What is the Kennewick Man Controversy About?

From K. Kris Hirst

The Kennewick Man news story is one of the most important archaeology stories of modern times. The discovery of Kennewick Man, the vast amount of public confusion over what he represents, the Federal government's attempt to settle the case out of court, the suit pressed by scientists, the objections raised by the Native American community, the rulings of the court and, eventually, the analysis of the remains; all of these issues have affected how scientists, Native Americans, and the Federal governmental bodies conduct work and how that work is scrutinized by the public.

This series was begun in 1998, after the news program Sixty Minutes broke the story in a 12 minute segment. Normally, twelve minutes is generous for an archaeology story, but this is not a 'normal' archaeology story.

The Discovery of Kennewick Man

In 1996, there was a boat race on the Columbia River, near Kennewick, in Washington State, in the extreme northwestern United States. Two fans pulled ashore to get a good viewpoint of the race, and, in the shallow water at the edge of the bank, they found a human skull. They took the skull to the county coroner, who passed it to archaeologist James Chatters. Chatters and others went to the Columbia and retrieved a nearly complete human skeleton, with a long, narrow face suggestive of a person of European descent. But the skeleton was confusing to Chatters; he noticed that the teeth had no cavities and for a 40-50 year old man (the most recent studies suggest he was in his thirties), the teeth were extremely ground down. Cavities are the result of a corn-based (or sugar-enhanced) diet; grinding damage usually results from grit in the diet. Most modern people don't have grit in their food, but do consume sugar in some form and so do have cavities. And Chatters spotted a projectile point embedded in his right pelvis, a Cascade point, normally dated between 5,000 and 9,000 years before the present. It was clear that the point had been there while the individual was alive; the lesion in the bone had partially healed. Chatters sent off a bit of the bone to be radiocarbon dated. Imagine his astonishment when he received the radiocarbon date as over 9,000 years ago.

That stretch of the Columbia River is maintained by the United States Army Corps of Engineers; that same stretch of the river is considered by the Umatilla tribe (and five others) as part of their traditional homeland. According to the Native American Graves and Repatriation Act, signed into law by President George H. W. Bush in 1990, if human remains are found on federal lands and their cultural affiliation can be established, the bones must be returned to the affiliated tribe. The Umatillas made a formal claim to the bones; the Army Corps agreed with their claim and began the process of repatriation.
Unresolved Questions

But the Kennewick man problem isn't that simple; he represents a part of a problem which archaeologists have yet to solve. For the past thirty years or so, we've believed that the peopling of the American continent took place around 12,000 years ago, in three separate waves, from three separate parts of the world. But recent evidence has begun to indicate a vastly more complicated settlement pattern, a steady influx of small groups from different parts of the world, and probably somewhat earlier than we had assumed. Some of these groups lived, some may have died out. We just don't know; and Kennewick Man was considered too important a piece of the puzzle for archaeologists to let him go unanalyzed without a fight. Eight scientists sued for the right to study the Kennewick materials prior to their reburial. In September 1998, a judgment was reached, and the bones were sent to a Seattle museum on Friday, October 30th, to be studied. That wasn't the end of it of course. It took a protracted legal debate until researchers were allowed access to the Kennewick Man materials in 2005, and results finally began to reach the public in 2006.

The political battles over the Kennewick man were framed in a large part by people who want to know to what "race" he belongs. Yet, the evidence reflected in the Kennewick materials is further proof that race is not what we think it is. The Kennewick man, and most of the Paleo-Indian and archaic human skeletal materials that we've found to date are not "Indian," nor are they "European." They don't fit into ANY category that we define as a "race." Those terms are meaningless in prehistory as long ago as 9,000 years—and in fact, if you want to know the truth, there are NO clear-cut scientific definitions of "race."

Who owns the past?
By Kate Riley

What was left of the victim was in pieces. A jawbone broken in two, partial ribs, some vertebræ, teeth and a broken pelvis were found scattered around the remote cave on an Alaskan island. Gnaw marks suggested the young man in his 20s might have met his end in the jaws of a bear.

It's a mystery of some vintage — about 10,300 years. But apply modern technology and shrewd deduction, and the few bones and artifacts are enough to provide significant clues about a mystery of the ages: how people came to live in the Americas.

The discovery of the man the Tlingit people named Kuwóot yas.éin pushes back the envelope of human occupation in the region, because the artifacts found with him suggest an extensive trading network by long-standing inhabitants. The findings help to dismantle the old theory still embedded in some textbooks that the first Americans walked across the Bering land bridge around 13,000 years ago. Yes, people probably did, but they were not first.

Kuwóot yas.éin's story has been told quietly because the Tlingits collaborated with scholars. There is less light but much more noise surrounding Kennewick Man, the prehistoric celebrity who walked the Columbia River shore in Southeastern Washington 1,000 years later.
Science vs. native beliefs

A federal court fight made Kennewick Man the symbol of the struggle between science and native beliefs over the telling of the earliest Americans' story. But Kwóóot yas.éin proves it doesn't necessarily have to be so.

In this 10th summer since Kwóóot yas.éin and Kennewick Man were found on federal land, the U.S. repatriation law requires some combination of clarification, enforcement and accountability. Next month, U.S. Rep. Doc Hastings, R-Pasco, will introduce legislation to clarify Congress’ original intent in passing the Native Americans Grave Protection and Repatriation Act (NAGPRA). That is, only remains with a substantial cultural relationship to presently existing tribes should be repatriated — given back — to the tribes.

Hastings’ bill counters efforts in the Senate Indian Affairs Committee to undermine the U.S. 9th Circuit Court of Appeals ruling in favor of scientists who successfully sued to study the remains. Sen. John McCain, R-Ariz., held a hearing last year on a NAGPRA amendment that would make it easier for modern native people to claim human remains by virtue of common geography rather than cultural affiliation.

The contrasting approaches should revive debate to fine-tune the 1990 repatriation law, a righteous law that establishes a process for museums and federal agencies to return certain Native American cultural items to lineal descendants, and culturally affiliated tribes and Native Hawaiian organizations. While most museums have met their inventory and notification deadlines, many federal agencies have been slower to act. The inconsistencies are so concerning that the federal NAGPRA review committee plans to ask Congress for a Government Accountability Office audit.

Good idea, but any audit should also review how well those agencies follow another part of the law when it comes to handling the rare cases of these exceptionally old remains. That Kennewick Man is a household name and Kwóóot yas.éin is barely known outside anthropological circles is a function of how differently these cases were handled by the federal agencies involved. Each approach contributed respectively to the Washington confrontation and the Alaskan collaboration.

Keith Kintigh, former president of the Society for American Archaeology who helped influence some of the language in the repatriation law, says the federal agency's decision-making is key. The law is clear about proving cultural affiliation. But too often agency officials want the potential controversy off their desks and quickly move to repatriate, he says. That's what happened in the Kennewick case.

"I think the agencies way too often have taken the easy way out," says Kintigh, Arizona State University anthropology professor.

Proving the past

On July 5, 1996, Terry Fifield, the U.S. Forest Service's archaeologist for Prince of Wales Island in Southeast Alaska, took a helicopter to a remote site on the island's northwest tip. He had been called to collect some human bones found at a paleontology excavation. That night, he called the presidents of two neighboring Tlingit communities as required under the repatriation law and set a meeting within a week.
But he didn’t stop there. Two years before, two 35,000-year-old bear bones were found in the cave. Realizing the implications, Fifield also called archaeologist E. James Dixon, now of the University of Colorado, who was studying paleoindian occupation in the region. Dixon suggested he could get a grant for study and liked Fifield’s suggestion that native people be hired as interns. The native communities soon endorsed investigation, with some conditions, including that they would be informed first of any findings.

In contrast, the Army Corps of Engineers, which owned the land where Kennewick Man was found, botched the case’s early handling so badly, the U.S. interior secretary had to step in. Also, the bones were found in a much more obscure archaeological context, a well-used public park during the Columbia Cup hydroplane races, which draws as many as 50,000 people.

The coroner investigated it as a modern forensics case initially, and the Columbia Plateau tribes were irked when they weren’t consulted, especially so when the bones were determined to be 9,300 years old. Media reports of the consulting anthropologist’s assertion that Kennewick Man did not resemble modern native people but had European features didn’t help either, injecting a shadow of the ethnic subtext that would fan the controversy.

After Corps officials took custody of the bones, their ham-handed mistakes exacerbated the case’s rocky start. The Corps quickly announced its intention to repatriate the remains to the tribes without going through the steps of establishing cultural affiliation as required by the repatriation law.

Doug Owsley of the Smithsonian’s National Museum of Natural History wrote a letter to the coalition of tribes that claimed Kennewick Man, or the "Ancient One," as their ancestor, including the Umatillas, Colvilles, Yakamas, Nez Perce and the Wanapum band. He offered to collaborate and share findings. But the tribes had no reason to negotiate, since the Corps had made the decision they wanted. So Owsley and seven other scientists sued.

Later, then-Interior Secretary Bruce Babbitt, bucking his own staff’s recommendation, ruled Kennewick Man was affiliated with modern tribes. But court-ordered studies to determine cultural affiliation were unsuccessful. A federal judge ruled in favor of the plaintiff scientists in 2002. After prevailing on appeal, the team began its study of the bones, stored at the University of Washington’s Burke Museum of Natural History and Culture, in July 2005.

Moving forward

Controversy still swirls around the Kennewick Man study, with some anthropologists and archaeologists critical of the plaintiffs’ approach, one they say has created tensions in their relationships with tribes.

Still, when the Corps so blatantly flouted the law, the plaintiffs had no choice but to take a legal stand.

Since the ruling, Corps policies have not changed, said an agency official who oversees Kennewick Man’s curation at the Burke. But Christopher Pulliam, deputy director of the Corps’ curation and analysis branch, says the agency knows to provide more scrutiny and care in its analysis — and has learned from the experience.
That would not be a bad legacy for the Kennewick Man case, if it were universal. But many scientists say it is not. If anything, it ought to put more federal agencies on notice about how the law should apply, although the ruling technically applies only to the Western states covered by the 9th Circuit Court of Appeals.

If debate is reopened, it should emphasize what the law already says — that the public benefit of scientific knowledge should be factored in. Of course, remains should be repatriated to tribes where there is a known cultural link.

But where such a link cannot be established and the study of the remains can help tell the story of our common America, then they should be available for respectful and ethical study.

*Kuwóot yas.éin* and Kennewick Man have something to say about how people came to America. But the testimony told through their bones reveals only a small part of the larger mystery. The truth should not be buried.

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