

# Early American goes for tests – at last

[WASHINGTON] A set of 9,000-year-old human remains found near Kennewick, Washington State, nearly three years ago will finally undergo a detailed scientific examination next week to try to determine its origin.

The tests follow a protracted legal battle involving archaeologists, Native American tribes and the US government. Their outcome could have far-reaching implications for scientists studying the early settlement of America.

Two college students discovered the skull of 'Kennewick Man' in a shallow stretch of the Columbia River in 1996, and archaeologists retrieved 300 additional bone fragments from the site. Local Native American groups claimed the remains under the 1990 North American Graves Protection and Repatriation Act (NAGPRA), with the intention of reburial.

But a group of eight scientists sued the US government to halt the reburial, arguing that they had a right to study the remains under the first amendment to the constitution, which protects freedom of expression.

So began a controversy described as "surrealistic" by Robson Bonnichsen, an Oregon State University archaeologist and one of the plaintiffs. The Asatru Folk Assembly, a group that practises ancient Nordic religion, also claimed rights to Kennewick Man on the grounds that his apparently Caucasian features suggest a European origin.

The bones have been moved at least twice, and are now at the Burke Museum of Natural History and Culture in Seattle, where next week's tests will be conducted. The examination will be done by five government-appointed scientists, including two physical anthropologists, two soils experts, and a specialist in arrowheads and other lithic objects.

Francis McManamon, chief archaeologist for the Department of the Interior, which administers NAGPRA, says the first investigations will include physical measurement and analysis, but no DNA sampling, radiocarbon dating, or other destructive techniques opposed by the tribes.

A US district court has ordered the government to determine whether Kennewick Man was Native American and to which modern tribe he might be related. A radiocarbon date taken for one of the fragments yielded a date between 9,200 and 9,600 years ago.

Bonnichsen says that, although he and his fellow archaeologists support NAGPRA's goal of giving Native Americans control over their cultural artefacts and ancestral remains, the law is out of step with modern thinking. Scientists now agree that there was more than one migration of people from Asia to America.

The biological descendants of some of these 'palaeoamericans' have long since died



**Skull and cross words:** Kennewick Man has been the centre of controversy.

out, he says, and modern tribes may therefore bear no relation. Many Native American tribes, on the other hand, claim to have lived on their ancestral lands for ever.

Underlying the Kennewick Man debate, Bonnichsen believes, is an "epistemological conflict" between Western science and Native American creationism. "We're not going to resolve those differences," he says. But he accuses the government of unfairly siding with the Native Americans.

The interior department takes the position that any artefacts or remains that predate the arrival of European explorers qualify as 'Native American' under NAGPRA. "Scientists find that definition totally unacceptable," says Bonnichsen, and "based solely in politics".

McManamon agrees that the law did not anticipate having to account for palaeoamericans unrelated to modern tribes. A bill introduced in the last Congress

by Washington Republican Doc Hastings would have revised the act to allow scientific study of remains "for which a cultural affiliation is not readily ascertainable".

Until such a bill passes, however, the interior department remains stuck in the middle. Some Native Americans are upset that any tests, even non-destructive ones, will be conducted next week. And scientists complain that they will not be enough.

"I don't see how this non-destructive stuff is going to answer the question," says Bonnichsen. He also worries that the results will be censored, and that there will be no outside peer review. Observers from both sides will be allowed to monitor the tests.

McManamon hopes that analysis of soil adhering to the bones will tie them to a particular geological setting that can help to date them. If the non-destructive tests cannot determine the age of the fragments or their connection to modern tribes, the interior department plans to move on to DNA and radiocarbon tests, after consulting the tribes.

Despite his complaints, Bonnichsen says the decision to do any tests is "a huge step forward". He thinks the controversy has resulted in an "enormous education process," with many more people now understanding that the settling of America was more complicated than previously thought. Fewer than 15 skeletons of Kennewick Man's age have been found in America. Tony Reichhardt

## Union backs Toronto researcher's claims

[MONTREAL] A research associate who claims that racial discrimination by the University of Toronto led to his failure to win a tenure-track position was unfairly treated by the university, concludes a report by the Academic Freedom and Tenure Committee of the Canadian Association of University Teachers (CAUT).

But the university has criticized the report as "deeply flawed", and argues that its recommendations "are either unnecessary or offensive to academic values". It says its own investigation into Kin-Yip Chun's case found no evidence of racial discrimination, and that, although it did find "irregularities and ambiguities" in his original appointment, it has "offered appropriate remedy" (see *Nature* 392, 638; 1998).

The CAUT report recommends that the university offer Chun "an opportunity to return to work at the university with genuine job security on a continuing basis at a rank and salary commensurate with his actual experience".

It says that he should also be given a fair chance to compete for any position in seismology. If a negotiated settlement is not

possible, the parties should submit the matter to binding arbitration, which would include the possibility of awarding Chun a tenure-track position.

Chun, a seismologist, was passed over four times in applications for tenure-track positions at the university, and in 1994 was escorted off the campus by a plain-clothes policeman and banned from the campus. The university says it has offered Chun a settlement "consistent with the CAUT recommendations" and "continues to propose a mediated settlement. Chun has persistently refused all offers."

Although the CAUT report "found no evidence of direct discrimination", it said it received "evidence of systemic discrimination on grounds of race or ethnic origin". This included the "ethnic and gender composition" of the department to which Chun had applied for posts, which was "overwhelmingly white and male".

The university rejects these "speculations". It says it "will not award a tenure stream position as the result of arbitration, but only by peer adjudication through normal processes". David Spurgeon