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Repatriation and Reburial Issues with Native American Ancestral Remains  
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Repatriation and Reburial Issues with Native American Ancestral Remains Repatriation is the return of human remains or sacred objects or objects of cultural significance to the individuals, groups, or nations that the archaeological finds belonged to. Part of Repatriation is the reburial of the human remains that originally were archaeologically excavated. There is a movement on repatriation involving the native people's right to the archaeological finds. Also laws have been enacted worldwide to deport artifacts and human remains back to the original owners, for example the NAGPRA in the United States. Repatriation and the reburial of human remains modern day issue mostly focusing around Native Americans in the United States. The main worry of repatriation is that it has changed modern archaeological excavations with Native American human remains and many policies supported the rights of Native Americans. For years, American archaeologists excavated precious Native American Indian burial grounds and other holy archaeological sites removing artifacts and human remains. These remains were either placed in storage facilities or simply archived and not even studied further. This removal of artifacts to American Indians is morally unjust and discourteous to the history of Native Americans. While American Indians attempted to prevent excavations on their ancestors' land, western archaeologists argued that the expansion of knowledge was a valid reason to continue their scientific research. Although protective procedures exist like the NAGPRA, there is still an issue with the respect of burial rituals for Native American tribes and the need for expansion of academic knowledge through

studying the Native American remains. In the early 1990s, Western society had a problem with grave looting to gain archaeological evidence of historic sites because of this, authorized practices of assembling, analyzing, and displaying Native relics and cultural artifacts in museums by harsh excavation methods, like the decapitations of slain Native warriors these methods that were practiced had no consideration of for Native Americans. Although these thieves had been taking valuable tangible history, they did not take into account traditions that are well known with the indigenous peoples of the United States of America. The artifacts in the museums were often labeled wrong or incorrectly told of Native American tribes practices in their history. These ridiculous excavation practices did not provide correct or justified scientific analysis or long-term curation of skeletal remains (Bray 59). So basically the scientific knowledge gained from these excavations was useless and not accurate in gaining any new knowledge of Native American culture. The deep culture and history being stolen from Native American tribes had been persistent until repatriation instilled a federal "zone of contact" between Native people, archaeologists, and museums, to allow descendants to emphasize and establish the relations to artifacts unearthed (Bray 64). The United States recognized the repatriation movement, and addressed historical injustices done to Native Americans pertaining to their ancestral history. Also the United States restored the cultural and legal legislation of human rights that had been taken away from Native American Indians (Riding In 358). Despite the laws passed to prevent these issues of human rights; American Indian nations differ not only among themselves over matters of being related by cultural association with a particular set of

remains uncovered, but also with museums and members of the scientific community over the respectable treatment of the deceased related to their kind. The Native American Graves Protection and Repatriation Act (NAGPRA), was created to address this problem of unethical excavations of holy Native American sites. Passed in 1990, it aspired to achieve a negotiation by restricting the privilege of research organizations to retain human remains. NAGPRA demands that federal organizations and institutions that receive federal funding to return Native people's "cultural items" to their respective peoples (Miheuah 9). Also, this includes the National Museum of the American Indian Act (NMAIA) passed in 1989 which gave the Smithsonian Museum the rights to obtain inventory on Native American burial artifacts in its compendium and contemplate the repatriation of certain artifacts to federally recognized tribes (Legal, 1990). Such cultural items include, but are not limited to: sanctified objects, funerary items, human remains, and articles of cultural heritage. NAGPRA also institutes a program of national grants that aids in the repatriation practice and sanction the Secretary of the Interior to evaluate civil punishment on museums that disobey. Currently, it is the most secure federal regulation concerning to indigenous remains and artifacts (Miheuah 10). A few archaeologists openly recruit the assistance of aboriginal peoples which are possibly descended from those under study. Numerous native peoples believe natural features such as terrestrial and aquatic characteristics as well as individual trees to have cultural significance; which help archaeologist understand their excavation sites more clearly. This way archaeologist are required to re-examine what comprises an archaeological site of what native peoples may consider to be

constituted as sacred areas. This collaboration is effective to archaeologists but presents a number of obstacles to fieldwork with new excavation challenges, but it is ultimately beneficial to all groups involved. Tribal elders coordinate with archaeologists to prohibit the careless unearthing of areas considered sacred and in return the archaeologists attain the elders' assistance in interpreting his finds (Dumont 113). Since these laws were previously not around, reasons for the creation of NAGPRA and other laws regarding safety of excavation of human remains became necessary to discover true information about Native American tribes in America. The State Statutory Law states that only regulated and protected graves that have been marked are protected however most of the time, Native American graves are unmarked and therefore these laws could provide no protection. Common Law failed to recognize distinctive Native American customs having to do with burial rituals for Native American marked graves. So the First Amendment protects religious beliefs and practices, but racism unbelievably prevented the rights of Native Americans; their burial practices connect deeply to the religious values and traditions. When the tribal dead are violated, disturbed or retained from burial it becomes evident that religious beliefs and practices are being disregarded. As a sovereign body, Native Americans possess exclusive rights, foremost to their affairs to be controlled by their own laws and customs. The relationship among people and their dead is an internal affiliation; therefore one that is best empathized under the autonomous rule of that tribe. From the emergence of the United States government and tribe relations, the tribe maintained a right unless deprived of to the US government in a mutual agreement. Therefore, the United

States government has no right to disorder Native American graves or their dead since it has not been permissible through a treaty (Dumont 116). However, even today not every state has legislation regarding reburial or repatriation laws, although state reports are common in procedural archaeology. Most reports note " reburial and " repatriation" have different meanings. In such reports, " repatriation" pertains to the legal process of turning possession and accountability for human remains and grave goods over to another individual. While " reburial" involves the legal necessity or the manual act of placing or entombing human remains in a designated area, such as a cemetery. " Graves protection" is the legal regulation established to prevent the desecration, devastation, or disturbance of sites where late human bodies have been placed (The Law, 2003). Still, ancestors of Native Americans and American citizens must not get deceived into a misleading understanding of justice when thinking that NAGPRA has balanced the relationship between Native peoples and the United States government. In the end, reburial and repatriation have been a burden on archaeology for many years, putting Native Americans against archaeologists and archaeologists against one another. The conflict revolves around one central issue; which is whether archaeology's privilege on human rights and articles of cultural inheritance as scientific expansion of data overshadows Native American ethics and beliefs based on ancestry and cultural attachment of the tribe. For example, a major case study in American archaeology dealing with the troubles of repatriation revolves around the discovery of the Kennewick Man. The skeletal remains of a prehistoric man were found in 1996 on a bank of the Columbia River in Kennewick, Washington. Since it

was one of the most complete ancient skeletons ever found, the discovery of this man was substantial. There was a nine year legal battle between the federal government and Native American tribes who argued the Kennewick Man was their ancestor. However it has been ruled that the Kennewick Man could not be genetically justified in allowing scientific studies of the remains to continue because there is no cultural link between any of the Native American tribes to his DNA taken from his bones. As stated by NAGPRA, if human remains are found on federal lands and a connection of a cultural link to a Native American tribe can be established the associated tribe can claim them; unfortunately this was not the case for the Umatilla tribe. The Umatilla tribe was diligent in their cultural rights so they appealed for guardianship of the remains, to bury them according to tribal tradition. The Umatilla tried to make their case by arguing that their oral history goes back 10, 000 years and affirmed that their people have been present on their historical territory since the beginning of time (Thomas 95), so an administration claiming that the Kennewick Man is not Native American is basically the government's rejection of the tribe's religious beliefs. Additionally, researchers aspiring to examine the remains challenged the Umatilla's claim. Eight anthropologists then took legal action against the United States of America for permission to perform trials on the skeleton. Soon the court jury declined the appeal brought by U. S. Army Corps of Engineers and the Umatilla, Colville, Yakama, Nez Perce, and other tribes on the foundation that they were unable to show any verification of kinship. The remains are still legally property of the U. S. Army Corps of Engineers, since they were discovered on the organization's land (Bonnichsen, 2004). Another example of the moral issues with

repatriation was the legal battle that was over Ishi, the last member of the Yahi tribe. He is alleged to have been the last Native American in Northern California; after spending much of his life educating archaeologists and anthropologists about his tribe's traditions, Ishi died of tuberculosis in 1916. The archaeologists he had been working with to expand knowledge about his tribe's native customs arranged a burial ceremony in what they knew of the Yahi way: they cremated his body with burial goods, including one of his bows, five arrows, a basket of acorn meal, a boxful of shell bead money a purse full of tobacco, three rings, and some obsidian flakes (Kenny et al. 25). The problem arose when two researchers later announced that they had found a evidence claiming that Ishi's brain had been removed during the autopsy and dispatched to the Smithsonian Museum. Ishi's brain is still greatly fought over; because the NAGPRA clearly states Indian remains possessed by federally funded organizations must be returned to their tribe or tribal descendants. Many Native Americans believe that the soul of the dead cannot journey to the afterlife awaiting their remains to be buried in their entirety. Since Ishi was the last of his people there are no direct descendants to bury his remains, or his brain which is disrespectful to the Yahi tribe. Also to add to this highly debatable situation researchers claim that Ishi probably wasn't even part of the Yahi tribe but mixed (Kenny et al. 26). This controversy still remains an issue today which makes the NAGPRA an unreliable source of help for Native Americans. Archaeologists justify their actions by appealing the public with the expansion of scientific knowledge. The discovery of human remains and grave-related objects to archaeologist is a way of learning about the past and sometimes the boundaries of Native



Americans are overstepped. The application of this knowledge today, gives researchers hope that there will be advances in the future which will generate new ways of looking at these archaeological finds. Additionally, the drive for the expansion of knowledge sustains continued recovery of human remains and grave-associated artifacts, study of those remains, publication of the outcomes of those studies, and the curation of the objects. (Powell et al. 15) Other controversies surrounding repatriation come from conflicting views between western archaeologists and Native American people's beliefs. Western archaeologists observe time, as being linear, while to countless Natives time is cyclic. An additional Western viewpoint sees the past as long-gone, but from a Native perspective, disturbing the past can have terrible penalties on the current (Powell et al. 38). It is because of these views conflict will always exist in the field of archaeology, and archaeologists must work with Native Americans to uncover the most information about a site without disrespecting sacred burial grounds or otherwise. Although controversies on ethics and practices arise between archaeologists and Native American tribes, justification of such techniques and findings are important factors in displaying artifacts. A way of avoiding controversies would be working with Native American tribes people to find out more information about the sites by inviting them on their descendant's land excavations. Native American burials and human remains must be treated with respect and care to not disturb any descendants of those Indians. While guidelines for archaeology ethics with holy land such as NAGPRA and other state and federal laws exist to protect Native American rights, there is hardly any government support. However, the United States has come a long way

with methods of excavation since the 1900s. These practices of repatriation and the reburial of human remains continue and will continue to be a modern day issue focusing on the Native American indigenous peoples of the United States. Works Cited Bray, Tamara L. *The Future of the Past: Archaeologists, Native Americans, and Repatriation*. 1st. 1. New York, NY: Garland Publishing, Inc., 2001. 37-47, 58-66. Print. Dumont, Clayton. "Opening Archaeology: Repatriation's Impact on Contemporary Research and Practice by Thomas Killion." *School for Advanced Research Press*. (2007): 113-117. Print. Kenny, Alexandra K., Thomas Killion, and Nancy Scheper-Hughes. "'Ishi's Brain, Ishi's Ashes': The Complex Issues of Repatriation: A Response to N. Scheper-Hughes." *Anthropology Today* 18. 2 (2002): 25-27. Web. 10 Mar 2011. . Mihesuah, Devon A. *Repatriation Reader: Who owns American Indian Remains?*. 1st. 1. New York, New York: University of Nebraska Press, 2000. 8-12. Print. Riding In, James. "Review of *Grave Injustice: The American Repatriation Movement and NAGPRA* by Kathleen S. Fine-Dare." *Great Plains Research: A Journal of Natural and Social Sciences*. 14. 2 (2004): 358-359. Print. "The Law and American Indian Grave Protection." *Indian Burial and Sacred Grounds Watch*. Ibsgwatch, 2003. Web. 10 Mar 2011. . Thomas, David Hurst. *Skull Wars: Kennewick Man, Archaeology, and The Battle for Native American Identity*. 1st. 1. New York, New York: Basic Books, 2000. 91-110, 225-265. Print. Powell, Shirley, Christina Elnora Garza, and Aubrey Hendricks. "Ethics and Ownership of the Past: The Reburial and Repatriation Conversy." *Archaeological Method and Theory* 5. (1993): 1-42. Web. 10 Mar 2011. . United States. *Bonnichsen v.*

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