

1 of a "first impression", unless other prior repatriations have been carried out
2 without adequate data.

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- 4 • Defendants have claimed that the radiocarbon dating samples were taken by a
5 team of "experts." In fact, Dr. McManamon and his team did not have the
6 expertise needed for that task. Owsley affidavit.
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- 8 • Defendants have claimed that the box taken from Batelle in April 1998 did not
9 include any bones from the Kennewick skeleton. In fact, however, the box
10 contained part of a vertebra and other fragments of bones collected from the
11 discovery site. See Chatters report at p. 4 (plaintiffs' supplemental report on
12 transfer of the skeleton). The only reason they were not included with the rest of
13 the collection is because Dr. Trimble failed to catalog them.

14 Plaintiffs are concerned about defendants' use of their exclusive access to the skeleton to
15 disseminate this and other false and/or misleading information. Unfortunately, at least for now,
16 the defendants have complete control over what the public learns about Kennewick Man. In
17 addition to the possible effect on scientific inquiry in other matters, defendants are creating a
18 public understanding about Kennewick Man and the parties involved in this litigation that
19 suggests plaintiffs are wrong, or inexpert, or insensitive, or improperly taking up the time of the
20 Court.
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23 The cumulative effect of this misinformation campaign is not only damaging to plaintiffs'
24 reputation but also creates other impressions that are wrong. Because of it, countless people
25 have heard the government's message that it is being careful, selecting experts, and has not
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