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*American Indians, Anthropologists, Potburiers, and Repatriation*

*Ethical, Religious, and Political Differences*

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Among the many problems American Indians have to contend with today is the removal of their ancestors' remains along with sacred tribal items from burial grounds for the purpose of scientific study and museum display, or for sale through the underground market and at auctions. The argument between Indians who want Indian skeletal remains and funerary objects repatriated (or "matriated," as one Indian puts it) and anthropologists who do not is a volatile one, taking on emotional, spiritual, intellectual, and monetary elements. For black-market grave robbers, the issue appears to be purely monetary.

Throughout the years, I have heard or read the same statements at committee meetings, conferences, and in the scholarly literature:

"Indians are too ignorant to know what's good for them."

"The only good Indian is a dead, unreburiad one."

"How would you like it if your grandparents were dug up?"

"I wouldn't mind if my ancestors were studied since only the spirit goes to heaven, not the entire body."

"Archaeologists and anthropologists are the only ones who benefit from studying Indian remains."

"How has the study of Indian skeletal remains helped to alleviate the problems Indians face today?"

"Since we all emerged from the same place—Africa—then why should anyone mind if remains are studied; my past is your past."

The comments go on, of course, but this short list does illustrate the complexity of the problem.

The desecration debate appears to be everywhere. Since becoming involved in the repatriation issue about fifteen years ago, I have learned that

not all peoples possess the same religious, moral, or philosophical values when it comes to disinterment of the deceased and funerary items. While a graduate student at Texas Christian University in Fort Worth, I was a member of the Texas Indian Commission's and the Texas Historical Commission's Committee for the Protection and Preservation of Skeletal Remains and Cultural Objects—a committee comprising anthropologists, museologists, tribal leaders, Indian activists, educators, lawyers, and concerned citizens, both Indian and non-Indian.<sup>1</sup> All members learned a great deal through the activities and dialogues of this very active committee.

I had the opportunity to visit many museums and to view Indian bones displayed in almost every one, the strangest presentation being hand bones on the windowsill of the ladies' room in a small east Texas museum. I walked through archives of universities that held thousands of Indian skeletal remains in dust-covered boxes and watched as customers haggled over the price of skulls and medicine bundles at Texas gun shows. I read newspaper articles that chronicled the adventures of would-be Texas Indiana Joneses (i.e., "amateur archaeologists") and saw burial sites that had been bulldozed and ransacked by grave robbers looking for skulls and burial items to sell. Still in my activist graduate student mode, I debated with anthropologists (such as D. Gentry Steele and Robert J. Mallouf, contributors to this volume and fellow committee members) over what I perceived to be their insensitivity to Indians' concerns, protested to hobbyists about their seemingly innocent excavations that in reality destroy sites, and argued with some staunch advocates of reburial over their desire to speak for all tribes, and indeed, their need for attention. I worked intensively on this issue for years, writing articles, speaking to reporters, and participating in conference sessions.<sup>2</sup>

Although I am presently a professor of applied indigenous studies, I also have taught high school biology and physics and can appreciate the theory that studying human skeletal remains can yield data that will benefit mankind. As an American Indian, however, I am all too aware of the severe physical, political, and economic problems among Indians. Where is the information anthropologists are supposed to be acquiring that can help present-day tribes? If studies of tribes in the United States are supposed to be important, how are investigations by archaeologists and physical anthropologists serving the needs of Indians today? In dialogues with social scientists, Indians plead for convincing evidence that having the remains of their ancestors scrutinized, then stored for decades in basements and vaults of universities and museums, in addition to being separated from the grave goods with which they were buried, contributes to the well-being of Indian people.

It is quite possible that at one time the study of old Indian bones did play a role in the development of medicine, proper diet, and prevention of bone disease. With the sophistication of science, however, doctors have developed the ability to perform organ transplants, limb reattachments, sex changes, and growth stimulation. It would therefore appear that further excavation and examination of Indian people is no longer necessary. Dr. Emery Johnson, former assistant surgeon general, has even commented, "I am not aware of any current medical diagnostic or treatment procedure that has been derived from research on Indian remains. Nor am I aware of any during the thirty-four years that I have been involved in American Indian health."<sup>3</sup>

If the Society for American Archaeology ever gives a suitable answer as to the benefits of studying Indian skeletons, some tribes might be receptive to scholars who study remains. But to date, the garnered scientific information has not been used to decrease alcoholism or suicide rates, nor has it influenced legislative bodies to return tribal lands or to recognize the sad fact that Indians are still stereotyped, ridiculed, and looked upon as novelties. Indeed, mannequins dressed as Indians stand outside tourist shops, Hollywood still portrays Indians incorrectly, and sports teams, automobiles, and clothing lines all use stereotypes of Indians to sell products. What do Indian skulls that are displayed alongside pottery in museums tell visitors? Is this a message that Indians are inferior beings, items for display, just like animals? Since other Americans are not on view like Indians are, there is without question a double standard at work: non-Indian burials are left alone and those accidentally uncovered are immediately reburied, but archaeologists and pothunters deem it good and necessary to dig up Indians and possess their remains and funerary items.<sup>4</sup>

This is also a monetary issue. American Indian remains, their cultural objects, in addition to their images, serve as the focal points of many anthropologists' careers. The fact that Indians exist allows these people—as well as historians—to secure jobs, tenure, promotion, merit increases, fellowships, notoriety, and scholarly identity—all without giving anything back to Indian communities.<sup>5</sup> Millions of dollars, hundreds of jobs, and numerous journals would be at stake if anthropologists could no longer study Indian remains and their burial items.

Indians are curious about their histories, and they do not believe that all scientific and social scientific studies are worthless. Indians are often treated as if they have no comprehension of science or are too ignorant to understand the need for continuing research. On the contrary, Indians are aware that gaps in tribal histories have been filled by the investigations of anthropologists, archaeologists, and historians. The conflict arises because many

archaeologists assume that they are the caretakers and owners of the past, not respecting the fact that Indians have oral traditions. Among traditional Indians, it is the responsibility of the present generation to remember stories for future generations.<sup>6</sup> Despite what archaeologists think, Indians do not believe that tribal histories are created by archaeologists' findings.<sup>7</sup> An attractive proposition for many Indians is that Indians and archaeologists work together to help each other form a more complete picture of the past, but the problem is that most archaeologists view oral histories as "fantasy" and "embellished" and refuse to consult with Indian informants.<sup>8</sup> More likely, they do not want to enter into dialogue with tribes because it invites the risk of having their research project taken away from them.

Anthropologists and museum directors often offer their opinions about the intelligence of Indians; many believe that Indians will not know how to take care of items that are returned to them. In response, Raymond Apodaca, former chairman of the Human Rights Committee for the National Congress of American Indians says, "What are they talking about? These things belong to us, were created by us, and are highly respected by us." Pemina Yellow Bird, a Hidatsa/Arrikara repatriation activist, agrees: "How do you think these ancient things got in their possession if Native people didn't know how to take care of them? And who are they to tell us how to take care of our own sacred objects?"<sup>9</sup>

To scientists, skeletal remains and funerary items are "tools of education," and any skeleton or grave more than one hundred years old is viewed as an artifact that is fair game. Scientists believe that the cradle of civilization is in Africa; therefore, because we all have common ancestors, they claim the right to study all human remains. To Indians, however, the remains represent either direct ancestors or families they consider to be their "cultural ancestors."<sup>10</sup> Many Indians do not believe that they crossed the Siberian land bridge to North America. They believe they emerged from sacred sites on the North American continent.

Why should ancient bones be considered "fair game" for study? Is it because archaeologists feel it is safer to assert that there is no one alive who can claim relation to the old bones? After all, archaeologists have to study something. Lynne Goldstein and Keith Kintigh tell us in their 1990 essay, "Ethics and the Reburial Controversy" (chap. 9, this vol.) that "To claim that archaeologists have no right to excavate or examine an entire class of information is to deny our background and training."<sup>11</sup> ("Who asked them to become archaeologists and study Indians anyway?" respond Indians and non-Indians who have discussed their essay.)

Scientists and pothunters also like to hold up the Christian belief that the body and soul separate after death, so why be concerned about physical

remains if the soul is (it is hoped) on his or her way to heaven? But that is not how many Indians see it. Generally speaking, because all tribes have differences in religion, unearthing of skeletal remains and funerary objects is disruptive. Among some tribes, if the bones are uncovered, and especially if they are separated from the burial relics, the spirit may not be at peace. Hence the importance of keeping remains and funerary objects buried.<sup>12</sup>

Indians and some social scientists have come to some agreement over how remains should be handled and studied, if at all. Like historians, there are many more archaeologists who wish Indians would stay out of it, or even better, were all dead so they would not have to deal with the descendants of the people they study. A former member of the executive committee for the Society of American Archaeology has commented, "the only good Indian is a dead, unburied one."<sup>13</sup> Indeed, I have heard numerous times from anthropologists that Indians are "uneducated" and "cannot understand what we do." Despite my four university degrees and numerous academic awards, I have been told I am "ignorant" and "cannot possibly know" what I am talking about. Because of such racism, Indians often place scientists in the same category as grave robbers. To them the only difference between an illegal ransacking of a burial ground and a scientific one is the time element, sunscreen, little whisk brooms, and the nearness of the area when finished. Indians perceive many social scientists and all pothunters as adept at exploiting them for profit and see both groups as disrespectful of the individuals resting in the ground. Indians remain perplexed by the attitude of some anthropologists who assert that their work is more important than the religious beliefs and dignity of the descendants of those Indians they study. Because pothunters, archaeologists, physical anthropologists, and paleopathologists spend a good portion of their time in graveyards and laboratories handling human remains and sacred tribal objects, this is undoubtedly a religious issue. When addressing the repatriation issue, some Indians speak from a religious standpoint, while scholars who study remains and sacred objects speak a different scientific language. Scholars cry "academic freedom," but Indians are concerned about "religious freedom,"<sup>14</sup> resulting in miscommunication, conflicts, and assumptions. Indians have taken refuge in the First Amendment to protect their religious beliefs, but this strategy is rarely effective, as tribal lawyers have discovered.<sup>15</sup> At least anthropologists and archaeologists will speak to Indians; black-market grave robbers and pothunters rarely will. Nor will they speak to archaeologists except perhaps to argue, as Arizona grave robber Peter Hester does:

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.<sup>16</sup>

The collecting of Native American art in the form of baskets, paintings, pottery, jewelry, beadwork, and rugs has been a hobby and business among non-Indians for decades. Almost everywhere whites are seen wearing turquoise rings or squash blossoms; in their homes are Navajo rugs and Pueblo pottery. Most of these common items are obtained legally from an art gallery, pow wow, or reservation tourist shop. An old problem, and one that appears to be developing, is the illegal removal of sacred tribal items and the remains of the tribal people themselves from Indian burial grounds to be 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. Despite the Texas committee's differences of opinion over academia's return of Indian skeletal remains and funerary objects to tribes, one thing the committee agreed on was that the looting of Indian burial sites must be stopped (the problem in Texas is particularly serious), and that Texas museums should not display Indian skeletal remains and sacred objects. Indians and archaeologists usually can agree that burial sites should be "protected" from pothunters and that the latter should be fully prosecuted when possible. But the term "protection" has two meanings. To many Indians it means no burial-ground disturbances whatsoever. To archaeologists and physical anthropologists it means "hands off" any newly discovered site until they arrive to conduct their research. Museum directors want protection of their "collections" even if these "tools of education" are kept in archives and never seen again.<sup>17</sup>

Most grave robbers appear to be of a different mind-set altogether and use any excuse that comes to mind as to why they should be able to exploit graveyards for profit. An experience in 1985 led me to believe that sensitizing grave robbers to the concerns of many American Indians and sympathetic academics would be nearly impossible. The incident occurred when I and several representatives of the American Indian Movement, American Indians Against Desecration, and the aforementioned Texas committee attended a closed-door auction at the Texas Ranger Hall of Fame in Waco, Texas. The auction hall was filled with the requisite and costly Texas paraphernalia such as saddles, blankets, and antiques, but to our dismay, there also were tables laden with jewelry, pipebags, and medicine bundles with price tags informing potential buyers that they were acquired from Indian burials.

The most shocking item for sale, at least to me, was an exquisitely carved, glass-topped coffee table with a full skeleton inside that had been christened "Ernest"—probably a Mescalero Apache. After explaining to the auction officials who we were and our concerns, we were led outside by the auction guards—replete with sidearms—to a picnic table to discuss the issue. The auctioneer promised to pull the funerary items and Ernest from sale, but to our disappointment we later found out that they were auctioned by telephone to bidders in Germany and Japan. The Corps of Engineers in Fort Worth told us that this particular auctioneer made a living from selling the contents of burials from a variety of Texas and Southwest tribes.

After graduate school I moved to Arizona where, in the midst of twenty reservations (and their countless sacred sites, shrines, and burial grounds), I encountered a whole new world of desecration. Museums and archives are packed with skeletal remains and cultural objects, and wealthy grave robbers make their livings by purchasing land they know contains burials and then unearthing the remains and artifacts to sell. When finished plundering, they then sell the land and buy more.<sup>18</sup> Vandalism of prehistoric sites (i.e., petroglyphs, ruins, middens, and shrines) has reached such epidemic proportions in the Southwest that cartographers are considering leaving their locales off of new maps and out of guidebooks.<sup>19</sup>

The issue also hits me close to home. My husband, a Comanche, has numerous relatives, including a sister, buried in the Ishiri cemetery outside of Duncan, Oklahoma. Over the past twenty years, the cemetery has been vandalized and desecrated by looters looking for funerary objects the Comanches buried with their dead, such as saddles, jewelry, and medicine bundles. In response, some of the graves have been covered with cement by concerned relatives. But the looting of these burials puts us in a quandary, for where can the next generations be interred, if not in a large city cemetery? Many other Indians also have seen the desecration of their families' burials, and no doubt they wonder the same thing.<sup>20</sup>

Regardless of the differences in their cultures, American Indians are becoming increasingly concerned about taking proper care of unearthed remains of their ancestors and of sacred objects in or out of the ground. Despite cultural differences and the personal enmities Indians may have for one another, they share the desire to keep their ancestors resting in peace (not in pieces) as well as the desire to reinter those remains that have been disturbed. Many scientists have indeed become more sensitive to Indians' concerns, but in the meantime, grave-robbing, high-priced auctions, gun shows, private and amateur archaeology, and seemingly innocent arrowhead-hunting continue to provide excuses for collecting. The problem is complicated but is one that needs to be addressed with more sen-

sitivity. Until the various parties involved in unearthing the deceased and sacred objects take a long hard look at all the factors—including the human one—the problem will stay with us.

## Notes

1. For information on the committee see Candace Floyd, "The Repatriation Blues: Museum Professionals and Native Americans Wrestle with Questions of Ownership and Disposition of Tribal Materials," *History News* 40 (April 1985): 6–12; Frank McEmore and David Alcoze, "Texas American Indians and Colleagues Initiate Action to Protect Skeletal Remains and Sacred Objects," *Texas Association of Museums Quarterly* (spring 1985): 20. Members of the committee included (with their then-titles): Cherokee Chief Wilma Mankiller; Raymond Apodaca, executive director of the Texas Indian Commission; Rayna Green, Museum of American History; Newton Lamar, president of Wichita and Affiliated Tribes; Robert J. Mallouf, Texas State archaeologist; Ray Ramirez, superintendent of Tigua Indian Reservation; Henry Shemayne, chairman of Caddo Tribe; Genry Steele, physical anthropologist; Amanda Stover, executive director of Texas Association of Museums; Curtis Tunnell, executive director of the Texas Historical Commission.
2. Devon Mihesuah, "Indian Burial Sites—Texas: An Indian Viewpoint on the Subject of Desecration of Sacred Burial Sites and the Questionable Need for Scientific Study of Indian Remains," *Akwasane News* (spring 1986): 11; "Indians Fight Desecration of Burial Sites," *Fort Worth Star Telegram*, May 20, 1986; "Ancestors Defended by Indians," *Fort Worth Star Telegram*, May 21, 1986; "Woman Fights Indian Burial Site Robbers," *Tyler Morning Telegraph*, July 14, 1986.
3. Susan Shown Harjo, "Indian Remains Deserve Respect," *Mercury News* [San Jose], October 10, 1989.
4. The "double standard" is addressed by Roger C. Echo Hawk and Walter C. Echo Hawk in *Battlefields and Burial Grounds: The Indians' Struggle to Protect Ancestral Graves in the United States* (Minneapolis: Lerner Publications Company, 1994).
5. At universities around the country, researchers are required to have their projects approved by instructional review boards for the protection of human subjects in research and research-related activities. At Northern Arizona University in Flagstaff, researchers may soon be required to follow more stringent guidelines when it comes to researching American Indians. One question an IRB asks is: "How will your research benefit the people you study?" If no clear answer is given, the project is not approved. See Devon A. Mihesuah, "Suggested Guidelines for Institutions with Scholars Who Conduct Research on American Indians," *American Indian Culture and Research Journal* 17 (1993): 131–40.
6. For further discussion of the importance of Indian oral tradition, see Angela Cavender Wilson's two essays, "American Indian History or Non-Indian Percep-

tions of Indian History?" and "Grandmother to Granddaughter: Generations of Oral History in a Dakota Family," in *American Indian Quarterly's* special issue on "Writing About American Indians," vol. 20, 1996, rpt. in Devon A. Mihesuah, ed., *Natives and Academics* (Lincoln: Univ. of Nebraska Press, 1998), 23–26, 27–36.

7. In his essay "Burying American Archaeology," Clement W. Meighan writes: "In my view, archaeologists have a responsibility to the people they study. They are defining the culture of an extinct group and in presenting their research they are writing a chapter of human history that cannot be written except from Archaeological investigation." He further asserts that "Indian knowledge of the traditions of their ancestors is derived in large part from the collections and scholarship that the activists among them are now seeking to destroy." See *Archaeology* (November/December 1994): 64–68. In his essay (in the same issue) "Sharing Control of the Past," Larry Zimmerman refutes Meighan's comments: "The idea that anyone can 'save' the past is a false notion. Archaeologists construct the past, they do not reconstruct it."

In "Archaeology and the Image of the American Indian" Bruce G. Trigger chronicles how archaeologists have viewed Indians since the early nineteenth century: "static," "incapable of change," "savage," "recent arrivals to North America." He also asserts that the "New Archaeology continues to treat native peoples as objects rather than subjects of research." *American Antiquity* 45 (1980): 662–76.

8. For an overview on the debate between those who believe Indians cannot accurately recall their histories and those who believe American Indian history is not "real" history without their voices, see Devon A. Mihesuah, "Voices, Interpretations, and 'The New Indian History': Comment on the *American Indian Quarterly's* Special Issue on Writing about American Indians," *American Indian Quarterly* 20 (1996): 91–108 rpt. as the introduction to Mihesuah, *Natives and Academics*.

9. "Repatriation Demanded across the Country," *Indian Country Today*, September 22, 1993.

10. In "Bone Courts: The Rights and Narrative Representation of Tribal Bones," Gerald Vizenor proposes that bones be properly represented in court regarding their destiny: "Bones have a right to be represented and heard in court; these rights, not the assumed rights of science, or the interests of politicians, must be the principle concern in court. Science and academic power would survive; bones without representation would continue to be charred, servitude to science." *American Indian Quarterly* 10 (1986): 319–31.

11. See chapter 9 in this volume. Originally published as Lynne Goldstein and Keith Kintigh, "Ethics and the Reburial Controversy," *American Antiquity* 55 (1990): 585–91.

12. Richard Hill, "Reclaiming Cultural Artifacts," *Museum News* 55 (May/June 1977): 43–46; Charlotte Frisbie, "Navajo Jish or Medicine Bundles and Mu-

- seums," *Council for Museum Anthropology Newsletter* (1977): 6-23; Roger C. Echo-Hawk, "Pawnee Mortuary Traditions," *American Indian Culture and Research Journal* 16 (1992): 77-99; Jan Hammil and Robert Cruz, "Sarcement of American Indians Against Desecration," in *Conflict in the Archaeology of Living Traditions*, ed. Robert Layton (Boston: Unwin Hyman, 1989); Larry J. Zimmerman, "Human Bones as Symbols of Power: Aboriginal American Belief Systems toward Bones and 'Grave Robbing' Archaeologists," in *Conflict in the Archaeology*, ed. Layton, 211-16; Jan Hammil and Larry Zimmerman, eds., *Reburial of Human Skeletal Remains: Perspectives from Lakota Spiritual Men and Elders* (Indianapolis: American Indians Against Desecration, 1984).
13. Larry Zimmerman, "Desecration and Reburial as an Anthropological Issue: The Tactics of Self-Delusion," paper presented at the annual meeting of the American Anthropological Association, Washington DC, 1985.
14. Ronald L. Grimes discusses the religiosity differences between Indians and anthropologists and archaeologists in "Desecration of the Dead: An Inter-religious Controversy," *American Indian Quarterly* 10 (fall 1986): 305-18. Also see Richard Hill, "Indians and Museums: A Plea for Cooperation," *History News* 34 (July 1979): 181-84.
15. Robert S. Michaelson, "American Indian Religious Freedom Litigation: Promise and Perils," *Journal of Law and Religion* 3 (1985): 47-76; Steve Talbot, "Desecration and American Indian Religious Freedom," *Journal of Ethnic Studies* 12 (winter 1985): 118. Vine Deloria Jr. briefly traces the history of religious freedom and explores the development of "civil religion"—a joining of political and religious beliefs—and how it suppresses American Indian religious freedom in "Secularism, Civil Religion, and the Religious Freedom of American Indians," *American Indian Culture and Research Journal* 16 (1992): 9-20 (chap. 8, this vol.). Deloria writes that secularism has important bearing on repatriation, for the religious beliefs of tribes have been forced to take a backseat to state police powers. Indeed, neither the American Indian Freedom of Religion Act nor the First Amendment to the Constitution protects religious freedom.
16. Catherine Elston, "Thieves of Time: The Pillage of American Prehistory," *Wildfire* (winter 1990): 22.
17. During the Texas committee's 1986 visit to the University of Texas at Austin's archives, a curator showed us aisle after aisle of boxes that contained Indian remains. "Some," she said, "have been here for fifty years and still have not been studied."
18. "Tribal Objections Fail to Stall Sale of Masks," *Arizona Republic* [Phoenix], May 21, 1991; "New York Officials Inspect Three Indian Masks," *Arizona Republic*, May 22, 1991; "The Curse of the Tlalawumsi: How the Thieves of Time Stole the Hopis' Religion," *Arizona Republic*, March 14, 1993; "Time Bandits: Vandals Destroying Archaeological Sites," *Arizona Daily Sun* [Flagstaff], November 12, 1994; Elston, "Thieves of Time."
19. "Vandals, Tourists, Wiping Indian Ruins Off Maps," *Arizona Republic*, June 19, 1994. The Park Service oversees fifty-six major ruins in the Four Corners area; twenty in Arizona. Archaeologist Roger Whitaker comments that "This is a last-ditch effort to save the rest before we love it to death."
20. One solution is cremation, although among many tribes it is not the traditional way of disposing of the deceased. In some tribes it is considered "spiritual suicide," but at least Indians will not end up as "tools of education." Larry J. Zimmerman, "Tall Them about the Suicide: A Review of Recent Materials on the Reburial of Prehistoric Native American Skeletons," *American Indian Quarterly* 10 (fall 1986): 333-43.