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SENATE COMMITTEE REPORT

FURTHER

3/31/88

DATE TURNED INTO OFFICE 4-11-88

Mr. President:

STATE AFFAIRS Committee considered SSHJR 58

return of human remains from the Smithsonian Institution

and recommended

[] replace with _____ CS _____) [] same title
[] or adopt _____ CS _____) [] new title

[] attached amendment(s) and

[X] do pass

[] do not pass

[] no recommendation

[] individual recommendations

[] further referral to _____

[] letter of intent adopted _____

Committee [X] attached or [] adopted fiscal note(s)
[] new [] updated or [X] previous
[X] zero [] fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Rich [unclear] (DO PASS)
William [unclear]
See [unclear]

Don [unclear]
Chairman signature and recommendation

[] Committee Backup attached

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: SSHJR 58
PUBLISH DATE: HOUSE 3/29/88

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Education
Title: Relating to the return of human BRU: Alaska State Museum
remains from the Smithsonian Institution.
Sponsor: Wallis Components: Museum operations
Requestor: House State Affairs

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Mary Hakala Phone: 465-2800
Division: Commissioner's Office Date: 3-8-88
Approved by Commissioner Mary Hakala Date: 3-8-88
Agency: Department of Education

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Committee on Finance

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

M E M O R A N D U M

TO: Senator Mitch Abood, Chairman
Senate State Affairs Committee

FROM: Representative F. Kay Wallis *Kay*
District 24

DATE: April 6, 1988

SUBJ: SSHJR 58 - "An Act relating to the return of human
remains from the Smithsonian Institution."

APR 6 1988

Please consider placing the Sponsor Substitute for House Joint Resolution 58 on the Senate State Affairs Committee agenda.

SSHJR 58 urges the Smithsonian Institution to comply with requests from individuals and tribal organizations for the return of human remains taken from their families and regions in Alaska around the turn of the century.

This resolution was introduced to encourage the Smithsonian to be more helpful and responsive to people from Alaska requesting information about, or return of, the remains of their ancestors that are now in storage or on display in the Smithsonian museums.

The Alaska State Museum supports SSHJR 58, particularly the general intent that the remains would be returned from the Smithsonian for purposes of proper, permanent, and respectful burial.

The attached information about SSHJR may be helpful to you. Please call me if I can answer any questions for you.

Thank you.

QUESTIONS AND ANSWERS
ON
SPONSOR SUBSTITUTE HOUSE JOINT RESOLUTION 58

What is the purpose of this resolution?

The purpose of SSHJR 58 is to encourage the Smithsonian Institution to be more responsive to individuals and tribal organizations requesting the return of human remains taken from their families or regions in Alaska around the turn of the century.

To whom will the remains be returned?

The sponsor substitute for HJR 58 makes it clear that human remains, now on display or in storage at the Smithsonian, will be returned to families or tribal organizations (genetic and cultural descendants) that request them.

What will happen to the remains?

While this is a private matter to be determined by the descendants, most remains will probably be given a proper and permanent burial.

Is there a fiscal impact on the State of Alaska?

SSHJR 58 has a zero fiscal note.

What is the extent of the Smithsonian's collection of human remains?

It is estimated that the Smithsonian has skeletons of over 14,000 American Indians, including the remains of four to six thousand Alaskan Natives. Many of these were taken unsystematically and unethically from village graves or were bought from people who had no right to sell them. Because of the way they were collected, most of the remains are of limited scientific value.

Does SSHJR 58 address archaeological human remains?

No. These remains, hundreds to thousands of years old, were recovered through archaeological excavations, and many are of scientific value.

When and how was the material addressed by SSHJR 58 collected?

Between the mid 1800's and the early 1900's, dozens of military and scientific expeditions collected geological, botanical, zoological, and anthropological materials throughout Alaska.

While the Smithsonian rarely sponsored these expeditions, many expeditions collected items specifically for the Smithsonian as part of their activities. Many other collections including human remains were either purchased by or donated to the Smithsonian Institution at a later time.

Is the Smithsonian doing anything about the human remains in its collections?

Like most major museums, the Smithsonian is aware of the increasing concern about human remains in their displays and collections. They have created a printout of the human remains in their collections and sent this list to tribes throughout the nation. Their policy is to "establish a dialogue" with anyone who believes that the remains of their relatives are in the Smithsonian's collections, but like most museums, the Smithsonian is reluctant to lose materials from its collections.

If the Smithsonian is already working on this, why do we need a resolution?

Perhaps because of its age and size, the Smithsonian Institution has become a huge bureaucracy. The terminology of Smithsonian officials may be difficult for our village people to understand, but the message is clear. It is very discouraging to those who would like to have the remains of their families returned.

Native Alaskans who can overcome the difficulties of language barriers, expensive telephone calls, and slow mail deserve a more helpful and sympathetic response from the Smithsonian Institution. The purpose of this resolution is to encourage the Smithsonian to be more responsive to requests from Alaska to have human remains restored to their families and sites of origin.

TESTIMONY OF REPRESENTATIVE F. KAY WALLIS
ON SPONSOR SUBSTITUTE FOR HOUSE JOINT RESOLUTION 58
BEFORE THE HOUSE STATE AFFAIRS COMMITTEE

MARCH 28, 1988

I'D TO LIKE THANK YOU FOR THE OPPORTUNITY TO GIVE YOU SOME BACKGROUND ON HOUSE JOINT RESOLUTION 58. THE ORIGINS OF THIS RESOLUTION PREDATE THE ALASKA PURCHASE.

BETWEEN THE MID 1800'S AND THE EARLY 1900'S, MILITARY AND SCIENTIFIC EXPEDITIONS COLLECTED GEOLOGICAL, BOTANICAL, ZOOLOGICAL, AND ANTHROPOLOGICAL MATERIALS THROUGHOUT ALASKA.

ORE SAMPLES, TIMBER SAMPLES, AND ANIMAL PELTS WERE GATHERED TO ASSESS THE VALUE OF ALASKA'S NATURAL RESOURCES. ANTHROPOLOGICAL MATERIALS, INCLUDING OBJECTS MADE AND USED BY NATIVE ALASKANS AND NATIVE ALASKANS' SKELETAL REMAINS, WERE COLLECTED TO DOCUMENT WHAT MANY ANTHROPOLOGISTS, EVEN TODAY, CONSIDER TO BE A VANISHING RACE. IT IS ESTIMATED THAT THE SMITHSONIAN INSTITUTION COLLECTIONS NOW INCLUDE THE REMAINS OF FOUR TO SIX THOUSAND NATIVE ALASKANS.

MANY OF THE EARLY COLLECTORS WERE NOT TRAINED SCIENTISTS, AND IN THEIR COLLECTING FRENZY, THEY USED PRACTICES THAT VIOLATED ALL THE RULES OF ETHICS, AND COULD NOT BE DEFENDED, THEN OR NOW.

ELDERS STILL LIVING IN YUKON VILLAGES CAN REMEMBER WHEN BONES WERE TAKEN AND WHEN PURCHASES WERE MADE THROUGH TRICKERY AND BY THREAT. THEY REMEMBER THE PEOPLE COMING IN AND OPENING THE GRAVES, AND THEY REMEMBER THAT THE COLLECTORS WERE MOST DISRESPECTFUL.

THE PURPOSE OF HOUSE JOINT RESOLUTION 58 IS TO URGE THE SMITHSONIAN INSTITUTION, A FEDERAL ENTITY, TO RETURN THE HUMAN REMAINS THAT WERE TAKEN AT THAT TIME TO INDIVIDUALS AND TRIBAL ORGANIZATIONS THAT REQUEST THEM.

BECAUSE OF THE WAY THE HUMAN REMAINS WERE COLLECTED, MOST ARE WITHOUT SCIENTIFIC VALUE, YET TO MY PEOPLE THEIR RELIGIOUS AND SPIRITUAL VALUE IS UNDIMINISHED. THEY WOULD LIKE TO HAVE THE REMAINS RETURNED SO THEY MAY BE GIVEN A PROPER, PERMANENT, AND REPSPECTFUL BURIAL.

WHILE THE SMITHSONIAN INSTITUTION HAS SAID IT IS OPEN TO REQUESTS, SO FAR THEY HAVE BEEN LESS THAN HELPFUL. MY OWN OFFICE HAS HAD VERY LITTLE RESPONSE TO OUR REQUESTS FOR INFORMATION AND ASSISTANCE. IF THEY ARE UNRESPONSIVE TO A STATE LEGISLATOR, TRY TO IMAGINE THE BARRIERS A RURAL VILLAGE PERSON HAS HAD TO FACE.

NATIVE ALASKANS WHO CAN OVERCOME THE DIFFICULTIES OF

LANGUAGE BARRIERS, EXPENSIVE PHONE CALLS, AND SLOW MAIL DESERVE A MORE HELPFUL AND UNDERSTANDING RESPONSE FROM THE SMITHSONIAN INSTITUTION.

YOU KNOW, MILITARY FAMILIES HAVE A TERM FOR THEIR SOLDIERS WHO ARE LOST. THEY CALL THEM M.I.A.'S, FOR MISSING IN ACTION. I UNDERSTAND AND RESPECT THEIR ENDEAVORS TO FIND AND RECOVER THE BODIES OF THEIR RELATIVES. WELL, MY PEOPLE HAVE RELATIVES THAT ARE MISSING IN SMITHSONIAN, M.I.S., AND THEY WANT THEM BROUGHT BACK.

IN MANY STATES AND IN CONGRESS, GOVERNMENTS ARE WORKING WITH THEIR NATIVE POPULATIONS TO BRING ABOUT THE RETURN OF HUMAN REMAINS FROM MUSEUM COLLECTIONS. BECAUSE MUSEUM POLICIES OFTEN CONFLICT WITH NATIVE GOALS, THE ISSUE CAN BECOME VERY DIFFICULT AND SENSITIVE. MANY CASES ARE BEST SETTLED BY COOPERATION AND NEGOTIATION RATHER THAN BY THE COURTS.

APPROACHING THE SMITHSONIAN WITH A RESOLUTION IS, AT BEST, A COMPROMISE. WHILE HJR 58 DOESN'T CARRY THE WEIGHT OF LAW, IT MAKES ALASKA'S POSITION ON THIS ISSUE QUITE CLEAR.

THE ALASKA STATE LEGISLATURE RECOGNIZES THE EQUALITY OF ALL RACES, AND THE DIGNITY AND RESPECT DUE TO INDIVIDUALS, EVEN IN DEATH. FOR THAT VERY REASON, WE URGE THE SMITHSONIAN

TO COMPLY WITH REQUESTS FROM INDIVIDUALS AND TRIBAL
ORGANIZATIONS TO HAVE HUMAN REMAINS RETURNED TO THEIR
FAMILIES AND REGIONS OF ORIGIN.

I HOPE YOU WILL VOTE DO PASS ON SSHJR 58. I THANK YOU
FOR YOUR CONSIDERATION AND ON BEHALF OF THE PEOPLE OF ALASKA
WHO ARE HOPING TO SOON BE ABLE TO PUT THEIR ANCESTORS TO REST.

A battle is brewing over bones

By DAVID HULEN
Daily News reporter

ADU 4/9/88

They came. They saw. They dug. Starting in the mid-1860s, a year or two before Alaska was sold to the United States, expedition teams of American and European scientists began floating down Interior rivers and trudging across the unbroken forests and tundra, hungry for information about the wild new land. They collected animal pelts. They cut trees and leaves for study. They dug mineral samples.

And they began picking away at the Native graveyards.

By the 1920s, scientists eager to learn about the history and culture of Alaska's Native races were digging in burial sites from Kodiak to the Arctic coast. In some cases, Natives stood by and watched the digging. It continued into the 1950s.

Skulls and other skeletal remains of several thousand Eskimos, Aleuts and Indians were eventually exhumed and shipped off to laboratories or museums outside Alaska.

Most ended up at the Smithsonian Institution in Washington, D.C., the vast depository of American history.

There they have sat for decades, most of them out of public view, in tall racks of green boxes alongside the bones of some 30,000 people from around the world. A small portion are in public displays.

Now, more than a century after the first Native remains were taken from Alaska, state

See Back Page, **ANCESTORS**

ANCESTORS: Natives want remains returned

Continued from Page A-1

officials are becoming involved in an emotional, complicated moral debate that has been quietly smoldering in Native and scientific circles across the country the past two or three years.

Many Natives want the remains returned to the places from which they were taken, then reburied. Storing the bones in a Washington museum is sacrilegious, racist and degrading, they say. Native groups across the country have been trying to pressure the Smithsonian to do something soon.

"Nowhere in the Constitution does it say anything about the right of anthropologists to study human remains," said Suzan Shown Harjo, executive director of the National Congress of American Indians in Washington. "It does talk about religious freedom, and the collection and display of human remains violates our religious freedom."

Smithsonian officials have balked at the demand. They have no problem, they say, returning bones that were stolen from graves or which can be traced to living descendants. But officials have been reluctant to return large numbers of the remains, saying they are needed for scientific study. Professional groups, such as the Society of American Archeologists, agree.

Alaska entered the debate last month with a resolution in the legislature urging the Smithsonian to return remains taken from graves here to individual descendants or tribal groups who ask for them. Sponsored by Rep. Kay Wallis, D-Fort Yukon, the measure was passed unanimously by the House last week and is scheduled for a hearing Monday in a Senate committee.

Wallis, an Athabascan, said she has heard talk about the issue for years from Natives in the Yukon Flats region. Elders in some river villages, she said, remember expeditions arriving in the 1920s and '30s to study grave sites. Sometimes, the bones taken were from burial sites hundreds of years old, and involved methodical, plodding archeological digging. But sometimes, she said, remains were taken from graves only a generation or two old, by diggers who rummaged through graves with little care.

Elders, she said, "remember the people coming in and opening the graves, and they remember that the collectors were most disrespectful."

There has not been a loud groundswell in Alaska among Natives to have the bones returned. But at least two villages have been in a tug-of-war with the Smithsonian on the issue for nearly a year.

At Holy Cross, a mostly Athabascan village of 300 on the Lower Yukon, tribal leaders have traded letters with the Smithsonian and government officials in an effort to identify and return remains that were taken from the area.

In a lengthy letter last fall, a Smithsonian official described how an archeologist named Ales Hrdlicka made three trips through the region, in 1926, 1929 and 1930, collecting human remains near Anvik, Grayling, Holy Cross and Shagnluk. The scientist recorded 75 "catalog entries" in his journal, the letter said, although it's unclear whether each entry represents a separate individual.

But the letter warned that finding specific bones and tracing them to one site

would be difficult and all but refused the request to have the bones returned. Descriptions are sometimes vague or inaccurate, and proving ancestry could be impossible.

Further, the letter says, the scientist was assisted by local Natives in locating grave sites. He wrote in his journal that he passed over graves "where disturbance of the burial might cause offense. He was looking for the oldest material he could find, although he himself realized that the material was likely to be only a few generations old. In general, he collected from places that were ... long-abandoned and avoided graves of known ancestors."

Residents of the village aren't sure what their next step will be.

"It causes people a lot of concern," said Marie Hailey, an Athabascan and lifelong resident of the region who works for the Tanana Chiefs Conference in Holy Cross. "It's our belief that unless they're returned, their spirits are never at rest. It's a very touchy subject."

"Imagine this: What do you think would happen if I took the remains from President Washington and took them away from the public eye somewhere for a while? How do you think people would feel about that? This is no different."

In Larson Bay, a small Aleut village on Kodiak Island, residents have been trying to regain for reburial the remains exhumed there around the turn of the century. Smithsonian curators have refused, saying the remains will be released only if they are placed in a museum in Alaska.

The Smithsonian has a collection of about 34,000 skeletal specimens, of which some

14,500 are North American Indians, including at least some from Alaska. Eskimos and Aleuts account for another 4,000 of the specimens; whites 6,829; blacks 1,744, and "all others" 7,003, according to a spokeswoman. Although few of the bones are on public display in the Museum of Natural History, scientists have access to the bones and frequently use them in research, according to the Smithsonian.

And there have been cases in which the Smithsonian has returned remains. Last year, 16 sets of human remains, mostly skulls, were returned to the Blackfoot Tribe in Montana, which alleged that they had been stolen from a cemetery in 1892, according to Smithsonian spokeswoman Madeline Jacobs.

People who want the remains returned question the scientific value of much of the collection. Records and circumstances of where and how remains were found are often vague, said Harjo, adding, "How many bones does it really take?" And there's evidence, according to historians, that at least some of the Alaska remains weren't obtained by scientists at all, but by others who later sold or donated the bones to the Smithsonian.

Alaska is the first state to consider legislation on the issue, although at least two others — Texas and Kentucky — are debating measures to increase penalties for tampering with graves. Meanwhile, a Senate committee in Washington next week will consider legislation to establish a separate national Indian museum and set up a task force to resolve the issue of what to do with remains. Some senators want to return as many as possible, then entomb the rest in a special memorial.

State presses museum for remains of Natives

By SAM BISHOP
News-Miner Bureau

JUNEAU—Jake Hernan, an Oglala Sioux Indian, once told a Smithsonian Institution official that his grandfather held a position at their museum. The official asked where, and Hernan replied:

"Third exhibit on the left."

Remains from Hernan's grandfather and more than 14,000 other Native Americans rest in the Smithsonian Institution, where they were shipped by scientific collectors and Army personnel in the late 19th and early 20th Century.

Despite Hernan's joke, reported in a recent issue of Museum News, the subject is no laughing matter for many Native Americans. A nationwide effort to reclaim both remains and artifacts has been gathering force.

An estimated 4,000 to 6,000 of the skeletal remains in the Smithsonian collection are from Alaska.

Rep. Kay Wallis, D-Fort Yukon, hopes that Alaska will be the first state to request the return of human remains taken from graves here.

The state House last week

adopted a resolution asking the Smithsonian to return remains taken from Alaska around the turn of the century to related individuals and tribal organizations. The resolution now awaits action in the Senate.

"People in my district have requested information and data from the Smithsonian and were ignored," Wallis said. She hopes the backing of the state will get the museum's attention.

Officials in the Smithsonian are well aware of the issue, but take a different view of the proper actions.

Adrienne Kaeppler, who chairs the Smithsonian's anthropology department, said in a recent letter to the Native American Heritage Commission in California that the museum has the responsibility to "hold its collections in trust for all people.

"We must be presented with compelling legal reasons justifying the transfer of the human remains from our collections," Kaeppler said.

The Smithsonian argues that a
(See REMAINS, Page 8)

8—Fairbanks Daily News-Miner, Fairbanks, Alaska, Thursday, April 7, 1988

REMAINS

(Continued from page 1)

person requesting remains must show a direct link between the remains and the modern tribe or family. That can be a time-consuming and difficult process.

Wallis said older people in villages along the Yukon and Kuskokwim rivers still remember when explorers opened grave sites and removed all or part of the bodies.

However, English was a new language to Indians, so most didn't know why the skeletons were taken or where they were taken.

"There was no communication at all," Wallis said. "They just went in and stood there with guns."

Wallis said most people don't realize that some of the remains are separated by only a few generations from people alive today.

Frederick Schwatka, who traveled the Yukon in the summer of 1883, described one of his party's efforts in his book, "A Summer in Alaska."

"Dr. Wilson tried to get a skull out of the many we assumed were at hand, to send to the Army Museum's large craniological collection," Schwatka wrote. "But although several very old looking sites were opened, the skulls were too fresh to be properly prepared in the brief time at our disposal."

William Dall, the famous natur-

alist for whom Dall sheep and porpoises are named, also did some collecting in Alaska while traveling with the Western Union Telegraph Co. expedition in 1865.

"April 23rd being a good snowy day, I took advantage of the opportunity to visit a grave on the point, near the Nulato River," Dall wrote in an account of the expedition. "Carefully lifting the cover, I removed the cranium, and putting into my haversack, I returned by a roundabout way to the fort. . . . The Indians are very superstitious in regard to touching anything that has belonged with a dead body, and would have been highly incensed had it become known."

Wallis said that, due to the poor methods of the collectors, the skeletons they obtained are of little scientific value.

"Yet to my people their religious and spiritual value is undiminished," she testified recently. "They would like to have the remains returned so they may be given a proper, permanent and respectful burial."

Wallis hopes her resolution will prompt the Smithsonian at least to release a list of skeletal remains taken from Alaska. She wants the lists to be sent to tribal groups and non-profit organizations such as the Tanana Chiefs Conference so they can make the claims.

On the federal level, Sen. Daniel Inouye, D-Hawaii, has introduced a bill that would create and American Indian museum in the Smithsonian and provide for burial for Native American remains. The museum could not bury remains to which an Alaska Native group



REP. KAY WALLIS
Get museum's attention

might have a claim.

Robert Adams, secretary of the Smithsonian, told a Congressional committee last year that he opposes the part of the bill calling for burial of Native American remains.

The remains often have information that can be helpful today Adams said. For example, circumplolar studies of Eskimo remains have shown a high incidence of osteoporosis, a weakening of the bones from a calcium deficiency. In the past, low life expectancy among Eskimos probably prevented this from being a problem. But with modern medicine, public health officials suspect the problem will show up with increasing frequency among Eskimos, Adams said.