



ARCHAEOLOGY NEWS

The Future of Kennewick Man's Past Still Locked in Legal Turmoil

Sandy Grant

The long fight for rightful ownership of one of the most complete skeletons ever found in North America, did appear as though it was coming to an end. After an eight year legal battle between eight US anthropologists, and four Northwest Native tribes, the 9th U.S. Circuit Court of Appeals has ruled in favour of the scientists: they will be allowed to study the remains. The 380 piece assortment of bones and bone fragments, were found on the banks of the Columbia River in Kennewick, Washington in 1996. Very quickly after, the Nez Perce, Yamaka, Umatilla and Colville tribes filed claims to the skeleton, believing they are the remains on an ancestor. They feel that under the Native American Graves and Repatriation Act (NAGPRA), the remains should be returned without potentially invasive scientific study, and reburied. These claims were met with opposition from the scientists who feel the 9,300-year-old remains could provide valuable information about the early peopling of North America. As set out in NAGPRA, the tribes must prove lineal descent or cultural affiliation to the skeleton, dubbed "Kennewick Man," in order to lay legal claim of ownership. Failing to sufficiently do so, the court ruling that came down in July was on the side of the scientists. However, before the much anticipated study could proceed, the tribes launched a new argument. They feel that they should still have a strong say in how any studies are carried out, and what happens to the remains after the scientists are done.

Rob Roy Smith, an attorney representing the Confederated Tribes of the Colville Indian Reservation, reported to the *Tri-City Herald*, "One of the tenets

of the tribes' beliefs is that remains should not be disturbed, and if they are disturbed they should be set at peace as soon as possible. That is still what the tribes are trying to do" (published August 5th, 2004). The tribes are worried that during the study, the burial site will be disturbed further than it has already has and the tests performed on the remains will be damaging.

Even with assurance that damage resulting from the study will be insignificant and minute, they still feel studying the remains will diminish the cultural importance of them. Because of this, the tribes are asking to be granted a leading role in any decisions on how any studies are done.

The main aspect of the tribes' argument is that they don't want destructive tests performed that would raze any skeletal material, and want the remains to be reburied. The scientists do not want to cause any harm to the remains, but just want to learn the secrets locked inside them so that the Kennewick Man's story can be told. They say the amount of bone material that they would need to remove would only be meagerly small samples, and therefore the impact of the study would be low. The greatest gap between the tribes and scientists coming to terms, is not caused by the decision of what kind of study to perform, but about what happens to the remains when the study is completed. The scientists want Kennewick Man to stay in the museum with hopes that in future there might be scientific advances and new methods of study that would allow more information to be obtained and shared with everyone.

Because the scientists are anxious to get on with the study and the court has already ruled the tribes have no ancestral connection to the remains, the scientists have petitioned the court to remove the tribes from the remainder of the

proceedings. The Associated Press reported to the *Tri-City Herald* that U.S. Magistrate Judge John Jelderks barred the tribes from further participation in the Kennewick Man lawsuit by ordering the case limited to government defendants and the scientists who want to study the ancient skeleton (published August 19, 2004). Now it is up to the scientists and the federal government to agree on the best cause of action for the study. Until they do, and the study actually begins, it looks as though the tribes will continue to throw up stumbling blocks in the process. The tribes say they have cultural interest in the ancient skeleton and, under other sections of the NAGPRA, have the right to assist in the planning of the scientific study. They are requesting that the court give them full party status, which would put them on the same level of the playing field with the scientists and the government for all current and future cases. Alan Schneider, an attorney for the scientists, told the *Tri-City Herald* that it appears the tribes simply are using other legal means to achieve their original objective, to prevent testing and gain possession of the remains (published September 10, 2004). Until this is sorted out once and for all, the Kennewick Man remains in storage at the University of Washington's Burke Museum, and the knowledge and history locked inside awaits to be brought to light.

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The Looting of Iraq The side-effects of war Bill Angelbeck

The Iraq war has not been good for the country's archaeological heritage. Museums have been looted. Archaeological sites have been damaged by the war effort, both by assaults and by the setting up of military camps. Organized looters have devastated countless sites in the uncontrolled regions of Iraq on an unprecedented scale. And, like the coalition occupation itself, there is no end in sight.

The first Gulf War itself was not good for the region's archaeology. For instance, the ancient city of Ur was bombed, inflicting significant damage. Russell (2001) stressed that "Bombing and strafing left four large craters in the temple precinct and some 400 holes in the temple's great ziggurat, or stepped tower." However, damage from military operations has been slight compared to damage from looters. Since that war ended in 1991, looters took advantage of the limited oversight in the country, neglected both by the government of Saddam Hussein and by the international community, represented primarily by foreign arms inspectors. Archaeologists, particularly American archaeologists, were kept out the region due to a ban on travel to the country. Subsequently, there were burglaries from the museums in Mosul and Kirkuk (Cotter 2003). In the *New York Times*, John Noble Wilford (2003) reported that "Assyrian sculptures in northern Iraq were sawed up so the pieces could be taken out of the country....Unexcavated sites in the south were bulldozed by plunderers, who hauled away artifacts in dump trucks. One expert said even a diplomat's car was stopped crossing the border from Iraq into Jordan with 80 illicit artifacts."

In part, the sanctions imposed by the United Nations contributed to this situation, causing widespread poverty throughout Iraq. With few options in an economy under strangle-hold, many turned to looting archaeological sites for some quick returns on the black market (McWhirter 2002). The borders of Iraq have been and still are quite porous, allowing for a flow of artifacts and small monuments. McWhirter (2002) noted that "Galleries across the world have seen an increasing

number of questionable pieces from Mesopotamia since the Persian Gulf War." Numerous artifacts from Iraq are even on eBay (Wilford 2003).

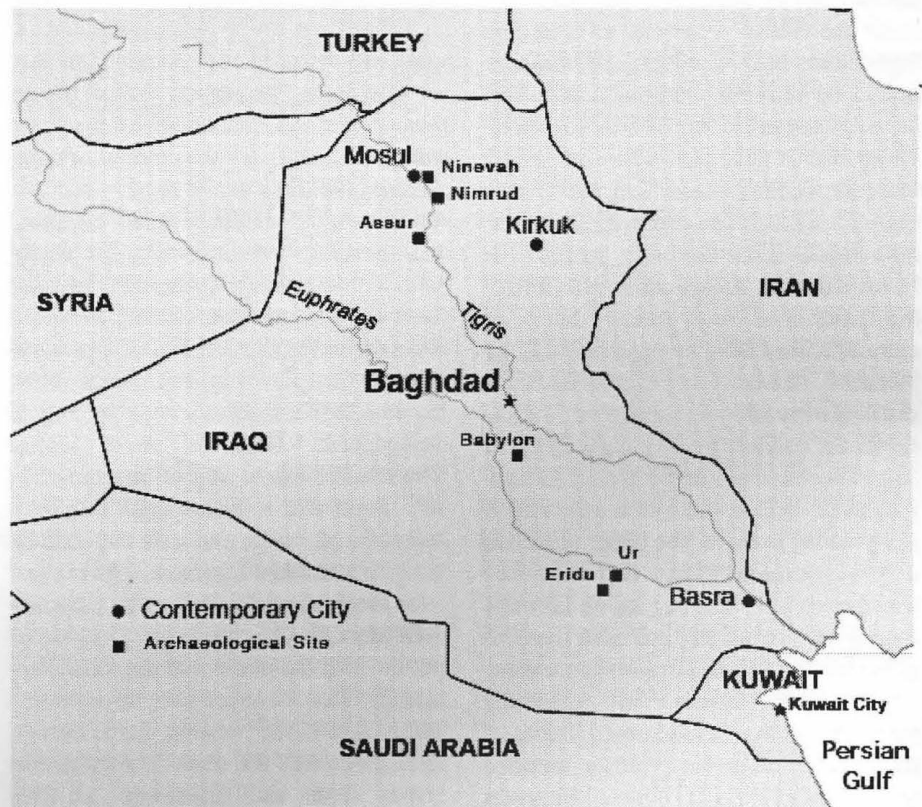
In 2001, *Science* magazine reported that Iraqi researchers and foreign archaeologists were prepared to assess the damage since 1991 and "attempt to rebuild the shattered country's archaeological community and end a long period of isolation" (Lawler 2001). Sadly, that effort was short-lived. By 2003, teams of researchers were preparing lists of archaeological sites for the U.S. government in the hopes of making the military aware of the thousands of archaeological sites across the country. In their discussions they emphasized that "Virtually all of Iraq is an archaeological site" (Russell 2001), that there are essentially "no natural hills in southern Iraq" (Wilford 2003), and that the museum of Baghdad some of the finest collections of Sumerian, Babylonian, and Assyrian artifacts and monuments (Cotter 2003). Unfortunately, even one of the researchers, McGuire Gibson, conceded at the time that "If Saddam Hussein puts a command center next to a ziggurat, it becomes a legitimate target" (Lawler 2003).

The rampant looting of the National Museum after Baghdad fell is all too

unforgettable. This was "a civilisation torn to pieces," Robert Fisk reported for *The Independent* of London, shortly thereafter. "Why? How could they do this? Why, when the city was already burning, when anarchy had been let loose—and less than three months after U.S. archaeologists and Pentagon officials met to discuss the country's treasures and put the Baghdad Archaeological Museum on a military data-base—did the Americans allow the mobs to destroy the priceless heritage of ancient Mesopotamia?" (Fisk 2003).

Since then, some items have been returned, but only a smattering. Dr. Nawala al Mutawalli, the director of the museum, noted that only seven of a list of 47 major items have been returned, and still more than 13,000 items are missing (MacLeod 2003). In the countryside, however, looting also has taken place: from the site of Nimrud, two Assyrian reliefs had been taken, and the palace of Sennacherib at Ninevah also had been severely damaged (MacLeod 2003).

Neela Banerjee and Micah Garen (2004) reported in the *New York Times* that sites contained "a moonscape of craters," not from bombs, but from the holes left by looters. One man told them, "When you



come here at night, it looks like a city, there are so many lights." Teams of looters, often 40 to 50 in total, indicate that these are well-organized operations, and they are heavily armed. (Micah Garen, the journalist who reported on the story, was abducted on August 13 by insurgents while making a documentary on the state of Iraq's antiquities. He was set to be another victim for a videotaped beheading until the Shiite rebel leader, Muqtada al-Sadr, ordered his release nine days later.) Banerjee and Garen noted that protecting archaeological sites was a low priority for both the Iraqi and coalition authorities.

One archaeologist, Dr. Elizabeth Stone, has called for the military to protect these sites with patrolling helicopters. "I think you've got to kill some people to stop this. The looters are armed and they are going to shoot people. This is a major problem" (quoted in MacLeod 2003). The *Guardian* of London reported that "All the sites she visited in the south of Iraq in May were being looted, except one at Ur—and that was inside an American compound" (MacLeod 2003).

The U.S. military argued that they were protecting the site of Babylon from looters, but its own activities there contributed to demolition of the site. The military had built a military base there for more than 2,500 troops and had bulldozed several portions of the site to create three helicopter landing pads. Moreover, sandbags—standard accoutrements for a camp—were loaded with soils from the site. Instead of relying on the coalition authorities, some Iraqi archaeologists have sought the aid of local sheiks to stir among the populace a sense of protection for these sites (MacLeod 2003).

Dr. McGuire Gibson, from the University of Chicago, said that the extent of damage from this recent war is severe: "It's one of the major, major tragedies around the world. We have basically lost most of the ancient cities of Sumer" (Harris 2004). Gibson presented an update on this situation to a conference in Istanbul last June, and attendees were shocked by his display of aerial photographs detailing the destruction of archaeological sites that occurred within months after the invasion (Harris 2004). Concrete and detailed assessments of the damage to these sites will not even begin until the situation is

Continued on page 28

Protecting the "Cradle of Civilisation"

Anthony Russell

Most of the area known as Mesopotamia lies within Iraq's territories. The heritage of the region stretches back over 8000 years. Although Iraq has only one official World Heritage site, the Parthian fortress of Hatra, it is not unreasonable to consider the entire country as an irreplaceable legacy. It represents what is commonly held to be the "cradle of civilisation," the fertile plain between the Tigris and Euphrates Rivers where the world's first cities took shape (Adams, 1981). Experts have estimated there are more than 100,000 sites of historical importance.

Some of the most famous sites in both archaeology and ancient history have been put at risk to looting and damage associated with the war, including Babylon, Uruk (legendary home of Gilgamesh), Ur, Nineveh, and Nimrud (Kalhu), the site of the Neo-Assyrian king Ashurnasirpal's palace. Certain organisations, such as the Archaeological Institute of America, have called for the increased awareness and protection of these sites (Wilkie 2003: 6). Still, the resources and the power to implement pragmatic, functioning conservation programs are severely limited for such institutions, and violations by both occupiers and locals are known.

The World Monuments Fund lists both Nineveh and Nimrud among the 100 most endangered sites in the world today. In April 2003, UNESCO Director-General Koichiro Matsuura made a plea in Paris that countries not accept archaeological or cultural artefacts from Iraq, and that museums and collectors refrain from dealing in such material. He pledged to speak with UN Secretary General Kofi Annan in order to get a resolution passed, which would mandate that any objects that have left Iraq since the beginning of the war be returned.

Since the autumn of 2003, Italian military police have been assisting in the patrol of sites in southern Iraq. Their vigilance has involved both random ground and helicopter sweeps, as well as aerial photography to document and assess damage (Garen 2004: 28). Still, they are easily outnumbered by the looters, and just

as easily evaded. The senior advisor for culture to the Coalition Provisional Authority, John Russell, himself an excavator of Assyrian sites like Nineveh, would like to see some resources directed towards more grassroots objectives, such as alleviating the crippling poverty and lack of education that leads to looting, and a more strenuous attack on the black market which provides the financial incentive.

Still, some small successes have been reported. In June, an Iraqi sting operation arrested four men and recovered hundreds of artifacts, which had been looted from the area of Babylon. Even so, such minor gains are called "a rare victory" (Komarow, 2004) in the battle to protect Iraqi heritage.

The physical damage caused by bullets and shells is irreversible, and all the historical and archaeological community can hope for is that most key sites escape with only minor damage. Given the immediacy of certain sites to battle hot spots, however, such as Nineveh's proximity to Mosul, there will doubtless be a fair share of cultural tragedies as well. As for looting, more stringent penalties in the west, and an educated atmosphere of intolerance for ill-gotten artifacts, can only help in curbing the systematic pillaging of the cradle of civilisation, and ensure that objects without provenience are returned to Iraq promptly.

Related Websites

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Divers Make Historic Discoveries

Sandy Grant

An underwater exploration of parts of the Caribbean coastline, has revealed at least three ancient skeletons. A team of divers, and archaeologists, made the discoveries in submerged caves and water holes scattered along the coast of Mexico's Yucatan Peninsula in 2001 and 2002. The network of submerged caves in and around the Yucatan Peninsula, make up the longest underwater cave systems in the world. Because of the location of the finds, and the dangerous nature of the expedition, it required several carefully planned trips to thoroughly record the sites and complete the excavation of the remains. The Associated Press reports that team co-director Carmen Rojas said the divers had 40 minutes to wind their way through the cave to the site, 20 minutes to work there and 40 minutes to swim back, followed by 20 to 60 minutes of decompression time. Now after two years of preservation, research and study, the team is releasing their findings. One skeleton, determined to be the oldest, was found 369 meters into a cave that is almost 20 meters below sea level. Some charcoal was also found, and when tested by an expert at the University of California, Riverside, it was dated 11,670-radiocarbon-years old that is over 13,000 calendar years. If the evaluation is correct, and the age is accurate, then these discoveries would be the oldest human skeletons yet found in the Americas. At the time of the Ice Age, the level of the world's oceans was hundreds of feet lower than it is now, and the caves would have been on dry land. Arturo Gonzalez, team leader of the expeditions, theorizes that people may have followed them in search of fresh water. He told the Associated Press that "To find a person who had walked those caves was like a treasure." These findings show that humans likely inhabited the Yucatan Peninsula 5,000 years or more before the ancient Mayan culture.

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Accidental Discovery may Bring 115 Years of Searching to an End

Sandy Grant

A crab fisherman, and diver, came across an old anchor in the waters near Tofino. The 300 kilogram anchor was raised, and determined to be approximately 200 years old. That would indicate that it is of correct age to have belonged to a famous U.S. ship called the *Tonquin*. The *Tonquin* was lost somewhere in the waters off of Clayquot Sound in 1811, and through several unsuccessful searches over the past 115 years, this is the first relic recovered that may have belonged to the doomed vessel. Sailing from New York, in the early 1800's, Captain Jonathan Thorn and his crew were on a mission to create an American outpost on the West Coast; and help diminish the control the British Empire had over trading routes to Alaska.

After creating the first U.S. fur trading post, Astoria, Oregon, in the Pacific Northwest, the *Tonquin* headed north. This time the objective of the voyage was to trade for furs on Vancouver Island. While anchored near what is now Tofino, they were met by a Nuu-Chah-Nulth tribe and began trading with them. During negotiations Captain Thorn, who had brash attitude, slapped the native chief with a fur pelt. The next day the tribesmen returned, but this time in the form of a war party. They wanted to avenge the insult to their chief and tribe, and a bloody battle ensued in which most of the *Tonquin's* crew, and many natives perished. After the battle was over, it is believed that one or more surviving crew members ignited the ships gunpowder stores destroying the ship and killing everyone on board.

Still without factual proof that the anchor is from the *Tonquin*, the search continues. A company from Vancouver performed a magnetic scan of the ocean floor where the anchor was found, and had three anomalous readings that may suggest buried remnants of a shipwreck. Also found were some glass trading beads, and a small amount of wood originally from the East Coast. Both of

these also support the theory that the *Tonquin* has finally been located. The Tonquin Foundation spokes-man David W. Griffiths, reported to Save Ontario Shipwrecks, Inc. "We've got the anchor of the right period, the wood from the eastern seaboard, we've got these trade beads encrusted on the anchor itself, and they fit the time period exactly. And she was buried very quickly, so we're encouraged that the great portion of the ship may be well preserved" (SOS Newsletter, February 15, 2004, a publication of Save Ontario Shipwrecks). If it is indeed the *Tonquin*, items recovered will end up at the B.C. Maritime Museum in Victoria.

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Aboriginal Burials Impacted and Accommodated in Moricetown, Northern B.C.

Nadine Gray

A \$5.2 million development project on the Wet'suwet'en reserve of Moricetown in Northern British Columbia has impacted several Aboriginal burials. According to an article in the Vancouver Sun (August 28, 2004) and CBC Radio interviews with the archaeologist Rick Budhwa, the development was the cause of conflict between the band office and local elders even before the project began. Ray Morris, Wolf Clan Chief, expressed his concerns to the Office of the Wet'suwet'en, the hereditary chiefs' organization of the Moricetown Band which deals with treaty negotiations. Chief Morris explained that the proposed site of the new Cultural Heritage Centre and accompanying buildings was near the location of a nation-to-nation battle in the 1800's between the Interior Carrier peoples and Wet'suwet'en over access to fishing grounds in the resource rich

Continued on page 28

stable in Iraq. Unless measures are employed in the meantime, the pace of looting is going to continue.

It may seem strange to raise concerns about archaeological sites when living Iraqis are suffering immensely from this invasion. The number of civilian casualties is conservatively estimated at more than 12,000, and the number of wounded is undoubtedly manifold higher. The loss of family members, houses, and jobs must be crippling for Iraqis, who already have withstood a generation of poverty and social strife under Saddam Hussein's tyranny, the war with Iran in the 1980s, and a decade of economic sanctions since the first Gulf War. Any sane archaeologist would choose to protect Iraqi lives over protecting remains, but the damage to their heritage simply reveals how far-reaching the devastation of war extends.

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Moricetown canyon.

Additional concerns were expressed by local elders who warned that the proposed development site was a formal burial ground that, if disturbed, would bring ill fortune to the entire community. The elders concerns were based on oral history and earlier archaeological work in the area that recorded three burial sites. Despite these concerns, the Moricetown band allowed the long-awaited development to proceed due to the need for economic development ventures and the promise of employment in an area stricken by high unemployment rates. However, the development plans were soon halted when human remains were encountered on the second day of work. The impact to the archaeological site has been significant as at least two burials and their accompanying artifacts have been disturbed. With permission from the elders, a salvage operation was conducted which enabled Budhwa to take photographs and samples of fabric and bone for analysis. Although the human remains have since been reburied in a small ceremony, the conflict between economic development and cultural heritage resource management will require further negotiations.

In an effort to ease the present conflict, officials at the Moricetown band council agreed to relocate the centre to the other side of the river at a cost tallying around \$30,000. It is unclear whether the new development site contains known cultural heritage resources but work at this location is currently being conducted without archaeological consultation. Budhwa is currently awaiting results from bone and artifact analysis of the impacted burials. Perhaps these results may assist in dating the site and also help to define strategies for negotiating future developments that impact archaeological and heritage resources.