

KENNEWICK MAN:
A LEGAL HISTORICAL ANALYSIS

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In July 1996 a skeleton was found in the shallows of the Oregon (now Columbia) River near Kennewick, Washington. Tentatively dated at 9,200 bp (before the present), the remains represent one of the oldest Americans found thus far. We could call him "Ilip" (Elder) in the Chinook Intertribal Language of the Pacific Northwest, but since each nation has its own name let us stick with Kennewick.

A great deal of misinformation has been circulated about Kennewick Man. Let us try to get at some facts of legal as well as ethical significance.

First, it is virtually certain that Kennewick Man was an ancestor for most or all of us who are today known as Native Americans. It is normal for an adult person to have produced descendants. If Kennewick Man had descendants at the conservative rate of two per each generation, then this American Ancestor would have had some 64 million grandchildren (statistically speaking) within 650 years and 128 million by 675 years (if we figure each generation at a conservative 25 years and if each grandchild averaged two children). After 775 years Kennewick's descendants could number some 2 billion Americans, a number far exceeding any known estimate for the maximum population of Americans before 1492. What this means, of course, is that Kennewick's descendants intermarried with each other after a few centuries had elapsed.

The number of Kennewick's descendants today could be astronomical, theoretically in the mega-trillions, thus virtually ensuring that all of us of indigenous American ancestry are descendants. (We are not necessarily descendants in the direct male or female lines, and thus we may not have the same DNA as Kennewick, nor will we necessarily resemble him since we will have had many other ancestors as well. As recently as the year 1480 I had 32,000 statistical ancestors, born of 64,000 parents born of 128,000 grandparents! Since our ancestors double statistically every 25 or so years, one can imagine how many ancestors each of us had 9,000 years ago, a number so great that it must

statistically include every American Ancestor then living in the Americas! Of course, if our ancestors married other ancestors, then that number will be reduced).

Second, Pacific Northwest nations cannot help but be descendants of Kennewick Man since it would be utterly inconceivable that an ancestor with 125 million statistical descendants living before 8,000 bp would not also be the ancestor of Northwest peoples. To argue otherwise would be to assert that all of Kennewick Man's descendants migrated northwards to Alaska and Canada, or southwards to other parts of North America and South America, leaving a total absence in the area of his death. That would be an extreme and untenable hypothesis.

Third, the determination of the so-called race of Kennewick Man is of no legal significance since the Native American Graves and Repatriation Act (NAGPRA) protects burials of ancestors of Native Americans and not any particular "race". It is absolutely certain that most, if not all, of Kennewick Man's descendants are Native Americans (although some descendants could have crossed over by water into Asia after 9,000 bp and could have given birth to progeny there. It is unlikely, however, that descendants could have migrated as far west as Europe (via Siberia) but Native North Americans seem to have reached Iceland, going in the other direction, about 9,000 bp, so anything is possible. Certainly, the currents and winds favor Americans reaching Iceland and northern Europe, while Europeans would have had a virtually impossible time migrating in a westerly direction prior to Viking days).

Nonetheless, Kennewick Man is an ancestor of Native Americans and, therefore, protectable by NAGPRA. In the same manner, an early Russian, French Canadian, Caughnawaga Mohawk, or Scots fur trapper, adopted into a Northwest nation in the 1700's and buried with his adopted relatives would be protected by NAGPRA since he (or she) is an ancestor. Ancestry is not a matter of "race" but of relationship as defined by particular cultures.

Fourth, it is very likely that Kennewick Man's own immediate ancestors stemmed from the south, even from South America or Meso-America since accumulating evidence indicates that North America was covered by thick ice from British Columbia to Maine and Nova Scotia until about 13,000-10,000 bp. As the ice gradually retreated northwards peoples living south of the ice would have moved north at a far faster rate than anyone could have moved south from the very small ice-free areas of Alaska (and, of course, by that date the Imakpik,

or so-called Bering Sea, would have become open water between still-inhospitable Siberia and Alaska).

Linguistic evidence indicates that most of our American language families (in fact, perhaps all of them except for Inuit-Aleut) were located south of the ice barrier in the pre-13,000 bp period and then moved northward as the ice and tundra retreated. (See Johanna Nichol, "The First Four Discoveries of America: Linguistic Evidence" presented February 12, 1998 at a scholarly meeting).

The chance of Kennewick Man being descended from Alaskans is much slimmer than is the chance of descent from American people from the south, due to the relative size of the habitable areas as well as the advantage of already being south of the inhospitable tundra and glacier zone across North America.

Fifth, the idea of referring to a skeleton as being Caucasian in "race" is an oxymoron. Few, if any, reputable scientists today believe in the existence of physical "races" since all human beings are 98+% the same. The variations found among us are interesting but have to be studied at the individual trait level and at the geographical/regional level and not used as markers for a "race." The latter term is essentially a popular word which has been used for everything from Scottish clans ("the race of the MacDonalds"), to national groups ("the Irish race"), to large geographical populations ("the Americanoid or American race").

In any case, the idea of "Caucasian" is a social concept which refers to an entire cluster or range of traits including skin color, eye color, hair color and type, facial hair, eye form, and so on. Many peoples considered to be non-Caucasian have skull-shapes that overlap those found among so-called Caucasians and, in any event, few if any persons would ever be classified out of the Caucasian group because of the shape of their skull! Many Native American peoples ranging from the Southwest Pueblos to most east coast tribes, as well as some Far Western groups, have numerous individuals with head shapes that seem hardly distinct from many Europeans.

Although many Pacific Northwest individuals have head shapes that vary from that of Kennewick Man, others resemble him very closely. For example, Chief White Bird (Peopeo Kiskiok Hihih) of the Nez Perce, born in 1807, seems from a photograph to be very longheaded and similar to the reconstruction of Kennewick Man (see Merrill D. Beal, I Will Fight No More Forever; Chief Joseph and the Nez perce War, pp. 110ff, 250).

In any event, Pacific Northwest nations are linguistically related to language families found outside of that area, including the widespread Ritwan-

Algonkian, Penutian, Uto-Aztecan, and Dine-Athapaskan groups. It should be noted that the recent territory of the Shoshone and Northern Paiute-Bannock nations commenced only a short distance south and southeast of the Kennewick site. The Shoshone-Paiute-Bannock languages are related to those of the Hopi, Aztecs and other peoples as far south as Nicaragua.

Sixth, many scholars working with Ancient American history have long held that "the American race" (to use Daniel G. Brinton's term) is a geographic race which includes complex elements and which does not fall into any of the so-called "great" social groupings (such as "Mongoloid"). This is what I have been teaching in my courses for forty years. In 1967 I wrote that:

The physical characteristics of Native American peoples were at one time thought to link them with so-called Mongoloid peoples of Asia, but the problem is now generally seen to be much more complex....For one thing, the American Indian peoples did not comprise a physically uniform population. Although the variations in physical type found in the Americas are not as great as those found in Eurasia or Africa, they nonetheless are great enough to suggest that perhaps several different ancestral groups mixed....

This writer would suggest that Native Americans...comprise a population standing somewhat between the extreme Caucasoid and Mongoloid types and may represent either the end-product of the mixture of several Mongoloid and Caucasoid type groups or the survival of the type from which Mongoloid and Caucasoid are both derived. (Jack D. Forbes, Native Americans of California and Nevada, 1969 edition, p.11).

Thus it makes no sense at all to be surprised if one finds our Ancient Americans exhibiting somewhat variable head forms or other characteristics.

Seven, as a scholar I possess a natural curiosity about our ancient American history, but I am also well aware of the systematic abuse carried out in the past by some non-Native archaeologists and physical anthropologists, who have shown extreme disrespect for First Americans, living and dead. NAGPRA and other similar legislation has been made necessary by more than a century of racism in science, a racism often reinforced by an atheistic and materialistic set of values.

I believe that the Native Nations of the region, collectively, have the legal and moral right to determine the way Kennewick Mans' remains should be treated.

I would have hoped that by now the archaeological and physical anthropological professions might have worked out agreements with Native Nations so that ancestral remains would be treated with appropriate ceremonies while, at the same time, the remains might be briefly studied under indigenous supervision. Such agreements could also require that Native Americans be provided with scholarships so that First Nations People will eventually dominate the study of their own ancient history. Moreover, such an agreement might ensure that all scholars working with Ancient America master one or more American languages and become fully familiar with indigenous values and perspectives. [October 29, 1998] All rights reserved.