

# NATIVE AMERICANS AND THE PRACTICE OF ARCHAEOLOGY

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## ABSTRACT

Archaeologists are in the midst of restructuring their relationship with Native Americans. The legal, political, social, and intellectual ramifications of this process are reviewed to examine the fundamental changes occurring in the way archaeology is conducted in the Americas. Much of the impetus for this change resulted from the criticism of archaeology by Native Americans, which led to passage of the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA). NAGPRA has indelibly changed how archaeologists will work in the United States. The issues raised by Native Americans about why and how archaeological research is conducted, however, go beyond NAGPRA to the paradigmatic basis of archaeology. Archaeologists will have new opportunities available to them if they work in partnership with Native Americans in studying the rich archaeological record in the Americas.

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## INTRODUCTION

Archaeologists and Native Americans are in the midst of restructuring their relationship in ways that are exciting to some archaeologists, frustrating to others. Regardless of how archaeologists feel about the process, fundamental changes are occurring in the way archaeology is conducted in the Americas. Much of the impetus for this change resulted from the criticism of archaeology by Native Americans, which, coupled with political activism, led to the passage of Public Law 101-601, the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA). There is no doubt that NAGPRA has indelibly changed how archaeologists will work in the United States. The issues raised by Native Americans about why and how archaeological research

is conducted, however, go beyond NAGPRA to the paradigmatic basis of archaeology. This review explores the new opportunities available to archaeologists if they work in partnership with Native Americans in studying the rich archaeological record of the Americas.

The term Native American refers to the indigenous populations of Canada, the United States, Mexico, and Central and South America, including a variety of Indians, Eskimos, Native Alaskans, and Native Hawaiians. Native Americans do not constitute a single, monolithic cultural or ethnic group. There are more than 550 recognized tribes in the United States alone, with additional Indian groups not formally recognized by the US government. Each group or tribe of Native Americans in North and South America has unique cultural characteristics. The great variation in cultures should be kept in mind when generalizations are made about Native Americans. Native Americans have a wide range of opinions, approaches, and solutions to the issues concerning archaeology.

Americanist archaeology is closely tied to Native Americans because many, perhaps most, archaeologists investigate an archaeological record formed by the ancestors of contemporary Native Americans. A random survey of almost 550 archaeologists in the United States indicated that 38% of them had conducted research on lands belonging to Native Americans (151). Even more archaeologists have investigated archaeological sites on public or private lands ancestral to Native Americans.

## A BRIEF HISTORY OF ARCHAEOLOGICAL RESEARCH RELATED TO NATIVE AMERICANS

The practice of archaeology occurs in a social context, and interpretations of the archaeological record have been and continue to be used for political purposes whether or not archaeologists recognize this (37). Early archaeology in the Americas was essentially a colonialist endeavor, part of an intellectual development that occurred in many places where native populations were replaced or dominated by European colonists. Native peoples were denigrated by a colonialist belief that native societies lacked the initiative and capacity for development. The interpretation of the archaeological record was inextricably linked to the political and cultural processes entailed in taking land from Native Americans for incorporation into expanding nation states (18, 53, 81, 87, 131, 135, 145). This history is reviewed in a series of publications by Trigger (131–136) and McGuire (86, 87).

The concepts of unilinear evolution in nineteenth-century archaeological theory characterized Indian societies as static cultures at a relatively primitive stage of development compared with European civilizations (59, 102, 135). Native Americans were dehumanized and objectified when the remains of

their ancestors were collected for craniology, which was undertaken to prove that Native Americans were racially inferior and naturally doomed to extinction (87, 90, 112, 137). These ideas were incorporated into the “Vanishing Red Man” theory that influenced government policy as a scientific justification for the relocation of Indian tribes, establishment of reservations, and other acts that some Native Americans now characterize as genocide.

As scholars became more familiar with the archaeological record in the twentieth century, the cultural development of native peoples was recognized, as was the historical continuity between ancient and contemporary Native Americans (131, 135, 145). Archaeologists concentrated on the development of chronological techniques and temporal sequences, and interest in reconstructing prehistoric lifeways waned. Consequently, archaeology became less integrated with ethnology, and this weakened the social and intellectual interaction between archaeologists and Native Americans. Americanist archaeologists who worked in Central and South America allied themselves with the ruling elites and state bureaucracies in the countries where they worked rather than with indigenous peoples. This supported the status quo of social inequalities in the host countries (102).

The processual archaeology that developed in the 1960s and 1970s focused explanations of change in Native American societies on internal sociocultural developments and ecological variables. This was positive because Native American cultures were considered as creative as European cultures (132). However, the nomothetic goals of this paradigm denied the validity of studying the specific development of Native American peoples as an important end in itself. This affected how Native Americans viewed archaeology, because archaeological findings were presented in universal terms that had no relevance to specific tribal peoples. Archaeologists gave little thought to the feelings of native peoples about the excavation of the graves of their ancestors and how their past was represented in archaeological interpretations. These developments were significant because they coincided with Native Americans increasingly asserting control over their cultural affairs (134).

The history of archaeological research in the United States and other countries in relation to Native Americans has been largely characterized by ineffective communication and a lack of mutual respect (53, 90). There have been a few notable exceptions, of course, in particular archaeologists who have testified for Native Americans in land claims (52).

The development of cultural resources management (CRM) since the 1970s has greatly increased the amount of knowledge about Native American archaeological sites threatened by development (11, 42, 74, 109). CRM has commodified knowledge about the past by removing archaeology from the realm of universities into the commercial arena of contracts and private consulting companies. As Spriggs (121) observed in Hawaii, Native Ameri-

cans often act on the knowledge amassed in CRM, which moves archaeology more clearly into the political domain. This trend exists wherever Native Americans perceive archaeological sites as an essential part of their heritage needing protection.

## FEDERAL, STATE, AND TRIBAL REGULATION OF ARCHAEOLOGICAL RESEARCH IN THE UNITED STATES

It is incumbent upon all archaeologists to read and understand the laws regulating archaeology in the jurisdictions where they work. The legal regulation of archaeology is highly developed in the United States, where archaeological research on Federal lands, including Indian reservations, has been regulated by Federal legislation since the passage of the Antiquities Act of 1906 (P. L. 59-209). The complex of laws that regulate archaeology and historic preservation in the United States are summarized elsewhere (53, 58, 74, 77, 78, 104, 125). Because these laws are periodically amended, archaeologists need to follow new developments as they occur.

Of particular note is that the Archaeological Resources and Protection Act of 1979 (P. L. 96-95) requires that the consent of Indian tribes be obtained before the issuance of federal permits for the excavation or removal of archaeological materials from Indian lands. NAGPRA gives Native Americans property rights in grave goods and cultural patrimony, as well as the right to repatriate human remains from federal and Indian lands (90, 125, 137). Archaeological resources on private land, however, are still treated as private property, which is vexing for Native Americans (10). Virtually all archaeological investigations conducted on federal or tribal lands in the United States now require consultation with Native Americans (27, 74, 90). The review of archaeological research designs by Native Americans gives them a new opportunity to communicate with archaeologists.

NAGPRA has fundamentally changed the way American archaeology is practiced in the United States. The identification of cultural affiliation following NAGPRA is becoming a research question of legal import, forcing archaeologists to think about old classifications in new ways. Many Indian tribes and Native American groups will not allow excavation or investigation of human remains unless those remains are threatened, e.g. by land development. Some archaeologists excavating sites for research not related to the mitigation of adverse impacts are now required to cease excavation of archaeological features or units that expose human remains. The profession is adjusting to NAGPRA, and new ways to collect and analyze archaeological data about human remains and grave goods are being developed and institutionalized.

A majority of states have also adopted some form of repatriation or reburial statute specifically relating to Native Americans or have adopted general laws that protect graves and cemeteries (103, 140, 150). As Price (104) noted, the practical impact of these state laws can't be assessed until they have been implemented for a number of years. Some of the constitutional issues raised by state laws may need to be decided by the US Supreme Court.

The National Historic Preservation Act of 1966 (P. L. 74-292, NHPA), as amended, is currently responsible for most of the research conducted on Native American archaeological sites in the United States. Many archaeologists are employed by federal and state agencies as cultural resource managers to administer the Act. Even more archaeologists work under contract to provide the inventories of archaeological and historical sites required to implement the NHPA, or to undertake data recovery programs to mitigate adverse impacts on sites eligible for the National Register of Historic Places. Amendments in 1992 to Section 101 of the NHPA require that Native American values be considered in the management of archaeological sites and historic properties. They also establish that properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization may be eligible for the National Register of Historic Places. These traditional cultural properties include sacred sites, natural resource collection areas, and occasionally archaeological sites ancestral to contemporary Native Americans.

The management of traditional cultural properties as historic sites creates new issues for archaeologists engaged in CRM, including the integration of ethnographic and ethnohistoric data into archaeological reports, and negotiations with Native Americans about maintaining the confidentiality of findings (7, 29, 41, 51, 101). The inability to mitigate adverse impacts to many traditional cultural properties, especially sacred sites, results in a management quandary for many Native Americans and the archaeologists who work with them.

The 1992 amendments to the NHPA allow tribes to implement tribal historic preservation programs and assume the management and compliance responsibilities exercised by State Historic Preservation Officers on their lands. Many tribes concerned with sovereignty are currently working to do this and are enacting tribal historic preservation legislation (10, 27, 40, 66, 73-75, 90). Some tribes are proposing to manage cultural resources by preserving them as they are and keeping archaeologists away (99). Other tribes are opting to establish their own tribal archaeology or historic preservation programs modeled after existing federal programs. In the United States, these developments make it possible for Indian tribes to regulate archaeological research on their land.

## CHALLENGES TO THE PROFESSION AND ORGANIZATIONAL RESPONSES

In the 1960s and 1970s, Native Americans began to actively protest archaeological research, especially the excavation of burials. In the 1970s, the Society for American Archaeology (SAA) recognized that the relationship between archaeologists and Native Americans needed improvement (3, 70, 85, 120). Native American concerns were deemed legitimate, and the SAA recommended that archaeologists communicate more effectively with Native Americans and find ways to increase their participation in archaeological research. In the 1980s, Native American concerns in the United States and Canada were focused on repatriation. The contentious history and resolution of the reburial issue is reviewed in numerous publications (4, 13, 14, 22, 30, 38, 46, 56, 57, 60, 67, 69, 74, 76, 86, 87, 90, 97, 103, 112, 113, 125, 127, 128, 137-138, 142, 152-155). The objections to repatriation raised by some archaeologists (92-94) have been made moot in the United States by the passage of NAGPRA, although a number of issues remain to be worked out, including exactly what under the law constitutes human remains (21).

Most archaeologists have come to respect Native American concerns about the remains of their ancestors, even while working outside the United States. McGuire & Villalpando (88) have demonstrated that archaeologists can effectively consult about reburial of human remains even when an international border separates part of a contemporary group of Native Americans from their ancestors in another country.

The reburial of human remains entails a loss of potential new data because reanalysis is no longer possible (26, 140). However, NAGPRA has not halted the excavation and analysis of human remains. Many Native American archaeological graves and cemeteries are still investigated when they are threatened by development (64, 108, 109, 122, 125). Reburial makes it incumbent upon archaeologists to develop cumulative research designs oriented toward the collection of new data rather than the reanalysis of curated human remains.

Even before the passage of NAGPRA, many archaeologists began to work to ameliorate the problems Native Americans had with how archaeology was conducted (1, 2, 9, 50, 61-63, 108, 120, 114, 146, 156). In 1990, the SAA responded to the challenges raised by Native Americans by establishing a task force to advise the society on how to develop a better relationship with Native Americans. This task force was made into a standing committee in 1995, and the committee is now working to establish a liaison with Native American organizations, define the responsibilities of archaeologists to Native American communities, develop the means for Native Americans and archaeologists to cooperate in the protection of cultural resources, and prepare guidelines con-

cerning repatriation by Indian tribes and groups that are not federally recognized (117). Many state archaeological organizations have established similar committees to work on improving relations with Native Americans at the local level.

The SAA also identified Native American outreach and public education as important professional activities to improve communication with Native Americans. Many archaeologists in North and South America are now working to meet this challenge (6, 19, 20, 36–38, 47, 56, 68, 78, 89, 91, 124).

## INCREASED PARTICIPATION OF NATIVE AMERICANS IN PROFESSIONAL ACTIVITIES

The participation of Native Americans in archaeological activities has dramatically increased in the past twenty years. Native Americans now regularly participate in national and regional meetings, opening new avenues of dialog with archaeologists (15, 35, 110, 116). Archaeologists who work for Indian tribes have provided on-the-job training so Native Americans can be employed in professional positions (11, 50, 72), and many private archaeological contractors regularly employ Native Americans in field and laboratory research. Northern Arizona University, through cooperative programs with the Navajo Nation and the Hopi Tribe, is pioneering work-study programs where tribal members can earn income and gain experience while pursuing undergraduate and graduate degrees in anthropology and related fields (139).

Many tribes now operate historic preservation programs, including the Colville Confederate Tribes (54), the Confederated Tribes of the Umatilla Reservation (27), the Hopi Tribe (51), the Mashantucket Pequot (84), the Mohegan Nation (49), the Navajo Nation (16, 42), and the Pueblo of Zuni (10–12, 50). Several tribes also operate CRM firms to undertake contracted archaeological research, including the Gila River Indian Community (109); a consortium of the Klamath, Modoc, and Yaahooskin tribes (7); the Navajo Nation (72); and the Pueblo of Zuni (11). In addition to providing needed archaeological services, these tribally based historic preservation programs and contract archaeology businesses provide substantial economic benefits to Indian tribes.

Many Native Americans have successfully collaborated with archaeologists to manage cultural resources or undertake archaeological research, including the Bannock-Shoshone (45), the Catawba (130), the Chugach (71), the Dakota (119), the Kodiak Area Native Association (105) and other Native corporations in Alaska (32, 115), the Narragansetts (84, 114), the Mashantucket Pequot and Gay Head Wampanoag (84), and the Northern Cheyenne and Crow (33). Several tribes, including the Makah (55), the Blackfoot (23), and the Cree (48), have worked with archaeologists to establish museums that bring Native American heritage into sharper focus by situating it in the pres-

ent. One group of Native Americans investigates archaeological sites using an educational program similar to Earthwatch (5).

## NEW DEVELOPMENTS IN ARCHAEOLOGICAL THEORY AND PRACTICE

Criticism by Native Americans has caused archaeologists to examine the epistemological basis of their discipline (110). Scholars who recognize that archaeologists and Native Americans view the past in fundamentally different ways call for the application of cultural relativism in archaeological research (17, 153). Thomas (129) accomplished this in compiling studies of the consequences of European contact by applying a “cubist” perspective that incorporates multiple viewpoints of the past at the same time, drawing upon narrative history, historical archaeology, Native American studies, historical demography, and ethnohistory.

Archaeologists have become more reflexive. Wylie (149) and Handsman (61) have written about the political nature of archaeological studies of Native Americans. Wilk (144) analyzed the dual nature of archaeological discourse about the ancient Maya, which reflects political and philosophical debates in contemporary society as it pursues knowledge about the past. Leone & Preucel (82) applied critical theory to the dialog between archaeologists and Native Americans concerning the reburial issue. In so doing, they moved beyond the specifics of the reburial debate to a greater understanding of the underlying issue, which is how opposing scientific and Native American worldviews can be reconciled through negotiation.

Postprocessual archaeologists concerned with the political implications of research are working to develop a multitiered methodology that incorporates the use of several paradigms. Duke (43) suggested that reconstructing past events as well as processes allows Native Americans to use this knowledge in tandem with their own oral traditions to create a past relevant to themselves. However, postprocessual approaches create a “two-edged sword” in that they call for a renewed interest in Native American religion, power, authority structures, gender roles, and treatment of the dead at a time when many Native Americans are unsure whether these are appropriate research topics.

Zimmerman (155) and Anyon (10) consider the relation between concepts of time, politics, and archaeology in the construction of the past, noting that while archaeologists use time as a linear framework to give meaning to their observations, many Native Americans perceive time differently. For Native Americans, the past can and does exist in the present, and it can therefore be known through contemporary oral traditions, rituals, and spiritual activities (39). Zimmerman (155) concluded that archaeologists don’t have to give up

their point of view but they do need to share with Native Americans the power archaeology can bring to constructing the past.

With respect to multiple pasts, Trigger (136) noted that the archaeological record constitutes evidence that was created independently of any archaeological interpretation. This independence constrains the subjectivity of archaeologists and facilitates the search for new data that can convince other people that a particular interpretation is correct. Archaeological data thus continue to play an important role in forcing people to revise their outmoded views about Native Americans. More archaeologists consider the study of Native American cultures to be a valid goal in itself, and the move toward more holistic investigations entails a closer working relationship with contemporary native peoples.

Archaeologists who recognize that many archaeological sites are also sacred places for Native Americans have addressed a number of issues, including who "owns" sacred sites, who has a right to study them, and how they should be managed (28). Research and management of sacred sites is difficult because many Native Americans think information about them should be kept secret, and decisions about their protection entail political issues about the power relations between dominant and indigenous cultures.

## NATIVE AMERICAN PERSPECTIVES ON ARCHAEOLOGY AND THE PAST

Archaeology has benefited from what Native Americans and the archaeologists who work for them have written about the discipline. While most archaeologists firmly believe that archaeology is a beneficial activity, some Native Americans mistrust archaeology because of its historical association with the desecration of graves and removal of cultural property. Some Native Americans also take exception to archaeological theories that conflict with traditional history, such as the Bering land bridge migration and the conventional depiction of Native Americans primarily according to extinct lifeways, a convention that works to divorce contemporary people from their heritage (24, 36, 37).

Klesert & Holt (75), however, suggested that archaeologists may be overly cautious about what Native Americans think about archaeology. In a survey of 64 Indian tribes, Klesert & Holt found that more than half of the respondents considered archaeology to be beneficial because it helped to preserve Native American culture. Although some Indians thought archaeology stimulated interference and trespass by outsiders, the political leaders of tribes did not consider archaeology to be an impediment to their people or culture. It may be, as Reid (111) suggested, that many archaeologists think the rift between Native Americans and their discipline is larger than it really is.

Nevertheless, Deloria (35) noted that many Native Americans resent the attitude of some archaeologists who think they have a privileged view of the past because it is scientific and therefore superior to the traditional views of Native Americans. Many Native Americans have residual hard feelings that stem from the arrogant attitudes of archaeologists expressed during discussion of the reburial issue. Deloria suggested one way to improve the situation is for archaeologists and Native Americans to cooperate in reworking and restating the major findings of archaeology using plain language that eliminates cultural bias while accurately summarizing what is known.

Some Native Americans who were initially antagonistic toward archaeology report they now realize that working with archaeologists provides an effective means to attain legal and managerial goals relating to cultural resources management (60, 155). Other Native Americans report that they had little interest in archaeology until recently. The Inuit, for instance, gained an interest in archaeology when they realized it had utility for Canadian land claims, as well as an economic benefit related to tourism (8).

Many Native Americans in South America think archaeology is still used for colonialist ends that alienate them from their past by appropriating their archaeological heritage to construct national identities (31, 65, 83). Condori (31) added that the practice of renaming archaeological sites whose names have long been preserved in oral traditions is offensive because it dispossess Indians from their identity.

Condori (31) and Echo-Hawk (44) criticized the concept of "prehistory," noting that in popular usage this term implies that Native Americans have not maintained a legitimate form of history in their oral traditions, or worse, that Native Americans had no history at all until Europeans arrived in their land. This devalues Native American concepts of their own history and is perceived as an attempt by archaeologists to displace Native American historians as experts on the ancient past. In fact, Native American oral traditions provide a historiographic basis for historical thought and interpretation. Condori (31) thinks that the development of a Native American archaeology, using native concepts of time and space, has the potential to help Native Americans understand their historical development and thus attain their goals.

Rappaport (107) noted that traditional Native American knowledge about the past is sometimes embedded in a conceptual framework that is spatial rather than temporal. This is the case with the Páez Indians of Colombia, where historical knowledge is transmitted orally in fragments that allow listeners to construct a history based on their spatial knowledge of geographical referents. There is thus not one history but multiple histories.

Naranjo (98) pointed out that much of Native American traditional knowledge is axiomatic rather than hypothetical. Truth is something that is known within individuals and communities, not something external to a person as it is

for most archaeologists. Truth is thus multiversal rather than universal, and one person's truth does not invalidate another's. In applying this perspective to the ancestral migration of Santa Clara Pueblo, Naranjo concluded it is the overall conceptual framework of movement that is the most important idea, not the specific sites, dates, and places that preoccupy the attention of archaeologists.

Riding In (112) provided a harsh critique of the history of archaeology as an imperialistic and racist endeavor, concluding that the reburial of Native American human remains is a fundamental human right that must take legal, moral, and ethical precedence over scientific research. While many archaeologists have come to agree with this basic position, Riding In extended the argument by suggesting that scholars should not use data obtained from "immoral" forms of archaeological inquiry, and most disturbingly, that universities and libraries should remove from circulation all works that contain references to "immoral" archeological research.

## ETHICS AND GUIDELINES FOR RESEARCH

Ethics are the rules or standards of behavior that govern how a profession is practiced. The American Anthropological Association, the Society for American Archaeology, the American Society for Conservation Archaeology, the Society of Professional Archaeologists, the World Archaeological Congress, and various state associations have all promulgated ethical codes or position papers that relate to the conduct of archaeological research. These are reviewed in several publications (58, 76, 118, 143, 147, 148, 154). Although not specifically directed toward archaeologists, Mihesuah (96) provided a set of general guidelines useful for all scholars conducting research on Native Americans. Every archaeologist should review these ethical codes and implement them in archaeological research.

Archaeologists should consider the financial gain they earn from their work and share this with Native Americans as appropriate. The SAA dedicated the royalties from the three-volume *Columbian Consequences* series to a Native American Scholarship Fund (129), and other archaeologists are beginning to donate all or part of the royalties from their works to the tribes they study. An increasing number of Native Americans expect this sort of reciprocity (34).

Several archaeologists have observed that the current problems between Native Americans and archaeologists are due to cultural conflicts stemming from different systems of ethics (56, 57, 142). Recognizing that Native Americans have valid ethical principles that archaeologists need to consider does not mean that archaeologists should ignore their own system of ethics. Archaeologists have an ethical responsibility to their profession as well as to

the people they study, and they need to be willing and able to explain their positions and research in dialog with Native Americans.

## THE FUTURE OF ARCHAEOLOGICAL RESEARCH

Archaeologists and Native Americans are moving beyond the contentious rhetoric of the 1970s and 1980s. Together, they are forging new partnerships to change archaeology so it is more acceptable and relevant to the descendants of the people who produced the archaeological record many archaeologists study. People who espoused radical views on both sides of the repatriation issue have gravitated more toward a centrist position. This is good because in the post-NAGPRA era archaeologists will pay a severe price for not doing a better job of sharing their work with Native Americans (89).

Native Americans have diverse uses for archaeology. Some Native Americans find archaeology useful for learning about their past by using information that is not preserved in documentary records (106, 114, 131, 149, 152). Other Native Americans already know about their past through traditional means but still find a use for archaeology in managing their heritage resources (74). By establishing and building on cooperative relationships, archaeologists and Native Americans can be powerful allies in efforts to preserve archaeological resources from looting or development (30, 48, 100).

Archaeologists are realizing that the archaeological record has power in the present because it is used to construct knowledge of the past (87). Archaeologists are beginning to use their discipline to address issues that Native Americans identify as important, which adds a humanistic dimension to their scientific research and yields new ways to think about the past (155). It is now common for Native Americans to consult on archaeological and cultural resource management projects (17, 51, 126). Many archaeologists have committed themselves to developing long-term research projects with Native Americans, which creates a foundation for the mutual trust that is needed to make archaeological research work in a contemporary setting.

Universities are beginning to teach the ethics and broad anthropological skills that archaeologists need to successfully interact with Native Americans (87). Additional change is still needed in the profession. As Brumfiel (25) noted, the didactic generalization entailed in public education and Native American outreach is not as favorably judged by peers as theoretically oriented publications. The profession needs to develop ways to recognize and reward archaeologists who share the results of their work with Native Americans in meaningful ways.

Native Americans are stewards of the archaeological record because it is an ancestral legacy (48). Archaeologists are stewards because they want to protect and use the archaeological record as a source of scientific data. If Native

Americans and archaeologists continue to develop a close working relationship, all parties will benefit from a joint stewardship of the archaeological record and the past it represents (56). Each archaeologist bears a personal and professional responsibility to understand and act on the issues relating to Native Americans to transform archaeology into a discipline that is acceptable to its multiple constituencies.

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