

TSAAGWAA YEIGI  
IN THE SPIRIT OF THE HOOD BAY FAMILY:

REPATRIATION OF A TLINGIT BURIAL CHEST

By

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## ABSTRACT

The Native Peoples of the United States have continuously been aware of important items held in museum collections integral to their lifeways as distinct cultures, and until the Native American Graves Protection and Repatriation Act (NAGPRA) passed in 1990, there was no law in place to regain ownership of such important items. The focus of this thesis is a burial chest stored at the Alaska State Museum held in custody by the United States National Forest Service. There is speculation that the remains held within the chest are of Tsaagweidi ancestry, a clan or family from the Kake, AK area. In accordance with NAGPRA regulations, the Forest Service has contacted the Organized Village of Kake (OVK), the Tribal entity in Kake, regarding possible repatriation of the chest.

The purpose of this thesis is to not only find a culturally appropriate approach that Native tribes like Kake can work with, but to specifically describe how ownership is established through family history, constructed through historical research and interviews with local people from Kake familiar with the Killerwhale family. This requires the understanding that there is no single Native perspective and that each tribe will define their own unique approach to repatriation. Questions of reburial practices have surfaced, for reburial by means of repatriation haven't been practiced by OVK as of yet. Since OVK hasn't formally been through a repatriation request, it is hoped that this thesis also will help OVK to establish a clan, tribal, cultural, or territorial affiliation for the burial chest in accordance with NAGPRA regulations.

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## INTRODUCTION

How do you create respect and understanding for American Indian burial customs by desecrating their beliefs? How do you present American Indian grave materials intelligently given the professed lack of information? (Hill 1994:185)

Rick Hill's statement represents the growing concern of the museum field and the scientific community<sup>1</sup> since repatriation became law after the passage of the Native American Graves Protection and Repatriation Act (NAGPRA). Throughout the 1980's the disposition of Native American remains and sacred items stored in U.S. museums caused a dialogue between Native American groups and the scientific community in an attempt to alleviate the tensions between the groups and to arrive at a common ground.

The focus of this thesis is a burial chest<sup>3</sup> currently curated at the Alaska State Museum in Juneau, Alaska for the U.S. National Forest Service which has had it in its possession since 1977. The Organized Village of Kake (OVK), the tribal entity which oversees all cultural inquiries and activities for Kake, is in a position to pursue the repatriation of the chest from the Forest Service.

I have been very fortunate to receive permission from OVK to pursue research regarding this chest. It is not only an area of anthropological interest, but a very personal one due to the fact the

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<sup>1</sup>Since there are many parties involved in the discussion surrounding repatriation, the term "scientific community" will be used regularly in this thesis to represent the group of individuals interested in the scientific value of human remains, and includes, (but is not limited to) archaeologists, physical anthropologists, museum representatives, paleontologists, and state and federal agencies.

<sup>2</sup>The terms "Native" and "Native American" will be used interchangeably throughout the document along with the historically used "American Indian," which are the terms commonly used in the United States.

<sup>3</sup>Due to the sensitivity of the burial chest, I will not include any pictures in this thesis.

Killerwhale design on the chest is a crest my clan has the right to use. I will discuss from the perspective of a Native Alaskan anthropologist how respect, family, land, and affiliation play integral roles in the eventual acquisition of the burial chest, as well as personal insights of those who have been personally affected by repatriation through scientific study and reburial. I feel it is necessary to incorporate the varying viewpoints of treatment of human remains because it is what has stimulated action towards restitution of excavated material.

Following the various sentiments regarding human remains I will discuss legislation prior to NAGPRA, two specific case studies of the return of human remains, and briefly state the intention of NAGPRA. I will then return to the questions that repatriation of this chest raises for the families concerned and the complexities involved in approaching Native reburial.

## **INSPIRATION FOR THESIS**

During the winter of 1994, my parents, Mike and Edna Jackson, went to the Alaska State Museum with Delores Churchill, the renowned Haida weaver, to see a pre-contact fishing weir and an old clam basket just discovered. While they were viewing the weir, Steve Hendrickson, the museum curator, offered to show them a burial chest from Kuiu Island. When the curator brought it out, my father, a practicing artist knowledgeable about Tlingit and Haida design and familiar with the connection of individual designs to particular families, immediately recognized the Killerwhale crest by its unique carved and painted design on one side. This distinguished it as the crest my mother and I have rights to use, a design owned by the Tsaagweidi clan. It was this information that set in motion my interest to turn this personal issue into a thesis for future reference for cases involving NAGPRA.

During the month of March 1996, when I was in Kake gathering information, I asked my father to tell me about his first encounter with the chest,<sup>4</sup>

The first thing that was uncovered was the base part of it, and here was this Killerwhale that has that common tail on it. I don't know how far back the story goes of the houses here, the two Tsaagweidi houses and the commonality of those, the clan, the tribal houses, but, that's the first thing that I saw. Being an artist, and practicing carving, and drawing, illustrating, that's the first thing I saw, but when it became part of the whole design. You notice the Killerwhales' tail is part of the woman's, I call it the lady's head, in front of the box where the tail is part of her labret; I thought that was interesting. I said, "Hey that's a Tsaagweidi box, that's my wife's clan right there." Mom looked over my shoulder, and asked where. Its a Killerwhale: there's the dorsal fin, the head, and then the common tail. And I just knew it because it's, it was my dad's clan and your clan. I know that story. But when I looked at the side wall, it also confirmed that it was an Eagle. The most interesting Eagle I ever saw, its real simple, but it also has an Eagle head looking straight on at you. You can say, look at it as an Eagle, but you can also look at it as a Eagle with a humanoid body on a side profile. I'd always say it belongs to the Tsaagweidi based on the carving. (Jackson 1996).

At that time of viewing in December of 1994, my father had received the museum summaries from the Kake area as required by law under NAGPRA; but was yet unaware of the exact designs on the various burial chests written in the summaries. It was at this time he told me of our family's tie to the chest. Since he was the son of a Tsaagweidi man and also had married a Tsaagweidi woman, he was familiar with the history of the clan through both of his relationships.

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<sup>4</sup>I have structured transcriptions from interviews in this thesis by starting a new line after each pause and sentence.



## NAGPRA

The purpose of H.R. 5237 is to protect Native American burial sites and the removal of human remains, funerary objects, sacred objects, and objects of cultural patrimony on federal, Indian and Native Hawaiian lands. The act also sets up a process by which federal agencies and museums receiving federal funds will inventory holdings of such remains and objects and work with appropriate Indian tribes and Native Hawaiian organizations to reach agreement on repatriation or other disposition of these remains and objects (H.R. Report No. 5237, 101 Congress, 2nd session pp.8-9).

NAGPRA encompasses a broad range of cultural material other than human remains, and the issues that surround them are written extensively within legal parameters. (Boyd 1992; Echo-Hawk 1986; Peterson 1990; Price 1991; Raines 1992; Trope and Echo-Hawk 1992). An example of items other than human remains sought after by a Native group is the highly publicized search for the Zuni War Gods. (Echo-Hawk 1986; Ferguson and Eriacho 1990; Ferguson and Martza 1990; Merenstein 1992; Roth 1991). The purpose of NAGPRA is to ensure the safety of culturally sensitive items and human remains curated in various museums and agencies funded by government money that were once in the possession of Native Americans and Hawaiians. Not only does the new law protect the integrity of items and remains, it also it establishes a written law to further the right for Native American groups to have more control over the activities that directly affect their lifestyle as distinct cultures. NAGPRA allows Native groups to make use of the following areas of criteria to prove affiliation: 'geographical, kinship, biological, archaeological, anthropological, linguistic, folkloric, oral tradition, historical, or other relevant information or expert opinion.' All human remains and associated funerary objects are subject to repatriation, so the burial chest with human remains from Port Malmesbury will be repatriated fairly quickly. This brings me to discuss the current status of the chest, and the responsibility the Forest Service has as a federal agency.

## **TSAAGWEIDI BURIAL CHEST**

As of Nov. 7, 1995, the Forest Service has complied with the guidelines set forth by NAGPRA by notifying OVK of the holdings of human remains and associated burial items from the Kake area. According to section 5 of NAGPRA each federal agency and federally funded museum must submit to affiliated tribal entities an inventory of all Native American human remains and associated funerary objects by Nov. 16, 1995, five years after the enactment of NAGPRA. The inventoried summaries by the Forest Service include: 1) item, 2) accession number, 3) catalog number, 4) description, 5) geographical location, 6) current location, 7) cultural affiliation, and 8) basis of determination.

The inventory included other items undoubtedly from the Kake area, but this particular chest, along with two other chests from the same cave held at the University of Alaska - Fairbanks Museum, and the Smithsonian Institution were retrieved from an area located on Kuiu Island jointly owned historically by both Kake and Klawock, a village about the same size as Kake approximately 90 miles south. Therefore, the Forest Service also notified the Klawock Cooperative Association (KCA) about the above mentioned chests. Like OVK, KCA has not yet made a move towards acquiring the chests from the Forest Service. As in any other case in regard to overlapping territories, competing claims are always a potential. The Forest Service, therefore, stated that should any competing claims be made, they should be worked out between the two parties before a formal claim is made to the agency.

This particular situation was central to my research when I went back to Kake for interviews, and also to Juneau to look at historical documents relevant to traditional territory around Kake and Klawock. Prior to research in the Juneau archives, I only had a copy of the Goldshmidt and Haas

report from OVK. There were periodical references to a Dept. of Interior transcript, but it was difficult to find it in any bibliography. Finally, with the help of an employee, we found the citation in a private file at the Dept. of Subsistence in Juneau, and as it turned out, copies of the transcribed hearings<sup>5</sup> were in their library. The hearings were conducted by the U.S. Dept. of the Interior in 1944 to determine the aboriginal land rights of the people of Kake, Klawock, and Hydaburg (U.S. Dept. of Interior, 1944).

The ties between Kake and Klawock historically have been close, and are today still somewhat intact through knowledge of one's extended family. However, the downside of today's reality is that, since the establishment of European or American law, boundaries have been drawn, not only for villages, but also for the federal and state lands occupied between Kake and Klawock, thus separating the two communities. During the Hanna hearings, the late Charles Johnson Sr., of Kake explained this dilemma, '... the boundaries are new things to us, and our history does not call for them' (Johnson 1944:1045).

Throughout the whole volume of testimonies in the Hanna hearings, there was a clash of worldviews, values, and respect. Questions were asked by examiners according to their established legal grounding, and answers were given from a Tlingit perspective that were often not clearly understood by the non-Native examiners conducting the hearings. The specific issues were boundary lines, and how many years back each witness could remember history and traditional land holdings by each family. 'Time' and 'family' play integral parts in understanding the difference

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<sup>5</sup>The transcribed hearings are government archival material widely known as the 'Hanna hearings,' the name of the examiner during the testimonies, and I will note as such hereafter.

between Native and non-Native treatment of human remains. I will return to these specific topics along with 'Respect' later in this thesis in relation to the community of Kake. This leads me to discuss my own research method as both an anthropological observer and as a member of the community observed.

## **RESEARCH METHOD**

With permission from OVK and the individuals themselves, I conducted interviews with three people during the months of February and March 1996 with family members who were born and raised in Kake. Although I had planned to interview up to five people, family emergency situations hindered my efforts. The interviews were unstructured and open-ended, which enabled people to feel more comfortable and not restricted to one topic. Hearing people speak about related subjects proves to be equally valuable.

For personal reasons, two family members preferred that I leave their names out of my thesis, so I have named them 'Family member #1' and 'Family member #2.' The other individual interviewed is my father, Mike Jackson, the NAGPRA contact person at OVK familiar with NAGPRA guidelines and regulations.

The voices in this thesis concerning the Kake area are from taped interviews conducted during the months I had previously mentioned, and quotations by five elders from Kake and Klawock, who are no longer living, cited in the Hanna hearings. I have transcribed the needed quotations from the interviews and as agreed to by the interviewees, obtained their permission before including them in this thesis. The letters used to document the recent history of the chest are from a file kept at the Forest Service office in Petersburg, AK.

## CONFLICTS OF A NATIVE ANTHROPOLOGIST

People that [are] looking at us,  
they are just like the people watching us from that room, through that window.  
And supposing  
I start writing about the person that's in that room.  
I could see his mouth moving,  
and put words in his mouth and write a book on it, "that is what they  
are saying."  
And then make it authentic. (A. P. Johnson 1994:789)

The late Tlingit minister Andrew P. Johnson provided a good insight into how a Tlingit individual perceived the non-Native individual who was at the same time documenting the Tlingit way of life. Although early anthropologists claimed to have been different from the earlier missionaries, whom A. P. Johnson was referring to, their activities had a similar consequence.

Anthropologists have had a long struggle with Native communities, with regard to material written without the Native voice and theorizing about how life 'really' was within the community. The material gathered from communities rarely came back for the community to see, and when it did, it was in published form often without the input of the Natives or their consent. This is the burden I have had to deal with when I made the commitment to pursue a degree in anthropology. Not only do I carry the burden of anthropological history, but also the experience of a Native individual within the field of anthropology that doesn't carry a high population of Native scholars. There are very few Native role models within the discipline for someone like myself to look to for support and inspiration. Pam Brown, a Heiltsuk scholar who is presently a Curator of Ethnology at the University of British Columbia Museum of Anthropology, also received her master's degree at UBC. Brown also experienced the same anxiety of past anthropological interpretation, and voiced her experience as a Native person within the academic borders of higher learning,

...I found academic life extremely frustrating. The university world I experienced was very abstract and very different from the world in which I grew up. I felt I never belonged or was understood. I was also torn between my ambivalent feelings towards anthropology as it used to be, and the new 'post-colonial' anthropology, where the voices of indigenous peoples are now beginning to be heard (Brown 1995:55).

Miranda Wright, a Koyukon Athapaskan from Alaska, has also stated the challenge for her to enter the field of anthropology,

Entering anthropology was a real challenge when you consider how thoroughly the customary laws in our community discourage participation in disciplines like archaeology and physical anthropology (Wright 1995:59).

Aside from the historical fact that anthropology has asserted its authority over Native communities and had claimed to be the expert, one prominent contribution the discipline contributed was the historical documents stating a lifestyle from the past. From personal experience and from speaking with other Native individuals, I know that these historical documents have sparked a curiosity of our own to question what has been written and to do our own research and writing within our own communities so as to further our personal knowledge of family history (Brown 1995; Carlick 1995; Jensen 1995; Johnson 1995; Kew 1993; Wright 1995).

Taking into account the historical ambivalence towards anthropology by Native communities, and especially from the community of Kake, I hope to provide my community with a better understanding of how much potential the field of anthropology could have for the community itself. As increasing numbers of Natives acquire anthropological training to accompany their knowledge of history from their own communities, present forms of education in the university and Native community can only be enhanced.

## Accountability

Speaking from the perspective of a young person being raised within a close-knit village where every action is scrutinized, accountability of my written word concerning such a sensitive issue as human remains is highly stressful. As stated in my acknowledgements, the opinions expressed in this thesis concerning reburial and future choices and questions are mine alone. However, the fact remains that I am part of a large extended family where actions and words are taken very literally and reflect back on the family as a whole.

The situation I find myself in as a Native anthropologist is the reality of being accountable to my own clan members as well as to my profession, a situation rarely documented in the anthropological literature. Unlike non-Native anthropologists, I don't have the choice of moving to another community if I should offend the clan by what I write. My permanent base is in Kake with my family, and I have to face the consequences of my actions.

"Your life is not your own," one elder said. "you fit into community life, often at the sacrifice of personal desire (Dauenhauer and Dauenhauer 1994: xviii).

Throughout the process of researching various historical and local documents, I constantly struggled with the issue of handling human remains from the Kake area that could be a direct ancestor of my family. Handling human remains only occurs at the time of death, thereafter, it's taboo or bad luck. This is why on a personal level, I am uncomfortable knowing we (the family and community) have to handle remains that have already had a proper and very elaborate burial (Dauenhauer and Dauenhauer 1990; Emmons 1991; Kamenskii 1985; Kan 1989; Krause 1885 (1956)).

Due to reburial not being commonplace prior to NAGPRA, the issue of "new" ceremonies created for reburial is a question often asked and discussed by both professionals and Native individuals (Pullar 1994; Quick 1985; Stoffle and Evans 1994). This issue will be discussed in more detail in the section dealing with 'Return and Reburial of the Killerwhale Chest.' Now I would like to refer to the recent history of the retrieval of the Killerwhale chest.

## **HISTORY OF BURIAL CHEST**

This particular chest has a curious history with a long paper trail. It begins with the most recent history of the chest in Seattle, WA, then moves to Santa Barbara, CA, before coming to its current resting spot at the Alaska State Museum in Juneau. The report I would like to begin with was written by Fred W. Prussing, the Director of Law Enforcement for the Forest Service, submitted to the Regional Fiscal Agent on March 28, 1978. It summarized the events leading up to the confiscation of the chest and provided the following information. On July 21, 1977, Daniel Johnson Sr., a Native from Angoon, AK, met with Forest Service employees to voice a complaint concerning a burial chest he had heard was being offered for sale in Seattle, WA. Johnson believed the chest had been illegally removed from Admiralty Island, an area his village claimed as its territory.

On July 29, a week after Johnson met with the Forest Service, Laura McCarley, a Juneau resident, contacted Gerry Clark, the Forest Service Regional Archaeologist, via telephone to report that on a trip to Seattle a few days prior she saw a young man at the Southcenter mall area in Seattle attempting to sell a Shaman burial chest containing a skull with long black hair. When McCarley approached the young man concerning the chest he left the area. McCarley then contacted two art



dealers, Michael Johnson<sup>6</sup> and Howard Ross, and was given the name Barry Harem, the young salesman at the mall.

Clark, the archaeologist, then contacted Prussing, the director of Law Enforcement for the Forest Service, and requested that Prussing investigate the reports by Daniel Johnson, from Angoon and by McCarley. The outcome of the investigation indicated the chest had actually been removed from the southern end of Kuiu Island, the island south of Admiralty Island, still within the Tongass National Forest boundaries. The chest was removed by William Vickers, the trapper who had first retrieved it in 1949 from Port Malmesbury, and it was still in his possession at his residence in California. Barry Harem, the young salesman, was merely assisting Vickers in contacting art dealers in Seattle to find a potential buyer. Prussing, in his position as the Law Enforcer, then obtained a search warrant from the U.S. Magistrate in Santa Barbara, CA on August 9, 1977 and subsequently seized the chest at the Vickers residence, less than three weeks after initial contact by Johnson from Angoon.

Vickers, the former trapper, told Prussing that he had never made a secret out of having the chest, and had actually initiated contact with the museum in Juneau to sell it to them, but they had refused at that time. Vickers requested a copy of the record of his initial contact, but the museum couldn't find it anywhere in their files. He had also stated that the Forest Service officers at the time of his acquiring the chest knew of his possession of the chest, and said that several other chests were

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<sup>6</sup>See Bowen, James. Chilkat Indian Village. I.R.A. v. Michael R. Johnson. 1993. Tribal Court case involving the removal of priceless family houseposts and screen from family tribal house in Kluckwan, AK. Michael Johnson was the collector who had purchased them, despite known complaints, and had planned to ship of the material to Seattle, his residence at the time.

removed from this same cave by people other than himself (Prussing to Regional Fiscal Agent, Mar. 29, 1978).

Prior to Prussing's report Vickers provided his own perspective concerning the 'discovery' of the chest in writing to the Curator of the Juneau museum and stated his own thoughts of how the chest should be handled. The letter was dated August 11, 1977. During the year 1949 while trapping on Kuiu Island in Port Malmesbury, he had found an Indian Burial Chest in a cave located at the entrance of the Bay. At the time he found it, he contacted the Juneau museum in hopes that it would accept the chest, but was told the museum already had three similar chests.

A year later in 1950, Dr. Ivar Skarland, Anthropology Professor at University of Alaska, Ed Keithahn, Territorial Museum Curator, and James Cole, aboard Cole's cruiser, the Dragonfly, made a trip to Port Malmesbury to investigate the limestone caves. They later reported that there were no traces of Indians ever having lived in the Bay, and in fact the place was considered to be taboo by the local Indians. Vickers, the former trapper, stated that due to the feelings by the local Natives concerning the location in the Bay where the chest was found it was alright for him to keep the chest in his possession.

Vickers made no attempt to conceal the chest, and actually stated it was a 'delightful' conversation piece for his many friends and relatives. Vickers concluded his letter by expressing his desire to keep the chest since he had had it in his custody for 28 years (Vickers to Curator of Museum, Aug. 11, 1977).

On Aug. 15, 1977, Vickers wrote an additional statement to Magistrate McEwen in Santa Barbara concerning the Killerwhale chest and the other known chests found in the same cave. He noted that men employed by Sawyer & Reynolds Logging Co. arrived in Port Malmesbury from Port

Alexander in the spring of 1950, one year after Vickers removed the single chest from the cave, to prepare a small sawmill for working operations. While in Port Malmesbury, the men entered the cave and found the remaining two chests Vickers left behind, and decided to take them out. They planned to ship them out to the Smithsonian Institute, but unfortunately left them on a dock at the mercy of the natural elements. After some time, the human remains inside the chests began to give off a foul odor due to being damp, and resulted in their being reported in Ketchikan as an unknown murder. The U.S. Marshall flew out to Port Malmesbury and found a burial chest with a cured head inside.

Vickers stated in this specific letter that the U.S. Marshall and Forest Service men, who at that time were in the Bay checking on trees to be cut for the sawmill, and who had actually examined the chests themselves, knew of the chests being taken out of the caves but apparently didn't mind Vickers, Skarland, and the logging men keeping them. Again, Vickers concluded in his letter that after 28 years of possession, the Killerwhale chest should rightfully be returned to him in California (Vickers to McEwen, Aug. 15, 1977).

In a letter dated Dec. 10, 1977, Vickers wrote a letter to Senator S. I. Hawakawa asking for his assistance in retrieving the burial chest, because the museum in Juneau would not display it (Vickers to Senator Hayakawa, Dec. 10, 1977). Senator Hayakawa's office then contacted the appropriate agencies to obtain information concerning the chest. Regional Forester John Sandor provided the Senator with a report. He stated that at that moment they were in the process of determining the most appropriate repository for the chest. Sandor also explained that according to the Antiquities Act of 1906, it was illegal for anyone to appropriate any object of antiquity on lands

owned or controlled by the federal government without permission from the Secretary. Therefore, the chest could not be returned to Vickers.

The federal government and the public at large, according to Sandor, were finally at a point of having great concern with the 'Nation's' cultural heritage and how much had already been lost to looters. The Historic Preservation Act and other federal statutes reflected the growing concern for the protection of 'non-renewable' resources. Due to the high incidence of looting and selling of Southeast Alaska Native items, Sandor stated that it was the Forest Service's moral and legal obligation to stem the drain of cultural objects from lands under Forest Service administration in Alaska. Sandor, the Regional Forester, also asserted it was the Forest Service's obligation to ensure that, whenever possible, such artifacts remain in Alaska, available for the education and study of all concerned in institutions established for their curation and conservation (Sandor to Senator Hayakawa, Jan. 31, 1978).

The contents of the letter were disclosed to Vickers after it reached Senator Hayakawa's office and Vickers immediately wrote back on Feb. 22, 1978 to Sandor to clarify some statements Sandor had made in regard to the location where the chest was found. In this letter Vickers stated that he felt strongly that if the chest wasn't being displayed by the museum for the public to see, it should be returned to him, since the chest had been enjoyed by all who came into contact with it at his residence. Vickers then concluded that if the Forest Service planned to return it to a resting place, it should be put back in the cave on Kuiu Island (Vickers to Sandor, Feb. 22, 1978).

Sandor, the Regional Forester, replied to Vickers stating that the Forest Service understood his desire to regain possession of the chest, but according to the various laws which governed the

Forest Service's actions relating to the protection of cultural resources on National Forest lands, the chest could not be returned to him (Sandor to Vickers, Mar. 9, 1978).

The seizure of the Killerwhale chest is quite uncommon, especially with the Forest Service involved who actually traveled to California to retrieve it. The lives the chest touched from the beginning with William Vickers and his family and friends, to Daniel Johnson from Angoon, the key players within the Forest Service, and finally to the curator at the museum in Juneau is quite remarkable considering the age and condition of the chest. This is how my parents came to see it in 1994. Before I talk about the current status of the chest, the future claim of the chest, and issues of affiliation through historical documents and recent interviews, it is timely to review the issue of how human remains have been treated by museums. After reviewing the literature, I will return to a discussion of the issues of respect, family, and land from a Tlingit perspective and then look at the problems and issues reburial raises for a community given that reburial through repatriation is not a normal custom.

## **LITERATURE REVIEW**

Throughout the 1980's numerous commentaries on human remains and cultural items held by museums and federal agencies were published. These have been recently summarized in a bibliography issued by the Smithsonian Institution (Green 1994). Conferences were also held to discuss various opinions concerning the disposition of human remains and cultural property integral to Native American human and religious rights (Berman and Brooks 1991; House of Representatives Report 1990; Keepers of the Treasures 1990; Quick 1985).

Intense feelings are often expressed about the disposition of Native American ancestors and ancestral materials because, on the one hand, these are central to the success of many professional people and museums and, on the other, they are the

bodies of one's ancestors and the materials needed to continue one's culture (Stoffle and Evans 1994:30).

The perspectives pertaining to the disposition of human remains and cultural items vary among groups and within each group (Bowman 1989; Boyd 1990; Hubert 1989; Layton 1989; McGuire 1989; Peterson 1990; Quick 1985; Rubertone 1989). A popular argument voiced within the scientific community against reburial is the loss of raw data found in human remains. Doug Ubelaker mentions this in a conference that was held in 1985:

...we are closing the opportunity for all practical purposes to utilize those future techniques which may develop, which may help us learn things we all want to know, I assume, that would not be possible given the reburial situation. That's the scientific point of view for long term preservation that has its roots in our desire for the increase of knowledge about the peoples represented by these remains (Ubelaker 1985:43).

The pursuit of information through the study of human remains is a relatively new avenue for Native groups, and a few have chosen such paths (Rubertone 1989). Nevertheless, the Native groups who wish to acquire their ancestral remains provides a strong case against scientific study. Randall McGuire recognized a common theme:

All Indian people do not hold the exact same beliefs regarding the sanctity of burials, but consistent themes characterize the objections raised to the scientific study of Indian burials (McGuire 1989:180).

Weldon Johnson, a Colorado River Native, stated the same sentiment to a group of professionals during a 1985 conference on reburial issues: 'We don't ask that you believe the way we believe, but that you just understand' (Johnson 1985:174). Johnson had also stated,

You need to approach it in a respectful manner. The reburial issue is very touchy, because various tribes have their own belief on the exhumations of cremations and of skeletal remains (Johnson 1985:21).

The dialogue over the past 15 years between scientists and Native communities has opened up the issue of ethical concerns with regard to the disposition of human remains. Because of the growing awareness of ethical concerns new relationships have been forged which have changed some perspectives within the scientific community (Prins 1985; Welsh 1992; Zimmerman 1989).

The passage of NAGPRA has enabled the progression of communication between representations of these two worldviews, and has established potentially useful partnerships based on respect. Repatriation has the hope of cultural revitalization for cultures that have been suppressed for so long (Johnson 1985; Pullar 1994; Welsh 1992; Williams 1995). The issue of repatriation cannot solve all the problems within a Native community or bring back all of the cultural traits that have changed over time; to be effective in the future it needs to be combined with other actions of cultural perpetuation.

### **Legislation prior to NAGPRA**

At the turn of the century, Congress continued its deplorable federal policy with the passage of the Antiquities Act of 1906. That Act, which was intended to protect archaeological resources located on federal lands from looters, defined dead Indians interred on federal lands as 'archaeological resources' and, contrary to long standing common-law principles, converted these dead persons into "federal property" (Trope and Echo-Hawk 1992:42).

The disposition of human remains and cultural property prior to NAGPRA provided few options to choose from because all material found was considered "federal property" and/or "state property," therefore leaving no legal rights for the Native groups personally affected (Trope and Echo-Hawk 1992; Bowman 1989; Boyd 1990; Price 1991; Raines 1992). Although the legislation passed at the turn of the century was progressive during that era in terms of protection of Native material, it didn't provide an arena for Natives to voice their concerns and regain legal ownership

of confiscated items. It would be easy to state that the federal government has worked its way towards more efficient laws concerning Natives; but it took 84 years to implement legislation for Natives to finally have a fair hearing. Jack Trope and Walter Echo-Hawk provide a good critique of U.S. law and the treatment of Native American human remains:

American social policy has historically treated Indian dead differently than the dead of other races. Unfortunately, it has been commonplace for public agencies to treat Native American dead as archaeological resources, property, pathological material, data, specimens, or library books, but not human beings (Trope and Echo-Hawk 1992:43).

The Antiquities Act of 1906 set in motion the right for the federal government to establish ownership of archaeological material found on all public lands. Even after the passage of the Archaeological Resources Protection Act (ARPA) and the American Indian Religious Freedom Act (AIRFA) in 1978 and 1979 respectively, no rights were granted to the Native American groups who had strong affiliation to excavated and/or curated material, the right to dispose of the material as they saw fit (Bowman 1989; Boyd 1992; Echo-Hawk 1986; Monroe and Echo-Hawk 1991; Peterson 1990; Trope and Echo-Hawk 1992). All the federal statutes prior to NAGPRA only granted procedural protection. Nothing guaranteed the return of remains and material items because scientific inquiry took precedence over cultural and religious value (Bowman 1989). According to the scientific community, Native burials had scientific value, and, therefore, placed the responsibility on Native American groups to prove the cultural and/or religious significance of the burials (Bowman 1989; Boyd 1990, 1992; Echo-Hawk 1986; Quick 1985).

Although both ARPA and AIRFA established some rights for Native groups pertinent to religion and control over excavation on tribal lands, there still were no Native rights pertaining to the disposition of the remains curated in various storehouses across the U.S.



The review of American legislation regarding Native Americans leads me to discuss the effects of American law on the Tlingit Natives of southeast Alaska. It is important to understand the process of land ownership and the eventual loss of not only traditional land holdings and the right to acquire traditional foods, but also the loss of items taken from old gravesites by looting.

Within any community of Alaska, there is an underlying knowledge of federal legislation that has positioned the Natives in a lose-lose situation with regard to Native rights to hunt and fish in large traditional areas. During the Hanna Hearings the late Charles Johnson Sr., of Kake stated his knowledge of lost rights to areas taken by the government,

A:- We have been stopped from doing it [to hunt, fish, and camp].

Q:- Who stopped you?

A:- The government.

Q:- How?

A:- They told us, "There is not a place in this place that belongs to a Native. It all belongs to the government" (Johnson 1944:1077).

Johnson continued his perspective of becoming citizens of the United States,

Q:- Why is it that these old customs among yourselves are not enforced anymore?

A:- We could still do it, but we cannot very well do it when the government instructed us, "You are a part of us," --- that is what they told us, and we have respect for them.

Q:- You mean that they made you citizens?

A:- Yes, sir.

Q:- And then when you became citizens, you were like all other citizens?

A:- That is what we believed, but the law does not look at it that way. There is laws for Indians (Johnson 1944:1078).

Family Member #1 recounted in a March 1996 interview what the late elders had to endure,

That was quite common; our people never objected,  
because they always said that the white men told them there,  
that it belongs to the government.

And we were afraid of the government naturally (Family member #1 1996).

Life had changed drastically after the high influx of non-Native peoples into the territory of Alaska, particularly the southeast panhandle since it was a gateway to more northern destinations. Native communities had to readjust to accommodate the foreign government that had taken over. My late grandfather Henry Davis recorded in his own words the formal ceremony the village of Kake went through at the turn of the century to abolish the old customs of government and adopt the new government introduced by the Americans, a radical decision at that time. I will only add an excerpt from the recorded tape left for our family of what had been said during the ceremony,

Charlie Gunnuck, the new mayor,  
delivered his speech.  
He was dressed in his best  
white man's clothes  
a five gallon hat to go with it  
there he said,  
'Kake has been like a small child  
in the white man's way of living,  
we can only crawl.  
We're not prepared,  
we have no education.  
So it was like a little child that could crawl,  
but now with our self government  
Kake is going to get on its feet, and we'll begin to walk.  
The silver spike that is driven,  
the cover is nailed  
on the old custom ways of living  
we will now be governed by the white man's law.'  
And that is exactly what has happened.

The white man's law went beyond  
the authority of the Tlingit chiefs  
so some of them see it  
that there was no necessity for chiefs anymore.  
For one thing it was already sealed  
and nailed shut to any Indian ceremonies;  
a penalty was set if anyone put on a ceremony.  
And so the practice of selecting chiefs  
died with the coming of the white man's law (Davis 1977).

The white expansion into the 'Last Frontier' proved to be devastating, not only for wildlife, but also for cultural material lost to looters in the guise of fishermen, trappers, collectors, and pleasure seekers. There have been legal purchases by people outside of Alaska in the past, but there are no excuses for the lost human remains and burial objects sacred to the spiritual essence of the descendants of those who have perished.

Taking into consideration the above mentioned information concerning the historical relationship between the federal government and the community of Kake, it is important to acknowledge the loss of large land holdings that had once given the local Natives the authority to not only gather food, but to conduct cultural ceremonies within certain bays owned by various families that included burials. Port Malmesbury, the bay the burial chest was taken from, is known to families in Kake who claim historical family use. It is important to keep an overall picture of history not only in terms of government legislation but also in terms of the sacrifices Native families experienced as they adjusted to these new demands. All of this information is tied into the cultural, historical, and territorial affiliation Kake has with this chest. I return to a more detailed claim for affiliation in the section 'Family.'

## Case Studies

Case studies of the return of human remains have been documented throughout the last 15 years, and on into the 1990's after the passage of NAGPRA (Boyd 1992; Echo-Hawk 1986; Floyd 1985; Moore 1989; Peregoy 1992). Due to strictures of space, I will discuss only two case studies relevant to this particular thesis. The first repatriation case began prior to the passage of NAGPRA in 1990 by Congress, but provides insightful information in the long task of the return of human remains, that ended in 1991 in Larsen Bay, Alaska, a village not unlike Kake. The second repatriation case I would like to mention dealt with NAGPRA regulations to try and determine the descendance of Hawaiian human remains formerly held by the Phoebe Hearst Museum in California. These two case studies bear immediate impact on the future retrieval of the Killerwhale burial chest, through the implementation of NAGPRA regulations, possible problems during the process of return, and the emotional impact for the family and the community.

The controversy of the Larsen Bay, AK (Kodiak Island) human remains and associated burial items that were once held at the Smithsonian Institute stirred hard feelings over a period of five years between the Kodiak Area Native Association and the scientific community within the Smithsonian. Essays by Gordon Pullar, Henry Sockbeson, and other key players associated with the final return of Kodiak Island remains are compiled by Tamara Bray and Thomas Killion into a book recently published by the Smithsonian Institute titled, Reckoning with the Dead: the Larsen Bay Repatriation and the Smithsonian Institution. The essays were originally given at a symposium in 1992 at the American Anthropological Association meetings in San Francisco, CA. The book provides an insightful look at the long arduous task by descendants to regain their ancestors' bodies,

and museum professionals trying to maintain their rights to human remains in the name of science for all humankind.

The Hawaiian repatriation case involved the Phoebe Hearst Museum in Berkeley, CA., and a Hawaiian organization. This particular repatriation case involved NAGPRA provisions for cultural affiliation, the foundation of the claim for the Killerwhale chest by Kake. The museum argued there wasn't sufficient data to conclude that the individuals from the organization claiming the human remains were actual descendants of the human remains found on a Hawaiian island. Due to the museum's belief that the Hawaiian organization wasn't culturally affiliated with the Hawaiian skeletal remains, it refused to relinquish its right to the remains until descendance could be proved. Since this case couldn't be resolved between the museum and the claimants, it was taken before the Review Committee established under NAGPRA. After extensive testimony by both parties, the Review Committee advised the Phoebe Hearst museum to transfer the skeletal remains to the Bishop Museum in Hawaii until sufficient evidence could be brought forth to establish reasonable affiliation. The remains have since been reburied (Federal Registrar 58(71); 58(104); 59(38)).

The benefit of reviewing the repatriation cases from both Larsen Bay and Hawaii is in recognizing the failure of communication from both parties involved. Communication should be priority between two parties interested in collections of human remains and cultural material. The benefits for the scientific community would be increased collaborations for future exhibits and correspondence. There is always the problem of inaccessible information in the rural areas of Alaska; access to information larger institutions like museums have. This would provide a good source for various Native agencies, as well as museums concerning information regarding Native collections and exhibits. Not only would it open the doors for better collaborations, but also possible

scientific study on material both parties are interested in. Although the task of locating items held in museums' care throughout the United States is costly, the benefits could prove fruitful for future generations in their pursuit of cultural distinction and freedom, as well as equal rights established under the Constitution of the United States. Native groups can finally be assured a fair hearing, something that was not always guaranteed in the past.

## TIME

Throughout all of the literature stated in this thesis, there is a very strong underlying theme: conflicting worldviews with regard to perspectives about time and respect. Gordon Pullar, a Kodiak Native from Kodiak, AK, mentioned this from his experience with the Smithsonian Institute concerning the Larsen Bay remains and associated funerary objects,

From a personal viewpoint, I reflected on the process that I had been involved in for nearly eight years. I realized it had not been simply a dispute between the interests of modern western science and the right of Native Americans to bury their dead. Nor had it been a struggle between good and evil. It had not been a disagreement over what constituted a matter of respect or disrespect, nor an issue that had a right or wrong answer. The dispute over the repatriation of the human remains to Larsen Bay, as it likely is in other cases, was dominated by a fundamental difference in world views. Indigenous people and western scientists have very different ways of seeing time, family, and the universe (Pullar 1994:17).

The concept of time in the Tlingit worldview is hard to articulate within such short parameters. When histories<sup>7</sup> are told, time is irrelevant in terms of years; the important aspect to remember is that it's true and shouldn't be doubted. Charles Newton, my great-grandfather, also testified to the customs and laws passed on from the elders:

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<sup>7</sup>I prefer to state histories rather than stories and myths, because according to the elders, the events retold to children are indeed real events that have taken place in the past, that account for who we are not only as a people, but as individual families.

Q:- And were these various customs and laws, as handed down by elderly persons, regarded as the truth?

A:- Yes (Newton 1944:1096).

In keeping with the same sentiment, Tuhyeeday, or Adam James, from Kake also stated his knowledge of family histories:

Q:- Was it the custom of the Kake Indians to teach their children the traditions or the history of the tribe?

A:- That was the custom. Their relations or their friends taught the children these stories so that they will not make any mistakes, the idea being to teach them the wisdom - to teach the wisdom to their children and their relations (James 1944:1123).

Referring back to the concept of time and dates, Charles Demmert, a witness for Klawock in the Hanna hearings, stated his aspect of time,

Q:- All I am trying to do is fix how long ago it was by the number of generations, Mr. Demmert. It would be your mother's relatives, wouldn't it?

A:- My grandmother's father's people. Well, let us say a hundred and fifty years. It doesn't make any difference because we don't have dates (Demmert 1944:700).

Gordon Pullar also points to the connection of the past with the present:

To indigenous people, time is circular. Those ancestors who may have died hundreds of years ago are still a part of the circle. They are still members of the group of people living today. They may have passed to another world but they remain full members of the group. The indigenous concept of time is often difficult to understand and if understood, difficult to articulate (Pullar 1994:19).

The importance of knowing one's history is integral to being an individual within the family; stating where you come from not only geographically but historically from one's ancestors, their relationships, and names given. In a March 1996 interview, family member #1 stated this importance,

And when he would be repeating our Tsaagweidi history there,  
he interjected, where did I learn this from?  
From your grandfather, they're the ones, your ancestors.  
My grandfather told me  
valuable information in our culture,  
wisdom, their wisdom.  
When it came to my time,  
they asked me, said, 'Are you familiar with your history?'  
and I told them 'Yeah, I grew up respecting it, it was part of  
our deal,' I said,  
no one drummed it into me, but I was always reminded  
of my heritage, where I come from (Family member #1 1996).

All of the information I stated and quoted is part of the encompassing focus of ties to the  
Kake area. Not just ties to geographical locations, but to the voices and histories; or more  
specifically stated, the oral traditions intricately tied to the material objects held within the confines  
of museum institutions.

The importance of oral traditions has been an area of rising interest within the discipline of  
anthropology. It is increasingly being recognized that family histories, which on the surface may  
not appear to be relevant to current concerns or considered "reliable evidence," are in fact very  
important and have the potential for solving or alleviating current problems not only within Native  
communities, but across cultural boundaries within society at large (Carlick 1995; Cruikshank 1990;  
Dauenhauer and Dauenhauer 1987, 1990, 1994; Muratorio 1991; Narayan 1989; Pullar 1994;  
Rosaldo 1980; Sarris 1993).

## **RESPECT**

Respect is a highly revered concept among Native communities, especially in Kake, the  
community in which I was raised. Respect may be likened to a well thought out speech. Respect  
is very articulate: time is taken to recognize the loved ones who have passed on, the people present,



and especially the children yet to bless our presence. Respect is where time is not an issue and silence is treasured. It is a very humbling experience to be reminded of those who gave breath to your body and peace to the heart and soul.

All of this is wrapped up in that single word "respect," it is actions, it is words spoken, it is knowing when to remain silent. It is what has been instilled into us from knowledge passed on through generations ranging from individuals whose remains are currently being held in museums, to members presently living in the community. Within the Tlingit community, emotions run high when a person passes on and is no longer physically manifested in the body his or her family once knew them to be in. Ceremonials are performed for the deceased to ease the family's pain and to ease the spiritual journey of the deceased to the ancestors who have gone on long before (Dauenhauer and Dauenhauer 1990; Emmons 1991; Kamenskii 1985; Kan 1983, 1989; Krause 1885 (1956); Olsen 1967; Swanton 1970; Veniaminov 1840 (1984)). John Peters phrased it eloquently,

...we look at the spiritual kind of thing because we're deeply involved in the spirits of all forms of life, not just human life. All forms are equally respected and so, when we have a death the remains are buried in a ceremony (Peters 1985:13).

From a Tlingit perspective, the term 'respect' cannot be summarized or easily explained in the same fashion as are terms in the field of anthropology or any other discipline due to the fact that there is a difference between writing about the term in texts and living it on a day to day basis where the term is a part of everyday life within the Tlingit community. This directs me to an essential part of respect which is the knowledge of one's extended family and the importance of each relationship.

## **FAMILY**

She [grandmother] always stressed to us,  
you have to know your relatives,  
not for what you can get out of it,

but you have to know your heritage (Family Member #1 1996)

An important concept within the Tlingit community, especially in Kake, is family. In an interview during the month of Feb. 1996 Family member #2 had repeated a beautiful analogy heard from an elder from Klawock,

Family is like roots of a tree.

As you pull on a root, you find another root.

And another root; pretty soon you come across a whole network all intertwined.

They are all over.

In many ways you can look at the tree as an individual.

You are grounded, nurtured by the roots.

As you go deeper [into the ground] the stronger you are binded.

A person without family is like a tree without roots;

without them [family: roots] a strong wind, or strong current of water could blow or knock you over.

You have no stability; no one to fall back on (Family member #2 1996).

The individual in the burial chest was and is a part of the family; not only within the Tsaagweidi family, but the rest of the extended Killerwhale family that encompasses other Killerwhale clans. This analogy of a family to a tree is not uncommon; Fred Thomas from Klawock also mentioned this analogy with the help of a translator during the Hanna hearings,

He says, when you look at a tree that is standing by itself, when you size up the tree, up to the top, he says, you don't get the impression that that tree is just simply standing there without any support of any sort. He says, you have to dig underground to see the roots of that tree which supports that tree, which makes it possible for that tree to stand up. He says, our tribes and clans are pretty much like that, he says. You take me for instance, my root, or the branch of my clan runs into all the other clans. That is the reason why we used to go around amongst these others and visit with one another (Thomas 1944:788).

I would like to tie the above analogy to a basis for a claim through family ties with the Killerwhale families from Kake. Because the chest is approximately 600 years old<sup>8</sup>, an ownership claim by the Tsaagweidi alone is not justified. Kake is the home of four Killerwhale families: the Tsaagweidi, Daklaweidi, Nasteidi, and the Shankukeidi, all whom have occupied the Kake area since time immemorial. In an interview during March 1996, Family member #1 recited a partial history of the migration of the Killerwhale family to the present Kake area:

Going back to the Stikine [river], after the flood, we went into the interior there, and we came out Stikine River, we were one.

Shankukeidi.

And anyway, we came down the Stikine there, we were Shankukeidi, was our root, and we became four, and some of them kept the name Shankukeidi, and Tsaagweidi was part of them (Family member #1 1996).

This statement uses the analogy of roots: the family is extensive, and therefore, all of the Killerwhale families have a historical tie to the chest.

## **FORMAL CLAIM**

According to section 3 of NAGPRA, in order to claim human remains and/or cultural items, the lineal descendants are given priority for repatriation. If lineal descent cannot be ascertained, the group with cultural affiliation to the item(s) found within a particular group's territory has a potential claim for any remains and cultural items. Presently, OVK has legal standing to claim the chest, along with other human remains and cultural items listed in inventories that have already been sent

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<sup>8</sup>Radiocarbon dating was conducted August 9, 1993 to determine the age of the wood, and also the contents within the chest by Beta Analytic Inc., from Coral Gables, Florida. The results were: C-14 630 +/- 60 BP with a C-13 adjusted date of 620 +/- 60 BP. Both contents and chest are close to the same age.

to them. In order for OVK to claim the chest from the Forest Service, they have to provide in writing the following either by a short letter, resolution, or both, stating the following criteria,

- 1) OVK is a legal tribal entity recognized under federal law,
- 2) Cultural affiliation; the chest was found in Port Malmesbury, territory claimed historically by residents of Kake, and all families connected to the chest agree to repatriate,
- 3) The remains in the chest are known to be of Tlingit origin [documentation in Museum and Forest Service files],
- 4) The right of possession; according to Common Law, no one has the legal right to own human remains.

The actual letter or resolution should include more details, but the claim should center around the four legal points of affiliation and ownership. Since OVK has not yet undertaken any cases of repatriation established under NAGPRA, I can only anticipate what may happen after legal claim to the chest is made. Public notification will be posted in the Dept. of the Interior's Federal Registrar, as well as in the public bulletin circulated by the Central Council of Tlingit & Haida Indian Tribes of Alaska. This is to notify all federal and tribal entities of the formal claims, in case there should be other interested parties for a particular item(s), whom the federal agencies and museums may have been unaware of during the time of notification of their holdings to various tribal entities.

### **RETURN AND REBURIAL?**

The reburial of the Killerwhale chest is inevitable, but moral and ethical questions arise when discussing all the options available to the community. The ramifications of the return of the burial chest have yet to be seen, therefore I can only speculate what the result will be. I would like to emphasize that all questions in this section are personally mine. The conversations I had with

individuals in Kake provided me with these questions, and I feel they should be thought about in the future once the burial chest is in Kake. The first issue I would like to begin with is: what materials will actually be reburied once back in the community of Kake? There are a broad range of choices the family and community have to consider. The choices are:

- 1.) Keep the chest and contents in Kake/Cultural Center;
- 2.) Take the chest and contents back out to Port Malmesbury;
- 3.) Keep chest in Kake and return contents out to Port Malmesbury;
- 4.) Cremate both chest and contents and take the ashes back out to Port Malmesbury;
- 5.) Keep chest and cremate contents and take ashes back to Port Malmesbury;
- 6.) Rebury chest with contents at the local grave island;
- 7.) Keep chest and rebury contents at the local grave island;
- 8.) Rebury both chest and contents and all other information referring to the chest, leaving no trace that it ever was out of the burial state.

This decision is very important because the integrity of the chest and the individual within the chest should be kept as highest priority. Since there are a number of people involved through the four clans I stated on p. 31, there would be a larger group deciding the final arrangements for reinterment. Traditionally the opposite clan would conduct the burial services, in this case, all the Raven clans connected to the four Killerwhale clans either through marriage or birth would be responsible. I anticipate the ceremony will be short, with speeches from specific older members of each clan involved, which encompasses a number of clans from Kake. Klawock will be a part of the process since they have just as much ties to the chest as Kake.

The moral issue brought forth by the above choices of what to bury is the reburial of all photos taken of the chest. It may not be relevant at the time of reburial, but it is an issue I would personally like to discuss. The carving and the painting on the chest are marvelously intact and provide a unique perspective of past artistic style. My concern is the integrity of the individual in the chest since it is considered a coffin. Under present circumstances a coffin is never photographed prior to burial, so wouldn't it also apply to the chest despite the artistic value? My personal view is probably premature, and other family members may not have the same sentiment concerning this issue, but it is a plausible one to think about.

After the eventual reburial, the older members of the Killerwhale families will decide whether there will be a memorial ceremony for the individual in the chest; whether it be combined with other deceased Killerwhale individuals, or for the individual itself. The other aspect to keep in mind is the actual protocol used during such a new formality if it should reach this level of ceremony.

- How much money should be saved and how much given away?
- Who saves the money?
- Should the reburial be like any other funeral with the same formalities?
- Should there be a second memorial years after the reburial considering the individual obviously went through an elaborate burial over 600 years ago?
- If there is to be a memorial, should it be organized the same as other memorials?

All of the questions are fundamental and equally as important as what items should be buried. Consultation with designated people within families is important once the process of repatriation begins. There is a set pattern in which burials and ceremonies take place in small communities like

Kake. It is during this process questions will answered. I would like to emphasize that I am not establishing a procedure for the families to follow, but issues that arise from reburial. In an a March 1996 interview, my father stated his perspective on reburial,

The NAGPRA issue is something that is part of our healing process, I would think, in terms of the Native ways. People that were buried a long time ago probably went through a whole process of the potlatch, laying them to rest. Here they were dug up, and now they need to be put back, to be put back in, there's no question about it that they need, they have to be, re-interred to the ground, to be left in peace again. And, I think just the local practice of having something like that, maybe come back to Kake where we, part of settling stuff that the people have done to the Native people in their history. And treatment - maybe after everything is all said and done, after the whole process, after maybe the last bone is taken out of museums or different agencies, things might be set right in the community, you know. But those things need to be brought out but also be put to rest again. It's just like, after going through the whole potlatch, somebody came in and stole the body. We all know it and the scientific people know that, it's up to us to put it to rest (Jackson 1996).

During the same interview, I asked him his thoughts about new formalities,

Yeah, I think it just needs to go through that part of, an apology. Of not coming forth earlier and settling' this. So I think like you say, there would be, probably just a different speech, and apologies said to finally, make it to their final resting place.

The consensus of people I have spoken to in Kake is that the remains should be returned and reburied; the spirit should be returned to its rightful place. Although the choices of what should be

done is not going to be decided any time soon, they should be thought about so as to be prepared for what is to come.

## CONCLUSION

Repatriation is a very new issue since it was passed into law in 1990. The scope of NAGPRA encompasses human remains and cultural material important to individual Native groups across the U.S. held by various museums and federal agencies. The purpose of this thesis is not to set procedures for Kake or other Native communities, but to raise the issues surrounding the return of material and show the historical research for cultural affiliation. Speaking from personal experience through the research of this thesis, the invaluable family history I acquired has only compounded my pursuit to learn more when I return to Alaska. The eventual return of the burial chest to Kake is only the beginning of what will be more commonplace in the future concerning repatriation; not only through the return of other human remains, but more importantly cultural material needed for ceremonies.

The passage of NAGPRA has created some problems for those involved in the repatriation process: problems such as cultural affiliation, competing claims, and lack of funds to implement the Act. A lot of tribal offices do not have a repatriation staff and if they do, the individuals already have more than one job to do. There just is not enough funding to actively pursue repatriation, especially when tribal administrators' time is taken by other more pressing social and economic issues. Gordon Pullar, from Kodiak, is from a town not unlike my own home community,

Larsen Bay, like other villages in Alaska, continues to struggle with a myriad of social problems and political issues that heavily impact everyday life. These are all more pressing than the repatriation case. In my talk, I said something else that the village residents already knew - that we must respect our ancestors as they are still with us (Pullar 1994:22).



What Gordon Pullar and the Kodiak Area Native Association achieved regarding the struggle with the Smithsonian and the eventual reburial is a wonderful narrative of what to expect during the long arduous task to regain ancestral burials. It provides hope even though it was a draining and emotional experience. The passage of NAGPRA has alleviated some of the questions posed by the various parties involved, and may achieve better relations in the future. George Horse-Capture, a museum professional as well as a Native, has seen what repatriation can achieve,

What a better contribution to a people can a museum provide than to help them survive? (Horse-Capture 1991:51).

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