BEYOND THE MARGIN: AMERICAN INDIANS, FIRST NATIONS, AND ARCHAEOLOGY IN NORTH AMERICA

Joe E. Watkins

In North America, American Indians and First Nations have often been at odds with archaeologists over the status of their relationships, about who should have control over research designs and research questions, the interpretation of information about past cultures, and the ways past cultures are represented in the present. While the influence of the voice of Indigenous Nations in the discipline has risen, in many ways their voices are as stifled now as they were in the 1960s. This paper gives an American Indian perspective on the current practice of archaeology in North America and offers suggestions for improving relationships.

En Norteamérica, los indígenas americanos y las gentes de las "Primeras Naciones" han estado frecuentemente en desacuerdo con los arqueólogos en cuanto a quién debe tener control sobre diseños y preguntas de investigación, la interpretación de información sobre culturas pasadas, y el modo en que estas culturas son representadas en el presente. Aunque la influencia de la voz de las Naciones Indígenas ha crecido en esta disciplina, en muchos modos sus voces están tan ahogadas ahora como lo estaban en los años sesenta. Esta ponencia presenta el punto de vista del indígena americano en la práctica actual de arqueología en Norteamérica y ofrece sugerencias para mejorar las relaciones.

When Rosen asked “Who has the right to excavate, or prevent the excavation of, a recent or ancient burial site, and on what authority is that right to be based?” (1980:6), his focus on “right” and “authority” offered a different perspective on the examination of the relationship between archaeologists and Indigenous populations. The relationship between American Indians/First Nations and archaeologists has been discussed in many venues by numerous authors and from numerous perspectives (e.g., Carmichael et al. 1994; Downer 1997; Ferguson 1996; Kehoe 1998; Layton 1989a, 1989b; Lurie 1988; McGuire 1992a, 1992b, 1997; Nicholas and Andrews 1997; Stone and Molyneau 1994; Trigger 1980, 1986, 1989; Watkins 2000; Zimmerman 1994, 2001), and that body of research will not be repeated or further analyzed here. This paper, rather than focusing on what has happened in a questioned past between North American indigenous populations and archaeologists, will focus on the current situation in North America and the continuing relationships that pervade the discipline.

Historical and Legal Relationships

In their American Antiquity article, archaeologists David Anderson and Christopher Gillam (2000) interpreted the initial colonization of the Americas by examining the scientific evidence within the physical geography of the earliest known human skeletal remains, the demography of those locations, and the artifact distribution of known archaeological sites. Vine Deloria Jr., however, chooses to focus not on the scientific evidence of migration but more on its political implications: “By making us immigrants to North America, they [scientists] are able to deny the fact that we were the full, complete, and total owners of this continent. They are able to see us simply as earlier interlopers and therefore throw back at us the accusation that we had simply found North America a little earlier than they had” (Deloria 1995:84, emphasis in original).

Deloria’s comments might be seen as an extreme viewpoint concerning the use of scientific information on North America’s past cultures. It raises, however, two important questions concerning the
relationship between indigenous people and archaeologists that relate directly to the subject under consideration: “To whom does the past belong?” and “Does anyone have the right to control access to the evidence of the past, or should access to that archaeological record be open to anyone and everyone?”

While these may appear to be rhetorical questions to some, it is imperative to recognize that they are much more than that. These questions revolve as much around control over resources that exist in the present as they do about the construction or interpretation of the past. Many archaeologists have come to understand why indigenous groups feel they have the right to determine how their direct ancestors (materials relating to the last 500 years or so) are treated. Yet many scientists question whether indigenous people should have the right to exert control over cultural material that is thousands of years old and believed by some archaeologists to be part of the heritage of humankind (Knudson 1991; Meighan 1992; Mulvaney 1991). The legal wrangling over the set of human remains known as the Ancient One, or Kennewick Man, is a case in point.

The Ancient One (Kennewick Man)

In 1996, a set of human remains was found in the Columbia River in the state of Washington in the northwestern United States. After a projectile point was found embedded in the pelvis, the bone was subjected to radiocarbon dating and returned an age of about 9,000 years. At that point the Native American Graves Protection and Repatriation Act (NAGPRA) took over. The Corps of Engineers (the federal agency that controlled the land upon which the remains were found) decided to repatriate the remains to the Confederated Tribes of the Umatilla Indian Reservation, but, before the remains were repatriated, eight anthropologists—Robson Bonnichsen, C. Loring Brace, George W. Gill, C. Vance Haynes Jr., Richard L. Jantz, Douglas W. Owsley, Dennis J. Stanford, and D. Gentry Steele—filed suit in district court to block the return. At issue were three points: the assumption that the skeleton’s age automatically meant the individual was “Native American”; the scientists’ assertion that the Corps’ intent to repatriate the remains would prevent the study of human remains when the outcome of the study would be “of major benefit to the United States”; and the scientists’ assertion that their civil rights were being denied by the Corps’ action, claiming they were being denied the right to study the remains simply because they were not “Native American.”

The Department of the Interior finally determined that the remains were “Native American” as defined under NAGPRA (McManamon 2000), and that the material should be repatriated to the Confederated Tribes of the Umatilla Reservation based on a “suggestion” of cultural continuity between Kennewick Man and the modern Indian tribes of the area (Babitt 2000). But once the Department of the Interior’s determination of cultural affiliation had been made, the lawsuit was allowed to proceed and the case headed onward.

More than six years after the human remains were discovered, the Magistrate in the case issued his decision on certain aspects of the case in August 2002. Judge Jelders’s decision (available online at http://www.kennewick-man.com) found that the Department of the Interior had erred in its determination that the Kennewick remains were “Native American” based solely on the age of the remains and their discovery within the United States (Jelders 2002:18). He states: “it is reasonable to infer that Congress intended the term ‘Native American’ to require some relationship between remains or other cultural items and an existing tribe, people, or culture that is indigenous” (Jelders 2002:27). The requirements for establishing Native American status under NAGPRA are not onerous, according to Jelders: “They may be satisfied not only by showing a relationship to existing tribes or people, but also by showing a relationship to a present-day culture that is indigenous to the United States. The culture that is indigenous to the 48 contiguous United States is the American Indian culture, which was here long before the arrival of modern Europeans and continues today” (Jelders 2002:30, emphasis in original).

The thrust of the decision in this case, then, is that Native Americans might now be required to demonstrate—perhaps on an evidentiary level—the point at which cultures of the North American continent stopped being “immigrants” and became “Native American” in order to establish cultural affiliation with human remains over which they might wish to exert a repatriation claim. Or perhaps scientists will be required to demonstrate the point at which “American Indians” magically fade into “immigrants.” Will the past, at that time, become the property of whichever side has the best attorney?

The Kennewick case, however, might not be the
best case on which to establish a legal precedent. The absence of any cultural material associated with the skeleton, the inability of scientists to determine whether the skeleton had been intentionally buried, and the current “inaccessibility” of the burial location are mitigating circumstances that should limit both the scientists’ and the American Indians’ reliance on this case as precedent-setting for other repatriation claims.

Still, the case illustrates the lengths to which parties involved in repatriation claims will proceed, and perhaps the perceived value of the human remains. But questions remain: Is the information in the Kennewick remains worth $3 million, the costs of the litigation so far, as estimated by the attorneys for the scientists and reported by the Tri-City Herald (Associated Press 2002)? Would the money already spent in litigation have better benefited archaeology or tribal programs in other arenas?

**The Land of Prehistory**

David Hurst Thomas (2000:4) wrote about the impact of naming geographic features as part of the “discovery” and conquest of the Western Hemisphere—"The names established an agenda under which the rest of the encounter would be played out. . . . The power to name reflected an underlying power to control the land, its indigenous people, and its history.” This passage might just as well have been written about the discovery and conquest of the indigenous past by archaeologists, for bibliographies of archaeologists are filled with the discovery, conquest, and naming of archaeological sites that established an agenda that has acted to control what Kehoe has called *The Land of Prehistory* (Kehoe 1998).

Archaeologists, based on their credentials as scientists, have consistently considered themselves to be the authorities when it comes to decisions concerning the archaeological record. Their training in the scientific method, generally accepted as the basis for scientific research, requires that they consider information objectively. Additionally, because of society’s emphasis on formal education and the role of scientists within the society of which they are a part, archaeologists are generally seen to possess knowledge that is somehow beyond the understanding of nonscientists; they are the keepers of that knowledge.

This, of course, is not a situation that is unique to archaeology but is a characteristic of the growth of Western thought in general. In *Conjuring Science*, Christopher Toumey examines the way that the American public perceives science and scientists: “American citizens respect science as a kind of religion in the sense that it supposedly has a plenary authority to answer all of our questions and to solve all of our problems” (Toumey 1996:153).

As the “recognized” authority on the scientific record held within archaeological and heritage sites, then, archaeologists have substantial power over resources associated with the culture history of indigenous peoples, and members of descendant communities often feel powerless about what happens to their ancestors and the archaeological sites associated with them. Because of this power differential, archaeologists often are perceived to be arrogant and insensitive by native people, while at the same time native people often are perceived to be antagonistic toward archaeological research.

Archaeologists practicing heritage management in the United States have specific legal requirements. Numerous publications outline these laws and the responsibilities of the archaeologist under each (e.g., King 1998, 2000), and these laws will not be presented in detail here. However, a cursory review of selected laws illustrates the extent that archaeology has been able to assert its wishes and desires over cultural resources, including the excavation of pre-Contact American Indian sites.

Beginning with the passage of the Antiquities Act in 1906, archaeologists (perhaps unintentionally) began to co-opt the American Indian’s unwritten history and material culture. The United States government deemed archaeological and historical sites of past cultures in the United States as worthy of protection for the benefit of the public, but it ultimately developed a permit system that centered protection of the past within the scientific community rather than in the hands of those whose ancestors were responsible for its creation. It wasn’t until the passage of the Archaeological Resources Protection Act (ARPA) in 1979 that American Indians were given the explicit right to participate in regulating the excavation and removal of archaeological resources on land under the control or ownership of American Indian tribes, organizations, or American Indian individuals.

Even then scientists maintained control of the legislative process, as demonstrated by the inclusion of human skeletal material as “archaeological resources” within the definitions section of the act.
While the uniform regulations developed to carry out ARPA required consultation with tribal groups who own the land upon which the archaeological resources were located, the intent of these regulations was as much to govern the issuance of permits as it was to involve American Indian groups more within the process.

Interactions between archaeologists and indigenous peoples in the United States are defined by formal consultation as mandated by heritage and historic preservation legislation such as the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990, the National Museum of the American Indian Act (NMAIA) of 1989, and the National Historic Preservation Act (NHPA) of 1966, as amended. Consultation (defined in the federal regulations that govern the NHPA as “the process of seeking, discussing, and considering the views of other participants, and where feasible, seeking agreement with them regarding matters” arising in the compliance process [King 1998:94]) is required at various stages in the historic-preservation compliance process. Different laws define consultation differently, and archaeologists engaged in cultural resources management and repatriation in the United States need to have a thorough understanding of the regulatory framework governing archaeological projects if they hope to fulfill their legal obligations to indigenous communities.

In the United States, the status of land ownership or federal involvement in a project determines which (or even whether) cultural resources protection laws apply. Federal laws apply to projects that occur on federal or tribal land, if there is federal funding involved in a project, or if a federal permit of any kind is required for the project to occur. Privately funded projects on private land are not required to follow federal laws regarding cultural resources unless a federal permit is required.

Indian tribes are recognized by the United States government as domestic dependent nations that retain sovereign powers, except as divested by the United States, and Indian sovereignty is a key issue defining the interaction between Native Americans and archaeologists on Indian-owned or controlled land. Indian sovereignty means that all archaeological research undertaken on Indian land requires the approval of the tribal government, and that a tribe retains the right of ownership of all cultural materials found on their land.

The 1992 amendments to the NHPA authorized Indian tribes to develop Tribal Historic Preservation Offices and assume the historic preservation functions that are otherwise the responsibility of a State Historic Preservation Office regarding projects on their land. For many tribes, the assumption of these responsibilities is an issue of tribal sovereignty because it removes a state official from the decision-making process managing heritage resources on tribal lands and reinforces the government-to-government relationship between the United States and Indian nations. Tribal groups have different reasons for accepting these responsibilities (Anyon et al. 2000; Ferguson 2000), and as of November 2002, 36 Indian tribes had appointed Tribal Historic Preservation Officers (http://www.achp.gov/thpo.html). Many of these tribes have hired archaeologists to provide administrative support services to their Tribal Historic Preservation Officers.

Assumption by tribal programs of these historic preservation functions, however, may prove both detrimental and beneficial. While the assumption of such duties does allow the tribe to fully participate within the established federal historic preservation system, it often places a burden on tribal administration and forces the tribe to adhere to federally defined concepts such as mitigation, qualifications of personnel, and significance. Consultation becomes more formalized and must follow federal guidelines rather than proceeding along more informal pathways. Finally, tribal programs for tribes without a large land base (such as tribes in Oklahoma where there are no reservations and only fractionated or minimal amounts of tribally owned land) are severely underfunded and must try to deal with floods of consultation requests.

On the federal level in Canada, cultural resources management programs operate primarily through two agencies: Parks Canada, a Federal Crown Corporation responsible for administering all aspects of Canada’s 29 national parks and more than 100 monuments and forts; and the Archaeological Survey of Canada, a branch of the National Museum of Man, which operates an archaeological salvage program to minimize the loss of archaeological resources and information caused by construction projects.

There are no nationwide heritage laws that govern the practice of archaeology in Canada; rather, laws relating to heritage are implemented primarily on provincial, municipal, and corporate levels. Addi-
tionally, the absence of a Canadian national law means that “there is no leverage to hold the province accountable for bilaterally funded projects, no precedents for the provincial politicians to become used to funding large scale mitigation projects, and no heritage legislation for federal lands, including reserves” (Syms 1997:54).

However, the relationships between First Nations and archaeologists are relatively strong. In British Columbia, for example, the relationship between Simon Fraser University and the Secwepemc (Shuswap) Nation has led to a strong collaborative program (Nicholas 2000); in the Yukon, the Yukon Heritage Branch has worked collaboratively with First Nations such as the Carcross/Tagish (Hare and Greer 1994), the Inuvialuit (Friesen 1998), and the Kwanlin Dan (Gotthardt and Hare 1994).

In spite of this lack of a national perspective on heritage issues, Canadian relationships with First Nations are seen to be stronger than in the past, primarily as a result of archaeologists directly taking into consideration the wishes of the indigenous populations in the research arena rather than performing through a regulatory or legal framework. George Nicholas, writing about the situation in British Columbia, notes that “consultation with the appropriate First Nation is now a prerequisite for obtaining an archaeological permit. This requirement occurred in response to demands for greater aboriginal representation, and overall, has had a positive impact on the discipline as it makes archaeologists more responsive to contemporary needs and their work more relevant” (2000:163).

Archaeologists working in North America also need to recognize that native peoples and scholars often have different concepts of heritage resources and their relation to the past. Archaeologists generally conceptualize the archaeological record as inanimate deposits of artifacts and sediments that offer information about the “past.” Many indigenous peoples, however, view archaeological sites as places where ancestors and spirits still live and continue to have a profound influence in contemporary life. In many indigenous cultures, the boundary between the past and present is not as clearly demarcated as it is in the scientific worldview (Naranjo 1995; Nicholas and Andrews 1997; Rappaport 1989).

For archaeologists, the principal values of the archaeological record are derived from its ability to yield scientific data about past human behavior. While some indigenous people might appreciate the scientific values of the archaeological record and the information it can offer, indigenous values for archaeological sites are primarily derived from their association with ancestors and tribal history—traditional values seen to transcend scientific data. The desire to preserve archaeological sites in situ as monuments that attest to tribal history is often more important to indigenous people than the information that can be gained through archaeological excavation. Given the cultural and spiritual importance of ancestors, some indigenous people want all ancestral graves threatened with destruction by development to be located and moved if avoidance is impossible, and many indigenous groups allow nondestructive analysis and documentation of osteological material as part of the process of excavation and reburial. Despite the fears of scientists, some scholars (Rose et al. 1996) believe that NAGPRA might lead to more, rather than less, osteological study, even if it means only minimal data are collected. In some ways this may be true, since such data must now be collected at the time of exhumation (if at all), rather than left to be collected from sets of remains stored in museum collections, as was the case in the past.

To their credit, however, more and more archaeologists are trying to accommodate indigenous values. This is being done in a variety of ways, including focusing on the identification and study of archaeological sites using nondestructive survey techniques; excavating only those sites that are threatened by land development, vandalism, or some other form of destruction; providing training to native students in an archaeological field school situation; and involving native communities in excavations of cultural sites. Cultural heritage laws in the United States provide archaeologists engaged in cultural resources management an avenue to become involved in recovery of information from threatened and endangered sites in creative research programs that can be complementary to the wishes of tribal groups, and cultural heritage programs within the Parks Canada Corporation (as well as in provincial, municipal and corporate programs) allow and encourage tribal groups to be active participants in salvage research relating to sites of their culture.

Balancing scientific and tribal values within archaeology is a difficult and challenging task but there are many examples of projects in the United States and Canada that have successfully managed
to do this (Dongoske et al. 2000; Nicholas and Andrews 1997; Swidler et al. 1997). For many years, the Society for American Archaeology has published a “Working Together” column in the *SA Bulletin* (http://www.saa.org/publications/saabulletin/index.html) that explores these issues, and which now continues in the new publication that has replaced the *SA Bulletin*, *The SAA Archaeological Record* (http://www.saa.org/Publications/thesaaarchrec/index.x.html). These projects provide models for how archaeologists and indigenous peoples can work together to attain goals that are mutually beneficial to all parties involved, as well as outlining some of the problems and pitfalls associated with trying to develop such programs.

More archaeologists are recognizing that professional responsibilities to scholarship and science need to be balanced with ethical responsibilities to indigenous peoples, and that this is not an easy or straightforward task. Because different values, sometimes hard to reconcile, are involved in this balancing act, the inclusion of indigenous groups from the onset of archaeological projects is necessary. For instance, archaeologists are taught that the dissemination of knowledge through scholarly publication of research is an ethical responsibility, yet this often conflicts with the desire of indigenous people to maintain the confidentiality of esoteric cultural information. Additionally, assertion of intellectual property rights by indigenous communities is often seen to be at odds with academic notions giving scholarly authors ownership over their written works.

Many professional organizations such as the Society for American Archaeology (Champe et al. 1961; Cummings 1988; Lynott 1997; Lynott and Wylie 1995; McGimsey and Davis 1977), the Register of Professional Archaeologists (http://www.rpanet.org/), the World Archaeological Congress (Zimmerman and Bruguier 1994), the American Anthropological Association (http://www.aaanet.org/committees/ethics/ethcode.htm), and the Canadian Anthropological Association (Nicholson et al. 1996), to name but a few, offer codes of professional ethics that govern the actions of their members. It is incumbent upon the members of these organizations to familiarize themselves with these ethical tenets, since they agree to abide by them by virtue of their membership. While some of these codes appear to conflict, they do provide a starting point from which to develop archaeological programs that can better involve American Indians and Canadian First Nations people.

**Tribal and First Nations Programs**

The development of the Navajo cultural resources management program should be seen as a watershed event in the history of American Indian archaeology. The establishment of the Navajo Tribal Museum in 1956 was the beginning of tribal involvement in an archaeological and historical research program. With the formal establishment of the Navajo Nation Cultural Resource Management Program in 1977, the Nation developed “professional anthropological expertise combined with regional archaeological experience and an understanding of Navajo customs” (Klesert 1990:116) to conduct federally mandated archaeological surveys in the American Southwest. Even though the program was developed and has been managed primarily by non–American Indian archaeologists, it is not a tribally operated carbon copy of the dominant Euro-American scientific culture: the Navajo use traditional religious practitioners in the identification of project impacts on sacred sites, shrines, and other localities of importance to the Navajo quite apart from any other archaeological or ethnographic professionals (Begay 1997; Doyel 1982; Martin 1997).

The Zuni, another tribe in the American Southwest, have been involved in cultural preservation programs since the formal establishment of the Zuni Archaeology Program in 1978 (Ayon and Ferguson 1995; Mills and Ferguson 1998). Although the program through the years has been managed primarily by non-Indian archaeologists, the tribe is able to protect its cultural resources in the manner it wishes through a blending of culturally appropriate scientific procedures and the involvement of traditional leaders. Seven Tribal Council Resolutions affirm “the need for and benefits of cultural resources management, and outline the active role the Pueblo of Zuni wants to play in the federal cultural resources management compliance process” (Mills and Ferguson 1998:32). Additionally, the 1991 formulation of the Cultural Resources Advisory Team of the Pueblo of Zuni added another process by which cultural resources are protected by the Pueblo. Mills and Ferguson note that the “Zuni Tribe is fortunate to have its own on-going archaeological program because it provides an interface between the historic preservation bureaucracy and the tribal structure”
(1998:40) in such a way as to help alleviate conflict between the tribe and outside interests.

In 1989, the Secwépemc Cultural Education Society (SCES) of the Secwépemc of south-central British Columbia collaborated with Simon Fraser University (SFU) to initiate an educational program to “establish a native-administered, native-run, post-secondary educational institute” to, among other things, “preserve, protect, interpret, and promote their history, language, and culture” (Nicholas 2000:155). The program offers a bachelor of general studies and a bachelor of arts degrees with both a major and minor in archaeology and anthropology, and, with 15 archaeology courses offered, provides strong methodological and theoretical grounding in archaeology. Additionally, a field school offered jointly between the SCES and SFU provides field experience to interested First Nations individuals (Nicholas 1997, 2000).

Of course the above examples are not the only tribal or First Nations programs actively pursuing archaeological research. As noted, 36 tribal programs in the United States are actively attempting to influence archaeological research on their tribal lands through initiating cultural resource inventories, monitoring compliance proceedings, and reviewing the professional work of archaeologists, and the Kwanlin Dan First Nation of Yukon has taken an active role in the excavation and interpretation of their heritage.

In addition to the tribally operated programs, some governmental agencies such as the United States Department of Agriculture Forest Service offer programs that provide training to indigenous people in archaeological techniques and subsequently employ them as cultural resource technicians on Forest Service projects. Some programs combine academic and on-the-job training as a means of providing indigenous people with opportunities to participate more fully in the archaeological enterprise. Davina TwoBears (2000) discusses how the Navajo Nation Archaeology Department, in conjunction with the Department of Anthropology of Northern Arizona University in Flagstaff, operates a student training program to provide formal credentials to Navajo people. An agreement was set up in 1988 whereby Navajo and other Native American students are eligible to receive training from the Navajo Nation Archaeology Department in archaeological field methods and techniques.

However, the number of American Indians or First Nations members in the field of archaeology is small, with less than 15 individuals with a doctorate in archaeology and perhaps 50 with a master’s degree. Because of this small number, archaeologists with American Indian or First Nations heritage often feel singular in large gatherings of professional archaeologists. TwoBears writes, “At anthropology conferences, I often feel like a walking specimen to be photographed, documented, measured, and dissected. . . . It makes one feel as though a Native American is not even a person or human, but just a very complex, interesting thing” (2000:16).

In spite of this feeling of “Native American archaeologist as a non-human object,” and because of the variety of programs aimed at helping Native Americans develop archaeological skills, an increasing number of indigenous people are working as professional archaeologists. Some of these archaeologists earn graduate degrees, and are employed by universities, museums, and governmental agencies. Other indigenous archaeologists gain their knowledge through on-the-job training and spend their entire careers working for tribal heritage programs. Many more indigenous archaeologists have substantial knowledge and skills, direct fieldwork, and author reports that meet professional standards, yet lack the academic credentials to provide them academic standing equivalent to their non-indigenous counterparts. While there are many non-Aboriginal archaeologists who are in similar situations, the cultural background that many Aboriginal archaeologists bring to the study of the past would seem to warrant additional consideration from archaeologists and anthropologists.

North American Archaeology

To most nonarchaeologists, the primary focus of most archaeological studies is seen to be the cultural refuse of past archaeological cultures, a focus that can perhaps lead to “the glorification of materiality in archaeology” (Wobst 2001). Such a vision is flawed when archaeologists develop models based on durable artifacts (“type fossils”) to define cultures that might not have reality other than in the minds of the archaeologists that first described them. Morphological typologies have allowed archaeologists to compare technological attributes of a series of archaeological sites, but the discussion of such sites as cultures is misleading. Future archaeologists of the United States might establish “.30-06 caliber” cultures or “9-mm” cultures to describe hunting.
camps found in the United States wilderness today, perhaps by correlating the caliber of the spent rifle shell with the beverage containers associated with them. ("It seems that the 9-mm culture had a stronger reliance on bourbon than whiskey, although the higher incidence of wine containers in parts of the south is noteworthy. In contrast, the occurrence of ritually killed beer cans within the .22-caliber culture implies that this group did not find it necessary to use higher-powered ammunition to ceremonially dispatch their quarry.")

Thus, traditional archaeology artificially ascribes meaning and significance to artifacts and limits our ability to describe culture with a capital "C" by emphasizing its products or technology. It seems to place the ultimate importance within the analyst or scientist and disregards many of the intellectual choices made by the individual whose culture is being studied. To describe a Folsom point or any other specialized tool in technological terms certainly increases the scientific understanding of certain aspects of that item, but such a focus can detract from careful consideration of the culture that produced the artifact. When archaeologists focus on artifacts they are looking at culture twice distilled—the most durable artifacts of a culture distilled from the entire range of artifacts that the culture produces, and then the further distillation by the craftsman on the entire range of the cultural ideals. This is seen through the eyes of the archaeologist, yet a third distillation!

Perspectives on the Past

While recognizing that broad generalizations are dangerous, there appears to exist a dichotomy between the wishes of non-Indigenous North American archaeologists and Indigenous North Americans, perhaps as an unintended by-product of the reality of the current situation. When Janet Spector asked, "what are the ramifications of the fact that until fairly recently academic knowledge has been produced almost exclusively by white, middle-class men of European descent, socialized in cultures that discriminate on the basis of race, sex, and class?" (Spector 2000:134), she began an internal questioning that led her to become “acutely aware of the exclusion of Indian people from the creation of archaeological knowledge about their histories and cultures" (Spector 2000:134).

Archaeologists and indigenous peoples often work toward the same goal of protecting archaeological sites, even though their motives for protecting those sites (as well as their ideas of what constitutes “protection”) might be different. As Roger Anyon has noted, “Indians wish to preserve archaeological sites . . . because these sites are an integral and irreplaceable part of their cultural identity and their history as a people . . . to which they retain their links through legends and myths about the land and its people. Archaeologists and concerned non-Indians . . . wish to preserve and protect archeological sites primarily to protect a non-renewable data base that holds part of the record of human adaptive evolution” (Anyon 1991:216).

Additionally, while most archaeologists hold that information on the past should be supplemented by information from documentary history when available, some archaeologists balk at including oral traditions as a viable part of that “documentary history” (Mason 2000), while others embrace it (Whiteley 2002). Many indigenous peoples know the past through traditional histories transmitted by oral performances, ritual observances, dances and other means (Echo-Hawk 1993; Hanks 1997; Kritsch and Andre 1997). While traditional histories can provide important sources of interpretative data about archaeological sites, the fact that oral traditions are sometimes embedded in ritual or esoteric knowledge makes it difficult for some tribal groups to allow their use in scientific research (Anyon et al. 1997). While some tribal groups might allow the use of portions of oral histories and oral traditions within scientific research, their ritual and esoteric foundation is perhaps one of the reasons why they are not used more often.

Native North American Archaeology

North American archaeologists involved primarily within cultural resources or heritage management programs certainly have made a concerted effort to integrate American Indian and First Nation perspectives more into the everyday practice of the discipline, but, in general, archaeologists less constrained by federal legislation are only minimally involved with Indigenous groups. In the United States, major strides in legislative equality were made in the last decade of the twentieth century. The National Museum of the American Indian Act of 1989, the Native American Graves Protection and Repatriation Act of 1990, and the 1992 amendments to the National Historic Preservation Act expanded
the role of American Indians in the regulation of the archaeological enterprise.

These laws gave tribal authorities the opportunity to consult with archaeologists concerning their cultural heritage, to communicate their wishes to the broader anthropological community, and to coordinate intercultural programs aimed at increasing American Indian involvement in the discipline. Tribal groups were granted legal standing to participate in the regulatory processes concerning the protection of cultural resources on tribally owned or controlled land and on federal land from the impact of federally sponsored or federally funded projects. Additionally, they were able to take over responsibility for protection of cultural resources on their tribal lands from state officials under certain circumstances.

The laws also legislated what had previously been only a matter of practice. American Indian human remains were afforded protection under the law equal to that of non-Indian human remains, and procedures were initiated to return culturally affiliated human remains, burial furniture, sacred items, and items of cultural patrimony—items that cannot legally be alienated by an individual within a culture—to tribes and American Indian individuals.

In Canada, the absence of a nationwide law concerning First Nations' heritage indicates a difference of perspective on First Nations issues, but the individual provinces have laws and regulations (e.g., the Ontario Heritage Act and the Ontario Environmental Assessment Act) that influence the practice of archaeology and can allow for the involvement of indigenous people in archaeological research. While there is no nationwide repatriation policy equivalent to NAGPRA or the NMAIA, repatriation has happened in Canada.

But, at the same time, under the same circumstances, American Indian and First Nations perspectives are seen by American Indians and First Nation members to have had limited impact on the practice of archaeology, although more so in some geographical areas than others. The regulatory "concessions" made in recent times to North American indigenous groups are those that should have been the right of those groups as sovereign nations all along; they still are limited in their rights to control their own heritage, and still have to rely primarily upon archaeologists to protect their heritage and that of their ancestors. They must continue to justify their definitions of cultural resources within a framework foreign to them and must also struggle to protect certain areas from disturbance, while at the same time being unable to prevent the wholesale destruction of cultural and heritage sites on private (and sometimes federal) property.

Under the regulation and procedures of the National Historic Preservation Act, American Indian tribes are more often offered the opportunity to comment on the impact of federal undertakings on archaeological and traditional sites within the scope of the project. Even though the federal agency responsible for the project must actively seek out their comment, something not required for other ethnic or interest groups (including archaeologists), the tribes do not have the authority or power to actually prevent a federal project from continuing.

Additionally, volumes have been written about the importance of archaeology and the study of human remains, but to many native North Americans, there is little difference between the disturbance caused by archaeologists and that caused by grave looters. "To them," Devon Miheesuaah writes, "the only difference between an illegal ransacking of a burial ground and a scientific one is the time element, sun screen, little whisk brooms, and the neatness of the area when finished" (1996:233).

Thus, while advances have been made toward integrating the wishes of American Indians and First Nations into the practice of archaeology, these advances are often seen as lateral moves rather than forward advances. Concessions have been made toward allowing North American indigenous groups to become more involved in the protection of their heritage, but such concessions generally have been made within a framework that gives scientists and archaeologists the opportunity to present the recommendations most often taken into consideration by federal land managers and decision makers.

**Future Possibilities**

This paper has discussed some of the differences between American Indian/First Nations perspectives on archaeology and that of non-Indigenous practitioners of the discipline. American Indian and First Nations perspectives concerning archaeology have had some minimal impacts on its practice in the United States and Canada, but there are other concerns that archaeologists could address in order to strengthen their relationships with American Indians.

Archaeologists must recognize that stewardship,
the first principle in the Society for American Archaeology’s Principles of Archaeological Ethics, must be shared between themselves and Indigenous Nations throughout the world. It makes good economic and professional sense for archaeologists to “work for the long-term conservation and protection of the archaeological record by practicing and promoting stewardship” (Kintigh 1996:5) because, without the archaeological record, archaeologists would soon run out of resources that they could study. However, this failure to include Indigenous Nations as equals in that stewardship role implies that it is only archaeologists who “speak” for the people of the past and who are the only ones truly capable of doing so” (Zimmerman 2001:169). This “scientific colonialism” effectively removes American Indians and First Nations from the cultural resource protection sphere, and forces them to compete with archaeologists for the right to protect their own heritage. While the SAA’s second principle of archaeological ethics acknowledges that archaeologist have “accountability” to the various publics that have interests in the archaeological record (Watkins et al. 1995:33), this is a different concept than accepting those publics as equals. Archaeologists must try to integrate North American Indigenous groups more effectively into their attempts to conserve and protect the cultural heritage that is the focus of archaeological study if they are to remove the competitive “us-vs.-them” atmosphere that has permeated the relationship between archaeologists and Indigenous groups.

Additionally, North American archaeologists must find a way to initiate legislation that would extend cultural resources protection laws over heritage sites nationwide over all land, including private land. If archaeologists want to develop stronger partnerships with American Indians and First Nations, extending legal protection over cultural sites on private property would be a major step forward. It is ludicrous to talk of a “national heritage” while at the same time allowing its destruction because of private-property issues. Private-property rights within the United States are closely held and protected by a myriad of laws, but the idea that individuals can “own” heritage sites is foreign to most people worldwide—and North American archaeologists need to find some way to bring their publics into the twenty-first century.

The disjunction between private-property rights and tribal heritage is important because of the removal of Indian tribes from the eastern states and later governmental land allotment policies. What used to be tribal land in the east is now privately owned property, and what used to be tribal heritage is now considered to be privately owned property. Tribes in the eastern United States were socially and physically removed from their homelands, their ties to the land forcibly severed. Indian tribes from the east gave up the ownership and control of their lands. One can argue that the archaeology programs of American Indian groups in the Southwest on the whole are advanced compared to other American Indian groups in the United States because they have been able to maintain physical connection with their land, more than the fact that southwestern cultures have a longer history of contact with Europeans, that they have an easier time demonstrating cultural affinity to the pre-Contact past, and that they have stronger oral histories that tie them to the area.

North American archaeologists also must find a way to better integrate oral tradition into heritage management programs, specifically, and into the scientific enterprise, more generally. As mentioned earlier, some tribes do not wish their oral traditions to become part of the written record (see Anyon et al. 1997), but others are actively using their oral traditions to demonstrate the time depth and variety of their cultures to a sometimes-skeptical scientific world (see Echo-Hawk 1993; Zimmerman and Echo-Hawk 1990). The use of oral traditions can demonstrate the geographical and cultural complexity of indigenous cultures over time. At the same time, scrupulous use of these traditions perhaps can allow archaeologists to extend the focus of their research from one depending on the interpretation of material culture to one that can better illuminate social structures of pre>Contact culture groups. Of concern to many Indigenous groups, however, is the wholesale appropriation of these oral histories into the anthropological record without consideration of the intellectual property rights of the group as cultural stewards of that information.

Summary

Indigenous peoples around the world have made a concerted effort to increase their role in decisions about how (or whether) the archaeological record created by their ancestors should be used in scientific research. As the living descendants of the people who created the sites that are the subjects of
archaeological research, they are directly affected by archaeological activities. In their view, this gives them “standing” in (though not totalitarian control of) the decision-making process concerning the management of the archaeological record.

In The Plundered Past (1973:203), Meyer wrote “the nationalist, the collector, and the curator... each looks upon the past as a piece of property. Another approach is possible—to see our collective cultural remains as a resource whose title is vested in all humanity.” In 1991, Ruthann Knudson wrote “we all have a right to our past, and our past is the worldwide record of the human experience” (1991:3). But while most archaeologists expound the idea of a collective past, others question whether it is the past that archaeologists want, or whether it is control over the stories inherent in the past that archaeologists are pursuing. Larry Zimmerman (1995:66) writes “the problem is control. I sense that... most archaeologists would be reluctant to relinquish control” over the story of the past.

The passage of the National Museum of the American Indian Act, the Native American Graves Protection and Repatriation Act, and the amendments to the National Historic Preservation Act allowed an increased involvement of American Indians in the cultural resources arena. So far, American Indians have utilized these possibilities to expand their control over their heritage, even if that control is within narrow limits imposed by scientists and regulatory agents. In Canada, the absence of an overarching heritage act limits to an extent First Nations’ control over their heritage by requiring them to work within provincial, municipal, and corporate levels of government rather than within a national system.

American Indians and Canadian First Nations have made advances regarding the way that their perspectives have influenced the practice of archaeology in North America, but few aspects of those perspectives have been truly integrated into the discipline. Because of the nature of North America society, cultural resources/heritage management laws recognize scientific values as transcending Indigenous cultural values when it comes to heritage issues, deferring to Indigenous wishes primarily when legal restrictions require such deference. Until archaeologists more fully involve Indigenous populations in collaborative research and are able to represent more fully Indigenous issues, American Indians and Canadian First Nations will continue to be second-class citizens in the cultural resources world of North America, and will continue to feel they are outsiders in a system supposedly designed to protect their heritage.

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