



News From

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Hastings Authors Kennewick Man Bill

Bill Clarifies NAGPRA, Protects Against Future Battles of the Bones

Kennewick, WA – During a visit to the Kennewick Man exhibit at the East Benton County Historical Society Museum, Congressman Doc Hastings today announced a plan he authored that protects the opportunity for the scientific study of ancient remains while respecting tribal rights. Hastings' bill counters attempts in the Senate that would prevent ancient remains from being studied.

“This will make it crystal clear that ancient remains should be studied by scientists and not automatically turned over to the tribes,” said Hastings, whose bill would clarify the Native American Graves Protection and Repatriation Act (NAGPRA).

NAGPRA was written primarily to deal with remains from the 19th Century with clear tribal affiliations. The wording of the law is vague on the subject of very ancient remains of unknown origin and was never meant to apply to remains as old as Kennewick Man.

In 2004 a Ninth Circuit Court ruling cleared the way for Kennewick Man to be studied, however Hastings said he is concerned that without clarification future actions by federal agencies, Congress or the courts could jeopardize the opportunity to study Kennewick Man and other ancient remains that are not connected to any present day Indian tribe.

“The fact that it took nearly a decade to reach a decision about the fate of Kennewick Man is proof positive that the law needs clarification,” Hastings said. “Scientific study of ancient remains is important to our understanding of early history and can be done while respecting today’s tribes.”

Hastings' bill counters ongoing legislative attempts in the Senate that would effectively reverse the Ninth Circuit decision, protect against future misinterpretation of the law and prevent other ancient remains from getting tied up in a legal battle for as long as Kennewick Man was.

The Senate Indian Affairs Committee has twice introduced legislation that seeks to undermine scientific study and the Ninth Circuit ruling with a two word "technical correction". The language recommended by the Indian Affairs Committee in the Senate would make NAGPRA broader to allow remains lacking a substantial relationship to present day Native Americans to be automatically turned over to Native American claimants.

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Hastings' bill reiterates Congressional intent that NAGPRA applies only to remains with a substantial relationship to presently existing tribes. NAGPRA rightly sees to restore recent and identifiable remains to families and tribal governments and Hastings' bill would continue that practice.

In 1996 a 9,300 year old skeleton was unearthed along the banks of the Columbia River and later named Kennewick Man in honor of the city in which it was discovered. Kennewick Man, which remains one of the oldest skeletons found in North America, sparked a heated controversy and lengthy court battle about how to deal with ancient remains that have no proven connection to present day Indian tribes.