New Law Requires Return of Indian Remains

For well over a century the Pawnee Indians, who once lived in Nebraska, have been settled in Oklahoma. But they still feel a deep connection to their ancestral land and to the bones of their forebears buried there. So it came as a shock to Pawnee Walter Echo-Hawk to learn, 5 years ago, that his ancestral burying grounds had been vandalized almost 100 years ago. The grave robbers had carried off "every object imaginable," says Echo-Hawk, to sell to museums and collectors.

In the past few years the Pawnee, along with many other Native American groups, have been waging a fierce campaign to have the bones of their ancestors and sacred objects returned from museums and university research departments. On 27 October, after victories at the state and local level, this campaign got a big boost in Washington when Congress passed a bill sponsored by Representative Morris Udall (D–AZ). The bill requires institutions receiving federal money to return human remains, and any artifacts found with them, to the tribes that want them—if they can show a lineal or cultural claim.

Native Americans welcome the bill with open arms. "This certainly marks the beginning of the end of a long spiritual nightmare for tribal communities that have had literally hundreds of their dead relatives dug up and carried away," says Echo-Hawk, staff attorney for the Native American Rights Fund in Boulder, Colorado.

Surprisingly, many anthropologists and archeologists also feel the bill is a reasonable compromise. They once feared legislation that would require a wholesale transfer of all remains and artifacts immediately. But the new bill allows them time to complete scientific studies and inventories and permits them to retain some artifacts where they can show they obtained them with the consent of Native Americans. "There is no question this is potentially a major loss to science, but the scientific community accepts the loss, and we have to deal with it," says Douglas Ubelaker, curator of anthropology at the Smithsonian Institution.

Peabody Museum, Harvard University

Law of return. *These sacred objects of the Omaha were recently returned by Harvard.*

In fact, half a dozen anthropological, archeological, and historical trust societies sent a letter to President Bush last week, urging him to sign the legislation—and he is expected to do just that.

But the equanimity isn't universal. Clement Meighan, professor of anthropology at the University of California in Los Angeles, fumed that "the aim [of the measure] is to kill off archeology, to plow it under as a field. Fifty years from now, people—including the Indians—will look back and say, 'How could you be so stupid?'" To bury these bones, he says, is to lose irreplaceable research material.

In spite of such sentiments, the present bill, or something like it, had become more or less inevitable—the culmination of a long campaign that has become increasingly successful in recent years. Says Ubelaker: "There's been a steady crescendo that began out of the West over a decade ago, and it's grown to the point where it involved national legislation." Eighteen states have adopted laws that require or encourage the reburial of Indian remains, and several museums have voluntarily returned remains or artifacts.

About a year ago the movement reached the federal level. Last year Congress passed a law ordering the Smithsonian to begin an exhaustive inventory of its 18,650 remains of Native Americans and associated funerary objects. The Smithsonian has shipped 300 skeletons to tribes in Nebraska and Hawaii and anticipates sending more. Passage of the Udall bill will have the effect of speeding up work already begun at the Department of the Interior, which is drafting its own policy for returning remains. The bill sets a deadline of 5 years for museums and labs to inventory all American Indian remains. A shorter deadline—3 years—is required for a separate, less intensive summary of sacred Indian artifacts other than those found with human remains.

When a museum or university can identify the geographical and cultural affiliation of a skeleton or artifact, it has 6 months to contact the appropriate tribe. Assuming the tribe wants the remains back, they must be returned "expeditiously"—unless such items "are indispensable for completion of a specific scientific study, the outcome of which would be of major benefit to the United States." Such items must be returned within 90 days after the completion of the study.

It remains to be seen who will foot the bill for returning the bones. At the Smithsonian, Ubelaker says, it will be a "labyrinthine task" to sort out 18,650 human remains, 1.3 million archeological objects, and 95,701 ethnological items. At Harvard's Peabody Museum, assistant director Barbara Isaac estimates she will have to hire eight to ten assistants to complete the inventory on time. The bill calls on the Secretary of the Interior to award research grants, but provides no specific funds.

In the meantime, researchers such as Smithsonian anthropologist Robert Mann, who is studying disease patterns in pre-Columbian America by using Native American skeletons, are rushing to complete studies of specimens they are likely to lose. "We really do have a concern that if we lose these, we won't have a large enough sample to say anything meaningful about the evolution of disease," says Mann.

And once the remains are returned, they will likely be lost to science forever if they are reburied. But some tribes have shown a willingness to work with researchers to come up with other solutions. Indians in Delaware reburied their ancestors in air-tight containers and will consider requests from scholars wanting to study those remains in the future. Such creative solutions give researchers hope that while some artifacts will be lost, others may be saved. "It's unclear how much will be returned, and I think we'll see all kinds of outcomes, some unfortunate and some positive," says Keith Kintigh, an anthropologist at Arizona State University. "But I'm willing to accept that as part of the justice of this for Indians." ■ ANN GIBBONS