

Hanford Openness Workshops *Fact Sheet*

Hanford Openness Workshops

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*The Hanford Openness
Workshops are a
collaborative effort
among the U.S.
Department of Energy-
Richland Operations
Office, the Consortium
for Risk Evaluation
with Stakeholder
Participation, the
Oregon Office of
Energy, the Washington
Department of Ecology,
and regional Tribal
and citizen
representatives.*

Tribal Openness Concerns

Background

It is the mission of the Hanford Openness Workshops (HOW) to resolve issues impeding the availability of information important to public health, the environment, understanding and decision making at the US Department of Energy's (DOE) Hanford nuclear site in southeastern Washington state.

In June 1999, the HOW hosted a Tribal Openness Workshop focused on the unique openness concerns and priorities of tribes and tribal nations. Discussion topics included information access, cultural resources, environmental protection and other aspects of open and transparent decision making at Hanford and other DOE sites across the country. The Workshop was organized by the HOW's Tribal Openness Working Group, which included representatives of the three "Hanford-affected," federally recognized tribes (the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Nation and the Yakama Nation), DOE's Richland Operations Office and the Consortium for Risk Evaluation with Stakeholder Participation (CRESP).

Central Themes

Openness, and its relation to the tribes, presents significant challenges for DOE. Tribal representatives emphasized at the workshop that DOE must make a stronger effort to acknowledge, understand and respect the cultural values and communication methods of tribes. A few specific areas of concern highlighted during roundtable discussions at the workshop include:

- Tribes expect to operate under a true government-to-government relationship with DOE.
- Government-to-government consultation requires *dialogue* between DOE and each tribe. Providing documents is not enough.
- Tribes are sovereign governments; therefore, processes that involve tribes alongside "the public" do not honor government-to-government relations nor legal obligations.
- DOE must recognize the distinctness of each tribe and tribal nation and respect intertribal differences.
- DOE must respect tribal methods of communication and decision-making. Many tribal members—particularly elders—are wary of written or recorded communication.
- DOE must respect tribal desires to keep certain cultural information confidential (e.g. locations of burial grounds, site of spiritual significance, gathering sites, other cultural resources).
- Declassification is just one part of tribal openness concerns. The process of making information available and accessible is as, if not more, important.
- Declassification deals with openness about past activities. Present-day openness is also important to the tribes.

Information Access

Workshop participants raised the issue of access to information many times. Though most of DOE-Richland documents are unclassified, they are not necessarily accessible. Without the ability to locate and retrieve documents of interest, those documents are not useful to tribes and the public.

For tribes, the ability to readily locate and retrieve information is not only a question of ease, but of resources. Tribes do not have the resources to wend their way through the bureaucratic maze of DOE to find information of relevance.

Workshop participants discussed several ways to make documents more readily available. DOE should index, organize and catalogue documents in a way that facilitates location and retrieval. This includes key word lists developed in consultation with the tribes and containing terms of relevance to them. It may also involve the use of document abstracts, a more useful search tool than titles or key words alone.

Continued Declassification Dialogue Critical

Tribal participants held that openness efforts at DOE have been insufficiently sensitive to tribal concerns and values. One of the areas of greatest concern to the tribes is declassification (see the Hanford Openness Workshop Fact Sheet on Classified Information). The Hanford Declassification Project (now known as the National Security Analysis Team or NSAT) is attempting to declassify all documents related to the production of weapons materials for the United States arsenal. Unfortunately, two-thirds of the way through the project, efforts are only now being conducted in such a way as to identify information that may be sensitive and/or of importance to the Hanford-affected tribes.

The Tribal Openness Workshop represented an initial effort to make the declassification system more sensitive to tribal concerns. NSAT leadership and staff took part in discussions and expressed enthusiasm for improving their approach. A commitment to begin regular information sessions with each Hanford-affected tribe was a major Workshop outcome.

A continuing dialogue between DOE's declassifiers and the tribes is essential. Further, some participants expressed the belief that the only way to adequately incorporate tribal concerns into the declassification system is to involve tribal members directly in the declassification process. Even if the declassification process were modified to work better for the tribes, future efforts would be required to review documents already released.

Resources

The Tribal Openness Working Group prepared an educational resource packet for Workshop participants. Materials in that packet included:

Hanford-Affected Tribes Background Information

“Sovereignty” (Fact Sheet), 1998 Congressional Briefing Packet, HONOR (Honor Our Neighbors Origins and Rights), Route 1, Box 79-A, Bayfield, WI, 54814, www2.dgsys.com/~honor.

“Sovereignty, A Brief History in the Context of U.S. ‘Indian Law’.” Peter d’Errico, 1998, *The Encyclopedia of Minorities in American Politics, American Political Landscape Series*. Colorado Springs, CO: The Oryx Press, also www.umass.edu/legal/derrico/sovereignty.html.

“Treaty Rights” (Fact Sheet), 1998 Congressional Briefing Packet, HONOR (Honor Our Neighbors Origins and Rights), Route 1, Box 79-A, Bayfield, WI, 54814, www2.dgsys.com/~honor.

“The Trust Responsibility.” American Civil Liberties Union, 1992, *The Rights of Indians and Tribes*.

“The US Department of Energy’s American Indian Policy,” available at <http://www.em.doe.gov/em22/policy2.html>.

“Memorandum for the Heads of Executive Departments and Agencies.” Signed April 29, 1995, William J. Clinton, available at <http://www.em.doe.gov/em22/whletter.html> or May 4 1994 *Federal Register*.

“Indian Tribes.” Section 10.10 of *Hanford Federal Facility Agreement and Consent Order, 89-10 (Tri-Party Agreement)*, available at <http://www.hanford.gov/tpa/tpa-ap10.html#10>.

“Historical Chronology of Federal Indian Policy” U.S. Department of Energy, available at www.em.doe.gov/em22/histchro.html.

“Executive Order on Consultation with Indian Tribal Governments,” Executive Order #13084, May 14, 1998, William J. Clinton, available at <http://www.epa.gov/owindian/new.htm> or May 19, 1998 *Federal Register*, p. 27655-27657.

“Executive Order on Indian Sacred Sites,” Executive Order #13007, May 24, 1996, William J. Clinton.

Table of Contents of the Native American Grave Protection and Repatriation Act (NAGPRA) available at <http://archnet.uconn.edu/topical/crm/usdocs/nagpra14.htm>.

“Cultural Resources,” U.S. Department of Energy, available at <http://www.em.doe.gov/em22/cultural.html>.

“Nuclear Secrecy’s Legacy: Dislocating Native Peoples and Destroying Lands and Heritage,” Russell Jim, Yakama Nation, Comments for Seminar One of Openness and Secrecy: A Symposium on Establishing Accountability in the Nuclear Age, May 18-19, 1994. National Press Club.

“First People, Firsthand Knowledge,” Dennis Martinez, *Sierra Magazine*, November/December 1996, p. 50-51, 70-71.

“A Native Conversation About Research and Scholarship,” Cheryl Crazy Bull, *Tribal College Journal*, Summer 1997, p. 17-23.

“Advice for the Non-Native Researcher,” Cheryl Crazy Bull, *Tribal College Journal*, Summer 1997, p. 24

“A Guide to Literature on Reforming American Indian Research,” Rosemary Ackley Christensen and Thomas D. Peacock, *Tribal College Journal*, Summer 1997, p. 25-27.

“Memorandum Regarding Tribal Risk Issues,” Commission on Risk Assessment, 529 14th Street, NW, Suite 452, Washington, DC 20045.

“A Selection of European and Indian Values.” Northwest Renewable Resources Center, Seattle, WA, 1993.

“Misconceptions About Indians,” David H. French, *First Oregonians*, eds., OR Council for the Humanities, Portland, OR, 1992, p. 55-57.

“Native North America: An Historical Overview,” James D. Nason, Native American Science Outreach Network (NASON), University of Washington Department of Chemistry, Seattle, WA, 1996.

“Answers to Frequently Asked Questions about American Indians,” U.S. Department of Energy, available at <http://www.doe.gov/em22/tribfaqs.html>

The packet also included a glossary, a timeline and a map of tribal culture areas and tribal locations.

For more information on the Tribal Openness Workshop or any aspect of the Hanford Openness Workshops, please contact the HOW at the address, phone or email on the front of this fact sheet or visit the HOW web site.