

“Amid broken treaties, confiscated lands and other injustices Native Americans have endured, few are as personal as the removal of their buried ancestors.” (Argus Leader, June 2011)

**RESPECT FOR HUMAN REMAINS
and
AMERICAN INDIAN BURIAL GROUNDS**

F A C T S H E E T

Brief overview regarding dignity and protections
Including examples from
Maryland, Pennsylvania, West Virginia, and Virginia

The public ordinarily thinks about Native Nations and about Native American history in terms of the western part of the U.S. rather than the eastern part. It is, however, worth looking closer to home. For example, there are petroglyphs in Pennsylvania. Moundsville, West Virginia derives its name from the many Adena Indian burial mounds constructed there more than 2000 years ago; it is home to the largest conical burial mound in North America. A number of the tribes we learn about in American history are located in Virginia. Virginia has 11 state-recognized tribes and Maryland has two. Beyond such facts, the public should be aware of ethical issues. Like all others, American Indians want proper burial and no desecration or raiding of grave sites.

Information for fact sheet compiled by

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Partial Remedies

NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

http://www.indian-affairs.org/programs/aaia_repatiation_nagpra.htm

In response to advocacy by Native groups asserting that respectful treatment and disposition of remains is a basic human right, Congress required the Smithsonian in Washington, DC to change its practices. Soon thereafter, in 1990, Congress passed legislation to require other museums receiving federal funds to consult with and return (repatriate) cultural artifacts, funereal objects, and ancestral remains to tribes if requested. It began controls on excavation of federal and tribal land where there are likely to be artifacts and burial grounds. And it made it a federal crime to sell Indian cultural items and remains obtained in violation of the Act.

The law entitled the Native American Graves Protection and Repatriation Act has generated some law enforcement activities.

"Twenty-three people have been arrested, or warrants for their arrest issued, as the result of a two-year undercover investigation into the excavation, sale and purchase of looted Native American artifacts, federal officials said Wednesday. The operation was the biggest ever to focus on the shadowy world of grave robbing on Indian and federal lands, the officials said." (Kirk Johnson. New York Times, June 10, 2009)

Slowly, the law has triggered action by institutions such as Harvard and the University of Pennsylvania to inventory and document their holdings. More importantly, academics have begun to listen to and communicate with tribes.

The Penn Museum reported that as of 2014, 45 formal repatriation claims seeking the return of collections have been received and 25 repatriations have been completed resulting in transfer of 232 sets of human remains, 750 funerary objects, 14 unassociated funerary objects, 20 objects of cultural patrimony, 22 sacred objects and 2 objects claimed as both cultural patrimony and sacred.

Other practical applications such as those concerning development are challenging. Skeletons of 600 American Indians were unearthed in Buffalo, WV in 1973. Moved around, they ended up in Ohio. Due to the Act, they were returned and will be reburied in Putnam County if and when red tape can be overcome. (Nett. WV Gazette.com. Jan. 19, 2009)

While the process is prolonged and too often unsatisfactory for tribes, the Act has raised consciousness that Indian remains are not mere artifacts and specimens. For example, construction on a state office building was stopped after 44 sets of skeletal remains were found in Logan, WV. Although federal funds were not involved, state law required the convening of an ad hoc burial committee. Eventually representatives of five tribes, with presumed lineal descent of those buried in Logan, were part of the committee to decide about proper reburial. (Steelhammer. WVA Gazette.com. April 6, 2012; Shilling. Indian Country Today, March 27, 2012)

Vigilance and Progress

ADVOCACY REMAINS KEY

In 2001, Walmart relocated a planned store in Morgantown, WV because it would have destroyed a Native American burial site, according to the Interfaith Center on Corporate Responsibility. The decision came after company shareholders and Indigenous leaders wrote letters to Walmart and to state leaders protesting the chosen location. Unfortunately this is not the typical institutional response. The Institute for Southern Studies has compiled an informal list of destroyed or nearly destroyed sacred sites. (Sturgis. Facing South newsletter. Sept 3, 2009)

Protection of burial and sacred sites have much in common. In coordination with tribes, the VA Department of Historic Resources recently purchased 58 acres along the York River to help further preserve a place called Werowocomco. Since it was a political and social center for Indigenous peoples going back to at least 900 AD, it has importance for historians and archaeologists. More importantly, Werowocomco is of spiritual significance to Pamunkey people. ("VA Marks Preservation." Daily Progress, June 21, 2013)

POSITIVE STEPS TO IDENTIFY AND REBURY REMAINS

Some Indian remains had been kept at the MD Historical Trust with the state's archaeological collection, others in a private cemetery. A 1993 state law required the state to return remains that could be linked by blood or heritage to descendants or culturally affiliated groups. Years of negotiation ensued with scientists wanting access for study and tribes fervently desiring an appropriate place of repose. In 2008, the MD Commission on Indian Affairs established a repatriation committee that honed a relationship between government agencies such as the Department of Planning and MD tribes. This Working Group found some consensus and identified burial sites. Although agreements continue to be refined, the following summary is illuminating.

"It was agreed that a place of interment would be located for each of the cardinal directions and that remains would be re-interred in the location closest to the place from which they were initially recovered. Because no tribe or band in MD has yet received federal recognition, the state remains the custodian of remains and will be responsible for recovering them if a federally recognized tribe or group (whether MD-based or not) successfully claims some remains in the future. The working group decided to identify state-controlled land where re-interment could take place, daily security could be maintained and protection of the sites could be ensured. Representatives from the Commission, the Department of Natural Resources, and the Maryland Historical Trust staff identified state park locations in southern, western, central/northern MD and on the Eastern Shore. Remains that could not be culturally identified would be reinterred at Jefferson Patterson Park and Museum in Calvert County." (Bowen. Archeological Society of Maryland newsletter 40, 2, Feb 2013, shortened)

<http://www.americanindian.maryland.gov/DocumentsAmericanIndian/2013%20MCIA%20Annual%20Report.pdf>

Harms and Tribulations

ABUSES AND MISTREATMENT OF INDIGENOUS DECEASED HAPPENED ACROSS THE UNITED STATES IN MANY ERAS

"In Kansas, a farmer dug up an entire Indian cemetery located on his land and put all 146 dead bodies on public display as a roadside *tourist attraction*..... Regardless of the motive for expropriating Indian graves, the impact of this activity is always the same: emotional trauma and spiritual distress." (Echo-Hawk, Native American Rights Fund, 14, 1, Winter 1989)

"In 1971, an Ihanktonwan woman protested the differential treatment of Native American remains buried at the edge of a non-Indian, pioneer cemetery near Glenwood, Iowa, that was to be relocated for highway construction. While the non-Indian remains were immediately reburied, the Native remains were taken to the state archeologist's office for study. A court order, Governor Robert Ray's intervention, and substantial media coverage eventually allowed the remains to be reburied." (Repatriation, Encyclopedia of the Great Plains)

Due to past incidents and practices--from body-snatching and robbery of grave-goods to the sanctioned professional acquisition and retention of Indian "artifacts"--thousands of skeletons and skulls ended up in museum collections. As recently as 1987, the Smithsonian Institution had 14,500 skeletal specimens of North American Indians (many prehistoric). Most came from archaeological excavations or were found on construction or road-building sites. However, about 4,000 specimens were transferred to the Smithsonian from the Army Medical Museum at the turn of the 20th century. ("Indians Seek Burial," New York Times, Associated Press, Dec 8, 1987)

"Simply collecting and storing remains for no specified purpose was bad enough, but the mishandling of remains was much worse. At the University of Nebraska-Lincoln, it was learned in 1998 that un-wanted native bones were simply incinerated in the 1960s." (Shepherd. Teaching Anthropology 18, 1, 2012)

The Grand Rapids Michigan Public Museum had the full skeleton of a Native infant in a Quaker Oats cereal container. This discovery was made by members of the Little Traverse Bay Bands of Odawa Indians going through the storage collection. ("Emotional Recovery," Rohn. The Petoskey News-Review, Nov. 24, 2009)

One Restorative Justice, Reconciliation Program

The Return to the Earth project supports Indigenous Americans in burying unidentifiable ancestral remains. These skulls and other remains were collected by the U.S. government for display at museums or for scientific research during colonization. Helping to provide burial boxes and cloths for the remains is one way the Mennonite Central Committee and other people of faith can show respect. It is also a way for non-Indigenous people to offer an apology for a history of silence and even collusion in historical wrongs done to Indigenous Americans. <http://www.youtube.com/watch?v=Q-Q6QwKqCd4>