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Judge limits Kennewick Man case to scientists, government

- WILLIAM McCALL, Associated Press Writer
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PORTLAND, Ore. (AP) --

A federal judge has barred Northwest Indian 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, attorneys said Wednesday.

The tribes had argued they have "spiritual, cultural and property" interests in the 9,400 year-old skeleton discovered in 1996 along the Columbia River near Kennewick, Wash.

The Umatilla, Yakama, Nez Perce and Colville tribes claimed they were entitled to the bones under the Native American Graves Protection and Repatriation Act, and wanted to have them reburied without any scientific studies.

The bones are stored at the Burke Museum at the University of Washington in Seattle.

But a three-judge panel of the 9th U.S. Circuit Court of Appeals ruled in February that "no cognizable link exists" between the skeleton and the tribes, allowing the scientists to begin their studies barring further legal action.

U.S. Magistrate Judge John Jelderks, who has heard the case since it was filed, ruled Tuesday that any remaining legal action be limited to the anthropologists seeking to study the bones and government agencies involved in the case.

Alan Schneider, attorney for the anthropologists, said the only decision left is what kind of studies of the skeleton will be allowed, if no other challenges are filed.

But Rob Roy Smith, an attorney for the Nez Perce and other tribes, said additional legal



action is being considered.

"We're obviously disappointed by Judge Jelderks' decision," Smith said. "He continues to alter cultural resource protection law."

Smith said the tribes believe they have standing to participate in any new phase of the trial to determine how the bones are studied.

On the Net:

Court documents compiled by Friends of America's Past: www.friendsofpast.org

URL: <http://sfgate.com/cgi-bin/article.cgi?file=/news/archive/2004/08/18/state1847EDT7731.DTL>

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