2001

Native Americans anthropologists and NAGPRA: A continuing controversy

Christine C. Baker  
*The University of Montana*

Let us know how access to this document benefits you.  
Follow this and additional works at: [https://scholarworks.umt.edu/etd](https://scholarworks.umt.edu/etd)

**Recommended Citation**  
[https://scholarworks.umt.edu/etd/5584](https://scholarworks.umt.edu/etd/5584)

This Thesis is brought to you for free and open access by the Graduate School at ScholarWorks at University of Montana. It has been accepted for inclusion in Graduate Student Theses, Dissertations, & Professional Papers by an authorized administrator of ScholarWorks at University of Montana. For more information, please contact scholarworks@mso.umt.edu.
Permission is granted by the author to reproduce this material in its entirety, provided that this material is used for scholarly purposes and is properly cited in published works and reports.

**Please check "Yes" or "No" and provide signature**

Yes, I grant permission

No, I do not grant permission

Author's Signature: Christy Baker

Date: 5-21-01

Any copying for commercial purposes or financial gain may be undertaken only with the author's explicit consent.
NATIVE AMERICANS, ANTHROPOLOGISTS, AND NAGPRA
A CONTINUING CONTROVERSY.

by

Christine C. Baker

B.A. Montana State University, 1997

presented in partial fulfillment of the requirements

for the degree of

Master of Arts

The University of Montana

2001

Approved by:

[Signatures]

Chairperson

Dean, Graduate School

Date

5-21-01
The arrival of Euro-Americans on North American soil had many negative consequences for the Native people. American Indians were looked upon as savages and therefore, they were treated as such. It was a common belief for Anglo's to think of American Indians as having animalistic characteristics, believing Native practices were morbid and non-Christian, they assimilated American Indians into Euro-American culture and beliefs.

During the late eighteenth, early nineteenth centuries, anthropology became a popular academic endeavor. Native Americans became the perfect living objects for their research. A majority of the academia became very interested in the American Indian culture, giving rise to the popularity of anthropology. Among the most sought out study, was that of Native American crania. Early anthropologists tried to prove the inferiority of American Indians through skull measurements. The popularity aided anthropologists in obtaining thousands of American Indian skulls from Indian burials and battlefields. Many of the skulls acquired were done illegally, and without permission from Native people.

Through time, Native American skeletal remains were cataloged and stored in museums and universities in the United States. The remains typically were stored in cardboard boxes or crates and placed in a corner. This treatment angered many Native American people. They felt that the treatment of their ancestors by curators, anthropologists, and University researchers was inhumane and unethical. Many fought to have the skeletal remains of their ancestors repatriated and re-buried.

In November 1990, Congress officially passes a law giving Native Americans the right to claim their ancestors from Federal entities. The Native American Graves Protection and Repatriation Act gave American Indians the freedom to request ancestors for a proper reburial. The law angered many, especially the scientific community. Anthropologists upset by the recent law and concerned that the act may have a negative effect on the academic endeavors, strongly opposed the legislation.

Native Americans, supported the law, feeling that it makes up for the atrocities that happened to them in the past. The statements heard by anthropologists contradicted the statements given by American Indians, each group fighting for their rights to keep the skeletal remains.

NAGPRA has forced both sides to come to agreements and settle their differences. Although, the law is a victory for American Indians, there are still continuing controversies that have to be solved before both groups find a common ground.
ACKNOWLEDGMENTS

I would especially like to thank Dr. Gregory Campbell who has supported me and offered me assistance throughout my graduate career. Without his confidence and support, I would never have made it to where I'm at today. His strive to see me succeed, the patience and understanding he has shown has been helpful throughout my two years of study. I would also like to express my appreciation to Dr. William Prentiss and Dr. Richmond Clow for their advice and assistance in the field of culture resource management and research methods.

Most importantly I would like to thank my family for their love and support. To my parents Gerard and MaryKay Baker your love, care, and support has helped me in striving to complete my education. Without your constant assistance throughout my college education, I would never have succeeded. At times my studies have not been easy, thank you for always listening when I needed you the most.
# TABLE OF CONTENTS

ABSTRACT ............................................................................................................................... ii  
ACKNOWLEDGMENTS ........................................................................................................ iii  
TABLE OF CONTENTS ......................................................................................................... iv  

CHAPTER 1  
REPATRIATION SUCCESS AND FAILURE  
Introduction ........................................................................................................................ 1  
Historical Accounts .......................................................................................................... 2  
Cardboard boxes and the United States Government ................................................... 6  
Our Ancestors Are Finally Coming Home ................................................................. 8  
A Headache for Indian tribes and Anthropologists alike ........................................... 10

CHAPTER 2  
ANTHROPOLOGY AND THE RISE OF SCIENTIFIC RACISM  
Rise of scientific racism .................................................................................................. 16  
Early anthropologist’s thought ............................................................................... 20  
Evolutionary paradigm ................................................................................................... 22  
Twentieth-century racism ............................................................................................... 25  
Early collecting of skeletal remains ........................................................................... 26

CHAPTER 3  
NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT  
Issues facing the passage of NAGPRA ................................................................. 29  
Testimonies against or questioning the written law of NAGPRA ........................... 28  
Testimonies supporting NAGPRA ............................................................................... 34  
Definitions of NAGPRA ................................................................................................. 37

CHAPTER 4  
ATTITUDES AND CONCERNS SURROUNDING NAGPRA  
Who is Right? ................................................................................................................. 39  
Institutions and remains ........................................................................................... 41  
Evolutionary and religious beliefs .............................................................................. 43  
Collecting remains and cultural items illegally ......................................................... 45  
Opportunities and challenges ..................................................................................... 46

CHAPTER 5  
THE UNRESOLVABLE QUESTION: WHO OWNS THE PAST?  
An Indian perspective .................................................................................................. 48  
Cultural conflicts ......................................................................................................... 55  
Differences in burial beliefs ......................................................................................... 56
CHAPTER 6
CONCLUSION

Research conclusions .......................................................... 58

BIBLIOGRAPHY ................................................................. 64
Chapter 1

Repatriation Success And Failure

“My son, never sell the bones of your father. When I am gone, think of your country. You are the chief of these people; they look to you to guide them. Always remember that your father never sold his country. You must stop your ears whenever you are asked to sign a treaty selling your home. A few years more, and white men will be all around you. They have their eyes on this land. My son, never forget my dying words. This country holds your father’s body. Never sell the bones of your father and your mother.”

-Chief Joseph (1871)
(quoted from Norbert Hill 1990)

Introduction

The purpose of this chapter is to give a brief historical overview of the Sand Creek Massacre of the Cheyenne Indians including the archaeological discovery of Kennewick Man. The topics, at first glance seem unrelated in time and space, but they have one commonality. Both incidences are legal issues involving the Native American Graves Protection and Repatriation Act or NAGPRA. Both events sparked considerable debate among anthropologists and American Indians. The gulf between these two involved parties has revolved around religious issues versus scientific study.

Native Americans claim that anthropologists acquired skeletal material unethically, while anthropologists cannot understand why the study of skeletal remains,
when done professionally, has such a salacious meaning to American Indians. The conflict between anthropologists and American Indians continues to be a contested battlefield of religious beliefs versus scientific inquiry. The question of what position is right, or what position is wrong in this debate is unanswerable, as both sides are entitled to their own viewpoints, each having understandable arguments.

This professional paper examines the issues surrounding Native Americans and the educational beliefs of anthropologists starting from the beginning of anthropological thought to issues surrounding twentieth century ideals.

The struggles of Native Americans, the arguments, frustrations, and broken promises have plagued Native people for centuries. Those heartaches and frustrations are voiced in the controversial NAGPRA issue. This is an examination of the multifactual reasons why the Native American Graves Protection and Repatriation Act remains a contentious battleground between Indians and anthropologists. The essay concludes with an overview of NAGPRA and the common grounds that may or may not be reached.

**Historical Backdrop**

For so many Native groups, the Cheyenne struggle for survival against Euro-American contact failed. American Indians were forced to leave their traditional lands, never again living as they had before Euro-American arrival. The influx of Anglos on North American soil slowly changed culture traditions with the assimilation of Native
Americans into a society that was both foreign and undesirable. In the process, many forms of exploitation occurred under European domination.

The Cheyenne of the Great Plains fought hard against assimilation and conquest, but as they fought for their sovereignty, lives were lost and culture traditions were slowly altered as they became confined to their reservations.

Many battles occurred during the mid-nineteenth century throughout the American West between the United States military and various American Indian tribes. American soldiers often celebrated their victories after each battle ended, taking pieces of the Native dead, including skeletal remains and material items, from the battlefields as souvenirs.

The trophy collecting did not stop there, on nineteenth century battlefields. Scientists of the time also continued to participate in collecting human remains. They became interested in the physical and racial aspects of American Indians, seeking to confer that they were animal-like, therefore inferior to the “white” race. To carry out their research, scientists sought to acquire indigenous remains from battlefields in order to study and defend their hypotheses of racial inferiority.

One battle, in particular, the Sand Creek Massacre, had grave consequences for the Cheyenne Indians. One hundred forty seven years have passed since that tragic battle took place killing many Cheyenne Indians camped near Sand Creek in the Colorado territory.

The skeletal remains of individuals murdered during the battle were collected and now are kept in storage at the Smithsonian Institution, in Washington, D.C. The remains were given to the Smithsonian from United States military personnel or from
anthropologists of historical times that studied craniums as their profession. With the passage of NAGPRA, the remains in 1993 were repatriated to the living ancestors of those that had fallen at Sand Creek.

Colonel John Milton Chivington led soldiers into the Sand Creek Massacre and therefore was a barbaric act that will long be remembered by the Cheyenne Indians (Schultz 1990: 2). When the massacre ended on November 29, 1864, the murdered, disfigured bodies of thirty men and one hundred twenty-five women and children, were left on the prairie, scalped, some with their brains hanging out, mutilated from the acts of the Colorado civilian soldiers (Waters 1993: 143).

The Anglo population in Colorado sought to exterminate the surrounding American Indian nations. The growing American Indian hostilities and violence throughout Colorado caused Euro-Americans to believe that they were a “threat to public safety” (Killion et. al. 1992: 12). The local whites further believed the regional Native American population was slowing the technological and economical developments within Colorado Territory (Killion et. al. 1992: 12).

Black Kettle, a leader of the Southern Cheyenne, wrote two letters, one to Sam Colley the Indian agent and the other to Colonel William Bent. Black Kettle promised peace with all who made their homes in the Colorado Territory and in return, the Cheyenne requested that the army make peace with the Kiowa, Comanche, Arapaho, Apache, and Sioux (Schultz 1990: 95) Major Edward Wynkoop along with one hundred twenty-seven troops met with the Cheyenne peace council along the headwaters of the Smoky Hill River in the Colorado Territory, called Camp Weld (Schultz 1990: 96).
Following the conference at Camp Weld, General Wynkoop told the Arapaho leaders who attended they should bring their villages near the post because they would be safe from army attacks. The Arapaho took their offer and camped about two miles to the northeast on Sand Creek. Major Scott J. Anthony told the leaders that he was not sure if any peace would be established, but war would not start until word from Major General Samuel R. Curtis. Unfortunately for the Cheyenne Indians, they believed that they would be safe if they remained on Sand Creek (White 1972: 25-26).

According to John Smith a white trader living among the Cheyenne, the attack occurred between dawn and daybreak. The Cheyenne saw troops approaching their camp, some ran to Smith's lodge in the hope that he would communicate with the Colorado cavalry and stop the oncoming barrage, but before Smith succeed, the Colorado soldiers started to fire. Black Kettle erected an American flag, given to him at the peace council of 1860, a small white flag flew underneath, indicating to the soldiers that the Indians wanted peace (Grinnell 1977: 170).

White Antelope, a Cheyenne elder, wearing a medal from President Lincoln that signified peace, stood in front of the soldiers and sang his death song "nothing lives long except the earth and the mountains" (Schultz 1990: 135). The Colorado cavalry shot him down and when the civilian soldiers reached him, they cut off his ears, nose, and scalped him (Schultz 1990: 135).

The massacre continued until mid-afternoon. After it was over, many Cheyenne in the camp were brutally murdered. The soldiers scalped and mutilated the dead. They took trinkets, cut rings off fingers, and stole other belongings. The soldiers also took
more than a hundred scalps back with them to Denver (Grinnell 1977: 173), many of the “trappings, beaded garments, scalps, and so forth” were hung “as curiosities” in bars around Denver (White 1972: 565).

**Cardboard Boxes And The United States Government**

The Cheyenne massacred bodies were taken off the battlefield at Sand Creek. Many were stored in boxes at the Army Medical Museum (Killion et. al 1992: 11-12).

The massacre continued off the battlefield as the Surgeon General of the United States Army ordered all dead Indians to be decapitated for an “Indian Crania Study” (Mihesuah 2000: 2). George Otis, curator of the Army Medical Museum wrote to the United States Army informing supervisors about the collecting of human remains. He wrote:

> The surgeon General has desired me to use every effort to augment the collection of Indian Crania in the Army Medical Museum. I have thought it better to effect this object by correspondence, rather than by a circular order, for duties made obligatory are often distasteful. I trust that you and all the medical officers serving in the Indian Country, will take an interest in aiding in the accomplishment of this purpose, and thereby enriching the Museum with a collection as rare as interesting (Killion et. al.1992: 11-12).

This practice had been in force long before Sand Creek. Throughout the 1850s, the presence of the US military grew across the Great Plains and military surgeons became highly active in acquiring Native remains from battlefields. As military confrontations increased, the opportunities for surgeons to take active roles in collecting the Indian human skeletal remains of Indian people amplified (Killion et. al.1992: 12).
In January 1865, Louis Agassiz, a Harvard University zoologist reminded Secretary of War Edwin Stanton months after Sand Creek that he had promised to let Agassiz “have the bodies of some Indians; if any should die at this time...all that would be necessary...would be to forward the body express in a box.” Agassiz also wrote to Stanton that he would like “one or two handsome fellows entire and the heads of two or three more” (Gulliford 2000: 16). The practice of collecting Native American skeletal remains became an accepted practice throughout the scientific communities.

Even Franz Boas, the father of American anthropology, participated in the collecting of human skeletal remains. To help pay for his fieldwork, he collected and sold Indian skulls. He admitted that “it is most unpleasant work to steal bones from a grave, but what is the use, someone has to do it” (Gulliford 2000: 17).

Ales Hardlicka an anthropologist and founder of the Smithsonian’s division of physical anthropology eagerly made his contribution toward the study of skull science. In nineteen hundred despite protests by local Inuits, Hardlicka dug up eight hundred Konaig Natives and more than one thousand burial offerings at the village of Larsen Bay in Kodiak, Alaska (Crawford 2000: 214). He kept the remains in storage at the Smithsonian Institution viewing them at his own leisure (Gulliford 2000: 18).

The Smithsonian Institution continued to possess Indian skeletal remains accumulating almost 9,000 bodily remains. For many Native Americans it became known as the largest Indian graveyard (Gulliford 2000: 21). It was not until the passage of the Native American Graves Protection and Repatriation Act in 1990 that human remains were to be returned to various Native American tribes for reburial, and most
importantly to the Cheyenne, whose ancestors fell during the massacre at Sand Creek.

The Sand Creek Massacre was an event, filled with political and cultural implications. The Cheyenne Indians had to wait 127 years for reburial to take place for their ancestors massacred at Sand Creek. Closure to the living was finally felt by many as the pine coffins entered into the ground on the Northern Cheyenne Reservation.

Our Ancestors Are Finally Coming Home

The Cheyenne were one of the first Native American tribes to successfully complete repatriation of their ancestors. The repatriation office at the National Museum of Natural History in the fall of 1991 began documentation from a request by Juanita L. Learned, Chairperson of the Business Committee of the Cheyenne and Arapaho Tribes of Oklahoma (Killion et. al. 1992: 1).

On October 30, 1991, Mr. Laird Cometsevah, President of the Sand Creek Cheyenne Descendants (SCCD) wrote to the repatriation office to renew a request made by the former Vice Chairman of the SCCD. The Cheyenne and Arapaho tribes of Oklahoma, and the Northern Cheyenne of Montana also sought to repatriate the remains of their ancestors from Sand Creek.

In order for the Northern and Southern Cheyenne to acquire the bones of their ancestors, George Sutton the representative of repatriation and reburial for the Southern Cheyenne suggested that remains could be returned to both tribes on the basis of historical records and group affiliation (Killion et. al. 1992: 42).
Thirty-one individual remains were identified as either Northern or Southern Cheyenne. Seventeen of the remains were Northern Cheyenne and fourteen were identified as Southern Cheyenne. A group of Cheyenne from Montana traveled to Washington, D.C. to take their ancestors’ bones home from the Smithsonian Museum of Natural History. This collective delegation took the remains, traveling through Nebraska as the Northern Cheyenne had done decades before when they broke off from the Southern group (Giarelli 1993: 5).

It was a cold and rainy morning on Saturday, October 16, 1993 when the Northern Cheyenne reburied their ancestors. Nearly 200 people came for the burial at the Northern Cheyenne Indian Reservation in Southeastern Montana. Walking along U.S. Highway 212, they buried the remains near the monument of a Cheyenne Chief, known as Two Moons. In an emotional moment, Steve Littlebird, the camp crier was heard saying, “Those white people had no right to put us on display, they have no right to study us. Were human beings, just like them” (Giarelli 1993: 5).

The Cheyenne repatriation was a success story, one of the first. The incident gave hope to all Indian people who have ancestors in cardboard boxes stored in facilities throughout the United States.

On the other hand, repatriation frequently does not end on a positive note, and some requests may never be reconciled. Some tribes will never get the remains of their ancestors back. For example the Confederated Tribes of the Umatilla, the Nez Perce tribe, the Wanapum band, the Yakima Indian Nation, and the Coville Confederated Tribes, are still embroiled in the controversy surrounding Kennewick Man keeping the
repatriation dispute alive and demonstrating the weakness or limitations of NAGPRA.

A Headache For Indian Tribes And Anthropologists Alike

Kennewick Man has generated considerable controversy since the remains were discovered alongside the Columbia River near Kennewick, Washington on July 28, 1996.

The scientific find termed by anthropologists, or the religious discovery implied by Native Americans forced individuals to critique more closely, the Native American Graves Protection and Repatriation Act. It also brought to the forefront the fundamental disagreements between both communities. Intentional or not, the topic of NAGPRA will forever become controversial.

Student’s Dave Deacy and Will Thomas were watching a hydroplane race and discovered bones lying on and buried in the sand near the Columbia River. They had thought they found the remains of a murder victim, immediately notifying the police to report a crime. Benton County’s coroner, Floyd Johnson speculated he would have to open an unsolved murder case (Miller 1997:52-55). Johnson showed the Kennewick remains to James Chatters, an archaeologist who ran an archaeological consulting firm in the area. He automatically inferred that the skeleton was a Caucasoid male having long narrow cheekbones and an upper jaw that protruded outward (Thomas 2000: xvii).

Initially the remains were first thought to be from a nineteenth-century settler, but one skeletal clue immediately dismissed the settler hypothesis. A Cascade point was found in the hip. Chatters sent a small piece of the bone to the University of California-
Berkley, for radiocarbon dating. Three weeks later the lab called and gave Chatters news that would question the rights and laws of the Indian community (Thomas 2000: xix). The Cascade projectile point lodged into the hip was widely used during the Archaic Period, from nine thousand to forty five-hundred years ago, making Kennewick Man one of the oldest discovered skeletons in North America at nine thousand years old (Preston 1997: 70).

The Army Corps of Engineers had jurisdiction over the land where Kennewick Man was found. Therefore under the term “Inadvertent Discovery” under the Native American Graves Protection and Repatriation Act, the remains were to be returned to the local Indian tribes in the area (Crawford 2000: 211). The Yakima Indian Nation, the Colville Confederated Tribes, the Nez Perce tribe, the Wanapum band, and the Confederated Tribes of the Umatilla, all agreed to a common reburial ceremony.

Before the tribes could properly bury the remains, Robsen Bonnichsen, C. Loring Brace, George W. Gill, C. Vance Hays Jr., Richard L. Jantz, Douglas Owsley, Dennis J. Stanford, and D. Gentry Steele, all major figures in the field of anthropology, filed suit in formal district court to stop the repatriation from proceeding. They argued more time to study the remains was needed in order to determine whether or not Kennewick Man is of Native American ancestry (Watkins 2000: 137).

That anthropologists were questioning the so-called ownership of Kennewick Man has angered many tribal members, drawing a bold line between religion and science. Armand Minthorn, a religious leader for the Umatilla gave a strong statement defending his tribe on the subject of science versus religion. He wrote:
If this individual is truly over 9,000 years old, that only substantiates our belief that he is Native American. From our oral histories, we know that our people have been part of this land since the beginning of time...Some scientists say that if this individual is not studied further, we as Indians will be destroying evidence of our own history. We already know our history. It is passed onto us through our elders and through our religious practices (Watkins 2000: 136-137).

Grover Krantz, a physical anthropologist and professor at Washington State University in Pullman became a spokesman. He wrote: “This skeleton cannot be racially or culturally associated with any existing American Indian group... The Native American Graves Protection and Repatriation Act has no more applicability to this skeleton than it would if an early Chinese expedition had left one of its members here” (Gulliford 2000: 30-31). James Chatters, the central figure in this dispute, added:

We didn’t go digging for this man. He fell out—he was actually a volunteer. I think it would be wrong to stick him back in the ground without waiting to hear the story he has to tell. We need to look at things as human beings, not as one race or another. The message this man brings to us is one of unification: there may be some commonality in our past that will bring us together (Crawford 2000: 215).

The controversy continues, on one side the American Indians claim the remains belong to them as an ancestor and for that reason, Kennewick Man should be repatriated under NAGPRA. The scientists on the other hand, question the Native American Graves Protection and Repatriation Act arguing that the Army Corps of Engineers decision to repatriate infringes on “their civil rights to study the remains simply because they were not Native American” (Watkins 2000: 137). They argue that the terms Native American and indigenous are not defined specifically under NAGPRA. The act also does not differentiate whether a biological connection between the remains of Kennewick Man and
contemporary Indians are related in any way.

On April 18, 2001 according to the Tri-City Herald in Kennewick, Washington, Magistrate Judge John Jelderks continues to review whether or not the skeletal remains of Kennewick Man should be repatriated to the affiliated Native American tribes, or given to the scientists that have sued the Federal Government for the rights to study the bones.

Lawyers defending the scientists recently brought up a new argument, the government’s decision to give the bones to the tribes violates the First Amendment, which prevents Congress from making laws “respecting an establishment of religion” (Lee 2001: 2). This controversy has been actively debated for five years and from the recent newspaper article, unless the separation of church and state are addressed Kennewick Man may be confined to a box for years to come.

Kennewick Man has forced Native Americans and Anthropologists to discuss their differences concerning repatriation and the ethics of preserving and studying American Indian remains. Historically, Native people have seen scientists actively participate in grave robbing. American Indians are very much aware of what has happened to many of their ancestors in the past. Many skeletal remains were exhibited in well known museums and facilities across the country, and other American Indian remains are sitting in scientific labs to be studied as one would study a wild animal. These practices are considered inhumane and the Native American communities will no longer watch the atrocities continue.

The history of the inconsiderate treatment of living Native Americans and their ancestors is no longer tolerated when discussing and determining the methods of handling
American Indian skeletal remains. The approaches used in the past by individuals that did not understand Native Americans or their culture is still haunting the memories of Native peoples.

Human remains, or more specifically American Indian remains and funerary items, have been objects of curiosity for decades. Often human skulls, medicine bundles, or any objects associated with Native Americans have been sold to the highest bidder or given as gifts. These objects of cultural relevance have been put on display in public or private domains. It was not until the passage of the Native American Graves Protection and Repatriation Act in 1990, when the practice of keeping or selling American Indian remains became punishable by law.

Many Native Americans accuse archaeologists of grave-robbing because of the destruction of burials through excavation (Hubert 1989: 33). There is evidence to thwart that belief. Native Americans cannot point "fingers" at just those that work in the anthropology profession, but must also address concern about those Native individuals who sell religious items from the culture to whom they belong.

Robbing graves was a practice that took place in prehistoric Europe and during ancient Egyptian times. Evidence suggests that those who desecrated and destroyed, many times were from the same culture and even the same society (Hubert 1989: 33). Incidences of this practice can be found in the Native American community as well.

Indian people were not immune from the practice of selling personal religious belongings either. For instance, the Iroquois had been so impacted by the Europeans in the eighteenth century that they had "looted graves for the wampum which had become
hard to obtain" (Hubert 1989: 34). This is an example of the devastating impact that colonization could have on a Native tribe, in order for them to survive. Although Hubert does point out the practice of Indians robbing from their ancestors, it is not a common practice, it was done if only for survival.

The United States Government on the other hand took remains and funerary items solely for the purpose of scientific study.
Chapter 2

Anthropology And The Rise Of Scientific Racism

Rise Of Scientific Racism

"Columbus didn't discover America he invaded it." These words were written on a poster from the Native American tribes of the Northwest celebrating against "Columbus Day" (Gulliford 2000: 4). For many Native Americans, Columbus is not viewed as discovering America, instead American Indians have credited him as invading North America. On "Columbus Day," in cities and towns throughout the United States, Native American protesters celebrate their survival, not his arrival. He is viewed as the creator of racism, and the Indian population credited him as the first explorer who contributed to the destruction to Native American people.

From the moment Euro-Americans made contact with Native American populations, "attitudes and impressions were formed" (Trimble 1988: 183). No matter how many positive perceptions were formulated in describing American Indians, negative stereotypes soon followed on their heals. Historically, there was the image of the "Noble savage" versus the "Ignoble savage" mentality by Euro-Americans. The "Noble savage" was:
friendly, courteous and hospitable. Modest in attitude, if not always in
dress, the noble Indian exhibited great calm and dignity in bearing
conversation...Brave in combat, he was tender in love for family and
children. The Indian, in short, lived a life of liberty, simplicity and

The "Ignoble" image was opposite in thought and description.

The characteristics of "Ignoble savage" were seen as:

loathsome to whites. Filthy surroundings, inadequate cooking, and certain
items of diet repulsive to white taste tended to confirm a low opinion of
Indian life. Indolence rather than industry, improvidence in the face of
scarcity, thievery and treachery added to the list of traits on [the negative]

Stereotyping of Native Americans and their cultural life ways has taken place
since the arrival of Columbus. Columbus, due to his lack of understanding of American
Indian cultures and beliefs, unintentionally formed stereotypical images leading
eventually to the belief in their racial inferiority. Racialization, whether intentional or
not, has plagued the American Indian population, having dramatic consequences.

Following Columbus, explorers, traders, and colonists were not interested nor did
they strive to establish successful peaceful relations with the American Indians. They did
not feel it necessary to maintain connections with Native populations. Europeans were
interested in economic intercourse, while expanding and colonizing the large land mass
of Native North America (Sheehan 1980: 1).

Anglo's felt fear and contempt toward Native American populations. Their
indifference led Euro-Americans to believe Native people were also inferior. Eventually
these negative attitudes became normalized. The socially constructed differences gave Anglos the justification for their acts of racism and discrimination (Trimble 1988: 182).
The differences in the treatment of American Indians by non-Natives are seen in a racial debate by Dr. Juan Gines de Sepulveda and a Dominican friar, Don Fray Bartolome de las Casas. Racism and discrimination in this case are seen in Sepulveda's comment that the Indians were only fit for slavery and conquest. The justification for his comment he said, were Native people "lacked culture," "couldn't write," and "were involved in every kind of intemperance of wicked lust" (Stevenson 1992: 30).

Opposing Sepulveda, Casas defended American Indians and condemned Spanish cruelty toward them, continuing his crusade against the indecent treatment of Native Americans in North America (Campbell 1994: 73).

Such ideas toward Native Americans crystallized the way for racialization. For example, the term "savage" was used often to describe the Native American populations and Native life ways. Europeans believed philosophically and scientifically that Indian populations would never fully understand the concepts of Christianity, politics, or the rudiments of a "civilized economy" (Stevenson 1992: 31).

Possessing none of the cultural determinants to live in an ordered society, Europeans concluded that Native people used violence, treachery, brutality, and destruction to exist. In the Euro-American imagination, they represented the "antiprinciple to human existence" (Sheehan 1980: 38). American Indians were considered pagans that directly threatened Christian civilization. In the Anglo world view, Indian peoples' adored idols, appearing to be in "concourse with the devil" and were uncivil in their daily rituals (Sheehan 1980: 39).

The struggle between American Indians and Anglo America was much more than
just a conflict between cultures. European colonization eventually produced an unending stream of immigrants. Euro-Americans never considered America to be an inhabited landscape. They also did not view Native people as rightful owners of the land. Native Americans were not seen as humans. They were labeled as subhuman, with animalistic qualities roaming aimlessly across the land (Murphy 1991: 353-354).

Indians, in sum, were expendable. These predilections, backed by scientific inquiry, foretold that Indian populations would go extinct because of their innate inferiority. Their extinction would be the result of their replacement by the "superior race." Europeans saw this as a positive mechanism in either exterminating, or controlling Native populations (Horsem an 1989: 227).

One political mechanism of control was removal. President Andrew Jackson supported the previous policy of President Thomas Jefferson, who suggested removing the Indians from their homelands, and forcing them West of the Mississippi. Jackson commented that Native Americans "have neither the intelligence, the industry, the moral habits nor the desire for improvement which are essential to any favorable change in their condition" (Murphy 1991: 356).

President Jackson's description of Native Americans was based on ignorance and current scientific data about the capacities of various races. Whereas, leaders of tribes spoke of Jackson as "our Father," President Jackson, on the other hand spoke to them as "my children" (Murphy 1991: 356). The symbolic nature of this discourse is clear.
Early Anthropologist’s Thought

Early anthropological inquiry supported the idea that Native Americans would disappear. Common belief held that Native Americans could not change culturally nor could they adapt fast enough to Western civilization.

The emerging discipline of American anthropology took a center stage in this debate and developed not to assist American Indians in adjusting to “western civilization,” views, but to record their dying cultures before extinction (Powell et. al. 1993: 10). Native Americans perceived inability or unwillingness to change, many predicted, were proof of an “intractable racial inferiority,” the conquest of Native North American population justified the inferiority (Barsh 1988: 3).

The answer to racial inferiority many early anthropologists assumed, would be found in studying the crania of Native people. Following scientific prescriptions, scientists accepted that the measurement of one’s skull provided clues to a person’s mental ability. The anthropologist sought skulls for their studies and supported pillaging of human remains. As a result, field workers had no difficulty in obtaining specimens from taking Native American skeletal remains from burials needed for their study (Powell et. al. 1993: 10).

Samuel Morton, a physician, and devout polygenist, is known to many anthropologists for his research of American Indian skulls. Between 1830 until his death in 1851, Morton concluded through his cranium studies, that race could be related to the size of the skull, therefore theories of human intelligence would be detected (Thomas
Morton believed that cranium measurement’s justified the slavery of American Indians because it attempted to show “white supremacy” (Blakey 1999: 33). Although craniometry was a popular profession, today, the concept of head size and shape to measure one’s intellect is a false notion (Blakey 1999: 33).

While conducting his study, Morton discovered he did not have enough human skulls to bolster his collection, he wrote letters to Indian agents, civilian and military physicians informing them of the importance in obtaining crania for his study. Thus, grave robbing in the nineteenth century now served the demands of racial science. Native Americans resisted Anglo attempts to steal their ancestors, but military conflicts with the United States Army and epidemic episodes, made grave robbing an easy task (Bieder 2000: 24).

While researching his Indian skeletal material, Morton conducted comparative analysis between Native American and Anglo crania. The Caucasian race he notes was “Distinguished for the facility with which attains the highest intellectual endowments.” In contrast he wrote Native Americans “Are averse to cultivation, and slow in acquiring knowledge...” (Horseman 1975: 156).

Racial science doomed the American Indians to second class citizens. Tribes were not given the chance to speak about their own customs and cultures. The Anglo people had failed them historically, not only because of the rise of colonialism, but because of an even greater bias evolving from misguided scientific beliefs (Horseman 1975: 164).

Morton’s conclusion’s about innate racial difference was influential in shaping the
perceptions of Euro-America. Morton's conclusions about the size and shape of Native American crania classified them in the same criteria as a wild animal. "Savage Indians," because of their racial destiny, would never learn to change or accept the tenets of Anglo civilization.

Many anthropologists followed Morton's classic but misguided study, but not one was as influential in scientific thought as Louis Henry Morgan. Morgan shaped nineteenth century anthropology ideas and views about American Indians.

**Evolutionary Paradigm**

Louis Henry Morgan developed a theory of social evolution, publishing in 1877, *Ancient Society or Researches on the Lines of Human Progress from Savagery Through Barbarism to Civilization*. He compared select criteria of human societies, relating the criteria with other cultures and then measuring the ratio of human progress. From his research results, Morgan theorized that Native Americans "had fallen behind the Arayan family in the race of progress" (Campbell 1994: 92). Morgan described Native people as having animal characteristics that prevented them from becoming equal to Euro-Americans. Their "mental and moral" scale remained "undeveloped," and they also remained "inexperienced" compared to Anglo thought and ideals (Campbell 1994: 92).

Morgan arranged, "family, government, private property and technology through an evolutionary ladder, from savagery to barbarism, and lastly, civilization. The paradigm consisting of a "lower status of savagery," included primitive people that only
survived on "fruits" and "nuts." Their diet did not sustain them into the historical period, eventually evolving into the middle status of savagery as the use of fire and ability to catch fish was acquired (Thomas 2000: 47).

Morgan’s upper status of savagery contributed considerably toward the paradigm, beginning with the knowledge and ability to make bows and arrows, and ending with the invention of pottery and art (Morgan 1964: 16).

His social evolutionary model also contained the lower, middle, and upper status of barbarism. Barbarians were described as inventing and manufacturing ceramics. They were also credited for domesticating animals, irrigating crops, building brick structures, and developing the use of iron working. Upper barbarism, was a very important level of the paradigm. This stage was the beginning of the alphabet and the invention of writing (Morgan 1964: 17). In retrospect, Morgan’s evolutionary ladder, categorized upper barbarism as the beginning of civilization.

In Morgan’s view, Native Americans had “commenced their career on the American continent in savagery” (Thomas 2000: 48). His theory influenced a majority of many late nineteenth-century anthropologists, providing a mechanism for the classification of cultures to be studied in museums and universities, enabling curators to group artifacts together according to their degree of barbarism, savagery, and civilization (Thomas 2000: 48).

Morgan believed his concept of savagery, barbarism, and civilization carried with it the ability of Native Americans to change under the right environmental conditions. Indian women, it is postulated, would be very important in assimilating the Native people
into Anglo civilization. He theorized that:

Mixed marriages would produce offspring who will marry respectably with our white people and thus the children will become respectable and, if educated, in the second and third generations will become more beautiful and attractive. This is to be the end of the Indian absorption of a small portion, which will improve and toughen our race, and the residue [will be] run out or forced into the regions of the mountains (Thomas 2000: 48-49).

John Wesley Powell, Morgan’s protege, and creator of the Smithsonian’s Bureau of American Ethnology speculated change would take place by American Indians on a gradual level. Powell wrote:

Such change would take place slowly, however, because Indians retained the “skulls and brains of barbarians, and must grow toward civilization as all mankind have done who attained it by progressive experience (Thomas 2000: 49).

Morgan’s evolutionary ladder supported the concept of scientific racism. His theory of using barbarism, savagery and civilization to describe the historic state of Native American people, contributed to scientific prejudice of the present giving justification to racism.

Since American anthropologists assumed that Indian traits were racially innate and could not be changed, nineteenth century intellectuals concluded that race explained the characters of people, and intelligence of individuals evolving after birth within specific cultures. Morgan stated “All human babies inherit human natures, and the development of these inherent powers is a matter of culture, subject to the conditions of environment…” (Prucha 1989: 250).

Thomas F. Gossett’s widely used book on Race: The History of an Idea in
America included a chapter on The Native Americans in the nineteenth century, it included the following assertions:

The anthropology of the times assumed that race was a determining factor in people’s destiny; color, character, and intelligence went together; certain traits were inherent in certain races, nor could they be substantially altered by either education or environment. Some races were better than others, the Indian and Negro being the lowest in the scale. The idea of the Indian as irremediably savage was the commonly accepted basis for thinking about him for the first half of the nineteenth century. It was generally agreed that the Indian’s racial inheritances made it impossible to civilize him (Prucha 1989: 240).

Scientific racism contributed to the stereotypical image of all Indian people as inferior to the “White Man.” This image began in the early eighteenth century and emerged in the nineteenth and beginning of the twentieth century as truth. Now policy makers had justification to control and damage the cultures and lifeways of Indian populations. The American Indian “was to be used as specimen, living fossil, and statistics to verify Euroamerican chauvinistic questions about racial origins, change, and inferiority” (Campbell 1994: 92). Sadly, that scientific legacy continues into the twentieth century.

Twentieth-Century Racism

It was sickening to an archeologist to see the skeletons chopped to pieces with hoes and dragged ruthlessly forth to be crushed underfoot by the vandals—who were interested only in finding something to sell, caring nothing for the history of a vanished people...destruction of so much that might have been of value to science—so I made the best of it and bought from the diggers, and from those who had financed them, such of the artifacts as I thought we needed (Hinsley 2000: 38).
The works of Franz Boas influenced contemporary anthropology. While rejecting Morgan's social evolutionary theory, Boas developed a “social critique of racism” (Campbell 1994: 96). He concluded that many Native American cultures were primitive not because of genetics, but because their lives are unchanging compared with the “civilized societies” (Campbell 1994: 98).

In the beginning Boas’s anthropological career took him to British Columbia. There he worked as a contractor for the Canadian government and his task was to survey local tribes. He concentrated on measuring skulls of living American Indians, using the measurements for linguistic and physical anthropological data (Thomas 2000: 59).

Boas soon found economic benefits in grave robbing. He started acquiring his own collection of skeletal remains, often using a photographer to “distract the Indians” while looting Native remains (Thomas 2000: 59). Boas saw a profit in selling skeletal remains to museum and university collections. Justifying his participation in this unethical practice, he wrote a letter to his wife and said, “Yesterday I wrote to the [Army Medical] Museum in Washington asking whether they would consider buying skulls this winter for $600; if they will, I shall collect assiduously. Without having such a connection, I would not do it” (Bieder 1992: 29)

**Early Collecting Of Skeletal Remains**

Not only did Boas attain skulls for the Army Medical Museum, several American
and European museums also acquired tribal remains for their collections (Bieder 1992: 29). In fact, museums started competing with one another for the ownership of Native American skeletal remains. It became so heated that competition took place between the American Museum of Natural History and the Chicago Field Museum, each trying to obtain more skulls than the other (Bieder 1992: 28-29).

Many anthropologists accepted in the late nineteenth, and early twentieth centuries the Indian culture would disappear. This fueled the competitions between museums and ownership of Native American skeletal remains. The belief in the eventual extinction of Indians according to scientific thought, gave anthropologists, not American Indians, the possession of Native American cultural rights and property. Since Indians were part of the natural world, Indian resources were part of the “public domain, for scientific study and educational purposes” (Buffalohead 1992: 198). This speculation resulted in a tremendous scientific collection of human remains, funerary objects, sacred materials, and other cultural items, that became property of museums, universities, and government agencies, without the knowledge or consent of American Indians (Buffalohead 1992: 198).

Early anthropologists were detrimental in the inhumane treatment of living and dead American Indians. They saw Native people as having animalistic characteristics therefore, they did not fit in with the white population and considered them to be Anglo property. As Native Americans became sovereign nations, they struggled to change these perceptions of them. One change that took place was the right to repatriate their ancestors skeletal remains.
The collecting of skulls and other human remains from the past caused a controversy in the field of anthropology. It would force anthropologists and Indians to discuss and debate an act that brought together new discussion and understanding to both the American Indians and anthropological communities.

The act that has attempted to help Indian nations claim items of cultural significance including skeletal remains is the Native American Graves Protection and Repatriation Act.
Chapter 3

Native American Graves Protection And Repatriation Act

Issues Facing The Passage Of NAGPRA

In order to reconcile the debates and controversies of American Indians, anthropologists, scientists and politicians over ownership of Native American skeletal remains, a bill was put forward. Representative from Arizona, Morris K. Udall introduced H.R. 5237 as a bill to provide for the protection of Native American graves, and for other purposes; to the Committee on Interior and Insular Affairs (Congressional Record 1990: 16689).

Additional sponsors were added to public bill and resolution under clause 4 of rule XXII. Those sponsors were, Ben Nighthorse Campbell of Colorado (Congressional Record 1990: 22088), Pat Williams of Montana (Congressional Record 1990: 23678), and James Scheuer of New York (Congressional Record 1990: 26313).

Reports of committees were then delivered to the clerk under Clause 2 or rule XIII on public bills and resolutions. Udall’s report stated “The Committee on Interior and Insular Affairs, H.R. 5237 is a bill to provide for the protection of Native American graves, and for other purposes; with an amendment (Rept. 101-877), referred to the
Report 101-877 in the House of Representatives, included definitions for the purpose of the Act, those definitions include but are not limited to burial sites, cultural affiliation, cultural items, associated funerary objects, unassociated funerary objects and sacred objects. Ownership also is defined in the report as, “The ownership or control of Native American cultural items which are excavated or discovered on Federal or Tribal lands after the date of enactment of this act shall be with priority given in the order listed” (House Report 1990:1-3).

The first priority is that remains would be given back to Native American lineal descendants. If lineal descendants cannot be located, then the second priority is the items found would be given to the tribe on whose lands the skeletal remains and objects were discovered. The third priority is the tribe that has the closest cultural affiliation with the objects. If a decision cannot be reached, the Indian Claims Commission has the final (House Report 1990: 3).

Under H.R. 5237, the House Report stated it was illegal to traffic in Native American cultural items. The person or persons who are caught selling cultural items could be fined or imprisoned according to federal law (House Report 1990: 4). All cultural items known to be human remains or funerary objects in the possession of a Federal Agency or museum shall be returned to the tribes that are requesting those items. The tribes requesting the items should be able to show cultural affiliation in order for remains and funerary objects to be returned (House Report 1990: 5-6).
The purpose of H.R. 5237 was:

To protect Native American burial sites and the removal of human remains, funerary objects, sacred objects, and objects of cultural patrimony on Federal Indian and Native Hawaiian lands. The act also sets up a process by which Federal agencies and museums receiving federal funds will inventory holdings of such remains and objects and work with appropriate Indian tribes and Native Hawaiian organizations to reach agreement or repatriation or other disposition of these remains and objects” (House Report1990: 8-9).

The act also required that any persons who wanted to excavate such items or other archeological items could do so only after receiving a permit by the Federal agency they intend to work on, under the Archeological Resources Protection Act. The act also addresses those cases involving the incidental discovery of such items on Federal lands by persons engaged in other activities such as mining, construction, and logging. In the instance of an object being found the activity must be temporarily ceased and a reasonable effort must be made to protect the item (House Report1990: 9).

Professional anthropologists, scientific and museum associations, archaeologists, museum representatives, Indian organizations, tribal religious leaders, Native Hawaiian representatives, and private art dealers have all taken sides either in favor or against NAGPRA. The following is a selection of testimonies taken during the hearing before the Committee on Indian Affairs, United States Senate, 104th Congress, first session, and 106th Congress first session.
Testimonies Against Or Questioning The Written Law Of NAGPRA

During testimony, the scientific community stressed the importance of human remains for scientific study emphasizing the need to learn for the future from the past. Individual scholars expressed concern for remains if they are reburied, in that they will be lost to science forever and, not reachable when future study techniques are developed.

Lynne Goldstein, Associate Professor of Anthropology of the Department of Anthropology, at the University of Wisconsin-Milwaukee testified at the hearings. She voiced her concerns saying that in order to keep collections in museums and universities, the institution would have to obtain permission of the appropriate individuals or group. Archaeologists and museum professionals are most concerned about the issue of unaffiliated remains. On the other hand, many of the remains and associated artifacts in museum collections cannot be attributed to a particular living culture.

Skeletal remains represent the only knowledge that archaeologists have about cultures that once lived on the North American landscape. As a result, Goldstein went on to say that even if remains were generally and distantly related to present-day groups, knowledge of past cultures and life ways was part of the heritage of the entire country, benefitting all people. Her major concern was over the knowledge and information that the remains hold (Hearing 1991: 149-150).

Many Indian tribes, on the other hand, do not agree with Professor Goldstein's comments with regard to unassociated human remains. Tex Hall, Chairman of Three Affiliated Tribes on the Fort Berthold Reservation, testified:

32
We believe that all unaffiliated human remains taken from our collective homelands are our ancestors. We believe the disposition of these old ones is subject to NAGPRA law. We firmly believe we should be allowed to bring our relatives home, rebury them, and reunite them with our Mother Earth, where they may finally rest in peace (Hearing 1999: 25).

Edward Lonefight, a representative for the National Congress of American Indians, voiced his concerns on behalf of the Indian tribes in the State of North Dakota. Within his statement, he believed that the term “Inventory” could be misinterpreted as study. He did not want to agree to a five-year inventory, instead a two-year deadline would be sufficient to find remains that have been stored in federal agencies, museums, and universities for a number of years. The inventory of skeletal remains should have taken place as they became accessioned into collections, instead they were stored for future study (Hearing 1990: 50).

Cultural affiliation and associated terminology are also highly debatable. Under NAGPRA, Federal agencies or museum officials determine cultural affiliations in their collections, recording them on inventory sheets. Culture affiliation does not have to have approval from a review member nor a governmental official. This, according to Sherry Hutt a White Mountain Apache Tribal Appellate judge, does not set “preferences for types of evidence, nor does it set quantitative levels of proof” (Hearing 1999: 59).

The Society for American Archaeology also had suggestions for House Report 5237. Keith W. Kintigh, Chair of the Society, stated cultural affiliation should be written to convey, a meaningful definition in both every day and technical language. Kintigh believed if there is no cultural affiliation, then the public interests in the remains or objects for education, study, and preservation of Native American heritage, outweigh the
claims of any group who do not have any clear connection to the remains or objects (Hearing 1990; 144-145).

During the hearings, discussions continually took place by those questioning the definitions presented in the Native American Graves Protection and Repatriation Act. Many individuals that had suggestions during the hearings, proposing their ideas in rewriting the terminology that would entail the law to become more understandable to both the general public and academic/Indian communities.

Educators in the field of anthropology, Native Americans leaders, and tribal members all voiced concerns over NAGPRA, before and after the law was passed. While hearings against repatriation were heard, there was also a strong voice in support of the pending NAGPRA legislation.

**Testimonies Supporting NAGPRA**

Senator Ben Nighthorse Campbell of Colorado was a strong supporter of H.R. 5237. He spoke to members of the House of Representatives for twenty minutes, stressing the importance of the bill to American Indian communities throughout the nation. Campbell noted that numerous Native American remains and sacred objects are housed in museums and Federal agencies across the country. Many of those remains and objects came from the illegal practice of grave robbing. For many years, several Indian tribes had attempted to have their remains returned to them, but the tribe’s requests were ignored. Campbell stated further that this legislation will end this practice and give legal
standing to tribes that are culturally affiliated with human remains currently curated in facilities across the nation. He went on to stress that a process will be established where museums and Federal agencies will work in cooperation with descendants and recognized tribes to identify and reach agreements as to the disposition of such collections (Congressional Record- House 1990: 31937).

Walter Echo-Hawk, attorney for the Native American Rights Fund (NARF), testified on behalf of NARF. His testimony supported NAGPRA because of the legal protection it grants tribes over skeletal remains. The law would allow Native American people to bury their dead under the guidelines specified in NAGPRA. Echo-Hawk stressed that the remains stolen in the past were legally subjugated to be returned under NAGPRA.

Congressman John J. Rhodes III of Arizona, spoke in support of the bill and encouraged his colleagues to pass NAGPRA. He believed that by supporting the bill “it would encourage museums, scientists, and Native Americans to interact with one another” (Congressional Record- House 1990: 31938).

Councilman Patrick Lefthand of the Confederated Salish and Kootenai Tribes supported the legislation providing for mechanisms to return human remains, funerary, and other protected objects. It allowed the rightful parties access to their ancestors for proper reburial. This process is essential to meeting the moral commitment of the United States in recognizing the human rights of Native Americans. Mr. Lefthand supported section 4 of the bill that prohibited the trafficking of human remains and protected objects. The engaging in the commerce of these remains and objects, Mr. Lefthand called
a "moral outrage, and has no place in American society" (Hearing 1990: 125-126).

Besides the very important testimonies heard by those affected by NAGPRA, the museum community also voiced concerns regarding the issue of repatriation. They stressed the responsibilities museums have to maintain their collections. Most agree that museums need to become more sensitive to the needs and desires of Native Americans whose remains and objects they house. The testimony is heard from Tom Livesay, Director of the Museum of New Mexico, in Santa Fe, and Philip Thompson, Director of the Museum of Northern Arizona, in Flagstaff (Hearing 1990:61-68)

Livesay agreed the ethical practices of museums ninety years ago are in no way similar to the treatment of American Indian cultural items of today. Museums now exercise ethical practices when accessioning Native objects into their collections. Livesay’s concern however, is the definition of cultural patrimony. The terms he argues are very broad imposing problems in the area of cost and time involved in “handling inventories of several million objects, in the notification of tribal groups that may have cultural affiliation, and in the number of claims that may result from the inclusion of this term” (Hearing 1990: 62).

Thompson respects American Indian concerns of repatriation. Museums should return human remains for a proper burial. However, instances where remains are not culturally associated, museums should have the right to complete their studies of the skeletal remains.

All of the concerns were taken into consideration before the decision was finalized and signed into a law. Public law 101-601, H.R. 5237, an act to provide for the
protection of Native American Graves and other purposes was passed and former
President George Bush signed it on November 16, 1990.

Definitions Of NAGPRA

The act is defined under Public Law 101-601 as an act passed to provide for the
protection of Native American graves and for other purposes (Congressional Record
1990: 35677). Those affected are all Federal Agencies and any public or private museum
or institution which has ever received federal funding (Congressional Record-Senate
1990: 3057-3058). NAGPRA mandates archaeologists, museums, or other Federal
Agencies to return to Indians, upon their request, all Native American human remains and
several categories of cultural objects whose tribal affiliation can be determined.

There are five categories under NAGPRA that define what type of Native
American items should be returned to the rightful owners. Those classifications are:

1) human skeletal remains;

2) associated funerary objects, defined as “objects that as part of the death rite or
ceremony of a culture, are reasonably believed to have been placed with
individual human remains either at the time of death or later “where both the
human remains and the associated objects are in possession of the museum,” as
well as “other items exclusively made for burial purposes or to contain human
remains;”

3) unassociated funerary objects, which are objects “reasonably believed to have
been grave goods, but which are not associated with specific human remains;”

4) sacred objects, defined as “specific ceremonial objects which are needed by
traditional Native American religious leaders for the practice of traditional Native
American religions by their present day adherents,” and;
5) objects of culture patrimony, which are objects "having ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual Native American (Congressional Record-House 1990: 31934).

The Native American Graves Protection and Repatriation Act was viewed as a legal and cultural victory for Native American communities and organizations throughout the country. From the scientific communities, the law was a setback toward the study of ancient societies. The following chapter is an examination of the controversies and arguments encompassing anthropologists and American Indians after the law’s passage.
Chapter 4

Attitudes and Concerns Surrounding NAGPRA

Who Is Right?

The factors leading up to the laws and mandates of NAGPRA have been taking place for twenty years before the law was passed on November 16, 1990. The principal issue and subject of discussion among archaeologists and Indians has been the curation of Native American human remains in museums, universities, and archeological laboratories. Indians often called archaeologists, "grave robbers" or "pot hunters," lumping professional archaeologists with private collectors and looters. Native Americans often asked archaeologists to justify the ongoing curation of their ancestors (Downer 1997: 30).

Archaeologists, on the other hand, have their own priorities and opinions. They consider skeletal remains and funerary items educational tools. As a result, any human remains or grave good more than one hundred years old should be viewed as an artifact and become available for scientific study.

Those archaeologists who continually oppose NAGPRA have frequently stated
through discussions and debates on the issue their opposition to the law. Their statements include:

If we give them back the bones, maybe they won’t come back for the artifacts. This has been done in the name of science, and I don’t see why I even have to talk with these people-they aren’t related to the skeletons we have. Only urban Indians are pushing for reburial-this issue is not a real one to most Indians in the United States (Goldstein et. al. 1990: 585).

Some archaeologists believe the following when discussing American Indians:

Indians are too ignorant to know what’s good for them. The only good Indian is a dead, unburied one. Since we all emerged from the same place-Africa-then why should anyone mind if remains are studied; my past is your past (Mihesuah 1996: 229).

The above comments illustrate the reactionary contemporary scientific racism—tribal people encountered as scientists refuse to admit defeat over this issue. The repatriation issue has been about religious, moral, and philosophical values when it comes to disinterment of the deceased and their funerary items. Religious beliefs are very important among the Native American community. Through the belief of origin traditions, an American Indian religious cultural hero is called the creator. The creator, many Native Americans believe, gives them their direction in life.

Philosophically, the Native American world is composed of both spirit and matter. This is not a unique concept, as other world cultures have variations on this ideological theme. What is important, is burials are sacrosanct and certain areas have powerful meanings, the earth itself is a living entity for Indian people (White Deer 1997: 41).

Certain objects, too, are considered possessing an animate presence and thus power. These objects of cultural patrimony are used to mediate between the seen and the ancestors.
unseen. Many cultural objects are considered to be associated with other understandings to ensure the continuation of balance in the Native American world (White Deer 1997: 42). When a Native Americans animated world is disturbed, anger and hurt usually accompanies the initial shock of realizing that graves of ancestors are being excavated to satisfy the scientific communities own curiosities.

The disruption of burials, the desecration of holy places, and the destruction of the environment are considered part of a negative process that has roots in a fundamental imbalance between spirit and science (White Deer 1997: 47). It is easy to see why both sides, the archeologists, curators, and Indian people do not agree in the matter of repatriation. Religious and ideological beliefs are very different, so common ground is not easily met. The focus of NAGPRA influences collections currently held by institutions, primarily because that is where most of the controversy is centered (Goldstein et. al. 1990: 585).

**Institutions And Remains**

Thousands and thousands of Native American human remains and sacred objects have been curated in museums and Federal agency depositories across the country. They are kept in boxes, crates, and small wooden file drawers, complete with tags and numbers. Many of the remains and sacred objects came from past practice of excavating Indian graves and using the contents for profit or to satisfy some morbid curiosity (Congressional Record-House 1990: 31937).
During the House of Representatives hearings on October 22, 1990, the Executive Director of the National Congress of American Indians, Ms. Susan Shown Harjo stated about 19,000 Native American remains were still housed in the Smithsonian. She added:

We are, in our organization, quite concerned about the single face, which is white, which is presented by the Smithsonian to the world...Throughout the Smithsonian, people of color are treated in demeaning and derogatory ways, which is, unfortunately, reflective of our society at large. White people have “history.” The nonwhite people have “stories.” White people have “religion.” The nonwhite people have “myths” and “lore” (Congressional Record-House 1990: 31939).

She further testified, “if there were not racial imbalance in the Smithsonian and in American society, the American people would not permit the Smithsonian to keep 19,000 of “our ancestors remains in the Nations attic” (Congressional Record-House 1990: 31939). Harjo voiced her concerns relating to the issue displaying Native American lifeways in museums. Native Americans she added, “are placed alongside the dinosaurs and the elephants. Our relatives’ skulls and skeletons are displayed on the walls, primarily to illustrate misguided notions about our origins.” (Congressional Record-House 1990: 31939).

Native Americans were not “animalistic,” as visitors to museums may perceive them to be. Misrepresentations in museum displays have misguided visitors in their perceptions of Indian people evolving onto the North American Continent from theories of anthropological thought. Curators now need to realize that Native American peoples have oral traditions complete with theories that are equally important in exhibitions and should be displayed on the same level as anthropological theories.
History should not be represented to benefit the visitors. The interpretation of displays needs to focus on the emic perspectives not on museums or anthropological interpretations. When constructing displays in places of public interest, explanations of tribal culture beliefs should not be disregarded as untrue. If the story of cultural evolution is not told in an Indian perspective, visitors may leave with the assumption that all tribes are similar, both evolutionary and culturally.

**Evolutionary And Religious Beliefs**

To scientists, the objects kept in storage are tools of education. Only a skeleton or grave more than one hundred years old is viewed as an artifact therefore, fair game for experimentation (Mihesuah 1996: 232). Some scientists believe that the cradle of civilization was in Africa; therefore, because all humans have common ancestors, anthropologists claim the right to study all human remains. Native Americans on the other hand believe that the remains represent either direct ancestors or families they consider to be their “cultural ancestors” (Vizenon 1986: 320).

Some Native American people do not consider the migration or evolution theories to be truth. Instead, American Indian origin stories explain they came into being at powerful locations across North America. As a result, old bones should not be considered "fair game" for study. On the other hand, archaeologists accept the assertion that there is no one alive who can claim relations to the old bones (Mihesuah 1996; 232). Lynne Goldstein and Keith Kintigh note in their 1990 essay, *Ethics and the Reburial*.
Controversy, state "To claim that archaeologist have no right to excavate or examine an entire class of information is to deny our background and training" (Goldstein et. al. 1990; 587).

To compound this situation, the reality of tribal beliefs about religion, and their ideas are diverse concerning excavation. However, if burials are excavated, the skeletal remains and funerary items within that grave are disrupted, unleashing the unknown, a very dangerous situation. When the bones are uncovered or separated from each other, the soul of the body is "not at peace" (Mihesuah 1996: 99).

Anthropologists spend a considerable amount of their time handling and studying human remains for scientific research. Indian people see it as a religious issue. When addressing the controversy of repatriation, many Native Americans speak from a standpoint of religion. Anthropologists use scientific language in defending themselves and what they understand as ethical approaches. The two points of view tend to create miscommunication, conflicts, and false assumptions about the other (Mihesuah 1996: 100).

Indians have relied on the first amendment to protect their religious beliefs, but this strategy is rarely effective, as tribal lawyer Vine Deloria has discovered. He wrote in Secularism, Civil Religion, and the Religious Freedom of American Indians, that "secularity has important bearing on repatriation, for the religious beliefs of tribes have been forced to take a back seat to state police powers. Indeed, neither the American Indian Freedom of Religion Act nor the First Amendment to the Constitution protects religious freedom" (Mihesuah 1996; 236).
Collecting Remains And Cultural Items Illegally

Along with struggling to protect religious freedom, Native Americans are continually protecting culture sites from the destruction of pot hunters and looters. At least anthropologists and archaeologists will speak to Indians; black-market grave robbers and pot hunters rarely will. Nor will they speak to archaeologists, except perhaps to argue, as Arizona grave robber Peter Hester noted:

Archaeology is a dead science. Archaeology is a dead end. Business is business; there are thousands of sites, and thousands of useless pots. The information has already been gained from most sites. How many pots of the same type do you need to figure something out? The only difference between what I do and the professional archaeologist do is that I sell what I find (Elston 1990; 16).

The collecting of Native American art in the form of baskets, paintings, pottery, jewelry, beadwork, and rugs has been both a hobby and a business among non-Indians for decades. Most of these common items are obtained illegally from an art gallery, powwow, or reservation tourist shop. An old problem, and one that appear to be developing, is illegally removing sacred tribal items and remains from Indian burial grounds. Objects excavated in this way are often sold through underground markets, either to people ignorant of the origin of these items or to disreputable collectors fully aware of what they are buying (Mihesuah 1996; 234).
Opportunities And Challenges

Clement W. Meighan an archeologist worries that NAGPRA restrictions will lead to a loss in the vitality of American archaeology in general. He states the following:

An entire field of academic study may be put out of business...archaeology students are now steered away from digs where they might actually find some American Indian remains. American archaeology is an expiring subject of study one in which new students no longer choose to specialize. Instead they specialize in the archaeology of other countries, where they will be allowed to conduct their research and have some assurance that their collections will be preserved (Pettifor 1999: 4).

This argument is heard continually. NAGPRA creates both short-term opportunities and long-term problems for anthropologists concerned with the study of human skeletal remains. The opportunities for remains to be studied are (1) NAGPRA inventories employ many archaeologists and physical anthropologists (2) it forces the profession to clean up its act regarding curation and record keeping, and (3) minimum descriptive standards are applying to the human skeletal collections (Clark 1999: 44-48).

From the beginning, NAGPRA has presented challenges to archaeologists, museums, and tribes. Universities and museums have often dragged their heels at compliance. Some are trying to impose unreal conditions on tribes before repatriating objects. Walter and Roger Eco-Hawk from NARF responded by saying:
When non-Indian institutions possess Indian sacred objects and living gods and when they control disposition of the dead, they become little more than quasi-church facilities imposed upon Indian communities, regulation the "free" exercise of religion for disposed Indian worshipers. First Amendment religious freedoms are clearly controlled from the pulpit of science when museums elevate scientific curiosity over Indian religious belief in the treatment of the dead. Should Indians protest, some scientists are quick to raise the specter of research censorship, comparing such protesters to "book-burners" and referring to Indian plans for the disposition of their deceased ancestors as the "destruction of data (Echo-Hawk et. al. 1991; 64).

Is there a common ground between the Indian community and the scientific community? Before a common ground takes place, NAGPRA and its regulations have to be followed. To do so there needs to be a more aggressive enforcement of burial protection laws including arrest, prosecution and punishment (Riding In 1996; 243).
Chapter 5

The Unresolvable Question: Who Owns the Past

The act of seeking reconciliation between archaeologists and indigenous peoples sets up a process of consultation and interaction which tells us that this unknown post-colonial landscape will be created by us all, in a form as yet unknown (Watkins 2000: 155).

An Indian Perspective

Culture resource management (CRM), is an important avenue in building positive relationships between Native Americans, anthropologists. Numerous CRM laws passed by Congress have assisted Native people in protecting their scared lands and culture. Prior to enactment of these laws, looters were detrimental in destroying Native American property. It was not until the twentieth century that desecration of graves became punishable by law through acts passed by the United States government.

One of the first acts passed protecting cultural resources was the Antiquities Act of 1906. In the late nineteenth century, concerns started to develop over the removal of cultural items on federal lands. To control this situation, the Antiquities Act passed, prohibiting the excavation or removal of “antiquities from public lands without a permit from the Secretary of Interior” (King 1998: 13).
Through time, archeologists saw the Antiquities Act as questionable, because it did not accurately indicate what the age of an object should be in order for it to fall under the definition of an "object of antiquity" (King 1998: 19). To correct this error, the Archaeological Resources Protection Act (ARPA) passed, amending the earlier Antiquities Act. ARPA increased the fines and penalties on individuals that participated in illegal excavation and trafficking (Gulliford 2000: 44-45). There was a need however, to preserve and protect historic sites for future generations. The realization of historic sites and their importance led to the National Historic Preservation Act (NHPA).

The establishment of NHPA in 1966 authorized a National Register of Historic Places. This list gave significance to any "district, site, building, structure, or object that is included in or eligible for inclusion in the National Register" (Tsosie 1997:71). An important part of NHPA from a Native American perspective, was the 1992 amendment that specifically included traditional cultural properties (TCP) in the register. Sacred culturally important American Indian sites were now eligible to be included on the register under NHPA as a TCP, even if the occupation of humans is absent. Landscapes that become TCP's, prohibit grave robbing, excavation and construction. In the event of altering a landscape or erecting a building on a TCP, consultation takes place between the Federal agency and Native American tribes whose traditional lands the activity may threaten.

TCP's protect ancestral areas, and is a positive step seen by many in Native communities toward the management of their culture histories. NHPA specifications require American Indians to prove that indeed their culture areas are TCP's, the
requirement of ancestral or sacred sites is seen as an unfair provision from some American Indians that second guesses the oral traditions of Native peoples. To make matters worse, tribal ancestral sites have to be proved "worthy of preservation" under NHPA. As a result, professional archaeologists and anthropologists must be hired in order to validate that a site is indeed, sacred. The problem is "This process raises concerns for Native American people, who are often held to norms of secrecy and confidentiality when dealing with sacred information" (Tsosie 1997: 72). At the same time, revealing sacred areas to outsiders can "constitute a violation of traditional religious and culture norms" (Tsosie 1997: 72).

Although there are many more laws pertaining to Native American culture resource protection, the three laws discussed earlier, along with NAGPRA, are important laws providing a stepping stone for equal treatment of property rights among American Indians. As seen, problems arise with many cultural resource management laws, which contribute to a lack of understanding among Native Americans and anthropologists.

Indian people can take the easy road, grouping all anthropologists together and blaming them for the destruction of tribal culture, or tribal people can do something about it, become educated in the field of anthropology or more specifically cultural resource management, and get involved.

Arguments and controversies may arise with laws relating to the management of cultural resources. An equally important debate within CRM, is that of the ownership. The dispute that seems to constantly arise with NAGPRA is the argument over who has the right to retain and study human remains and the issue of the right to reburial.
Clearly, the ownership issue will never be completely resolved because it is an intellectual battleground where one separates oral traditions (i.e. religion), from scientific beliefs. Although neither belief is wrong, Native people believe that oral traditions should be placed in the same arena as scientific beliefs.

Many professional anthropologists do not believe that Indian people evolved or came into being through cultural heroes, or that they came from the earth. It is purely an emic belief including different realities of equal validity. However, if anthropologists continue studying American Indian culture, they need to be respectful in considering the relationship between ownership and origin theories of each Native tribe they study.

Ownership is a hollow concept; consultation, explanation, and invitation is the first step in finding common grounds on this contentious issue. How can a common ground be found that gives both sides a sense of triumph? Only through the understanding of one another's culture can middle grounds form.

Other means of establishing commonality of ownership is through discussion and respect. As Lynn Goldstein and Keith Kintigh, the representatives for the Society for American Archaeology (SAA) state, “We must change the way we do business without abrogating our responsibilities to the archaeological record or the living decedents of the people we study” (Watkins 2000:16).

Some prominent anthropologists that do not want a compromise between themselves and Native American people are hurting their colleagues who are consulting with tribal people concerning repatriation. One such example is anthropologist, Clement Meighan who disputes NAGPRA and ownership, in his opinion, archaeologists have a
responsibility to the people that they study. He does not consider a direct connection between genetic and "cultural continuity between living persons and those long deceased" (Meighan 1996: 210). If archaeology is not done then American Indians of the past will remain without a history according to Meighan (Meighan 1996: 210). This, some Native people accept is a true statement, archaeology benefits many cultures in answering various questions about their past. However, the radical views that Meighan understands to be right concerning NAGPRA, only negatively impacts American Indians quest toward attempting to find a common ground with archaeologists.

"The implied ethical obligations of the archaeologists are therefore to data first, and to other interests second" (Klesert et. al. 2000: 203). Meighan stressed, archeologists are not going to compromise their professional responsibilities through the professional ethics of cultural relativism as Lynn Goldstein and Keith Kintigh, both professors of anthropology, have suggested. He explains that the idea of balancing compromise and mutual respect when speaking of cultural relativism cannot and will not be tolerated by many archaeologists (Meighan 2000: 191).

Prominent anthropologists of today are becoming more ethical in their approach while researching American Indian culture. Continuing to argue over ethical standards hurts the field of anthropology and it's relations with Native peoples. Anthropology needs more of the minority population to make it well rounded in academia. New viewpoints and suggestions on the issue of repatriation can assist the goal of finding commonality between Native Americans and anthropologists.

Archaeologists and museum professionals need to understand Native American
culture and Indians need to understand the scientific community. Part of finding common
ground is to develop "syncretism" of archaeological views to those Indian people and
"remythologizing" relationships between them (Zimmerman 1997: 45).

This is not a one-sided issue. Native Americans need to find a means of
understanding science and the benefits that will ensue. The cultures of American Indians
have changed drastically since the arrival of the Euro-Americans. Native peoples can
gain information from learning what archaeologists study during their excavations. Oral
traditions are important in continuing cultural traditions, however, physically observing
culture objects also has positive impacts for Native peoples.

Archaeologists are interested in learning about the past. Native Americans are
interested in maintaining the cultural traditions they inherited from their ancestors who
lived in the past. Tribes can use archaeology in important ways that accomplish goals
politically and legally. Archaeologist acquiring data can help document tribal land claims
and water rights, managing cultural resources that assist tribal peoples views

Communication between archaeologists and Native American groups has
increased over the years, due in part by NAGPRA forcing conversations to take place
between the two groups. Information about archaeological research should be distributed
to tribes that are culturally or spatially related to the archaeological sites. Reports need
to be sent to tribes, written in words that are understandable and to the point. This too
will help in reaching a common ground (Lippert 1997: 124).

Archaeologists also must reconsider to what purposes are they conducting
archaeological research. They must recognize that the actions do affect Native Americans
on many levels. Acknowledging this fact need not comprise a current scientific study of the past. Instead it should force one more step toward greater active communication (Lippert 1997: 127).

The future relationships between archaeologists and Native Americans depend on the ability of the archaeologists to understand the cultural values that drive preservation efforts of the Native peoples. American Indians need to understand the work and benefit of archaeology through conservation and study of material items. NAGPRA is a positive step toward recognition of basic human rights for Native Americans.

Consultation also needs to take place on a regular basis. Indian people, anthropologists, and curators need to talk with one another about reaching a neutral ground. Failure to listen to the other will not solve problems, but it will make matters worse. By respecting each others beliefs and opinions about NAGPRA, a common ground may be met. By reaching this common ground, all sides will come to understand the importance that each issue means to them. All NAGPRA issues may never be solved, through communication and understanding of each others religious, culture, and scientific belief, the first step toward comprehension of NAGPRA will be reached.

The obligations of contemporary anthropologists believe those studying material remains of past cultures is the only way to understand the ancestors of living Native Americans today. They must tell the story of Native Americans because it is a "professional obligation" they feel necessary as their "right." This leads some scholars to establish "false dichotomies" between the Indians of prehistoric times and the Native Americans of today. This view gives both American Indians and those anthropologists
that want to find a common ground a sense that Native Americans are not connected with their past, and they do not have any knowledge of their past, and that scientific evidence is the only answer to many anthropologists questions (Klesert et. al. 2000: 203).

Anthropologists describing the culture and life ways of Native Americans in their statements need to be carefully thought through before one says something that they will regret in the future. No matter what Clement Meighan and others believe, proper ethical behavior is important in closing the gap between the two groups.

To illustrate this point, Tewa Indian anthropologist, Alfonso Ortiz once said:

To anthropologists I say, put your own house in order because what you regard today as just a skirmish with Indians may tomorrow become a worldwide problem. Problems have to be understood before they can be solved, and I should like to think this is one of the things anthropology is all about (Watkins 2000: 21).

Cultural Conflicts

Two cultures, two very different sets of beliefs and values are seen and heard in the controversy surrounding NAGPRA. The treatment of human remains has tied American Indians and anthropologists together. Both sides seem to agree that it is very important to treat the dead with respect and dignity. It is how the dead are treated that draws the line of disagreement between anthropologists and American Indians. Many native peoples do not want their ancestors thrown in cardboard boxes and individually numbered with catalog numbers.

Jane Buikstra, an anthropologist from Northwestern University, has pointed that
she is tired of the false accusations from Native Americans during heated conversations.

She notes American Indians have stated that archaeologists of Anglo descendent never studied their ancestors, she quickly pointed out that yes, they did. They have studied the remains of Anglos and African Americans, excavating them from cemeteries in Washington, D.C. and Cleveland (Buikstra 1983: 2).

Cultural studies do have much to offer but instead of helping Native groups break the cultural barrier, some archeologists become victims of their own insensitivity when trying to relate to Native peoples. Native Americans realize that archeologists have much to offer, but archeologists have not always realized this, creating conflicts between each other (Powell et. al. nd: 13). Trigger comments on the conflict:

In North America, Australia, and other parts of the world where native peoples have been overwhelmed by European settlement, the image of the “unchanging savage” has been demonstrated with the help of archeological data... Insulting to the third word and to native peoples (Powell et. al. nd: 13).

**Differences In Burial Beliefs**

The treatment of the dead varies between one culture and the next, contemporary anthropologists and Native Americans have differences over burials. From the scientific perspective the excavation and curation of human remains are very important and necessary for the anthropological world. “Although anthropologists are concerned about the cultural beliefs of the people they study, they also want to pursue the truth” (Goldstein et. al. 2000: 181).

Native Americans, on the other hand, speak of reburial as a human rights concern,
and remains must be treated according to the wishes of modern Native Americans, not property. American Indians argue that the remains of the dead did not give permission to be studied. Even if the remains were from a culture that no longer exists, the dead would choose contemporary Native people to take care of them who are “their spiritual relatives” (Goldstein et. al. 2000: 181).

From the Western perspective, remains can be owned and often they are. Religious beliefs of Anglos regard the body as something that is left behind and the remains are treated with respect during a ceremony or funeral. The survivors of the dead have an attachment to the area where the body is laid to rest (Pettifor 1999: 1-14).

The American Indian belief is somewhat different, mother nature is the only one that owns or has control over the remains. The remains play a role in a “spiritual-ecological” process. They have their place in nature not in an institution or owned by a person. The remains are and will forever be attached to the bones, if the bones are in a lab somewhere, the spirit is trapped.

The debate over who owns the past is an important concern of NAGPRA. Again, scientific and religious beliefs clash continually. Although the issue of ownership is not solvable, respect toward one another is. American Indians and anthropologists need to treat each other with consideration. Both can benefit each other through education of excavated cultural items and first hand accounts of oral traditions.
CHAPTER 6

Conclusions

The problem of Indian burials is not a clash of good and evil, ignorance and wisdom; it is a conflict between propositions that must be accorded equal moral weight at the outset (Klesert et. al. 2000: 203)

Research Conclusions

Since the Congressional passage of the Native Americans Graves Protection and Repatriation Act, contentions have risen between anthropologists and American Indians.

Primarily, the disagreements evolve around ownership and proof. Respected scholars in the field of anthropology believe that Indians were not always in North America, they had migrated from Asia by way of the Bering Strait or from other migration theories, as Thomas Dillehay, an anthropologist stated:

In the depths of the most recent ice age, two vast ice sheets converged about 20,000 years ago over what is now Canada and the United States and apparently closed off human traffic there until sometime after 13,000 years ago. Either people migrated through a corridor between the ice sheets and spread remarkably fast to the southern end of American or they came by a different route, perhaps along the western coast, by foot and sometimes on small vessels. Otherwise they must have entered the Americas before 20,000 years ago (Weaver 1997: 23)

Anthropologists and American Indians have theories, associated with and applied to both culture beliefs and evolution. Origin stories are religious beliefs, as seen in the
Catholic faith, Jesus rose from the dead becoming the savior of Christian people.

Origin stories differ tremendously among many Native tribes, a similarity seen in many creation stories uses mythical characters or areas to explain their being. An example of an origin story relates to the Hidatsa Indians. The Hidatsa lived under the water of Devils Lake in Eastern North Dakota. Hunters discovered a vine growing downward to their villages and started to climb it, finding themselves on the earth. Many were able to climb the vine until it broke under the weight of a pregnant woman, leaving the rest of the tribe still living under Turtle Lake (Buffalo Bird Women 1987: 6)

In contrast, the Yakima were created by Great Chief Above, or Whee-me-me-ow-ah. Great Chief Above obtained handfuls of mud underneath the water that covered the earth, he began to throw the mud around forming land, and all that survives on the land (Clark 1984: 117-118). Origin stories are very important to the traditional lifeways of American Indians. They should be treated as such on a continuing level from anthropological study.

The controversies taking place are based on the ideals of North American anthropology, and Native American beliefs and values. Anthropologists have a very viable argument in terms of anthropological study. Human skeletal material provides anthropologists information in acquiring the origin of diseases. Information on “dietary and nutritional changes, life expectancy patterns and population density become available” (Jones et. al. 1998: 253[12]). Some anthropologists contend repatriation and reburial not only harms their profession but, information gained from the study of skeletal remains become destroyed. Israel Hershkovitz a physical anthropologist states: “These
bones were our window into the past and now they've shut the window” (Morell 1995: 1424 [3]).

Repatriation from an American Indian standpoint, views NAGPRA as a small victory that finally gives Native Americans some power to protect their ancestors’ remains. The position of Native Americans emphasizes the religious and cultural respect of the remains. According to American Indian perspectives, respect is seen in the treatment of remains and is linked with a desire for restitution in the “face of past mistreatment (past disrespect) and therefore be part of an ongoing struggle for rights and recognition” (Jones et. al. 1998: 253 [12]).

The Pawnee Indians celebrated the repatriation struggle of their ancestor’s remains throughout the past twenty years. During the mid-1980’s, Pawnee leaders were involved in repatriation at the Salina Indian Burial Pit, that displayed Pawnee skeletal remains (Echo-Hawk et. al. 1991: 72). They were credited in closing the popular tourist attraction down and reburying their ancestors that had been displayed daily for visitors.

The struggle for repatriation among the Pawnee Indians was motivated by the racial treatment they endured for centuries. The reburial of their ancestors was a turning point toward the protection of their religious freedoms and burial practices, paving the way for control over repatriation issues.

American Indians want more control over their own past. According to the ethical codes from the American Anthropological Associations statement, “in research, an anthropologist’s paramount responsibility is to those he studies;” The Society for Professional Archeologists, also claims its members should be “sensitive to and respect
the legitimate concerns of groups whose culture histories are the subject of archaeological investigations" (Zimmerman 1992: 43).

My hypothesis in this paper is current relations between American Indians and anthropologists need to be solved before ownership can ever be solved. A middle ground can be met without trying to agree on every aspect of NAGPRA. I do not agree with Clement Meighan's earlier comment that archeologists will not meet in the middle with Native Americans. There have been numerous anthropologists that disagree with Meighan's views on repatriation. Larry Zimmerman, Joe Watkins, Kurt Dongoske, only three anthropologists, out of many, are working toward a common ground with American Indians. Education is a necessary component that all three of the anthropologists believe will assist anthropologists and American Indians in reaching a common ground.

Archeologists should take the time to educate tribal groups, explaining what will be taking place during excavations or archeological surveys. American Indians need explanations for them to understand the project including, “Types of information being sought, and the implications and utility of the study to the group studied and to archeology” (Watkins 2000: 171).

Native Americans also need to equally accomplish respect toward archeologists who take time explaining their study. Archeology can be very beneficial toward learning more about ones culture. When participating in excavations, American Indians can glance back into the past during the time of their ancestors while continuing to learn about the present.

The Native American Graves Protection and Repatriation Act, has brought Native
Americans and anthropologists together, forcing them to work side by side. This may create conflict, but conflict is part of future compromise.

Ceci Antone, a Pima Indian from Phoenix, Arizona states:

I see some good in archaeology, it has brought some history to our people, but there is one facet of archaeology that our Indian people...do not agree with...the Indian people believe that when a person is laid to rest he should not be bothered at all. He has done his work in this world and he is going to another world to go back to the mother earth where we all come from...if he is disturbed he is out there, wandering, his spirit is not fully with the mother earth...(Hubert 1989: 35).

The previous statements will continually be heard by individuals that do not understand the impact that repatriation may have on the field of anthropology and the positive revelations it may yield. There is a continuing controversy seen in the Native American Graves Protection and Repatriation Act. That controversy has been about differences, it has been about the treatment of Native People in the past. My paper has explained both sides, the Native American and the anthropologist, and the disputes that have been going on for centuries. We do not need to hold grudges, and the past should be forgotten at least when the subject of NAGPRA comes up, because it is only causing roadblocks in scientific and Native American beliefs. Two differences of opinion can actually have a positive impact, as disputes often bring people together, forcing discussions on a variety of topics and concerns.

In closing, NAGPRA can bring in positive attributes to both communities. Native Americans have the opportunity to rebury ancestral remains and anthropologists through understanding religious beliefs, can acquire the respect and trust needed to study the
culture, physical, and social customs of Native peoples.
BIBLIOGRAPHY

Barsh, Russel Lawrence

Bieder, Robert E.

Blakey, Michael L.

Buffalo Bird Women

Buffalohead, W. Roger

Buikstra, Jane

Campbell, Gregory R.

Clark, Geoffrey A.
Crawford, Suzanne J.

Downer, Alan S.

Echo-Hawk, Walter R. & Roger C. Echo-Hawk

Elston, Catherine

Giarelli, Andrew L

Goldstein, Lynn & Keith Kintigh

Grinnel George Bird

Gulliford, Andrew

Hinsley, Curtis M.

Hoig, Stan
Horseman, Reginald


Hubert, Jane

Jones, Gareth D. & Robyn J. Harris

Killion, Thomas W., Scott Brown & J. Stuart Speaker

King, Thomas F
1998 Culture Resource Laws & Practice, an introductory guide. Walnut Creek, London & New Deli; AltaMira Press.

Klesert, Anthony L. & Shirley Powell

Lee, Mike
2001 “Scientists say Corps destroyed Kennewick Man evidence,” in Tri-City Herald, April 18

Lippert, Dorthy
Meighan, Clement

Mihesuah, Devon A.


Miller, John J.

Morell, Virgina

Morgan, Lewis H.

Murphy, Dwight D.

Pettifor, Eric

Preston, Douglas
Prucha, Francis Paul

Powell, Shirley, Christina Elnora and Aubrey Hicks

Riding In, James

Schultz, Duane

Sheehan, Bernard W.

Stevenson, Michael

Thomas, David Hurst

Tsosie, Rebecca

Trimble, Joseph E.

United States
United States

United States

United States

United States

United States
1999 “Native American Graves Protection and Repatriation Act.” Hearing before the Committee on Indian Affairs, United States Senate. 106th Congress 1st Session. Washington: GPO.

Watkins, Joe
2000 Indigenous Archaeology American Indian Values and Scientific Thought. Walnut Creek, Lanham, New York & Oxford; AltaMira Press.

Waters, Frank
1993 Brave Are My People. Athens, Ohio; Swallow Press.

Weaver, Jace

White, Lonnie J.

White Deer, Gary
Zimmerman, Larry J.