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American Indian Culture and Research Journal

Title

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Permalink

<https://escholarship.org/uc/item/93s9132w>

Journal

American Indian Culture and Research Journal , 16(2)

ISSN

0161-6463

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Publication Date

1992-03-01

DOI

10.17953

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Archaeology, Reburial, and the Tactics of a Discipline's Self-Delusion

LARRY J. ZIMMERMAN

Indians have a humorous story for just about every difficult situation in life. About ten years ago, when the reburial issue seemed insoluble, when Indians felt almost completely powerless in the face of the archaeological establishment and there was intense anger and frustration among both Indians and archaeologists, a story surfaced at one of the meetings held between the groups.

In the story, several holy people from different tribes got together to discuss the "bone lickers"—those bizarre creatures, the archaeologists and physical anthropologists who study Indian bones. One of the undercurrents of the meeting was an often-expressed fear that when the holy people themselves died, archaeologists would be especially interested in studying their bones. After some discussion about burial practices that might keep the bones from falling into the hands of the "arks," most of the participants were at a loss as to what to do. Cremation was not the answer; for some it was a kind of spiritual suicide. No one believed hiding the bones would work either, because the "arks," after all, were pretty crafty about finding bones. In the end, with some resignation, the holy people concluded that, if nothing else, they at least could "get in the last word." They all agreed that instead of being buried in the usual way, they would be buried face down, and they would have signs put on their rear ends reading, "Ar-

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chaeologist! Kiss my ass!"

This story encapsulates an Indian view of archaeologists and the whole reburial issue. It expresses a disbelief that anyone would want to study bones in the first place; it characterizes archaeologists as persistent; it sees archaeologists as yet another group that exploits Indians and apparently is insensitive to Indian concerns. More importantly, however, and probably in error, Indians in the story appear powerless to prevent the activities of "grave-robbing" archaeologists but are defiant toward it.

Indian people concerned with reburial have been far more powerful and far more astute in working the system than they realize. Events have moved rapidly during the past decade, and the attitudes of many have shifted. In fact, Indians have convinced the public and legislators about the rightness of their demands for proper treatment of the dead.

Many archaeologists, feeling the pressure from outside, also have begun to understand Indian concerns and have worked toward compromise. This shift in attitude has not come easily. Many acquiesce to the demands because of law, not ethics. Others struggle mightily against reburial in spite of law and ethics. Much of the blame for disputes over human remains must rest with the intransigence of the archaeological community. From both tactical and ethical perspectives, archaeological responses to Indian concerns often have been inappropriate and have exacerbated already difficult situations.

By and large, archaeologists have grossly misread Indian intentions and demands about reburial and have overestimated their own political power relative to that of Indians. This paper, in a sense, is a brief history of archaeological responses. At the same time, it is one view of how the discipline has moved toward a more ethical position on the issue. The view is cynical and critical but is born out of hope, not despair. Readers also should be aware that it comes from an archaeologist who has been branded a radical by fellow archaeologists.¹

INTELLECTUAL AND EMOTIONAL RESPONSES

The struggle over control of human remains is part of a broader pattern of indigenous peoples claiming their fundamental rights to the "intellectual" properties of their cultures. During the past two decades, indigenous peoples around the world have severely

challenged the discipline of anthropology. One of their concerns is that, against their will, they have become objects of study, indeed victims of "scientific colonialism." They also have consistently complained that we anthropologists often "get it wrong" in our studies.

As a subfield of anthropology, archaeology is also a target, not only because it gets the past wrong, but because it sometimes desecrates the graves of ancestors in the name of science. Indeed, some peoples, such as the Lakota of South Dakota, claim that the troubles of the living are caused in part because the spirits of the dead have been disturbed, which has put the world out of balance. Archaeologists have difficulty seeing how the concept of desecration applies to their work, because excavation and analysis of artifacts are scientific; in the objective worldview of science, there is little place for emotionalism. Notions such as the dead causing problems for the living are seen as religious fundamentalism, with no place at all in the realm of science.

For some reason, perhaps because we have a vested interest in the data we gather, archaeologists often have been unwilling to come to grips with these challenges and the worldviews of other cultures. We cannot, it seems, even apply some of our own anthropological insights to the matter. We have deluded ourselves into believing that science is more important than people, and we apparently cannot see the structural contradictions of our own worldview. It seems ironic that archaeology, a discipline so intensely involved in studying the past, could be so blind to the historical trends in the cultures descended from those it investigates.

Scientific Grave-Robbing

The late 1960s saw an increasing Indian militancy that archaeologists failed to comprehend, perhaps because we missed the fact that a social movement was occurring among a group with which we had worked so closely. Many of the condemnations Indians had levied against the dominant culture were starting to be directed at anthropology, in such works as Deloria's *Custer Died for Your Sins*.² Out of this growing social consciousness came tribal and new pan-Indian definitions of sacredness that challenged the excavation, study, and display of human bones and sacred objects. When Indians started calling archaeologists grave-robbers and we reacted defensively, Indian-archaeologist interactions became very difficult, and conflicts became numerous.

The issues surrounding the treatment of Native American skeletal remains are complex. The legal rights of all parties to the problem have been discussed in a superlative article by Rosen³ and a recent study by Price.⁴ Trigger⁵ has done a masterful job of pointing out the intellectual heritage of archaeology and its relationships with Indians. Certainly, the reburial conflicts point out contradictions in the intellectual and ethical conduct of archaeology, including questions about the rights of the dead, control of information about a people's past, and conflicts of ideal and real in the archaeological worldview. The intellectual discourse of archaeologists on reburial is enlightening and has been examined elsewhere.⁶ The emotional responses of archaeologists, however, may be more important in that they have a more immediate effect on Indian people and often have been catalysts for Indian action.

Archaeologists have not understood their responses to be emotional, sometimes confusing them with intellectual responses. In such cases, the archaeologists' approach has become self-delusion or, at the very least, a failure to recognize the differences between ideal and real beliefs and practices in archaeology.

THE TACTICS OF SELF-DELUSION

The emotional responses of archaeologists can be categorized into several clusters or tactics. I use the word *tactic* here, because it describes an approach employed to counter Indian claims or demands. The categories are certainly not mutually exclusive, nor are they exhaustive, but all have appeared in publications, correspondence, or statements made at meetings between archaeologists and Indians.⁷

Indians as Artifacts of the Past

One tactic relates to our view of ourselves as anthropologists and our determination that we know about Indians. When Vine Deloria, Jr. published his stinging parody "Anthropologists and Other Friends" in *Custer Died for Your Sins*, the anthropological world took notice. While much in the parody was hyperbole, the author challenged our view of self and profession. Most of the work was aimed at cultural anthropologists, but Deloria probably would have been correct if he had included archaeologists directly. After

all, all of us thought we were helping the Indians; archaeologists, especially, helped Indians to preserve their past.

Most archaeologists would regard preservation of the Indian past as a noble goal, but many Indians view it as another form of exploitation. In *God Is Red*, Deloria documented a dig in Minnesota disrupted by the American Indian Movement.⁸ When Clyde Bellecourt and colleagues filled in trenches, confiscated shovels, and burned notes, a disturbed student excavator commented, "We were trying to preserve their culture, not destroy it." In regard to this and other excavations in the late 1960s, Deloria noted that whites apparently thought "the only real Indians were dead ones None of the whites could understand that they were not helping living Indians by digging up the remains of a village The general attitude of whites . . . was that they were true spiritual descendants of the Indians and that the contemporary AIM Indians were foreigners who had no right to complain about their activities."

This view implies that archaeologists believe Indians are incapable of preserving their own past. We remain frustrated by modern Indians' lack of interest or belief in the results of archaeological study. We seem, as a profession, not to be able to shake the view that our role is to preserve Indian history and that Indians are unable to preserve Indian history.

As recently as April 1985, the chair of the Native American Relations Committee of the Society for American Archaeology (SAA) is quoted as saying, "[I]t's good that native Americans are starting to care about their pasts."⁹ The implication, of course, is that Indians never cared about their pasts before. One wonders why archaeologists fail to accord importance to oral history, song, and ritual as ways of caring about the past.

A variation on this tactic is to point out the vast time depth separating contemporary peoples from those of the past, and the extreme diversity of cultures.¹⁰ The primary contention in this tactic is that cultures must have changed dramatically over this vast amount of time and that demonstrating a lineal genetic or cultural connection would be difficult, if not impossible. Therefore, how can contemporary Indians possibly speak for Indians from the past? Meyer has thoroughly dissected these "arguments from lineage."¹¹

The "Indians as artifacts" tactic is a much more insidious attack on Indian culture than many realize, in that it divests Indians of their past. The idea that the distant past cannot be known except by archaeological methods strips Indian peoples of an important

aspect of identity.¹²

Archaeologists must realize that excavation is not the only source of information about the past. It might be better to subscribe to the notion that archaeology can make an important contribution to the study of Indian history by freeing it from reliance on written sources that are largely products of Euro-American culture.¹³ When archaeology and oral history are successfully combined as they have been for the Pawnee¹⁴ and the Northern Cheyenne,¹⁵ archaeology can have a more human face.¹⁶

“We Have an Obligation to the People of the Past, Too”

Another tactic is closely linked to the idea that Indians are artifacts of the past. Archaeologists tend to separate prehistoric Indians from their descendants temporally; then they maintain that archaeologists have ethical obligations to people of both past and present. Tactically, they attempt to confuse by claiming that peoples of the past cannot speak for themselves, so it is the archaeologists' ethical obligation to tell their story. As Clement Meighan has claimed,

The Archaeologist is defining the culture of an extinct group and in presenting his research he is writing a chapter of human history that cannot be written except from archaeological investigation. If archaeology is not done, the ancient people remain without a history and without a written record of their existence.¹⁷

This ethical obligation is as important as the rights of any descendants, in spite of ample documentation that the descendants do not agree.

One can infer from the attitudes of many contemporary Indians that they believe such an archaeological view is ludicrous and that the work of archaeologists and the information they generate are not to be trusted. If this attitude applies to nonburial archaeology, how much more must it apply to the more sensitive area of human skeletons and ancestors!

When, in 1972, archaeologist Steve Sigstad distributed a questionnaire to people on the majority of reservations in South Dakota, nearly 95 percent said no bones should be displayed, 65 percent said that bones should not be dug up for scientific reasons, and 100 percent said that bones should be reburied.¹⁸ Sigstad administered his survey primarily to acculturated Indians; he

made no attempt to assess traditional Indians' opinions. One might assume that their responses would be even stronger.

Another unpublished survey from 1985 by archaeologists Klesert and Holt shows similar results.¹⁹ Questionnaires were sent to individuals on the Bureau of Indian Affairs' "Tribal Leaders List." Although 54 percent considered archaeology to be beneficial, nearly 70 percent wanted burial sites avoided.

One might conclude, as Klesert and Holt do, that Indians want more control over their own past. Ethical codes all suggest that anthropologists should be willing, at the very least, to share that control. The American Anthropological Association's 1971 statement of professional responsibilities says that, "in research, an anthropologist's paramount responsibility is to those he studies." The Society of Professional Archaeologists reinforces this statement by requiring archaeologists to be "sensitive to and respect the legitimate concerns of groups whose culture histories are the subject of archaeological investigations." Professional obligations seem clear, but are they?

Just who "owns" the past? By and large, Indians have not gotten directly involved in archaeology. Archaeologists do preserve the past; they do interpret the past; they do give this information to people who are interested, including Indians. Legally, archaeologists have the right to do archaeology. By and large, though, the problems are not legal ones but personal moral and ethical ones.

In my discussions with archaeological colleagues, many have said that they have gone to great effort to excavate and study prehistoric material. Many have also said that, to a great extent, their personal time, money, and reputation are bound up with these materials. Why should bones or artifacts be given to those who have made no effort to retrieve them from nearly certain destruction? Whose rights are paramount? If archaeologists return excavated skeletal materials, they divest themselves of their livelihood. Others claim that archaeologists, like the Indians, have a nearly sacred trust in regard to the materials. Our ethical and moral obligation is to preserve the past; if we return any materials, we violate our ethical principles.

Thus, archaeologists find themselves in an ethical contradiction. This is a problem Indians understand: The archaeologist's dilemma is much like that of an Indian who has been given a medicine bundle by a holy person and has been told to protect it at all costs. To lose it would be detrimental to both self and kin. In this situation, how would one respond if someone from another

tribe demanded it? However, to understand the problem is not necessarily to be sympathetic, especially when the dilemma is a self-serving fabrication.

One of the first ploys archaeologists use to protect themselves is to mystify their tasks with science. We talk about the loss of data and our obligation to protect sites and artifacts. Yet the public grows suspicious of professions that pull on the protective mantle of science. A brief examination of our actual practices by an outsider quickly reveals that anthropologists accept loss of data on a regular basis. In cultural anthropology, if we follow our ethics code, we respect the objections of our subjects and do not study particular practices. In archaeology, every textbook recognizes that excavation is a destructive process and that particular techniques might also destroy artifacts. We also write off sites or parts of sites to the processes of "progress." Osteologists—those who specialize in bones—occasionally must use destructive techniques; also, they are respectful of the rights of contemporary dead and normally do not examine bodies without the consent of survivors and the law. Thus, when Indians ask us not to disturb their dead, how is it any different from the other data losses we allow?

Implicational Academic Racism?

When our scientific tactics fail, we sometimes have resorted to something that Indians see as a racist ploy used against them countless times by Euro-Americans. This is the dreaded "Just whom do you represent?" ploy. If there is one thing that anthropologists have learned in dealing with American Indians, it is that there is a diversity of opinion as broad as the diversity of cultures among Indians. Add to this the varying degrees of acculturation, and the result is confusion. Archaeologists have learned to exploit confusion as effectively as the generals did who negotiated treaties with Indians in the nineteenth century. In some cases, this has meant playing off Indian against Indian in the most incredibly racist fashion. After all, if the Indians cannot make a decision or present a uniform front, the archaeologists cannot determine who should get the bones. In the confusion that we create, we get to keep the bones.

A colleague wrote to an Indian activist and simply stated the following: "[A]rchaeologists who maintain a professional ethic are very sympathetic to learning about Native American concerns and *working with recognized representatives* [emphasis mine] to

reach mutually beneficial understandings." The usual approach has been to deal with tribal councils, groups that frequently are composed of more acculturated individuals who may not even represent majority interests, let alone traditional concerns on a reservation. Of course, trying to understand the constituency of Indian groups is a difficult and important task. The net result, however, usually benefits archaeology, especially when the facile thing to do is to throw up one's hands and say that no truly representative group with legitimate religious or other cultural concerns can be found.

The use of the representation tactic has been critical for archaeologists. One physical anthropologist went so far as to try to determine if a particular reburial activist was an enrolled tribal member. When he could not find her on the tribal rolls, he declared that she was not really Indian and had no right to make demands about reburial. A Smithsonian archaeologist prepared an in-house paper in which the representation question was a central tenet. He noted that, just by asking the representation question, "one indicates a rejection of the concept of 'Universal cultural unity'—that all Native Americans agree on this issue, and that tribal affiliation and recognized authority as a spokesman is irrelevant."²⁰ (This paper was widely circulated among Indian people and, according to one reburial activist, did more to bring about Indian unity on the issue than the author might ever have wanted.)

Another ploy archaeologists try is the "some of my best friends" ploy. This one is so blatantly racist as to be embarrassing. The same colleague mentioned above who wrote to an Indian activist also commented, "I have made many friends among Native Americans. . . ." At an SAA Executive Committee meeting discussing the reburial issue, a past president of the SAA told a group of Indians, "Some of my best friends are Kiowa." Perhaps these individuals do have friends who are Indian, but does that mean they have a profound understanding of things Indian? As Deloria says, "[The Indians'] foremost plight is our transparency."²¹

"We Hereby Resolve . . ."

Another tactic used by anthropologists is the resolution gambit. We pass resolutions in the hope that they will unify colleagues or reify our positions, a sort of last-ditch effort to circle the wagons around the ivory tower. The reburial issue in California drew the

heaviest media and professional attention when the state's Department of Parks and Recreation ordered reburial of all skeletal material and grave goods. An antireburial resolution was passed in 1981 by a California-based group, the American Committee for Preservation of Archaeological Collections, and became a kind of standard for other groups that heeded the call. The American Association of Physical Anthropologists, the Illinois Archaeological Survey, and the American Academy of Forensic Science Anthropology Section, among other groups, passed similar resolutions, decrying reburial except in the cases of demonstrable genetic descendants. In those places where Indians and archaeologists had already reached compromises, these resolutions caused no end of problems. Many Indians rightfully asked those archaeologists working with them if they belonged to these groups; the resolutions helped to regenerate distrust and anger toward all archaeologists. Yet, with knowledge that resolutions caused problems, the Society for American Archaeology (SAA) considered another.

With a resolution pending at the SAA, a group of Indians from the International Indian Treaty Council and American Indians Against Desecration met with the SAA executive committee at the 1982 annual meeting in Minneapolis. A resolution was headed off at that meeting because of the direct pressure from the Indians, but it was passed by the group the following year in Pittsburgh, where there was little Indian presence. Archaeologists seem slow to learn and quickly forget their own recent history.

The resolution gambit has a tarnished history. The first concern with resolutions came with the issue of repatriation of Indian museum objects and the display of skeletons. In 1968, an attempt was made at the annual meeting of the SAA to draft and submit a resolution expressing the need for greater respect for American Indian wishes by American archaeologists. The resolution did not even make it to the floor. In an excellent commentary about the matter in *American Antiquity*, Roderick Sprague notes,

Hopefully, the experience of the American Anthropological Association concerning the effectiveness of resolutions can serve as a lesson for the Society for American Archaeology. Resolutions, if not so insipid as to be worthless, have a unique ability to alienate a portion of the membership while lulling the remainder into complacent self-satisfaction. At the same time, resolutions create serious doubts in the minds of the public while not giving any real assurance to the subject population.²²

The pressure on the SAA from various quarters had an effect. The resolution eventually was rescinded, but the SAA executive committee was slow to learn. In 1985, one year after the resolution was rescinded, the SAA held a plenary on the issue and scheduled hearings for the following day. However, the committee never did hold those hearings, and instead of issuing a resolution, it issued a "policy" that was almost identical to the earlier resolution. The Indians who had been involved in the plenary felt they had been tricked. The SAA actions made no friends for archaeology among Indians.

Almost all the resolutions gave lip service to ethical concerns for Indians. Most even said it was acceptable to rebury demonstrable genetic and cultural kin. On the surface, this convinced archaeologists of their own reasonable nature, but most Indians recognized it as the ploy it was. It simply is very difficult to demonstrate tribal affiliation for remains from prehistory. The Illinois resolution even stated directly that the burden of proof was on those claiming descent. The net result would be that the archaeologists would keep the bones. This notion of demonstration of tribal affiliation continues to plague Indian peoples in many state and federal laws.

"We Know What's Best for You"

Among the more presumptuous tactics attempted by anthropologists is one in which Indians are told that they should not be so concerned about reburial. Rather, they should pay greater heed to other problems facing them. One anthropologist suggested that Indians need to pay more attention to matters like alcoholism, fetal alcohol syndrome, and unemployment than to reburial.

In a variation on this theme, one that ties closely to the "artifact of the past" tactic, others have suggested that Indians might have a right to demand reburial but that they should consider the interests of their descendants. In a letter to the Native American Rights Fund containing a veiled threat not to support NARF financially any longer, a noted physical anthropologist commented,

There is a change which is bound to come sooner or later, probably within one generation. Young Native Americans pursuing college educations . . . are bound to become interested in human biology and prepare themselves for doing studies on these skeletal collections themselves. When these

people have been trained, they will be especially interested in the history of their own people and in any evidence that can be brought to bear on it. If they find out that study collections which had been preserved for many years, were finally made unavailable to them for political or ideological reasons, they will be thoroughly disgusted. They, like ourselves, will regard the loss of material containing so much information as comparable to book burning.

The response of NARF director John Echohawk was measured but straightforward: "All tribes . . . are interested and willing to talk and work with the scientific community; . . . I am confident you understand this must proceed on the Indians' terms."

"Just What Do You Guys Do with the Bones, Anyway?"

A final area of concern is not so much a tactic as a self-delusion and a conflict of ideal versus real in our view of what we do with the information we generate. At a special session of the 1983 Plains Conference, Lakota holy men and elders asked a crowd of about 150 archaeologists what good studying bones was.²³ The answers were hardly satisfactory from an Indian viewpoint.

The usual responses, which relate to the past, can be very specific. But Indians want to know what good archaeology is to them today. The answers to this question drift into the ideal, such as "to correct mistaken stereotypes and to help improve the lives of present and future generations" or, "If our studies of disease could result in understandings . . . which saved just one child's life, then surely retaining skeletons for complete study is warranted."²⁴ These are certainly lofty and noble ideals, but the "reals" that most Indians point out suggest that such understandings have not come about. The money spent on prehistoric bone research, they argue, might better have been spent on studies of diabetes or fetal alcohol syndrome.

There Are Always New Tactics

Archaeologists and physical anthropologists are a clever lot. When one tactic fails, they try a new one. Many apparently are quite willing to fight rearguard actions. During the time of the ongoing Islamic revolution, some archaeologists, perhaps in an effort to

play on public sentiment, likened Indian repatriation activists to Moslem and other religious fundamentalists and anti-intellectuals.²⁵

Among the most recent tactics is the promulgation of the idea that the ancient past is not the heritage of just a single group but of the world. As physical anthropologist Christy Turner has written,

I explicitly assume that no living culture, religion, interest group, or biological population has any moral or legal right to the exclusive use or regulation of ancient human skeletons since all humans are members of the same species, and ancient skeletons are the remnants of unduplicatable evolutionary events which all living and future peoples have the right to know about and understand.²⁶

Archaeologists and physical anthropologists, of course, would be the caretakers of that heritage. One might point out the obvious and ask why the remains of the recently dead, who will eventually become ancient remains, should not also be studied and curated by anthropologists. Does the anthropologist's vested interest in the remains grant the right to make such assumptions?

ARCHAEOLOGISTS CAN AND DO BECOME MORE RESPONSIVE

If nothing else, the reburial issue has caused archaeologists to rethink their relationships with Indian peoples and with archaeological data. The process has not been easy, but change does occur. Some people change only because they are forced to; others change because they have made a moral decision to do so. Many can see the potential benefits of working with Indians in alliances that will protect the past.

Many who work with Indians have been accused of "caving in" to Indian demands, but most have simply realized that compromises are possible and can work to mutual benefit. The costs to archaeology and physical anthropology are relatively low. We give up the right to keep Indian bones in our labs permanently. We may sometimes be required to give up certain destructive study techniques. We may not be able to excavate burials for other than the most pressing scientific reasons. In some instances, we may actually find that, under pressure from Indians for reburial, funds become available, where no money had been available before, for

study of collections long sitting on shelves.²⁷

Compromise can bring other benefits as well, such as working together to protect sites from the processes of destruction. In reality, probably little more than complete control of collections will be lost. There certainly will be more sophisticated research questions and techniques for future skeletal studies; if archaeologists do not compromise, however, we risk losing all access. After the passage of recent laws, this should be amply clear to us. If, for a time, we would put our fears, instead of the bones, on the shelf, we might find that there are benefits exceeding the information to be gained from studying skeletons.

What the Future Holds

Since 1989, events in the reburial issue have been moving with surprising rapidity; the groundwork for some major shifts was laid as early as 1985. In that year, the World Archaeological Congress (WAC) met in England, with its major theme devoted to understanding indigenous views of the past. WAC made a special effort to invite the participation of indigenous peoples directly in the organization's executive committee and all its academic functions. In August 1989, WAC held its first intercongress, entitled "Archaeological Ethics and the Treatment of the Dead"; the entire meeting focused on the issues surrounding reburial and repatriation.

Professional archaeologists and indigenous people from twenty countries and twenty-seven American Indian nations were present. The group considered and addressed some common concerns and goals, and, although there was acrimony and dispute, the participants reached consensus on a number of important issues.

What the indigenous people asked for at the meeting was simple: They wished their dead to be treated respectfully and eventually reburied. They also wished to be involved in the decision-making process about excavation and disposition of the bones and grave offerings of their ancestors. In other words, they asked for some control over their own past. In turn, they offered respect for what archaeologists do and recognized the legitimacy and benefit of the scientific enterprise. During the meeting, these concerns were debated and eventually found their way into a document called the "Vermillion Accord on Human Remains," a simple, six-clause document outlining both indigenous and archaeological concerns. The key principles are as follows:

1. Respect for the mortal remains of the dead shall be accorded to all irrespective of origin, race, religion, nationality, custom, and tradition.
2. Respect for the wishes of the dead concerning disposition shall be accorded whenever possible, reasonable, and lawful, when they are known or can be reasonably inferred.
3. Respect for the wishes of the local community and of relatives or guardians of the dead shall be accorded whenever possible, reasonable, and lawful.
4. Respect for the scientific research value of skeletal, mummified, and other remains (including fossil hominids) shall be accorded when such value is demonstrated to exist.
5. Agreement on the disposition of fossil, skeletal, mummified, and other remains shall be reached by negotiation on the basis of mutual respect for the legitimate concerns of communities for the proper disposition of their ancestors, as well as the legitimate concerns of science and education.
6. The express recognition that the concerns of various ethnic groups, as well as those of science, are legitimate and to be respected, will permit acceptable agreements to be reached and honored.

The WAC executive committee, the members of which include both archaeologists and indigenous people, passed the accord unanimously.²⁸ Although some in the radical antireburial fringe have criticized the accord as a "sell-out,"²⁹ many on both sides have applauded its tenets as a first-time recognition of the rights of indigenous peoples and scientists and as a basis for future agreements. Of special note is that many conference participants also attended a reburial of Indian skeletal remains in a new cemetery in sight of the Wounded Knee Massacre mass grave on the Pine Ridge Indian Reservation.

Just before the WAC meeting, Stanford University became the first major institution to agree to return Indian skeletons. Although several other smaller institutions had already done so, the Stanford policy received major media attention. Then, in November 1989, President Bush signed Public Law 101-185, the National Museum of the American Indian Act. This law establishes a national museum for the American Indian as part of the Smithsonian Institution. As another important part of the law, the Smithsonian is required to inventory its vast collection of skeletal material so that Indians can claim the bones for reburial. The law sets up a board composed of Indians and anthropologists, among others, to resolve disputes over bones. Many saw the law as a step

in the right direction, but the SAA lobbied against it, and some of the Smithsonian osteologists and archaeologists are saying that the wording of the law will force the return of only a few bones.

Some vagaries in PL 101-185 and some concerns that the law's intent should be extended to all federal agencies or institutions that have federal involvement allowed another, much broader law to be passed and signed. Public Law 101-601, the Native American Graves Protection and Repatriation Act, requires the return of human remains, grave goods, and items of cultural patrimony in existing collections; it also returns control to Indians of remains found on federal or tribal lands in the future. This law does contain some elements that demand demonstrated connections between tribes and remains, and this will cause dispute. Still, much of the law results from compromises between Indian groups and scholarly organizations like the SAA.

The new law was a major topic of discussion at the recent annual meeting of the SAA in New Orleans. The American Society for Conservation Archaeology sponsored a session there on the implementation of the law, with National Park Service (NPS) archaeologists, who will generally be in charge of the process, leading the discussion. In one session, as draft procedures were explained to the standing-room-only crowd of archaeologists assembled, a past president of the SAA angrily told the NPS archaeologist, "You've been hoodwinked!" This would suggest that there are still many who are resisting the process.

Although there always will be problems with individual cases, such as the Nebraska State Historical Society's dispute over claims by the Pawnee for remains, the compromises work toward the nearly inevitable conclusion that archaeologists must share power. As archaeologist Tom King—an eloquent and long-term supporter of compromise on reburial—said at the SAA meeting, "There will still be battles, but the war is pretty much over."

King is essentially correct. The SAA still holds out by doing silly things like scheduling every Indian- and reburial-related event in the smallest rooms, even though the history of such sessions is standing-room-only crowds. Now even the SAA is becoming more sensitive. Many who run for office in the organization declare that the resolution of disagreements between archaeologists and Indians is critical. A recent statement, written by two active members of the SAA's committee handling Indian-SAA relationships and published in the SAA journal *American Antiquity*, is generally perceived (and denied) to be an SAA executive

committee position statement.³⁰ Although it is a bit naive and something of a rearguard action, the statement shows some developing sensitivity to issues.

In addition, the American Anthropological Association (AAA), which had been largely silent regarding reburial, put together a task force to address the issue. The AAA put no Indians or archaeologists who actively support compromise on the team, in spite of the fact that some in the group were adamantly against reburial. However, even though the report contains little of major note,³¹ it demonstrates attention to the issue, and it does ask for compromise. (The report was accompanied by photos of the excavation of human remains, which many Indians and archaeologists saw as very insensitive.)

In September 1990, at the World Archaeological Congress 2 in Venezuela, WAC passed a code of ethics for members' behavior toward indigenous peoples. This was a way to operationalize the Vermillion Accord. The long document is important in that it mentions human remains only once. The code, written jointly by indigenous people and archaeologists, specifically avoids extensive language related to reburial, because the group felt it was time to move on to the broader question of sharing control of the past. The code fundamentally shifts the practice of archaeology from a domain exclusive to the profession toward an active partnership with indigenous peoples.³²

CONCLUSION

The passage of laws like those in the United States or of ethics codes like that of WAC are the beginnings of compromises that will take many years to have full effect. They are not perfect; inevitably there will be problems. The laws were necessitated by the intransigence of archaeologists and their tactics to protect the status quo. The ethics codes, on the other hand, come from a hope that archaeologists and indigenous peoples can be partners and allies in the study and protection of remains. Some might view the laws as "just deserts" for archaeology, but a complete curtailment of archaeological activity would actually be a profound loss for both archaeology and Indian people.

Archaeologists are not devils. They can be self-delusive. They can be racist, not necessarily by intention but by the implications of their actions. At a 1985 meeting, it was appalling and shameful

to hear a colleague, the editor of a well-known archaeology journal and former SAA executive committee member, say, "The only good Indian is an unreburied Indian." Upon reflection, one can conclude that at least this archaeologist is honest about his attitudes, and both Indians and colleagues know where he stands. One can deal more easily with bluntness and open hostility than with persons who are self-delusive in expounding the rightness of their own beliefs.

Others are less easy to deal with when they use tactics like those described above. Even more difficult to comprehend are archaeologists who delude themselves about their motives. The only way we can avoid self-delusion is at least to consider the implications of our actions and the real impact of our behavior on people's lives. Only then can archaeologists deal with the reburial issue in a productive and professionally ethical fashion. Along the way, archaeologists might also attain some of the scientific and humanistic potential of which our discipline is capable.

ACKNOWLEDGMENTS

This article derives from a paper presented at the 1985 annual meeting of the American Anthropological Association in a session entitled "Who Owns the Ancestors?" The article has benefited from comments by Peter Miller, Lawrence E. Bradley, and Leroy Meyer, as well as from students in a seminar on the reburial issue at the University of South Dakota.

NOTES

1. Larry J. Zimmerman, "Made Radical By My Own: An Archaeologist Learns to Accept Reburial," in *Conflict in the Archaeology of Living Traditions*, ed. Robert Layton (London: Unwin Hyman, 1989), 60-67. Please also note that throughout this paper, I use first person plural when referring to archaeologists; I do this to remind the reader that I am an archaeologist. Archaeologists have as wide a variety of opinions on the reburial issue as Indians do.

2. Vine Deloria, Jr., *Custer Died for Your Sins: An Indian Manifesto* (New York: Avon Books, 1969).

3. Lawrence Rosen, "The Excavation of American Indian Burial Sites: A Problem in Law and Professional Responsibility," *American Anthropologist* 81 (1980): 5-27.

4. H. Marcus Price III, *Disputing the Dead: U. S. Law on Aboriginal Remains and Grave Goods* (Columbia, MO: University of Missouri Press, 1991).

5. Bruce Trigger, "Archaeology and the Image of the American Indian,"

American Antiquity 45 (1980): 662–76.

6. Zimmerman, "Human Bones as Symbols of Power: Aboriginal American Belief Systems Toward Bones and 'Grave-Robbing' Archaeologists," in *Conflict in the Archaeology of Living Traditions*, 211–16.

7. Only published materials are cited; in references to correspondence or meeting conversations, I purposely have not given the identity of the author or speaker in most cases.

8. Vine Deloria, Jr., *God Is Red* (New York: Delta Books, 1973), 31–33.

9. Candace Floyd, "The Repatriation Blues," *History News* 40 (1985): 6–12.

10. Bruce D. Smith, "URPie Logic: An Analysis of the Structure of the Supporting Arguments of Universal Reburial Proponents" (Unpublished ms., Department of Anthropology, Smithsonian Institution, circa 1986).

11. Leroy Meyer, "Philosophical Problems in the Conflict over Sacred Sites and Objects" (Paper presented at the annual meeting of the American Anthropological Association, Washington, DC, 1985).

12. Zimmerman, "The Impact of the Concepts of Time and Past on the Concept of Archaeology: Some Lessons from the Reburial Issue," *Archaeological Review from Cambridge* 6 (1987): 42–50.

13. Bruce Trigger, "Archaeology and the Image of the American Indian," *American Antiquity* 45 (1980): 673.

14. Larry J. Zimmerman and Roger Echo-Hawk, *Ancient History of the Pawnee Nation: A Summary of Archaeological and Traditional Evidence for Pawnee Ancestry* (Boulder, CO: Native American Rights Fund, 1990).

15. J. Douglas McDonald et al., "The Cheyenne Outbreak of 1879: Using Archaeology to Document Northern Cheyenne Oral History," in *The Archaeology of Inequality*, ed. Randall McGuire and Robert Paynter (Cambridge, MA: Blackwell, 1991) 64–78.

16. Trigger, "The 1990's: North American Archaeology with a Human Face?" *Antiquity* 64 (1990): 778–87.

17. Clement W. Meighan, *Archaeology and Anthropological Ethics* (Calabasas, CA: Wormwood Press, 1986), 6–7.

18. John S. Sigstad, "Research Report on Native American Skeletal Remains" (Unpublished ms. on file, University of South Dakota Archaeology Laboratory, 1974).

19. Anthony L. Klesert and H. Barry Holt, "Archaeologists, Native Americans and Archaeology on Indian Lands" (Paper presented at the fiftieth annual meeting of the Society for American Archaeology, Denver, CO, 1985).

20. Smith, "URPie Logic," 6.

21. Deloria, *Custer Died for Your Sins*, 9.

22. Roderick Sprague, "American Indians and American Archaeology," *American Antiquity* 39 (1974): 1–2.

23. Jan Hammil and Larry J. Zimmerman, *Reburial of Human Skeletal Remains: Perspectives from Lakota Spiritual Men and Elders* (Indianapolis, IN: American Indians Against Desecration, 1984).

24. P. Willey, "Another View by One of the Crow Creek Researchers," *Early Man* 3:3 (1981): 26.

25. Norman Sullivan and David Overstreet, "Analyses of Human Skeletal Remains from the Fitzgibbons Site, Gallatin County, Illinois" (Draft report, Harrisburg, IL: Shawnee National Forest, 1985), 52.

26. Christy G. Turner, "What Is Lost with Reburial? I. Adaptation," *Quarterly Review of Archaeology* 7 (1986): 1.

27. For an example, see Stephen P. Langdon et al., *Human Skeletons from the South Dakota Archaeological Research Center* (Rapid City, SD: South Archaeological Research Center, 1989). Other examples, where funds became available for prereburial study, are common.

28. Jane Hubert, "First World Archaeological Congress Inter-Congress, Vermillion, South Dakota, USA," *World Archaeological Bulletin* 4 (1989): 14-19.

29. E. Marshall, "Smithsonian, Indian Leaders Call a Truce," *Science* 245 (1989): 1185.

30. Lynne Goldstein and Keith Kintigh, "Ethics and the Reburial Controversy," *American Antiquity* 55 (1990): 585-91.

31. American Anthropological Association, "Reburial Commission Report," *Anthropology Newsletter* 32:3 (March 1991): 1, 26-28.

32. Cressida Fforde, "WAC Executive and Council Meetings," *World Archaeological Bulletin* 5 (1991): 22-23.