sometimes it is obvious that an outcome did or did not happen, but that is not always the case. The funding contracts for each tribe, for example, proved difficult to track over time, as the amounts and circumstances changed, and money was allocated to various purposes. However, what I could observe in the scope of this thesis was how language was employed. In this way I applied critical discourse analysis, both a theory and a method which holds that meaning is constructed through language, creates consequences in the world, and is then replicated and deployed again through language.⁵⁰ According to Norman Fairclough, a linguistics expert and one of the founders of critical discourse analysis, it is through discourse that one can understand power. Since I am interested in power relationships and the real-world effects of discourse in this project, I take his method as a grounding point. The most important concepts to this thesis are sovereignty and self-determination, both of which are constructed and understood differently by different groups depending on the arena and situation. By analyzing communication in the Hanford case, an understanding of those concepts as expressed in the 1990s Hanford health studies, in the context of local and global indigenous activism, begins to emerge.

Fairclough holds that discourses can reflect, but also remake reality. “Discourses not only represent the world as it is (or rather is seen to be), they are also projective, imaginaries,

⁵⁰ Norman Fairclough, *Analysing Discourse: Textual analysis for social research* (London and New York: Routledge, 2003), 8-11.

representing possible worlds which are different from the actual world, and tied in to projects to change the world in particular directions,” he writes.⁵¹ As this thesis looks at varying points of view and asks questions about how people classify and define themselves, versus how others do, critical discourse analysis offers a way to reconcile multiple possible worlds at once, especially when it comes to the issue of American Indian sovereignty, and the question of how several disparate definitions and interpretations can exist simultaneously. I did not employ a qualitative approach to, for example, code the language of the meeting transcripts, interviews, memos, letters, and focus groups used in this project, but I used critical discourse analysis as a guiding method when reading and analyzing the sources.

1.6 Outline

This thesis consists of seven of chapters. The introduction comprises chapter 1. Parts of this section were adapted from a University of Oslo master’s project seminar report written in autumn 2017.

Chapter 2 is a background history chapter. It starts with background history of Native Americans in the US, with a focus on policy, from 1887 to 1988. This is followed by a short history of international indigenous identities from the 1970s to the end of the 1990s, and a focus on American Indian activism in Washington and Oregon around the same time. Finally, the chapter sums up the history of the Hanford Site before it was closed down. This history is crucial for understanding the complex and often contentious relationship Native Americans have had with the US state and federal governments. It provides necessary context for the cultural landscape in which the Hanford Site health studies were situated.

Chapter 3 introduces the Technical Steering Panel to the Hanford Environmental Dose Reconstruction Project, which was the first significant foray into research regarding the effects of Hanford on local populations. This chapter also introduces preliminary representative examples of communication between American Indian tribal representatives and US government representatives, and the development of the Native American Working Group.

Chapter 4 continues tracing the Technical Steering Panel’s work, with a focus on the Native American Working Group and opposing conceptions of sovereignty. Here I make the

⁵¹ Ibid., 124.

argument that incompatible understandings of sovereignty made cooperation difficult, especially in the shadow of the forced federalism era. Additionally, I argue that tribes were forced to present a united front in order to make the greatest impact in the Technical Steering Panel and other arenas, while also therefore sacrificing individual tribal representation and identity.

Chapter 5 introduces the Hanford Health Effects Subcommittee and the Intertribal Council on Hanford Health Projects, which grew out of the Native American Working Group. The discussion of sovereignty and forced federalism continues with pertinent examples.

Chapter 6 is a discussion of how the forced federalism era interacts with environmental issues. This covers the debate around whether forced federalism is good for tribes when it comes to environmental issues, and how health effects may cause greater environmental discrimination. I also consider how ingroup-outgroup thinking may have contributed to discrimination, as well as debilitating bureaucratic divisions between actors.

Chapter 7 concludes the thesis with a summary of Hanford's shifting roles and transformation into a national monument, and a brief discussion of future research possibilities.

Chapter 2: Contextualizing 1990s indigenous positions in the US

In this background chapter I present two relevant histories: first, I provide a brief general history of American Indian policy in the US from the 1800s until the late 1990s. This period marks the start of the removal era, when indigenous people faced brutal policies aimed toward reducing their land holdings, relocating, and often killing them, and ends with positioning the American Indian experience in the context of growing global indigenous activism. There is also a special focus on Columbia River Indian activism and legal struggles with the state. In the second part of this chapter, I summarize the years 1942-1988 from when the Hanford Site was established until it shut down. These two background histories are necessary to understand the political and historical climate of the 1990s, when the American Indian tribes I focus on in this project were trying to deal with Hanford's effects in a state and federal government context.

2.1 Removal era and assimilation era, 1830s-1930s

Up until the close of the 1800s, the US government treated American Indian tribes as sovereign, following the expectations of such a relationship. One of the most important components was that land could only be acquired through treaties. These treaties were not necessarily fair or equitable, but they were still formal agreements. Nominally the government or individual American citizen could not simply take American Indian land.⁵² Tribes were sovereign nations within the US: they were independent, with power over their own territory.⁵³

However, despite this relationship, treatment of American Indians was still often brutal, with the notion of manifest destiny undergirding both policy and social attitudes with a racist edge. This was vividly illustrated when, immediately after becoming president, Andrew Jackson signed the Indian Removal Act in 1830,⁵⁴ with the result that American Indians were removed from their ancestral lands to open those lands up to white settlement. This was also the catalyst for the infamous Trail of Tears in 1838, when tens of thousands of people from the Cherokee, Muskogee, Seminole, Chickasaw, and Choctaw tribes were removed by the US government from

⁵² Mary K. Nagle, "Nothing to trust: The unconstitutional origins of the post-Dawes Act trust doctrine," *Tulsa Law Review* 48, no 1 (2012): 63, <http://heinonline.org/HOL/P?h=hein.journals/tlj48&i=63>.

⁵³ Dunbar-Ortiz, *An Indigenous Peoples' History of the United States*, 110.

⁵⁴ Library of Congress, "Primary Documents in American History: Indian Removal Act," accessed July 2017. www.loc.gov/rr/program/bib/ourdocs/Indian.html.

their land and homes and forced to march through the cold winter into a newly-designated territory. Thousands of people died.⁵⁵

Concrete changes in American Indian land ownership policy and the clashes between the federal government versus tribes started with the Dawes Act in 1887, also known as the General Allotment Act. The Dawes Act was supposed to “civilize” American Indians by settling them on specific tracts of land. The push for an agriculture-oriented lifestyle began in earnest. Traditionally, tribes had used communal land ownership, and this had been somewhat understood and recognized – though not always respected – by both white citizens and the federal government.⁵⁶ The Dawes Act was a strong step toward assimilation. Allotments were given to every individual, with reservation land divided according to family status, single status, or orphan status.⁵⁷ Extra land which had not been allotted was sold to the US government, which meant white settlers had access to buy it.⁵⁸ While the policy technically preserved the reservation system and sovereignty, it led to a great loss of land for American Indians. However, some white supporters believed it would benefit tribes by securing their land rights in the long run, even if it was at the expense of American Indians losing a large portion of the land.⁵⁹

The consequences and outcomes were two-fold: the Dawes Act provided ample opportunities to diminish tribal land holdings while also fundamentally altering their social structures, prioritizing individualism over communities.⁶⁰ The justification and reasoning was that American Indians needed to assimilate, both for their own good and the good of the country. The idea was for them to settle down as farmers and homesteaders, contrary to how many tribes had traditionally lived. As historian Graham Taylor points out, though:

Ironically, allotment was carried out most thoroughly on the reservations of the Northern Plains and the Northwest Coast, where tribes had traditionally hunted and fished. In the Southwest, where Indians had long successfully practiced dry farming and ranching,

⁵⁵ Dunbar-Ortiz, *An Indigenous Peoples' History of the United States*, 112-113.

⁵⁶ Graham D. Taylor, *The New Deal and American Indian Tribalism: The administration of the Indian Reorganization Act, 1934-45* (Lincoln and London: University of Nebraska Press, 1980), 3.

⁵⁷ Taylor, *The New Deal and American Indian Tribalism*, 4.

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*

⁶⁰ Nagle, “Nothing to trust,” 65.

reservation lands were not allotted, primarily because the surplus lands were too desolate to attract neighboring white landowners.⁶¹

In other words, allotment seemed to be mostly for the benefit of white landowners and buyers, not American Indians.

A change came with the Burke Act of 1906, which was meant to amend some aspects of the Dawes Act, but in some ways worsened the situation. Whereas under the Dawes Act land was held “in trust” for 25 years minimum, the Burke Act allowed allotment recipients to sell or lease their land after acquiring a land patent, giving owners more personal control. However, this often led to unfair sales, which further diminished land holdings. In addition, “between 1915 and 1920 a federal ‘competency commission’ ordered the issuance of twenty thousand [land] patents to Indians of less than one-half Indian blood, despite the protests of the recipients, who would be unable to pay state and local taxes on their lands.”⁶² This also had the effect of causing rifts between mixed Indians and “full” Indians, disenfranchising the former.

Within a few years, policy affecting American Indians was slowly starting to shift course again. In 1924, the Indian Citizenship Act granted citizenship to all American Indians, made partly in response to those who had fought in World War I. This was another step away from the Dawes Act-era thinking, since it refuted the tie between owning land and having citizenship.⁶³ The next significant development would be the Indian Reorganization Act.

2.2 The “Indian New Deal,” 1930s-1950s

For almost fifty years, US policy on American Indians had revolved around assimilation. In the 1930s a change was about to come that would seemingly shift the direction of government policy.

After the Great Depression, the Roosevelt administration enacted a set of reforms known collectively as the New Deal. These would come to define many aspects of American society, including how American Indians were perceived and treated. Commissioner of Indian Affairs John Collier orchestrated much of what would become the Indian Reorganization Act of 1934,

⁶¹ Taylor, *The New Deal and American Indian Tribalism*, 4-5.

⁶² Ibid.

⁶³ Michael L. Lawson, *Dammed Indians Revisited: The continuing history of the Pick-Sloan Plan and the Missouri River Sioux* (Pierre: South Dakota State Historical Society Press, 2009), 31.

nicknamed the Indian New Deal. His attitude toward American Indians was more holistic and less negatively biased than prevailing views. He had worked with the Pueblo Indians on land claims and was skeptical of the paternalistic and trust-oriented policies in place. He believed American Indians should be left to govern themselves.⁶⁴ Collier's professed goal for the Indian Reorganization Act was preservation of culture and development of resources.⁶⁵

The Indian New Deal policies are sometimes characterized by historians as a general good, and for a long time John Collier was praised as a hero of the time. The Indian Reorganization Act was meant to end allotment, restore land to reservations, form tribal governments, and stop transfer or sale of land. The act was certainly a pivot, but there were critics on both sides. Some at the time, and since, have seen it as an attempt to "re-Indianiz[e] the Indians."⁶⁶ For others, the act held the specter of communism or socialism, with American Indians outside the state, yet still with ward status. This fear sprang, perhaps, from Collier's idealistic and simplistic vision that "inside every Indian, no matter how assimilated, there lurked . . . a communal being eager to shuck off the trappings of individualistic, materialistic white civilization in order to recapture a long-lost communal past."⁶⁷

There was no good way out after years of destructive policies: the Indian Reorganization Act led to disenfranchisement of individuals, but the Dawes Act road was also obviously problematic, wherein individual freedoms always came at the cost of assimilation. Many tribes wanted collective freedom and independence. Instead, under the Reorganization Act, they experienced property ownership problems, tribal government formation that did not fit their traditional forms of governance, US government support/ward status, and difficulty developing land. Many large tribes, such as the Klamath in Oregon, rejected reorganization, seeing it as a kind of white guardianship.⁶⁸ The main Indian Reorganization Act's goal of halting allotment was important, and effective, but in total it did not account for those who were landless, those who did not want to stay on reservations, and the general problem of not allowing for tribal self-

⁶⁴ Dunbar-Ortiz, *An Indigenous Peoples' History of the United States*, 171.

⁶⁵ Taylor, *The New Deal and American Indian Tribalism*, 30.

⁶⁶ Edward H. Spicer, *A short history of the Indians of the United States* (New York: D. Van Nostrand Company, 1969), 125.

⁶⁷ Brian W. Dippie, *The Vanishing American: White Attitudes and U.S. Indian Policy* (Middletown, Connecticut: Wesleyan University Press, 1982), 312.

⁶⁸ Taylor, *The New Deal and American Indian Tribalism*, 32.

determination. The problems it created were later viewed by some historians and activists as greater than the solutions it brought.⁶⁹

Eventually this led to the idea of “termination” of the special relationship between tribes and federal government. Under President Truman, the government shed responsibility for Indian welfare. Instead of encouraging tribes’ autonomy, tribes would simply be ignored and, at worst, socially annihilated. In 1946 the Indian Claims Commission was established to “clear title for lands taken illegally,” absolving the government of responsibility for stolen lands. But “settlement was limited to monetary compensation based on property’s value at the time of the taking, and without interest.”⁷⁰ This recognition that lands were taken solidified the idea of sovereignty, but also made it easier to detach the US government from tribes, taking away any responsibility for care. For example, Roxanne Dunbar-Ortiz points out that “Indian health care [moved] from the Bureau of Indian Affairs to the Department of Health.”⁷¹

In 1953 termination came to a head with the Termination Act, or House Concurrent Resolution 108, stating that Congress should “as quickly as possible, move to free those tribes listed from Federal supervision and control and from all disabilities and limitations specifically applicable to Indians.”⁷² Shortly thereafter, Public Law 280 was passed. These two changes were supposed to bring Indians into state jurisdiction and had major implications for how reservations were to be treated legally. As a result, states, not the federal government, had criminal jurisdiction over reservations.⁷³

2.3 Self-determination era, 1960s and 1970s

The backlash to the termination era of the 1950s was the era of self-determination, characterized in government by the 1968 Indian Civil Rights Act, 1975 Indian Self-Determination Act, 1978 Indian Child Welfare Act, and 1978 Indian Religious Freedom Act.⁷⁴ The Indian Self-Determination Act, for example, granted a measure of control over economic resources to American Indian tribes, and led to the establishment of the Council of Energy

⁶⁹ Dippie, *The Vanishing American*, 318-320.

⁷⁰ Dunbar-Ortiz, *And Indigenous Peoples’ History of the United States*, 173.

⁷¹ Ibid.

⁷² Ibid., 174.

⁷³ Fisher, *Shadow Tribe*, 206.

⁷⁴ Corntassel and Witmer, *Forced Federalism*, 10.

Resource Tribes (CERT). This organization “sought to renegotiate mineral leases that the [Bureau of Indian Affairs] had practically given away to energy companies.”⁷⁵

This era was also characterized by increased American Indian activism, and the Red Power Movement, which included the American Indian Movement (AIM), fishing protests, and the occupation of the former prison on Alcatraz Island from November 1969 until June 1971.⁷⁶ The proclamation of the Indians of All Tribes, the alliance which headed up the Alcatraz occupation, said they were reclaiming the land, and demanded several educational and research institutions to be established on the island.⁷⁷ Although the Nixon administration ultimately forced the protestors to leave, several centers and programs for American Indian/Native American studies were founded in the wake of the protests.⁷⁸

That year members of the Sioux tribe also began occupying Mount Rushmore, a national memorial in the Black Hills established on land which was taken from the Sioux.⁷⁹ Those protests would eventually feed into the 1973 occupation of Wounded Knee, when American Indian Movement members protested both the local Sioux tribal government, which they considered corrupt, and the federal government. The occupation became a standoff and ended with two deaths and 12 people wounded.⁸⁰

In addition, 1972 brought national protests, with indigenous organizations banding together to occupy the Bureau of Indian affairs building in Washington D.C., where they presented the “20-Point Position Paper” indicting the US government for falling short of its duty to American Indians.⁸¹ Roxanne Dunbar-Ortiz also writes that the 20-Point Position Paper influenced the 2007 UN Declaration on the Rights of Indigenous Peoples after it was brought to the UN during the 1977 International NGO Conference on Discrimination against Indigenous Populations in the Americas.⁸²

⁷⁵ Dunbar-Ortiz, *An Indigenous Peoples' History of the United States*, 209.

⁷⁶ Steven E. Silvern, “Red Power Movement” in *Encyclopedia of Politics of the American West*, ed. Steven L. Danver (CQ Press, 2013), <http://dx.doi.org/10.4135/9781452276076.n342>.

⁷⁷ Dunbar-Ortiz, *An Indigenous Peoples' History of the United States*, 184.

⁷⁸ *Ibid.*

⁷⁹ *Ibid.*, 207-208.

⁸⁰ Silvern, “Red Power Movement.”

⁸¹ *Ibid.*

⁸² Dunbar-Ortiz, *An Indigenous Peoples' History of the United States*, 185.

2.4 International indigenous activism and identity develops, 1960s-1990s

Internationally, indigenous movements started blossoming in the 1960s and 1970s, gaining momentum through grass roots actions and international organizations. Notably, Native American representatives visited the UN in Geneva in 1977 for the International NGO Conference on Discrimination against Indigenous Peoples in the Americas.⁸³ Although that conference was focused on Native Americans, it helped pave the way for the encompassing UN Declaration on the Rights of Indigenous Peoples in 2007.⁸⁴

Around the world, indigenous peoples were mobilizing on both the local and national level. However, historian Hanne Hagtvedt Vik cautions against viewing the claiming of rights of indigenous peoples as a neat historical narrative that culminated in the 2007 UN declaration. She writes that “a longitudinal view risks creating linear stories of progress and conflating complex historical phenomena,” but also asserts that starting in the 1970s “indigenous internationalism emerged as a political strategy based on an explicit identification and global ideology of indigeneity.”⁸⁵ Therefore, although the Hanford Site did not catalyze a local indigenous activist movement in Washington, Oregon, and Idaho, it was situated in a global landscape which was increasingly punctuated by indigenous movements. For example, the terminology used to refer to the indigenous people affected by Hanford reflects that landscape – whereas before “Indian” was the default term, as reflected by federal department names and usage like the Bureau of Indian Affairs, the primary sources of this project show the diversity of terms people, both native and non-native, were putting into use: indigenous, Native, American Indian.

The 1960s and 1970s saw the establishment of both indigenous organizations and an “indigenous intelligentsia,” as indigenous scholars and activists wrote about the growing movements around the world.⁸⁶ As lawyer and law scholar S. James Ananya writes, in the 1970s “The proliferation of scholarly literature helped establish indigenous peoples’ demands as legitimate among influential intellectual and elite circles,” while they pushed for international

⁸³ “Indigenous Peoples and the United Nations Human Rights System: Fact Sheet No. 9/Rev.2,” *United Nations Human Rights Office of the High Commissioner*, accessed May 2018.
<http://www.ohchr.org/Documents/Publications/fs9Rev.2.pdf>.

⁸⁴ Newcomb, “The UN Declaration on the Rights of Indigenous Peoples and the Paradigm of Domination,” 578.

⁸⁵ Vik, “Indigenous Internationalism,” 316.

⁸⁶ *Ibid.*, 338.

exposure “through a series of international conferences and direct appeals to international intergovernmental institutions.”⁸⁷

One of the biggest organizations to formally recognize indigenous rights and issues was the International Labour Organization (ILO), which preceded the UN in terms of indigenous actions. The 1957 ILO Convention 107 on the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries had been an important starting point, though laced with an “assimilationist and paternalist tenor,” and was later revised in 1989 and entitled Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries.⁸⁸ Vik notes though, “the ILO had left the principle of self-determination for the UN to deal with.”⁸⁹ That concept proved to be a difficult one to disentangle, but one of the most significant developments to come out of the 1970s and 1980s was a collective indigenous identity – not as one people, but as many peoples in solidarity with each other, bound by international recognition. As Vik writes, “The international context of decolonization . . . helped open intergovernmental organizations to transnational indigenous activism.”⁹⁰ This political context is not discussed explicitly in the primary sources I draw from in this thesis, but the international and transnational setting can be detected in terminology, discussions of sovereignty, and understandings of tribal recognitions and self-determination pertaining to Hanford in the 1990s.

Only a few years before the Hanford Site was shut down for good and the health studies began, there was another notable environmental indigenous controversy happening across the world. The Alta conflict in northern Norway began in the late 1970s, but reached its peak in the 1980s, and had major ramifications for the indigenous Sámi people of Norway.⁹¹ Unlike Hanford, which reflects solidarity of local tribes but which did not catalyze that solidarity, Alta marked a turning point for Sámi recognition, activism, and governance in Norway. The conflict began in 1968 when a plan was put forward to build a dam on the Alta-Kautokeino river system, which would subsequently flood the Sámi village of Máze, as well as obstruct reindeer herding

⁸⁷ Ananya, *Indigenous Peoples in International Law*, 46.

⁸⁸ “Indigenous Peoples and the United Nations Human Rights System: Fact Sheet No. 9/Rev.2,” *United Nations Human Rights Office of the High Commissioner*.

⁸⁹ Vik, “Indigenous Internationalism,” 335.

⁹⁰ *Ibid.*, 338-339.

⁹¹ Henriette Sinding Aasen, “The Sami People and the right of self-determination: Developments in international and Norwegian Law,” *Nordisk tidsskrift for menneskerettigheter* 22, no. 4 (2004): 466.

migration pathways and disrupt the local environment. The protest movement itself was built on these concerns, and began in 1973, but reached its peak in 1978 and 1979. Thousands of people signed a petition to the Norwegian Parliament, which had no effect on the progress of the dam plans. The most dramatic moments in the movement came when a group of Sámi set up camp outside the Parliament building in Oslo and began a hunger strike. Meanwhile, protestors took action in Alta itself, and attempted to stop the construction through various civil resistance actions.⁹²

Those efforts did not stop the dam from being built. In 1982 the Supreme Court ruled the construction was legal. But the aftermath led to a Sámi Rights Commission in 1980, which then led to the Sámi Act in 1987, and finally the establishment of the Sámi Parliament in 1989. Norway then ratified the ILO Convention 169 in 1990.⁹³ These actions show a significant shift in the policy of Norway toward Sámi people. Until around the 1970s, policies were firmly assimilationist. Law scholar Henriette Sinding Aasen illustrates how effective assimilation policy was with a vivid example: “In 1930, 61 percent of the population in Kvaenangen municipality [in Northern Norway] defined themselves as “not Norwegian”, i.e. Sami . . . By 1950, the percentage had dropped to 0.”⁹⁴ The Alta conflict shows a remarkably clear turning point from that extreme repression to a significant, strong minority gaining representation and self-determination on a national level.

This was the global moment in which tribes from the area near and around Hanford dealt with the government and members of citizen advisory committees. In the US, there has not been one single moment which can be pointed to as the defining point in an indigenous movement. This could be due to both the size of the country and the vast number of tribes and bands. The 1990s Hanford health studies were no turning point for American Indians’ solidarity or national recognition, but rather one moment of many when tribes expressed solidarity amongst themselves and attempted to achieve some measure of justice. Still, the culmination of over 20 years of global indigenous activism, from the 1960s up to this point, can be seen in the communication presented and analyzed in this project. The use of terminology, understandings

⁹² Mikkel Berg-Nordlie and Knut Are Tvedt, “Alta-saken,” *Store Norske Leksikon*, accessed May 2018. <https://snl.no/Alta-saken>.

⁹³ Aasen, “The Sami People and the right of self-determination,” 466.

⁹⁴ *Ibid.*

of sovereignty, and expressions of nationhood from both sides reflect the complexity of the changing times.

2.5 American Indian activism in Washington State

The global indigenous activism of the 1960s and 1970s was embodied in Washington State, where American Indian fishing rights were being eroded by the state government. Fishing rights were an issue for many years during the 1940s and 1950s. Indigenous people were locked in numerous legal battles with Washington State. Most famously, these legal struggles were epitomized by the 1960s “fish-ins”, meant to emulate and evoke the sit-ins of black civil rights protests.⁹⁵ Native Americans would fish without state permits, asserting that they had the right to do so based on treaties signed either by their tribes or, in some cases, on behalf of unaffiliated bands. Their treaty rights asserted they could fish “at all usual and accustomed grounds and stations.” Because indigenous fishing rights were under legal attack at the time, game wardens were on the lookout for Native Americans fishing, and they would subsequently be arrested. The fish-ins were an assertion of indigenous rights and the actions gained welcome publicity for the cause.⁹⁶

Fishing had been an area of contention between Columbia River Indians, local whites, and the Washington and Oregon state governments since the late 1800s.⁹⁷ Part of that conflict stemmed from the mixed legal status of Native Americans in the area. Though some were affiliated with the Yakama Nation, which had negotiated a legally significant treaty in 1855, many others were unaffiliated, which made their rights murkier in court. There were several lawsuits over the years, and conflict abounded not only with state authorities but between tribes and unaffiliated Indians, who were put at odds by the circumstances. Debate raged over whether it was blood, culture, or legal status which should grant fishing rights.⁹⁸

Meanwhile, the fishing lifestyle itself was under siege by the state government. In 1957, Celilo Falls, one of the most significant fishing spots, was destroyed by the new Dalles Dam on

⁹⁵ Fisher, *Shadow Tribe*, 214.

⁹⁶ Alex Tizon, “The Boldt Decision / 25 Years – The Fish Tale That Changed History,” *The Seattle Times*, 7 February, 1999, accessed May 2018.

<http://community.seattletimes.nwsourc.com/archive/?date=19990207&slug=2943039>.

⁹⁷ Fisher, *Shadow Tribe*, 156.

⁹⁸ *Ibid.* 156-177.

the Columbia River. Celilo Falls was enveloped by the rising waters, now a lake instead of a rushing river. The river also rose to cover an ancient settlement, and Celilo Village was moved for the fourth time.⁹⁹

Still, many people refused to leave. Johnny Jackson – the same man who would report in 1988 that he had caught deformed salmon – said state and federal authorities did not understand “fishing was our way of life, a way of fishing and taking care of the land.”¹⁰⁰ And so the fish-ins started in the early 1960s.

The fish-in protests were a media-savvy attempt at drawing attention to the issue, and they worked. Actor Marlon Brando joined the movement, garnering more media attention. In March 1964 Brando was briefly arrested and then released, while several American Indian protestors were jailed. Washington State Governor Albert D. Rossellini was unsympathetic to the protestors, saying they were breaking the law, and had to be arrested.¹⁰¹ The legal conflict continued to worsen, and even became violent on the ground. In 1965 there were physical altercations between the main organization involved, Survival of the American Indian Association, and the state police. By 1970, tribal councils, which before had been hesitant to defy state authority through protests, decided to support the movement. The protestors now had their own police force, provided by tribal councils. On 9 September 1970, a fishing camp was attacked by police, and many people, including children, were arrested. Protestors were armed with guns, knives, and firebombs according to the contemporary *Seattle Times* report.¹⁰²

All of this culminated in the landmark *US v. Washington* case, also known as the 1974 Boldt decision, which recognized American Indian fishing rights and tribal self-regulation. Washington State had to secure fisheries for tribal use, and limit non-Indian fishing, because fishing was a right the tribes had given to white settlers, not the other way around.¹⁰³

None of this is to say that American Indian groups in Washington, federally recognized and not, were of one mind and on the same page. Especially when it came to fishing, in fact,

⁹⁹ Ibid. 192-193.

¹⁰⁰ Ibid. 214.

¹⁰¹ Gabriel Chrisman, “The Fish-in Protests at Franks Landing,” *Seattle Civil Rights and Labor History Project, University of Washington*, accessed March 2018. https://depts.washington.edu/civilr/fish-ins.htm#_edn97.

¹⁰² Ibid.

¹⁰³ Walt Crowley and David Wilma, “Federal Judge George Boldt issues historic ruling affirming Native American treaty fishing rights on February 12, 1974,” *HistoryLink.org essay*, 23 February 2003, accessed March 2018. www.historylink.org/File/5282.

different groups were often at odds, and waged bitter legal battles against each other, often sparked by issues of identity and belonging tied to tribal affiliation.¹⁰⁴

Still, despite the divisions highlighted, the fishing rights struggles do illustrate how activism was strongly established in the area, especially as the 1960s and 1970s brought increasing activist movements across the USA. There was great solidarity as well. In this way then, the legal battles around fishing, which were waged from the late 1800s to the late 1970s, contextualize the environment in the 1990s in which tribes would try to gain recognition and recompense of some kind. Hanford and the subsequent Hanford health research projects did not catalyze Pacific Northwest American Indian activism – the tribes were already catalyzed by the 1990s, precisely because the state government had proven particularly hostile to treaty rights.

By 1988, when Hanford was closing, the forced federalism era was beginning, marked by the 1988 Indian Gaming Regulatory Act and 1988 Tribal Self-Governance Act. The forced federalism era continues to the present day, and it will be discussed in detail and context in chapter 4.

2.6 The Hanford Site 1942 – 1988

In 1942, World War II was well underway, and the US had created the Manhattan Project. The goal: to create a nuclear weapon as quickly as possible. The project was run by the Army Corps of Engineers and led by General Leslie Groves, and the Hanford Site was to be an integral part of it.

The scientists of the Manhattan Project knew of two possibilities for creating a nuclear reaction: either uranium or plutonium could be used as fissionable material. Both were difficult to produce, but by the end of 1942 scientist Enrico Fermi had shown that an atomic reactor could produce plutonium. However, producing enough of it would require a large area with a massive power source and a river running through it to power and cool the reactors.¹⁰⁵ Colonel Franklin T. Matthias of the Army Corps of Engineers was sent to scout the US for a suitable location, and ended up finding an empty-looking stretch of land in Washington punctuated only by the little towns of Hanford, White Bluffs, and Richland. Matthias called it “perfect in almost every

¹⁰⁴ Fisher, *Shadow Tribe*, 159-161, 189-190.

¹⁰⁵ Findlay and Hevly, *Atomic Frontier Days*, 16-18.

respect,” and by 1943 the work to build the Hanford Site was underway.¹⁰⁶ Residents were relocated, and the area was closed off to everyone except the Wanapum, an indigenous group who had traditionally fished and worshipped in the area. Matthias was unusually sympathetic to their needs, even meeting with the Wanapum leader Johnnie Buck, and joining the group for a feast.¹⁰⁷ Matthias attempted to pay or otherwise compensate the Wanapum for their fishing needs – he offered them cash, equivalent amounts of fish, an alternative location.¹⁰⁸ None of those offers were accepted; they only wanted to right to fish in that area. Matthias agreed, and the Wanapum were allowed to return to fish and worship under limited circumstances. Their visits were army-supervised, escorted by a truck and driver.¹⁰⁹ The visits were paused after the bomb was dropped, but were reinstated in the 1960s.¹¹⁰

With site construction starting in March 1943, Hanford was built quickly.¹¹¹ There were up to 45,000 people working at one point – the site was a town in itself.¹¹² B reactor, where much of the plutonium would be produced, was up and running in September 1943. Two more reactors and a processing plant were built by February 1945.¹¹³

Although the people who built Hanford and the employees who worked with the eventual plutonium production knew they were doing work for the war effort, few of them knew the exact details of Hanford’s purpose.¹¹⁴ Everything suddenly became clear in August 1945, when a bomb was dropped on Nagasaki, containing plutonium produced at Hanford.¹¹⁵ Suddenly, the fate of Hanford was uncertain – would the end of the war now spell the shutdown of Hanford? The Cold War put an end to that notion. Funding to Hanford ebbed and flowed according to the whims of the US government, and as the Cold War went on, money kept coming in.¹¹⁶ Although work at Hanford was reduced post-WWII, the site’s production quickly ramped back up to

¹⁰⁶ Ibid., 19.

¹⁰⁷ Brown, *Plutopia*, 32.

¹⁰⁸ Findlay and Hevly, *Atomic Frontier Days*, 21.

¹⁰⁹ Ibid.

¹¹⁰ Brown, *Plutopia*, 36.

¹¹¹ Findlay and Hevly, *Atomic Frontier Days*, XI.

¹¹² Ibid., 25.

¹¹³ Ibid., 34-35.

¹¹⁴ Hanford History, *Hanford.gov*, accessed March 2018. <https://www.hanford.gov/page.cfm/HanfordHistory>.

¹¹⁵ William L. Laurence, “ATOMIC FACTORIES INCREDIBLE SIGHT; 'Martian' Set-Up Amazes Even Scientists as 'Impossible' Factors Materialize FIRST 'AMOUNTS' INVISIBLE With This Elemental Creation of Matter, Energy Can Be Used to Escape Gravity's Bonds,” *The New York Times*, 29 September, 1945, accessed May 2018. <https://www.nytimes.com/1945/09/29/archives/atomic-factories-incredible-sight-martian-setup-amazes-even.html>.

¹¹⁶ Findlay and Hevly, *Atomic Frontier Days*, 43.

become an integral part of building the US nuclear arsenal.¹¹⁷ Work expanded once again in the early 1960s, when Hanford began to produce electrical power. But shortly after that expansion, which had been highlighted during a visit by President John F. Kennedy in 1963, Hanford's decline began. Plutonium production was no longer the priority it had been, and the reactors, now nine in total, started to shut down. The only brief resurgence came under President Ronald Reagan for a period in the 1980s, but it would not last long.¹¹⁸

The fact that few people knew what they were working with at Hanford for many years also meant they did not grasp the potential dangers. Even after the purpose was revealed, there was a great amount of trust in Hanford and the US government. The project had built the houses where employees lived; the government had raised cities out of the desert. The people who worked at Hanford were proud of how they had contributed to this marvel of science and important part of the war effort. It is a legacy that still forms the Tri-Cities' identity today.¹¹⁹

There were some warning signs that radiation was escaping but little concern about the effects it might have. A 1955 *New York Times* article on a report presented at the International Conference on the Peaceful Uses of Atomic energy said new research showed radiation coming from Hanford, but that "the concentration was 'well below the dangerous levels.'" The article also reported the International Labor Organization had presented a paper at the same conference saying "the atomic energy industry is widely believed to be safer than any other comparable branches of industry."¹²⁰

The potentially dangerous effects of Hanford were made suddenly, abundantly clear in 1986, when then Department of Energy, under pressure from advocacy groups, the media, and whistle-blowers, released 19,000 declassified documents.¹²¹ Historian Kate Brown speculates that the vast, intimidating number of documents might have been expected to scare people off.¹²²

¹¹⁷ Ibid., 41-43.

¹¹⁸ Findlay and Hevly, *Atomic Frontier Days*, 62-68.

¹¹⁹ Marvin Raymond, "Letters to the editor: B the same," *Tri-City Herald*, 9 April, 2018, accessed May 2018. <http://www.tri-cityherald.com/opinion/letters-to-the-editor/article208401044.html>; Richard Olsen, "Letters to the editor: Cruelty came from Japan in WWII," *Tri-City Herald*, 22 March, 2018, accessed May 2018. <http://www.tri-cityherald.com/opinion/letters-to-the-editor/article206436849.html>.

¹²⁰ John Hillaby, "Escaping Radioactivity Invades Wild Life Around Hanford Plant; Survey Shows Pollution of the Columbia River by Atomic Chemicals -- Insects, Birds, Fish, Other Animals Affected," *The New York Times*, 18 August, 1955, accessed May 2018. <https://www.nytimes.com/1955/08/18/archives/escaping-radioactivity-invades-wild-life-around-hanford-plant.html>.

¹²¹ Brown, *Plutopia*, 290-291.

¹²² Brown, *Plutopia*, 291.

Instead, journalists and activists ended up exposing one of the biggest scandals of the Hanford Site. It was called the Green Run: a 1949 experiment to figure out Soviet Nuclear production. Hanford emissions were adjusted to mimic Soviet reactor emissions. Fuel was processed at Hanford and the gases released into the air were then tracked. The radioactivity spread across the area at highly unsafe levels.¹²³ After the document release, local residents who before had been proud of Hanford and enjoyed its economic benefits began to question what kind of effects it might have had on them. And then only months after Hanford's declassified documents were released, the Chernobyl disaster occurred in what is now Ukraine but at the time was part of the Soviet Union. That created an even more hostile environment toward nuclear operations of any kind and put the final nails in the coffin of Hanford production.¹²⁴ From here on out, Hanford would be known for the massive amount of waste it had generated, which is still undergoing cleanup to this day.¹²⁵

In the years immediately preceding the health studies on Hanford doses and effects, several tribes became heavily involved with the Hanford Site because of the Basalt Waste Isolation Project. The aim was to store nuclear waste at the Hanford Site, from both Hanford and other nuclear sites around the country. The basalt rock that makes up the visually striking landscape of the Hanford Reach was also ideal for geologic isolation of nuclear waste.¹²⁶ But the land where Hanford is located, and where the waste would be stored, is also land that the Umatilla tribe and Yakama Nation ceded in their treaties and holds religious significance for them and other tribes and bands.¹²⁷ During the deliberations and work on the isolation project, the three tribes most heavily involved were the Confederated Tribes of the Umatilla, the Yakama Nation, and the Nez Perce, all of whom had been found affected by Hanford through the 1982 Nuclear Waste Policy Act.¹²⁸ Those three tribes were also the most heavily involved in the subsequent Hanford health studies.

¹²³ Brown, *Plutopia*, 169.

¹²⁴ Brown, *Plutopia*, 291.

¹²⁵ Michael Lewis, "Why the scariest nuclear threat may be coming from inside the White House," *Vanity Fair*, July 2017, accessed March 2018. <https://www.vanityfair.com/news/2017/07/department-of-energy-risks-michael-lewis>.

¹²⁶ Edward Liebow, Skype interview, 28 February, 2018.

¹²⁷ Lagh'-wegh A-moo-e'-sha (hot waves) newsletter, Confederated Tribes of the Umatilla, March 1988. Hanford vertical files. Library at Tamástslíkt Cultural Institute, Pendleton, Oregon.

¹²⁸ "Department of Energy's Tribal Program," *Hanford Site website*.

The Confederated Tribes of the Umatilla set up their own Nuclear Waste Study Program, employing fifteen people by 1988. Their work consisted of advocating to drop the project, while also attempting to protect tribal cultural heritage and religious sites by working with the Department of Energy – constantly reminding the department of its obligation to American Indian tribes.¹²⁹ The Basalt Waste Isolation Project began in 1976, but was shut down in 1988 in a clear victory for tribes, but also for concerned citizens in Washington and Oregon who had no desire to have nuclear waste trucked through the area.¹³⁰ By the time the Hanford health studies began in 1988 therefore, tribes in the area, in particular the Yakama Nation, Nez Perce, and Confederated Tribes of the Umatilla, were highly familiar with Hanford and the Department of Energy.

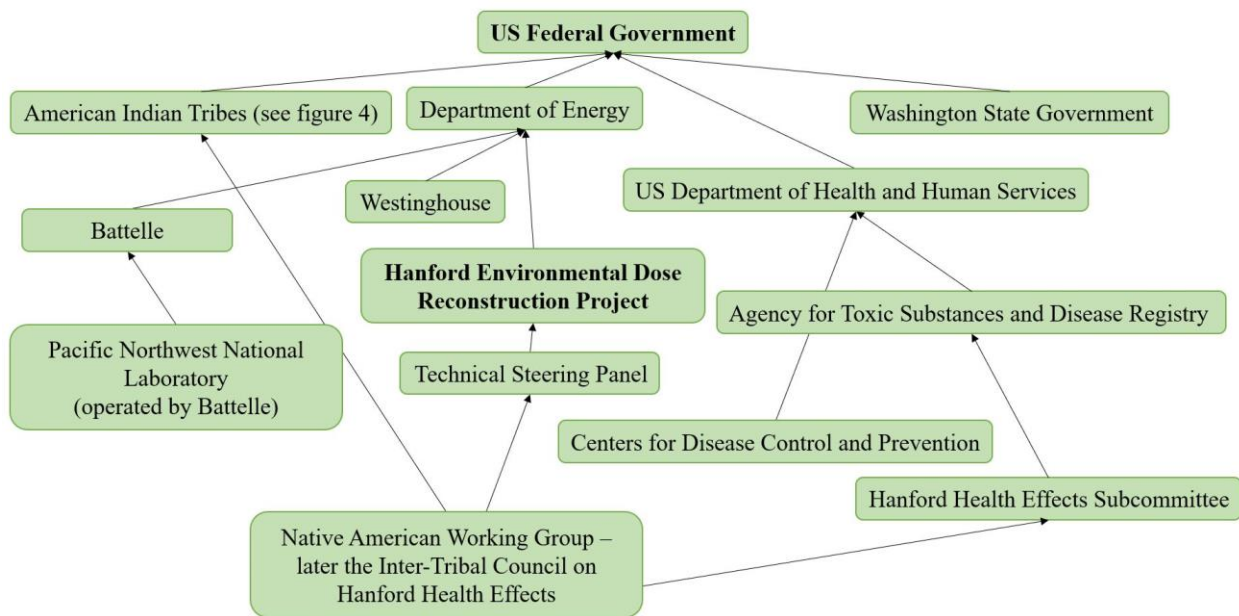
¹²⁹ Ben Bearchum, Michael Burney, Daniel Hester, Deward Walker, “A Review of the draft Hanford cultural resource management plan for the United States Department of Energy, Richland, Washington,” 12 December, 1988. Ben Bearchum Hanford Records Archives. Box 1. Library at Tamástslikt Cultural Institute, Pendleton, Oregon; Resolution on treaty rights and cultural resources, 18 November, 1987. Library at Tamástslikt Cultural Institute, Pendleton, Oregon.

¹³⁰ “Tribes to honor nuclear waste study project,” *The East Oregonian* 5 February, 1988. Newspaper archives. Library at Tamástslikt Cultural Institute, Pendleton, Oregon; Will Phinney, “Wyden blasts DOE, praises tribal program,” 27 August, 1987. Newspaper archives. Library at Tamástslikt Cultural Institute, Pendleton, Oregon.

Chapter 3: Hanford health investigations begin

This chapter focuses on the establishment of Hanford health effect-related projects, and how they involved American Indians. Though there were several projects underway through the 1990s, here the focus is on the Hanford Environmental Dose Reconstruction Project and the advisory committee, the Technical Steering Panel, that was created to hold the government project accountable to the public. The first few years of the Dose Reconstruction Project, from 1988 to 1990, were some of the most critical for the project and for American Indian involvement. The mistakes and the successes of those years would portend the issues and achievements to come. Many of the problems that came up would be repeated in later projects and committees, belying a larger problem rooted in misconceptions or misinterpretations of sovereignty, and carried out through the new norm of tribe-state relationships versus tribe-federal relationships.

Figure 3: Actors involved with the Hanford Environmental Dose Reconstruction Project and Hanford Health Effects Subcommittee



3.1 Establishment of the Hanford Environmental Dose Reconstruction Project and Technical Steering Panel

The 1986 documents release which revealed the danger local residents had been exposed to triggered a shift in how people thought about Hanford in Washington State, especially in the areas surrounding the site.¹³¹ The Hanford Historical Documents Review Committee and the Hanford Health Effects Review Panel were both created to deal with sifting through the 1986 documents release, and to “review and evaluate information relevant to Hanford,” specifically with regards to its effects on the public. Both groups had American Indian involvement via the Indian Health Service and with representatives from the Yakama Nation, Confederated Tribes of the Umatilla, and Nez Perce, the three tribes considered affected under the 1982 Nuclear Waste Policy Act. The Health Effects Panel recommended that studies should be done in order to determine what the radiation doses and health effects of Hanford were.¹³² This recommendation resulted in the Hanford Environmental Dose Reconstruction Project (HEDR) and the Hanford Thyroid Disease Study (HTDS), which would respectively try to determine how much radiation individuals had received, and what the effects of radioactive iodine might have been.¹³³ The dose reconstruction project’s goals were to “estimate radiation dose to potentially exposed populations and . . . to make documents used in reconstructing dose available to the public.”¹³⁴ The dose reconstruction was not aiming to determine what kind of effects the doses might have had, but simply how much radiation people had been exposed to via the airborne radioisotope iodine-131. The thyroid study would look at health effects from iodine-131, which can build up in the thyroid and cause various health problems.¹³⁵ The creation of the Technical Steering Panel was a direct result of the 1986 information release, and perhaps also a side effect of the hostile and fearful climate Chernobyl had created which had directly resulted in the shutdown of one of Hanford’s reactors at the time.¹³⁶

¹³¹ Findlay and Hevly, *Atomic Frontier Days*, 71.

¹³² Technical Steering Panel of the Hanford Environmental Dose Reconstruction Project, TSP 1988 Annual Report. Box 15, folder 9. Accession number 5433-001. James P. Thomas papers, 1920-2005, University of Washington Special Collections, Seattle, WA.

¹³³ Edward Liebow, “Public health in an era of forced federalism,” 147.

¹³⁴ TSP 1988 Annual Report, Sierra Club Northwest Office records.

¹³⁵ Liebow, “Public health in an era of forced federalism,” 147.

¹³⁶ Findlay and Hevly, *Atomic Frontier Days*, 68.

Most likely because of the fraught history of Hanford up until that point, and in order to instill a certain level of trust, the Technical Steering Panel (TSP) was a citizen advisory board to the Dose Reconstruction Project, intended to guide the study. To this end, the steering panel was “responsible for providing technical direction for the study rather than just oversight.”¹³⁷ The panel was to be made up of independent experts who would advise the work of the dose reconstruction project. The members were expected to bring their individual expertise to the table when guiding the project.¹³⁸ The basis for administration of the steering panel was the Federal Advisory Committee Act (FACA) of 1972, which aims to “ensure that advice by the various advisory committees . . . is objective and accessible to the public.”¹³⁹ Therefore, although the Steering Panel was established by the government, and those who sat on the panel were technically federal employees during the course of their work, it was to be an objective, independent panel of experts which would guide the Dose Reconstruction Project.¹⁴⁰

The issue of trust is not to be underestimated, not only when it came to American Indian tribes, but with all affected populations, also known as downwinders. The Dose Reconstruction Project was to be carried out by the Pacific Northwest National Laboratory, operated by Battelle. This was better than the Department of Energy carrying out the studies itself, since its reputation was significantly tarnished by the 1986 document release.¹⁴¹ But Battelle had been contracted by the Department of Energy before, meaning it was also suspect in the public’s eyes. That left the Technical Steering Panel as the only independent body involved, according to public perception.¹⁴² The panel’s first annual report in 1988 emphasized the need for the public to understand and connect with the project:

Public involvement and understanding of the project is critical to our success. We have a responsibility to ensure that the results of the study are clearly and thoroughly conveyed to the public. If we carry out the best technical work that is possible and produce

¹³⁷ TSP 1988 Annual Report, Sierra Club Northwest Office records.

¹³⁸ Ibid.

¹³⁹ “The Federal Advisory Committee Act,” *US General Services Administration*, accessed March 2018. <https://www.gsa.gov/policy-regulations/policy/federal-advisory-committee-act-faca-management-overview>.

¹⁴⁰ TSP 1988 Annual Report, James P. Thomas papers.

¹⁴¹ Memorandum to Elwood Patawa from Larry Calkins regarding the Technical Steering Panel for the Dose Reconstruction Study conducted by Battelle, 26 September, 1988. Ben Bearchum Hanford Records Archives. Box 2. Library at Tamástslíkt Cultural Institute, Pendleton, Oregon.

¹⁴² Brown, *Plutopia*, 309.

scientifically defensible estimates of dose and yet fail to clearly and thoroughly convey these results to the public, then we have not succeeded in our endeavor. Therefore [sic] the Panel is developing a comprehensive information program. We will continue to take initiatives that allow the public access to our work.¹⁴³

Even the Technical Steering Panel's trustworthiness would later be brought into question. In a 1991 focus group about the dose project, Battelle's credibility was "a fairly common concern," but the report also showed that "some of the groups questioned the TSP's [Technical Steering Panel's] credibility or independence considering DOE [Department of Energy] funding."¹⁴⁴

3.2 Distrust and Phase 1 of Dose Reconstruction

The steering panel first met in May, 1988.¹⁴⁵ Very quickly tribes began trying to get involved with Hanford Environmental Dose Reconstruction Project by communicating through the Steering Panel. The Umatilla tribe sent a proposal for involvement in September 1988, the Colville sent one in October, and the Nez Perce sent a proposal in November.¹⁴⁶ All three tribes were extensively familiar with Hanford, partly because of the lengthy debate around the Basalt Waste Isolation Project. They were ready and eager to be involved with the health studies. Bill Burke of the Confederated Tribes of the Umatilla wrote in a position paper in November 1988 that the tribes had unique and essential role to play:

We believe that without our participation in the actual research activities the validity and quality would be lacking. We believe we need a definite role as a [sic] active participate

¹⁴³ TSP 1988 Annual Report, Sierra Club Northwest Office records.

¹⁴⁴ C.W. Holmes. "A preliminary examination of audience-related communications issues for the Hanford Environmental Reconstruction Project," April 1991. Box 24. Hanford Litigation Office Records. University of Washington Special Collections.

¹⁴⁵ TSP 1988 Annual Report, Sierra Club Northwest Office records.

¹⁴⁶ E. Patawa, Proposal from Umatilla Tribe, 13 September, 1988, folder 56 Indian Tribes' Involvement in HEDR, accession number 20710. United States Department of Energy Public Reading Room, Washington State University, Richland, WA; Terry Knapton, Matthew Dick, Adeline Fredin. "Budget for Colville Confederated Tribes." 6 October, 1988, folder 56 Indian Tribes' Involvement in HEDR, accession number 20710. United States Department of Energy Public Reading Room, Washington State University, Richland, WA; Nez Perce Tribal Participation in HEDRP Study, 11 November, 1988, folder 56 Indian Tribes' Involvement in HEDR, accession number 20710. United States Department of Energy Public Reading Room, Washington State University, Richland, WA.

[sic] not only in the collection of these types of data but also a role in defining the direction and overall research occurring within our treaty established lands.¹⁴⁷

Because the Confederated Tribes of the Umatilla had run their own Nuclear Waste Study Program, tribal representative Larry Calkins sent a letter to the Technical Steering Panel in 1988, warning them that Battelle should not waste their time replicating data which had already been obtained. The Confederated Umatilla program had gathered demographic records, which Battelle would need to gather as well: “We hope that Battelle has not duplicated our efforts by working with the [Bureau of Indian Affairs]” Calkins wrote.¹⁴⁸ The gist of the letter was that Battelle’s study would benefit most from working directly with tribes. This did seem to be something Battelle was aware of; after all, it cost money to gather data, and it was in Battelle and the Department of Energy’s best interest to control costs.

Dr. Carol Bruneau worked with Battelle as a technical liaison to the tribes early in the project, until she left in 1991. She says some prior data was utilized in the project, such as from birth and death records. But in many cases, there was little to start with. Unlike with the white downwinder population, general information about American Indian populations simply was not readily available. “A lot of times the data wasn’t there. I mean, there was absolutely no way to look at census records and figure out how many native Americans there were in a tribe,” Bruneau explained in an interview. “You’d have to go through tribal records, and the tribal records were not always very complete. So it just took a long time to gather the information.”¹⁴⁹

At the very beginning of the panel’s work, direct tribal representation was nonexistent on the panel itself. Representatives to the panel were appointed based on their technical expertise with an emphasis on science and data, but not the populations being studied or with regard to representation of those populations and dealing with different cultures. Edward Liebow was a staff researcher with Battelle at the time, and says tribal interests were not at the top of the list of

¹⁴⁷ Bill Burke, “Confederated Tribes of the Umatilla Reservation position paper regarding the Technical Steering Panel proposed research regarding the identification of pathways of radio-nuclide releases from the Hanford Reservation,” 11 November 1988. Ben Bearchum Hanford Records Archives. Box 2. Library at Tamástslikt Cultural Institute, Pendleton, Oregon.

¹⁴⁸ Letter from C. Larry Calkins to John Till, 23 September 1988, folder 56 Indian Tribes’ Involvement in HEDR, accession number 20710. United States Department of Energy Public Reading Room, Washington State University, Richland, WA.

¹⁴⁹ Carol Bruneau. Interviewed by Indigo Trigg-Hauger. Phone interview, Norway and Montana, 7 March, 2018.

priorities at first. “At some point,” Liebow says, “somebody pointed out that there was no expertise on this panel having to do with tribal history, cultural heritage, and this sort of thing.”¹⁵⁰ The focus was on technical expertise in terms of how the doses and data would be collected, but that focus overlooked how important cultural fluency would be. Not least this was an issue of representation, but more than that it was about how the data would be collected and how the study would be carried out. Having scientific experts was not enough; there needed to be cultural and historical experts who could navigate the complexity of dealing with diverse populations, and in particular indigenous peoples.

The Nez Perce, Yakama Nation, and Confederated Tribes of the Umatilla were asked to recommend members for the panel. Dr. Deward Walker was recommended by the Confederated Tribes of the Umatilla, Dr. Vietchau Nguyen was recommended by the Yakama, and Leroy Seth was recommended by the Nez Perce. But Seth resigned shortly after his appointment, and in late 1988 Allen Slickpoo was appointed to the panel. His influence was to be instrumental for tribal representation. As a member of the actual panel, he could affect decisions directly. He was the only American Indian representative who sat on the Technical Steering Panel, and one of the few people who consistently brought up American Indian issues and the panel’s obligations to tribes on a regular basis. Slickpoo was Nez Perce, with connections to the Walla Walla, Umatilla, and Cayuse tribes as well. He was an influential and respected member of the Nez Perce tribe, and served on the tribal council before working in the Environmental Resources and Waste Management program. That position led to his nomination to the Steering Panel.¹⁵¹

Other key advocates for American Indians were Deward Walker and Warren Bishop. A trained anthropologist, Walker demanded early on in the project that more than just a couple tribes should be looked at. He was appointed because of his previous work with tribes, including the Nez Perce and Umatilla. Warren Bishop, who had worked in government before often sided with Walker in meetings, and was an advocate of tribal interests.¹⁵² Walker tried to impress upon the panel that the tribes were not a monolith, not one nation, and had geographic diversity that

¹⁵⁰ Edward Liebow, Skype interview, 28 February, 2018.

¹⁵¹ “Allen P. Slickpoo Sr., 84,” *The Lewiston Morning Tribune*, 28 November, 2013, accessed March 2018. http://ltribune.com/obituaries/allen-p-slickpoo-sr/article_8a78d76c-6913-5aac-8cbb-e2f3205817a0.html.

¹⁵² Edward Liebow, Skype interview, 28 February, 2018.

needed to be taken into account.¹⁵³ Walker and Bishop were not indigenous themselves, but both tried to advocate for tribes during their time on the Technical Steering Panel, and Slickpoo himself said he felt their work on behalf of the tribes was valuable.¹⁵⁴

The Steering Panel was also made up several subcommittees. The Demography, Food Habits, and Agriculture Subcommittee was created at the inception of the Steering Panel, and would go on to represent American Indian interests for much of the Steering Panel's existence.¹⁵⁵ From the first meeting, there was a focus on the tribes. A summary for the first year says that Walker "was asked to visit select tribes to describe the project and our work...[which] would also prepare the tribes for future meetings with Battelle staff."

The first year was a flurry of activity that quickly spiraled into frustration and annoyance on both sides, apparent in letters between Steering Panel members and from the panel to Battelle, and the Department of Energy. By September of 1988, there were already rifts with several tribes. Larry Calkins, the Technical Coordinator for the Confederated Tribes of the Umatilla, sent a letter September 23, 1988 to John Till, the Technical Steering Panel Chairman. Calkins had attended two September meetings of the panel and wrote to them with his thoughts. "I appreciate the way the TSP conducts itself regarding its oversight role of Battelle,"¹⁵⁶ he started off, but then went on to express surprise at how the Native American aspect had been handled:

I haven't meet Russ Rhoades of Battelle. I was surprised he gave the presentation on the Native American approach. If he contacted the Tribe to get all that information he presented, he didn't talk to me. I thought I was to be the contact person for this project. This doesn't bother me, but it does illustrate a point. There has been virtually no contact

¹⁵³ Letter from Deward E. Walker to John Till, 12 October, 1988, folder 56 Indian Tribes' Involvement in HEDR, accession number 20710. United States Department of Energy Public Reading Room, Washington State University, Richland, WA.

¹⁵⁴ Technical Steering Panel of the Hanford Environmental Dose Reconstruction Project meeting minutes, 9 October, 1993. Box 48. Accession number 5911-001. Hanford Litigation Office Records, University of Washington Special Collections.

¹⁵⁵ The name is euphemistic; American Indians were included under "demography" as a minority, as well as under "food habits" since in some cases they ate differently than white downwinders. The subcommittee's meetings ended up focusing on American Indian involvement much more than the name would indicate.

¹⁵⁶ Letter from C. Larry Calkins to John Till, 23 September, 1988, DOE Reading Room Richland.

with us on this project, save the “informal” discussion with selected tribal employees last June.¹⁵⁷

Rhoades was an employee of Battelle who worked alongside Carol Bruneau visiting tribes and working on their participation with the project.¹⁵⁸ In 1988 the project had just started, so it is not necessarily shocking that Calkins and Rhoades had not met, but it does underscore the disconnect already being felt by tribal representatives. In the letter, Calkins went on to express hope for future cooperation between the tribes, Steering Panel, and Battelle, but it highlights several specific shortcomings. Calkins worried Battelle did not understand the complexity of the data-gathering project ahead of them, when it came to the tribes.¹⁵⁹ This fear would become relevant – and publicized in national media – when data-gathering did not happen in time for inclusion in Phase 1 of the study results.¹⁶⁰

The 1988 Demography, Food Habits, and Agriculture Subcommittee year-end summary tells a similar story. “The group recommended that Battelle work harder to contact more tribes,” the document reads. It seems the Steering Panel assumed Battelle would simply listen to their advice, but that was not the case: “While our recommendations to Battelle were not formal, some were not acted on. In the future our recommendations will be formal. They will first go to the full TSP. The TSP then will direct Battelle. And, the TSP subcommittees will review the adequacy of Battelle’s response.”¹⁶¹ This kind of cycle would be repeated throughout the 1990s, as tribes, tribal representatives, or committees representing their interests would be heard but ignored, or given empty reassurances.

On February 17, 1989, Lou Stone from the Colville Confederated Tribes wrote a letter to Allen Slickpoo. Stone, like others, expressed frustration with how the panel was communicating with tribes – or as he called it, the “lack of communication.”¹⁶² Battelle had made a request for proposals from the tribes to begin doing data collection and research that was tribe-specific.

¹⁵⁷ Ibid.

¹⁵⁸ Carol Bruneau, phone interview, 7 March, 2018.

¹⁵⁹ Letter from C. Larry Calkins to John Till, 23 September, 1988, DOE Reading Room Richland.

¹⁶⁰ The Associated Press, “Tribal Leaders want Yakimas included in study of radiation,” *Seattle Post-Intelligencer*, 29 August, 1990.

¹⁶¹ TSP 1988 Annual Report, James P. Thomas Papers.

¹⁶² Letter from Lou Stone to Allen Slickpoo, 17 February, 1989. Folder 56 Indian Tribes’ Involvement in HEDR. Accession number 20710. United States Department of Energy Public Reading Room, Washington State University, Richland, WA.

Stone felt the request had been made on too short of notice and in addition he said the premises had changed. Battelle wanted to look at eight tribes, versus the ten that had been proposed before. Stone summed up his disappointment and frustration with a dramatic statement: “Allen, it is my view that the DOE [Department of Energy] and Battelle are deliberately using evasive postures with tribes which, in substance, provides for the appearance to intentionally divide tribes by creating disharmony among us.”¹⁶³ It is not possible to know whether it was intentional or not, but regardless, that the sentiment was expressed at all shows how bad the relationship had already become.

He also took issue with “the DOE [Department of Energy] and/or Battelle Decision to not honor the highly touted and anticipated \$12,000 contracts with tribes for the purpose of participation in the general process of the TSP and related functions.”¹⁶⁴ Stone was referring to money to be used for tribes to attend Steering Panel meetings. Although Slickpoo represented their interests, he was only one person, from one tribe. Other tribes did not necessarily have the means to attend the meetings, even if they wanted to and felt it was necessary. The meetings were open, so it was possible to attend as an audience member, observe, and comment on the discussion, as some tribal representatives did from time to time.¹⁶⁵ This problem of funding to travel and attend meetings was a very basic wish from the tribes which was not being met, and as Edward Liebow recalls, there was a lack of sensitivity about the issue from all sides:

These guys from Westinghouse [one of the contractors running projects at Hanford] would fly into the Tri-Cities, and at the airport the rental car agency would offer them an upgrade, just because they traveled a lot. And they would travel out to the reservation – say to Pendleton to go to the Umatilla reservation – in a Cadillac or a Lincoln Town Car, to tell the tribe leadership that there was no money. So this became, as you might imagine, a point of irritation, annoyance, and serious conflict.¹⁶⁶

¹⁶³ Ibid.

¹⁶⁴ Letter from Lou Stone to Allen Slickpoo, 17 February, 1989, DOE Reading Room Richland.

¹⁶⁵ Technical Steering Panel Meeting, 27 April, 1990. E 1.2:H 19x/TSP-32/990/4-27, Suzzallo and Allen Libraries Government Publications US Stacks, University of Washington.

¹⁶⁶ Edward Liebow, Skype interview, 28 February, 2018.

Distrust and growing irritation were not only expressed in meetings and letters. The news media covered Hanford extensively. Tribal concerns were expressed in newspaper articles, with tribal representatives voicing their concern and frustration. These were sometimes the same representatives who attended meetings to speak directly to the Steering Panel or wrote letters to panel members asking for inclusion in the project. Sometimes they were even Steering Panel members, such as Allen Slickpoo.¹⁶⁷

Phase 1 of the Hanford Environmental Dose Reconstruction Project consisted of preliminary dose estimates, and was published July 12, 1990.¹⁶⁸ Public criticism quickly followed: the necessary data on tribes had not been collected in time to be included, as several tribal representatives had feared.¹⁶⁹ The panel formed a kind of buffer between the public and the Department of Energy, and because the panel was supposed to form a conduit and line of communication, they were also held accountable when communication broke down. John Till, the Technical Steering Panel chairman, was forced to admit as much in interviews. “Our approach and communication with Native Americans has not been good,” Till said.¹⁷⁰ “Part of it was our fault,” he said in another interview, and went on to add “I don’t think we gave [the tribes] as much guidance as we could have.”¹⁷¹ Tribal representatives did not seem to think a lack of guidance was the issue however. In the same article, Dave Bonga, a member of the Kalispel tribe, and project director for their Hanford research, said “Nobody really knew what [the researchers] were talking about and what they wanted.”¹⁷² Allen Slickpoo, Nez Perce tribe member and representative on the panel, was publicly critical after over a year of meetings and letters that seemed to go nowhere. “I feel the tribes may have been given too much tokenism treatment...They were advising tribes how to do it and what to do. That’s not consultation or cooperation.”¹⁷³ At the heart of the Hanford Environmental Dose Reconstruction Project’s issue with tribes – and therefore also the Technical Steering Panel’s issue – was the tension between independence and federal oversight. Tribal representatives had highly detailed proposals for how

¹⁶⁷ Amy Kuebelbeck, “Some tribes decry omission from radiation report,” *The Seattle Times*, 25 July, 1990.

¹⁶⁸ TSP Tribal Working Group Meeting Summary, 14 December, 1990. Folder 56 Indian Tribes’ Involvement in HEDR. Accession number 20710. United States Department of Energy Public Reading Room, Washington State University, Richland, WA.

¹⁶⁹ The Associated Press, “Tribal Leaders want Yakimas included in study of radiation.”

¹⁷⁰ *Ibid.*

¹⁷¹ Kuebelbeck, “Some tribes decry omission from radiation report.”

¹⁷² *Ibid.*

¹⁷³ *Ibid.*

to collect data, and exactly how much money they would need to do so. But the Battelle researchers had their own ideas about the best way to finish the project and underestimated from the beginning how much work and money it would take – a point that was made in interviews with both Edward Liebow and Carol Bruneau.¹⁷⁴

3.3 Money, mismanagement, or miscommunication?

Money was one of the biggest barriers to data-gathering. According to Edward Liebow, the contracts to fund each tribe's research were difficult:

The negotiations on the contracts went on and on and on for like a whole year before any money started flowing because the contract office had all these regulations about accounting for the money that the money the contractors would be getting, and they went back and forth. Should this be a grant, should it be a contract, should it be a cooperative agreement, and what are the accountabilities associated with each of these different forms of conveyance of the federal money, and it took forever to sort that out.¹⁷⁵

Because tribal data was not as readily available as for other populations, it had to be obtained through new studies. To carry those studies out entailed more time and financing than Battelle and the Department of Energy seemed to expect, and as Deward Walker and others believed, more than they were willing to put in.¹⁷⁶

Walker in particular was not happy with the work Battelle was doing and the way it was being done. Tribal technical liaison Carol Bruneau had the impression that Walker was combative, and found out during the course of her work that he had told tribes not to cooperate with Battelle:

He would actually tell the tribes not to work with us . . . That's just what the tribes would tell me. He had an adversarial role with Battelle. Maybe he was protecting the tribes. But

¹⁷⁴ Edward Liebow, Skype interview, 28 February, 2018; Carol Bruneau, phone interview, 7 March, 2018.

¹⁷⁵ Edward Liebow, Skype interview, 28 February, 2018.

¹⁷⁶ Letter from Deward E. Walker to John Till, 12 October 1988. DOE Reading Room Richland.

he was definitely trying to...he had told several of the tribes, including the Nez Perce, the Yakama, and the Umatilla, that they shouldn't be talking to us.¹⁷⁷

Speaking to Carol Bruneau then, it becomes clear that the conflict between tribes, the Steering Panel, and Battelle was not entirely simple. Bruneau's job as tribal liaison meant she met a myriad of tribal leaders. On a personal level, she had relationships and even friendships with some tribal representatives. She was invited to festivals and feasts; the extent to which she socialized with some tribal representatives hardly paints a picture that Battelle was inherently mistrusted. Bruneau says however that some tribes were indeed frustrated at times, with both Battelle and the Steering Panel:

Some were a little bit more adversarial, but not really. I mean, they liked me personally, it was just sometimes they were upset with Battelle, sometimes they were upset with the Technical Steering Panel, I don't really think they distinguished the two that much. At least that was my impression. There was frustration because we were scientists, and we're used to gathering data very quickly.¹⁷⁸

The decision was made to have tribes gather their own data in order to carry out the dose reconstruction. The project required information about what kinds of foods were eaten, where they were gathered, lifestyle information about swimming, ceremonies in traditional sweat lodges, and so forth. All of that could be used to reconstruct approximately how much radiation people had been exposed to. Bruneau's job was to help tribes with data gathering, and in that capacity, she went on several visits to tribes, and was available to them over the phone for any questions about data gathering. "We'd be on the phone two or three times a day when they were gathering data. Just with questions and information," Bruneau said.¹⁷⁹

Bruneau took issue with how the omission of American Indians in the Phase 1 report was dealt with in the media. She says it was a surprise to read a *New York Times* article in September 1990 titled "Washington Nuclear Plant Poses Risk for Indians," which characterized the first

¹⁷⁷ Carol Bruneau, phone interview, 7 March, 2018.

¹⁷⁸ Ibid.

¹⁷⁹ Ibid.

phase as a failure when it came to American Indian inclusion. “What they have said about the first phase of the study is correct; native Americans were overlooked,” Till, the chairman of the Steering Panel, was quoted as saying.¹⁸⁰ Delano Saluskin, who Bruneau had actually worked with in his capacity as leader of the Yakama Nation, was even more harsh, quoted in the article saying “there’s a lot of words spoken that this investigation is an open process,” but that “It’s long past the time when we could trust the Federal Government to look after our best interest.”¹⁸¹

However, there is evidence in the meeting transcripts that Steering Panel members understood and supported the reasoning for leaving American Indians out of Phase 1. The idea was first brought up by Richard Morrill, on behalf of the Demography Subcommittee, in a December 11, 1989 Technical Steering Panel meeting. Morrill was a professor of geography and environmental studies at the University of Washington. At the meeting, he expressed concern about the data being incomplete. “The biggest problems for this subcommittee continue to be the collapse of obvious progress on research contracts and data with the Native American Tribes,” he said, explaining that not all the tribes had even started the data gathering process. “We feel that it would be perhaps risky to produce preliminary estimates relevant to the tribes on the basis of inadequate data.”¹⁸² Both Walker and Slickpoo, who were the two panel members most occupied with tribal advocacy, agreed it was for the best to leave American Indians out of the Phase 1 results. “It is my view that this does underscore the importance of the Native American research by, on the one hand, not using extremely fragmentary and preliminary results that Battelle might otherwise be forced to use if we didn’t give them the encouragement of this directive not to do so,” Walker said in the meeting. “I think that if they were to use these at this time, that they would be both incomplete and inappropriate.”¹⁸³

Still, no one was happy about it, and in that same meeting Lou Stone, who was attending as a speaker, was insistent the omission should not be painted as either the fault of the tribes or an issue of contracts. He was concerned it would seem the tribes were holding up the study:

¹⁸⁰ Schneider, “Washington Nuclear Plant Poses Risk for Indians.”

¹⁸¹ Ibid.

¹⁸² Technical Steering Panel Meeting, 11 December, 1989. E 1.2:H 19x/TSP-32/989/12-11-12. Suzzallo and Allen Libraries Government Publications US Stacks, University of Washington.

¹⁸³ Ibid.

I think the real issue that it comes down to is that the tribes are trying to assist the panel to dispel a rumor perception that the tribes are not quite ready to participate in getting contracts together that will aid in the attainment of appropriate data that is necessary here. The fact is, is that we are attempting to cooperatively work with Battelle, but we see the problem just the opposite . . . we feel that you [the Technical Steering Panel] need to be providing direction to Battelle to appropriately seek participation by us through the contracts, and be more responsible in the negotiation of that.¹⁸⁴

There were some legitimate reasons for American Indian dose reconstruction to take longer: there were multiple tribes, and within those federally recognized confederations of tribes there were even more bands. As Bruneau describes it, Battelle had no reason to drag their feet:

There had always been a plan to work with the tribes, but we had to get the contracts in place first. And so that's what we spent the first two years doing, was getting contracts in place. I mean it sounds easy, but it's not. When you're dealing with somebody like the Yakama, that has 14 tribal governments involved in it, you have to get an OK from every one of them. So some tribes were able to participate really quickly and others weren't, and we wanted to release the data all at once.¹⁸⁵

It is impossible to tell who or what was ultimately responsible for the delay. There was the bureaucracy of the tribes, the US government, the simple fact that setting up contracts and then carrying out data collection took time. But it seems communication failed the most. The government, and by extension its contractor Battelle, had an obligation to the tribes affected by Hanford. Those tribes showed early on the in project that they were ready and willing to take part with detailed plans for how to do so. Yet Battelle seemed unprepared, and immediately fell behind on gathering tribal data. And so, although most of the parties involved may have had good intentions, the Hanford Environmental Dose Project's work with American Indian tribes was not off to a good start.

¹⁸⁴ Ibid.

¹⁸⁵ Carol Bruneau, phone interview, 7 March, 2018.

Chapter 4: Forced federalism, self-determination, and sovereignty characterize American Indian-US government relations

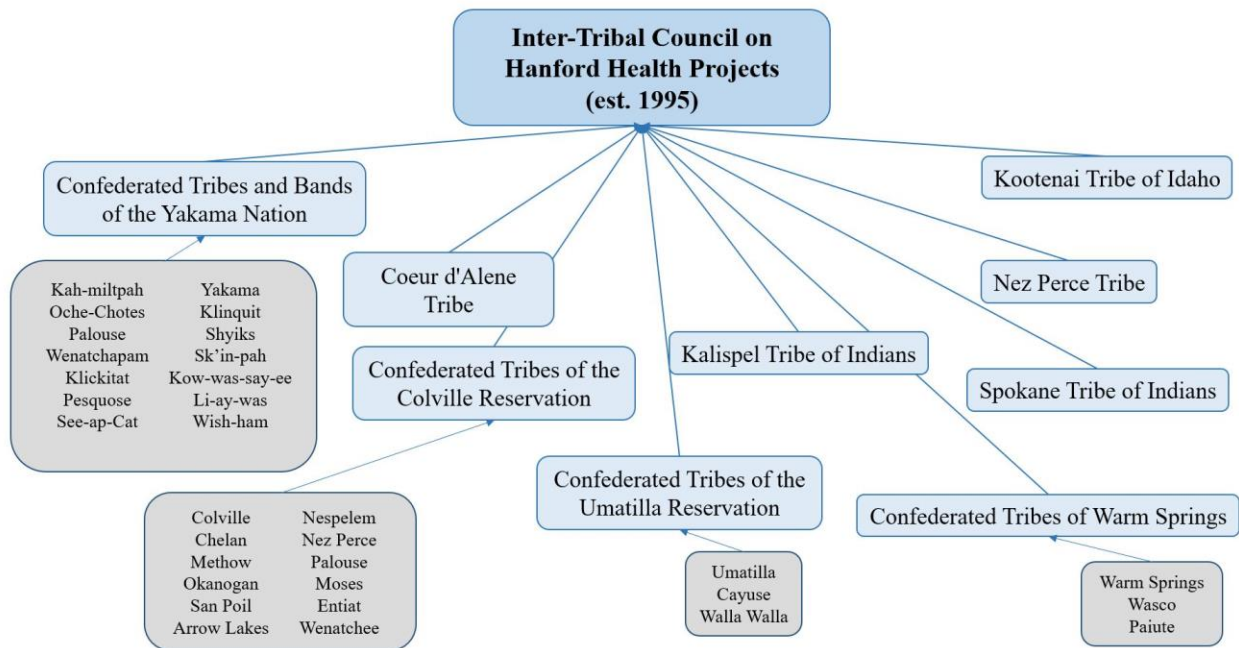
Throughout Hanford-related meetings and other forums, participants from tribes brought up several issues, many of which seem to stem from one main problem: tribal members and representatives did not feel that tribes were being treated as sovereign nations. But what did “sovereign” mean in this situation? The US government has defined tribes as sovereign for much of the country’s history, but what that entails exactly has shifted through eras of federal, state, and tribal government relationships.

In the case of Hanford, the tribes and the Department of Energy seemed to be approaching this definition from very different standpoints. Sovereignty came up frequently in tribal representatives’ and advocates’ letters, reports, memos, and discussions in meetings. It often formed a kind of preamble to whatever is about to be said or discussed, seemingly as a reminder to everyone else present that the representative was speaking as one member of a tribe that is a sovereign nation, not as part of a monolithic group of tribes which are in agreement or in any way representing each other.¹⁸⁶ This chapter illuminates the disconnect between how tribes presented their status, versus how the Department of Energy, the Technical Steering Panel, and Battelle perceived and handled the situation.

The chapter starts with a discussion of sovereignty and self-determination, follow by an argument for the existence and relevance of forced federalism and the federal trust doctrine, and how these guiding policies have affected governance and interaction between tribes and state or federal governments. Finally, I present several examples of how tribes attempted to discuss and reiterate sovereignty with regards to Hanford in the 1990s.

¹⁸⁶ Confederated Tribes of the Umatilla Indian Reservation, presented by Bill Burke. “Position Paper Regarding the Technical Steering Panel.” 11 November 1988. Folder 56 Indian Tribes’ Involvement in HEDR. Accession number 20710. United States Department of Energy Public Reading Room, Washington State University, Richland, WA.; Letter and proposal by the Nez Perce Tribal Executive Committee, “Proposal for a Nez Perce tribal dose reconstruction project.” September 16, 1988. Folder 56 Indian Tribes’ Involvement in HEDR. Accession number 20710. United States Department of Energy Public Reading Room, Washington State University, Richland, WA.; Native American Working Group: December 1990-December 1995. Technical Steering Panel of the Hanford Environmental Dose Reconstruction Project. Olympia, WA: government publication, 1995.

Figure 4: American Indian tribes involved with the Hanford Dose Reconstruction Project and Hanford Health Effects Subcommittee



4.1 Sovereignty and self-determination in context and practice

What is sovereignty, and how is it expressed or enacted? The word is used in many Hanford tribe-related documents, such as during meetings, when discussing data collection, and when deciding on how tribes should be represented. The word is used by the Department of Energy and its contractors, as well as tribes, but it does not always come with a specific or consistent definition.

There are legal precedents and explanations for what sovereignty means. In essence, it entails an independent nation that has power over its own jurisdiction. For example, on reservations, tribal law applies. Today, many people may not immediately realize when they enter a reservation, seeing as there are no checkpoints or border crossings. However, sovereignty and what it entails has remained a pertinent issue, with implications for both identity and legal affairs. American Indian nations may be self-governed to some extent, but as Clifford Lytle and American Indian historian and activist Vine Deloria, Jr. of the Standing Rock Sioux wrote in their 1984 book *The Nations Within: the past and future of American Indian sovereignty*, “self-

government is not and cannot be the same as self-determination so long as it exists at the whim of the controlling federal government.”¹⁸⁷ This distinction is at the heart of the long-running conflict between tribes and the US government. For Deloria and Lytle, the term self-government implies that indigenous peoples in the US started without any government or formalized community, and are being granted that privilege at the leisure of the US federal authority:

When we distinguish between nationhood and self-government, we speak of two entirely different positions in the world. *Nationhood* implies a process of decision making that is free and uninhibited within the community, a community in fact that is almost completely insulated from external factors as it considers its possible options. *Self-government*, on the other hand, implies a recognition by the superior political power that some measure of local decision making is necessary but that this process must be monitored very carefully so that its products are compatible with the goals and policies of the larger political power. *Self-government* implies that the people were previously incapable of making any decisions for themselves and are now ready to assume some, but not all, of the responsibilities of a municipality. Under self-government, however, the larger moral issues that affect a *people's* relationship with other people are presumed to be included within the responsibilities of the larger nation.¹⁸⁸

Self-government is a useful and helpful concept in many ways for tribes today, but Deloria and Lytle problematize its history and implementation, with the conclusion that “Self-government was not wrong; it was simply inadequate.”¹⁸⁹

In contrast however, in her 2011 book *Native Acts: Law, Recognition, and Cultural Authenticity* Joanne Barker argues the law can provide opportunities for decolonization, and the elusive goal of self-determination which Deloria and Lytle are seeking. Barker’s book reflects a shift in indigenous histories and activism since the 1980s, when Deloria and Lytle were writing. Barker recognizes the law has been used as a tool for oppression but posits it may be reformed

¹⁸⁷ Vine Deloria, Jr. and Clifford Lytle, *The Nations Within: the past and future of American Indian sovereignty* (New York: Pantheon Books, 1984), 19.

¹⁸⁸ *Ibid.* 13-14.

¹⁸⁹ *Ibid.*, 14.

and used by indigenous peoples – around the world – to their benefit. In fact, Barker specifically cites and critiques Deloria and Lytle when she writes that “Within Natives studies in the United States there is an assumed righteousness and rightness in Native peoples’ legal status and rights to sovereignty and self-determination.”¹⁹⁰ In fact, she sees the dichotomy of US law versus “Native legal rights, societies, and/or cultures,” to be less helpful than they may seem at first.¹⁹¹ For Barker, all of this falls under the issue of what is “authentic” or not.

Barker writes that one of the most harmful parts of this argument is how “authenticity” can be used against Native people themselves:

The tribe is made to occupy a decidedly pre-colonial, pre-history of cultural authentic that allows the United States not only to locate its colonialism and imperialism in the past but to make it a kind of ideological precursor to being recognized in the present . . . Native peoples are confronted with the impossible task of representing *that* authenticity in order to secure their recognition and rights as sovereigns.¹⁹²

This is the most relevant issue for Hanford projects in the 1990s. Throughout the health projects, tribes were pushed to present a monolithic structure and society in order to earn recognition. Because they only received a limited number of seats on advisory boards very few individuals were being asked to represent nine disparate tribes. Authenticity in this way became predicated on a specific and cohesively formed image – when in fact that image is inauthentic.

In this framework, a tribe’s best chance at being recognized and legitimated may be through this alleged authenticity, and even a kind of racial and cultural purity, as defined by the dominant white culture and federal government. As Cheryl I. Harris explains in her article “Whiteness as Property,” in one example, the 1978 Mashpee Tribe v. Town of Mashpee case, the tribe was unable to reclaim land “that several Indians had conveyed to non-Indians in violation of a statute that barred alienation of tribal land to non-Indians without the approval of the federal

¹⁹⁰ Joanne Barker, *Native Acts: Law, Recognition, and Cultural Authenticity* (Durham: Duke University Press, 2011), 12. <https://doi.org/10.1215/9780822393382>.

¹⁹¹ *Ibid.*, 12-14.

¹⁹² *Ibid.*, 34-35.

government.”¹⁹³ They had to prove they were a tribe. And yet they lost the suit, because they were found not be a tribe at the time, based on a definition prioritizing race, leadership, and land. As Harris writes, “The fact that the Mashpee had intermingled with Europeans, runaway slaves, and other Indian tribes signified to the jury and to the court that they had lost their tribal identity.”¹⁹⁴

This illustrates how these groups known as “tribes” must fit specific criteria and expectations which do not necessarily accurately reflect their own community structure or reality. For the Mashpee, Harris says, their identity was tied to the land, and cultural traditions – not their blood or a legal definition.¹⁹⁵

Not all groups of indigenous people within the US are recognized as indigenous sovereign nations. The criteria for being federally recognized rely on history (“membership consists of individuals who descend from the historical Indian tribe[s]”), exclusivity (“composed principally of persons who are not members of any acknowledged North American Indian tribe”), and governance (“political influence or authority over its members as an autonomous entity from historical times until the present”).¹⁹⁶ Additionally, there can be tribes recognized by a state, but not the federal government.¹⁹⁷ Non-federally recognized tribes may have either lost their status, or never had it in the first place.¹⁹⁸

Deloria and Lytle, and Barker agree that the very concept of “tribes” is a reiteration of federal power over indigenous peoples: “Ideologically, it is a category that works...to provide for the continued rearticulation of federal authority over Natives peoples...it is about the ongoing processes of social formation that work to keep Native peoples subjugated to U.S. power.”¹⁹⁹

¹⁹³ Cheryl I. Harris, “Whiteness as Property,” *Harvard Law Review* 106, no. 8 (June, 1993): 1764, <http://www.jstor.org/stable/1341787>.

¹⁹⁴ *Ibid.*, 1764.

¹⁹⁵ *Ibid.*, 1765.

¹⁹⁶ “Federal Recognition of Indian Tribes: Testimony of R. Lee Fleming Director, Office of Federal Acknowledgement For The Hearing Before The Committee on Indian Affairs United States Senate on The Federal Acknowledgement Process,” *US Department of the Interior website*, 11 May, 2005, accessed May 2018. <https://www.doi.gov/ocl/Federal-Acknowledgement>.

¹⁹⁷ “Federal and State Recognized Tribes,” *National Conference of State Legislatures website*, updated October 2016, accessed May 2018. www.ncsl.org/research/state-tribal-institute/list-of-federal-and-state-recognized-tribes.aspx.

¹⁹⁸ “Federally Recognized Indian Tribes and Resources for Native Americans,” *USA.gov*, updated May 2018, accessed May 2018. <https://www.usa.gov/tribes>.

¹⁹⁹ Barker, *Native Acts*, 27.

In the international context of the 2007 UN Declaration on the Rights of Indigenous Peoples, and the ILO conventions 107 and 169 concerning Indigenous and Tribal Peoples, the word sovereign is only used once: in the UN declaration, article 46 reads:

Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.²⁰⁰

In other words, indigenous peoples have not been recognized as having sovereign status in the international arena. The US federal-tribal relationship is unique in this sense, since it affirms government-to-government relations – although how that plays out varies and in many cases holds no legal water beyond an obligation to consult with tribes.²⁰¹ The ILO convention, which was ratified in 1990, just at the time that the Hanford health studies started, never mentions sovereignty at all. And as discussed in chapter 2, and highlighted by historian Hanne Hagtvedt Vik, the question of self-determination was omitted.²⁰² If self-determination, not self-governance is what is most crucial, as Deloria and Lytle wrote in 1984, then the 1989 ILO convention did not provide an explicit way forward on that front. Indigenous law scholar Steven Newcomb notes that Deloria’s notable 1974 work *Behind the Trail of Broken Treaties: An Indian Declaration of Independence* “provides an excellent sense of the mood at the time.”²⁰³ The same may be said for Deloria’s co-written 1984 work *The Nations Within: The past and future of American Indian sovereignty*. Although it is a historical account with a focus on John Collier, the book also indicates skepticism, even pessimism, about contemporary political mechanisms for sovereignty.

Joanne Barker has a more optimistic view in her 2011 book. Her central thesis, that native peoples can seize mechanisms of law in order to disrupt US federal government

²⁰⁰ “United Nations Declaration on the Rights of Indigenous Peoples,” 2007, *United Nations website*, accessed May 2018. http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf.

²⁰¹ Rogerson, “The Tribal Trust and Government-to-Government Consultation in a New Ecological Age,” 796.

²⁰² Vik, “Indigenous Internationalism,” 335.

²⁰³ Newcomb, “The UN Declaration on the Rights of Indigenous Peoples and the Paradigm of Domination,” 583-584.

conceptions of native “authenticity,” is distinct from Deloria and Lytle’s rejection. Barker’s argument reflects a changing national and international landscape.

The 2007 UN declaration did cover self-determination. Articles 3 and 4 read:

Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.²⁰⁴

As the UN declaration states, self-government follows from self-determination. The point of departure is self-determination, with indigenous rights following from that principle, including the right to self-government “in matters relating to their internal and local affairs.”²⁰⁵

The US never actually formally adopted the declaration. In 2007 it was one of four countries that voted against it, but in 2011 the Obama administration stated the US was in support of the declaration. Because the declaration is not actually legally binding, this support, though symbolic and non-binding itself, did hold some meaning, and was a significant gesture toward the stated “commitment to address the consequences of a history in which, as President Obama recognized, few have been more marginalized and ignored by Washington for as long as Native Americans—our First Americans.”²⁰⁶

4.2 Forced federalism and the federal trust doctrine

One of the most influential and integral policies that has affected American Indians since the 1800s is the federal trust doctrine, which is predicated on tribal sovereignty. The doctrine originates to the earliest days of European exploration and the “doctrine of discovery.” This concept was based in religion, granted by the Pope, and comprised a kind of moral framework that granted “discoverers” the right to claim a country. The doctrine held that as long as the native people “accepted” the discoverers, the land was claimed fairly. In the US, this doctrine of

²⁰⁴ United Nations Declaration on the Rights of Indigenous Peoples,” *United Nations website*, 2007.

²⁰⁵ *Ibid.*

²⁰⁶ “Announcement of U.S. Support for the United Nations Declaration on the Rights of Indigenous Peoples,” *US Department of State website*, 12 January, 2011, accessed May 2018. <https://2009-2017.state.gov/s/srgia/154553.htm>.

discovery then evolved into the federal trust doctrine, which was solidified by Judge John Marshall. His ruling on *Cherokee Nation v. Georgia* established the “ward and guardian” precedent, which stopped Georgia from taking over Cherokee land and governance. Although the ruling did prevent Georgia from the aggression toward the Cherokee, it established a relationship between the US and tribes which endures today. American Indian studies scholars David E. Wilkins and K. Tsianina Lomawaima write in their book *Uneven Ground: American Indian Sovereignty and Federal Law* that there are many definitions and terms for the relationship, including “trust, trust doctrine, trust duty, trust relationship, trust responsibility, trust obligation, trust analogy, ward-guardian, and beneficiary-trustee,” but that the common factor in most definitions is “the notion of federal *responsibility to protect or enhance* tribal assets (including fiscal, natural, human, and cultural resources) through policy decisions and management actions.”²⁰⁷ Law scholar Charles Wilkinson describes it as a “unique obligation” that can exist in the US because it is framed as a government-to-government issue, not based on race or ethnicity.²⁰⁸ This is an important distinction, which also explains why the federal system of recognizing tribes is intrinsically tied to the forms of governance used: tribes cannot receive special treatment based on race – and therefore individuals cannot access tribal services unless they are enrolled in a federally recognized tribe.²⁰⁹

Tribes may be sovereign, but they exist under federal rules and classifications. In this way, the trust doctrine has always been a double-edged sword. On the one hand, it gives tribes a measure of power they do not have in state-to-tribe interactions, which are becoming more commonplace in the forced federalism era, as will be explained below. On the other hand, the federal trust relationship was highly paternalistic and involved a ward-guardian dynamic between American Indian nations and the US, which fed into abhorrent, racist policies, aimed at assimilation rather than protection such as the Indian Removal Act.²¹⁰ Because the federal trust doctrine evolved out of the doctrine of discovery, it is inherently based on domination of indigenous peoples within the US. Even if the doctrines are predicated on the existence of

²⁰⁷ David E. Wilkins and K. Tsianina Lomawaima, *Uneven Ground: American Indian Sovereignty and Federal Law* (Norman: University of Oklahoma Press, 2001) 65.

²⁰⁸ Charles F. Wilkinson, *American Indians, Time, and the Law* (New Haven and London: Yale University Press, 1987), 135-136.

²⁰⁹ *Ibid.*, 85-86.

²¹⁰ Rogerson, “The Tribal Trust and Government-to-Government Consultation in a New Ecological Age,” 779-781.

independent, sovereign peoples, the framework is still one of a conquering power positioning itself over native inhabitants.²¹¹ Since individuals must enroll in federally recognized tribes in order to access the “special relationship” that exists, American Indian sovereignty and belonging is inherently defined by US federal guidelines. Although sovereignty may exist within reservation borders, and even then, with exceptions such as Public Law 280 allowing states criminal jurisdiction within reservations, that sovereignty is legally only as good as how far it is recognized by the federal government.²¹²

Still, the federal trust relationship can be used to tribes’ advantage. In her article “The Tribal Trust and Government-to-Government Consultation in a New Ecological Age,” Amanda Rogerson argues the federal trust doctrine is essential to protecting environmental interests of American Indian tribes. Rogerson optimistically defines federal trust as “the US government [being] legally obligated to protect federally recognized tribes’ abilities to maintain a separate existence.”²¹³ She writes that if the federal trust is preserved, while at the same time tribes’ autonomy and self-determination is expanded and protected, truly effective “government-to-government” communication and consultation can occur. In fact, Rogerson argues that “since the 1970s...the federal government has renewed its commitment to self-determination,” citing the increase in use of Memorandums of Understanding and Memorandums of Agreement, which can be used to facilitate agreements and interaction between tribes and federal agencies regarding various issues.²¹⁴

However, opinions differ about how committed the federal government is to that relationship and facilitating work with tribes, and as Wilkins and Lomawaima write, 1988 had marked a blow to the purported trust relationship. The Supreme Court ruled in *Lyng v. Northwest Indian Cemetery Protective Association* that “neither the federal government’s trust doctrine nor the First Amendment’s religious freedom clause was sufficient to stop the destruction of the sacred sites – and hence the religion – of three small northern California tribes.”²¹⁵ This was the political climate just as the Department of Energy contractor Battelle was beginning to work with tribes on Hanford health projects. Although the government certainly had some obligation to

²¹¹ Newcomb, “The UN Declaration on the Rights of Indigenous Peoples and the Paradigm of Domination,” 578-579.

²¹² Fisher, *Shadow Tribe*, 206.

²¹³ Rogerson, “The Tribal Trust and Government-to-Government Consultation in a New Ecological Age,” 773.

²¹⁴ *Ibid.*, 798.

²¹⁵ Wilkins and Lomawaima, *Uneven Ground*, 64-65.

consult with tribes, especially on cultural resources, tribes like the Confederated Tribes of the Umatilla were aware they would have to fight for that responsibility. As they wrote in an undated, though probably late 1980s or early 1990s, report on Hanford cultural resource management, “CRM [cultural resource management] has been relegated to an archaeological investigation that occurs project by project. . . there is a need to reform this approach.”²¹⁶ In a 1987 resolution on treaty rights and cultural resources they wrote they were “seek[ing] to actively participate in the planning and decision making processes to preserve and protect the cultural resources on the Hanford Nuclear Reservation.” In a 1988 draft plan of cultural resource management, Deward Walker commented that the Department of Energy needed to be more affirmative in their responsibility to tribes as well as make clear that contractors to the department, like Battelle, were operating under the same trust responsibility.²¹⁷

In their book “Forced Federalism: contemporary challenges to indigenous nationhood,” Jeff Corntassel and Richard C. Witmer argue the trust relationship has only deteriorated since 1988, and that the federal government has absconded from its trust responsibility. Federalism refers simply to the form of government, wherein there are two levels (in this case the US federal government and the individual state governments) – hence, “forced federalism” is when indigenous groups are compelled to deal with federalism and the two-level institution, rather than simply the federal level. The key here is that tribes must now negotiate with states to a much larger extent than before; under the established federal trust doctrine, this should not be the case. This is not new; there have been numerous eras of indigenous policy in the US, which have cycled in and out of self-determination in various forms, as can be seen in the chapter 2 overview. This latest era of forced federalism is simply the most recent example of the federal government renegeing on and therefore undermining the special trust relationship.

Rogerson ends her historical summary in the 1970s, with the Indian Self-Determination Act and the 1978 Indian Child Welfare Act. She writes that the federal-tribal relationship is not perfect, but there are steps being taken to improve it, and she advocates a new understanding and renewed use of the trust doctrine. In contrast Corntassel and Witmer argue we are now in an era of “forced federalism,” that started with the 1988 Indian Gaming Regulatory Act and the 1988

²¹⁶ Thomas E. Bailor, “A Perspective of the Process of Cultural Resource Management at the Handford [sic] Site,” undated. Hanford vertical files. Library at Tamástslikt Cultural Institute, Pendleton, Oregon.

²¹⁷ Bearchum, Burney, Hester, Walker, “A Review of the draft Hanford cultural resource management plan for the United States Department of Energy, Richland, Washington,” 12 December, 1988. Tamástslikt Cultural Institute.

Tribal Self-Governance Act. Their book is one of the only comprehensive sources on forced federalism; by looking at major legislation pertaining to American Indians, they are bookending a new era in governance. The self-determination era, the termination era, and the removal eras of US history are all well-established and recognized in the literature, but Corntassel and Witmer argue that after 1988 this new era began. In this forced federalism era, they write, American Indians are portrayed as “potential entrepreneurs,” and tribes are encouraged to gain “independence” through economic autonomy.²¹⁸ According to Corntassel and Witmer, this can be summarized with President Ronald Reagan’s theory that “Without sound reservation economies, the concept of self-government has little meaning. In the past, despite good intentions, the federal government has been one of the major obstacles to economic progress.”²¹⁹ Differing from other historical framings that highlight the trust doctrine’s endurance, Corntassel and Witmer argue it is breaking down.

Although self-determination held sway in the 1970s and 1980s, especially after several decades of prominent American Indian protest and activist movements, the late 1980s and onwards brought the forced federalism era, which “compelled indigenous nations to negotiate with states as equals and therefore undermined their once exclusive relationship with the federal government...Self-determination policies of the 1970s and 1980s now gave way to forced federalism and increased indigenous-state interactions during the 1990s driven by contemporary images of indigenous peoples as rich Indians and interest groups.”²²⁰ This is not to say that the self-determination era was ideal either, but it did at least profess to set a different precedent for the way tribes dealt with the government. Whereas from the 1960s to the late 1980s tribes were recognized on a federal level and in policy as being sovereign nations with certain rights therefore accorded to them – problematic as the granting of those rights may be in the first place – federalism instead made them out to be interest groups, and opened the door for states to challenge tribal rights.²²¹ But self-determination certainly had drawbacks. The goal may have been greater autonomy and freedom for tribes, coupled with protection of that freedom by the federal government, but the actual legislation did not follow through in a tangible way. For

²¹⁸ Corntassel and Witmer, *Forced Federalism*, 15.

²¹⁹ Ronald Reagan: "Statement on Indian Policy," *The American Presidency Project*, January 24, 1983, accessed 16 January 2018. <http://www.presidency.ucsb.edu/ws/?pid=41665>.

²²⁰ Corntassel and Witmer, *Forced Federalism*, 16.

²²¹ *Ibid.*, 14-16.

example, in the article “Reclaiming self-determination from the Indian Self-Determination and Education Assistance Act of 1975,” Michael D. Wilson argues that the act was only paying lip service to the idea of self-determination, and in fact the trust relationship inherently makes self-determination impossible to achieve, ensuring “that the aims of the indigenous tribal nations – whether educational, governmental, environmental, and so on – will always remain secondary to the aims of the USA.”²²²

In the 1990s the idealized, “government-to-government” and “sovereign nation” status that tribes talked about was not easily achievable, because there was little concrete policy in place to enact or enforce it. Additionally, the predominant thinking had shifted away from the federal trust relationship – where the federal government had an unusual duty to tribes – to the state-tribe relationship.

4.3 Establishing sovereignty in Hanford-related communication

A lack of federal commitment did not stop tribes from reiterating the historical reality of their status. Despite forced federalism, tribes consistently attempted to establish their place in the Hanford studies and discussions as not simply interest groups, but sovereign nations.

Out of the nine tribes involved, there are several examples of tribes submitting their own reports on Hanford’s impacts, as well as proposals and applications for funding to research Hanford’s effects. In these applications, the unique nature of American Indian tribes is almost always emphasized; sovereignty and independence are established from the beginning. In the 1988 “Proposal for a Nez Perce Tribal Dose Reconstruction Project” for instance, the cover letter addressed to the Technical Steering Panel reads in the first paragraph, “The Hanford Nuclear Reservation rests on land in which we have reserved treaty rights recognized by the Federal Government. Since the beginning of operations at Hanford, we have been denied access to the natural and cultural resources to which we retain rights.”²²³ Likewise, the 1988 Confederated Tribes of the Umatilla Indian Reservation (CTUIR) proposal for Dose Reconstruction funding

²²² Michael D. Wilson, “Reclaiming self-determination from the Indian Self-Determination and Education Assistance Act of 1975,” *International Journal of Qualitative Studies in Education* 25, no. 7 (2012): 905.

²²³ Letter and report by the Nez Perce Tribal Executive Committee, “Proposal for a Nez Perce tribal dose reconstruction project.” September 16, 1988, folder 56, accession number 20710. United States Department of Energy Public Reading Room, Washington State University, Richland, WA.

begins with a summary of treaty rights in the area and continues for three pages with sections on the “Historic Overview” and “Reservation and Treaty Rights.”²²⁴

Even when the reports do not talk directly about sovereignty, they indicate it nonetheless through the legal authority that formed a precursor to many reports. There will often be a page declaring that the proposal has been approved by the tribe already. The Colville Confederated Tribes’ proposal for example starts with a resolution that was “enacted...under authority contained in the Article V, Section 1(a) of the Constitution of the Confederated Tribes of the Colville Reservations.”²²⁵

These explicit reminders about tribes’ long establishment in the area and sovereign rights held two purposes. First, they served as frequent reminders that the tribes had been there all along and were just as, if not more, affected by Hanford. This in turn was a way to legitimize their sovereignty and position of importance. Second, they were strong reiterations about how seriously tribes expected to be taken. As the CTUIR report reads:

This history is critical to the understanding of the CTUIR and its people...not much is documented in the period between 1943 and 1980 [the peak years of Hanford activity] as to the habits of the Umatilla, Cayuse and Walla Walla’s. [sic] Yet we know that a great deal of traditional behavior took place in that time period, by a great number of tribal members. Research will be necessary by demographic studies and ethnohistorical studies to determine the exact nature of tribal member habits for a dose reconstruction study.²²⁶

And yet when tribal issues are discussed in Steering Panel meetings, or are mentioned in letters and memos, a recognition of sovereignty is not evident. This is illustrated quite clearly for example at the October 28, 1994 Technical Steering Panel meeting. One member, Warren Bishop, updates the panel about tribal contracts for researching radiation doses. During the

²²⁴ Letter and proposal by the Confederated Tribes of the Umatilla Indian Reservation, “Participation in Dose Reconstruction Efforts of Battelle Northwest.” September 13, 1988, folder 56, accession number 20710. United States Department of Energy Public Reading Room, Washington State University, Richland, WA.

²²⁵ Proposal for funding by the Colville Confederated Tribes. October 6, 1988, folder 56, accession number 20710. United States Department of Energy Public Reading Room, Washington State University, Richland, WA.

²²⁶ Letter and proposal by the Confederated Tribes of the Umatilla Indian Reservation, “Participation in Dose Reconstruction Efforts of Battelle Northwest.” September 13, 1988, United States Department of Energy Public Reading Room.

discussion, he brings up an ongoing issue: that tribes wanted individual representation on issues relating to Hanford.²²⁷ However, based on the discussion that follows, and the patterns that recur, it seems the Department of Energy and its contractors and corresponding committees found it easier to see tribes as one entity. This partly stems from funding issues – if tribal representatives were to be paid a per diem (per day or given a set allowance for a set recurring period) or funded for their travel, a few representatives would be easier to fund. But it also indicates a deeper problem with the way tribes are conceptualized.

Bishop went on to explain that tribes were forming the Inter-Tribal Council on Hanford Health Projects, which was simply a slightly altered version of the Native American Working Group. The hoped-for purpose would be “to establish a more formalized way for the Tribe, for all the Tribes...to interface with these various health effects studies.”²²⁸ This was a response, like the Working Group was, to a perceived lack of communication and representation. The idea was that tribes could be individually represented in the Inter-Tribal Council, and then take a single, unified position to the Department of Energy, for example through the Health Effects Council. Bishop said, however, that tribes still wanted their own, individual representatives:

We had a considerable period of discussion on this at our workshop, and there is still a considerable amount of reluctance on the part of the Tribal members, the HEDR members, to be able to not interface directly government to government each individual Tribe on that Health Effects Council . . . as it stands right now, I think each of the Tribes want to be represented individually on the Health Effects Council . . . each Tribe will be one among probably somewhere in the neighborhood of 20, 30 . . . which I think is going to lessen the impact they could have, if they could come to that Council with an integrated position adopted by the entire Inter-Tribal Council.²²⁹

Here, Bishop is endorsing two points of view: that the tribes would be more effective in achieving their goals if they came together on an “integrated position,” and that individual representation is untenable. Following the government-to-government relationship, it seems

²²⁷ Technical Steering Panel Meeting, 28 October, 1994, Richland, Washington. E 1.2:H 19x/TSP-32/994/10-28, Suzzallo and Allen Libraries Government Publications US Stacks, University of Washington, 191.

²²⁸ Ibid.

²²⁹ Ibid.

reasonable that tribes would expect individual representation and involvement in discussions regarding Hanford. Yet there was a consistent tension between how tribes want to be seen and interacted with, versus how committees (primarily formed of non-American Indian members), contractors, and Department of Energy representatives were dealing with and talking about them. In meetings, tribal representatives sometimes reminded those assembled that they were not just stakeholders, but rather that they came from sovereign nations. “The Technical Steering Panel should confirm this concept that we [the tribes] are not an interested party, we are a treaty people that has been ratified by the United States Congress,” Allen Slickpoo said in a January 1989 Technical Steering Panel meeting. He added a warning about the way the panel and Battelle should deal with the tribes: “Objectives . . . should not be designed on the practice of divide and conquer as it would promote dissention between tribes and/or groups and organizations in the communities.”²³⁰ Lou Stone’s letter to Slickpoo was sent just a month later, accusing the Department of Energy and Battelle of exactly that.²³¹

4.4 1991 evaluation of communication

Communication objectives should be developed. The group felt Battelle and the TSP [Technical Steering Panel] should deal with each audience on its own terms. One member speaking for the Yakima Nation said *this means being treated as a sovereign nation with treaty rights and resources, not just part of the ‘concerned public.’*²³²

That quote comes from a 1991 report titled “A preliminary examination of audience-related communications issues for the Hanford Environmental Dose Reconstruction Project.” It was the result of a directive the Technical Steering Panel had issued, which “required HEDR [Hanford Environmental Dose Reconstruction] staff at PNL [Pacific Northwest National Laboratory] to examine methods to communicate the causes and effects of uncertainties in the dose estimates.”²³³ Essentially, the government contractor was being asked to evaluate how well

²³⁰ “Transcripts from January 1989 TSP meeting,” accession number 3143, HEDR folder 5, United States Department of Energy Public Reading Room, Washington State University, Richland, WA.

²³¹ Letter from Lou Stone to Allen Slickpoo, 17 February, 1989. Department of Energy Public Reading Room.

²³² C.W. Holmes. “A preliminary examination of audience-related communications issues for the Hanford Environmental Reconstruction Project,” Hanford Litigation Office Records. Emphasis added.

²³³ Ibid.

they were communicating with the public. This included tribes; “Indian Tribes” were designated as one kind of interest group.

The report was prepared by the Pacific Northwest National Laboratory (which was and is operated by Battelle) for the Technical Steering Panel. The goal was to evaluate communication about Hanford amongst various groups. Nine groups were chosen, representing different areas of the state and different interests: residents of the Tri-Cities, Hanford Employees, Yakima Valley Farmers, Pendleton residents, Franklin County Farmers, Spokane residents, Walla Walla residents, and Indian Tribes. This report warrants special focus, as it was the only report I found that specifically researched American Indian feelings and attitudes toward Hanford studies and communication surrounding the studies.

The report, presented in 1991 but undertaken in February 1990, shows that the nine representatives present had many of the same concerns that came up consistently throughout the various Hanford-related public projects. It is important to note that the focus group was entirely anonymous, so there is no way of knowing for sure who these nine people were, and what kind of information they already had. However, in an interview, Carol Bruneau, who ran the focus group, recalled speaking with community leaders. In this way, they may have not represented an average person, as they may have been people who already had extensive knowledge of the topic or were involved with the Hanford projects in some way.²³⁴

All focus group participants were first given an assessment to find out how much they already knew about the Hanford Environmental Dose Reconstruction Project. Then they were briefed with some information on the project, and their concerns or evaluations of the materials were assessed. Finally, they were asked about what could be done to convey the information effectively to the public. There was then a second session when groups were interviewed. This was when the “Indian Tribes” group expressed their concerns. According to the summary, their level of knowledge was “extensive,” but they still felt that communication needed to be more effective. Sovereignty also comes up immediately in the “Concerns” section: “The group said it is important for the tribes to know how the results of the study will affect treaty rights and tribal resources.”²³⁵

²³⁴ Carol Bruneau, phone interview, 7 March, 2018.

²³⁵ C.W. Holmes. “A preliminary examination of audience-related communications issues for the Hanford Environmental Reconstruction Project,” Hanford Litigation Office Records.

The tension of federal trust versus autonomy is articulated in several instances. One member specifically cited “paternalistic attitudes.”²³⁶ Another participant was paraphrased as saying “there is a need to deal with the indigenous people who have dominion in this area...[and] There is also a need to communicate to protect Yakima rights. The Treaty of 1855 protects resources, culture, and the environment...[the Yakamas] retain the right of the ceded land because they feel that someday the 1.3 million acres of the reservation will be too small.”²³⁷

There were many more issues, interconnected with the question of sovereignty and government-to-government communication. The group was frustrated that the Pacific Northwest National Laboratory (run by Battelle) was not being transparent enough with them, especially since “Native Americans do pay taxes – 45% of the taxes go to the administration of the federal government.”²³⁸ They also said that the Technical Steering Panel needed “to get out of tokenism treatment of tribes. One member said DOE tries to hold tribes hostage by throwing money at them, but the tribes need to be directly involved with the HEDR project.”²³⁹ Finally, they expressed concern that the lab was only making a show of working with the tribes, and was not actually invested. The tribes felt that rather than being part of a discussion with “two-way communication” they were being treated as “an information source.”²⁴⁰

At the root of all of this was how Battelle and the DOE related to the tribes. The focus group report summed it up frankly:

Some in the group felt Battelle is patronizing the tribes and not treating them as governments, but as just another interest group. They said tribes should be dealt with on a government-to-government basis. One member said Battelle has been placating the tribes. Communication with the tribes cannot fully take place until all the IQ [indefinite quantity] contracts are signed. The State of Washington and the US government (Nuclear Waste Policy Act) treat the tribes as governments, and this project should do the same.²⁴¹

²³⁶ Ibid.

²³⁷ Ibid.

²³⁸ Ibid.

²³⁹ Ibid.

²⁴⁰ Ibid.

²⁴¹ Ibid.

It was all of these concerns – about information gaps, paternalism, honesty, and effectiveness –, which were also reflected in the tribes’ representatives’ experiences with the Technical Steering Panel and Battelle, that led to the creation of the Native American Working Group in late 1990.²⁴²

4.5 The Native American Working Group

The Native American Working Group first met in December 1990, under the name of the Tribal Working Group.²⁴³ Years later it would evolve into the Inter-Tribal Council on Hanford Health Projects and was referred to by both names at various points.²⁴⁴

At the first Working Group meeting, when participants were asked to “briefly identify any aspects of their involvement with the HEDR Project that had or had not worked well,” the notes were exclusively about that which had decidedly not worked:

- Internal disagreements within the TSP about research intensity and direction was an obstacle to real progress...
- Need for improved, informed and more intensive communication among all parties;
- Unfamiliarity with Tribal culture and needs;
- No acknowledgement in research design of complexities of research with larger tribes vs. work done with smaller tribes...
- Lack of understanding and support for research on a tribe by tribe basis to assure that tribal differences receive the appropriate level of attention; and
- Concern about the lack of progress on the Columbia River Pathway Model.²⁴⁵

²⁴² Edward Liebow, “Public health in an era of forced federalism,” 151.

²⁴³ TSP Tribal Working Group Meeting Summary, 14 December, 1990. Department of Energy Public Reading Room.

²⁴⁴ Technical Steering Panel of the Hanford Environmental Dose Reconstruction Project, “Native American Working Group: December 1990-December 1995,” TD196.R3 H35 1995a, Suzzallo and Allen Libraries, University of Washington.

²⁴⁵ TSP Tribal Working Group Meeting Summary, 14 December, 1990. Department of Energy Public Reading Room. Concern about lack of progress on the river pathway model refers to the fact that American Indians were most likely more affected by radiation via the river pathway, unlike other downwinders who were affected most by the air pathway.

All of which pointed clearly to the fact that there needed to be more tribal involvement and more effective work. The proposal was for this group to improve tribal research: “The Tribal Working Group will be the primary mechanism for TSP development of Tribal research efforts.”²⁴⁶

The Native American Working Group did go on to become an integral part of the Technical Steering Panel’s work. In the face of dissatisfactory communication, tribes had simply created their own mechanism for expressing opinions and recommendations. If there could only be one tribal representative on the Steering Panel, and if discussions about tribes’ needs were to be downplayed, then tribes simply had to create their own decision-making body. The solution can be seen as a reiteration of tribal sovereignty: the tribes were not a single interest group, they were a myriad of entities, each with their own government, that wanted equal representation and their own voices, independent of the Steering Panel’s narrow confines.

Illustrating this, members of the Native American Working Group were not only members of the Technical Steering Panel. In fact, the majority were from outside the Steering Panel. There were members from all nine tribes involved: Confederated Tribes of the Umatilla Reservation, Warm Springs, Colville, Coeur d’Alene, Kalispel, Kootenai, Nez Perce, Spokane, and Yakama.²⁴⁷ Warren Bishop was appointed as the Working Group Coordinator. Warren Bishop, Deward Walker, and Allen Slickpoo were the only members of the Technical Steering Panel present.²⁴⁸

The work of this group consisted of discussing and clarifying tribes’ goals in a forum where all nine tribes involved could be represented. The comprehensive Native American Working Group report states that it was “a major link among the tribes and the TSP, and provide[d] a basis for meaningful involvement of the nine potentially exposed tribes.”²⁴⁹ The emphasis for the first five years, from 1990 to 1995, was on data collection and tribal research, since the group was working toward the goal of the Hanford Environmental Dose Reconstruction Project: to estimate radiation doses to affected individuals.²⁵⁰

²⁴⁶ TSP Tribal Working Group Meeting Summary, 14 December, 1990. Department of Energy Public Reading Room.

²⁴⁷ Technical Steering Panel of the Hanford Environmental Dose Reconstruction Project, “Native American Working Group: December 1990-December 1995,” 1. The Kootenai tribe is listed in the report but is omitted in the list of tribes that were actually studied in terms of doses. It is unclear why this was.

²⁴⁸ *Ibid.*, appendix A, 3.

²⁴⁹ *Ibid.*, 2.

²⁵⁰ *Ibid.*

In 1995, as the Dose Reconstruction Project came to a close, the by-laws of the group, now called the Intertribal Council on Hanford Health Projects, were amended. The goal was expanded beyond the Dose Reconstruction Project which had catalyzed the need for an intertribal group. The mission as of May 4, 1995 was to “provide a technical forum in which participating tribes can coordinate Hanford-related research and health activities.”²⁵¹ Special emphasis was put on sovereignty. The first point of the mission section reads that “The ICHHP is a consortium of sovereign nations. Its tribal representatives are authorized to act on technical matters, but sole authority to decide policy matters remains with each tribes’ [sic] governing bodies, unless a governing body explicitly delegates his authority to its ICHHP representative.”²⁵²

Additionally, the preamble to the by-laws is explicit that along with tribal sovereignty comes an expectation of government-to-government relations. The preamble cites President Bill Clinton’s Memorandum on Government-to-Government Relations With Native American Tribal Governments from 1994, as well as his Executive Order 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. The former states that executive branch activities must maintain a “government-to-government relationship with federally recognized tribal governments” as well as consult tribes when taking action that will affect them. Notably though, the memorandum ends by saying it “is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right to administrative or judicial review,” meaning it had little legal implication.²⁵³ The executive order on environmental justice is similar – advice rather than imperative, and ends with the same wording reserving agencies from actual punishment should they fail to follow the order.²⁵⁴ Still, by invoking these orders, the Intertribal Council was making the point that the

²⁵¹ Ibid., appendix C, 3.

²⁵² Ibid.

²⁵³ William J. Clinton, “Memorandum on Government-to-Government Relations With Native American Tribal Governments,” 29 April, 1994, The American Presidency Project, accessed May 2018. www.presidency.ucsb.edu/ws/index.php?pid=50064.

²⁵⁴ “Summary of Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” *United States Environmental Protection Agency website*, 16 February, 1994, accessed May 2018. <https://www.epa.gov/laws-regulations/summary-executive-order-12898-federal-actions-address-environmental-justice>; William J. Clinton, “Executive Order 12898 of February 11, 1994. Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations,” *Archives.gov*, accessed May 2018. <https://www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf>.

federal government purported to support their sovereignty and activities which would enhance that status or build their capacity as sovereign nations.

All of this indicates that the tribes had a very specific conceptualization of both their sovereign status, and how it would play out in Hanford health projects. However, as their interactions with the Technical Steering Panel and Battelle had shown, and as work with the Hanford Health Effects Subcommittee starting in 1995 would show, that conceptualization and expression of sovereignty was not understood as clearly by other members of these groups, or by government agencies. Part of the problem was how vaguely defined and interpreted the federal responsibility to tribes was: although all the actors involved seem aware of the tribes' unique position, it is never defined or brought up in meetings except by tribal representatives. Compounding the issue was the new climate of forced federalism in which tribes were more on par with other citizen stakeholders instead of being framed by the trust relationship that, in part, affirmed sovereignty. The Native American Working Group helped mitigate some of those problems, but that group alone could not push their agenda without outside cooperation. Tribal representatives, Battelle, the Department of Energy, and Technical Steering Panel members did not disagree on the terms of sovereignty and government-to-government relations, necessarily. The problem was, the terms were not defined from the outset, perhaps in part because the Department of Energy and Battelle had underestimated how important and active tribes would end up being in the health studies.

Chapter 5: Tribal involvement in the Hanford Health Effects Subcommittee

The Technical Steering Panel's work with the Hanford Environmental Dose Reconstruction Project finished in 1995.²⁵⁵ On January 25, 1995, in Seattle, Washington, the Hanford Health Effects Subcommittee met for the first time. It would come to include the Native American Working Group in its new form – as the Inter-Tribal Council on Hanford Health Effects. But at that first meeting, tribes did not participate.

The Health Effects Subcommittee was run through the Agency for Toxic Substances and Disease Registry (ATSDR), which in turn was and remains part of the US Department of Health and Human Services.²⁵⁶ The agency works closely with the Centers for Disease Control and Prevention. The Hanford Health Effects Subcommittee's job was to advise on Hanford-related health activities run by the Department of Energy and the Agency for Toxic Substances and Disease Registry.²⁵⁷ This was distinctly different from the Technical Steering Panel's job in that the committee did not need to advise on a single project and was not expected to be a buffer or intermediary between the public and the agencies or departments. Nevertheless, the committee provided a venue for stakeholder and citizen input, including from American Indian tribes.

During the very first Health Effects Subcommittee meeting, notes show there was some discussion about Indian representation, prompted by an agency representative. This “designated federal official” asked “whether the subcommittee was satisfied with the balance of HHES representation” and for “feedback on Native American representation.”²⁵⁸

“Strong support for Native American representation was expressed,” the summary reads, although it is unclear who exactly was expressing the sentiment, “and one member felt this must be decided before a work plan could be formed.”²⁵⁹ According to meeting minutes, and discussion in both the Steering Panel meeting minutes and Native American Working Group minutes, tribes had in fact been invited to participate, but “since the charter's provision of two

²⁵⁵ Liebow, “Public health in an era of forced federalism,” 157.

²⁵⁶ Agency for Toxic Substances and Disease Registry website, accessed May 2018. <https://www.atsdr.cdc.gov/>.

²⁵⁷ Hanford Health Effects Subcommittee, “Meeting #1, Minutes & Summary Report,” 25-26 January 1995. E 1.2:H 19x/ HHES #1. Suzzallo and Allen Libraries Government Publications US Stacks, University of Washington. 15-17.

²⁵⁸ *Ibid.*, 15.

²⁵⁹ *Ibid.*, 17.

seats for the nine nations was unacceptable to them, some attended in the audience and others chose not to come.”²⁶⁰

The tribes had been given two options: either take two voting seats, or nine nonvoting liaison positions. “This pertains to a larger issue than this subcommittee, a fundamental government to government policy,” the meeting notes read, once again bringing up the issue of sovereignty, and what fair representation would entail.²⁶¹ It is apparent in this meeting that members were concerned about a total lack of representation – but at the same time, the concept of sovereignty was still seemingly undefined for many non-indigenous subcommittee members: “In discussion, the subcommittee members acknowledged that the rejected option was still the strongest link that current law allows. This raised questions about other national interests such as exposed Canadians, and how to seat all Native Americans with equal status without disturbing the committee balance.”²⁶² The Canadian comparison was not analogous though; the US does not have a trust relationship with Canada.

It is unclear how long the discussion went on for, but one committee member ruminated on the Canada comparison: “She wondered if this would be like the U.N., with each nation represented. If so, then there probably should be Canadians; if the contamination went to northern Idaho, then of course it went across the border. She asked how the Native Americans could be seated with equal status, and not disturb the balance.”²⁶³

The emphasis on “balance” could be coded language indicating a fear that it would be unfair to give tribes so many votes. This contrasts with Warren Bishop’s fear in 1994 at the Technical Steering Panel meeting: his reasoning for tribes having fewer representatives was so they could come to a “integrated position” which could then be presented to the larger group.²⁶⁴ That concern was precisely opposite – that tribes would be less effective in pushing an agenda, rather than *too* effective, or at least overwhelming, as some subcommittee members seemed to fear in 1995.

²⁶⁰ Ibid., 46.

²⁶¹ Ibid.

²⁶² Ibid., 18.

²⁶³ Ibid., 47.

²⁶⁴ Steering Panel of the Hanford Environmental Dose Reconstruction Project, meeting on October 28, 1994, Richland, Washington, 191-192.

The issue of compromising to gain effectiveness at the expense of identity was one Columbia River Indians had experienced before. During the Celilo Falls and fishing rights legal battles of the 1950s and 60s, members who were enrolled with tribes but who felt they actually belonged to an unrecognized group of Columbia River Tribes were forced to consolidate their identity.²⁶⁵

The Native American Working Group tribal members had also talked amongst themselves about how to be most effective. In the May 11, 1994 meeting, the group discussed how to move forward and shift into a new role, advising groups or projects beyond the Dose Reconstruction Project. They were aware they would need to be involved with future projects, but it was unclear to those assembled what the role would be. The consensus was “We need to present a unified position especially with ATSDR [Agency for Toxic Substances and Disease Registry].” But in a later meeting on October 26, 1994, there was some debate. On the one hand, there was agreement that having an inter-tribal forum, and way to discuss the issues in one place, was vital, especially when it came to advising on the health studies. But on the other hand, government-to-government relations were also brought up – several representatives said they wanted each tribe (nine in total) to have their own place on the Health Effects Subcommittee.²⁶⁶

Meanwhile, at the Health Effects meeting, several committee members strongly reiterated their support during the discussion of American Indian representation – one even offering to give up her spot for a tribe – but another “noted that he was not here to represent labor or the white race or anyone else but the downwinders affected. Everyone is here not to represent any special interests.”²⁶⁷ Committee members, though sympathetic to an extent, still lacked a fundamental understanding of how tribal self-determination. The tribes *were* special interest. They had a unique point of view and unique concerns. From a legal perspective, with a legacy dating back to before the US was even a country, the tribes had a right to government-to-government relations. They were not simply civilian stakeholders; the health studies had to be approved by each tribe’s government, going through a formal process, and for that reason alone several tribes wanted individual, formal representation. But this clashed with practical concerns: by population

²⁶⁵ Fisher, *Shadow Tribe*, 192-194.

²⁶⁶ Technical Steering Panel of the Hanford Environmental Dose Reconstruction Project, “Native American Working Group: December 1990-December 1995.”

²⁶⁷ Hanford Health Effects Subcommittee, “Meeting #1, Minutes & Summary Report,” 48.

proportion, nine voting positions on a 20-person board would not represent all the populations accurately – within a 50-mile radius of Hanford in 1995, American Indians made up an estimated 1.6 percent of the population.²⁶⁸

Despite debate amongst the Inter-Tribal Council and the Health Effects Subcommittee, the process to gain tribal representation was set in motion. By the next Hanford Health Effects meeting, in March 1995, the subcommittee received an update that the Native American Working Group was transitioning into the Inter-Tribal Council on Hanford Health Projects. The group stipulated that in the new operational guidelines, the subcommittee, ATSDR, and CDC should affirm the “unique status and sovereignty of the nine tribes in the Hanford region,” as well as having the subcommittee acknowledge “this unique government-to-government relationship,” a result of which would be that the subcommittee “will not have direct involvement in any decisions or agreements between the tribes and ATSDR [Agency for Toxic Substances and Disease Registry] and CDC [Centers for Disease Control].”²⁶⁹

The tribes also agreed that they would sit on the subcommittee as nonvoting governmental liaisons. On May 4, 1995, the Native American Working Group became the Inter-Tribal Council on Hanford Health Projects (ICHHP), meeting separately before each Health Effects meeting, and then contributing to the main discussion with their conclusions and concerns.²⁷⁰

At once, the Inter-Tribal Council encountered problems similar to those which wracked its previous incarnation, the Native American Working Group. At only the second meeting, one committee member mentioned that “Native Americans do not get all the information that Subcommittee members received. Mr. Carpenter reported that he tried to have all HHES materials circulated to NAWG, and apologized for any lack of follow through.”²⁷¹

Some hostility is apparent: Mr. Chapman, the same subcommittee member who had said he wasn’t there to represent the “white race,” “rejoined that the Subcommittee also had not

²⁶⁸ Boiko, et al., “Who Holds the Stakes? A Case Study of Stakeholder Identification at Two Nuclear Weapons Production Sites,” *Risk Analysis* 16, no. 2 (1996), 241. <https://doi.org/10.1111/j.1539-6924.1996.tb01454.x>.

²⁶⁹ Hanford Health Effects Subcommittee, “Meeting #2, Minutes & Summary Report,” 16-17 March, 1995. E 1.2:H 19x/ HHES #2. Suzzallo and Allen Libraries Government Publications US Stacks, University of Washington, 2.

²⁷⁰ Hanford Health Effects Subcommittee, “Meeting #3, Minutes & Summary Report,” 15-16 May, 1995. E 1.2:H 19x/ HHES #3. Suzzallo and Allen Libraries Government Publications US Stacks, University of Washington, 1.

²⁷¹ Hanford Health Effects Subcommittee, “Meeting #2, Minutes & Summary Report,” 5.

received agendas, information or anything else from NAWG, and would like to have them reciprocate.”²⁷²

The large subcommittee may have had reason to expect information from the Inter-Tribal Council. But from the start, the Council was not run to the same specifications as other committees. Because it was not part of or run by a US government agency, tribal advisory groups were not held to the standards of making their discussions public. They were under no obligation to divulge what was talked about.²⁷³ This is why various American Indian representatives and subcommittee meetings were not recorded. The Native American Working Group had been meeting since December 1990, when representatives had decided to establish their own group to take control of communication and effectiveness between tribes, the Technical Steering Panel, and Battelle.²⁷⁴ Many of these meetings were not recorded, or only produced meeting summaries. The Inter-Tribal Council meetings would not be recorded in detail, with verbatim meeting transcripts, until January 1998.

This was a point of frustration for some tribal representatives. In the July 1997 meeting, one ICHHP representative even insinuated that the lack of recording was strategic:

“Mr. Debruler: Regarding the transcribing. The agreement when we started this whole thing out and why that was stated so specifically as when we were in that steering committee. We were very concerned that the initial meetings were not being recorded. The first meeting we ever had was in Seattle, and we demanded that every meeting from that point forward be recorded, and we have – unfortunately – and I guess it’s fortunate if you want to look at something not succeeding – the institution memory for the tribes is gone . . . So my question is, why two years after the fact? I just want to hear something from somebody.”²⁷⁵

Edward Liebow pointed out that it was an issue on both sides though. Having been involved with various projects and the tribes since 1989, Liebow explained:

²⁷² Ibid., 6.

²⁷³ Edward Liebow, Skype interview, 28 February, 2018.

²⁷⁴ TSP Tribal Working Group Meeting Summary, 14 December, 1990. Department of Energy Public Reading Room.

²⁷⁵ Hanford Health Effects Subcommittee, “Meeting #14, Minutes & Summary Report,” 24-25 July, 1995. E 1.2:H 19x/ HHES #14. Suzzallo and Allen Libraries Government Publications US Stacks, University of Washington, 43.

I do believe I represent some institutional memory. But on the specific subject of recording the meetings, the very first meeting of the Intertribal Council, we did have a stenographer there. People walked into the room, were quite upset by the presence of the stenographer, and the meeting was terminated and moved to executive session within 45 minutes of the stenographer's turning on her machine and beginning to record the meeting. The feeling among the members of the Intertribal Council then, if I remember accurately what – that there were some difficulties in creating that sort of verbatim record because of the sensitive nature of the discussion and the importance of not having tribal representatives concern themselves with policy matters.²⁷⁶

Not everyone agreed with this interpretation. There was debate in the meeting back and forth about why exactly the meetings had not been transcribed.

However, this also tied to problems many of the tribes had with Battelle and the DOE: scientists wanted access to information which the tribes deemed sensitive. For example, when HEDR was just getting started, Battelle wanted access to knowledge about where certain foods were gathered, and which foods were eaten. But many of those foraged foods had religious significance, and it wasn't simply a matter of explaining where they were from, and what they were.²⁷⁷ Tribes were loath to give that information up so quickly. By 1995, discussions about data collection were still ongoing; in a 1995 Communications Subcommittee meeting of the TSP, Deward Walker said the tribes would probably want to do their own dose calculations and studies to “ensure confidentiality.”²⁷⁸

The imperfect solution to information sensitivity was therefore to summarize the Native American Working Group/Inter-Tribal Council meetings, although depending on who was asked the reasons for this varied. Some said it was a deliberate way to sabotage the tribes by taking away their “institutional memory.”²⁷⁹ From a critical discourse analysis perspective, the decision

²⁷⁶ Ibid., 44.

²⁷⁷ Edward Liebow, Skype interview, 28 February, 2018; Carol Bruneau, phone interview, 7 March, 2018.

²⁷⁸ Technical Steering Panel of the Hanford Environmental Dose Reconstruction Project, “Communications Subcommittee: May 1988-December 1995,” TD196.R3 H35 1995g, Suzzallo and Allen Libraries, University of Washington.

²⁷⁹ Hanford Health Effects Subcommittee, “Meeting #14, Minutes & Summary Report,” 43.

not to record the meetings raises questions about how discourse is controlled. Discourse is produced and then received.²⁸⁰ But if discourse is produced and then only filtered through another form of discourse, its reception is radically altered. In this case, the Inter-Tribal Council meetings were being summarized at the subsequent subcommittee meetings for years. The council would meet, and then summarize their discussion at the subcommittee meetings the next day via one representative.

The ways in which discourse and communication were carried out were also impacted by cultural differences. Patrick Tomulty from the Kootenai tribe pointed out, for example, that the ICHHP had come up with some recommendations to the HHES. Those ideas had come out of a “talk-around,” which he described as “our conversations, during what we call a talk-around, which is the informal, or what appears to be informal, to the Euroethnic group here, it’s quite formal when we meet in the hallways, and the other groups, and converse about these issues and come to some sort of consensus.”²⁸¹ There were essential differences in the way individuals and institutions wanted to convey information between each other and to outside representatives, and those differences had caused problems starting with the Hanford Environmental Dose Reconstruction Project, when tribal representatives said they felt left out of the loop. Despite this, when interviewed Carol Bruneau said she did not recall ever getting training from Battelle on how to work with or talk with tribes, though she did receive media training in conjunction with the Hanford Environmental Dose Reconstruction Project.²⁸² The Department of Energy did have a guide by December 2000 titled “Working with Indian Tribal Nations,” which was in the Richland repository, meaning it pertained to some Hanford project, but it is unclear if there were any guides distributed before that.²⁸³ Perhaps those guides were created and distributed in subsequent Hanford projects precisely because of communication issues in the past.

²⁸⁰ Fairclough, *Analysing Discourse*, 10.

²⁸¹ Hanford Health Effects Subcommittee, “Meeting #11, Minutes & Summary Report,” 5-6 December, 1996. E 1.2:H 19x/ HHES #14. Suzzallo and Allen Libraries Government Publications US Stacks, University of Washington, 340.

²⁸² Carol Bruneau, phone interview, 7 March, 2018.

²⁸³ “Working with Indian Tribal Nations,” December, 2000. Accession number 24375. Cultural Resources. United States Department of Energy Public Reading Room, Washington State University, Richland, WA.

Chapter 6: Enduring divisions and venues for cooperation

This chapter problematizes how forced federalism affected tribes, and then introduces additional explanations for why communication between tribes and the various additional actors was ineffective. First, there is a discussion of how forced federalism specifically pertains to environmental issues; Corntassel and Witmer suggest that forced federalism actually benefits cooperation between states and tribes when it comes to environmental issues – but then why was that not the case with Hanford? The second part is a brief discussion of ingroups and outgroups, and how the psychology of grouping was at play in this case. Finally, the chapter ends with a discussion of the vanishing Indian myth, the concept of the frontier, and how the myth-making built around Hanford may have affected how American Indians were met during the 1990s.

6.1 Divided and united by an environmental health issue in common

As discussed in chapter 4, in the era of forced federalism the federal government ceded its trust relationship with federally recognized tribes, in favor of state-tribe relationships. For tribes this is problematic, as it deemphasizes their sovereign nation status, and means the federal government allows states to assert a greater measure of power over tribes. This shift from federal-tribal relations to state-tribal relations has weakened tribes' positions on a number of issues. Generally, the forced federalism era has led to a weakening of the trust relationship between American Indian tribes and the government.²⁸⁴ This was precisely the dynamic at play in the case of Hanford.

Even when forced federalism is considered though, Corntassel and Witmer's comprehensive book throws a wrench in the theory when it is applied to this case. After looking at what kinds of policy tools were used in indigenous-related state legislation from 1994 to 2003, Corntassel and Witmer conclude that when it comes to environmental issues, states were actually *more* likely to cooperate with tribes.

The authors focus on National Governors' Association meetings when looking at state policies. They divide the issues into two categories: economic development legislation and environmental legislation. Identifying two types of government policy, nation-building versus regulatory, Corntassel and Witmer find that regulatory policies became more prevalent over the

²⁸⁴ Corntassel and Witmer, *Forced Federalism*, 5.

course of the mid-1990s to 2003. Regulatory policies are focused on controlling indigenous groups and issues related to them, strengthening states' positions in opposition to tribes' sovereign rights. In this way, "regulatory policies . . . are designed to limit indigenous self-determining authority."²⁸⁵ The opposite of these policies are nation-building policies which strengthen tribes' "powers of self-determination."²⁸⁶ This can also be called "capacity-building," and is a way for indigenous communities to achieve their own goals.²⁸⁷

However, the authors find that although the overall trend at this time was toward more regulation, when it came to environmental legislation there were more nation-building policies. "Environmental, land-management, and natural resource issues appear to be the areas most likely to generate indigenous-state cooperation and nation-building policies...environmental resources are more likely to be perceived by state policy makers as shared and, therefore, are less contentious than Native economic development initiatives."²⁸⁸ In short, the nature of environmental issues contributes to more cooperation and nation-building, i.e. capacity building, policies, because the resources are not limited to one group. State governments are therefore motivated to work with tribes. Although the analysis conducted in this thesis is not focused on legislation, the findings still call into question how Hanford radiation, an environmental issue, might actually lead to greater cooperation. Therefore, it seems like the case of Hanford in the 1990s should, to some extent, allow for a measure of cooperation when it comes to environmental issues.

Cornstassel and Witmer theorize there tends to be more cooperation in these cases because environmental issues are not as "threatening" to state budgets. Additionally, they say American Indians may be put in the category of "environmental steward,"²⁸⁹ or "ecologically noble Indian," as Paul Nadasdy describes it.²⁹⁰ The environmental steward is a trope, a stereotype, that paints American Indians as being in touch with nature, or more connected to the Earth. Nadasdy

²⁸⁵ Ibid., 47.

²⁸⁶ Ibid.

²⁸⁷ Capacity-building policies were used, for example, in a Public Health Practice Training program run by the Indian Health Service, "for the specific purpose of enhancing the capacities of the Native American Working Group's member tribes in public health research and related activities," (Liebow 2007).

²⁸⁸ Cornstassel and Witmer, *Forced Federalism*, 54-55.

²⁸⁹ Ibid.

²⁹⁰ Paul Nadasdy, "Transcending the Debate over the Ecologically Noble Indian: Indigenous Peoples and Environmentalism," *Ethnohistory* 52, no.2 (Spring 2005): 291-331, <https://read.dukeupress.edu/ethnohistory/article-pdf/52/2/291/410006/EH052-02-02NadasdyFpp.pdf>.

writes that American Indians, and other indigenous peoples, are put into boxes, framing and stereotyping them as people who are “more *of* nature than *in* it . . . whose ecological wisdom and spiritual connections to the land can serve as an inspiration for those in industrial society who seek a new, more sustainable relationship with the environment.”²⁹¹ In this way, indigenous people may be trusted more and given a slightly greater measure of power when it comes to environmental issues. This is not to say the stereotype is necessarily helpful though – “the environmental steward image constricts indigenous peoples to Euroamerican standards of land protection and conservation that often run counter to their own belief systems and governance,” Corntassel and Witmer write.²⁹² Nevertheless, in this case, according to Corntassel and Witmer’s findings, one might expect to see a greater level of cooperation with the tribes affected by Hanford, considering it is an environmental issue, especially when framed from the angle of being a health risk transmitted via water and air pathways.

But the “environmental steward” image may not apply here, because it is a health issue, not necessarily just an environmental one. Unlike in cases of conservation or land use, the possibility of health-threatening radiation from Hanford was not something the Department of Energy or its contractors actually wanted to acknowledge. To frame the problem as an environmental one would not improve their standing or further their goals – they did not want to find that radiation was in fact in the natural environment. In that sense, if health effects were on the table in isolation, rather than as an environmental factor, the stereotype might not be employed. And in addition, if Hanford was a health issue rather than an environmental one, the favorable outcomes of environmental issues under forced federalism would not be observed. It would be easier to ignore or relegate tribes to stakeholder status than to work on capacity-building initiatives together.²⁹³

²⁹¹ Nadasdy, “Transcending the Debate over the Ecologically Nobel Indian,” 292.

²⁹² Corntassel and Witmer, *Forced Federalism*, 55.

²⁹³ The one major exception to this was the Public Health Practice Training Program, which ran from 1991 to 1997. The program’s purpose was to build tribes’ capacity to run their own public health initiatives. According to Edward Liebow the program was a success, in that members from all nine tribes completed the program, and several went on to work on tribal health programs beyond radiation exposure. Liebow, “Public health in an era of forced federalism,” 151-152.

6.2 Outgroups and ingroups: indifference and racism

Social inequalities lead to the most disadvantaged being exploited and harmed the most in cases of environmental disaster or pollution. When race is looked at in conjunction with those cases, environmental racism can be uncovered, showing indigenous peoples and ethnic minorities are often the ones most affected.²⁹⁴ This is reflected in the number of polluted sites like Hanford, Maralinga, or the uranium mines located on Navajo land.²⁹⁵ As explained in chapter 1, this is one reason the Hanford case is interesting: there are social and scientific reasons to think American Indians were amongst the most harmed by health effects, based on greater exposure to pathways due to lifestyle.²⁹⁶ But while the effects from Hanford may be a case of environmental racism, it was clear from talking with Edward Liebow and Carol Bruneau, two of the scientists that worked with Battelle, that they and their teams were not actively trying to disadvantage the tribes or avoid working with them in order to exacerbate the effects of Hanford's legacy. On the contrary they seemed to care quite a lot about the project and Liebow spent many years after working with tribes in various Hanford-related contexts and continued to do the research after the Technical Steering Panel and Dose Project had ended.²⁹⁷

Still, meeting transcripts and letters discussed in this project show tribes did not feel they were consistently met with respect and consideration. Through the years there were complaints about cultural ignorance, lack of understanding with regards to how much work and funding would be needed to complete the dose data gathering, and miscommunication about sovereignty status. That was why the Native American Working Group was formed. When interviewed, Bill Burke said he was mostly satisfied with the work of the Department of Energy and Battelle, but he did talk about instances of racism against Native Americans when working on Hanford projects, and mentioned the Confederated Tribes of the Umatilla had difficulty trusting the Department of Energy.²⁹⁸

²⁹⁴ Paul Robbins, John Hintz, Sarah A. Moore, *Environment and Society: A Critical Introduction* (Hoboken: Wiley Blackwell, 2014), 216

²⁹⁵ Anderson, "The Hanford Nuclear Reservation and Radioactive Pollution in the Columbia River Region,"12; Donnison, "Lingering impact of British nuclear tests in the Australian outback,"; Robbins, Hintz, Moore, *Environment and Society*, 216.

²⁹⁶ Anderson, "The Hanford Nuclear Reservation and Radioactive Pollution in the Columbia River Region,"13-18, 34-36.

²⁹⁷ Edward Liebow, Skype interview, 28 February, 2018.

²⁹⁸ William "Bill" Burke. Interviewed by Indigo Trigg-Hauger. In-person interview, Pendleton, Oregon, 2 March, 2018.

There is a political psychology theory that nuances an understanding of the tribes' and government's relationship: the psychology of ingroup and outgroup dynamics. In this case, the tribes were the outgroup, and the US government and Battelle as the government contractor were the ingroup. Within those grouping is also an inescapable racial element. Throughout much research on ingroups and outgroups, there has been an assumption that an ingroup had to harbor negative feelings toward outgroups in order to construct group identity. In other words, for example, white Americans would like other white Americans, and dislike black Americans. However, some have theorized instead that there can be ingroups and outgroups without automatic negative feelings generated.²⁹⁹ In her article "The Psychology of Prejudice: Ingroup Love or Outgroup Hate?" Marilyn B. Brewer writes that ingroups can have attachment within their group, and not necessarily express hostility to outgroups. They may simply be indifferent.

However, the result can nonetheless be negative. When ingroups have an absence of feelings – positive or negative – toward outgroups, there can be ingroup bias or discrimination "motivated by preferential treatment of ingroup members rather than direct hostility to outgroup members."³⁰⁰ When applied to racial dynamics, this can result in "subtle racism," which is "not the presence of strong negative attitudes toward minority outgroups but the *absence* of positive sentiments toward those groups."³⁰¹ In other words, ingroups do not have to hate outgroups for there to still be detrimental effects to the outgroup.

Therefore, even if individuals, such as Liebow and Bruneau, felt empathy for the tribes, they were still part of an ingroup positioned opposite tribes, the outgroup. Every time sovereignty was brought up in meetings or memos, that outgroup status was reiterated. Although sovereignty was a crucial and integral part of their identities and interactions with the government and other actors, it also might have been what alienated them from the rest of the citizen advisory committees and government agencies. Ingroups and outgroups were already present based on race, and then reiterated with the government-to-government relationship. This is a case in which ingroups and outgroups are in fact preferable – the absence of a tribal outgroup would imply total assimilation. But this theory could point to why cooperation was lacking. If

²⁹⁹ Marilyn B. Brewer, "The Psychology of Prejudice: Ingroup Love or Outgroup Hate?" *Journal of Social Issues* 55, no. 3 (1999), 430.

³⁰⁰ *Ibid.*, 429.

³⁰¹ *Ibid.*, 438.

tribes were perceived as an outgroup, and there was an absence of positive feelings toward them, the result could still be discrimination, even without active negative emotions.³⁰²

Furthermore, the influence of government bureaucracy might have exaggerated those dynamics. In their article “The Hanford Advisory Board: participatory democracy, technology, and representation” authors Alex Sager and Alex Zakaras argue that citizen advisory boards are essential to government projects like the cleanup of the Hanford Site. In their analysis, they point to the shrouding effects of government bureaucracy as being particularly dangerous to democracy, as citizens are unable to understand and get involved with the technical process of projects like Hanford.³⁰³

This same analysis could be applied to the Hanford health projects of the 1990s. The Technical Steering Panel and Hanford Health Effects Subcommittee were both citizen advisory boards. As Sager and Zakaras write, “Focusing on the dangers of bureaucratic domination helps clarify the role that public participation should play in contexts such as the Hanford cleanup. Bureaucracies pose serious obstacles to public oversight, and these obstacles give rise to the power to dominate.”³⁰⁴ Advisory boards are supposed to mediate between the public and the government, allowing for a more equitable relationship.

However, Carol Bruneau’s view was that it was not only the US government that was bureaucratic and obstructing its own goals. Her experience trying to gather data with tribes was itself very bureaucratic, by virtue of the complexity of tribal governments and the sheer number of people or committees whose approval was needed.³⁰⁵ In this way it may be necessary to problematize the relationship between Battelle (as a contractor of the Department of Energy) and the American Indian tribes affected by Hanford. This was not a case of citizens at the mercy of the bureaucracy of the US government, but actually several tribes’ bureaucracies in conflict with another, albeit perhaps stronger, bureaucratic agenda being carried out by a contractor with strong historical and economic ties to the US government.³⁰⁶

³⁰² The ideas in section 6.2 were first developed and presented in a term paper for the class STV4317 Psychological Foundations of Political Decision-Making, held at the University of Oslo in spring 2018.

³⁰³ Alex Sager and Alex Zakaras, “The Hanford Advisory Board: participatory democracy, technology, and representation,” *Journal of Environmental Studies and Sciences* 4, no. 2 (2014).

³⁰⁴ *Ibid.*, 144.

³⁰⁵ Carol Bruneau, phone interview, 7 March, 2018.

³⁰⁶ Though it is important to note here that Bruneau was adamant Battelle did not simply do the bidding of the Department of Energy. In her interview she said several times that Battelle was working independently, despite being the Department of Energy’s contractor. “Although we were prime contractors for the DOE, we didn’t speak

It is interesting then to note that the bureaucratic power of each tribe's government was, in a way, diminished in the venues of the Technical Steering Panel and the Hanford Health Effects Subcommittee. Tribal governments were granted power only as advisory committees to advisory committees that interacted with contractors, three steps removed from the US government bureaucracy. Therefore, although they may have exercised the full force of their bureaucratic power in cases such as the Hanford Environmental Dose Reconstruction Project, when data gathering had to be guided by Battelle (which was when Bruneau encountered them), tribes were otherwise relegated to simply advising the advisors. And in addition, they were expected to consolidate their power into recommendations that came from a single entity, rather than a plurality of nations. Tribes were pushed to present a united front, and that was not always compatible with the reality of their status as legally separate groups.

At the same time, there is a history of American Indian activism in Washington and Oregon as well as extensive ties between indigenous groups in the area. These ties can contribute to more effective collective action when utilized. In this way, it was strategically smart for tribes to consolidate their power through the Inter-Tribal Council. A similar situation was seen recently in the case of the massive 2016 protests against the oil pipeline at Standing Rock. Although Standing Rock was a case of civil resistance, unlike the direct dialogue and cooperative work tribes did with regards to Hanford, it shows a similar avenue for justice. Ties between tribes can create more effective influence for American Indian interests when dealing with federal or state government.³⁰⁷ The consolidation of tribes into a single Inter-Tribal Council might have therefore reiterated their outgroup status, but it also strengthened ties between tribes and allowed them to amass more power to voice their opinions in the Hanford Health Effects Subcommittee through the council and by sitting in the subcommittee with nine nonvoting governmental liaison positions.

for the DOE, and we often went against the DOE," she said, although when asked for specifics she said she could not remember specific instances, but that "I just know that we were not a DOE mouthpiece, we were an independent contractor that had our own opinions and sometimes our data did not support what the DOE wanted it to support."

³⁰⁷ Indigo Trigg-Hauger, "The Standing Rock Sioux, indigenous communities, and collective water history: a short exploration of the 2016 #NoDAPL protest" (paper presentation, Peaceful Coexistence Colloquium, Pyhänturi, Finland, May 2017).

Chapter 7: Hanford's legacy and position in a nuclear world

In the late 1990s, several attempts were made to protect the Hanford Site and the surrounding area from development.³⁰⁸ Touted as the last “free-flowing” stretch of the Columbia River, the area had remained undammed and was ironically protected from environmental destruction because of Hanford's nuclear legacy. Much like Chernobyl is now a kind of thriving wildlife preserve according to some studies, the Hanford Reach's beautiful vistas were at odds with its reputation.³⁰⁹ Finally, in a last-ditch attempt at keeping the area undeveloped, President Bill Clinton declared the area a national monument in 2000, making into a protected area similar to a national park.³¹⁰ The presidential right to declare national monuments is allowed under the 1906 Antiquities Act.³¹¹ In the White House press release, Clinton's order emphasized the environmental importance of the area, as well as the “well preserved cultural artifacts of Native American history and other remnants of human history spanning more than 10,000 years.”³¹² Although American Indians were involved with the attempts to preserve the area, their motivations were also focused on protecting salmon runs and spawning areas.³¹³ The press release did not mention those benefits, choosing instead to historicize tribes and their cultural legacy instead of framing them as active participants in preserving and securing the environmental legacy of the Hanford Reach.

This thesis drew from sources related to the Hanford health projects as a representative sample of communication between American Indian tribal representatives and the US government. In fact, over the course of this research it became clear that the relationships were not only between tribes and the federal government. Actors like the Centers for Disease Control, Agency for Toxic Substances and Disease Registry, the subcontractor Battelle, citizen

³⁰⁸ Cassandra Tate, “Hanford Reach National Monument is established on June 9, 2000,” *HistoryLink.org*, 1 August, 2005, accessed May 2018. www.historylink.org/File/7399.

³⁰⁹ Adam Vaughan, “Wildlife thriving around Chernobyl nuclear plant despite radiation,” *The Guardian*, 5 October, 2015, accessed May 2018. <https://www.theguardian.com/environment/2015/oct/05/wildlife-thriving-around-chernobyl-nuclear-plant-despite-radiation>. For further reading on this subject, see “Strategies for containment: The US Federal Government at the Hanford Nuclear Site,” by Erica Kristen Elliot.

³¹⁰ William J. Clinton, “Proclamation 7319—Establishment of the Hanford Reach National Monument,” 9 June, 2000, *The American Presidency Project*, accessed May 2018. <http://www.presidency.ucsb.edu/ws/index.php?pid=62329>.

³¹¹ Christopher Solomon, “Just How Hard Is It to Undo Bears Ears?” *Outside Magazine*, 29 December, 2016, accessed May 2018. <https://www.outsideonline.com/2146236/overturning-bears-ears-long-shot-doesnt-mean-republicans-wont-try>.

³¹² Clinton, “Proclamation 7319—Establishment of the Hanford Reach National Monument.”

³¹³ Tate, “Hanford Reach National Monument is established on June 9, 2000.”

representatives from academic institutions, scientists who represented an expert opinion, and concerned citizens all joined in to discuss how best to investigate and follow through on Hanford health effects. The problem at hand for American Indian tribes was the need for government-to-government relations and fair representation, during the forced federalism era when tribes were treated more like stakeholders. Environmental justice is hard for anyone to achieve, no matter what ethnicity – and there are certainly many people in the downwinder population of Hanford who were dissatisfied with the health studies results and continue to fight for recognition and compensation, even today.³¹⁴ For indigenous people, environmental justice is even harder to achieve, compounded by additional factors like historical disenfranchisement, colonization, and legal precedents weakening their position of negotiation. The tribes involved with Hanford demanded recognition of their sovereignty and self-determination because that was their right, and because they wanted environmental justice.

Although the processes and outcomes were not always satisfactory, the level of tribal involvement in Hanford projects is also an anomaly on the global scale. There are numerous other cases of nuclear production and testing which have disproportionately affected indigenous people, where governments have never admitted anything happened, let alone that people were harmed.³¹⁵ And although the communication around the Hanford health projects was clearly fraught and often ineffective, it was not a failure. The dose estimates for all the tribes were finished in the 1990s, and several reports did come out of those dose estimates. The reports discussed the likelihood the various pathways which exposed American Indians to radiation, based on reported lifestyle and food consumption.³¹⁶ However, not all the dose data was released

³¹⁴ Ralph Vartabedian, “Why was plutonium dust left to blow across Washington?” *The Bulletin*, 8 May 2018, accessed May 2018. <http://www.bendbulletin.com/home/6214136-151/why-was-plutonium-dust-left-to-blow-across>.

³¹⁵ Donnison, “Lingering impact of British nuclear tests in the Australian outback”; Arrigo, Gail, Jilgilan, Maraos, “A Minority within a Minority: Cultural Survival on Taiwan's Orchid Island”; Robbins, Hintz, Moore, *Environment and Society*, 214-216; Zeeya Merali, “Did China's Nuclear Tests Kill Thousands and Doom Future Generations?” *Scientific American*, 1 July, 2009, accessed May 2018. <https://www.scientificamerican.com/article/did-chinas-nuclear-tests/>; Angelique Chrisafis, “French nuclear tests ‘showered vast area of Polynesia with radioactivity,’” *The Guardian*, 3 July, 2013, accessed May 2018. <https://www.theguardian.com/world/2013/jul/03/french-nuclear-tests-polynesia-declassified>.

³¹⁶ Edward Liebow, “Risk-Based Screening Analysis of Hanford Columbia River Doses: Native American Exposure Scenarios,” presentation to the National Academy of Sciences Committee to Review the Identification of Radionuclides Released from the Hanford Nuclear Reservation’s Facilities to the Columbia River, 14 January 2002, Seattle, Washington; Helen A. Grogan, Arthur S. Rood, Jill Weber Aanenson, Edward B. Liebow, “A Risk-based Screening Analysis for Radionuclides Released to the Columbia River from Past Activities at the U.S. Department of Energy Nuclear Weapons Site in Hanford, Washington,” November 2002. Department of Health and Human Services Centers for Disease Control and Prevention.

directly to tribes, since some of the small populations made it impossible to keep subjects anonymous.³¹⁷ Little action came out of the studies – as Edward Liebow posits, the “blame-affixing adversarial model” of research made environmental justice difficult. When blame-affixing occurs, there is a search for a culprit, someone to blame for the wrong that has occurred. But “if the guilt of the alleged guilty party cannot be established with any confidence, or if the party no longer exists, then *nobody* pays, and nothing gets fixed.”³¹⁸ Such was the case with Hanford. After the health studies, no health monitoring programs were set up, because the evidence was inconclusive. Residents were told the radiation from Hanford could not be linked to thyroid diseases and cancers in the area.

American Indian involvement with Hanford projects more generally continued into the 2000s, and to this day there are still citizen advisory committees with American Indian representatives. The topic is not closed, which is why it deserves much more extensive historical research. This project only focused on two of the advisory boards for Hanford health projects, but there are many more to investigate including the Hanford Advisory Board, the Hanford Thyroid Disease Study Advisory Committee, and the Hanford Health Information Network Tribal Advisory Board. A future research project which could encompass indigenous involvement across the landscape of these organizations – some of which are still active – would illustrate even more clearly both how tribes were impacted, and how to move forward with Hanford cleanup. This research project has only scratched the surface of indigenous involvement at the Hanford Site; there is much more to understand.

Additionally, there are many indigenous communities and ethnic minorities, not only in the US but around the world, that have been affected by nuclear waste storage, weapons production, and testing. These cases include 1950s-60s nuclear testing at Maralinga in Australia, current nuclear waste storage on Orchid Island in Taiwan, uranium mining on Navajo land from the late 1940s to 1967, 1960s-80s nuclear testing in the Uyghur-populated Xinjiang province of China, and 1960-96 French nuclear testing in Polynesia.³¹⁹ Hanford is unique for its location and reach: the effects were shared by the surrounding population. The 1986 document release

³¹⁷ Edward Liebow, Skype interview, 28 February, 2018.

³¹⁸ Liebow, “Public health in an era of forced federalism,” 160.

³¹⁹ Donnison, “Lingering impact of British nuclear tests in the Australian outback”; Arrigo, Gail, Jilgilan, Maraos, “A Minority within a Minority: Cultural Survival on Taiwan's Orchid Island”; Robbins, Hintz, Moore, *Environment and Society*, 214-216; Zeeya Merali, “Did China's Nuclear Tests Kill Thousands and Doom Future Generations?”; Angelique Chrisafis, “French nuclear tests ‘showered vast area of Polynesia with radioactivity.’”

catalyzed activism which in turn catalyzed health studies. And although they were unfortunately inconclusive, the fact that there were government-led health studies at all is an anomaly. A future project comparing multiple cases from around the world could illuminate the presence and effectiveness of government-to-indigenous population communication with regards to nuclear weapons and energy production and testing. This would highlight a unique and often overlooked aspect of nuclear production: that some of the most vulnerable populations are not always involved in the decision-making processes and may be more vulnerable to becoming victim to the nuclear whims of governments.

Bibliography

Primary sources

Agency for Toxic Substances and Disease Registry website. Accessed May 2018.

<https://www.atsdr.cdc.gov/>.

Administrative Record and Public Information Repository. *Department of Energy Hanford Site*, accessed March 2018. <https://pdw.hanford.gov/arpir/>.

“Allen P. Slickpoo Sr., 84.” *The Lewiston Tribune*, 28 November, 2013, accessed March 2018. http://lmtribune.com/obituaries/allen-p-slickpoo-sr/article_8a78d76c-6913-5aac-8cbb-e2f3205817a0.html.

“Announcement of U.S. Support for the United Nations Declaration on the Rights of Indigenous Peoples.” *US Department of State website*, 12 January, 2011, accessed May 2018. <https://2009-2017.state.gov/s/srgia/154553.htm>.

Arrigo, Linda Gail, Si Jilgilan and Si Maraos. “A Minority within a Minority: Cultural Survival on Taiwan's Orchid Island.” *Cultural Survival Quarterly Magazine*, June 2002, accessed May 2018. <https://www.culturalsurvival.org/publications/cultural-survival-quarterly/minority-within-minority-cultural-survival-taiwans-orchid>.

The Associated Press. “Tribal Leaders want Yakimas included in study of radiation.” *Seattle Post-Intelligencer*, 29 August, 1990.

Blackhorse, Amanda. “Do You Prefer ‘Native American’ or ‘American Indian’? 6 Prominent Voices Respond.” *Indian Country Today*, 22 May, 2015, accessed March 2018. <https://indiancountrymedianetwork.com/culture/social-issues/blackhorse-do-you-prefer-native-american-or-american-indian-6-prominent-voices-respond/>.

Boiko, et al. “Who Holds the Stakes? A Case Study of Stakeholder Identification at Two Nuclear Weapons Production Sites.” *Risk Analysis* 16, no. 2 (1996). <https://doi.org/10.1111/j.1539-6924.1996.tb01454.x>.

- Cary, Annette. "Where should Hanford be regulated from – Seattle or Tri-Cities?" *Tri-City Herald*, November 2017, accessed March 2018. www.tricityherald.com/news/local/hanford/article184667478.html.
- Clinton, William J. "Executive Order 12898 of February 11, 1994. Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations." *Archives.gov*, accessed May 2018. <https://www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf>.
- Clinton, William J. "Memorandum on Government-to-Government Relations With Native American Tribal Governments." 29 April, 1994, *The American Presidency Project*, accessed May 2018. www.presidency.ucsb.edu/ws/index.php?pid=50064.
- Clinton, William J. "Proclamation 7319—Establishment of the Hanford Reach National Monument." 9 June, 2000, *The American Presidency Project*, accessed May 2018. <http://www.presidency.ucsb.edu/ws/index.php?pid=62329>.
- Deloria, Jr., Vine. *Custer Died for Your Sins: An Indian Manifesto*. New York: The Macmillan Company, 1972.
- Deloria, Jr., Vine. *Behind the Trail of Broken Treaties: An Indian Declaration of Independence*. New York: Delacorte Press, 1974.
- "Department of Energy's Tribal Program." *Hanford Site website*, accessed May 2018. <https://www.hanford.gov/page.cfm/INP>.
- "Executive Order 13175: Consultation and Coordination with Indian Tribal Governments." *National Park Service US Department of the Interior*, November 9, 2000, accessed 16 January 2018. https://www.nps.gov/nagpra/AGENCIES/EO_13175.HTM.
- "The Federal Advisory Committee Act." *US General Services Administration*, accessed March 2018. <https://www.gsa.gov/policy-regulations/policy/federal-advisory-committee-act-faca-management-overview>.
- "Federal and State Recognized Tribes," *National Conference of State Legislatures website*, updated October 2016, accessed May 2018. www.ncsl.org/research/state-tribal-institute/list-of-federal-and-state-recognized-tribes.aspx.

“Federally Recognized Indian Tribes and Resources for Native Americans,” *USA.gov*, updated May 2018, accessed May 2018. <https://www.usa.gov/tribes>.

“Federal Recognition of Indian Tribes: Testimony of R. Lee Fleming Director, Office of Federal Acknowledgement For The Hearing Before The Committee on Indian Affairs United States Senate on The Federal Acknowledgement Process,” *US Department of the Interior website*, 11 May, 2005, accessed May 2018. <https://www.doi.gov/ocl/Federal-Acknowledgement>.

Grogan, Helen A., Arthur S. Rood, Jill Weber Aanenson, Edward B. Liebow. “A Risk-based Screening Analysis for Radionuclides Released to the Columbia River from Past Activities at the U.S. Department of Energy Nuclear Weapons Site in Hanford, Washington.” November 2002. Department of Health and Human Services Centers for Disease Control and Prevention.

“Hanford Advisory Board and Committee Lists.” Hanford Site website, accessed May 2018. <https://www.hanford.gov/page.cfm/hab/HABLlists>.

Hillaby, John. “Escaping Radioactivity Invades Wild Life Around Hanford Plant; Survey Shows Pollution of the Columbia River by Atomic Chemicals -- Insects, Birds, Fish, Other Animals Affected.” *The New York Times*, 18 August, 1955, accessed May 2018. <https://www.nytimes.com/1955/08/18/archives/escaping-radioactivity-invades-wild-life-around-hanford-plant.html>.

Iok-sin, Loa. “Tao protest against nuclear facility.” *Taipei Times*, 21 February 2012, accessed May 2018. <http://www.taipeitimes.com/News/front/archives/2012/02/21/2003525985>.

Kuebelbeck, Amy. “Some tribes decry omission from radiation report.” *The Seattle Times*, 25 July, 1990.

Laurence, William L. “ATOMIC FACTORIES INCREDIBLE SIGHT; 'Martian' Set-Up Amazes Even Scientists as 'Impossible' Factors Materialize FIRST 'AMOUNTS' INVISIBLE With This Elemental Creation of Matter, Energy Can Be Used to Escape Gravity's Bonds.” *The New York Times*, 29 September, 1945, accessed May 2018.

<https://www.nytimes.com/1945/09/29/archives/atomic-factories-incredible-sight-martian-setup-amazes-even.html>.

Lewis, Michael. "Why the scariest nuclear threat may be coming from inside the White House." *Vanity Fair*, July 2017, accessed March 2018.

<https://www.vanityfair.com/news/2017/07/department-of-energy-risks-michael-lewis>.

Liebow, Edward. "Risk-Based Screening Analysis of Hanford Columbia River Doses: Native American Exposure Scenarios." Presentation to the National Academy of Sciences Committee to Review the Identification of Radionuclides Released from the Hanford Nuclear Reservation's Facilities to the Columbia River, 14 January 2002. Seattle, Washington.

Liebow, Edward. "Public health in an era of forced federalism." In *Half-lives and half-truths: Confronting the radioactive legacies of the cold war*, edited by Barbara R. Johnston, 145-163. Santa Fe, N.M: School for Advanced Research Press, 2007.

Library of Congress. "Primary Documents in American History: Indian Removal Act." Accessed July 2017. www.loc.gov/rr/program/bib/ourdocs/Indian.html.

Merali, Zeeya. "Did China's Nuclear Tests Kill Thousands and Doom Future Generations?" *Scientific American*, 1 July, 2009, accessed May 2018.

<https://www.scientificamerican.com/article/did-chinas-nuclear-tests/>.

Native American Working Group: December 1990-December 1995. Technical Steering Panel of the Hanford Environmental Dose Reconstruction Project. Olympia, WA: government publication, 1995. Available through University of Washington Suzzallo and Allen Libraries.

Olsen, Richard. "Letters to the editor: Cruelty came from Japan in WWII." *Tri-City Herald*, 22 March, 2018, accessed May 2018. <http://www.tri-cityherald.com/opinion/letters-to-the-editor/article206436849.html>.

Raymond, Marvin. "Letters to the editor: B the same." *Tri-City Herald*, 9 April, 2018, accessed May 2018. <http://www.tri-cityherald.com/opinion/letters-to-the-editor/article208401044.html>.

- Reagan, Ronald. "Statement on Indian Policy." *The American Presidency Project*. January 24, 1983, accessed 16 January 2018. <http://www.presidency.ucsb.edu/ws/?pid=41665>.
- Schneider, Keith. "Washington Nuclear Plant Poses Risk for Indians." *The New York Times*, 3 September, 1990.
- Solomon, Christopher. "Just How Hard Is It to Undo Bears Ears?" *Outside Magazine*, 29 December, 2016, accessed May 2018. <https://www.outsideonline.com/2146236/overturning-bears-ears-long-shot-doesnt-mean-republicans-wont-try>.
- "Summary of Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." *United States Environmental Protection Agency website*, 16 February, 1994, accessed May 2018. <https://www.epa.gov/laws-regulations/summary-executive-order-12898-federal-actions-address-environmental-justice>.
- Technical Steering Panel Meeting, 28 October, 1994, Richland, Washington. E 1.2:H 19x/TSP-32/994/10-28, Suzzallo and Allen Libraries Government Publications US Stacks, University of Washington.
- Technical Steering Panel Meeting, 11 December, 1989. E 1.2:H 19x/TSP-32/989/12-11-12. Suzzallo and Allen Libraries Government Publications US Stacks, University of Washington.
- Technical Steering Panel Meeting, 25-27 July, 1988. E 1.2:H 19x/TSP-3/988 to E 1.2:H 19x/TSP-27/989, Suzzallo and Allen Libraries Government Publications US Stacks, University of Washington.
- Technical Steering Panel Meeting, 27 April, 1990. E 1.2:H 19x/TSP-32/990/4-27, Suzzallo and Allen Libraries Government Publications US Stacks, University of Washington.
- Technical Steering Panel of the Hanford Environmental Dose Reconstruction Project. "Native American Working Group: December 1990-December 1995." Stacks TD196.R3 H35 1995a, Suzzallo and Allen Libraries, University of Washington.

- Technical Steering Panel of the Hanford Environmental Dose Reconstruction Project,
“Communications Subcommittee: May 1988-December 1995,” TD196.R3 H35 1995g,
Suzzallo and Allen Libraries, University of Washington.
- Tizon, Alex. “The Boldt Decision / 25 Years – The Fish Tale That Changed History.” *The Seattle Times*, 7 February, 1999, accessed May 2018.
<http://community.seattletimes.nwsourc.com/archive/?date=19990207&slug=2943039>.
- “Treaty with the Yakima, 1855.” *US Fish and Wildlife Service website*, accessed March 2018.
<https://www.fws.gov/pacific/ea/tribal/treaties/Yakima.pdf>
- “United Nations Declaration on the Rights of Indigenous Peoples.” *United Nations website*,
2007, accessed May 2018.
http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf.
- United States Supreme Court. “Winters v. U.S. (1908).” Accessed March 2018.
<http://caselaw.findlaw.com/us-supreme-court/207/564.html>.
- Van Ness, James. “The Federal Trust Doctrine—Realizing Chief Justice Marshall’s Vision.”
Department of the Interior, Office of Collaborative Action and Dispute Resolution. 2004,
accessed January 2018.
<https://www.doi.gov/pmb/cadr/programs/native/gtgworkshop/The-Federal-Trust-Doctrine>.
- Vartabedian, Ralph. “Why was plutonium dust left to blow across Washington?” *The Bulletin*, 8
May 2018, accessed May 2018. <http://www.bendbulletin.com/home/6214136-151/why-was-plutonium-dust-left-to-blow-across>.
- Vaughan, Adam. “Wildlife thriving around Chernobyl nuclear plant despite radiation.” *The Guardian*, 5 October, 2015, accessed May 2018.
<https://www.theguardian.com/environment/2015/oct/05/wildlife-thriving-around-chernobyl-nuclear-plant-despite-radiation>.

Archival sources

University of Washington Special Collections

Hanford Litigation Office Records

Hazel Wolf Papers

James P. Thomas Papers

Sierra Club Northwest Office Records

University of Washington Government Publications, Maps, Microforms & Newspapers

United States Department of Energy Public Reading Room, Richland, Washington

Tamástslikt Cultural Institute

Ben Bearchum Hanford records

Hanford vertical files

Newspaper archives

Interviews

William “Bill” Burke (chief of the Confederated Tribes of the Umatilla). Interviewed by Indigo Trigg-Hauger. In-person interview, Pendleton, Oregon, 2 March, 2018.

Carol Bruneau (former employee of Pacific Northwest National Laboratory/Battelle). Interviewed by Indigo Trigg-Hauger. Phone interview, Norway and Montana, 7 March, 2018.

Edward Liebow (former employee of Pacific Northwest National Laboratory/Battelle). Interviewed by Indigo Trigg-Hauger. Skype interview, Washington and Maryland, 28 February, 2018.

Secondary sources

- Aasen, Henriette Sinding. "The Sami People and the right of self-determination: Developments in international and Norwegian Law." *Nordisk tidsskrift for menneskerettigheter* 22 no. 4 (2004): 462-479.
- Ananya, S. James. *Indigenous Peoples in International Law*. New York and Oxford: Oxford University Press, 1996.
- Barker, Joanne. *Native Acts: Law, Recognition, and Cultural Authenticity*. Durham: Duke University Press, 2011. <https://doi.org/10.1215/9780822393382>.
- Berg-Nordlie, Mikkell and Knut Are Tvedt. "Alta-saken." *Store Norske Leksikon*, accessed May 2018. <https://snl.no/Alta-saken>.
- Berry, Brewton. "The Myth of the Vanishing Indian." *Phylon* 21, no. 1 (1st Qtr., 1960): 51-57, <http://www.jstor.org/stable/273734>.
- Brewer, Marilyn B. "The Psychology of Prejudice: Ingroup Love or Outgroup Hate?" *Journal of Social Issues* 55, no. 3 (1999): 429-444.
- Brown, Kate. *Plutopia: Nuclear families, atomic cities, and the great Soviet and American plutonium disasters*. Oxford: Oxford University Press, 2015.
- Chrisafis, Angelique. "French nuclear tests 'showered vast area of Polynesia with radioactivity.'" *The Guardian*, 3 July, 2013, accessed May 2018. <https://www.theguardian.com/world/2013/jul/03/french-nuclear-tests-polynesia-declassified>.
- Chrisman, Gabriel. "The Fish-in Protests at Franks Landing." *Seattle Civil Rights and Labor History Project, University of Washington*, accessed March 2018. https://depts.washington.edu/civilr/fish-ins.htm#_edn97.
- Cornstassel, Jeff, and Richard C. Witmer. *Forced Federalism: contemporary challenges to indigenous nationhood*. Norman: University of Oklahoma Press, 2008.

- Crowley, Walt and David Wilma. "Federal Judge George Boldt issues historic ruling affirming Native American treaty fishing rights on February 12, 1974." *HistoryLink.org essay*, 23 February 2003, accessed March 2018. www.historylink.org/File/5282.
- D'Antonio, Michael. *Atomic Harvest: Hanford and the Lethal Toll of America's Nuclear Arsenal*. New York: Crown Publishers, Inc., 1993.
- Deloria Jr., Vine, and Clifford Lytle. *The Nations Within: the past and future of American Indian sovereignty*. New York: Pantheon Books, 1984.
- Dippie, Brian W. *The Vanishing American: White Attitudes and U.S. Indian Policy*. Middletown, Connecticut: Wesleyan University Press, 1982.
- Donnison, Jon. "Lingering impact of British nuclear tests in the Australian outback." *BBC News*, 31 December, 2014, accessed May 2018. <http://www.bbc.com/news/world-australia-30640338>.
- Dunbar-Ortiz, Roxanne. *An Indigenous Peoples' History of the United States*. Boston: Beacon Press, 2014.
- Fairclough, Norman. *Analysing Discourse: Textual analysis for social research*. London and New York: Routledge, 2003.
- Findlay, John M., and Bruce Hevly. *Atomic Frontier Days: Hanford and the American West*. Seattle and London: University of Washington Press, 2011.
- Fisher, Andrew H. *Shadow Tribe: The making of Columbia River Indian identity*. Seattle and London: University of Washington Press, 2010.
- Gofman, John W. "Review: Atomic Harvest: Hanford and the Lethal Toll of America's Nuclear Arsenal." *Journal of the American Medical Association*, 272, no. 5 (August, 1994): 408, doi:10.1001/jama.1994.03520050090041.
- Hales, Peter Bacon. *Atomic Spaces: Living on the Manhattan Project*. Urbana and Chicago: University of Illinois Press, 1997.
- "Hanford History." *Hanford Site website*, accessed March 2018. <https://www.hanford.gov/page.cfm/HanfordHistory>.

- Harden, Blaine. *A River Lost: The Life and Death of the Columbia*. New York and London: W.W. Norton & Company, 1996.
- Harris, Cheryl I. "Whiteness as Property." *Harvard Law Review* 106, no. 8 (June, 1993): 1707-1791, <http://www.jstor.org/stable/1341787>.
- Hundley Jr., Norris. "The 'Winters' Decision and Indian Water Rights: A Mystery Reexamined." *Western Historical Quarterly* 13, no. 1 (Jan. 1982): 17-42, <http://www.jstor.org/stable/969063>.
- "Indigenous Peoples and the United Nations Human Rights System: Fact Sheet No. 9/Rev.2." *United Nations Human Rights Office of the High Commissioner*, accessed May 2018. <http://www.ohchr.org/Documents/Publications/fs9Rev.2.pdf>.
- Jezreela Anderson, Christine. "The Hanford Nuclear Reservation and Radioactive Pollution in the Columbia River Region: A Case of Environmental Racism; Possibilities for Environmental Justice." Master's thesis, University of Oregon, 1994.
- Kickingbird, Kirke. "Vanishing American - Vanishing Justice - Indian Policies on the Eve of the 21st Century." *Thomas M. Cooley Law Review* 14, no. 3 (1997): 437-455.
- Lawson, Michael L. *Dammed Indians Revisited: The continuing history of the Pick-Sloan Plan and the Missouri River Sioux*. Pierre: South Dakota State Historical Society Press, 2009.
- Nadasdy, Paul. "Transcending the Debate over the Ecologically Noble Indian: Indigenous Peoples and Environmentalism." *Ethnohistory* 52, no.2 (Spring 2005): 291-331, <https://read.dukeupress.edu/ethnohistory/article-pdf/52/2/291/410006/EH052-02-02NadasdyFpp.pdf>.
- Nagle, Mary K. "Nothing to trust: The unconstitutional origins of the post-Dawes Act trust doctrine." *Tulsa Law Review* 48, no 1 (2012): 63-92, <http://heinonline.org/HOL/P?h=hein.journals/tlj48&i=63>.
- Newcomb, Stephen T. "The UN Declaration on the Rights of Indigenous Peoples and the Paradigm of Domination." *Griffith Law Review* 20, no. 3 (2011): 578-607. <https://doi.org/10.1080/10383441.2011.10854711>.

- Robbins, Paul, John Hintz, Sarah A. Moore. *Environment and Society: A Critical Introduction*. Hoboken: Wiley Blackwell, 2014.
- Rogerson, Amanda. "The Tribal Trust and Government-to-Government Consultation in a New Ecological Age." *Oregon Law Review* 93, no. 3 (2015): 771-799, <http://heinonline.org/HOL/P?h=hein.journals/orglr93&i=777>.
- Sager, Alex and Alex Zakaras. "The Hanford Advisory Board: participatory democracy, technology, and representation." *Journal of Environmental Studies and Sciences* 4, no. 2 (2014): 142-155. DOI 10.1007/s13412-013-0160-x.
- Silvern, Steven E. "Red Power Movement." In *Encyclopedia of Politics of the American West*, ed. Steven L. Danver. CQ Press, 2013. <http://dx.doi.org/10.4135/9781452276076.n342>.
- Spicer, Edward H. *A short history of the Indians of the United States*. New York: D. Van Nostrand Company, 1969.
- Tate, Cassandra. "Hanford Reach National Monument is established on June 9, 2000." *HistoryLink.org*, 1 August, 2005, accessed May 2018. www.historylink.org/File/7399.
- Taylor, Graham D. *The New Deal and American Indian Tribalism: The administration of the Indian Reorganization Act, 1934-45*. Lincoln and London: University of Nebraska Press, 1980.
- Trigg-Hauger, Indigo. "The Standing Rock Sioux, indigenous communities, and collective water history: a short exploration of the 2016 #NoDAPL protest." (Paper presentation, Peaceful Coexistence Colloquium, Pyhänturi, Finland, May 2017).
- Tyler, S. Lyman. *A History of Indian Policy*. Washington, D.C.: United States Department of the Interior, 1973.
- Varese, Stefano. "Transnational Indigenous Migrants: Diaspora, Identities and Collective Rights (1996)." In *Witness to sovereignty: Essays on the Indian Movement in Latin America*, 238-256. Copenhagen: International Work Group for Indigenous Affairs, 2006.

- Vik, Hanne Hagtvedt. "Indigenous Internationalism." In *Internationalisms: A Twentieth-Century History*, edited by Glenda Sluga and Patricia Clavin, 315-339. Cambridge: Cambridge University Press, 2017.
- Walter, Maggie. "Indigenous sovereignty and the Australian state: Relations in a globalizing era." In *Sovereign Subjects: Indigenous Sovereignty Matters*, edited by Aileen Moreton-Robinson, 155-167. Crows Nest, Australia, 2007.
- Wilkins, David E. and K. Tsianina Lomawaima. *Uneven Ground: American Indian Sovereignty and Federal Law*. Norman: University of Oklahoma Press, 2001.
- Wilkinson, Charles F. *American Indians, Time, and the Law*. New Haven and London: Yale University Press, 1987.
- Wilson, Michael D. "Reclaiming self-determination from the Indian Self-Determination and Education Assistance Act of 1975." *International Journal of Qualitative Studies in Education* 25, no. 7 (2012): 905-912.

Appendix

Interview guide

What is your full name?

What is your current occupation (if relevant to project)?

Can you describe your job during [the relevant time period] with [relevant committee, tribe or project group related to the Hanford Site]?

[If the interview subject is not from a tribe]: During your time of involvement, did you have contact with tribal members or representatives?

Themes:

Individuals will be asked about how American Indian tribes and the government communicated during the period relevant to this project. Depending on their position or job at the time, they will be asked about how they perceived the relationship.

They may be asked about specific meetings or memos they sent or received during the course of committee or group projects. These documents are publicly available, and examples may be presented to interview subjects to jog their memory.

Former tribal representatives or members of tribal government organizations may be asked about how tribes handled the projects from their side, or what their perceived level of involvement was with the Hanford Site at this time.

Former government-contracted scientists may be asked about their perception of communication with tribes. They may also be asked what was done to work with tribes, and how those working relationships developed.

Interview consent form

Request for participation in research project

" Communication between the US government and American Indian Tribes regarding the Hanford Site 1986 – 2000"

Background and Purpose

This project is a history research project about communication between tribes and the US government regarding the Hanford site. The project asks: during the period 1986 – 2000, how were American Indian tribes involved with investigations into the Hanford's sites effects on tribal populations, and in what ways did the US Department of Energy develop communication with American Indian tribes? This is a master's thesis project at the University of Oslo, within the Peace and Conflict Studies program, through the History Department.

You have been asked to participate by being interviewed. Interview subjects were chosen due to their individual experience with the research topic.

What does participation in the project imply?

You will be interviewed in a semi-structured setting. The interviewer will have some standard questions prepared, and proceed to interview you about several themes pertaining to the topic and your involvement. Interview duration will be decided with each subject, but may last approximately between 1--1.5 hours. The interviews will be audio recorded, and notes will also be taken during the interview.

You may refuse to answer any questions. You may also stop the interview at any time.

What will happen to the information about you?

All personal data will be treated confidentially. This interview will be audio recorded, and the recordings will be transferred to a USB data stick, which will be locked at the University of Oslo when not in use by the researcher. Interviews will not be anonymous unless explicitly requested. Interview subjects will be referred to by name and with identifying details in the project. Please inform the researcher if you would like to be interviewed anonymously, in which case identifying details can be anonymized.

The project is scheduled for completion by 23 May, 2018. At that time, the audio recordings of interviews, which will be stored on a USB stick, will be at the University of Oslo, or another secure location subject to change. They will be kept for up to four years (2022), in case of further research, such as a PhD project. If any of these conditions change, permission will be sought again from interview subjects.

Voluntary participation

It is voluntary to participate in the project, and you can at any time choose to withdraw your

consent without stating any reason. If you decide to withdraw, all your personal data will be made anonymous.

If you have any questions concerning the project, please contact Deborah Indigo Trigg-Hauger at indigo@trigghauger.com, or at +47 92 21 86 92, or contact her supervisor Hanne Hagtvedt Vik at h.h.vik@iakh.uio.no, or at +47 22 84 19 53.

The study has been notified to the Data Protection Official for Research, NSD - Norwegian Centre for Research Data.

Consent for participation in the study

I have received information about the project and am willing to participate

(Signed by participant, date)