

Senate panel sides with tribes

ARCHAEOLOGY

Proposal would give tribes more control over study of remains

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Medill News Service

A Senate committee has approved legislation that would give Indian tribes more control over whether archaeological remains of indigenous people can be used for scientific study.

The proposal, which must be approved by the full Senate and House to become law, stems from a long-running controversy over Kennewick Man, a 9,300-year-old skeleton found along the Columbia River in 1996.

The 9th U.S. Circuit Court of Appeals ruled in 2004 that present-day Indian tribes cannot claim Kennewick Man because he is not known to be related to an existing tribe, people or culture, as opposed to a group that might have existed in the past and vanished.

The court, interpreting the Native Americans Grave Protection and Repatriation Act, said the act covers only ancestors of present-day cultures.

The amendment would make it easier for tribes to claim unearthed remains by defining "Native American" as a member of a tribe or culture that "is or was" indigenous to the United States.



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Physical anthropologists Karin Bruwelheide and Douglas Owsley with Kennewick Man, found along the Columbia River in 1996. Many Native Americans wanted the bones reburied.

Previous attempts to amend the act have failed to pass Congress.

Many Native Americans believe ancient remains should be reburied and not used for research. Scientists fear losing important clues to the past if they are unable to study the skeletons.

The legislation, sponsored by Sen. Byron Dorgan, D-N.D., "is just going back to the original intention of the act," said Paul Bender, a law professor at Arizona State University who

helped draft it in 1990. "The main point was to let the Indians participate in the process of determining how to handle ancient remains."

Alan Schneider, counsel for the scientists who sued the government for access to Kennewick Man, said the amendment would give modern tribes control of any remains discovered in the United States, even though there is evidence that other groups also lived here in the past.

Those groups include small

bands of people who died out and left no ancestors, and indigenous ancestors to modern-day Latinos, said Cleone Hawkins, a founding member of the Portland-based Friends of America's Past.

The legislation, approved by the Committee on Indian Affairs last week, might not cover Kennewick Man, however, because the court said there was insufficient proof of any relationship with Native Americans. The act would still require that tribes prove a cultural affiliation to the remains.

"The older the remains, the more questionable who it is," said Paul Goldberg, a geologist and professor of archaeology at Boston University.

But Goldberg said most scientists don't understand the religious and emotional implications the issue has for Native Americans, who feel a kinship and responsibility to their ancestors.

"A lot of this is remote for scientists," Goldberg said. "We're excited about the history of humans in North America, and we are frustrated not to have access to information that could help solve the mystery of human beings."

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