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Alan L. Schneider, OSB No. 68147
1437 SW Columbia Street, Suite 200
Portland, OR 97201
Telephone: (503) 274-8444
Facsimile: (503) 274-8445

George L. Kirklin, OSB No. 62046
Paula A. Barran, OSB No. 80397
LANE POWELL SPEARS LUBERSKY LLP
520 SW Yamhill Street, Suite 800
Portland, OR 97204
Telephone: (503) 226-6151
Facsimile: (503) 224-0388

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

ROBSON BONNICHSEN, C. LORING BRACE, GEORGE W. GILL, C. VANCE HAYNES JR., RICHARD L. JANTZ, DOUGLAS W. OWSLEY, DENNIS J. STANFORD and D. GENTRY STEELE, Plaintiffs, v. UNITED STATES OF AMERICA, DEPARTMENT OF THE ARMY, U.S. ARMY CORPS OF ENGINEERS, ERNEST J. HARRELL, DONALD R. CURTIS and LEE TURNER, Defendants.	USDC CV No. 96-1481 JE **AFFIDAVIT OF DENNIS J. STANFORD**

STATE OF _____)
)ss.
County of _____)

I, Dennis J. Stanford, being first duly sworn, do depose and state as follows:

ALAN L. SCHNEIDER
1437 SW Columbia, #200
Portland, Oregon 97201
(503) 274-8444

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905
58/159

1. I am the Chairman of the Department of Anthropology at the National Museum of Natural History, Smithsonian Institution, Washington D.C., and the Director of the Smithsonian's Paleo-Indian/Paleoecology Program. I have devoted my professional career to the collection and study of information relating to New World prehistory, including the initial peopling of the Americas.

2. My professional qualifications are as follows: I hold a Ph.D degree in anthropology which I received from the University of New Mexico in 1972. I have been interested in and actively involved in the field of Paleoamerican archaeology for nearly 40 years, commencing in high school as a member of a University of Wyoming team working at a mammoth kill site. In 1972, I was hired by the Smithsonian Institution to develop and direct an interdisciplinary Paleoindian/Paleoecology Program. Since that time, I have continued to research various aspects of the origins and the development of the First Americans. My research in this regard has taken me from Central Asia to the Southern Cone of South America, with special emphasis on Alaska and the Rocky Mountain regions of the United States. I have published more than a hundred research papers and four books on subjects relating to the earliest inhabitant of the New World. I have received numerous grants from major funding agencies for scientific research, and my work has been recognized through awards and appointments from various societies, and national and international museums and universities.

3. Thorough study of the Kennewick Man skeleton is necessary to determine if it is related to present-day Native American peoples. The information currently available concerning the skeleton does not warrant any assumption that such a relationship exists. As a preliminary matter, I should explain the origin of the term "Paleo-Indian" or "Paleoindian" as used in the name of my Program at the Smithsonian and in the scientific literature. This term came into usage a number of decades ago when it was commonly assumed that most if

ALAN L. SCHNEIDER
1437 SW Columbia, #200
Portland, Oregon 97201
(503) 274-9444

905

not all of the early New World populations were directly related to later Amerindian cultures and peoples. Much research has occurred since then indicating that such an assumption is premature, and that modern Native American peoples may be derived from later migrations to the New World.

4. Most First Americans scholars now believe that there were at least three (if not more) waves of human migration to the New World at, or following, the end of the last Ice Age. These may not have been the only migrations to the New World. There is a growing body of evidence to suggest that other peopling events may have occurred well before the end of the Pleistocene. These different peopling events may have involved multiple racial and/or ethnic groups. Such an inference is supported by artifactual, biological and linguistic evidence. For example, the studies conducted by Drs. Steele and Powell on New World skeletal remains and dentition dating more than 8,000 years ago indicate that early New World populations were biologically distinct from later populations. These early remains are typified by cranial and dental characteristics that are significantly different from the characteristics of later populations having more Mongoloid features.

5. How these early populations relate, if at all, to later populations is problematic. There is no reason to assume that they were necessarily ancestral. Human survival at the end of the Pleistocene was subject to many uncertainties such as disease, accident, warfare, and natural catastrophes. These forces could operate on the individual level to bring early death to particular persons or families. They could also operate on the large scale to affect the fates of entire bands and groups. At the end of the Pleistocene, humans in the New World were probably organized in small kin-related bands that were linked to larger groups through marriage and linguistic ties. All of these bands and groups were affected by the forces of selection, but not in the same way or to the same degree. Over time, some groups would win

ALAN L. SCHNEIDER
1437 SW Columbia, #200
Portland, Oregon 97201
(503) 274-8444

8038

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60/159

the contest of survival and thereby contribute to the cultural and genetic heritage of modern peoples. Others, however, would not.

6. The elimination of a group might be gradual, or it could be sudden. For example, the Mount Mazama eruption approximately 6,700 years before the present devastated thousands of square miles of the Pacific Northwest. It was so sudden and so overwhelming it is likely to have destroyed entire bands and groups of people. Another well documented natural catastrophe was the mid-Holocene drying period or drought that affected the Pacific Northwest (and other parts of the country) from approximately 4000 to 8500 years before the present. This drought was so severe and widespread it would have substantially reduced the food resources available to sustain human life, and would have led to starvation and increased competition for suitable living areas. Other examples of environmental conditions that could have affected individual and group survival include: famine; floods; periodic region-wide forest and range fires; unusually severe or prolonged winters.

7. The role of Kennewick Man in this struggle for long-term survival has yet to be established. He may have been part of a group that did not succeed in reproducing over time. Moreover, even if his group did survive over time, his (and their) living descendants may not reside in the Pacific Northwest or even in the United States. There is no reason to believe that human migrations and population movements within the New World ended with the Pleistocene. In fact, the scientific record is filled with proof that it did not. For example, linguistic evidence would indicate that the Navajo and certain tribes along the Pacific Northwest coast and the lower Columbia are relatively recent descendants of peoples who originally resided in Alaska. If the Kennewick Man's group was replaced or superseded by another group, it cannot be assumed that these groups were closely related. The processes that led to the peopling of the Americas took many thousands of years to unfold, and they

ALAN L. SCHNEIDER
1437 SW Columbia, #200
Portland, Oregon 97201
(503) 274-9444

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64/159

may have involved many different parts of the Old World. The only biological relationship between these different groups may have been descent from a common, but relatively distant, predecessor population (or populations).

8. Kennewick man cannot be fitted into the tapestry of New World human evolution by guesswork or assumption. Only thorough scientific study of his skeleton can provide the needed objective data. Requests to study this unique skeleton have been submitted by Drs. Bonnichsen, Brace, Gill, Jantz, Ollendorf, Owsley, Powell, Stafford, Steele and Turner. The studies and tests they request are reasonable, appropriate and necessary.

9. Each of these studies and tests can tell us something significant about the Kennewick Man and his times, and it is important that all of them be permitted. The events and processes of prehistory can only be understood by gathering as many data sets (or "lines of evidence") as possible. Unlike the physical sciences such as chemistry and physics, the sciences of prehistory cannot replicate the actual phenomena we seek to study. What is past is past, and cannot be observed directly. All that can be observed are the material traces of the past that have survived into the present. These traces are not always accurate or unambiguous reflections of the events and processes that created them. As a result, attempts to reconstruct past events and processes must rely upon as many independent lines of evidence as possible. The more lines of evidence that can be brought to bear upon a particular question the more confidence we can have in the conclusions that are reached. In this regard, the sciences of prehistory are not unlike the law which also must try to uncover the truth about past events.

10. In the present case, Kennewick Man and his people are not here to speak to us directly about who they were, where they came from and how they lived. These questions can only be addressed by studying the skeleton itself and seeing what it can tell us. The

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