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A Question of Ethics in Archaeology – One Archaeologist's View

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THERE was a time when sending the heads of Indian leaders who had lost a war to Washington could be done without anyone criticizing such acts. There was a time, more recently, when prehistoric Indian graves could be dug up without anyone raising a fuss. But perhaps it is time now for American archaeologists to listen to the survivors of the people they profess to be so interested in.

I have thought for a long time about trying to sit down and write out what appears below. In the last half-dozen years some of my anthropological interests have been diverted from digging in archaeological sites to writing books (Heizer and Almquist 1971; Heizer 1974a, 1974b) and articles (Heizer 1972a, 1972b, 1973; Nissen, Castillo, and Heizer 1974) about what happened to the California Indians in the first two or three decades after the discovery of gold. In the process of reorienting my interests toward California Indian history during the American period, my awareness of the inhuman treatment accorded the California Indians not only aroused my sympathy for these people of an earlier date, but also indicated to me some of the bases for the long-continued (and long-denied) pleas they have made for help from their government.

California Indians have become, for me, more than a population which could be objectively and dispassionately studied, as though they were objects and have become in my thinking a people who have been mistreated and ignored and whose mistrust and dislike of being so considered I not only understand, but have full sympathy with. In short, I have become cognizant of and sympathetic to the Indian effort to be recognized and accorded the help that any oppressed, neglected, or disadvantaged body of the citizenry might expect to receive. I am not representing myself as a self-appointed spokesman for Indians; this statement has been written without discussing it with any Native American.

But I have for so long been concerned in one way or another with archaeology (part of that involvement being with California sites) that I have difficulty in not thinking also as an archaeologist. My formal training under A. L. Kroeber, R. H. Lowie, and R. L. Olson at Berkeley from 1934 to 1946 did not include much archaeology—the latter was recognized as a legitimate part of Anthropology, but none of the three mentioned gave formal instruction in the subject. As a graduate student at Berkeley, as a teacher at Eugene, Los Angeles, and finally in 1946 at Berkeley again, I was pretty continuously engaged in doing California and Great Basin archaeology either as the person in direct charge, or under whose auspices and general direction excavation was being done. From 1948 to 1960 I was Director of the University of California Archaeological Survey and from 1962 to date Coordinator of the Archaeological Research Facility in the Department of Anthropology at Berkeley. Our work, mainly oriented toward survey, excavation, and the recovery of information, which had as its aim the reconstruction of prehistoric Indian cultures and chronology of California and the Great Basin was done because, as archaeologists, we thought it was important. We excavated on private land with owners' permission, or on State or Federal lands with appropriate permits. We, as a "Berkeley group," excavated many sites–probably a hundred in all–which ranged from 10,000 years old to 30 years old. The materials recovered are in the Lowie Museum, and they include artifacts, food remains (mainly animal bones), soil samples, and the human bones from graves which came to light. We were serious about our work, thought that we were helping to recover one segment, however provincial, of the human past, criticized and worked against people who dug for recreation or to make private collections (often put up for sale) of beads and arrowpoints, and were careful to keep full records of our work, to save everything we found, and to publish descriptive and analytical accounts of our findings.

The century and a quarter of Federal paternalism towards California Indians has made the latter disillusioned about how much government really cares about them. Indians are now trying harder than ever before to become equal citizens in fact, rather than theory, and there is a considerable reaction to having been neglected, exploited, and promised things they never received. They have expressed their resentment at having been too long considered as subjects for study by ethnographers, viewing this as another form of exploitation. Indians object to their history being studied and written by whites and say that is their history and that whites see it only from the white standpoint and not that of the Native Americans. A great deal has been written about "heritage resources" which take the form of aboriginal sites, as well as the "values" of prehistoric American Indian archaeology. Here again Indians, whose heritage this actually is, are not consulted, but see this profession of interest by the whites as another example of preemption and exploitation. If anthropologists are concerned with anything more than the objective study of the material remnants of a former population, they should be making a more effective effort to encourage Native Americans to study their own past, and to train them in the methods of archaeology, ethnohistory, and acculturation.

Indians also see the digging up of their ancestral village sites and cemeteries as a kind of ultimate insult where the people who took their land and reduced their numbers to a fraction of their original numbers now claim to be the self-appointed disturbers of their former homesites and their ancestral dead. Archaeology, in short, is seen as simply another demonstration of Indians not as people, but as objects for study.[1] There is really nothing new about this. Native Californians' attachment to the place of their birth and the desire to be buried in the cemetery where their relatives lie is repeatedly affirmed in the ethnographic record, and objections made to the disturbance of their cemeteries goes back to the 1850s. Livingston Stone in 1873 recorded the apprehensions of the McCloud River Wintu over the possibility that their cemetery would be dug into for relics (Stone 1875).

There has been some discussion of ethics in American archaeology. In May, 1960, the Society for American Archaeology approved at its 25th annual meeting at New Haven a statement on "Ethics and Good Practices in Professional Archaeology," and in 1959 the

SAA approved at its annual meeting held in Mexico City "A Resolution Condemning the Vandalism of Archaeological Sites and the Illicit Export of Prehistoric Objects from the Republic of Mexico." Neither of these statements concern themselves with the ethical question of disturbance of the dead, but only with employing proper techniques of excavation and condemning the traffic in contraband antiquities. More recently there has appeared a spate of articles (Davis 1972; Coggin 1969; Reinhold 1973) and books (Meyer 1973; Grant 1966), recording the extensive theft of antiquities from ancient sites and their sale to museums and private collectors. But here again we read only about how commercialism is helping to destroy the cultural record of the human past. Many museums in the United States have adopted in the last few years a policy of not buying or accepting as gifts any objects which have been illegally collected in or exported from their country of origin.[2] We thus see that the consciences of many anthropologists and museum boards have been aroused as regards the ethical (and at times legal) propriety of how archaeology should be conducted and the acquisition of archaeological objects with valid or legal titles. Commercialism (bad) is being criticized as interfering with the "scientific" (good) study of prehistory. Several comments could be made here. *If* the national cultural heritage of Greece, Egypt, Mexico, or whatever country really was important to the governments of the countries concerned and they did not want illegal digging and export of archaeological materials to be done, they would take a few simple steps to reduce unauthorized excavation and prevent the wholesale export of objects. Influence, bribery, collusion at the significant governmental level obviously make it possible to continue the unregulated recovery and international traffic in contraband antiquities. If national governmental agencies, art dealers, and wealthy private collectors do not care about the law, then it is difficult to suggest what can be done about the problem.

Thus far archaeologists in the United States have not discussed in their meetings or in their writings on professional ethics the matter of whether Indian sensitivity over the continued digging up of the graves of their ancestors can be condoned in the face of the objections which Native Americans express over this activity.[3] I believe that we must consider this as a human ethical question rather than one of professional ethics and that when we do, we will decide that this should no longer be done. I defend archaeology as a discipline whose aim is to recover the story of the human past, whether it be the past of Native Americans in the New World, or Europeans, or Asian, or African peoples. But I do not think that when the question is put to American archaeologists as to whether it is proper to further injure the human sensibilities of Indians by digging up the graves of their ancestors that they can defend this practice. It is certain that the question will be raised and that it is going to have to be considered. There is a Committee on Public Archaeology of the Society for American Archaeology and an Ethics Committee of the American Anthropological Association. These organizations would presumably listen to proposals. Ultimately the matter should be resolved by the passage of new legislation concerning disturbance of human graves.

If archaeologists voluntarily agree to cease disturbing the Indian dead, but wish to continue to excavate in occupation sites, some solution can probably be found to the problem of what to do about graves which are occasionally encountered. California Indians today are asking that skeletal remains encountered during roadbuilding or other large-scale excavation, or in salvage archaeology, be reburied in Indian cemeteries, and that is one solution. Whether archaeological excavations will have to stop altogether probably will not be the issue. Where archaeological sites happen to exist in pool areas of dams which are to be built either by the Corps of Engineers or Bureau of Reclamation, or by non-federal agencies operating under a Federal Power Commission permit, the law says that such sites must be excavated. The same is true of archaeological sites which will be destroyed in highway construction, and the recent regulations of the Environmental Quality Act require that archaeological sites not be destroyed by other construction activities without mitigation of the damage. So, we see that in some circumstances excavation is mandatory. Whether, as has also been suggested, the collections of skeletal remains of California Indians now housed in museums should be reburied, one cannot say. It would be difficult for any museum to insist, in the face of a demand by living descendants, that its human bone collection was the museum's legal property and that the Indians were simply being emotional about the whole thing. The Native Californian population, directly as a result of the American presence, was reduced from about 100,000 in 1848 to a low point of about 20,000 in 1910 (Kroeber 1957). If the Americans had succeeded in the total elimination of the California Indians the latter could now be studied as an extinct group. But they are not extinct by any means today, as they keep reminding us.

If the digging of Indian graves whose occupants could be proved or plausibly argued as being ancestors of living people, however distant in time that relationship might be, were to cease, then there would be no more "new" skeletal material to study. Human bones are a kind of documentary evidence from whose study all sorts of inferences can be drawn—for example, ancient health conditions, vital statistics, longevity, diet, and so on. Native Americans of today are no doubt interested in what life conditions of their ancestors were, and it is from the study of skeletal remains that much of this information has come. New methods of analysis are continually being developed, and the skeletal remains in museum collections are therefore resorted to repeatedly as study materials to learn new facts about the past.[4] So in one sense the existing collections of prehistoric skeletal material in museums are also important to living Indians as a source of information about their own past, and if this is granted, they may be amenable to the suggestion that they not press their demands to recover them for reburial. I do not know how far back in time we can trace, through archaeological evidence, the direct, genetic ancestors of recent California tribes. Linguists have suggested in some cases lexicostatistic dates of language separations which could be interpreted as occurring at the same time as the appearance of particular political-linguistic-territorial units we call tribes. Physical anthropologists have not, so far as I know, suggested how far back into the prehistoric period one can trace and identify even such vaguely defined physical types as those named by Gifford (1926a, 1926b). Cultural anthropologists have not done much analysis of ethnographic data aimed at the historical reconstruction of tribal cultures which would suggest how long identifiable groups have been resident in their traditional territories. Significant efforts have been made in this direction, however, by Kroeber (1923) and Klimek (1935). I think it is very probable that 4,000 years ago in Central California the prehistoric evidence of man is so different, both as regards physical type and material culture, that it could not be argued that these are the bones and implements of direct, lineal, physical ancestors and cultures. By 2,000 years ago these distinctions are much harder to draw, and by 1,500 to 1,000 years ago it is very likely that we may be dealing with directly ancestral remains of 30 to 50 generations ago. If this is so (although it is not at all certain), then Native Americans and archaeologists might agree on some minimum age of archaeological sites which could be scientifically investigated.

Other Native Californian concern has been expressed over the present whereabouts of the severed heads of Captain Jack, Sconchin, Boston Charley, and Black Jim, the four Modoc leaders who were hanged at Fort Klamath on October 3, 1873 after being sentenced to death following the Modoc War.[5] However well intentioned this act of a century ago may have been, today we must measure it in terms of the demands of human feelings. Let us suppose that General Grant and General Lee in some battle during the War Between the States had been captured and that their heads had been cut off and sent back as trophies to Washington (this would have been Lee's head), or to Richmond, Virginia (Grant's head). At the end of the Civil War, would there not have been some fuss made about the return of Grant's skull to Washington? And would not the pride of the former Confederate States have at least led to a demand for the return of the head of their defeated hero from the victorious North? Why, then, do we not understand the Indian request that the skull of one of their generals be no longer held, in 1974, as a trophy by the U.S. government? U. S. Grant, who became President of the United States, and R. E. Lee who did not, were probably not better men, or at least no less or more important to the people they represented, than Captain Jack, the Modoc Indian leader who commanded his fighting force and who gave the United States Army a better run for its money than most of its adversaries have—always excepting the Confederate Army and the Vietnamese.

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NOTES

1. Despite the abundance of federal and state laws designed to protect as part of the cultural heritage archaeological, paleontological, and historical sites (for a list of these see McGimsey 1972), these turn out to be essentially pious declarations which are not backed up by prosecution of offenders (see Agogino and Sachs 1960; Nickerson 1962).

2. Among these are the Field Museum of Natural History (Chicago), Peabody Museum (Harvard), and the Lowie Museum of Anthropology and University Art Museum (Berkeley).

3. Since this was written a discussion of the matter has been presented by Pastron, Hallinan, and Clewlow (1973). (The paper actually appeared in January, 1974.)

4. Among the many examples which could be listed are the following: McHenry (1968) presented radiographic evidence from Harris' lines interpreted as showing degree of adequacy of prehistoric diet from ca. 2000 B.C. to A.D. 1500 in Central California. Roney (1959) offered a detailed study of evidence of disease and injuries of a prehistoric Marin County population; and Cook (1947) published data on life expectancy of prehistoric California Indian populations. Two studies of the teeth of prehistoric California Indians are those of Kennedy (1960) and Leigh (1928).

5. For details on the severing of the heads of these Modoc leaders and sending them to Washington see Dillon (1973:333-336).

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