

Consultation, Collaboration and Community Participation: the Archaeological Excavation of Two  
Prehistoric Inupiaq Burials at Kotzebue, Alaska

by

EILEEN DEVINNEY

B.A., University of Pennsylvania, 1988

A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF  
THE REQUIREMENTS FOR THE DEGREE OF  
MASTER OF ARTS

in

THE FACULTY OF GRADUATE STUDIES  
Department of Anthropology and Sociology

We accept this thesis as conforming  
to the required standard

THE UNIVERSITY OF BRITISH COLUMBIA

May 1997

copyright Eileen Devinney, 1997

In presenting this thesis in partial fulfilment of the requirements for an advanced degree at the University of British Columbia, I agree that the Library shall make it freely available for reference and study. I further agree that permission for extensive copying of this thesis for scholarly purposes may be granted by the head of my department or by his or her representatives. It is understood that copying or publication of this thesis for financial gain shall not be allowed without my written permission.

Department of Anthropology

The University of British Columbia  
Vancouver, Canada

Date May 26, 1997

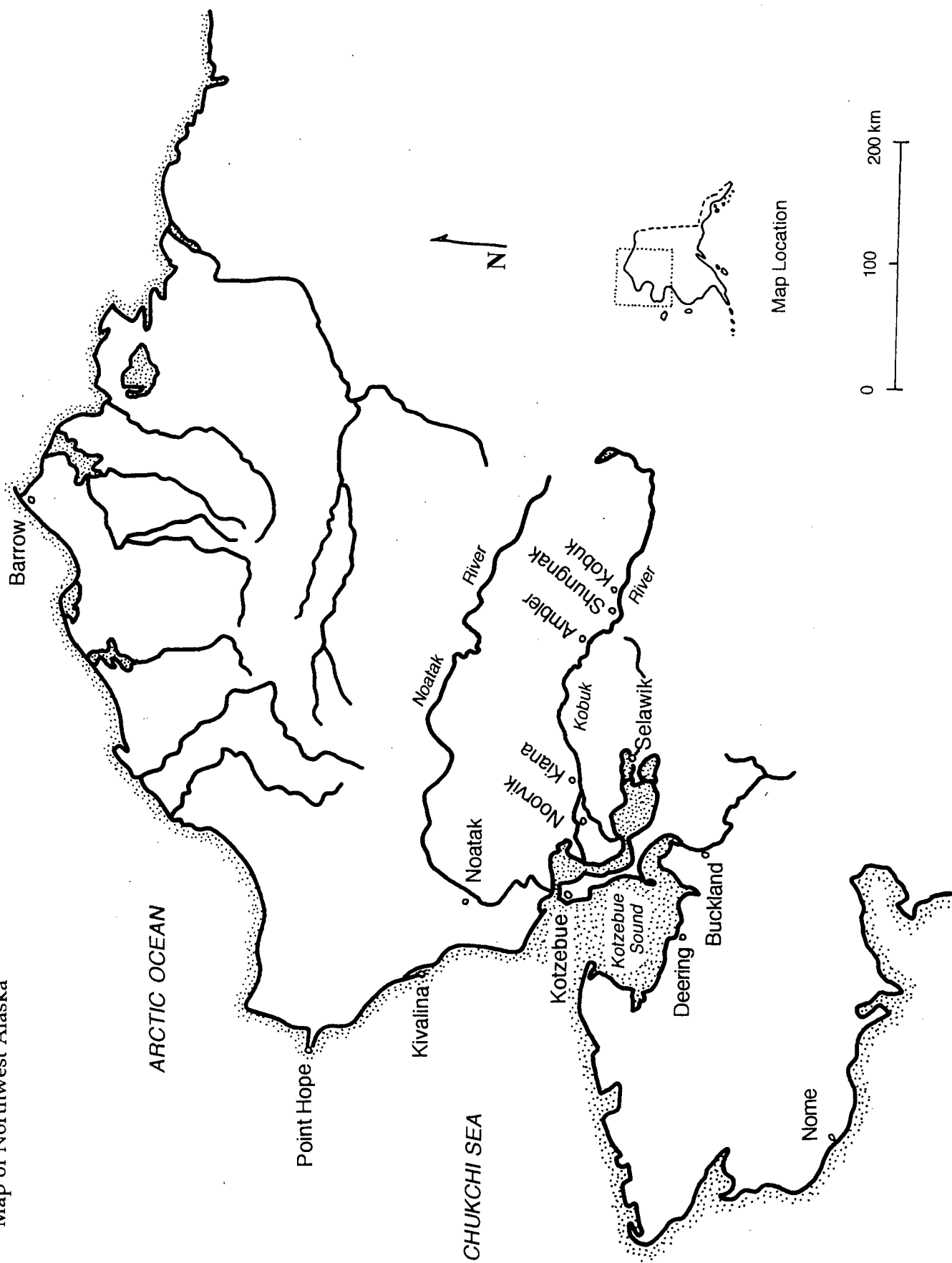
## Abstract

In recent years anthropologists have begun to reflect more upon their obligations to the communities which they study and serve. Native communities have also become more aware of their potential role in decisions affecting aspects of their cultural heritage. Increasingly these two groups have striven to develop collaborative approaches to conducting research. Collaboration among Native Americans, archaeologists, and anthropologists may provide benefits not only to the scientific community, but also to the Native American community. Dialogs and exchanges of information throughout the collaborative process greatly enhance mutual understanding and respect between the many individuals involved. Focusing on a particular incident, this paper explores a particularly sensitive area of archaeological collaboration - the identification and excavation of prehistoric human burials. When a private land owner discovered indigenous human remains on his property in Kotzebue, Alaska, during the summer of 1995, he immediately consulted the local native community and an archaeologist for advice and recommendations in handling the disinterment and relocation of the remains. Archaeological excavation of the remains was recommended and supported, as many felt that it could provide both the community and researchers with valuable data about prehistoric Inupiaq culture. Easily accessible to local residents, the excavation site drew steady crowds of curious onlookers. The immediate sharing of findings at the site created a dynamic atmosphere, fostering greater trust and interest between community members and researchers while also stimulating local interest in Inupiaq history and culture.

## TABLE OF CONTENTS

Abstract	ii
Table of Contents	iii
Map of Northwest Alaska	iv
Acronyms Cited in the Text	v
Acknowledgment	vi
Introduction	1
The Search for Successful Models	2
Field Methods	5
A Brief Introduction to Kotzebue	7
The Monson Site	10
Background	10
The Excavation	12
Examination of the Process and Public Response	24
Reconstructing Past Events	24
Inupiaq Relationships to Burials	25
Inupiaq Beliefs and Attitudes Towards Burials	26
Options and Considerations	28
Addressing Future Finds	33
Representation of the Native Community	33
Alternative Legal Protections	37
Models and Policies from Other Native Communities	38
State Legislation	40
Conclusions	42
Bibliography	45

Map of Northwest Alaska



## Acronyms Cited in the Text

AHPA	Alaska Historic Preservation Act
IRA	Indian Reorganization Act
KEC	Kotzebue Elders Council
NAGPRA	Native American Graves Protection and Repatriation Act
NANA	Northwest Arctic Native Association
NPS	National Park Service
NSB	North Slope Borough
NWAB	Northwest Arctic Borough
USC	United States Code
USDOI	United States Department of the Interior

## Acknowledgment

I am grateful to the many people who were willing to share their thoughts and knowledge with me throughout the course of my research. As death and burial can be sensitive topics, I am most appreciative of contributors who spoke despite their unease.

First, I thank Tom and Rhoda Monson for allowing me to write about the excavation on their property. I am also grateful to the Kotzebue Elders Council for their support of my research project. Among those Kotzebuians deserving my greatest appreciation are Elmer Armstrong, Helen Schaeffer, Walter and Ruth Outwater, William Jones, Harriet Blair, Martha Whiting, Elmer Goodwin, John Erlich, Richard Erlich, Ed Kootuk, Bernie Savok, Charles Henry, Ruth Sampson, and Victor Karmun. Special thanks must go to Jonas Ramoth for his insight and invaluable assistance; to Esther and Dick Norton for a wonderful afternoon of storytelling in their home; and to Robert Gal for his input and assistance with field arrangements.

I am also indebted to the staff of Northwest Alaska Areas, National Park Service, for their assistance and support during my stay in Kotzebue. In Anchorage, Dr. Christine Hanson, Steve Klingler, Michele Jespersen, and Joan Dale were of tremendous help and I thank them for their time and insights.

My committee members, Mike Kew and Julie Cruikshank, also deserve special recognition for their support and encouragement, particularly during my final year of study, so far from the University of British Columbia. Louise Jackson, is due equal praise and thanks for her unrelenting support and assistance throughout my studies.

In addition to acknowledging the many individuals who assisted me in my work I feel compelled to note that I have had to make numerous generalizations throughout this work in speaking of a community with diverse opinions and views. Although I have striven to be as accurate as possible, any oversights or errors are entirely my own.

"At present Aboriginal people are beginning to gain a greater insight into the nature and purpose of archaeology, mainly because consultation is occurring....communication is occurring, views are being more clearly expressed, and the intentions of both groups are somewhat better understood" (Murray 1993:111).

### *Introduction*

In recent years archaeologists and anthropologists have come to reflect increasingly upon their obligations to the communities which they study and represent. While many individuals and institutions have actively consulted and collaborated with Native American communities for years, others are only beginning to do so.

Concurrently, many native peoples have begun to exert greater control over the study and interpretation of various aspects of both material and non-material culture. For a variety of social, political and economic reasons, native communities have had varied success in establishing policies and programs which address and reflect their unique perspectives (cf. Adams 1994, Ferguson 1984, Klesert and Andrews 1988).

Perhaps the most conspicuous issue in the recent dialog between Native Americans and archaeologists has been the treatment and disposition of indigenous human remains found in archaeological context. Ethical, moral, and legal issues surrounding the excavation, handling, analysis, preservation, and storage of Native American human remains have been the subject of numerous conferences, books, and articles (Adams 1984, Bowman 1989, Bray and Killion 1994, Hubert 1992, Klesert and Andrews 1988, Goldstein and Kintigh 1990, Reeve and Kennedy 1993, Meighan 1992, Rosen 1980, Price 1991).

Since the 1970s, organizations such as the Native American Rights Fund, the National Congress of American Indians, and American Indians Against Desecration have lobbied vigorously for the rights of all Native Americans in the areas of indigenous burial protection and human remains repatriation (Beider 1990:239). The efforts of these and other groups laid much



of the foundation for the passage of the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA).

Much of the discussion of the implications of the NAGPRA has focused, understandably, on relationships between Native Americans and museum professionals and their dialog regarding the fate of human remains already in the possession of museums and universities. However, the NAGPRA also contains protocol for dealing with inadvertent discoveries of human remains on federal and tribal lands, stipulating that excavation may only take place following consultations with "the appropriate Indian tribe or Native Hawaiian organization pursuant" (USDOI 1995:62160). Requiring consultation and consent seems entirely appropriate; determining who the "appropriate" people or organizations are in specific cases, however, can be extremely difficult. There is enormous variation in political, tribal and cultural organization among Native Americans.

In Native Alaskan communities it is not uncommon for a researcher or scientist seeking consent for a given project to be faced with a multitude of political and social organizations, with no clear sense as to which party or parties would constitute "the appropriate organization" to approach. Indeed, community members themselves may be at a loss to identify such parties.<sup>1</sup> In this era of new legislation and increased consultation, how are native communities responding? What sorts of models are available to assist native communities and researchers in the consultation process?

### *The Search for Successful Models*

While working in Kotzebue, Alaska, during the summer of 1996 I was shown a collection of archaeological material belonging to local resident Tom Monson, excavated the previous year from a prehistoric Inupiaq burial site. The site was found to contain the remains of two individuals, one male and one female. Among the artifacts found in proximity to the buried male were assorted hunting paraphernalia, manufacturing tools, and fishing equipment. The female

---

<sup>1</sup> See Conn 1985 for in-depth and informative discussion of Alaskan village councils.

had been laid to rest largely with fishing and sewing equipment, much of which exhibited delicate and ingenious craftsmanship.

Although impressed by the artifacts themselves, I was immediately drawn to the context of their origin: prehistoric human burials. I soon learned that excavation of the burials had been carried out by professional archaeologists at the request of the land owner and local Elders. Following the excavation, a decision had been made to reinter the human remains at a more suitable location and to display the artifacts to the public. As the excavation of ancient human remains in the United States has become a rarity in recent years I became curious as to how and why this type of archaeological work had taken place.

Among a myriad of concerns were: why was the burial scientifically excavated? was excavation sanctioned by local native entities? who was consulted? how were consultants selected? how did the consultation process take place? what justifications were presented for disturbance? were any restrictions or stipulations imposed on the project? are there existing local or regional policies for dealing with such excavations? to what extent was the community involved in the final decision to exhume the remains?

During my initial stay in Kotzebue, several locals, both native and non-native, commented on how much they and the community had been able to learn about archaeology and prehistoric Inupiaq<sup>2</sup> culture as a result of the public excavation. Archaeologists who had participated in the excavation remarked on numerous occasions that this particular project had been a very rewarding, unique and positive experience for them and for the community. The property owner, local Elders, archaeologists and community members all contributed to the experience by providing guidance, input and enthusiasm.

---

<sup>2</sup> The Eskimo peoples of the Kotzebue region refer to themselves as Inupiat (plural). Inupiaq is the language of the Eskimo peoples of northern and northwestern Alaska. It may also be used as an adjective or to refer to a single person. Although considered inappropriate in Canada, the term Eskimo is widely used and accepted by Native Alaskans. It is generally preferred that one use the appropriate socio-linguistic term (Inupiaq, Yup'ik, Alutiiq, etc.) when referring to a particular Eskimo group.

Several newspaper reports published in *The Arctic Sounder*<sup>3</sup> in the summer of 1995 focused attention on the excavation. Of particular interest were various on site interactions between Kotzebue Elders, the archaeological crew and the general public. The tone of the articles was consistently positive and upbeat, creating an impression of widespread enthusiasm and support.

On the basis of early conversations with a number of townspeople, I proposed to explore the interactions and collaboration between the native community and the archaeologists with the intention of illustrating a well conceived and well received plan of action for dealing with the very sensitive subject of prehistoric human burial excavation. Upon obtaining approvals from my advisory committee, I returned to Kotzebue in February 1997 to learn more about the case. I had hoped to provide scholars and native communities with a model (or set of general guidelines) for handling accidental finds of human remains, particularly those which, due to precarious circumstances, require rather immediate action for removal and reinterment. I was especially interested in learning which community members were involved in the process and how those individuals arrived at their decisions.

Although many positive aspects of this case were reinforced throughout the course of my field research in Kotzebue in February and March of 1997, I quickly began to hear other views and divergent opinions as people revisited the decision. This, of course, is not at all surprising, as no community can be expected to be of one mind. In addition, it became very clear from responses in early interviews that the community had no existing protocol or general guidelines for handling accidental finds of human remains.

Two years have now passed since the consultation and excavation took place. Memories fade and details are forgotten over such a time period. In addition, the ad hoc nature of the process resulted in a scant 'paper trail' which otherwise might have proved helpful in 'filling in the

---

<sup>3</sup> *The Arctic Sounder* is a northern publication serving "the communities of the Northwestern Arctic Borough, the North Slope Borough and Norton Sound" (essentially from Kaktovik in the east to Unalakleet in the west).

gaps.'<sup>4</sup> It may also be noted that it is not at all uncommon for Inupiat to come to a final agreement on issues verbally; decisions may never be committed to paper, yet are considered as binding as written agreements.

Thus, a study that began as an examination of the circumstances surrounding a mutually beneficial collaboration became a deeper exploration of one native community's response to the disturbance of ancient human remains and the legal protections provided by the laws of the State of Alaska in cases of human remains interred on privately held lands. As is the case with most research, far more questions were raised than answered. Nevertheless, the nuances of this case may serve to illustrate some of the complex realities of the consultation process, as well as highlight an area of Alaskan legislation which requires clarification or amendment in order to protect all marked and unmarked burial sites within the state.

### *Field Methods*

Time and funding constraints, as well as complications in arranging for my stay in the community, resulted in a two month period for conducting my field research. Obviously, a lengthier stay in Kotzebue would have been preferable in terms of providing greater opportunities for establishing myself in the community and meeting more individuals, possibly yielding a greater depth and breadth of information. Had funds been available, I would have like to hire a local student to accompany me to interviews. This would provide the student with experience in conducting interviews and recording oral histories while simultaneously providing me with a link to the community and a familiar face for the interviewees. I hope to be able to plan for such additions in future research projects.

During the months of February and March, I was able to find accomodation in a centrally located apartment managed by the United States Department of the Interior. Upon arriving, I focused attention on making local contacts, attending meetings, interviewing individuals, and

---

<sup>4</sup> In fact, virtually all of the written documentation referred to in this paper came from the files of the National Park Service.

participating in local activities (such as judging student projects at the local science fair). One of the most difficult aspects of conducting the field research was becoming known and trusted within the community. Understandably, people are generally hesitant to share thoughts and feelings with an unknown individual, particularly when informed that the questions being addressed are associated with a research project.

I was fortunate to have established friendships and professional connections with a number of individuals in Kotzebue prior to my research stay. Jonas Ramoth proved to be an invaluable bridge between myself and the community, introducing me to members of the Elders Council and others who might agree to share thoughts on the subjects of death, burial, archaeological excavation, and reburial. Although English is widely spoken, Inupiaq was used on several occasions during interviews and discussions. In those instances, Jonas kindly translated conversations for my benefit. In all, I interviewed a total of twenty individuals.

Most interviews were conducted in one sitting. Audio tapes of interviews were made only when agreed upon by the interviewee. Audio tapes were fully transcribed while in the field with the exception of a few Inupiaq passages. While the original tapes and transcripts remain in my possession, copies will be provided to each participant when I travel to Kotzebue in the fall of 1997 to meet again with the Elders. On occasions when tape recording was either impossible or inappropriate, I elected to take notes, either during the discussion or directly following.

One of the greatest obstacles encountered was clearly communicating my aims to the local community; I wished to learn how individuals viewed their relationship to historic and prehistoric burials in the region, to gain a sense of traditional views of proper behavior near burials, and learn how the residents of Kotzebue wished to deal with incidental finds of human remains on the landscape. For a number of weeks, it was apparent that many people were somewhat confused as to my purpose, assuming that I wished to obtain this information with an aim to archaeologically excavate other Inupiaq burial sites. Fortunately, two individuals were able to clarify my purpose, translating it into Inupiaq for those who were unable to understand the

manner in which it had been expressed by myself. I am extremely grateful for their assistance and perseverance.

### *A Brief Introduction to Kotzebue*

Accessible only by air or sea, the village of Kotzebue<sup>5</sup> is located in northwestern Alaska, approximately thirty miles above the Arctic Circle. Situated at the far northwestern tip of the Baldwin Peninsula, Kotzebue is bordered to the north and west by Kotzebue Sound and Chukchi Sea, and to the east by Hotham Inlet (locally referred to as Kobuk Lake). The Inupiaq name for the village site is Qikiqtagruk,<sup>6</sup> meaning "almost an island", referring to the fact that lagoons and sloughs in the vicinity virtually formed an island of the northwestern shoulder of the peninsula.

Built upon a series of gravel beach ridges sloping towards the sound, the village began as a strand of sod (and later frame) houses along the waterfront. Archaeological and ethnographic evidence reveal that Inupiat have, for centuries, erected summer hunting encampments on the gravel beaches of the sound and winter dwellings in the tundra regions beyond the beaches (Lincoln 1992:234-235, Giddings 1967:14, Stern 1982:140). Traditional subsistence activities in the area of Kotzebue included hunting for seal, beluga whale, waterfowl, and land mammals such as caribou; fishing yielded a variety of species including salmon, tom cod, herring, and sheefish (VanStone 1955:75).

Modern settlement of Kotzebue began with the establishment of the Society of Friends Church and school in 1897. A series of misfortunes, including devastating declines in caribou and reindeer populations and Depression Era fur market declines, led many families to Kotzebue throughout the 1930s. Native and non-native settlement increased steadily into the 1940s and 1950s (Burch 1984a:314).

---

<sup>5</sup> Throughout this paper I use the term village rather than city to describe Kotzebue because its character is much more that of a village than a city.

<sup>6</sup> Alternate spelling is Kikiktagruk.

With a current population of approximately 3800, Kotzebue has become a center of transportation, commerce and communications for the region. The overwhelming majority of residents in Kotzebue and surrounding villages are Inupiaq.<sup>7</sup> Kotzebue's population includes significant numbers of Euro-Americans, Korean-Americans and a rather small number of Hispanic and African-Americans. Kotzebue's Inupiaq population is a mixture of peoples from throughout the area, as well as descendants of those families which traditionally inhabited Qikiqtagruk.

Today, Kotzebue is home to a host of local and regional organizations serving various political, social, and cultural needs of the people of the region. For a variety of reasons, local leadership has evolved over the past few decades from governance by traditional village councils to formal, western bureaucratic organizations such as city, borough, and village governments, as well as native corporations. The following is a synopsis of a complex matrix of governing organizations.

Kotzebue is the seat of the Northwest Arctic Borough which includes the following smaller villages: Kivalina, Noatak, Deering, Buckland, Selawik, Noorvik, Kiana, Ambler, Shungnak, and Kobuk (see map, p. iv). These villages are also served by NANA Regional Corporation. Under provisions set forth in the 1971 Alaska Native Claims Settlement Act, Alaska was "divided into 12 Native regions each of which constitutes the domain from which one regional corporation could select land and from which it would recruit its shareholders" (Burch 1984b:658). The village of Kotzebue has its own local corporation, Kikiktagruk Inupiat Corporation. The smaller villages in the region were unable to maintain their local corporations and merged with NANA Regional Corporation in 1976 (Burch 1984a:315).

In addition, Kotzebue has a local Indian Reorganization Act Council (IRA Council). Each of the eleven villages in the region has its own Elders Council, all of which are united under a Regional Elders Council headquartered in Kotzebue. The IRA Councils and Elders Councils

---

<sup>7</sup> Tour Arctic [www](http://www.tourarctic.com) homepage indicates that Inupiat comprise 80% of Kotzebue's population.

represent traditional governing bodies. Sorting out and establishing governing authority among so many organizations has often been quite difficult for both locals and outsiders.

The villages of the 'NANA Region' have traditionally been linked through trade and kinship. Peoples of the inland waterways annually travelled down river to the coasts of Kotzebue Sound in springtime to hunt sea mammals and trade items such as caribou and fish for seal oil and other coastal products (Lincoln 1992:235). In fact, oral history and early European travellers' accounts (Nelson 1899, Murdoch 1892) note that Kotzebue and neighboring Sheshalik Spit<sup>8</sup> supported large seasonal trade fairs, attracting peoples from as far away as Norton Sound, Kobuk, Point Hope, and East Cape, Siberia (VanStone 1955:76).

Subsistence continues to be an important part of Inupiaq life. Local businesses (restaurants, grocery stores, airport, shops) and various governmental agencies (city, borough, state and federal) provide employment opportunities, although unemployment is significant. Red Dog Mine, located in the western Brooks Range approximately 180 kilometers due north of Kotzebue, employs a number of the region's residents.

---

<sup>8</sup> Alternate spelling is Sisualik.



## *The Monson Site*

### *Background*

Both Inupiaq oral tradition and the archaeological record indicate that Kotzebue and the surrounding region have been inhabited for many hundreds of years. As a result of such lengthy occupation, the lands upon which the modern village rests are rich in artifacts and evidence of human activity, among them isolated and communal human burial sites. Accidental finds of osteological material and products of human activity are common. Some local inhabitants collect artifacts from the surrounding countryside for their personal collections or for public sale. Most villagers take care to avoid collection in the vicinity of known burials out of both fear and respect for the dead.

Because they tend to employ heavy equipment, excavating extensive holes and trenches, construction projects have the greatest potential for unearthing hidden features. In the arctic environment, even shallow excavations can result in exposure of prehistoric sites. Although development often leads to accidental finds, local and regional agencies have no specific guidelines to be followed should an archaeological feature, or burial, be unearthed. Quite often, construction crews are left to their own judgment as to whether to halt work for further examination and consultation, or to continue with the project.

On at least one occasion in recent memory, a construction crew excavating water lines with a backhoe consulted the local archaeologist after exposing isolated prehistoric human remains. The crew elected to make slight modifications to the path of the utility trench in order to protect the integrity of the burial. Unfortunately, a subsequent crew, perhaps unaware of the burial or uninformed of the decision, continued on the path of the original trench, severely disturbing the site (P13<sup>9</sup>, personal communication, February 12, 1997).

---

<sup>9</sup> To retain confidentiality, most interviewees remain anonymous in this paper. Each is referred to by a unique identifier. Those individuals with public roles in the proceedings are named in the text, as their identities and roles are well known.

Similarly, human remains and other archaeological features discovered on private property are in a potentially precarious situation. Currently, responsibility for protections and care of burials on private lands lies solely in the hands of property owners. This case study provides an examination of the events surrounding the excavation and movement of two prehistoric human burials from a private lot located in the village of Kotzebue.

Issues raised in the case include both difficulties encountered when attempting to engage in native consultations and the compromises required to act within culturally accepted parameters while facing the realities of living in a modern community. This was by no means the first case of human remains discovered on private property in Kotzebue, however, it does represent the first incident in which the disturbance of such a site has been dealt with in a public forum, bringing to the forefront legal, ethical, and moral issues.

When Inupiat discover the existence of human remains on their property, they generally avoid contact with them, electing to "leave them be." If necessary, individuals may choose to carefully and respectfully gather loose bones and move them to a more protected location nearby. This is done largely in private, without consultation or comment. In cases where ancestry is known, it is considered proper to consult living descendants prior to taking action which would disturb the remains. Quite often, knowledge about remains very near the surface is beyond personal memory. Indeed, many shallow graves date well before contact. Proximity to the surface is due to the slow deposition of soils and overgrowth in the arctic, as well as difficulties in digging through hardened soils and permafrost.

Understandably, many local Inupiat feel that their knowledge of traditional beliefs regarding the care of human remains uniquely qualifies them to take appropriate action without the necessity of consulting others or making a more public case of the matter. However, the modern population of Kotzebue includes a mixture of peoples, many of whom are unfamiliar with Inupiaq beliefs and practices, thereby necessitating consultations and assistance.

This case may be viewed as an example of the positive manner in which the science of archaeology may be applied in situations where it is determined that ancient burials must be

relocated. When deemed acceptable by Inupiaq communities, scientific excavation has great potential for allowing the community and scholars to gain valuable scientific and educational information regarding the heritage of Inupiaq peoples. In addition, this case provides a forum for further discussion of western legal protections for the care and disposition of such burials found on private lands within the state of Alaska and highlights several cultural concerns regarding prehistoric human burials not addressed in current state or local legislation. What follows is a discussion of the events and circumstances surrounding the excavation on the property of Tom Monson in 1995.

### *The Excavation*

On July 9, 1995, as Kotzebue residents Wilbur Skin and Tom Monson were moving two fish buying shacks from a section of Mr. Monson's property, one of the structure's skids struck a human skull that had been protruding slightly above ground level. The small portion of discolored cranium was the sole evidence of a burial beneath the surface. Monson acted immediately, phoning the Kotzebue City Police. Representatives of the Kotzebue City Police and local Alaska State Troopers arrived on the scene within minutes and commenced their investigations, treating the area as a potential crime scene, erecting police flagging tape around the perimeter of the site.

As in many other states, until such time as the relative age and cause of death have been determined, human remains found in isolated, unmarked graves are treated as potential crime scenes under current Alaska law.<sup>10</sup> Thus, law enforcement officials are often likely to be involved in the initial stages of investigation of any reported finds of human remains. This fact concerns some Inupiat who perceive it to be excessive, intrusive, and inappropriate. Inupiat familiar with the history and cultural landscape of Kotzebue, and those knowledgeable of characteristics of traditional unmarked burials, feel that they are far more qualified to identify "old burials" and do not need investigators poking around, making ill informed judgments.

---

<sup>10</sup> See Smith 1984:141-2 for examples of exceptions.

During the initial examination, a State Trooper dug three separate shovel tests in order to gain a better sense of what lay beneath the surface. Several artifacts were found in each of the test pits, some of which were reburied while others were retained by the troopers for safekeeping.

In the absence of complete exposure of the remains, it was difficult for local authorities to determine the age of the site. Alaskan law enforcement officials have drafted policies to assist their employees in addressing the discovery of ancient burial sites in rural locations.<sup>11</sup> This policy encourages officers to employ the expertise of state approved archaeologists for assistance with identification and recommendations for further action. The investigators present at the site informed Monson that they were unable to adequately identify the remains as prehistoric, although the artifacts unearthed in the shovel tests lacked post-contact materials, supporting the assumption that it was a prehistoric indigenous burial.

Law enforcement officials also knew that the likelihood of this being the site of a recent crime was rather slim. In a community as small as Kotzebue it quickly becomes common knowledge when persons go missing. At the time of discovery, only three persons were known to be missing, all from accidents on nearby waterways.

The criminal investigators elected to consult an archaeologist for verification. Most rural Alaskan communities lack a resident archaeologist. However, Kotzebue is the center of operations for the Northwest Alaska Areas office of the National Park Service which employs one permanent archaeologist. Unfortunately, at the time of the find, archaeologist Robert Gal was in the field with his summer crew. As the only remaining option would have been to fly in an expert from Fairbanks or Anchorage, both considerable distances from Kotzebue, a joint decision was made to wait several days for the archaeologists to return to town.

In the meantime, the site was patrolled by local law enforcement officers and representatives of the Kotzebue Indian Reorganization Act Council (IRA Council) to ensure that

---

<sup>11</sup> In response to increased awareness of human remains found in archaeological context, law enforcement officials throughout Alaska held meetings with representatives of the Office of History and Archaeology in 1989, drafting Department of Public Safety policies for investigations. The State Office of Historic Preservation also produced a brief "Guide for Law Enforcement Officers" entitled "What to do when human bones are discovered." (see files of Office of History and Archaeology for related correspondence).

it was not disturbed or damaged by curious individuals. In small communities, word of an unusual event spreads rapidly and this is particularly true of an unexplained death or unsolved mystery. Quite a few people had gathered at the scene shortly after the police arrived on July 9. It is rare for police tape to be seen in town, so the scene, located along a busy roadway, was extremely eye catching.

Four days later, on July 12, 1995, Gal was able to examine the remains on the Monson property. Prior to the examination, he requested that representatives of the Kotzebue City Police, the Alaska State Troopers, the IRA Council and the Kotzebue Elders Council (KEC) also be present. In the course of his investigation, Gal examined the artifacts and shovel test pits made earlier. Several more artifacts of Inupiaq origin were revealed when further explorations were made.

Among Gal's conclusions were that the skeleton was that of an adult individual in a flexed position which appeared to have been "essentially undisturbed" prior to the recent incident. Artifacts unearthed in the survey of the site included sled parts and men's paraphernalia, all of which appeared to be directly associated with the interred remains. According to Gal's report, several of the findings were consistent with "historical accounts of burials in the late 1800s and archaeologically documented burials from earlier times at Point Hope" (R. Gal letter to Hon. R. Erlich, July 14, 1995).

Gal's final recommendation to the local magistrate, the Hon. Richard Erlich, and land owner Tom Monson was that the site be protected or scientifically investigated citing that "no graves dating to the 15th-16th Century have been scientifically excavated at Kotzebue". Furthermore, he commented that "this discovery on Tom Monson's property, if scientifically investigated, presents a unique opportunity to preserve, for future generations, a glimpse of traditional belief and custom" (R. Gal letter to Hon. R. Erlich, July 14, 1995).

During this cursory archaeological examination, it became quite apparent that the site was no longer a suspected crime scene, essentially terminating law enforcement intervention. Concurrently, Tom Monson and three KEC representatives met in the Monson home to discuss

possible plans for the disinterment and subsequent reinterment of the human remains and the final disposition of the artifacts.

In the days following the discovery, IRA Council staff had become deeply concerned with the issue of ownership of the artifacts and human remains contained in the site. As the 'Traditional Council' of Kotzebue, the IRA Council felt that it likely had title to the remains and any associated artifacts. Several individuals also questioned whether the Native American Graves Protection and Repatriation Act was applicable in such a case (P11, personal communication, February 19, 1997). As the discovery of ancient human remains on private lands had never before been dealt with in a public forum, the legal aspects were not familiar to any of the parties involved. Local magistrate Hon. Richard Erlich was charged with the task of consulting federal and state law to make a final determination.

Under the NAGPRA, human remains may not be disturbed by any party without prior consultation with "appropriate tribal officials" (USDOJ 1995:62141, see also section 10.4 "Inadvertent Discoveries"). Although the NAGPRA offers specific protections to ancient human remains, it applies only to remains located on federal and tribal lands. As the scope of the NAGPRA offers no legal protection to human remains interred on state or private lands, it was not applicable in this case.<sup>12</sup> Realization of the limitations of the NAGPRA came as both a surprise and disappointment to many local Inupiat who had assumed that the federal law protected their interests in all such sites.

Within the state of Alaska, modern human remains fall under the jurisdiction of the Department of Public Safety and the Office of the Coroner. Conversely, ancient human remains are characterized as being archaeological in nature and fall under the stewardship of the Office of History and Archaeology, Department of Parks and Outdoor Recreation. As such, most ancient human remains found in the state of Alaska are protected under the Alaska Historic Preservation

---

<sup>12</sup> This particular shortcoming was addressed in the Draft 1993-94 NAGPRA Review Committee Report to Congress. At that time, the committee recommended "that Congress consider legislation to protect Native American and Native Hawaiian graves located on state or private lands from grave robbing and other forms of destruction." (USDOJ n.d.:3) This recommendation was noted in printed responses to public comment but deemed to be beyond the scope and jurisdiction of the federal law (see USDOJ 1995:62141).

Act (AHPA) (revised 1992). The following are included under AHPA, Sec. 41.35.200, "Unlawful Acts":

- "a) A person may not appropriate, excavate, remove, injure, or destroy, without a permit from the commissioner, any historic, prehistoric or archaeological resources of the state.
- b) A person may not possess, sell, buy or transport within the state, or offer to sell, buy or transport within the state, historic, prehistoric or archaeological resources taken or acquired in violation of this section or 16 U.S.C. 433.
- c) A person may not unlawfully destroy, mutilate, deface, injure, remove or excavate a grave site or tomb, monument, gravestone or other structure or object at a grave site, even though the grave site appears to be abandoned, lost or neglected." (p. 6)<sup>13</sup>

The law is rather vague in that it fails to identify precisely which Alaskan lands are protected. Alaska's office of the Attorney General has, in the past, interpreted the AHPA as applying to *all* lands located within the state of Alaska, although this remains open for interpretation (J. Dale, personal communication, April 1, 1997, Price 1991:45).

In this particular case, Alaska State Archaeologist Robert Shaw informed the Hon. Richard Erlich that both artifacts and human remains found on private land are under the legal stewardship of the land owner and are not subject to the Alaska Historic Preservation Act (Hon. R. Erlich letter to T. Monson of July 17, 1995, with copy to R. Gal). The only legal requirement was application for burial transit permits through the local magistrate who was able to act in the role of coroner for the state of Alaska. Thus, the disposition of the remains and any associated artifacts was at the discretion of the land owner.

Although Tom Monson is not himself a Native Alaskan, his wife Rhoda is Inupiaq and grew up in the region. Both immediately recognized the propriety of contacting and consulting representatives of the Kotzebue Inupiaq community before taking any action. Once the final determination of ownership/stewardship had been made, the IRA Council ceased to play an active role in the proceedings. In reconstructing the events, it appears that Monson relied largely on the advice and recommendations of three respected Elders who were active in the KEC.<sup>14</sup> This ad

<sup>13</sup> 16 U.S.C. 433 relates to the U.S. Antiquities Act of 1906.

<sup>14</sup> It is not entirely clear as to why the KEC board as a whole was not addressed. Several sources indicated that it was difficult to reach many of the board members at the time. Some were likely

hoc committee of KEC members was assembled rather quickly by a KEC member who happened to have been at the site.

The Kotzebue Elders Council and its members are placed in a potentially awkward position in such cases because they cannot exert any political authority over final decisions. Rather, the role of the Elders is to *offer advice* on cultural matters to individuals and they do so only when called upon by individuals or groups. In making recommendations, the Elders take into account the viewpoints of those involved so as to arrive at a solution that is amenable to all parties (P5, personal communication, March 3, 1997).<sup>15</sup> In this case, the Elders were also keenly aware that western law placed much of the legal power in the hands of the land owner.

The National Park Service was able to provide personnel and expertise under provisions set forth in the Alaska National Interest Land Claims Act of 1980. These provisions state:

"...the Secretary may, upon the application of a Native Corporation or Native Group, provide advice, assistance, and technical expertise to the applicant in the preservation, display, and interpretation of cultural resources, without regard as to whether title to such resources is in the United States. Such assistance may include making available personnel to assist in the planning, design, and operation of buildings, facilities, and interpretive displays for the public and personnel to train individuals in the identification, recovery, preservation, demonstration, and management of cultural resources" (16 U.S.C.S. 3206)

A private land owner may not apply for assistance under this provision. However, in this case, the formal request for archaeological excavation came from the Kotzebue IRA Council and the KEC, both of which are eligible for such assistance.

Monson consulted with the ad hoc committee of local Elders, some of whom had already been on site as curious onlookers. At least one of the Elders present during the discussions felt that the scientific excavation would be beneficial for the advancement of local Inupiaq culture

---

engaged in summertime subsistence activities which took them out of town, while others were in Nome, Alaska, attending the Inuit Circumpolar Conference.

<sup>15</sup> According to at least one KEC member, Elders tend not to voice their disappointment when they are not consulted on a given issue. Thus, the authority of the Elders rests in the respect and interest of the community in approaching them for their expertise and cultural knowledge. There are currently fears among some that the Elders are not being consulted in matters which they feel should include their perspectives and cultural expertise.



and heritage if conducted in a sensitive manner (P5, personal communication). A decision was made to scientifically remove the remains for reinterment elsewhere.

The decision to excavate the site scientifically was based on a variety of factors. Perhaps among the greatest concerns was the fact that the site had become so well known through word of mouth, local radio reports on KOTZ, and articles printed in *The Arctic Sounder*. There was a fear that the site had become vulnerable to further damage and looting. The land owner also felt that the human remains deserved a more suitable resting place, away from his heavily used property. Monson viewed excavation as the preferred option, based on its educational potential and the possibility of offering opportunities to enhance local knowledge and awareness of Inupiaq heritage.

Both the remains and artifacts were the legal property of the land owner, however, Monson had no interest in taking possession of the human remains. The ad hoc KEC committee proposed to Monson that the Elders be granted permission to rebury the remains at a location to be determined by them once the excavation and analysis had been completed. The oral agreement stipulated that the Elders and the IRA Council be solely responsible for organizing and carrying out the reinterment of both sets of remains.<sup>16</sup>

The land owner elected not to retain title to the human remains; he did, however, chose to exert his legal right to keep the artifacts associated with the burials. The disposition of the grave goods and all artifacts found in the vicinity of the remains was of great concern to the Elders and others. There remain differing views within the local community as to whether all grave goods should be reburied along with the osteological material.

Some see complete reburial as the only appropriate action. Others are inclined to support decisions to retain select grave goods which may have educational potential. Fears of losses through looting of burial sites known to contain grave goods also influence opinions. When the

---

<sup>16</sup> At the time of writing, reinterment has yet to take place. Confusion as to who specifically was to organize the burial and changes in KEC and IRA Council staff have hindered the process. Increased awareness as a result of this research has lead to tentative plans to rebury the remains during the summer of 1997.

issue of grave good reburial was raised with one interviewee his response was "Why? so that some people could dig it up later?" (P6, personal communication, March 12, 1997).

Monson and the Elders came to a verbal agreement that the artifacts would be neither sold nor separated; the complete set of artifacts were to remain in the village. In addition, Monson proposed to make the artifacts accessible to the public through the creation of a small display to be erected in a local public building. Stipulations regarding the sale and removal of artifacts reflect growing concerns among many Inupiat that the vast majority of products of their cultural heritage are acquired by art dealers or sent off to museums and universities in Alaska, the Lower 48, and around the world, making them inaccessible to all but a handful of Inupiat.

Once the discussions had taken place and agreements reached between the land owner, Elders and archaeologists, a small excavation crew was assembled. Immediately prior to the commencement of the excavation on July 19, Elders Sarah Evak and William Sheldon offered prayers at the site in both Inupiaq and English. The prayers were meant to praise the spirits of the deceased and offer protections to the living, particularly to those who were to be directly involved in the excavation and handling of the remains.

Traditional Inupiaq attitudes towards the dead favor non-disturbance of grave sites. Disturbance of burials and the touching of human bones are considered tabu. It is believed that the spirits of the dead, when upset, can bring about strong winds, cause illnesses and produce nightmares, among other things. Graves of shamans or other powerful individuals are considered to be particularly dangerous. As the outward appearance of a burial provides no indications of the status of the deceased, it is considered most prudent and respectful to avoid all burials, especially pre-Christian burials. Many Inupiat are devout Christians and attest to the power of prayer as protection from malevolent spirits. Therefore, when human remains must be disturbed or handled, Christian prayer is often offered.

As the excavation progressed it was learned that there were actually two separate burials placed in almost the same location, at different points in time. The more recent burial was that of a young male, the lower that of a middle-aged female. Each was interred with an assortment of

grave goods. Physical anthropologist Dr. Christine Hanson was brought in from Anchorage to excavate and examine the skeletal material. Several Elders spent long days at the site over the five day excavation period. Two female Elders sat nearby, interpreting finds and offering advice. A third Elder spent much of his time next to the open ground, telling stories and explaining the uses of various artifacts being unearthed. These Elders felt comfortable being present at the excavation site, but other persons have indicated that, while not opposed to the excavation, they preferred to avoid the site (P3, personal communication, March 15, 1997).

The atmosphere on site was, according to many published and personal accounts, very lively and positive. Although most of the visitors to the site were locals, Tour Arctic<sup>17</sup> added to the numbers by making the site a stop along their day tours of town. The following comments, included in a written report of the excavation by one of the archaeologists, provide some insight:

"Perhaps what was most intriguing about the excavation of the burial was not what was uncovered, but the response of the neighboring people...The excavation of these burials attracted continuous attention...People came to the site during lunch breaks, after work, and a few spent the entire day at the site. For most of the day there were anywhere from five to twenty-five people observing and asking questions. Jonas Ramoth, an Inupiat elder and Subsistence Liaison for the National Park service, and Victor Karmen [*sic*] spent entire days on the site. As we were busy excavating, they took on the position of interpreters...They contributed colorful anecdotes associated with the artifacts to help others visualize harpooning a seal, spearing a caribou, and wearing snow goggles...

Interestingly, the crowd changed according to what was being excavated. As we uncovered the young boy with the arrowhead in his spine, men surrounded the site telling graphic stories about warfare in the past. Even the teenagers, who were previously uninterested, watched, if only for a few minutes with shouts of "awesome". The next day, the woman and her sewing kit were uncovered as several women watched closely. "Oohs" and "aaahs" emerged as more artifacts were discovered. The men from the previous day had left" (Guyer 1996:43).

Physical anthropologist Christine Hanson expressed similar sentiments, as quoted in *The Arctic Sounder*: "I don't know much about the cultural practices around here but there is such an incredible air of cooperation and exchange of information..." (1995a:3). More recently Hanson remarked: "...the excavation at the Monson site was one of the most pleasant and enjoyable that I have ever done. My perception was that we all - archies and townies - all had a good time and

---

<sup>17</sup> Tour Arctic is a Kotzebue owned and operated company. In partnership with Alaska Airlines, Tour Arctic offers package tours of Kotzebue and its environs. Many tourists select Kotzebue as it offers opportunities to visit a native community and to set foot above the Arctic Circle.

learned something. I think (and hope) the Elders were pleased with the work. It was a very positive experience for me" (Hanson email to author, February 19, 1997). The ability to interact with the public was of significant benefit to the archaeologists who often conduct surveys and excavations out in the country, far from villages and towns. The feedback and interest shown by the public were, for many, refreshing additions to archaeological fieldwork.

Despite manpower and time constraints, it was considered of utmost importance to keep the interested public informed of the proceedings. As a means to involve the community, the archaeologists made great efforts to explain their techniques and the archaeological process, as well as describing what was being exposed and recovered. In doing so, the public became better informed of the methods and aims of archaeological work as compared to "pot hunting."

One of the most graphic and dramatic examples of the value of meticulous and methodical excavation was the discovery of a small bone projectile point between two of the lower vertebrae of the male (as mentioned in Guyer's commentary above). Reactive bone confirmed that the projectile point had led to the eventual demise of the young man. This finding was of great interest to everyone; it is very rare that cause of death is so apparent. In response to this discovery, many Elders related graphic stories of warfare in the region.

Although the site size and limited time did not allow the archaeologists to provide the public with 'hands on' experience using trowels and other tools of the trade, they did find other ways to engage the crowd. Energetic children were offered opportunities to run backdirt through mesh screens to retrieve any small items that may have been missed by the archaeologists; it was remarked that "everyone was glad to help by carrying buckets to the screen" (Guyer 1996:43).

The archaeologists completed their work within five days, aided by the endless daylight of the arctic summer. On the evening of July 23 the last of the human remains were removed from the site and the excavation units backfilled. Later that same evening, the land owners unearthed more bone as they tried their hand at excavating in an area adjacent to the burials. Thinking that they may have stumbled upon yet more human remains, they immediately telephoned Robert

Gal. In a late night consultation, it was determined that the latest samples of bone were those of a seal.

It is important to note that, in continuing with sub-surface explorations on the property, the Monsons chose to set up a makeshift grid after retrieving the original stakes and flagging from a nearby dumpster. Rather than dig with a shovel, they used garden trowels and whisk brooms, employing techniques similar to those which they had observed in the previous days. Impressed with their interest in maintaining the grid and carefully excavating in layers, one of the archaeologists returned the following day to assist them with setting up a properly aligned grid. The NPS also loaned them several sharpened trowels. As the Monsons excavated, small crowds continued to gather at the scene (Guyer 1996:44).

The artifacts unearthed by the Monsons during their own excavation were loaned to the NPS for analysis and cataloging, along with the entire collection of artifacts and human remains from the larger excavation project. All of the analysis was done in Kotzebue; none of the skeletal material or artifacts were shipped elsewhere. In their discussions, the Monsons and members of the KEC agreed to allow for analysis of the human remains. The analysis involved detailed observations, the taking of x-rays using the local health center's equipment, and the taking of black and white photographs. Samples of bone were not obtained.

An important component of the excavation was the reporting of findings to the community. In November of 1995, Robert Gal participated in a program on the local radio station in which the process and analysis were discussed. Christine Hanson returned to Kotzebue after completing her work. The final analysis of the human remains included input from both scientist and Kotzebue Elders. For example, Hanson asked Elders for suggestions as to any traditional behaviors which may have produced evidence of wear and stress found on the bone and teeth. Hanson presented her findings at a well attended public meeting held in Kotzebue during the fall of 1995.

The artifacts have been exhibited on several occasions during the past two years for educational and informational exchanges. In March of 1996 NPS Archaeological Assistant Ed

Kootuk arranged an informal meeting for Elders to view and handle the artifacts. Kootuk and fellow NPS employee Jonas Ramoth facilitated the session by providing door to door shuttle service to the Elders. During the video taped meeting, issues were discussed and stories told by a group of approximately twelve Elders.

According to Kootuk, the artifacts were included in presentations to middle school and high school students in Kotzebue in May of 1996. Sixty four people came to the NPS building for public viewing sessions over the course of three days in late March, 1996; the public displays coincided with presentations held during the annual Alaska Archaeology Week. In order to make the collection more accessible to older members of the community, the artifacts were taken to the Kotzebue Senior Center on May 3, 1996. This session, like the earlier gathering with Elders, elicited many stories and generated much interest (E. Kootuk letter to R. Gal, May 7, 1996).

In accordance with the wishes of the Monsons and Elders, the human remains remained in the custody of the NPS, where they were respectfully stored in a secure area until reinterment could be arranged. The brief summer season had come and gone by the time the excavation and analysis were completed. Because burial is quite difficult in the arctic winter, the human remains were entrusted to the NPS for an extended period. As a result of changes in KEC and IRA Council board memberships, reburial arrangements were overlooked in the summer of 1996. Discussions with KEC and IRA Council personnel in 1997 revealed a degree of confusion as to which parties would be arranging for the reburial. As this had been a unique circumstance, it is not surprising that plans were unclear. Reburial will likely take place in the summer of 1997, according to the wishes of the current KEC board.

## *Examination of the Process and Public Response*

### *Reconstructing Past Events*

Reconstruction of events leading to excavation of the Monson site has been a difficult task for a variety of reasons: 1) in the two years since the excavation, details of the events have faded from memory, 2) conflicting accounts have circulated, leading to misunderstandings, 3) the ad hoc nature of the decision making process and the lack of awareness of legal constraints contributed to general confusion at the time, and this confusion lingers, 4) discussions were limited and decisions made quickly as the time frame in which the events took place was rather short (eleven days from discovery to excavation).

Many stages of the process were also fortuitous. For example, several individuals initially on the scene as curious onlookers happened to be either members of the KEC or IRA, or employees of the NPS. One of the KEC members on site was immediately called upon for advice. He then sought out several more Elders to assist in making recommendations. This same individual also had connections to the NPS.

The role of the NPS in the events is one of the areas in which misunderstandings and misinformation has circulated. A significant number of people have come to believe that the NPS initiated the excavation and were solely responsible for the decision to disinter the burials. Discussions with various individuals revealed a degree of distrust or displeasure with the NPS and federal agencies in general. Several interviewees have suggested that this general distrust may have influenced the views of some residents.

In conducting interviews as part of the research, I was struck by the number of people who felt that their views should have been solicited and considered. Of course, such a sensitive issue is likely to elicit emotional responses and very definite opinions. Although it is not at all surprising to find that so many wished to have a say in the matter, it is impractical to expect to address the views of each and every community member. As no political or cultural organizations in the community had drafted policies or formal recommendations regarding such

matters, it was impossible to ascertain prevailing sentiments. Thus, it was necessary for the land owner to seek out persons whom he felt had standing in the community and were knowledgeable enough to provide culturally appropriate recommendations.

### *Inupiat Relationships to Burials*

In order to better understand community responses to the excavation, it is necessary to provide both a sense of Inupiat views of their relationship to prehistoric burials and some of the traditional beliefs which dictate acceptable behavior around grave sites.

Many Inupiat express deep feelings of connection to their ancestors. In their view, human remains on the landscape are reminders of those who came before and are to be treated with the utmost respect. Expressions of such interconnectedness are not limited to historic or recent remains. Oral history places Inupiat in the region for a vast time period. As the Kotzebue region has been their home for so long, all human skeletal remains in the country are considered to be potentially ancestral.<sup>18</sup> Thus, discussion of issues related to the disturbance of burials, regardless of age, may become emotionally charged. Inupiat perceptions of their relationship to human remains may be difficult for non-Inupiat to accept or appreciate. For most westerners, it is possible to feel greater emotional distance when dealing with ancient human remains compared to those of more recent origin. These differing perspectives can create confusion and frustration for both parties.

According to one Elder, had the identities of the individuals buried at the Monson site been known, the land owner would have been obliged to approach descendants for consent to excavate. This Elder further suggested that some form of compensation (specifically monetary) would be appropriate in such a case (P5, personal communication, February 11, 1997). For some, the fact that there was no memory of the deceased provided a discrete distance for decision making. This is, by no means, surprising, as one can easily appreciate persons of any cultural background expressing reservations about disturbing the remains of relatives or friends.

---

<sup>18</sup> Exceptions would include recognition of Athapaskan Indian graves.



However, these views are not shared by all Inupiat. For some, the time frame is of little consequence; an ancestor is to be treated in the same manner whether death occurred four days ago or four thousand years ago. This view of timeless affinity was apparently expressed privately among several Elders attending public presentations in which the physical analysis of the human remains was discussed. As photographs of the bones were distributed among the crowd, a number of Elders began to feel uncomfortable. They sensed it was inappropriate for them to be examining photographs of bones and listening to detailed descriptions of the human remains. Also among their concerns was the distinct possibility that the remains could be those of a direct ancestor (P1, personal communication, February 13, 1997).

### *Inupiaq Beliefs and Attitudes Towards Burials*

Both traditional teaching and contemporary stories reinforce the sentiment that one should avoid burials. Therefore, the ability to recognize potential signs of a prehistoric burial can be quite beneficial. In the past, graves were in shallow depressions very near the surface. Later burials were often on raised platforms or in elevated wooden plank boxes (P5, personal communication, Stern 1982:140). Some bodies placed in open areas were covered with a simple tipi-like framework of driftwood in order to protect the remains from animals and the elements. Visible from long distances on the landscape, the 'tipis' also served as visual references for the living, even as the wood decayed:

"Living people stay away from these things. They don't bother them. They want to live. They stay away from there - that's why they're still left...If you see a pile of wood in one area - if it's a little bit of a knoll, little bit of a rise, then you know what's there..." (P5, personal communication, February 11, 1997).

Another Elder expressed similar sentiments:

"They always said 'just leave those kind of graves alone. They won't bother you.'" (P7, personal communication, March 7, 1997).

Missionaries in the early 1900s, upset by the sight of human remains in and around Kotzebue, instructed children to collect loose bones from the surface. The children gathered

numerous bones in gunnysacks which were subsequently placed in a mass grave just north of the present location of the Kotzebue Friends Church (Stern 1983:141). It has been reported that it "became very windy" following the collection and reinterment of the remains. According to Elder Blanche Qapuk Lincoln, many people who had travelled out to camps across the sound from Kotzebue were forced, unexpectedly, to remain there for most of the summer, prevented from boating elsewhere by the gusting winds. Lincoln concluded "as it turned out, it was because all the people in Kotzebue had gathered those skeletal remains. This happened when I was old enough to remember what was going on" (Lincoln 1992:250-251).

Elders also recall that Robert Samms, an early missionary from the local Friends Church, instructed villagers to collect driftwood from old graves for cooking and heating their homes, arguing that the living had a greater need for the precious wood than the dead. Although there may have been some degree of trepidation on the part of the villagers, Samms placated any fears by assuring them that the Lord would protect them from any malevolent spirits associated with the burials (P7, personal communication, March 7, 1997). This particular activity, along with the ravages of time and development, have transformed numerous burials in Kotzebue from marked to unmarked graves. Several villagers, now in their 80s, can recall various locations in which tipi burial markers stood in their youth. A few are reported to exist in the surrounding country.

Traditional beliefs regarding human bones remain in the minds of present day Inupiat and blend well with contemporary Christian teachings regarding the sanctity of graves. It is also notable that traditional attitudes towards burials are subscribed to by both old and young, although it would appear that younger community members are generally less likely to have been exposed to them.

The following account, related by an Elder who was on site when the bones were exposed, aptly illustrates contemporary Inupiat views and beliefs:

"I was talking to Chris [Hanson] and it was just a beautiful day, nice, warm, but there were lots of mosquitoes...I said 'Chris, would you like to have...a little breeze, little bit of wind?' She said 'Yeah, it would help' so I went over to those [bones]...the thigh bone here, this long bone, I rubbed it. I told him [the remains] 'Well, I'm gonna rub you a little bit here to let it get windy and keep the

mosquitoes away' and we laughed about it...then I said 'Uh, oh, I did something that was [ ] tabu, that we weren't supposed to make fun of these things. So, I started talking in Inupiaq. I apologized. I apologized to it in Inupiaq...I also told it that 'There must be a time when you're joking and, uh, when it's a laughing matter. Then maybe you laugh, cause this is one of those times when we can laugh and joke. We're not making fun of you, you know, there's a difference.' Justify myself - and I need to because I had broken something about saying that. So I felt better and then I forget...the same evening...I start dreaming - I was digging with my hands - mud - I don't know what I'm looking for. Just digging. My hands weren't hurting but every time I go to sleep, I dig and I wake up. I turn, go back to sleep and I start digging again - just like I was digging for artifacts. And it seemed to be happening all night but I wasn't uncomfortable about it. Then, I woke up again. 'Gee, what am I doing?' It struck me funny. I'm digging again. And then I went to sleep again. I didn't dream again. If I laughed earlier about it I'd have - but gee - that person was having fun with me 'If you want to laugh, laugh about it.' Once I thought it was funny, I'm fine...I had a fitful sleep. Next time I go to sleep, I don't dream....So, is there a connection there?" (P5, personal communication, February 11, 1997).

In addition to fears of possible harm resulting from direct contact with human bones are concerns related to simply dwelling upon the subject of death in either thought or discussion. Elders and others readily admit that these are not subjects of normal conversation among Inupiat. Indeed, many find it rather uncomfortable discussing such matters in public or private.<sup>19</sup> This fact can make it somewhat difficult for researchers and community members striving to take into account the broadest range of perspectives. When individuals are troubled by actions, yet reluctant to voice those feelings, their views are obviously less apt to be considered.

### *Options and Considerations*

In the modern village of Kotzebue, inadvertent discoveries of human remains continue to occur. Burials may be found almost anywhere in town, although certain areas exhibit greater potential than others for yielding grave sites. For example, it is known that bodies were laid to rest on the "old raised beaches behind the inhabited dwellings on the first beach ridge" and along the western end of Third Avenue (Stern 1982:140, 142).

While the prevailing attitude among Kotzebue residents seems to be that burials should be left undisturbed, inadvertent finds pose distinct problems. In determining the fate of human

---

<sup>19</sup> I experienced this during my interviews. After an hour or so of discussion, one interviewee noted that we had been focused on the subject for some time, adding that this was not usually done. Another interviewee halted the discussion, feeling a need to offer a prayer to guide me in my work.

remains unearthed during construction or other ground disturbing activities, community members must consider options which are not only culturally appropriate, but also those which are practical in a modern community. There are particular realities which must be addressed.

For example, whereas in the past a family would abandon a dwelling upon discovering a burial in the vicinity, a modern Kotzebue family cannot be expected to move to a new location. Indeed, this would be wholly impractical and impossible, given economic circumstances and the lack of available lots. In fact, most residents, aware of the likelihood that burials are located on or near their property, have generally come to terms with the idea.<sup>20</sup>

Another reality of modern life is a change in attitude regarding the looting of burial sites. In the past, tabus related to human remains discouraged many from digging in or around graves for artifacts. However, today there are those (both native and non-native) who would think nothing of digging at such sites. Although some seek out objects for personal collections, others find the commercial trade in artifacts a viable source of needed income. It should be stressed that, although the issue of looting at burial sites was raised by various community members, it is not altogether clear that looting is a significant problem in the area. Nonetheless, it remains a concern.

Several residents with whom I spoke were of the opinion that disinterment is permissible when deemed necessary for the protection of burials from further damage. However, many of these individuals were quite adamant that the remains be reburied immediately, adding that studies of any kind should not be allowed. There have been a number of incidents in which this approach was taken, both in Kotzebue and neighboring villages. For example, when a small communal grave area in the Northwest Arctic Borough village of Noatak was threatened by river bank erosion, villagers organized a committee to exhume and reinter the remains from the eroding bank to a more stable location. As many of the remains were identifiable, descendants

---

<sup>20</sup> Christian beliefs contribute to ease of mind for many.

were consulted before any action was taken. No studies of the remains or any related artifacts were conducted.<sup>21</sup>

When coastal erosion near the North Slope Borough village of Point Hope threatened prehistoric burials in 1991, a different approach was taken. In this case, borough officials and approximately twenty village Elders sought the advice of an archaeologist. The Point Hope Elders Council permitted scientific excavation of the eroding burials, as well as physical analysis of the remains which were permitted to be taken to Anchorage for study. Elders informed the archaeologists that they hoped to learn as much as possible from the physical examination of the remains although they did impose some restrictions on procedures.

Osteological analysis included visual examination and x-ray, but not the taking of samples. Technical and popular reports were requested by the Elders. They also asked that the researchers present their findings in local public meetings. The Elders and community supported dissemination of the research findings through professional meetings and lectures with the stipulation that no money be made from such presentations or publications. The remains and artifacts were returned to Point Hope and reburied by the community in a manner deemed appropriate by village Elders (R. Gal letter to D. Stone, October 18, 1991, R. Gal letter to D. Stone, April 7, 1993).<sup>22</sup>

The option to allow for physical analysis of human remains appeals to some Kotzebue residents, although there are very mixed opinions of the value of such research. In general, the public was impressed with the range of information obtained through the analysis of the remains found on the Monson property. For example, people were amazed to learn how osteological evidence can reveal that a woman had children during her lifetime or how stress markers on bone provide clues to a person's diet and lifestyle. Still, in the eyes of many, it remains to be seen how

---

<sup>21</sup> There were likely a number of individuals who felt that nature should simply have taken its course and the remains be permitted to erode into the river.

<sup>22</sup> In presenting these two examples, I do not mean to imply that any one approach is somehow better than another. Rather, they illustrate the variety of available options. Each community is unique and will have its own particular views of what is culturally appropriate.

this knowledge might benefit modern Inupiat or future generations.<sup>23</sup> Hence, villagers continue to express skepticism as to the value of such studies, particularly in light of the moral and emotional cost.

As mentioned earlier, the disposition of artifacts and grave goods obtained through archaeological excavation are also of concern. Of course, the simplest method for dealing with the issue of the disposition of artifacts is to leave everything *in situ*. However, when this is not possible, other avenues must be explored. One option is to allow for study prior to reburial. In this case, a community may also wish to indicate whether sample taking, destructive analysis, photographs or drawings are permissible. Another option is to make castings of select artifacts prior to reburial. High quality castings can be of use to both scholars and the general public. However, the cost of casting small quantities of items can be rather prohibitive. A third option is to allow for a selection of grave goods to be retained for educational purposes. Several individuals interviewed in the course of my research expressed a desire to have artifacts from nearby sites and NAGPRA repatriations placed in a local museum. Such collections may be of great value in elevating pride in cultural heritage and stimulating interest in learning more about the past.

The participation of archaeologists elicited a high degree of favorable response and interest in Inupiaq history. On the whole, the public was impressed with archaeology's potential for revealing unknown or forgotten aspects of Inupiaq culture. In addition, the public nature of the excavation provided forums for discussion of past lifeways and facilitated interactions between youth and Elders. The latter is a significant contribution, as modern village life seems to provide children with few opportunities to spend time talking with and learning from their Elders.

In the Monson excavation, the artifacts and their context provided stimulus for storytelling and explanations of Inupiat technology, hunting techniques, tool making and skin sewing, among a host of other subjects. Locals and visitors marveled at the ingenuity of Inupiat

---

<sup>23</sup> Similar sentiments are shared by many Native Americans. See Turner 1989, Pullar 1995, Cheek and Keel 1984.

who worked with stone tools to fabricate such fine and sturdy instruments for everyday use.<sup>24</sup> Pride in Inupiaq heritage was expressed throughout the project as people learned more and saw the artifacts. In a letter of thanks to Tom and Rhoda Monson, Ed Kootuk commented "We need more people like you [to] show an interest in your ancestral background...[this excavation] shows everyone in the Kotzebue Community that our culture was rich and survived in those hardship times" (May 7, 1996).

The propriety of excavating a burial site was, of course, a major focus of much of early discussions between the land owner and Elders. At one point, an archaeologist felt compelled to note what he perceived to be a parallel between archaeological investigation and traditional Inupiaq ways of learning; in Inupiaq culture, people approach Elders to learn more about the past through traditional stories and personal accounts. In this case, the burials represented ancestral Elders who were no longer able to tell their own stories. The archaeologist went on to suggest that careful excavation of the site would yield data necessary for the scientists and Elders to tell the stories of the ancestors. The findings could then be shared for the benefit of the entire community. Several Elders appreciated this parallel and continued to refer to it in subsequent discussions of the excavation (P12, personal communication, March 31, 1997).

---

<sup>24</sup> See *The Arctic Sounder*, April 4, 1996.

### *Addressing Future Finds*

Although opinions differ as to whether excavation of the two burials on the Monson property was an appropriate action, Kotzebue residents agree that the event raised public awareness of concerns related to the care of unmarked and prehistoric graves. While burials in cemeteries are afforded protections by specific legislation, unmarked single burials are not. Many people have become deeply concerned about the vulnerability of historic and prehistoric unmarked burials to damage, destruction, and looting. Discussions with Kotzebue residents indicate that the native community wishes to have more input and influence in matters involving the possible disinterment of human remains, regardless of the ownership of the lands in which they rest. Several political, cultural and legal issues must be addressed in order to effect changes in the current situation.

### *Representation of the Native Community*

Federal and state legislation protecting burial sites often contain clauses either recommending or requiring researchers and state officials to consult affected native communities prior to taking any action which might result in burial disturbance. In theory, consultations with the native community seem both reasonable and appropriate. However, in practice this may prove difficult to achieve for a number of reasons.

Researchers and officials will undoubtedly feel compelled to ponder the question "Who exactly is to be consulted?" Obviously, it is neither feasible nor appropriate for state, federal or local legislation to specify precisely which native organizations or individuals must be consulted. Rather, each native community must designate a group which they consider capable of representing their needs and concerns; this group will undoubtedly differ from one community to the next. For example, some may designate an existing political, cultural or religious



organization, while others may prefer to create a special committee comprised of a variety of individuals with unique cultural expertise.<sup>25</sup>

Upon learning that Kotzebue had no policies for handling unexpected finds of human remains, I inquired if the local committee charged with handling NAGPRA issues might be considered to oversee non-NAGPRA cases involving the reburial or disturbance of human remains. While this may be done in the future, Kotzebue has yet to finalize its repatriation committee or to formulate repatriation policies and procedures. Currently, a three member committee has been appointed to begin the enormous task of sorting through volumes of NAGPRA summary letters from United States museums. That it has taken several years for Kotzebue to form a NAGPRA committee should not be construed as disinterest in repatriation or burial issues on the part of the native community. One must appreciate that, until very recently, exhumation and reburial were not issues requiring attention in most communities. Native Americans are now faced with the need to develop policies and establish protocol for events lacking precedent.

Indeed, reburial itself is a new concept. Aside from the question of who should be involved, Inupiat must determine what type of ceremony will accompany the reburial, if any. Some are of the opinion that ceremonies are not necessary upon reburial. As one person told me "three thousand years ago there was some type of ceremony that they did to say good-bye" (P4, personal communication, February 14, 1997). Members of the Elders Council have suggested that reburials take place in the Kotzebue cemetery and be accompanied by a Christian ceremony (P4, personal communication, February 14, 1997; E. Armstrong, letter to author, March 25, 1997).

Compounding the problem of establishing a committee to deal with burial issues is the fact that Kotzebue has a wide variety of political, cultural, religious and other organizations. These fall in layers of municipal government, borough government, the Kotzebue IRA Council,

---

<sup>25</sup> Native Hawaiians, for example, have created a non-profit organization known as "Hui Malama I Na Kupuna O Hawai'i Nei" for the express purpose of addressing Native Hawaiian cultural concerns, among them burial issues (NAGPRA 1990).

the Kotzebue Elders Council, the Regional Elders Council, Kikiktagruk Inupiat Corporation, NANA Regional Corporation, and Maniilaq Association,<sup>26</sup> among others.

Kotzebue also has a unique organization called Inupiat Ilitqusiatic which has been described by Steven McNabb as an institutionalized social movement (1991:63).<sup>27</sup> Inupiat Ilitqusiatic brings together representatives of NANA Regional Corporation, the Kotzebue IRA Council, Maniilaq Association and the Regional Elders Council and is aimed largely at effecting positive social change and teaching Inupiat values and traditions. It happens that the current group overseeing Kotzebue repatriation issues is comprised of the three Kotzebue Inupiat Ilitqusiatic Coordinators, one each from NANA Regional Corporation, the Kotzebue IRA Council, and Maniilaq Association.

Members of the Kotzebue Elders Council have expressed a strong desire to be involved in the consultation process (personal communication, March 10, 1997). As a result of discussions stemming from my research project, the KEC proposed to draft a resolution stating their position on burial disturbance. Despite their non-political status, the KEC has potential to make a considerable impact on future local policy; numerous individuals in community government approach the KEC for advice and recommendations (McNabb 1991:75). In addition, members of Inupiat Ilitqusiatic and Kotzebue IRA Council work closely with the KEC and have commented on the need to include Elders' recommendations in future policy making. Indeed, it would appear likely that the repatriation team and IRA Council will defer to the Elders on matters, as Elders are considered to possess the highest degree of cultural expertise.

Obviously, the Kotzebue native community will have to work together to determine who will best represent them and serve their needs. In doing so they must consider the differing and sometimes conflicting opinions of the entire community. In addition, Inupiat have had to contend with pressures from beyond the community and region. For example, some time after

---

<sup>26</sup> Maniilaq Association is a non-profit affiliate of NANA Regional Corporation focusing largely on social and health concerns.

<sup>27</sup> See *Northwest Arctic NUNA* (a publication of Maniilaq Association) for more information related to the foundation and aims of Inupiat Ilitqusiatic and the establishment of Elders Councils during the early 1980s.

the Monson excavation, a Kotzebue community representative was contacted by a Native Hawaiian. Having learned of the excavation through an article published in the *Anchorage Daily News*, the individual wished to express deep concerns regarding the exhumation of the remains. In effect, the individual admonished the Kotzebue native community for allowing such an excavation to take place (P2, personal communication, March 4, 1997). The NPS archaeologist was also contacted by a non-Inupiat - a Native American from Oregon phoned to say that he was very upset by the excavation of the burial sites (R. Gal, personal communication, February 1997).

These two communications from outside native communities exemplify external pressures brought about by increases in communication and dissemination of information in our modern world. To a certain degree, they also seem to reflect a growing pan-Indian movement in the United States. In general terms, the pan-Indian movement has attempted to unite an incredible diversity of native peoples under a common set of principles (Price 1991:11). Following that aim, some native peoples have begun to formulate pan-Indian beliefs regarding indigenous burials, imposing them on the entire Native American community. In reality, there is enormous variation in beliefs surrounding death and the handling of human remains among Native Americans. Therefore, a single, generic national policy is unworkable and inappropriate.

In the case of the Monson excavation, Elders and members of the IRA Council were consulted in order to determine the best possible solution for the ultimate protection of the graves. Similarly, as was mentioned previously, several years ago when the people of Point Hope were forced to address the fate of eroding burials, they examined all available options. In that particular case, community members felt that scientific excavation was an acceptable alternative. In collaborating and consulting with native communities, it is important that researchers, bureaucrats and native peoples respect and appreciate the diversity of world views and beliefs among all Native Americans.

Differing or even conflicting beliefs may be found within a single organization, village or region.<sup>28</sup> Recognizing the potential for such variation, the North Slope Borough<sup>29</sup> has required

<sup>28</sup>See discussions in Quick 1985.

that each Inupiaq village within its boundaries formulate its own policies and procedures for handling repatriations resulting from the NAGPRA (North Slope Borough 1996:22). Kotzebue's Northwest Arctic Borough may follow suit, electing to have each village draft policy which best reflects the prevailing beliefs and wishes of the community.

### *Alternative Legal Protections*

Should communities so choose, ordinances may be established at village, city or borough levels to protect unmarked burials within their boundaries. By enacting an ordinance, a community may establish a minimum set of requirements which must be met by any party wishing to disturb or disinter an unmarked burial. It is important to note that communal grave sites listed on the state's cemetery registry are protected by specific cemetery legislation. Oral history and common knowledge of the location of a cemetery site are not, in themselves, adequate to guarantee legal protections. Surveys and documentation of graveyards must be conducted prior to inclusion on the state cemetery register. When requested, cemetery surveys may be conducted in a non-public manner so as to limit attention drawn to the site (J. Dale, personal communication, April 1, 1997).

As was mentioned earlier, a number of Kotzebue residents are aware of single, unmarked burials located within the boundaries of their private lots. At least one community member has questioned whether land owners can protect such burials from disturbance (P11, personal communication, February 19, 1997). While single burials cannot be protected under the state cemetery law, they may be afforded similar protections by other means. According to the state Office of History and Archaeology, land owners may attach a covenant to their property title which would prevent themselves and any future owners of the lot from excavating or building upon the portion of the property designated as a burial site (J. Dale, personal communication,

---

<sup>29</sup> The North Slope Borough (NSB) is the borough adjacent to the Northwest Arctic Borough (NWAB). Villages of the NSB include Kaktovik, Barrow, Nuiqsut, Wainwright, Point Lay, Point Hope, and Anaktuvuk Pass. Villages of the NWAB include Kivalina, Kotzebue, Deering, Buckland, Noatak, Noorvik, Kiana, Selawik, Ambler, Shungnak, and Kobuk.

April 1, 1997). The request for such designation must originate with the property owner and cannot be imposed by an outside entity.

### *Models and Policies from Other Native Communities*

The Inupiat of Kotzebue may find it helpful to approach other native communities for suggestions and options regarding policy development. Several native communities have successfully enacted local policy and procedures aimed specifically at inadvertent finds of prehistoric and historic indigenous human remains. For example, the Navajo Nation established policy and procedures "for cultural resource managers and developers to follow in the identification, verification, and ultimate disposition of human remains on Navajo Tribal Trust Land" (Klesert & Andrews 1988:310). This policy designates the Navajo Tribal Council as the approval granting authority in cases where descendants of the deceased are indeterminable (Klesert & Andrews 1988:311). In addition, it requires that archaeologists work closely with local officials and residents, Elders and religious leaders (p. 312). Similarly, Zuni pueblo has developed policies and procedures for the care of human remains in consultation with the Zuni Tribal Council (Ferguson 1984:230).

A number of Alaskan native communities have also adopted protocols for handling human remains and cultural resources which may serve as effective models. The Ahtna<sup>30</sup> tribe has drafted a four page set of protocols for cultural resource investigations conducted on lands belonging to Ahtna, Inc. The document details procedures for obtaining permits and notes culturally appropriate behavior while conducting research on Ahtna lands. Items eight and ten specifically address graves and grave goods:

"Cultural Resources field crews shall not disturb any known graves. Surface indications of graves may include: crosses, fences, small log or frame houses, rock piles and scarred trees...Shovel testing shall not encroach within 100 feet of a known grave. The Ahtna Cultural Monitor will provide guidance on a site-specific basis should unusual field conditions be encountered.

---

<sup>30</sup> The Ahtna are an Athapaskan tribe whose members live in areas of the southeastern interior portion of the state.

It is the general policy of Ahtna, Inc. to protect significant cultural properties, whether physical or spiritual, through avoidance. Such mitigation strategies as relocating a grave require extensive and time-consuming special consultations, on a case-by-case basis, with related family members, appropriate Village Councils, Tribal Elders and Ahtna, Inc. with no presupposed outcome; i.e., the grave may or may not be moved" (p. 3)

Policies and procedures established by Ahtna, Inc., the Navajo Nation, and Zuni Pueblo were largely intended for application to research activities on tribal or native corporation lands. It is also important to note that both the Navajo Nation and Zuni Pueblo have established their own archaeological program which allow for greater control of much of the research and activities taking place on their tribal lands. However, private and non-tribal property pose unique problems for all groups because of jurisdictional limitations. According to Margaret Bowman, common law in the United States places ownership of objects in the earth in the hands of the land owner. Bowman adds: "Under this rule, bones recovered during an excavation are the property of the land owner" (1989:167).

Despite the fact that Kotzebue's private lots are not subject to regulations applicable to state, federal and tribal lands, a set of policies and procedures, even if informal, would be of great benefit to the community, researchers, and contractors. In drafting policy, community members would be provided a forum to engage in dialog necessary to clarify key concerns and recommendations. Written policies and procedures would also allow land owners, researchers, and contractors to more consistently act within culturally acceptable parameters and would provide them with contacts for further consultation.

Researchers and Inupiat may fear that written policy and procedures could severely limit future actions. However, policy may be drafted to address general concerns and direct the consultation process without negating the possibility of scientific study or other options (as is exemplified by the Ahtna, Inc. protocols). This flexibility may be important to Inupiat preferring to resolve cases on an individual basis, taking into account the uniqueness of each situation. In fact, many have commented that the preferred method of approach in the community is on a case-by-case basis.

In addition, general guidelines may be preferred over more rigid legislation as it allows for an informal decision making process which would appear to be the preferred approach at the present time. Traditions and practices in any culture or community are dynamic and fluid. As preferences and views are likely to change, flexibility in policy is desirable.

### *State Legislation*

Recognizing the shortcomings of the current Alaska Historic Preservation Act, the state Office of History and Archaeology has recently addressed issues related to prehistoric and historic unmarked burials. In February 1990 a "Burial Policy" was drafted, outlining responsibilities of various parties involved in handling human remains (archaeologists, coroner, etc.). The document states that modern human remains are the responsibility of the coroner while prehistoric human remains fall under the stewardship of the Office of History and Archaeology. The policy sets forth general guidelines for dealing with inadvertent discoveries of human remains and stresses contact and consultations with any native group potentially affiliated with the site.

The Alaska Historic Sites Advisory Committee also drafted a "Policy Statement Regarding Human Remains" in February 1990. This statement stresses the need to treat all burials with respect and dignity, concluding that remains should be left *in situ* whenever possible. The committee recommended that current state legislation be amended with language making it clear that unmarked graves are afforded the same protections as marked graves. At least one individual reviewing the document noted a bias towards the protection of prehistoric burials. He further suggested that the content should be modified to encompass all unmarked graves - or graves which may be marked in an 'unconventional manner' (G. Bacon memorandum to D. Reger, March 13, 1990).

The draft Burial Policy and Policy Statement Regarding Human Remains were largely intended for internal use and have yet to be finalized and implemented on a broader scale. It is encouraging that the state is beginning to address the protection of all human burials in the state.

However, it remains to be seen whether any of the proposed changes will offer legal protections to burials located on private property. Additional statutes may be required to fully protect unmarked and prehistoric burials.

Specific unmarked burial legislation has been implemented in states such as California, Illinois, North Carolina, Kansas and Wisconsin. The statutes of these five states apply to unmarked and/or prehistoric burials whether they be located on state or private lands. In several of the aforementioned states, legislation also provides for Native American input and recommendations. California has established a Native American Heritage Commission which is consulted in cases concerning indigenous remains. Indigenous human remains finds in North Carolina are referred to the state archaeologist who must consult the North Carolina Commission on Indian Affairs (which then contacts the affiliated tribe). Both Wisconsin and Kansas have established burial site preservation boards comprised of archaeologists, historians, and representatives of federally recognized tribes of the state (Price 1991:50,67,92,113).

Although successfully enacted, such legislation may be difficult to enforce. The legal rights of property owners create obstacles. Many question whether the state may restrict activities on private lands. If permitted to do so, it is unclear if the state must offer compensation to the property owner. States such as California and Illinois have made it illegal for anyone, including land owners, to possess associated grave goods from unmarked burials (Price 1991:50,62; Bowman 1989:198). However, North Carolina's unmarked burial law expressly applies only to human remains and not grave goods (Price 1991:92).



### *Conclusions*

While legislation and written policies may eventually offer limited protections and sound general guidelines for handling inadvertent discoveries of human remains, they are unlikely to adequately address the full range of concerns within a given community. Ultimately, it is the dialog and interaction between interested parties that will lead to improved awareness and understanding. Events in the Monson case illustrate the enormous value of communication, consultation, compromise, and trust among those involved in the decision making process.

A critical factor in the success of the handling of the situation on the Monson property was the initial response of the land owner. Tom Monson was not only familiar with the community but was also sensitive to local Inupiaq interests and beliefs. Experience living in the community helped him to recognize the propriety of including local Elders in decisions affecting the burials. Similarly, aware of rights entitled to property owners, the Elders made recommendations which they considered both reasonable and culturally appropriate.

Another unique aspect which must not be overlooked is the fact that Kotzebue has a resident archaeologist. Robert Gal has lived, worked and taught in Kotzebue for over ten years, enabling him to become well known and trusted by many residents. Had an unknown archaeologist been flown in from Anchorage or Fairbanks, it is possible that the excavation may never have taken place due to the lack of trust and familiarity. The cultural resource assistance stipulations set forth in the Alaska National Interest Lands Conservation Act were also critical as they allowed the National Park Service to provide staff and expertise at no cost to the native councils requesting their assistance.

The relaxed and open atmosphere on site provided invaluable opportunities for communication and interaction for everyone involved. Throughout the excavation archaeologists were able to gain feedback and insight into Inupiaq beliefs and practices. Conversely, community members were provided opportunities to view and experience the work of archaeologists and physical anthropologists. The immediate sharing of findings at the site created a dynamic atmosphere and fostered trust between the community and researchers.

Concurrently, the events stimulated greater interest in Inupiaq history and provided opportunities for children to interact with and learn from Elders.

The impact of the excavation and its findings has extended well beyond the week long excavation in the summer of 1995. Tom Monson generously allowed National Park Service staff to use the artifacts from the site in a variety of programs and presentations during the past two years. On several occasions the artifacts were used to stimulate storytelling among Kotzebue Elders during video taped sessions. Educational programs and presentations for school children and adults have also been well received. Each of these events encouraged general interest in learning about the past and fostered greater understanding of the potential benefits of archaeology.

The artifacts and data obtained from the site have indeed proved valuable additions to the archaeological record. Stylistic attributes of the artifacts, as well as the absence of European trade goods, suggest that the burials date between the 15th and 18th centuries, situating them within the late prehistoric period in Alaska. Excavations of house pits, camp sites and other such sites have, in the past, revealed a great deal of useful information regarding the daily lives of Eskimo peoples of the late prehistoric period. Excavation of burials, such as those of the Monson Site, provide archaeologists with complementary information, indicating various beliefs and practices related to the dead. For example, a belief in the after life is suggested by the burial of large quantities of personal implements and useful tools with each of the deceased. In addition, it has been surmised that the burial of personal gear is indicative of taboos surrounding the use of tools once belonging to the deceased. Perhaps the most unique aspect of the find, however, was the distinct gender association of each of the artifact bundles, suggesting specific male and female usage of tools. This knowledge may be of great use in future excavations of house pits and other non-burial sites within arctic Alaska.

A small display of select artifacts from the site was developed in March of 1997. Although currently on exhibit in Kotzebue, it is hoped that the portable display will be loaned to neighboring communities for short periods so that the information sharing may continue. The

land owner, Elders, and National Park Service remain highly supportive of such projects. In order to continue providing opportunities for local residents to learn more about the work of archaeologists, the National Park Service arranged for school children from the village of Kiana to visit nearby excavation sites and participate in various activities in the summer of 1996. The 1997 field season will provide several Kotzebue students the opportunity to participate in an archaeological field school at Cape Krusenstern National Monument, located north of town, across Kotzebue Sound.

Continuance of an open dialog and creation of opportunities for on site interaction are becoming more and more essential for the success of archaeological projects, particularly those involving very sensitive cultural material. Timely reporting of findings in easy to understand language is also critical for establishing trust and understanding between researchers and communities. As the Monson case illustrates, collaboration and compromise can result in mutually beneficial projects with long lasting effects.

## Bibliography

- Adams, E. Charles  
 1984 Archaeology and the Native American: A Case at Hopi. In *Ethics and Values in Archaeology*, E. Green, ed., pp. 236-242. New York: The Free Press.
- Ahtna, Inc.  
 n.d. *Protocols for Cultural Resources Investigations Occurring on Ahtna, Inc. Lands*. From files of the State Office of History and Archaeology, Anchorage.
- Anyon, Roger and Jerome Zunie  
 1989 Cooperation at the Pueblo of Zuni: Common Ground for Archaeology and Tribal Concerns. *Practicing Anthropology* 11:13-15.
- Armstrong, Elmer (President, Kotzebue Elders Council)  
 1997 Letter to author, March 25.
- Arctic Sounder, The  
 1996 Technology shaped from nature is fascinating, April 4.  
 1995a More skeletal remains found on Second Avenue, July 27.  
 1995b Human skeleton, artifacts unearthed in Kotzebue, July 20.
- Bacon, Glenn  
 1990 Memorandum to Douglas Reger (Archaeologist, State of Alaska), March 13. From files of the Office of History and Archaeology, Anchorage.
- Beider, Robert E.  
 1990 Return of the Ancestors. *Zeitschrift fur Ethnologie* (Berlin) 115:229-240.
- Bowman, Margaret B.  
 1989 The Reburial of Native American Skeletal Remains: Approaches to the Resolution of a Conflict. *Harvard Environmental Law Review* 13:147-208.
- Bray, Tamara L. and Thomas W. Killion, eds.  
 1994 *Reckoning with the Dead: The Larsen Bay Repatriation and the Smithsonian Institution*. Washington, DC: Smithsonian Institution Press.
- Burch, Ernest S., Jr.  
 1984a Kotzebue Sound Eskimo. In *Handbook of North American Indians, Volume 5, Arctic*, David Damas, ed., pp. 303-319. Washington, DC: Smithsonian Institution Press.  
 1984b The Land Claims Era in Alaska. In *Handbook of North American Indians, Volume 5, Arctic*, David Damas, ed., pp. 657-661. Washington, DC: Smithsonian Institution Press.
- Cheek, Annetta L. and Bennie C. Keel  
 1984 Value Conflicts in Osteo-Archaeology. In *Ethics and Values in Archaeology*, E. Green, ed., pp. 194-207.
- Conn, Stephen  
 1985 Inuit Village Councils in Alaska - an Historical Model for Effectuation of Aboriginal Rights? *Etudes/Inuit/Studies* 9(2):43-59.
- Dale, Joan (Office of History and Archaeology, Anchorage, Alaska)  
 1997 Personal communication, April 1.

- Echo-Hawk, Walter J.  
 1986 Museum Rights vs. Indian Rights: Guidelines for Assessing Competing Legal Interests in Native Cultural Resources. *New York University Journal of Law and Social Change* 14(2):437-453.
- Erlich, Hon. Richard (Superior Court Judge, State of Alaska)  
 1995 Letter to Tom Monson with copy to Robert Gal, July 17. From National Park Service files.
- Ferguson, T.J.  
 1984 Archaeological Ethics and Values in a Tribal Cultural Resource Management Program at the Pueblo of Zuni. In *Ethics and Values in Archaeology*, E. Green, ed., pp. 224-235.
- Gal, Robert  
 1997 Personal communication, February 12.  
 1995 Letter to Hon. Richard Erlich, July 14. From National Park Service Files.  
 1993 Letter to D. Stone, April 7. From National Park Service Files.  
 1991 Letter to D. Stone, October 18. From National Park Service Files.
- Giddings, J. Louis  
 1967 *Ancient Men of the Arctic*. Seattle: University of Washington Press.
- Goldstein, Lynne and Keith Kintigh  
 1990 Ethics and the Reburial Controversy. *American Antiquity* 55:585-591.
- Guyer, Erica  
 1996 Monson Burial Site, Kotzebue, Alaska. Unpublished Honors Thesis, Brown University, Providence, Rhode Island.
- Hanson, Christine (Physical Anthropologist, University of Alaska Anchorage)  
 1997 Email to author, February 19.
- Hubert, Jane  
 1992 Dry Bones or Living Ancestors? Conflicting Perceptions of Life, Death and the Universe. *International Journal of Cultural Property* (Berlin) 1(1):105-127.
- Klesert, Anthony L. and Michael Andrews  
 1988 The Treatment of Human Remains on Navajo Lands. *American Antiquity* 53:310-320.
- Kootuk, Ed (Archaeological Assistant, National Park Service)  
 1996a Letter to Robert Gal, May 7. From National Park Service files.  
 1996b Letter to Tom and Rhoda Monson, May 7. From National Park Service files.
- Lincoln, Blanche Qapuk  
 1992 Kotzebue, Alaska. In *Lore of the Inupiat: The Elders Speak, Volume 3*. Kotzebue: Northwest Arctic Borough School District.
- McNabb, Steven  
 1991 Elders, Inupiat Ilitqusiat, and Culture Goals in Northwest Alaska. *Arctic Anthropology* 28(2):63-76.
- Meighan, Clement W.  
 1992 Some Scholars' Views on Reburial. *American Antiquity* 57:704-710.

- Murdoch, John  
1892 *Ethnological Results of the Point Barrow Expedition. In Ninth Annual Report of the Bureau of American Ethnology, 1887-88.* Washington, DC: Smithsonian Institution.
- Murray, Tim  
1993 *Communication and the Importance of Disciplinary Communities: Who Owns the Past. In Archaeological Theory: Who Sets the Agenda?* Andrew Sherratt, eds., pp. 105-116. Cambridge: Cambridge University Press.
- Nelson, Edward  
1899 *The Eskimo About Bering Strait. In Eighteenth Annual Report of the Bureau of American Ethnology, 1896-97.* Washington, DC: Smithsonian Institution.
- North Slope Borough, Commission on Inupiat History, Language and Culture  
1996 *Draft Special Meeting Minutes, August 26, 1996.*
- P1  
1997 *Personal communication, March 7.*
- P2  
1997 *Personal communication, March 4.*
- P3  
1997 *Personal communication, March 15*
- P4  
1997 *Personal communication, March 25.*
- P5  
1997 *Personal communication, February 11, March 3.*
- P6  
1997 *Personal communication, March 12.*
- P7  
1997 *Personal communication, March 7.*
- P11  
1997 *Personal communication, February 19.*
- P12  
1997 *Personal communication, March 31.*
- P13  
1997 *Personal communication, February 12.*
- Price, H. Marcus  
1991 *Disputing the Dead: U.S. Law on Aboriginal Remains and Grave Goods.* Columbia, MO: University of Missouri Press.
- Pullar, Gordon L.  
1995 *The Qikertarmiut and the Scientist: Fifty Years of Clashing World Views. UBC Law Review, Special Issue:119-135.*
- Quick, Polly McW., ed.  
1985 *Proceedings: Conference on Reburial Issues, June 14-15, 1985.* Washington, DC: Society for American Archaeology.

- Reeve, Brian O.K. and Margaret A. Kennedy  
 1993 *Kunaitupii: Coming Together on Native Sacred Sites*. Calgary: Archaeological Society of Alberta.
- Rosen, Lawrence  
 1980 The Excavation of American Indian Burial Sites: A Problem in Law and Professional Responsibility. *American Anthropologist* 82:5-27.
- Smith, Frederick H.  
 1984 Legal Aspects and Suggested Protocol in Dealing with Human Remains Found in an Archaeological Context in Alaska. *Arctic Anthropology* 21(1):141-147.
- Stern, Richard O.  
 1982 Kotzebue Streets and Northwest Alaska Overview. In *Cultural Resource Surveys, 1981, Miscellaneous Publications, History and Archaeology Series, No. 31*, Richard O. Stern, ed. Anchorage: Alaska Department of Natural Resources.
- Tour Arctic  
 1997 Internet homepage, [http://www.tour\\_arctic.com/](http://www.tour_arctic.com/)
- Turner, Ernest  
 1989 The Souls of My Dead Brothers. In *Conflict in the Archaeology of Living Traditions*, R. Layton, ed., pp. 189-194. London: Unwin Hyman.
- United States Congress  
 1990 Native American Graves Protection and Repatriation Act  
 1980 Alaska National Interest Lands Conservation Act  
 1971 Alaska Native Claims Settlement Act
- United States Department of the Interior (USDOI)  
 1995 Native American Graves Protection and Repatriation Act Regulations; Final Rule. Federal Register 60(232):62134-62169.  
 n.d. Draft 1993-94 NAGPRA Review Committee Report to Congress.
- VanStone, James W.  
 1955 Archaeological Excavations at Kotzebue, Alaska. *Anthropological Papers of the University of Alaska* 3(2):75-155.