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APR 9 1991

N.A.R.F.
WASHINGTON

SMITHSONIAN INSTITUTION

Washington, D.C. 20560
U.S.A.

April 8, 1991

Mr. Henry J. Sockbeson
Native American Rights Fund
1712 N Street, N.W.
Washington, D.C. 20036-2976

Dear Mr. Sockbeson:

As we have already discussed by telephone, I am pleased to tell you that the Smithsonian Institution has finally completed its consideration of the request of the Larsen Bay Tribal Council for the repatriation of certain materials. The materials in question are, as you know, human remains and associated funerary objects from a site at Uyak Bay, Alaska, that was excavated by Ales Hrdlicka between the years 1931 and 1938. Our decision has not been an easy or uncontested one, and as you also know it follows from an exhaustive review involving a number of outside specialists. Now with the full concurrence of the Director of the National Museum of Natural History, however, I have concluded that the balance of some fairly complex considerations supports a return of these materials to the Council.

You have expressed the belief, with which I can sympathize, that this case has taken an excessive length of time to resolve. Frankly, an awareness of the negative effect this delay is having on our desire to maintain cordial relations with many Native American communities has played a part in the decision to conclude our deliberations on the Larsen Bay claim without convening the Review Panel that has been established for this purpose. A major problem for us has been the difficulty in recruiting the supplementary staff needed to expedite our own internal research on claims. That problem is slowly being overcome, but we must recognize that substantial recruitment delays will always be inherent in Federal hiring processes.


But there have been other, more substantive reasons as well for the length of time that has been devoted to this case. The scientific evidence, while voluminous, does not lend what any fair-minded person would regard as absolutely conclusive support to any position on the repatriation issue. Without going into details, the record of the original excavations at the site presents many ambiguities, making it very difficult to decide on

the likelihood of possible breaks in the occupation there, or on the possibility that older population elements may have been substantially or wholly replaced by new ones during the course of that occupation. Particularly for this reason, I have also felt it was necessary to weigh the evidence for general continuity of Native American occupation in the immediately surrounding region, from the aboriginal period until the present. Once again, no conclusion on this matter can be as clear-cut as one would like. But I think the sum of the evidence (if not all of its details) supports the judgment I am reporting to you herewith.

Issues like those mentioned above had not been anticipated in detail, I should point out, in the legislation mandating our review. Partly because they are so new, we have felt the need to think about them very deliberately. At the same time, now looking to the future, this experience leaves me with a growing sense of the particularity of each of the repatriation claims that are likely to be addressed to the Smithsonian. One would hope that each case would help us to develop broad principles, presently enabling us to handle subsequent cases with less uncertainty and delay. But I am no longer so confident that this hope will be easily realized.

Please be in touch with Dr. Frank Talbot, Director of the National Museum of Natural History, in order to discuss arrangements for the return of these remains. I do hope you understand that all of us at the Smithsonian, while obviously conscious of the scientific loss that we believe this repatriation represents, view the act of repatriation itself with the deepest sympathy and respect. It is our earnest hope that you, your colleagues and constituents will recognize in our action an expression of good will and good intentions that will lead to an improvement of our relations in the future.

Sincerely yours,



Robert McC. Adams
Secretary

STATE OF ALASKA
House of Representatives
District 27

Representative Cliff Davidson
Chairman
House Resources Committee



Box V, Juneau, AK 99811
(907) 465-2487
Box 746, Kodiak, AK 99615
(907) 486-8250

TO: Representative Dave Donley, Chairman
House Judiciary Committee

FROM: Representative Cliff Davidson

DATE: April 22, 1991

SUBJECT: Committee Scheduling of HB 296
Repatriation of Human Remains/Unmarked Burial Sites

This memo is to request a hearing for House Bill 296, "an Act relating to human remains and funerary objects" at your earliest convenience.

This legislation outlines the procedures to follow when unmarked burial sites are disturbed in the course of legitimate activity (i.e. road construction or licensed archaeological projects). The bill also addresses the concern that human remains may not be possessed by a person not related to the remains unless a decedent or tribe has granted the person study rights.

Additionally, if there is reasonable anticipation that historical Alaskan unmarked burials will be disturbed in the course of legitimate activity, this bill allows the next of kin or the local tribal group be notified in advance to decide how to dispose of the remains.

Please contact my staff member, Stephanie Love, if you have any questions about the bill.

Thank you.

Alaska Federation of Natives, Inc.

May 3, 1991

Mr. Cliff Davidson, Chairman
House Resources Committee
House of Representatives
Box V
Juneau, Alaska 99811

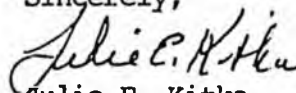
Dear Mr. Davidson:

The Alaska Federation of Natives has followed, with great interest, the repatriation/unmarked burial site hearings of the last one and one-half years. I am pleased to see that progress on the issue has resulted in House Bill 296 now being before the House Judiciary Committee. The Federation supports HB 296 as currently drafted.

As you are well aware, Native burial site disturbances and the removal of remains and funerary objects is an extremely sensitive issue. Time and time again events in Alaska have shown that respect for ancestral remains and Native culture has been readily sacrificed for science and/or personal gain.

The Federation supports HB 296 as presented to the House Judiciary Committee and thanks its sponsors for their efforts in this matter.

Sincerely,



Julie E. Kitka
President

Kodiak
Area
Native
Association



402 Center Avenue
Kodiak, Alaska 99615
Phone (907) 486-5725

Representative Cliff Davidson
State of Alaska House of Representatives
Box V, Juneau, AK 99811

May 6, 1990

Dear Cliff,

I would like to express my wholehearted support for House Bill 296, as professional archaeologist, and on behalf of the Kodiak Area Native Association. The bill offers long overdue protection for human remains in Alaska, and recognition of the rights and dignity of Native Alaskans. I am particularly pleased with Section 6, which will be one of the few protections available for archaeological sites on private land.

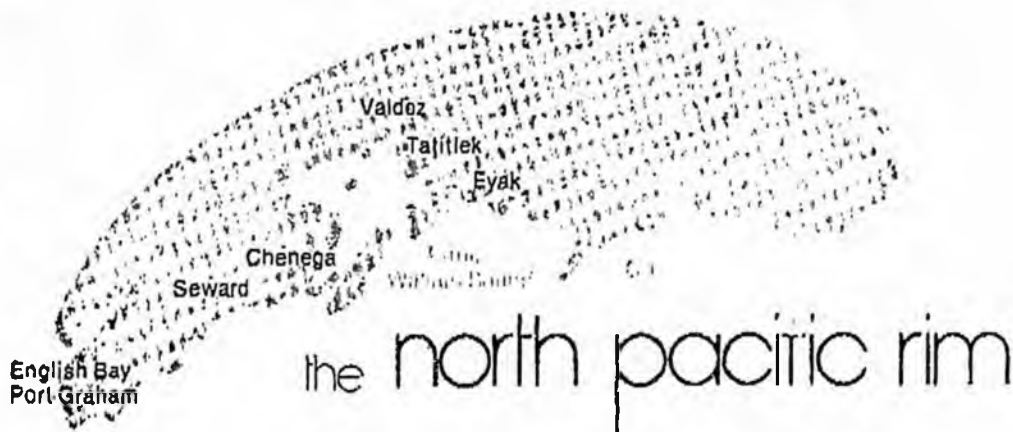
On page 2, line 5 and 6, you might consider legitimately obtained skeletons purchased by physicians and others, which are generally imported from India and other places. Perhaps it would be best to address the bill specifically to human remains from the state of Alaska.

Also, it may be wise to make the proposed dispute committee, described in page 5, lines 27-31, and on page 6, and odd number to avoid split decisions. I would urge you to retain the full representation of the Native community, and consider dropping the area resident.

On the whole the bill is clear, solidly written, and does what it is supposed to. Please accept my thanks, and that of the Native community for introducing this fine piece of legislation. It is fully consistent with your excellent record for supporting and protecting the cultural heritage of Native people.

Sincerely,
KODIAK AREA NATIVE ASSOCIATION
Kelly Simeonoff, President

Rick Knecht
Culture and Heritage
Program Administrator



May 6, 1991

Representative Cliff Davidson
Chairman
House Resources Committee
State of Alaska
House of Representatives
Box V
Juneau, Alaska 99811

Dear Representative Davidson:

The North Pacific Rim, the Alaska Native regional tribal organization serving the people of the Prince William Sound and lower Kenai Peninsula, is pleased to see the progress of House Bill 296, "An Act relating to human remains and funerary objects." This Act will close a loophole in current state law and provide some much needed protection for Alaska Native burial sites.

We would like to emphasize that we do not view this legislation as being "anti archaeology" or "anti science" in any way. We would like to point out that The North Pacific Rim is incorporating an archaeology component into a youth Spirit Camp project this summer. We view HB 296 as a vehicle for showing respect for the Native cultures of our state and recognizing the right of Native people to protect the graves of their ancestors.

Thank you and the other sponsors for the time and effort you have put into this important piece of legislation.

Sincerely,

Richard A. Rolland
Executive Director

HOUSE BILL NO. 296

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES DAVIDSON, Lincoln, Grussendorf, Gruenberg, MacLean, Koponen, Ivan, Gonzales,
G.Phillips, Parnell, Kubina

Introduced: 4/22/91

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to human remains and funerary objects."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. AS 12.65 is amended by adding new sections to read:

4 ARTICLE 2. HUMAN REMAINS.

5 Sec. 12.65.150. REPORTS OF HUMAN REMAINS. (a) Except as provided in (b) of
6 this section, a person who encounters human remains in or on land or water in the state shall

7 (1) immediately cease any activity that may cause further disturbance of the area;
8 and

9 (2) report the presence and location of the remains to the nearest law enforcement
10 agency as soon as possible considering the location of the discovery and the availability of
11 communication alternatives.

12 (b) The requirements of (a) of this section do not apply to a person who encounters
13 human remains while operating under a permit issued under AS 41.35.080.

14 (c) If the law enforcement agency determines that remains reported to it under (a) of this

1 section are unrelated to a prosecutable offense and may be human remains with historic or
2 prehistoric significance, the agency shall notify the Department of Natural Resources.

3 (d) A person who knowingly fails to comply with (a) of this section is guilty of a class A
4 misdemeanor.

5 Sec. 12.65.160. UNLAWFUL ACTS. A person may not sell, buy, or barter human
6 remains. A person who violates this section is guilty of a class A misdemeanor.

7 Sec. 12.65.170. DEFINITION. In AS 12.65.150 - 12.65.170, "human remains" means
8 a dead human body or part of a dead body in any stage of decomposition, excluding nonskeletal
9 body parts that are normally shed during life, such as hair, nails, and isolated teeth.

10 * Sec. 2. AS 41.35.040 is amended to read:

11 Sec. 41.35.040. ADMINISTRATION AND FINANCIAL SUPPORT OF MONUMENTS
12 AND HISTORIC SITES. State-owned monuments, sites, and other historic, prehistoric, or
13 archeological properties owned or purchased by the state are under the control of the department,
14 and their maintenance shall be covered in the appropriations made to the department. Privately
15 owned state monuments or historic sites are eligible to receive state support for their
16 maintenance, restoration, and rehabilitation if they are kept accessible to the general public, they
17 are in compliance with state laws pertaining to human remains and funerary objects, and
18 application for support is made in conformity with regulations adopted by the commissioner.

19 * Sec. 3. AS 41.35.060(a) is amended to read:

20 (a) The department, with the recommendation of the committee, may acquire real and
21 personal properties that have statewide historic, prehistoric, or archeological significance by gift,
22 purchase, devise, or bequest. If the department acquires disinterred human remains or
23 funerary objects under this subsection, it shall comply with AS 41.35.410. The department
24 shall preserve and administer property so acquired. The department may acquire property
25 adjacent to the property having historic, prehistoric, or archeological significance when it is
26 determined to be necessary for the proper use and administration of the significant property.

27 * Sec. 4. AS 41.35.070 is amended by adding a new subsection to read:

28 (h) If the department discovers human remains or funerary objects during a survey under
29 (d) of this section, the department shall comply with AS 12.65.150 and AS 41.35.410.

30 * Sec. 5. AS 41.35.080 is amended to read:

31 Sec. 41.35.080. PERMITS. The commissioner may issue a permit for the investigation,

1 excavation, gathering, or removal from the natural state [,] of any historic, prehistoric, or
2 archeological resources of the state or human remains or funerary objects reported under
3 AS 12.65.150 or AS 41.35.410. A permit may be issued only to persons or organizations
4 qualified to make the investigations, excavations, gatherings, or removals and, except as
5 otherwise provided in the permit issued under of this section, only if the results of these
6 authorized activities will be made available to the general public through institutions and
7 museums interested in disseminating knowledge on the subjects involved. If the historic,
8 prehistoric, or archeological resource involved is one that [WHICH] is, or is located on a site
9 that [WHICH] is, sacred, holy, or of religious significance to a cultural group, the consent of that
10 cultural group must be obtained before a permit may be issued under this section.

11 * Sec. 6. AS 41.35.090 is amended to read:

12 Sec. 41.35.090. NOTICE REQUIRED OF PRIVATE PERSONS. Before any
13 construction, alteration, or improvement of any nature is undertaken on a privately owned,
14 officially designated state monument or historic site by any person, the person shall give the
15 department three months' [MONTHS] notice of intention to construct on, alter, or improve it.
16 If the construction, alteration, or improvement involves known reasonably identifiable
17 human remains or funerary objects, the person shall also give three months' notice of
18 intention to construct, alter, or improve to the descendants or tribe of the decedent whose
19 remains are involved. Before the expiration of the three-month notification period, the
20 department shall either begin eminent domain proceedings under AS 41.35.060(b) or undertake
21 or permit the recording and salvaging of any historic, prehistoric, or archeological information
22 considered necessary.

23 * Sec. 7. AS 41.35.230 is amended to read:

24 Sec. 41.35.230. DEFINITIONS. In this chapter [AS 41.35.010 - 41.35.240], unless the
25 context otherwise requires,

26 (1) [REPEALED

27 (2)] "committee" means the Historic Sites Advisory Committee;

28 (2) "funerary objects" means items for which there is direct circumstantial
29 evidence, expert opinion, or documentation that the items were directly associated with
30 human remains or were intentionally placed with human remains either at the time of
31 burial or interment or at some subsequent time, as a part of the death rites or ceremonies

1 of a culture:

2 (3) [REPEALED

3 (4) "historic, prehistoric and archeological resources" includes deposits,
4 structures, ruins, sites, buildings, grave sites [GRAVES], artifacts, fossils, or other objects of
5 antiquity that [WHICH] provide information pertaining to the historical or prehistorical culture
6 of people in the state as well as to the natural history of the state, except that the term does not
7 include human remains or funerary objects;

8 (4) "human remains" means a dead human body or part of a dead body in
9 any stage of decomposition, excluding nonskeletal body parts shed during life, such as hair,
10 nails, and isolated teeth;

11 (5) "Native" means a person who is a descendant or ancestor of the
12 aboriginal races inhabiting the state when it was annexed to the United States or a
13 descendant or ancestor of an Indian or Eskimo who, after the year 1867, migrated into the
14 state from Canada;

15 (6) "reasonably identifiable" means identifiable, by a preponderance of the
16 evidence, as to individual, familial, or tribal origin based on available archeological,
17 historical, ethnological, or other direct circumstantial evidence or expert opinion;

18 (7) "tribe" means a group recognized as a tribe by the United States
19 Secretary of Interior, or a Native village or regional corporation or other Native group
20 defined in or established under 43 U.S.C. 1601 - 1641 (Alaska Native Claims Settlement
21 Act).

22 * Sec. 8. AS 41.35 is amended by adding new sections to read:

23 ARTICLE 3. DISCOVERY OF HUMAN REMAINS AND FUNERARY OBJECTS.

24 Sec. 41.35.400. POLICY. It is the policy of the state that a person may not lawfully
25 assert title to human remains. The right of disposition of human remains lies with the state
26 except as provided in AS 41.35.410.

27 Sec. 41.35.410. HUMAN REMAINS AND FUNERARY OBJECTS. (a) When human
28 remains are discovered by or reported to the department, the department shall notify the nearest
29 law enforcement agency unless a report has already been made under AS 12.65.150. After law
30 enforcement activities related to the remains have ceased, the department shall comply with (c)
31 of this section.

1 (b) A person who discovers funerary objects shall promptly report the discovery to the
2 department. Unless the department determines upon further investigation that the objects are
3 probably not funerary objects, the department shall comply with (c) of this section.

4 (c) If human remains or funerary objects described in (a) and (b) of this section are not
5 disinterred, the department shall leave them in the place where they are interred, when possible.
6 If the human remains or funerary objects are disinterred and the decedent's living descendants
7 are reasonably identifiable, the department shall, by certified mail, notify the decedent's relative
8 with the closest kinship ties that the remains and funerary objects are available for disposition.
9 If the remains and funerary objects include Native human remains or funerary objects and the
10 department is unable to ascertain the existence and address of living descendants of the
11 descendant, the department shall determine with as much specificity as possible their tribe of
12 origin and notify the governing body of the tribe of their discovery and location. If a specific
13 tribe of origin is not reasonably identifiable, the department shall, by certified mail, give the
14 notice of the discovery and its location to the governing body of the tribe whose members
15 predominate in the vicinity of the discovery.

16 (d) At the request of a descendant or the governing body of a tribe notified under (c) of
17 this section, the department shall provide for access to the remains or funerary objects so that the
18 descendant or the tribe may dispose of them. A tribe may not be allowed to have access until
19 the tribe's plan for disposition of the remains or objects has been submitted to the department.
20 If, within 120 days after notification by the department by certified mail, neither a descendant
21 nor a tribe seeks the right to dispose of the remains or funerary objects, the department shall treat
22 them in the same manner as it treats other unclaimed human remains or historic, prehistoric, and
23 archeological resources under this chapter, as applicable.

24 (e) A person may request a tribe or descendant to grant to the person an opportunity to
25 study human remains or funerary objects for which the tribe or descendant is granted disposition
26 rights under (c) of this section.

27 Sec. 41.35.420. DISPUTE RESOLUTION COMMITTEE. When needed, the governor
28 shall establish a committee to advise the department concerning conflicting claims of tribes and
29 descendants with respect to disposition rights for human remains and funerary objects. A
30 committee consists of the state liaison officer appointed under 16 U.S.C. 470 - 470n (National
31 Historic Preservation Act) and the following persons, who shall be appointed by the governor as

1 the need arises:

2 (1) a physical anthropologist;

3 (2) three descendants of the person whose remains or funerary objects are in
4 dispute or a person from each tribe that has a colorable claim to the human remains or funerary
5 objects that are the subject of the dispute, whichever is appropriate; and

6 (3) a resident of the area from which the remains and objects originated who does
7 not meet the requirement of (2) of this section.

STATE OF ALASKA
House of Representatives
District 27

Representative Cliff Davidson
Chairman
House Resources Committee



Box V, Juneau, AK 99811
(907) 465-2487
Box 746, Kodiak, AK 99615
(907) 486-8250

TO: Representative Dave Donley, Chairman
House Judiciary Committee

FROM: Representative Cliff Davidson

DATE: April 22, 1991

SUBJECT: Committee Scheduling of HB 296
Repatriation of Human Remains/Unmarked Burial Sites

This memo is to request a hearing for House Bill 296, "an Act relating to human remains and funerary objects" at your earliest convenience.

This legislation outlines the procedures to follow when unmarked burial sites are disturbed in the course of legitimate activity (i.e. road construction or licensed archaeological projects). The bill also addresses the concern that human remains may not be possessed by a person not related to the remains unless a decedent or tribe has granted the person study rights.

Additionally, if there is reasonable anticipation that historical Alaskan unmarked burials will be disturbed in the course of legitimate activity, this bill allows the next of kin or the local tribal group be notified in advance to decide how to dispose of the remains.

Please contact my staff member, Stephanie Love, if you have any questions about the bill.

Thank you.

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. CS HB 296

Revision Date: _____ Department Affected: Public Safety
 Title: "An Act relating to human remains and funerary objects" BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Representative Davidson
 Requestor: House Judiciary

COMPONENT SERIAL NO.

	7	9	9
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EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not Included)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact upon the Division of Alaska State Troopers is anticipated.

Prepared by: Gayle A. Horetski Phone: 465-4322
 Division: Office of the Commissioner Date: 5/6/91
 Approved by Commissioner: *Richard L. Burton* Richard L. Burton
 Agency: Department of Public Safety Date: 5/6/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

HOUSE COMMITTEE REPORT

(7)

Date Referred: April 22, 1991

FURTHER REFERRALS:

Finance

Date of Committee Action: 5-6-91

The JUDICIARY Committee considered:

HB 296

HOUSE BILL NO. 296

PROTECTION OF NATIVE HUMAN REMAINS

"An Act relating to human remains and funerary objects."

RECOMMENDATIONS:

be replaced with CS HB 296 (500) the same title a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note Public Safety

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Terry Martin</i>	<input checked="" type="checkbox"/>				
<i>Mark Stanley</i>	<input checked="" type="checkbox"/>				
<i>W. Stumbo</i>	<input type="checkbox"/>				
<i>Levin Rod Parnell</i>	<input checked="" type="checkbox"/>				
<i>Dave Wauley</i>	<input checked="" type="checkbox"/>				

Dave Wauley
CHAIRMAN'S SIGNATURE



A young Kurdish refugee stands soaked from the rain in a camp at Border Point 49 in Iraq. **DENIS PAQUIN / The Associated Press**

...known survivor from a ferry that burst into flames after colliding with an oil tanker in thick fog, port authorities said today. At least 139 people were missing and feared dead.

"There's little hope of finding survivors at this point," a Civil Defense spokesman told Italian radio after Wednesday night's collision some 2 1/2 miles off this northwestern port.

The tanker also caught fire after the 10:30 p.m. colli-

...officials to the tanker's crew jumped into lifeboats after fighting the flames without success.

Rescue workers said the sea was covered by huge sheet of flame after the collision. Initial reports said the impact had opened a hole in the side of the tanker, spreading oil into the sea.

Civil Defense and port authorities said 72 passengers and 67 crew members of the 6,187-ton ferry were missing.

Please see Back Page, **SHIPS**

Smithsonian to give back village's bones, artifacts

By **DAVID HULEN**
Daily News reporter

In its largest reparation of human remains and artifacts yet, the Smithsonian Institution has agreed to return its collection of Native bones and burial objects dug up and taken from a Kodiak Island village in the 1930s.

The decision, announced Wednesday, may finally put to rest years of haggling between the residents of Larsen Bay, a Native fishing village of 150 people on the island's southwest side, and the Smithsonian, the vast depository of American science and

history in Washington, D.C.

The remains and artifacts could be returned as early as this summer, villagers were told this week. Definite arrangements have not yet been made, although the local tribal council is planning a mass Russian Orthodox reburial near the grassy point where the digging occurred.

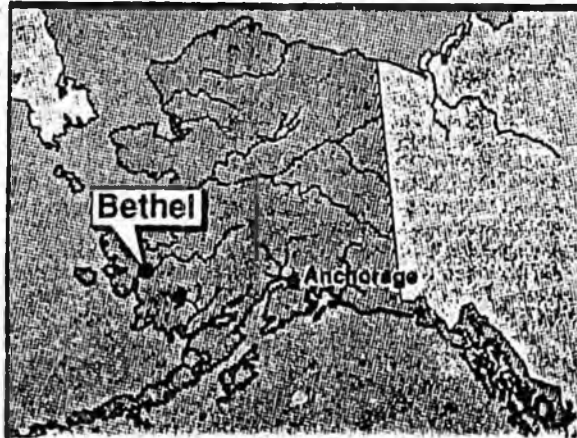
A Smithsonian-sponsored expedition spent six summers in Larsen Bay unearthing as many as 800 graves, according to Smithsonian records and the writings of Ales

Please see Back Page, **ARTIFACTS**



FRAN DURNER / Anchorage Daily News

Dora Aga remembers the anthropologist who took the bones: "He had no regard for the people here."



oses
wage
ethel

gallons of sewage
around the Bethel
collected over the
part of the town

One last season

After shaping spotter-pilot profession, Tom Parker was ready to move on

By **TOM KIZZIA**
Daily News reporter

Tom Parker, the pilot killed in a midair crash Tuesday, was an innovator at hunting schools of herring from the air and directing seine boats to the catch.

banned from the Sound for salmon season, while the skies over the herring fleet had grown crowded with pilots new to the game. Parker, 56, had told friends he was ready to look for new challenges — perhaps spot-

THURSDAY



PARTLY CLOUDY

High 45, low 30
Details, Page A-8
Weatherline, 278-7000

SECTIONS

NATION & WORLD	Section A
SPORTS	Section B
LIFESTYLES	Section C
AUTOMOTION	Section D

when somebody needed help.

"History crashed into that mountain yesterday," said another friend, Bonnie Morris. "This marriage between fishing and flying was something those guys just invented. But like every gold rush up here, one guy strikes it rich and every piker thinks he can do it too. Alaska draws people because they hear of these mythological characters who went out and did it. Like Parker."

Parker came to Alaska as a schoolteacher in Dutch

him to learn to fly. In 1964 he started an air service in Cordova. Everything required innovation. He started spotting in an era of wing signals and messages dropped in beer cans, and he adapted advanced electronic communications to the business.

Parker was killed in a specially outfitted Cessna L-19 Bird Dog that he had called "the ultimate fish-spotting tool." The pilot of the second plane, James P. Blue of Homer, survived after crash-landing his Super

This marriage between fishing and flying was something those guys just invented.

— Bonnie Morris, a friend of Parker's

Cub on the Tatitlek village runway.

Given the dangers of herring spotting — where dozens of airplanes circle over a bay, their pilots' eyes cast downward looking for boats and fish — it's perhaps surprising more people haven't been killed. Crashes in Cook Inlet and Togiak Bay claimed five lives in 1978,

and in 1984 two more pilots were killed in Togiak. A spokeswoman for the Federal Aviation Administration said two other pilots may have been killed in the past five years but was unable to provide specifics.

State troopers said 30 to 35 planes were working Boulder Bay near Tatitlek this week. But Terry Holliday, a spotter pilot and long-

the number was closer to 40. While the number of herring seine boats has remained constant, the increasing investment in the fleet and the need for a big payoff from half-hour openings has meant planes now work for only one or two boats, Holliday said.

The increasing air jams, combined with the state ban on salmon spotting — imposed out of concern over competition rather than safety — have changed the profession, Holliday said.

"I think the heyday's gone," he said.

ARTIFACTS: Museum to return bones to village

Continued from Page A-1

Hrdlicka, the anthropologist who led the digs.

Village elders, such as 74-year-old Dora Aga, say they have vivid memories of Hrdlicka and his helpers digging up the place villagers called "the boneyard," Aga, a teen-ager then, is still angry at him for digging up her family's garden in search of more bones and artifacts.

"He had no regard for the people here," she said Wednesday from the village. "And we had no laws, of course. None that we knew about. We just stood by."

The graves were unmarked, and many apparently were hundreds of years old. But residents also reported that at least some of the people in the graves had been dead only a few generations, and even included members of a family who died in the influenza epidemic of 1918.

In recent years, some village residents grew increasingly resentful of the Smithsonian holding the bones of their ancestors, and the tribal council began writing letters to get them back.

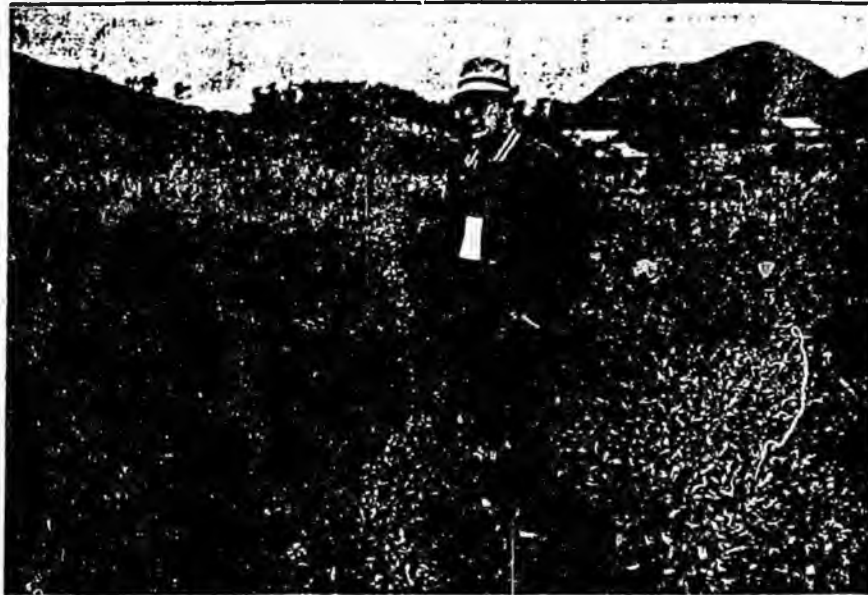
"It's got to do with people's uncles and aunts," said Roy Jones, the tribal council president. "It's our people and our heritage. It's like, how would people feel if I went down to Georgia and dug up their back yards looking for bones?"

They weren't alone. Other tribes and Native communities around America made similar requests, and by the late 1980s the Smithsonian's anthropological holdings, most stored out of sight at the Museum of Natural History, had become a hot political issue.

Smithsonian officials argued the items were of scientific value, and refused most requests for their return. They required that Natives show direct genetic links between the remains and modern-day residents. In the case of Larsen Bay, they argued there was no provable connection between villagers and the remains, arguing the village was not continuously inhabited.

But two years ago, Congress passed legislation to make it easier for Natives to get remains returned, and since then, the Smithsonian has been more cooperative, negotiating with several groups around the country. Larsen Bay's case was taken up by the Native American Rights Fund, a legal-aid group. Lawyers argued that Larsen Bay shouldn't have to show a direct link with the bones — the people in the village are of Kodiak descent and so were the people whose bodies were dug up.

On Monday, Larsen Bay's lawyer received a letter from Smithsonian Secretary Robert McCormick Adams, saying research on the Larsen Bay bones "supports a return of these materials." He wrote of "the scientific loss that we believe this repatria-



Frank Carlson, Larsen Bay's former tribal council president, stands at the village "boneyard." The tribal council is planning a mass Russian Orthodox reburial near the point.



RON ENOSTROM / Anchorage Daily News

tion represented, (but) view the act of repatriation itself with the deepest sympathy and respect."

Henry Sockbeson, the lawyer who represented Larsen Bay, said the return is significant nationally because it was by far the largest repatriation so far. "It's important because no other remains have been returned where they have been tested it," he said. "And Larsen Bay was one of the most significant collections they have."

For the past two years, the Smithsonian has been cataloging its inventory of some 18,500 North American remains, ranging from prehistoric to turn of the century, according to Smithsonian spokeswoman Ma-

delyn Jacobs. Some 4,200 "specimens" are from Alaska.

There hasn't been a groundswell across Alaska to have the bones returned. But aside from Larsen Bay, several Interior villages have been in a quiet tug of war with the Smithsonian over remains dug up along the Yukon River — also by Hrdlicka.

Hrdlicka was the European-born founder of the Smithsonian's Division of Physical Anthropology and worked extensively on digs in Alaska. His death in 1943 warranted a long obituary in The New York Times.

But modern-day scientists have attacked his methods, and Native groups here who have studied his work argue he was a borderline racist who showed little concern for the descendants of the people he was studying.

In his published journals, Hrdlicka described digging a grave under a Russian Orthodox marker in the Interior. "As the parts were being gathered," he saw an old woman nearby who was upset. The grave turned out to be 100 years old and she was the shaken widow. He wrote of reburying the skeleton "to the complete satisfaction of the old dame." He wrote of excavating remains elsewhere but finding the remains "too fresh yet."

Aside from Hrdlicka's methods, Native groups question the scientific value of some of the Smithsonian's collections.

"If young Native individuals are led to believe that it is acceptable and proper for the government of the United States to 'own' the bodies of their grandfathers, grandmothers and other ancestors," wrote Gordon Pullar, former president of the Kodiak Area Native Association, "then how can they possibly believe that they are equal to all others in this country?"

SEWA Flood in the Ku

Continued

spilled almost 100,000 gallons of sewage into the Exxon Valdez spill in William Sound.

"Of course, once you have a hole in the ice, it's a matter of time before it will be dumped up pretty near the shore," Dave Martin, a

former Alaska state trooper, said he first noticed the problem might be dumping into the tundra pool.

A small leak started in the evening. Martin reported the problem when the river is only a little less than a mile from the

The river is another mile from the point. It was only then that he found an ice-cove-

the dike.

(Martin said) most of the three ponds near the dike are only a millicent deep. Officially, the slough is a pond for pollution results. They could fear killing the fish.

In the meantime, the machines on the downstream villages below. Be-

not to drink the water.

people in Bethel from the mess.

Nancy Liberty's brown water got slogged outside her

ing, but she had how bad it smelled. "I haven't been

pe say it smelt been outside pe said he c try much.

A number of ponds could smell it when the main road, where through a culvert, depends on how

Sauppe and Mar wasn't as bad as it water and was par in the lagoon. They quickly in the river

But Hoffman, at the point where the kwim, said he didn dilute anything, at

"It's heading out. The river is frozen on it. I imagine it's river and freeze."