

# AIR Research



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Proudly serving the San Diego American Indian Community for 15 years

## Damage to our Sacred Sites



NOGALES, Ariz. — Homeland Security destroyed 69 graves of Tohono O'odham ancestors in one location alone while constructing the US/Mexico border wall south of Tucson, in violation of all federal laws created to protect American Indian remains.

The AIR Program has looked into research on Sacred Sites legislation before and found that many issues regarding protection of graves and culturally significant areas have had increased protection since the early 1980's. With this our attention has gone on to other issues effecting our American Indian Nations. So when we read the headlines that sites have been destroyed it took many of us by surprise. How can this occur? How, after all the legal and political maneuvering throughout these many years could this have occurred?

Such a topic is on the minds of many of us in the American Indian community as what happens on one reservation effects or will eventually effect all of us. That is why our program will re-examine the topic of Sacred Sites as part of our program for this upcoming Spring semester. As many realize, it is our land and these sites that give many of our tribes both a historical and cultural context on our identity as people. The graves of our ancestors

give us the reminder of our heritage and past so that we may look forward to a greater future. However, many locations have come under attack through pollution, recreational activities of non-Natives, and economics.

We hope that the examination of this issue will spark the interest of our young natives to examine our cultures more closely and look to protecting these cultural resources for our future generations.

### Rock shelter find: rare prehistoric Indian art

By MORGAN SIMMONS • The Knoxville News Sentinel • January 22, 2009

JAMESTOWN — Cory Holliday almost didn't see the stick figure painted on the sandstone. His first impression was that it was a clever fake.

A cave specialist for the Tennessee chapter of The Nature Conservancy, Holliday was searching for caves on a 4,200-acre tract in a remote part of Fentress County on the Cumberland Plateau. It was winter, and he heard water. Thinking there might be a cave nearby, he hiked down to the base of a bluff, where he discovered a rocky alcove bisected by a 10-foot waterfall. (Cont. Pg 2)

On the roof of a nearby south-facing rock shelter was a foot-long painting of a dancing stick figure. The left leg appeared misshapen, and the right hand resembled a claw. Sprouting from the head were swirly lines. To Holliday, they looked like antennae.



The Nature Conservancy had purchased the large, forested block near the East Fork of the Obey River for \$4.7 million in 2006, primarily because it is rich in caves and near two winter hibernating colonies of Indiana bats, a federally listed endangered species that remains in serious decline. The rock shelter painting came as a complete surprise.

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Cont. from page 1) “I knew that Native American rock art had been found in the area, but I didn’t realize this was so significant,” Holliday said. “My first impression was that someone had drawn it with charcoal.” In fact, the artist most likely lived during the Mississippian Period between A.D. 1000 and 1600 and used a paint based on a prehistoric recipe whose main ingredient was pulverized clay. That’s according to Jan Simek, a University of Tennessee anthropology professor who specializes in cave archaeology.

Last spring, Simek, the acting UT chancellor, visited the rock shelter site. Using a scalpel, he chipped off a tiny sample of the pigment and brought it back to UT for a high-level chemical analysis. The tests revealed no modern paint trace elements such as lead or zinc. What’s more, Simek discovered that the reason the pictograph looks so fresh is because it’s protected by a veneer of calcium carbonate leaching out of the sandstone.

“It is a remarkable figure,” Simek said. “In my mind, there is no chance it is a recent fake.”

For the last 15 years Simek has surveyed prehistoric rock art throughout the Southeast, and Tennessee in particular. During the early stages of his research, he documented the first known prehistoric cave art in North America in a cave between Knoxville and Chattanooga. Since then, he and his research team have discovered prehistoric rock art inside 48 Tennessee caves. Additionally, they’ve discovered 38 open-air sites similar to the one recently identified on The Nature Conservancy’s tract in Fentress County. Simek said the rock shelter pictograph on The Nature Conservancy tract is highly unusual because the figure was drawn in black — a color usually associated with cave paintings as a symbol of death in the underworld. Instead of black, virtually all known examples of open-air pictographs found in the Southeast are painted red, the color of life in the upper world, said Simek.

“If you take a physical step back and observe the Cumberland Plateau from the valley below, you see a massive rock wall,” Simek said. “These people made pilgrimages to this place to worship and bury their dead. They decorated the landscape in a way that was clearly meaningful to them and on a scale that is unimaginable to us.”

Tennessee has 9,200 known caves, more than any state in the U.S. With its sandstone cap rock and underlying limestone, the Cumberland Plateau is where most of the caves and rock shelters are concentrated. Even by Cumberland Plateau standards, The Nature Conservancy’s tract is notable for its extensive cave system. So far Holliday has explored 30 caves on the property, and he thinks that’s just a fraction of what lies underground. The waterfall near the rock shelter painting disappears almost as soon as it hits the ground. And so it is with almost every stream system on the property, said Holliday.

“If you look at an aerial photograph of the property, the surface is dry,” he said. “There are plenty of sandstone springs, but they all flow underground. It’s a big tract with a lot of potential to step in a hole and never be seen again.”

The Nature Conservancy’s purchase of the 4,200-acre tract includes donations from Gov. Phil Bredesen’s Tennessee Heritage Conservation Trust Fund and the Doris Duke Charitable Foundation. Prior to the purchase, the land was slated to be divided and developed. The property will eventually be managed by the Tennessee Wildlife Resources Agency for hunting and other forms of recreation.

Scientists rank the Cumberland Plateau as globally significant based on its plant and animal diversity. In 2007 The Nature Conservancy, the state of Tennessee and two timber companies partnered in a \$150 million land deal to protect 128,000 acres in the northern Cumberlands not far from the Indian rock art site. Rob Bullard, protection manager for the Tennessee chapter of The Nature Conservancy, said that connecting these forest lands with existing public lands is the way to create wildlife corridors and large-scale natural sanctuaries.

“The size of this tract is significant because it ties into other tracts in the northern Cumberlands,” Bullard said. “When you start protecting large blocks of habitat, you start seeing results on an ecosystem scale.”

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## Law Article: Sacred site case before Supreme Court Wednesday, February 18, 2009

“The U.S. Supreme Court will decide in the coming weeks whether to take up an important and interesting case from the U.S. Court of Appeals for the Ninth Circuit involving religious liberties and the seminal federal statute – the Religious Freedom Restoration Act (RFRA) – designed to safeguard them. In this column, we will discuss the issues the case raises; the reasons why the Ninth Circuit’s resolution of these issues, while understandable, might not do justice to the complex and competing interests involved; and the problems that both the Supreme Court and lower courts face when trying to implement this well-meaning but imperfectly-drafted Congressional statute.

The case, *Navajo Nation v. U.S. Forest Service*, involves an effort by a group of Native Americans to block the U.S. Forest Service’s plans to allow artificial snow generated from recycled wastewater (containing small amounts of human waste) to be made and placed on federal lands that are leased to ski operators, but which also are used by the Native Americans for sacred rituals and activities. The plaintiff Native Americans contend that use of such “dirty” snow desecrates the mountain, and thus the ceremonies they hold on it, in violation of their religious sensibilities and rights under the RFRA. In favor of the plaintiffs and barred the Forest Service from allowing the recycled wastewater snow. But an 11-judge en banc Ninth Circuit panel undid that result, and rejected the Native Americans’ claim. Of particular importance, the en banc panel held that RFRA did not protect the Native Americans in these circumstances because RFRA’s threshold that must be surmounted before the statute offers any protection – that a government action “substantially burden the exercise” of someone’s religion – was not implicated. The en banc panel determined, largely out of a fear of a parade of horrors and a concern over judicial overreaching, that a “substantial burden” does not exist unless government has coerced, under threat of sanction, someone to act in violation of his/her religious principles, or conditioned a governmental benefit on conduct that would violate a person’s religious convictions. It is this controversial definition of the key statutory phrase “substantial burden” that many of the parties and amicus curiae (friends of the Court) are doing battle over, in the papers filed with the Supreme Court.”





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## AIR Program Research

During every AIR Program, we cover an American Indian Research topic. We use this topic to give the students the opportunity to get a greater observance of what higher education is like. For example: At every college you will be asked to complete a research assignment. It is a statistical fact that students who fail do not have grasp on going to the university library to cover the research and are fearful of being there. In order to overcome this our program starts off going to the library hoping to reduce the fear of going to the library, and covering some methodology with the students.

Beyond using this topical approach, we give the student the opportunity to become familiar with the campus, the campus library, the introduction of methodology practices from current college students, and opportunity for the students to converse with their mentors who are current college students or alumni on this assignment as well as higher education. Finally, the students get an opportunity to examine a current American Indian issue that has great ramifications on our community.

With time limitations, our approach will give the student an overall idea of higher education as far as studying, research, information on current American Indian issues, and a opportunity to engage those who have been through higher education or who are currently attending. We feel that this will aid the student in their understanding of higher education and give them the motivation in their pursuit of college.

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## Diminishing Sacred Sites Research



This semester the AIR Program will study the concepts of Sacred Sites that have great cultural value to, not only our Tribes, but all American Indians throughout the United States. Our research is designed to give the student an idea on:

1. What sacred sites are and whom they serve.
2. Their destruction through man made devices (ie: pollution, recreational activities, economic development).
3. Legal arguments on ways to protect them.

To do this we will go the San Diego State University Library and research sacred sites and how they are defined legally and spiritually among Native Populations. A list of questions are developed for the student to research while at the library.

Next, our program will travel to a handful of places to understand what and how destruction occurs.

Finally, California Indian Legal Services will discuss our findings and discuss overall plans that legally protect these sites. Overall, we have a great program that will garner a lot of interest and help in the understanding of the entire higher educational process.

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### Basic Questions:

**Define Creation Stories:** \_\_\_\_\_

**Define Sacred Sites:** \_\_\_\_\_

**Define Tribal Territory:** \_\_\_\_\_

**Define Culture:** \_\_\_\_\_

**Give a sacred site from your culture:** \_\_\_\_\_

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