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**DISCOVERY AND RECOVERY OF HUMAN REMAINS FROM
THE COLUMBIA PARK SITE, KENNEWICK, WA,
JULY-SEPTEMBER 1996**

Prepared by

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Introduction

This report sets forth a more detailed accounting of the events involved in the discovery and intermittent recovery of the human skeletal elements that are today variously referred to as "Kennewick Man," or the "Ancient One." A preliminary but generalized summary of these events was prepared as part of a historic context report completed by the author in February 1998. The following report provides more specific delineation of the events surrounding the initial discovery and recovery of human remains over a period of several weeks, and provides a baseline discussion of the activities undertaken by the principals during this period of time. Copies of documents that provide primary information concerning these events and activities are listed as exhibits and are appended to this report.

The timeframe covered in this discussion began on July 28, 1996 with the initial discovery of human remains by members of the public, and concludes with the formal transfer of custody for the remains from the Benton County Coroner's Office to the U.S. Army Corps of Engineer District, Walla Walla, (COE-Walla Walla) on September 5, 1996. The following accounting of events and activities is derived from various announcements in the press, statements prepared by individuals involved in the activities, internal files of the COE administrative record, and documents filed with the U.S. District Court in conjunction with the ongoing litigation (Bonnichsen et al. v. U.S).

Background

Principal Individuals Involved in the Discovery and Recovery of the Remains

The following individuals/offices are considered to be principal participants in activities that occurred during the period of time under examination:

Discoverers: The initial discovery of the human remains was made by David Deacy and William Thomas, both from the nearby town of West Richland.

Office of the Coroner, Benton county, Washington: Mr. Floyd E. Johnson, Coroner, and Dr. James C. Chatters, Applied Paleoscience, Richland, WA. Dr. Chatters served as an archaeological/human osteological consultant to the Coroner's Office.

U.S. Army Corps of Engineers District, Walla Walla: During this period, four persons from this office played significant roles, including: 1) Lieutenant Colonel Donald Curtis, Jr., District Commander; 2) Ms. Linda Kirts, District Counsel; 3) Mr. John Leier, District Archaeologist; and 4) Mr. Ray L. Tracy, Staff Archaeologist.

Data sources

The single most comprehensive repository of primary and secondary information related to the period of time under discussion herein, as well as the entire time since the discovery of the remains, is located in the Office of Counsel at the COE-Walla Walla where an administrative record in the form of hardcopy files and concurrent electronic database is maintained. The database includes scanned copies of all relevant documentation from the initial discovery to the present which can be searched via a variety of modes (date, author, type of document, subject, etc.). This useful compilation included 1064 documents as of 4/17/98. Since the COE-Walla Walla originally requested copies of all notes, photographs, and other primary data related to the 1996 recovery and analyses of the human skeletal materials from the

Benton County Coroner's office, including its archaeological consultant, it is presumed that all such information currently is contained in the COE project file.

Popular accountings of the discovery and subsequent events can be found in two regional newspaper archives. The most extensive is the local paper, the *Tri-City Herald*, web site: <http://www.tri-cityherald.com/bones/>. As of mid-April 1998, this archive included about 70 Herald articles chronicling past activities related to this issue. Another recently developed archive contains over 40 articles that have appeared in the *Portland Oregonian*. This archive can be located at the following location: <http://www.oregonian.com/todaysnews/kennewick.html>. In addition to regional newspaper articles, probably the most extensive popular accounting of the early events (and subsequent controversies as well) appeared in an article in *The New Yorker*, June 16, 1997, article entitled, "The Lost Man," (by Douglas Preston, pp. 70-81)

Several sources of primary information exist that document the discovery/recovery activities of the period late July-early September 1996, most of which were prepared at a later date as statements for the government or as part of the court proceedings. For reference, written statements and chronological summaries prepared by principals are listed in Table 1; relevant formal affidavits filed with the U.S. District Court are listed in Table 2.

Table 1. List of Primary Sources for Events and Activities during the Discovery and Recovery Period

Field Notes, James Chatters – These notes consist of 13 pages of hand written notes by Dr. Chatters, covering the period 7/28/96 – 8/30/96 (a typewritten transcription has been completed of these notes) (Exhibit 1)

Typewritten statement of Mr. Floyd Johnson, Benton County Coroner, dated 9/6/96, and consisting of seven pages. This statement is a chronological report of the events and describes the participation of the Coroner's Office personnel. Copies of two "State of Washington uniform Incident Report" forms prepared by police officers at the time of discovery, with supporting written statements, are appended to Mr. Johnson's statement (Exhibit 2)

Typewritten statement by James Chatters entitled, "Chronology of Activities associated with 1996 Columbia Park Skeletal Finds, consisting of four pages and dated 9/10/96 (Exhibit 3)

Typed statement by Ray Tracy, undated and including eight pages, entitled, "Chronology of Kennewick Human Remains Situation" (Exhibit 4)

Typed statement (7 pp.) entitled, "Summary of Events Regarding Human Remains found at Columbia Park, Tri-Cities, Washington," undated and no author noted, but believed to have been prepared by the COE-Walla Walla Office of Counsel in early November 1996 (Exhibit 5)

Table 2. Formal Affidavits prepared that Chronicle the events of the Discovery and Recovery Period

Affidavit of James C. Chatters, dated 10/16/96 (3 pp.) (Exhibit 6)

Declaration of LTC Donald R. Curtis, Jr., dated 4/21/97 (4 pp.) (Exhibit 7)

Declaration of Ray Tracy, dated 4/21/97 (6 pp.) (Exhibit 8)

Affidavit of David Glenn Smith, dated 5/19/97 (4 pp.) (Exhibit 9)

Affidavit of James Chatters, dated 9/22/97 (4 pp.) (Exhibit 10)

Discovery and Recovery Actions

The highly publicized discovery of the human remains at the Columbia Park site was first reported in the July 29, 1996 edition of the *Tri-City Herald* under the headline "Skull found on shore of Columbia." That initial brief story told how two spectators (Deacy and Thomas) at the annual hydro boat races being held at Columbia Park that weekend stumbled on a human skull on the muddy beach. One of the men (Thomas) involved in the discovery actually hit the intact cranium with his foot at a depth of about 18 inches while wading about 10 feet offshore. Not wanting to miss the boat race finals, the two discoverers placed the cranium in the bushes along the shoreline, planning to return and further explore the find later in the afternoon. Following the race, they returned to retrieve the skull and soon thereafter turned it over to a city police officer.

Following discovery of the human cranium by members of the public on July 28, 1996, more formal collection of individual skeletal elements was initiated later that same day. Inspection of the site at that time by the county coroner's consulting archaeologist, James Chatters, resulted in the notation of both prehistoric and historic artifacts exposed as lag on the beach, but no cultural materials were observed *in situ* within the exposed cutbank. Skeletal materials collected from the beach by Chatters, assisted by members of the Columbia Basin Dive Rescue team, that evening included the following elements: right and left innominates, a sacrum fragment, distal left femur fragment, both proximal femora sections, six rib fragments, right humerus (in two pieces), the proximal portion of the right tibia, atlas, axis, two thoracic vertebrae, both malars, horizontal ramus of the right mandible, parts of both ulnae, and the distal portion of the right radius. At the time, Chatters made the observation that these elements were probably located in the original find spot, which, presumably, coincided with the position of the cranium collected earlier in the day. All of these human remains were submerged in water when retrieved.

Because of the physical setting along the shoreline and the dispersed nature of the skeletal pieces, additional elements of the human skeleton continued to be collected during visits to the locale over the next few weeks. These events are briefly listed as follows:

July 29, 1996 – Chatters returned to the site and retrieved a number of rib fragments, right ascending ramus, left distal radius, left ulna mid-shaft fragment, mid-shaft and distal part of the right femur, the

mid-shaft of the left tibia and the proximal end of the right tibia, various hand and foot bones, and several vertebrae and scapula fragments.

July 31, 1996 – Chatters again visited the site to attempt collection of any remaining skeletal elements. The collection approach included sluicing and screening. Skeletal pieces retrieved at this time included the right horizontal ramus, seventeen rib fragments, a patella, proximal right radius fragment, five fibula fragments, including parts of both sides, three scapula fragments, the distal portion of the left tibia, nine vertebrae and fragments, a fragment of a clavicle, and the proximal portion of the left humerus.

August 2, 1996 – Chatters checked the shoreline again on this date with negative results.

August 3, 1996 – Chatters once again inspected the site and recovered three rib fragments and a small hand bone.

August 5, 1996 – Chatters revisited the site on this day and once again performed sluicing of the beach sediments in an attempt to retrieve more of the skeleton. Positive results were achieved in the vicinity of the original find and the following skeletal elements were collected: midsection of the left femur shaft, distal right tibia, left calcaneous, right metatarsal, # 1 and 8 phalanges, two metapodials, left glenoid, right patella, left acromion, a vertebra, nine vertebrae fragments (thoracic and cervical), five fibula fragments, and thirteen rib fragments.

August 11, 1996 – The beach was again checked by Chatters who found and collected additional rib fragments and some hand and foot bones.

August 19, 1996 – The beach was checked by Chatters with negative results.

August 26, 1996 – Chatters again examined the beach and found nothing.

August 29, 1996 – Chatters, accompanied by one of the original discoverers, William Thomas, visited the site. Three small rib fragments were recovered as a result of this visit.

The above visits to the Columbia Park site by Dr. Chatters, employed by the county coroner's office, ten in all, comprise the formal attempts to collect the dispersed elements of the human skeleton. This effort was concluded with the Corp of Engineers officially taking possession of the human remains from the coroner's office on September 5, 1996. As part of these field visits, and under terms of the Archaeological Resources and Protection Act permit issued to the archaeologist by the Corps of Engineers, various prehistoric and historic artifacts were collected from the general beach area. All were noted as being "beach lag," meaning that all had eroded from their original locations and *in situ* contexts.

In addition to the recovery activities completed county coroners office personnel during the first two months following the initial discovery, later field visits to the site by various personnel resulted in actions that are considered to be part of the data recovery effort. In mid-September 1996, representatives of the Confederated Tribes of the Umatilla Reservation Cultural Resources Program visited the site and collected additional bone fragments, some of which were human and probably associated with the human remains under evaluation. The human bones collected by this activity included two foot phalanges, one hand phalange, four rib fragments, one vertebral spinous process, one possible pubis fragment, and eight miscellaneous bone fragments. These specimens were placed with those previously collected on September 17, 1996. Later in October of that fall, the Confederated Tribes of the Umatilla Reservation undertook field recording and mapping of the Columbia Park site. This effort resulted in a site form being prepared to include the discovery site. Although the presence of both human and non-human bone

and prehistoric stone artifacts is noted in the written report and on the site map, it is not stated in the document whether or not collection of these items was completed.

On November 11, 1996, Chatters again visited the site, in the company of a Corps of Engineers archaeologist Ray Tracy, for the purpose of collecting non-cultural soil samples. During this field visit, the beach area was once again inspected with no additional pieces of human bones being observed.

Two more recent events conclude the recovery activities for cultural materials at the Columbia Park site. On September 4, 1997, a Corps of Engineers archaeologist Ray Tracy encountered and retrieved a human left first metacarpal at the location. On December 14, 1997, a fragment of human rib was observed in the vicinity of the original discovery during the on-site geological investigations. Both of pieces of bone are believed to be associated with the human skeleton under discussion and, in each case, were placed in the repository where the remainder of the materials reside.

Documentation of the above events related to the discovery of the human remains and subsequent recovery activities cannot, in many respects, be considered to include great detail. The initial discovery is well documented by written statements provided by police officers first on the scene, supplemented by a written statement provided by the Benton County Coroner. Written statements by Corps of Engineers personnel and other, including the archaeologist under contract to the coroner's office are also available, having been filed as part of the court record. In general, these statements pertain more to the overall sequence of events and not the primary data needed for reconstruction of the field conditions. Data specific to the recovery activities are limited, and include very brief handwritten notes made by Chatters and some photographs of the general discovery location. There are no maps, scaled or sketch, in the records that indicate general distribution or location of either human skeletal remains or artifacts collected from the beach.

Analytical Activities During this Period

Although it eventually took several months for all relevant information to accumulate, it is now possible to identify the analytical approaches employed during the timeframe under examination, along with the results and products. Table 3 lists primary sources of data that pertain to this issue, all of which were completed by Chatters. Table 4 includes documents that pertain to analytical participation by others during the summer of 1996.

As noted above, skeletal elements continued to be collected over a several weeks period, although the primary skeletal parts were recovered in the first few days after the initial discovery. Based on the documentary sources, the following analyses were conducted while the materials were in possession of Dr. Chatters, and prior to turning the remains over to the government at the end of August 1996. While the basic results of the analytical procedures are provided in the documentation, there are no notes that relate to ongoing laboratory or analytical procedures employed. Limited information has been provided in later statements and affidavits prepared by Chatters.

- Since the bones were recovered from water and mud, all bones were carefully dried to help prevent further deterioration and cracking. Some bones, especially the skull fragments, were treated with a dilute solution of water-soluble polymer. As necessary, the bones were cleaned by gentle brushing and use of a dental pick. Reconstruction and gluing of some bone fragments, particularly the cranium, was undertaken although not documented. Recently, it was reported in the press that some of the long bone fragments were glued together to facilitate measurements.

- Basic but minimal osteological metric measurements, along with some nonmetric observations, were completed for all elements, and stature reconstructions were calculated using various long bones. These analytical sheets also provide an inventory of elements present although elaboration on condition and fragmentation of individual bones is generally lacking. For example, although each the femora and tibias were recovered in pieces, and at different times, the analysis results describe these bones as if they were whole. Stature calculations are provided for the femora, tibias, humeri, right ulna, and left radius; however, the formula utilized is not included or referenced.
- Photographic documentation was completed, including multiple views of the cranium, dentition, and pathological conditions. Additional photographs show the skeletal elements laid out in anatomical positioning on a table. Finally, the entire postcranial skeleton was video taped laid out on the table just prior to turning the materials over to the government. At some point, an artist's rendition and a cast of the full skull were completed.
- During the initial cleaning process on 7/29/96, Chatters noted the presence of a foreign object embedded in the right ilium of the pelvis. This bone and object (which later turned out to be a fragment of a stone knife or spear point) was x-rayed (7/29/96) and CAT-scanned (7/31/96). On 8/7/96 Chatters, visited a local dentist with the dentition at which time macroscopic examination was completed, along with x-rays.
- Seeking concurrence on his observations for the skeleton's morphological characteristics, particularly those relating to ethnic identification, Chatters sought outside opinions from two specialists. Catherine MacMillan, Bone-apart Agency and Central Washington University (7/30/96) and Grover Krantz of Washington State University on 8/30/96.

Table 3. Primary Documentation and Information Related to Analytical Procedures Performed on the Columbia Park Human Remains

Anthropometric measurements and observations for the skeletal elements completed by J. Chatters, including one page of cranial measurements, 12 pp. of post cranial measurements, one page of stature reconstructions for individual long bones, and three pages of anatomical skeletal schematic drawings that show bones present and locations of pathological conditions (Note: of the latter three-page set, I only have one page in my possession) (Exhibit 11)

A number copies of photo proof pages, photographic prints, slides, CAT scans, and radiographs that show close up views of individual skeletal elements, pathologies, and anatomical positioning of skeletal elements displayed on a table (Exhibit 12)

A video tape that provides a visual examination of all post cranial elements arranged in anatomical positioning, along with a short section showing limited fieldwork undertaken in 11/96

Artist's rendition of the skull (drawn by Claire Chatters) (Exhibit 13)

Cast of the skull (in possession of Dr. Chatters)

Table 4. Analysis-related Information from Individuals other than Chatters

Letter from Larry Duncan (Deputy Benton County Coroner) to Dr. Donna Kirner,, University of California-Riverside (requesting radiocarbon date on human bone), dated 8/3/96 (Exhibit 14)

Handwritten University of California-Riverside Radiocarbon Laboratory data sheet (completed by Chatters) to accompany the dating sample, dated 8/5/96 (Exhibit 15)

Letter from Dr. D. Kirner, University of California-Riverside, reporting the results of the dating analysis, dated 8.26/96 (Exhibit 16)

Letter from Carol J. MacMillan, Bone-Apart Agency, to Floyd Johnson concerning her evaluation of the possible ethnic characteristics of the cranium, dated 8/31/96 (Exhibit 17)

Letter from Grover S. Krantz, Washington State University, to James Chatters, giving a written summation of his brief examination of the skeletal elements, dated 9/2/96 (Exhibit 18)

Letter from Douglas Owsley, National Museum of Natural History, Smithsonian Institution, to Floyd Johnson, offering to provide airfare for Chatters to bring the skeleton to Washington, D.C. for a complete nondestructive osteological analysis, dated 8/31/96 (Exhibit 19)

From the outset, the question of the archaeological age of the remains was beset with ambiguity. A large part of this issue centered on the fact that the human remains had sometime previously eroded from a receding cutbank, and the original context was thus lost. Scattered on the eroded beach with the bones were many fragments of historic artifacts (glass, crockery, and metal), as well as a smaller number of prehistoric stone artifacts. The initial evaluation of the remains, especially the cranium, did not fit the expected characteristics for aboriginal skeletons in the opinion of Chatters. Consequently, it was initially thought likely that skeletal remains were contemporaneous with the historic period artifacts and represented an early White settler interment. However, it is clear from the very first day that Chatters entertained the distinct possibility that if this was not the case then the physical characteristics exhibited by the skeleton could indicate a very early date. According to the statement of Coroner Johnson, Chatters, when first shown the initial collection of bones at his house and before visiting the discovery location, stated that the "remains could be four to five thousand years old." After visiting the location and seeing the dislodged artifacts strewn about the beach, Chatters then indicated an opinion that they were probably the remains of an early settler.

A day later, this opinion was brought into question when the stone artifact was found embedded in the pelvic bone. The CAT-scan and concurrent examination of the specimen by Ken Reid, a lithic artifact specialist, revealed that the artifact was possibly part of a spear point, one that was similar to a very early type in this region designated as a "Cascade Point."

The next day, Chatters approached Coroner Johnson and recommended that a radiocarbon date be completed on the skeletal material to help confirm this finding. Johnson concurred and Chatters prepared a letter for the Coroner's office (signed on 8/3/96) to forward to the University of California-Riverside which had offered to complete the analysis on a small piece of bone. According to Johnson's written statement, Chatters at this time advised him that in his opinion that the remains were not of Native

American descent and that the Native American Graves Protection and Repatriation Act provisions did not apply in this case. Based on this advice, the coroner gave permission for the dating analysis.

A UCR radiocarbon data sheet to accompany the specimen, completed by Chatters on 8/5/98, includes the following information:

Estimated age of sample: (a) 150-250 yr or (b) 6500-9500 B.P.

Basis for age estimate: (a) Caucasoid characteristics (b) projectile point embedded in rt. ilium is of style seen (not exclusively) in early Holocene

Scientific objectives and comments: (1) seeking to ascertain age to aid in racial identification (2) if Paleoindian, would obtain dietary signature as well as age.

Sometime around mid-August, and well in advance of receiving preliminary results on the eventual radiocarbon date (8/26/96), Chatters apparently requested that Coroner Johnson agree to continue on with the DNA analysis, which would entail forwarding part of the dating material on to another laboratory at the University of California-Davis. (Note: there are numerous discrepancies between Coroner Johnson's written statement and Chatter's notes regarding the dates and events during the month of August 1996, and, in some instances, whose idea it was to conduct certain analyses. Johnson, for example, states that he gave Chatters permission to conduct the DNA test much earlier on 7/30/96). Chatters notified UCR to forward remnant bone on to UCD for the DNA testing on 8/19/96.

Written confirmation of the radiocarbon date was forwarded from the UCR laboratory on 8/26/96, followed by a press conference the following day to announce the results. This public announcement set into motion the relatively quick response on the part of the COE-Walla Walla to establish jurisdiction over the human remains and to assert custody. On the afternoon of 8/30/96, Coroner Johnson contacted Chatters, retrieved the skeleton from Chatter's house, and placed the box containing the remains in an evidence locker at the Benton County Sheriff's Department. On 9/4/96, the remains were formally turned over to the government.

Sometime in the latter half of August 1996, Chatters contacted the Smithsonian Institution concerning the skeleton, although the exact date cannot be precisely determined from the extant documents. Johnson says that Chatters advised him of the contact and that he agreed to the then pending arrangements on 8/19/96 well before the date the radiocarbon dating result was received. Whatever the actual date of the contact, the Smithsonian Institution made reservations for Chatters to fly to Washington, D.C. on 9/8/96 with the skeleton and return home on 9/11/96. This trip was cancelled when the government took possession of the human remains.