

# The kennewick man controversy



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### **An Exploration of the Kennewick Man Controversy**

The Kennewick Man controversy is one of the most well known federal court cases dealing with NAGPRA and Anthropological research. The case is influential for Native Americans, Anthropologists, Archaeologists, and federal law makers alike. Though it lasted many years and endured a very bumpy road, the Kennewick Man case will serve as a great example and learning tool to anthropologists of today, tomorrow, and years to come.

Kennewick Man has a great significance to anthropology and archaeology for various reasons. It is perhaps the most influential example of how the NAGPRA laws affect anthropologists and the complications that can come with the lack of clarity in those laws. Kennewick Man also has influenced anthropology by being one of the oldest and most complete human skeletal remains found in North America, which led to new information on origin due to his skull morphology. “ As one of the best-preserved New World skeletons of the period, the Kennewick specimen has the potential to contribute greatly to this discussion, but it may be reburied before scientists can study it further” ( Slayman, [http://www. archaeology. org](http://www.archaeology.org)). The true significance of the Kennewick man cannot yet be fully explained because all of the scientific findings have yet to be concluded. We can only hope that the future research will result in the anthropology discovering more answers that can lead us to greater in-depth knowledge of who we are, how we got here and how humanity originated.

Kennewick man can definitely be considered an ethical debate, when looking at the process from both a Native American’s religious and cultural perspective, as well as from an anthropological and scientific perspective.

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The ethical debate from the perspective of the Northwest Indian tribes to claim the remains is that according to their understanding of NAGPRA law they had “cultural affiliation” to the Kennewick Man, making those tribes responsible for the traditional spiritual and cultural care of those remains – and furthermore becoming their property. Vine Deloria, Jr., a professor from the University of Colorado and Standing Rock Sioux native writes on the subject, siding with Native Americans stating that

“Archaeology has always been dominated by those who wave “science” in front of us like an inexhaustible credit card, and we have deferred to them – believing that they represent the discipline in an objective and unbiased manner. Yet the discovery of a skeleton in the Columbia River... led to an excessively confused lawsuit.. and a spate of claims by scholars that this skeleton could rewrite the history of the Western Hemisphere.” (Thomas, Page xviii).

Because of their ethical standing, the scientific justification is not necessarily an important argument for US Anthropologists to keep the remains. The whole reasoning behind the NAGPRA laws should have, in their opinion, given them all rights to the remains – which would have in turn prevented the remains from being studied further.

When viewing this as an ethical debate through an anthropological perspective, it comes down to the scientific importance of being able to study the remains.

“Archaeologist Rob Bonnicksen was quoted as saying: ‘There’s a whole book of information [in Kennewick Man’s bones]. To put him back in the

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ground is like burning a rare book so we'll learn nothing. . . . It seems to be the case that there is a major effort to block scientific inquiry into the study of American origins' (O'Hagan, 1998: 8)." (Watkins, Page 13)

The results of further researching the Kennewick Man would make it possible to obtain answers that would benefit not only the Native Americans of North America, but humanity as a whole. Anthropology is in essence the holistic study of humankind, and using the well preserved pieces of our past such as the Kennewick man, can most definitely shed new light on origin theories and lead to discoveries of our past.

NAGPRA is the Native American Grave Protection and Repatriation Act, is a law which was passed by the federal government in 1990 to provide " a process for museums and Federal agencies to return certain Native American cultural items — human remains, funerary objects, sacred objects, and objects of cultural patrimony - to lineal descendants, culturally affiliated Indian tribes, and Native Hawaiian organizations." (www. nps. gov/nagpra). NAGPRA states that these cultural items will be repatriated to the Native Americans if they can prove cultural affiliation to the items in question. " Cultural affiliation is established when the preponderance of the evidence — based on geographical, kinship, biological, archeological, linguistic, folklore, oral tradition, historical evidence, or other information or expert opinion — reasonably leads to such a conclusion." (http://www. nps. gov/nagpra/TRAINING/Cultural\_Affiliation. pdf)

In order to attempt at clarifying the determination of cultural affiliation, certain guidelines have been set in place.

“ All of the following requirements must be met to determine cultural affiliation between a present-day Indian tribe or Native Hawaiian organization and the human remains, funerary objects, sacred objects, or objects of cultural patrimony of an earlier group:

(1) Existence of an identifiable present-day Indian tribe or Native Hawaiian organization with standing under these regulations and the Act; and

(2) Evidence of the existence of an identifiable earlier group. Support for this requirement may include, but is not necessarily limited to evidence sufficient to:

(i) Establish the identity and cultural characteristics of the earlier group,

(ii) Document distinct patterns of material culture manufacture and distribution methods for the earlier group, or

(iii) Establish the existence of the earlier group as a biologically distinct population; and

(3) Evidence of the existence of a shared group identity that can be reasonably traced between the present-day Indian tribe or Native Hawaiian organization and the earlier group. Evidence to support this requirement must establish that a present-day Indian tribe or Native Hawaiian organization has been identified from prehistoric or historic times to the present as descending from the earlier group.” ([http://www.nps.gov/nagpra/TRAINING/Cultural\\_Affiliation.pdf](http://www.nps.gov/nagpra/TRAINING/Cultural_Affiliation.pdf))

In the Kennewick Man controversy, The U. S. Army Corps of Engineers was responsible for the land on which the Kennewick Man was found, initially making him the property of the U. S. Army Corps of Engineers. They had chosen to allow anthropologists to study the remains to try and uncover some answers in the mystery of the Kennewick Man. After through NAGPRA, the remains were ordered to be returned to the local Native Americans, the Scientists and Army Corps decided to try and pursue an appeal with NAGPRA. The U. S. Army Corps of Engineers were soon after involved in a Federal court case to determine to whom the remains should belong. Since the Kennewick Man was discovered on their property, the remains became that federal agency's responsibility. After the final ruling, it was ordered that the Kennewick man stay property of the Army Corps.

The Kennewick debate involved a US Federal Court case between the Northwest Native American tribes (the Umatilla, Yakama, Nez Perce, Wanapum and Colville) who laid claim over the Kennewick Mans remains, and the US Army Corps of Engineers' Scientists who were responsible for the remains because they were discovered on their property. The archaeologists and physical anthropologists studying the remains argued that the substantial significance of the remains could help answer many questions of human immigration into North America. These scientists were the plaintiff in the case. After further study of the remains the Department of the Interior and National Park Service, in cooperation with the Corps of Engineers were able to find reasoning to disprove exact cultural affiliation with the Native America Tribes, stating that NAGPRA laws did not apply to the Kennewick Man's case.

The Anthropologists wish to further study the remains because they are one of the oldest, most well preserved and complete human remains ever to be found in the Western Hemisphere. By studying the bones, we could find answers to when and how humans first entered North America, as well as information about the Kennewick Man's death, culture and lifestyle. The Native American tribes did not want him studied because if he were culturally affiliated with the tribes, they would be responsible for ensuring the Kennewick Man's proper burial. Defacing or studying the remains would be against their religious, spiritual and cultural beliefs.

The Plaintiff Scientists in the case were comprised of eight anthropologists and archeologists brought together for the right to study the remains and stop repatriation.

“ The eight plaintiffs in *Bonnichsen v. United States* included five physical anthropologists (C. Loring Brace, Richard Jantz, Douglas Owsley, George Gill, and D. Gentry Steele) and three archeologists (Robson Bonnichsen, Dennis J. Stanford, and C. Vance Haynes Jr.). Owsley and Stanford were at the Smithsonian Institution and the others held university positions.” (Oldham, [www. historylink. org](http://www.historylink.org))

The defendant party consisted of the five Native American tribes claiming cultural affiliation to the remains and promoting the repatriation of the Kennewick man. The U. S. Army Corps of Engineers were in charge of the remains, and along with the Department of the Interior and National Park Service furthered the studies to determine the origin of the Kennewick Man's ancestry and lineage for proper affiliation.

The Kennewick Man case was finally concluded, and the ruling was in favor of the plaintiff scientists.

“ The scientific community should be allowed to study the 9, 000-year- old human bones known as Kennewick Man, a 9th U. S. Circuit Court of Appeals panel ruled ... rejecting an appeal by several tribes claiming kinship and seeking to rebury the remains... The three-judge panel, with an opinion written by Judge Ronald Gould, upheld a District Court decision that the tribes have shown no direct kinship to the remains and have no such authority.” (Paulson, [www. Seattlepi. com](http://www.Seattlepi.com))

Today the remains of the controversial Kennewick Man reside in the Burke Museum at the University of Washington, where scientists continue to study the remains. The ruling and scientific studies proved that the lineage of the Kennewick man was more Caucasian than Native American, therefore disassociating him with Native American affiliation and removing him from NAGPRA regulations.

In the controversial case involving the Kennewick Man, I am pleased with the outcome. I side with the scientists, acknowledging the significance of studying the Kennewick Man’s remains. Because the Kennewick Man was proven to be not of Native American lineage, it seems unarguable that the case be removed from under NAGPRA laws. The potential answers that can come from the future studies of the Kennewick Man are so immense that I can only wait with excitement for results to come from these studies. With Archaeology and Anthropology technologically advancing more and more



every day, it is a great immeasurable victory for science to be able to challenge and win such an influential case as this one.