

STATEMENT FOR
COMMITTEE ON INTERIOR & INSULAR AFFAIRS
U.S. HOUSE OF REPRESENTATIVES

Hearing on H.R. 1646 & H.R. 1381

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My name is Lynne Goldstein, and I am an archaeologist in the Department of Anthropology, University of Wisconsin-Milwaukee, where I serve as an Associate Professor of Anthropology. I have been concerned about the issues of reburial and repatriation of human remains for a number of years. I was a member of the Panel for a National Dialogue on Museum/Native American Relationships, and I have served on a number of other local, regional, and national committees concerning reburial and repatriation. Since the Society for American Archaeology will be offering detailed comments (with which I agree) on specific portions of the bills before you, I will make my remarks somewhat more general. I am grateful for the opportunity to make these remarks to you.

I know of few archaeologists who do not applaud efforts to reverse the discriminatory treatment of Native Americans in our society. Most archaeologists in the United States focus their studies on past and present Native American cultures, and they would be among the first to defend the diversity of Indian cultures within the United States and to promote just and equal treatment. There is no doubt that much of the past treatment of Native Americans has been abysmal. Given archaeology's longstanding interest in these cultures, how can we oppose the reburial of human remains and funerary objects from our collections? Are we arguing only from a perspective of self-interest? In general, I think that the answer is no, and I want to focus my remarks on why I think that this is so.

In attempting to document and understand the history of this country, museums and other institutions have collected a number of items, including human remains and funerary objects. Because of the collection and study of these items, we know a great deal about the cultures that once lived in what is now the United States. These items have been studied a number of times by a number of different scholars for a number of different reasons. Unfortunately, some of these items were collected in ways that might be considered unethical today. As the ethics of the present change, we tend to re-examine past practices and try to make amends for our past errors or thoughtlessness.

The collections of a number of museums and universities around the country contain remains of known individuals or individuals associated with known tribes. In order to continue to keep these remains and the artifacts that accompany them, the institution should obtain the permission of the appropriate individuals or groups. While many institutions are concerned about the information that may be lost if these materials are requested for

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return, I know of few archaeologists or museum professionals who do not think that permission to continue to keep these affiliated remains is necessary.

In the proposed bills, archaeologists and museum professionals are most concerned about the issue of unaffiliated remains. Many of the remains and associated artifacts in museum collections cannot be attributed to a particular living culture. It is difficult to associate a culture that exists today with one that existed hundreds and/or thousands of years ago. That does not mean that there is no relationship, but instead means that the relationship cannot be determined with certainty. Future analysis and better techniques will likely make it possible some day to associate such remains with present-day tribes, but this is not possible today. Nonetheless, these remains represent the only knowledge we have about cultures that once lived here. Even if remains are generally and distantly related to present-day groups, knowledge of past cultures and lifeways is part of the heritage of the entire country, and benefits all people. Our major concern is the knowledge and information that the remains hold.

The issue of reburial and repatriation has been phrased as a human rights issue, and I would agree that this is true for remains of clear cultural affiliation. When requested, return of such remains would be an important step in making amends for past unethical behavior. But, how does giving remains and associated objects to tribes that may or may not have any relationship to them improve the standing of Indians today? What human rights issue does such an act resolve? What we know about many past cultures comes from the study of mortuary sites, in part because early investigators focused on such sites. Many cultures buried their dead in mounds, and since it was not clear what these mounds represented, the focus of much of the early history of American archaeology was on the investigation of mounds. Much of what we know of cultures such as Hopewell in Ohio comes from the study of mortuary sites. It seems to me that in part because people do not understand what we can learn from the study of human bone and mortuary practices, we have decided to abrogate our responsibilities to an important portion of our nation's heritage.

I am well aware of the arguments on all sides of the issue of unaffiliated remains. I realize, appreciate, and respect the views of those who say that any Native American remains would be better treated by Native Americans than by museums. However, it is not an issue that can be easily resolved, and I think that the heritage of this country is too important and too fragile to leave to proposals that may not be carefully considered and discussed by all parties. I would therefore like to propose that the Committee consider an amendment to the bill which would remove all references to unaffiliated remains. I suggest this not in an attempt to stall or delay, but rather as an honest effort to focus on the real issues of human rights and unfair treatment. Because there may be concern about such an action, I suggest that the Committee consider adding language that creates a special committee composed of individuals representing all sides of this issue who would consider how to address the problem of unaffiliated remains. At the moment, many Indians will not be happy until everything is returned, and many archaeologists will not be happy unless none of these remains is

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returned. Perhaps a specially constituted panel can develop better proposals once the major issue of affiliation remains is resolved.

If we are concerned about racism, we must change the way that we think about the past. Americans tend to categorize our past in terms of ethnic identities rather than in terms of the country as a whole; "Oh, that's just Indian history," or "Is that Indian stuff or our stuff?" Many other countries, such as Mexico, tend to think of the history of the country as belonging to everyone, and they have clearly benefited as a result. Until the history and prehistory of the United States is made the history and prehistory of all Americans, Native American history and prehistory will never be treated with equal validity.

I thank the Committee for its consideration, and urge that you consider amending the bills by separating the issues into those that should be rectified immediately — the clearly affiliated remains — and those for which additional consideration is warranted. Proper responsibility and stewardship for the past depend upon your cautious actions.