

Congress of the United States House of Representatives

April 6, 1998

Lt. Gen. Joe Ballard
Commander
U.S. Army Corps of Engineers
20 Massachusetts Avenue NW
Washington, D.C. 20314-1000

Dear General Ballard:

I wish to express my disappointment with your handling of the Kennewick Man site burial issue.

When I spoke with you on March 31, 1998, I was left with the distinct impression that you understood that Congress was moving quickly toward final approval of legislation which would prohibit the Corps' planned damage to the Kennewick Man site. This impression was reinforced by your decision to suspend operations at the site, and by the statement of the Corps' spokesman in Walla Walla. Mr. Dutch Meier stated in comments to the Wenatchee World published on April 1, 1998, that "a necessary next step is to wait and see if the bills are signed into law."

You can therefore imagine my consternation upon receiving your letter after the close of business the following day that reversed your earlier decision to comply with the intent of Congress on this matter. In your letter you write that allowing the plaintiffs in Bonnichsen et al. to challenge your determination in court fulfills the requirements of this legislation. This is absolutely not the case. The intent of the legislation passed by the House and Senate was to require a positive endorsement by the court prior to any Corps action, not to force the plaintiffs and the court to try and keep up with the day to day changes in the Corps' position.

I understand that this is a complex issue involving competing priorities. However, I believe that the Corps' inflexible pursuit of extreme erosion control measures and resistance to more reasonable alternatives, combined with a disorganized and misleading response to expressions of Congressional concern and intent, does serious damage to our ability to work cooperatively.

I hope that you will respond to the concerns expressed in this letter by conducting a sustained review of Corps policy and procedures regarding this matter, and by suspending future action at the site until Congress and the President have completed action on the Supplemental Appropriations Act.

Sincerely,

A handwritten signature in black ink that reads "Doc Hastings". The signature is written in a cursive, slightly slanted style.

Doc Hastings
Member of Congress

DH:jv