

The Discovery of Ancient Human Remains in Southeast Alaska

Inclusive Archaeology at On Your Knees Cave in the Tongass National Forest Leads to Lasting Partnerships

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In 1992, while a crew from Harza Inc. was conducting karst vulnerability surveys for a planned timber sale in the Tongass National Forest, a small cave called “On Your Knees Cave” was found and marked for further review. In 1994 with financial support from the National Geographic Society, Timothy Heaton, a paleontologist from the University of South Dakota, led a small team to conduct paleontological excavations in the cave. According to Heaton, the excavation of the cave yielded one record breaking find after another, having found 41,000 year old bear bones, and seal bones dating to 17,565 years ago (Fifield, et al. 2008).

It was not until July 4, 1996 that cultural uses of the cave were recognized. When Heaton made the even more astounding discovery of human remains, including a jaw, two loose human teeth, a few ribs, and a pelvis fragment. Since Heaton was well informed of the obligations existing within the Native American Graves Protection and Repatriation Act (NAGPRA), he immediately contacted Terry Fifield, a Tongass National Forest archaeologist. Fifield was on site the very next day to inspect the remains and cultural objects. Fifield then notified the presidents of the Klawock Cooperative Association (KCA) and Craig Community Association (CCA)—both tribal governments representing different communities of the Tlingit people. This began the consultation process defined within the NAGPRA. Both the KCA and CCA passed resolutions to allow the excavation to continue and to inject an archaeological component into

the studies with tribal government involvement. What consequently transpired was a tremendous collaboration of numerous partners with countless hours of labor, analysis, funding, and even a little time for celebration.

Legislating America’s History

About 200,000 years ago, anatomically modern humans began to settle the earth. The question as to where humans settled, and how they migrated has been a topic of much debate for scientists for many years. Much of the current scientific discussion is focused on the migration routes, timing, and relationships of founding populations. However, the concern for establishing objective scientific evidence for the public domain has often overshadowed the importance of tribal history, customs, and traditions.

As the United States swiftly grew during the industrial age in the 19th century, so did the hunger for scientific inquiry and enlarging natural history collections. Thus, the hunt for Indian skulls and bones became centerfold for stocking these collections with little regard to the tribal history, customs, and traditions of Native people. Graves were desecrated at the same time that Indians were being massacred and reservation lands being snatched up by land sharks.

To protect the ancient Indian ruins and artifacts, Congress passed the Act for the Preservation of American Antiquities, or Antiquities Act of 1906 (16 USC 431-433) for short. It criminalized unauthorized removal by looters and private collec-

tors. However, this legislation also gave the federal government the authority to transfer Native American historic and cultural remains to the public domain without consultation or consent. The historic and cultural remains were defined as natural resources to be placed in federal and scientific custody.

In recent years, policymakers and the scientific community have struggled to resolve the conflict between a need to recognize the ancestral relationship of archaeological remains to modern Native Americans and the academic benefit from studying them. As a consequence of years of exploitation, Native Americans attempted to prevent archaeological excavation of sites inhabited by their ancestors, while many archaeologists believe that the advancement of scientific knowledge is a valid reason to continue their studies. The question that arises is who gets control and possession of the Native American past.

Congress responded to these sensitivities through amendments to the National Historic Preservation Act of 1966 (16 USC 470) and the National Environmental Policy Act 1969 (42 USC 4321-4347) as well as the passage of the Native American Graves Protection and Repatriation Act (104 Stat. 3048 Public Law 101-601, 1990), which mandates federal agencies and institutions receiving federal funding such as universities and museums to create inventories of Native American cultural artifacts and human remains and to work with tribal claimants to pursue repatriation where desired and appropriate. It also requires that consultation with tribes

must occur if burials or cultural artifacts are found inadvertently. The NAGPRA consultation process was put to the test when the astonishing discovery of the remains of a man who lived 10,300 years ago in a cave located on an island in Southeast Alaska.

Archaeological Investigations and Scientific Findings

The study of the human remains is important for the understanding of how people may have first populated the Americas. Radiocarbon testing returned on September 1996 of the human bones dated the remains at 10,300 years old, meaning that these were the oldest human remains yet found in Alaska or Canada.

The archaeological (under the direction of E. James Dixon, who has extensive experience in North American archaeology) and paleontological (under the direction of Timothy Heaton) study of On Your Knees Cave continued through five seasons of fieldwork and 10 years of analysis. Alaska Native student interns, funded through Dixon's National Science Foundation Office of Polar Programs grant and later through the Sealaska Corporation, worked at the site with the archaeological crews. While paleontological crews worked within the cave collecting animal bone fragments, the archaeologists worked in the entry chamber and excavated a trench on the terrace outside recovering almost 4,000 stone tools and chips of tool-making debris. Insights were gained into the maritime adaptation, diet, and resource acquisition of these early coastal inhabitants.

The analysis of the mitochondrial and Y-chromosome DNA of a tooth from the human remains, performed by Brian Kemp, a molecular biologist, yielded results that connect the ancient remains to Native American tribes of today (Fifield, et al. 2008). The result of Kemp's research also

provides new insights to the timing and people of the Americas suggesting the lineage represented in the On Your Knees Cave specimen entered the Americas about 15,000 years ago.

Open communication was key to the success of the On Your Knees Cave project. All public announcements were reviewed in advance by CCA and KCA. Funding and labor for the scientific excavation, analysis, and evaluation stretched across many partners. The Forest Service worked with the National Geographic Society and with the Society for American Archaeology to announce the discovery. In September 2004, a



Fred Grady of the Smithsonian Institution and a member of Heaton's paleontological crew in the Seal Passage at On Your Knees Cave. Photo courtesy of Tim Heaton, University of South Dakota.

talk was presented at the grand opening of the Forest Service Hall of Tribes in Washington, DC highlighting the On Your Knees Cave Project as a partnership success of national importance. This event was timed to coincide with the opening of the National Museum of the American Indian at the Smithsonian Institution. The film *Kuwóot yas.ein* (*His Spirit is Looking Out From the Cave*) highlighted the research and partnerships surrounding the project. It was released in April 2006 by the Sealaska Heritage Institute, the Tongass National Forest, the University of Colorado, and the National Park Service.

Following the fieldwork and analysis, KCA and CCA, supported by Sealaska Heritage Institute, submitted in June 2006 a claim under NAGPRA for the human remains. The claimants made a strong case for cultural affiliation (Haá Shagun) and stated that On Your Knees Cave is located in the traditional territory (Haá Aani) of the Tlingit people. Although genetic data provided evidence for cultural affiliation under NAGPRA, with the earlier Kennewick decision and the possibility of the court determining the evidence may not meet the legal standard of proof, the remains were determined culturally unidentifiable. But, because On Your Knees Cave is located on land that is recognized as aboriginal territory of the Tlingit people by the U.S. Court of Claims and the Alaska Native Claims Settlement Act of 1971 (43 USC 1601-1624), the remains were eligible for transfer to the Tlingit people.

The Transfer of the Human Remains to the Tribes

The custody of the human remains was transferred on August 20, 2007 from the Tongass National Forest to the tribal governments of the local Tlingit people. This is the first time the federal government has transferred the custody of human remains of this antiquity to Native people under the authority of NAGPRA.

Upon the transfer of the human remains, a council of tribal elders advising Sealaska Heritage Institute named the ancient man Shuká Kaa, which translates as "The Man Ahead of Us." The remains were reburied on September 25, 2008 in a small ceremony. Confidentiality of the location was maintained to the extent possible. The reburial was followed by the "Shuká Kaa Honor Ceremony" hosted by KCA and CCA with the support of Sealaska Heritage Institute, the Tongass National Forest, and nearly every educational, Native, and

service organization on the Prince of Wales Island. Donations of cash, food, and thousands of hours of labor came from all imaginable donors, including handmade place mats from students. The dinners were grand occasions with Alaskan native dances, awards, story-telling, and speeches. Dignitaries representing all partners attended.

Collaboration Builds Lasting Relationships and Effective Solutions

During the 19th and 20th centuries, archaeologists influenced how Native American history was written, and much of the history is virtually unknown to mainstream Americans. David Hurst Thomas, the curator of anthropology at the American Museum of Natural History in New York, contends that, "Minority histories are typically reduced to stereotypes and cultural clichés" (Thomas 2000). Native Americans need to be able to tell their own story and to preserve their own customs, history and traditions. Government to government collaboration and establishing meaningful relationships in good faith is important to bridge the divide.

The On Your Knees Cave project is a good model of government-to-government collaboration. The consultations with the Tlingit tribes continued throughout the life of the project and continue to this day. David Hurst Thomas points out that "the words 'cooperation', 'sharing', 'learning', and 'together'—are not readily associated with the archaeology of the earliest Americans." The source of contention for working together according to Williams Shands is that "Overcoming the control impulse is not easy. Everyone is part of the problem and everyone is part of the solution. Find the solution together. Process builds lasting relationships of trust." This case may very well define the future direction of 21st century archaeology. Federal

agencies should be aware that frequently historic properties of religious and cultural significance are located on ancestral, aboriginal, or ceded lands of Indian tribes and Native Hawaiian organizations. The consultation requirement for properties of traditional religious and cultural importance applies regardless of the location of both the historic property and the Indian tribe or Native Hawaiian organization.

The best possible outcome would be to recognize the right of Native people to tell their own stories in their own ways, that their ancient ancestors are treated with the same respect as ancestors, and for Native people to



Cast of the human remains recovered from On Your Knees Cave during five seasons of paleontological and archaeological field-work. Photo courtesy of Terry Fifield, Tongass National Forest.

fully appreciate applications and usefulness of the scientific method applied to the study of cultures. Although many stakeholders may be unhappy with some aspect of NAGPRA, it is a good first step towards recognizing equal rights of Native Americans. NAGPRA addressed, in part, the conflict regarding excavation and study of human remains between archaeologists and Native Americans. It recognized the equal rights of Native Americans to their cultural traditions and the right to respectfully bury their dead.

The biggest obstacle is history. The repatriation movement is an

attempt to start at the bottom towards the goal of being recognized as living human beings, who have children and relatives—and ancestors. In his address before the United Nations World Human Rights Conference in 1993, the Dalai Lama asserted that "It is the inherent nature of all human beings to yearn for freedom, equality and dignity, and they have an equal right to achieve that." The political aspect of repatriation is straightforward: unless Native Americans' demands to be recognized as human beings are met, none of the other crimes and indignities suffered can be addressed. ■

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