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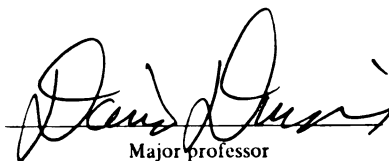
OUR ANCESTORS TALK AMONG US:  
INDIGENOUS KNOWLEDGE IN INTERNATIONAL REPATRIATION

presented by

Thomas A. Biron

has been accepted towards fulfillment  
of the requirements for

Masters degree in Anthropology

  
Major professor

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**OUR ANCESTORS TALK AMONG US:  
INDIGENOUS KNOWLEDGE IN INTERNATIONAL REPATRIATION**

**By**

**Thomas A. Biron**

**A THESIS**

**Submitted to Dr. David Dwyer  
Michigan State University  
in partial fulfillment of the requirements  
for the degree of**

**MASTER OF ARTS**

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# **OUR ANCESTORS TALK AMONG US: INDIGENOUS KNOWLEDGE IN INTERNATIONAL REPATRIATION**

**By**

**Thomas A. Biron**

**This thesis is about conflict as revealed by certain texts produced by Whitefish River First Nation and University of Michigan Museum of Anthropology. The focus is on international repatriation research language and meaning. Two major and one minor research problems were found. The main problem is “historic distrust.” Great Lakes *Anishinaabek* and other indigenous scholars argue that, historically, indigenous people and cultures have been portrayed obscenely in educational texts and museum exhibits. This is relevant to conflict in language and meaning. For example, indigenous researchers spoke of repatriation in terms that meant reburial while museum representatives spoke of museum collection maintenance. A third, minor, but directly related problem is the Native American Graves Protection and Repatriation Act mandate for partnership between scientists and indigenous community representatives. Both are necessary for verification of cultural affiliation. But few indigenous anthropologists or repatriation experts exist. American Indian anthropology Ph.D. degrees conferred in 1991-92 = 0%.**

## ACKNOWLEDGMENTS

During this study I heard many *Anishinaabek* community members express how difficult it has been for them to encounter disrespectful treatment by anthropologists and other social science and humanities scholars. Until completing this study I could not understand their words.

I am thankful for their patience and kindness as they explained their views. In fact, this thesis would not have been possible without the assistance of Whitefish River Repatriation committee members and community leaders. Especially Nungess (Art McGregor), Chief Leona Nahwegahbow, Esther Jacko, and Lorilee McGregor. The same goes for my graduate committee chair, Dr. David Dwyer and two close advisors, Dr. Joe Chartkoff and Dr. Robert McKinley. This combined knowledge, academic thought and Ojibway Oral tradition, provided exceptional insight into how Anthropologists and Indigenous people can derive meaningful interpretations from diverse cultural data types and incorporate them into research on the language and meaning of international repatriation processing.

Gathering data from diverse sources such as scientific documents and oral tradition presented a major challenge in that repatriation processing requires using both. In doing so, repatriation researchers are able to analyze both cultural background presumptions

about repatriation research as well as documented texts and collections.

A significant cultural research issue encountered in this study is the fact that most of the scientific community of repatriation researchers encountered did not know about *Anishinaabek* people and cultures. Those who did know, knew little. Because of this anthropological knowledge deficiency, the original phase of this study was simplified to an elementary study plan in order to develop chapters on traditional knowledge from the *Anishinaabek Ojibway* and their perceptions of international repatriation processing. The primary focus remained a study of conflict resolution in repatriation processing.

An assumption was made early on that this type of knowledge, an understanding of conflict between indigenous people and other repatriation researchers, is necessary for overcoming historic conflicts that often malign both indigenous and scientific repatriation perspectives.

Analysis of conflicting group expressions revealed values and meanings of the language and culture of repatriation, and revealed conflict resulting in a flawed decision making model, beginning with a NAGPRA requirement that makes international indigenous groups dependent upon U.S. domestic agents. This study found that some leading proponents of domestic repatriation processing involved in this case do not yet acknowledge international claims.

Personally, I have come full circle, back to an original resolution made when I entered anthropology studies. I vowed to maintain my own cultural understanding of *Anishinaabek* traditions as a primary source of knowledge as I acquire new knowledge about the world and the people, cultures, and all in it. And to recognize *Anishinaabek*

traditional teachings as valuable assets for my development as a Cultural Anthropologist.

For this I needed strength and guidance.

I want to say how much I appreciate the Elder *Kiinoomaage nini* (male teacher) from Garden River First Nation, Dan Pine Sr., known to loved ones as “Pa.” Pa was the best teacher I have ever met. As important was support from my friends and teachers, David and Anabel Dwyer. The same for the rest of my family and friends, especially Michelle Boursaw, who provided strength when I needed help working my way through challenges that were very difficult. *Chii miigwetch, ndaaganak.*

## TABLE OF CONTENTS

LIST OF TABLES	ix
LIST OF FIGURES	x
CHAPTER 1	
INTRODUCTION	1
Purpose	5
Methodology	6
Preliminary analysis	12
Organization of thesis	16
CHAPTER 2	
MEDICINE AND HEALING: <i>MSHKIKI MIINWAA GIIGE</i>	19
The Medicine Wheel	19
Traditional and historic identification patterns	20
Nishnaabe biimaadziwin kiinoomaadwinan	23
The first Medicine wheel teaching	27
The Medicine wheel and repatriation	27
Sharing	29
Preservation of Well Being	35
Chapter summary	35
CHAPTER 3	
THE REMOVAL OF HUMAN REMAINS FROM WAH WAH SKIN AH GAH	36
Dr. Greenman's transcribed field notes	36
Field note excerpts	38
Discussion	41
Chapter summary	44
CHAPTER FOUR	
GRAVE PROTECTION AND GRAVE ROBBERY LAWS	45
Common law	45
Ontario law	46
Michigan law	47

NAGPRA	55
CHAPTER 5	
WRFN REPATRIATION LANGUAGE	58
<i>Nungess</i> - Art McGregor	58
<i>Nungess</i> (Little sturgeon) interview	61
Discussion	68
Esther Jacko: WRFN Lands manager	70
<i>Anishinaabek</i> anthropology perspective	72
Interpretation of Esther Jacko's language and meaning	74
Lorilee McGregor: Repatriation Committee Chair	79
External experience	80
Internal experience	81
WRFN Band Council statement	81
Roxanne Jacko: WRFN Youth representative	84
Meaning analysis	84
CHAPTER 6	
ARCHAEOLOGISTS VOICES	87
Ontario Archaeology Society	87
Argument	88
The American Committee for Preservation of Archaeological Collections (ACPAC)	88
Argument	89
Society for American Archaeology (SAA)	89
Argument	91
The Michigan Archaeological Perspective	91
Argument	92
Meaning analysis	93
Discussion	95
The missing subfields	95
CHAPTER 7	
MEANING AND POWER IN UMMA REPATRIATION DISCOURSE	99
Dr. John O'Shea's official UMMA response to the WRFN denial to conduct DNA research	103
Personalized institutional statements of fact	104
Identification process	104
Objectification of human remains	104
Authoritarian persona	105
Assertion of power	105
UMMA authority determines cultural affiliation	105
Judgement	106

Ownership and Power	106
Contradiction of the “Un-Said”	107
<b>CHAPTER 8</b>	
<b>THE USE AND ABUSE OF NAGPRA</b>	<b>110</b>
The President of the University of Michigan’s response	112
Analysis of Power	113
Law v. Philosophy	113
Limitations to the NAGPRA Act	113
Right of Possession	115
The privilege of science	116
The role of ethics	117
Discussion	117
Conclusions drawn from official university responses to the WRFN repatriation claim	119
<b>CHAPTER NINE</b>	
<b>SUMMATION</b>	<b>121</b>
<b>BIBLIOGRAPHY</b>	<b>133</b>
General references	139

## **LIST OF TABLES**

<b>Table 1: Wah Wah Skin Ah Gah identity language changes</b>	<b>20</b>
<b>Table 2: Chronology of identity policy change eras</b>	<b>21</b>
<b>Table 3: <i>Niizhwaaswi Mishoomsag</i> (Seven Grandfather teachings)</b>	<b>26</b>
<b>Table 4: WRFN repatriation language analysis</b>	<b>85</b>
<b>Table 5: Archaeologist language analysis</b>	<b>94</b>



## LIST OF FIGURES

<b>Figure 1: Map of Old Birch Island setting in 1938</b>	<b>3</b>
<b>Figure 2: Map of WRFN Landbase</b>	<b>4</b>
<b>Figure 3: Chronology of cultural affiliation language and meanings</b>	<b>10</b>
<b>Figure 4: Medicine wheel teaching model</b>	<b>23</b>

## **Chapter 1**

### **INTRODUCTION**

This thesis is the result of two years of intensive study with the Whitefish River First Nation (WRFN) repatriation research team. The focus of this study is on an ongoing repatriation process that reflects each groups' understandings of the use of the meaning of repatriation. The process actually began sixty years ago.

The following WRFN territory and setting description includes an updated copy of an Emerson Frank Greenman map of the original exhumation area (Map 1, p.3). It is included to illustrate proximity to important sites in the WRFN community. This regional map is followed by a map of the present day land base of the WRFN (Map 2, p. 4) submitted by Esther Jacko, WRFN Band Land Manager.

The WRFN *Ojibway* community (herein WRFN) occupies Reserve No. 4, a First Nation territory situated on the north shore of Georgian Bay just north of *Manitoulin* Island, midway between Sudbury to the east and Sault Ste. Marie to the west. WRFN is located 18.9 miles southeast of Espanola, Ontario and 13.9 miles northeast of Little Current.

WRFN land holding includes 14,016 acres or 21.9 square miles. The land base is approximately three miles wide and ten miles long. It is bound to the north by Curtin and *Mongowin* townships. South boundaries include partial demarcation by McGregor Bay

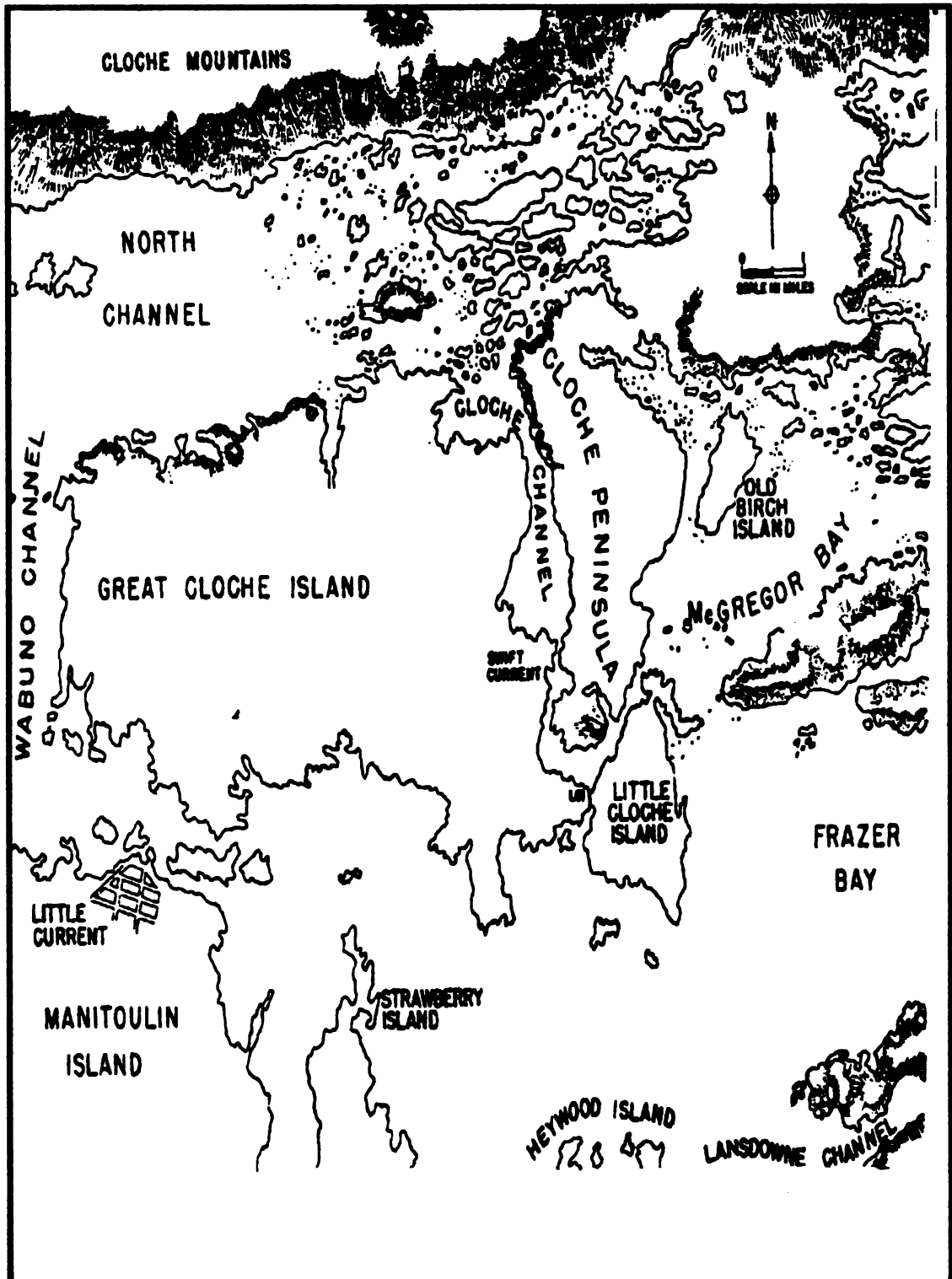
shoreline, La Cloche channel, and Swift Current. The west boundary is La Cloche Channel, with the east boundary also McGregor Bay. Access is provided by Highway 6, which runs through the territory. Much of the land is underdeveloped with the exception of the village area and associated roads. Vegetation is typical of the Great Lakes-St. Lawrence Forest region. Raspberries, strawberries, cranberries, choke-cherries, blueberries and apples are abundant in warmer seasons. Poison ivy, sweet grass, and lilac bushes are also abundant, as are white and red pine, hemlock, balsam fir, black and white spruce, cedar, jack pine, hard maple. White birch, poplar and ash cover about 85% of the territory.

The climate consists of short-moderate spring and summer seasons with cold and heavy snow in winter. The average precipitation is 29.09 inches per year. The frost free period averages between 125-129 days, beginning at the end of May and ending at the end of September.

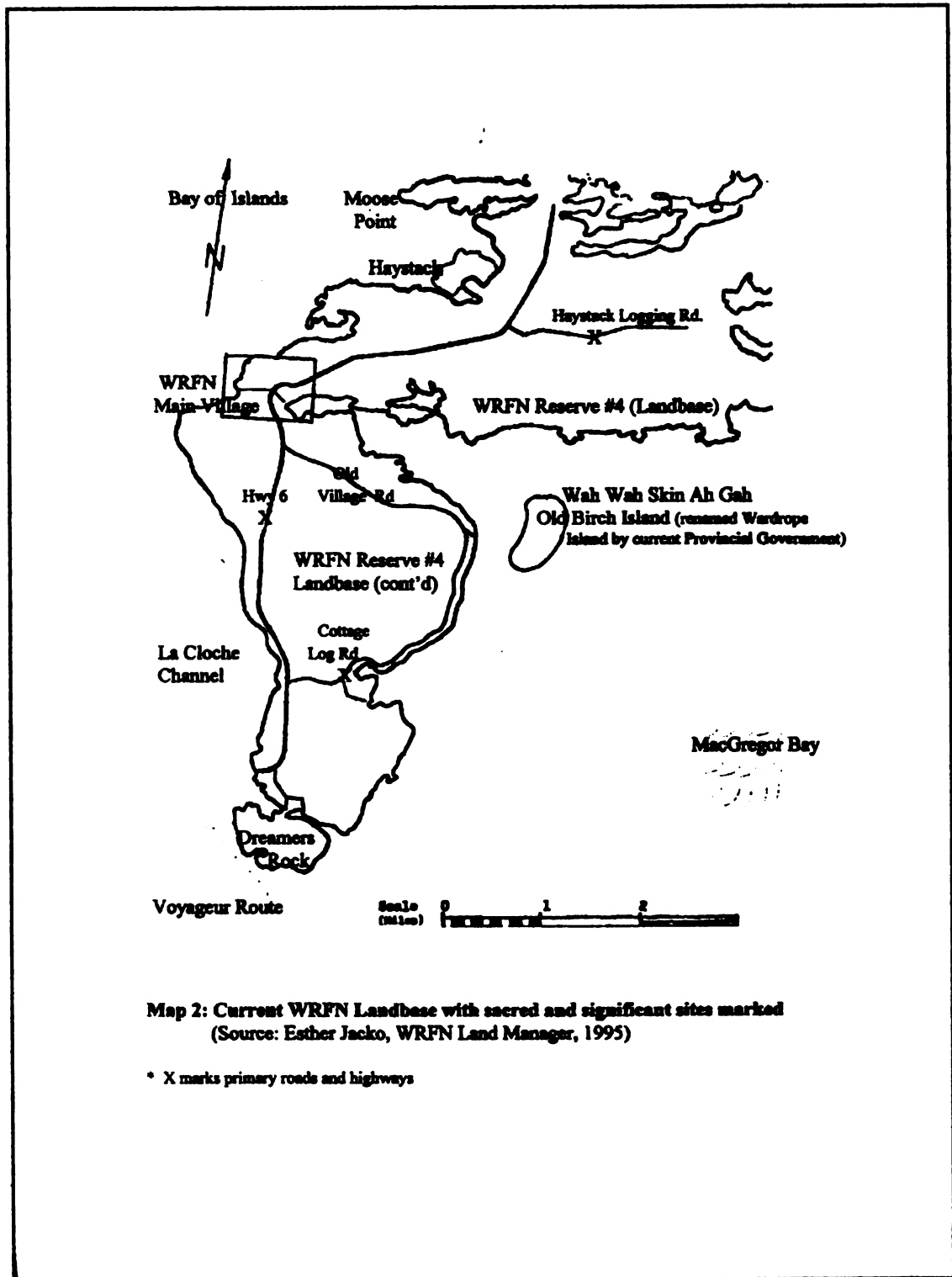
There are about 100 households interspersed throughout the territory, but the main village is located just off Highway 6. The WRFN territory is home to many recognized sacred places such as Dreamers Rock, Bell Rocks, and *Wah Wah Skin Ah Gah* where traditional ceremonies are still practiced by many community members.

The WRFN land base has never been fully ceded. Two treaties (Robinson-Huron 1850, and Manitoulin, 1862) recognize WRFN sovereignty and provide intergovernmental relationships with the Province of Ontario and the nation of Canada.

Figure 1: Old Birch Island Setting in 1938 (Source E.F. Greenman, 1951)



**Figure 2: Map of WRFN Landbase**



### **Purpose**

The purpose of this research was to study the language and meaning of the WRFN and the UMMA repatriation research on international repatriation, focusing on oral tradition and written documents as equally significant data sources. An assumption was made that a better understanding of the combined knowledge from these media would help future researchers avoid current repatriation conflicts.

This study focuses on texts and oral tradition from the current repatriation movement. Until 1995 most meaningful dialogue on repatriation was contained within non-native institutions involved in repatriation processing. After 1995, the actual return of museum collections began in response to those institutions which were found to be in violation of the NAGPRA. These institutions had to reveal their holdings to thousands of tribal and other communities that had, up until that time, felt little or no actual impact from the newly defined U.S. domestic repatriation process. The basis for the NAGPRA law was the recognition that the abuses by archaeologists in the unauthorized exhumation of human remains were so extensive that they could no longer be dealt with on an individual basis, but required a general legal remedy.

This case differs from the bulk of ongoing repatriation processing because it involves the WRFN, an *Anishinaabek Ojibway* community that lies outside U.S. borders. WRFN is not included within the jurisdictional parameters set for repatriation in the original NAGPRA law. But the impact of the NAGPRA repatriation process was not contained within U.S. domestic territory, as this case and a growing body of literature from other international groups demonstrate (Smythe, 1996; UNIDROIT, 1995; Green, 1994; Bieder,

1990).

Initially, oral tradition from WRFN Elders and community leaders and historic documents from UMMA researchers verified Esther Jacko's original 1982 repatriation research findings. Esther Jacko verified that twenty graves on *Wah Wah Skin Ah Gah* (a.k.a. Old Birch Island) were exhumed in 1938 and the contents of these graves were sent back to the UMMA by Dr. Emerson Frank Greenman. He did so, according to WRFN accounts, without permission or authorization from the WRFN community. Furthermore, Dr. Greenman's transcribed field notes offer no evidence of having obtained permission. His is the original UMMA voice heard in this study.

### **Methodology**

The methodology used in this study is an analysis of meaning. Fifty two years after Dr. Greenman's exhumation, on November 16, 1990, President George Bush signed Federal Public Law 101-601 [104 STAT. 3048]. This law, known as NAGPRA, initiated U.S. repatriation processing by establishing specific federal rules and regulations. Specifically, the NAGPRA was enacted "To provide for the protection of Native American graves, and for other purposes. [H.R. 5237]." Most notably, repatriation meaning commenced with a declaration that the law was implemented for the "protection of Native American graves..." Protection from whom or what? To the WRFN this term means "reburial of ancestors;" to the UMMA this term means "maintenance of collections." This difference in repatriation meaning gave rise to a comparative analysis of meanings of the terms "protection" and "repatriation." For example, both meanings of the term "repatriation" carried the meanings of "protection" in the sense of "protection from

others” but in the case of the WRFN it was “protection from people who would rob graves in the interest of science” while in the case of the UMMA it was “protection from people who would interfere with science and access to the past by demanding that their ancestors be re-buried.”

The term “others” is a category defined by group meaning. By placing each repatriation group’s unique expressions into separate categories it became possible to develop a more comprehensive understanding of the meanings employed by each group. This provided a database for comparative analysis of terms and their conceptual meaning. For example, this classification of meanings helped distinguish voice types as each group expressed unique repatriation language often enough to provide observable language data sets. Crossover, or overlapping terms and concepts were observed as well, especially after the two groups began meeting and sharing their knowledge about repatriation. For example, the term “repatriation” is common, but it is distinctly meaningful in each group’s usage patterns (i.e., WRFN oral tradition versus UMMA scientific documentation). Acronyms such as NAGPRA, DNA, WRFN, and UMMA also became shared concepts after the two groups began cooperative research experiences (i.e., the UMMA-DNA research demonstration and UMMA-WRFN repatriation survey).

The WRFN voice heard most often in this case study is that of Esther Jacko, WRFN Lands Manager. Among the duties of the Lands Manager are the location of missing lands and property belonging to the WRFN Band. The repatriation of human remains fall within her duties. Esther recalls her 1982 visit to the UMMA to see if her ancestors were actually there. Her first knowledge of the exhumation came from an Elder Storyteller



from her community. The story was shared with her while a young adult. It was about a mysterious grave robbery.

Esther's initial repatriation efforts, during the 1980s, has proved to be a classic repatriation research model in the NAGPRA prescribed mode. Interestingly, not only does this kind of research represent *Anishinaabek* traditional ways of gaining knowledge but, in fact, it is the kind called for by NAGPRA, based on partnership between indigenous researchers and museum personnel.

Esther Jacko relied oral tradition from her community as a primary source of knowledge during this case study. Because this data is recognized as valuable by the NAGPRA law, she was asked to help link the WRFN oral tradition knowledge of *Wah Wah Skin Ah Gah* cultural affiliation to other evidence, such as relevant WRFN documents. Esther's earlier research, combined with new language and meaning data types, verified that:

- *Wah Wah Skin Ah Gah* graves were exhumed by UMMA in 1938.
- Human remains were removed from WRFN sacred burial sites.
- These human remains are now a research collection kept at the UMMA.
- The WRFN has never given permission to UMMA to do this.

These findings have been ignored by UMMA researchers, while they have been viewed by WRFN as important evidence. Part of the reason for the UMMA's dismissal of the WRFN's claims is that they are based on oral rather than written documentation with the understanding that written documentation is far more valid than oral. This distinction also marks a traditional division within Western thought between "prehistoric" and "historic." In fact, it is an important goal of archaeology to uncover the "prehistory" of nonliterate peoples precisely because their own oral documentation is for archaeologists

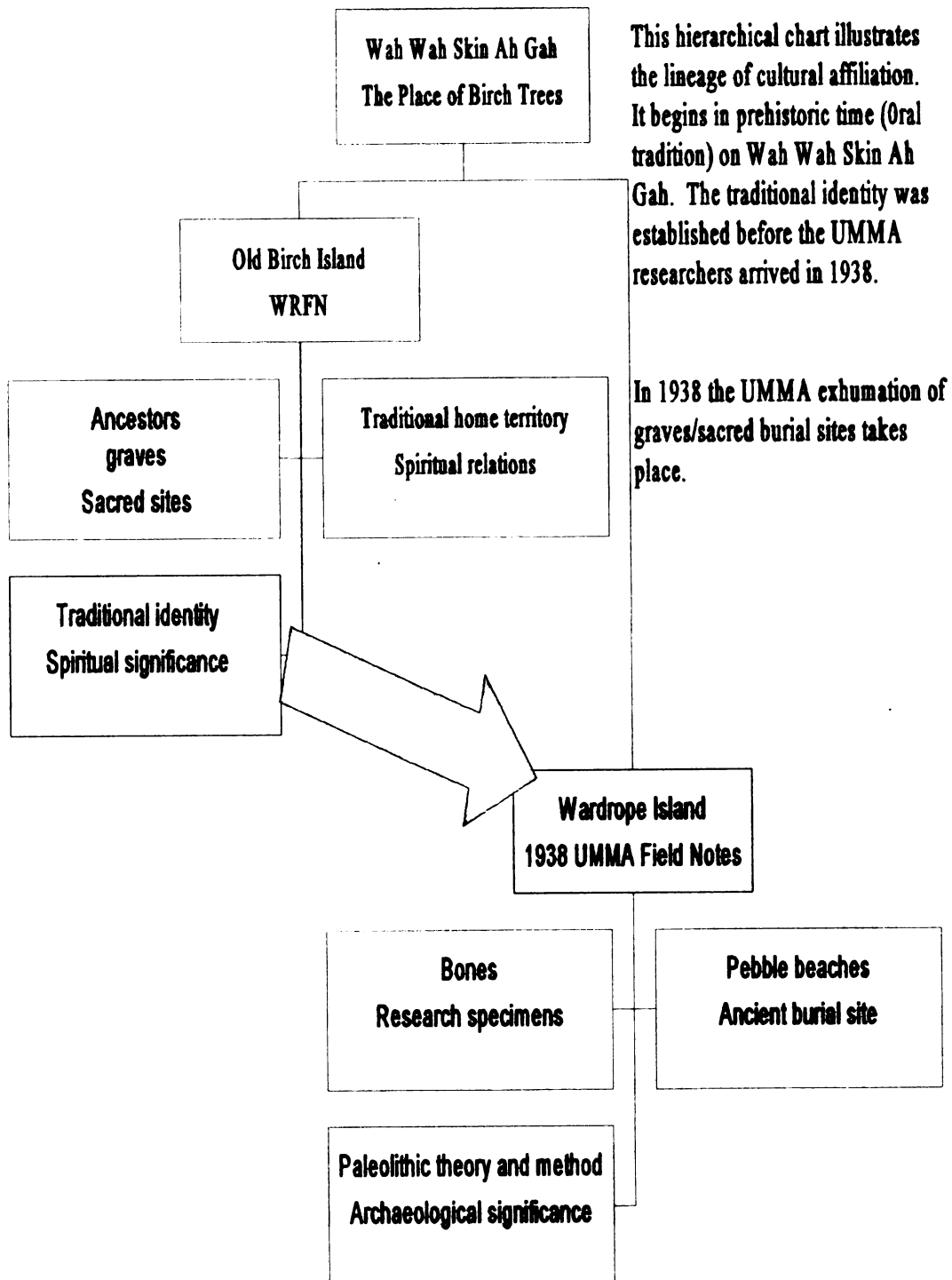
suspect.

Language and meaning from the WRFN in this repatriation process is “prehistoric” in a literal sense because it involves oral tradition. But the term “prehistoric” also carries popular meanings of “primitive,” “pre-human,” and “unreliable.” These meanings are not used in this study. Rather, prehistoric only means before written history.

The bulk of WRFN knowledge about the 1938 *Wah Wah Skin Ah Gah* grave exhumation was shared in an oral tradition format. In essence, WRFN meanings of repatriation expressions stem from oral tradition which began prior to written documentation. Figure 3 (p. 10) delineates a language and meaning timeline relevant to this study.

A significant influence in this analysis is William Leap’s (1993) ancestral language and meaning theory which recognizes “Indian english” as a primary meaning source that is reliable and valid in written and oral tradition forms. Eades (1994) used the term “Aboriginal English” to explain a similar problem in Australian legal systems. While many modern and historic text samples exist, traditional WRFN Anishinaabek Ojibway language is still not documented to any great extent. In fact, most *Anishinaabek* communities are just beginning to document their oral traditions. That is why I have used a variety of spellings to identify *Anishinaabek* people and cultures. For example, *Nishnaabe* is used by the Ojibway Cultural foundation in the Medicine Wheel Model (chapter two). I prefer the form *Anishinaabek* to signify the entire population. It is a plural form taken from Howard Webkemigad’s language course at Michigan State University (1991-92).

**Figure 3: Chronology of cultural affiliation language and meanings**



The most significant data collection factor in this study is recognition of WRFN oral tradition as a primary data source that is reliable and valid for determining cultural affiliation. In this sense, WRFN oral tradition is equal to other data types referenced. It is first-in-line for meaning analysis for a number of reasons, which are the subject matter of chapter two.

In chapter two, oral tradition, provided by Art McGregor and many other WRFN Elders, is acknowledged as the most abundant source of information about historic and traditional relations between the WRFN community and *Wah Wah Skin Ah Gah*. Figure 3 above illustrates this chronology of language relationships beginning before historic documentation. WRFN voices (chapter 5) determine pre-contact cultural affiliation to *Wah Wah Skin Ah Gah*. In contrast, Dr. Lee Bollinger, President of the University of Michigan, stated that UMMA scientific knowledge is evidence enough to maintain the grave contents from Old Birch Island; enough to deny the WRFN repatriation claim (chapter 8).

The language and meaning of each voice in this study reveals different expressions of meaning in repatriation discourse. For example, the WRFN Ojibway reference to *Wah Wah Skin Ah Gah* has been interpreted as meaning the same as the UMMA reference to Old Birch Island. But, in fact, it is not the same. *Wah Wah Skin Ah Gah* refers to “the place of white birch trees” that was also the WRFN traditional home a long time ago, and in fact, still is. This complex interpretation of the meaning of *Wah Wah Skin Ah Gah* is vital to understanding WRFN repatriation expressions. A section about range of historic and traditional language identifiers is included in chapter two.

It is notable that written documents voicing WRFN community members' knowledge of the time and place of exhumation were not found in UMMA texts. It is also important to note that UMMA provided only one article of research literature to the WRFN. These texts were select, transcribed portions of Dr. Greenman's 1938 field notes assembled by Dr. John O'Shea, the current UMMA Director. The original field notes were not offered.

A literature review of Dr. Greenman's original work revealed a number of related journal articles published between 1938 and the early 1950's. In addition, Charles Cleland provided insights about Greenman's work and the position Dr. Greenman held in the field of Great Lakes regional archaeology in an obituary column (1974). But the documented literature is limited. Ironically, historic references to the importance of WRFN oral tradition as an important source of data and of its relevance to this case study were found in the available literature.

### **Preliminary Analysis**

As noted above, comparative research on the two voices posed some problems. The two repatriation research groups used different terms and concepts to describe cultural affiliation. The UMMA discussed Old Birch Island cultural affiliation in terms of scientific value. The WRFN group discussed the *Wah Wah Skin Ah Gah* case in terms of spiritual value. These distinctions do not place a value basis on either group. Rather, each group's values defined meaningful relations to *Wah Wah Skin Ah Gah* (Old Birch Island). WRFN expressed meaning in terms of their own traditions of spirituality. UMMA expressed meaning in terms that expressed values of scientific knowledge about humankind. Each group's rationale revealed meaning of relationships to *Wah Wah Skin Ah Gah*.

Common terms used by WRFN community members to identify their relations with *Wah Wah Skin Ah Gah* were "our grandparents," "our elders," or "our ancestors." These expressions were shared when talking about the value and meaning of repatriation. UMMA expressed affectionate intimacy too, but in a different manner (e.g., the Old Birch Island museum collection). Dr. O'Shea expressed his emotions about the subject matter passionately, in terms that expressed value for the *Wah Wah Skin Ah Gah* grave contents (e.g. , an invaluable ancient DNA data source for research on diabetes). This is important because Dr. O'Shea is a significant actor in this case study. He is also a member of the NAGPRA National Oversight Committee. In this capacity his views likely will impact all of contemporary archaeology, a paradigm which is now embroiled in a related ethics debate. The relevance of repatriation and ethics in the field of archaeology is discussed further in chapter six.

While the UMMA meaning of repatriation is expressed in terms and concepts of research ethics, and the language is meant to be objective, subjective meaning was also expressed which limited the type of data that could be used to define cultural affiliation in this repatriation process. Specifically, the method used to define cultural affiliation for Old Birch Island was limited to the UMMA interpretation of the NAGPRA legal jurisdiction. Cultural affiliation research from the WRFN repatriation team was not included.

Determining cultural affiliation is problematic. In fact, this aspect of repatriation processing was found to be the most outstanding issue of conflict. It surfaced again and again as each attempt to develop a cooperative research partnership was made. This

conflict in cultural affiliation is reflected in the following separate group meanings related to *Wah Wah Skin Ah Gah*.

- Dr. Greenman's exhumation of human remains from Old Birch Island is a valuable DNA source for scientific research on origin. The UMMA will not return it.
- The WRFN recognizes the 1938 exhumation as a grave robbery of their sacred ancestral burial site.

These biases limit the potential for developing conflict resolution strategies.

As stated earlier, an emotional dimension exists in repatriation processing, and it embellishes the language and meanings of each group. Therefore, the analysis proceeded on an assumption that emotional factors are present and active in this repatriation process. The emotional dimension is significant. Researcher's emotions expressed in repatriation contexts are discussed in conjunction with each groups meanings in chapters 5, 7 and 8.

There are also notable paradoxes in this case study. As actual evidence accumulated about identity and ancestry, conflict over who shall provide a definition of cultural affiliation and how to determine cultural affiliation took on greater significance. But research partnership, a primary mandate of the NAGPRA repatriation process, did not fully develop. Why?

In relationship to the NAGPRA repatriation process it is simple. A working partnership did not develop because the *Wah Wah Skin Ah Gah* site lies outside of the domestic U.S. territory. The UMMA has argued that the NAGPRA did not apply to this case because of its jurisdictional limitations. But this limited view overlooks several points.

- NAGPRA is not the first law addressing the illegal removal of human remains. Rather it is a remedy because of all the illegal removals that have transpired.
- In no place does the NAGPRA law say that museums have the right to own human

remains or patrimony.

- The NAGPRA law makes it clear that legal possession of human remains of cultural patrimony requires permission.
- At the time of the exhumation of Old Birch Island, grave robbery laws strictly forbade the exhumation of human remains without the permit from a medical officer.

Does this mean that the NAGPRA repatriation method was not applicable for determining cultural affiliation in this repatriation process? Not necessarily. The NAGPRA remedies may be appropriate, but legislative limitations reduce NAGPRA's capacity for international application. Legal jurisdiction, ethics, and scientific application are discussed throughout the thesis, with a final overview in the summation.

In sum, this case study found the UMMA to be a limited and reluctant participant in the WRFN international repatriation process. This finding is a primary issue for understanding repatriation conflict and for developing resolution strategies in international cases.

WRFN oral tradition was readily shared by WRFN Elders and other key informants (Storytellers), and is considered to be a primary source of data. Information shared by UMMA consisted of selected portions of Dr. Greenman's field studies (35 double spaced pages). These texts reveal Dr. Greenman's work ethic, method, research techniques and personal values as interpreted by Dr. John O'Shea, the current UMMA Director.

Descriptions of the settings, people, and technology of that time offer historical descriptions of the *Anishinaabek* communities he visited. References to friends and resources, and to the many details held in these notes helped place this contemporary study into historical context.



### Organization of thesis

This thesis is presented in eight chapters, with a final summation. This chapter (1) introduces significant research issues related to language and meaning in this international repatriation process and to a broader growing debate between indigenous people and scientists involved in repatriation.

Chapter two introduces a number of significant traditional *Anishinaabek Ojibway* cultural factors for understanding the historic and contemporary contexts and cultural backgrounds of *Anishinaabek Ojibway* people, and of the contemporary WRFN contexts in which repatriation meaning is expressed.

Medicine wheel teachings and the Seven Grandfathers story provide an overview of the *Anishinaabek Ojibway* teaching/learning perspectives in which *Ojibway* traditions of cultural affiliation, identity, and spirituality are understood. Medicine Wheel teachings were included to illustrate four primary levels of understanding necessary to begin articulating some traditional *Anishinaabek Ojibway* meanings of repatriation as understood within their own world view.

Chapter three situates the contemporary WRFN environment and community setting. Dr. Greenman's exhumation process is presented as it was shared by UMMA transcribers. These texts are discussed as if they represent the original context of the WRFN exhumation.

Chapter four presents a set of laws on grave robbery pertinent to Michigan and Ontario. Chapter four reveals a history of racist archaeological policy and practices sanctioned by Michigan and U.S. federal law. Chapter four and five set a pattern of

analysis for the archaeological ethics issues reviewed in chapters six.

Chapter five introduces key WRFN community representatives, including testimony from WRFN Elder, Nungess (Art McGregor), who, along with other key informants from the WRFN community, witnessed Dr. Greenman's actions in the WRFN community in 1938. The discussion section includes an interpretation of the impact of UMMA research over the past sixty years (1938-98). These spoken and recently written testimonies reveal an ongoing history of distrust that has evolved into current repatriation processing conflicts.

Insights into the modern values of *Anishinaabek Ojibway* ancestral relations provided a much appreciated guidance to understanding traditional views and perspectives of the present day WRFN community's meaning of repatriation. This chapter ends with a powerful statement from Roxanne Jacko, the WRFN youth leader who participated in the repatriation research process. The impact of the repatriation process on future generations of the WRFN is obvious.

Chapter six presents historical and contemporary archaeological voices, perspectives relevant to understanding the significant relationships between the WRFN international and NAGPRA domestic repatriation processes. The impact of repatriation within the field of international archaeology is a growing concern. A diverse group of archaeologists express the variety of contemporary opinions and attitudes about repatriation.

Chapter seven is the first analysis of two formal responses by University of Michigan officials. The first analysis focuses on Dr. John O'Shea, a principal actor in this case study and in the field of repatriation research at this time. He represents not only his own

personal values on the matter but speaks for the field of archaeology at the international level.

Chapter eight, the second analysis, introduces the President of the University of Michigan, Dr. Lee Bollinger. His response to the WRFN Chief and Council is analyzed for content and relevance of meaning to this case study and to the current repatriation process as designated by the NAGPRA Act. Both university representatives reflect legalistic interpretations as primary meanings of repatriation.

Chapter nine is a final summation and review of findings about international repatriation language, meaning and conflict.

## Chapter 2

### MEDICINE AND HEALING *MSHKIKI MIINWAA GIIGE*

#### The Medicine Wheel

It is necessary to explain key traditional *Anishinaabek Ojibway* concepts of medicine in order to explain WRFN repatriation language and meaning. For purposes of this discussion, *Anishinaabek Ojibway* refers to the traditional WRFN culturally affiliated meanings of repatriation and are understood to be meaningful in the context of traditional “Medicine Wheel Teachings.” *Anishinaabek Ojibway* medicine is spiritual. Therefore, Medicine people minister spiritual healing power (for lack of a better description).

Classifying *Anishinaabek* repatriation meaning in this analysis required connecting the literal meaning of repatriation (i.e., return to one’s country) with *Anishinaabek Ojibway* spiritual meaning. Together the meaning becomes *azhen aanikoobijiganag* (i.e., returning ancestors), or the return of ancestors.

In the WRFN, repatriation means that the community’s spiritual ancestors are coming home. Spiritually expressed, the meaning of this WRFN repatriation concept is synonymous with rejoicing and taking pride in their tradition and heritage. To most WRFN community members, a great healing process is taking place with repatriation understood as a significant fact of this healing.

Limiting the meaningful impact of this spiritual healing process to legal issues could be considered a legal injury by *Anishinaabek* people. This is why the WRFN has been reluctant to resort to legal measures in the process of repatriation. They would prefer to

see the process of return, not as a legal remedy, but as a healing act willingly undertaken by all parties.

WRFN repatriation must be understood in relationship to other significant WRFN community phenomena related to this case study. For example, reverence of *Wah Wah Skin Ah Gah* as a sacred burial site, community survey of attitudes and beliefs about *Wah Wah Skin Ah Gah* as an ancestral home, oral tradition knowledge as significant data, and so on. Understanding these kinds of WRFN cultural phenomena is essential for developing a traditional *Anishinaabek Ojibway* understanding of repatriation as a Medicine Wheel process, and necessary for understanding the WRFN *Anishinaabek Ojibway* repatriation perspective.

### **Traditional and historic identification patterns**

Changing indigenous people's identity is a historic practice of European, Canadian, and U.S. governments. This practice is illustrated in the following table of historic eras that reflect changes in *Wah Wah Skin Ah Gah* identification.

**Table 1: *Wah Wah Skin Ah Gah* identity language changes**

- |   |     |  |
|---|-----|--|
| • <i>Wah Wah Skin Ah Gah</i>                            | --> | Oral tradition identification                          |
| • The Place of Birch Trees                              | --> | Historic translation, multi lingual meaning            |
| • Old Birch Island                                      | --> | Colonization of WRFN home territory                    |
| • Wardrope Island                                       | --> | Removal of traditional identity by Canadian government |
| • UMMA museum collection                                | --> | Exhumation of graves                                   |
| • WRFN repatriation claim to <i>Wah Wah Skin Ah Gah</i> | --> | Original identity revitalized by oral tradition        |

The above six eras signify a chronological order of change in *Anishinaabek* identity which is significant for determining cultural affiliation in this international repatriation process. It is useful for explaining changes in cultural affiliation language and meaning

patterns in *Anishinaabek* culture.

Michael Petoskey (1988), Odawa Lawyer and Tribal Judge from Grand Traverse Bay near Traverse City, Michigan, introduced the following six historic policy eras to show how policy language has impacted *Anishinaabek* identity since contact with Europeans.

**Table 2**

<b>Chronology of identity policy change eras</b>	<b>Associated language and meaning</b>
1.1532-1789 Pre-Constitutional Precedent	1. New World "Indian" identity texts.
2.1789-1871 The formative Years	2. American Indian identity policy.
3.1871-1928 Allotments and Assimilation	3. Domestic American Indian status.
4.1928-1942 Indian Reorganization	4. Localized American Indian identity.
5.1942-1961 Termination	5. Termination of American Indians.
6.1961- pres Self-Determination (Petoskey, 1988)	6. U.S. federal recognition blood quantum identity policy.

In order to explain the significance of these changes in identification meaning to an audience of outsiders (others) it is important to clarify my own *Anishinaabek* perspective. First, this thesis presents thoughts and insights of a member of a traditional *Anishinaabek Ojibway* community. In addition, this written interpretation is from an anthropology graduate student. This combination of standpoints must be understood in chronological order (oral tradition to modern) to fully comprehend the meaning structure of the syntax I choose for explanations of the following *Anishinaabek* traditions. These explanations attribute meaning to, and further define related repatriation meanings of relevance to this thesis.

The following introduction is an oral tradition practice of the *Ojibway* in the Great Lakes region. It is an act of sharing identity with family, community, and others who may not know who is speaking. The portrayal is of honor.

**Spoken:** *Animkii migizi ndizhinikaaz. Kitigaunseebing ndo zhaabaa.*

*Awjijawkw ndoodam.*

**Interpretation:** I am Animkii Migizi (Thunder Eagle) from Garden River First Nation *Ojibway Anishinaabek*. I am Blue Heron Crane clan.

This identification process acquaints guests with traditional *Anishinaabek Ojibway* identification -- family, clan, First Nation, and the greater *Anishinaabek* nation of Turtle Island. This act signifies traditional *Anishinaabek* cultural affiliation.

This traditional identity practice represents a significant form of cultural affiliation which is shared openly with the community. Identifying one's self as a third party persona (i.e., inanimate thing) is not traditional. Ancestors, past, present, and future, are alive in this culture, actively participating in the community. Hence the thesis theme title "Our Ancestors Talk Among Us."

This interpretive understanding is difficult to comprehend for outsiders because in today's American multicultural community, traditional *Anishinaabek* voices are seldom heard. In contrast, in the WRFN *Anishinaabek Ojibway* community, the act of sharing traditional identity is common.

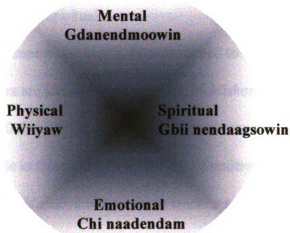
In this culture, relationship to all creation is acknowledged. Kinship, in this traditional world view, results from being a child of *Gitchie Manitou* (Great Spirit) and *Kaash na kii* (Mother Earth, our protector). The basis of cultural affiliation begins with an acknowledgment of kinship with a Great Creator. Thus, spirituality is the primary meaning source of knowing in this world view.

Individual community recognition (traditional identity) is derived from relationships on and with *Kaash na kii*. Like any other culture, one type is not sufficient to describe the many varieties of family and community relations in the *Anishinaabek* community. For

example, *Anishinaabek* relations do not have as a meaningful human identity an implied gender. Gender can be designated, but the primary *Anishinaabek* identity is spiritual. Spiritual identity is embodied as a result of living (by way of) these traditional medicine wheel teachings. Social identity is another issue but does not supersede spiritual identity. Balance is the key to knowledge about tradition as a result of these teachings.

The medicine wheel represents a balancing mechanism. *Anishinaabek Ojibway* spirituality means being in balance with all of creation. This conceptual meaning is critical for explaining traditional *Anishinaabek* meanings of repatriation. Figure 4 depicts *Nishnaabe Bimaadziwin Kinoomaadwinan* (Teachings of the Medicine Wheel, 1992). It helps to introduce traditional *Anishinaabek Ojibway* spirituality as an interactive model.

**Figure 4: Medicine Wheel Teachings**



adapted from  
*Nishinaabe Biimaadziwin*  
*Kinoomaadwinan*  
 Ernestine Buswa  
 (1992)



The four sections on the design above represent directions. More precisely, *nakeya* means “in the direction of” (Rhodes, 1993). This concept is essential for explaining interactive meanings of *Anishinaabek* spirituality, medicine wheel teachings, and traditions of the four directional components that make up a logical life guidance system. It helps when discussing the spiritual nature of a whole human being and way of life.

But spirituality is never separated; only on this paper, at this time, for this discussion. And even this presentation is not separate. This universal factor is based on inclusiveness. This universal acceptance of others has to be accepted as the core premise of *Anishinaabek* world view. It is the most appropriate basis for developing an understanding of related *Anishinaabek* traditional meanings.

When the *Anishinaabek* medicine wheel life-model (the model of traditional spiritual life) is altered mentally, physically, emotionally, or spiritually, the whole of life is affected. This is a medicine-way (*Mshkiiki bimaadizi*) of life.

Four directions signify spirituality as a way of life. Medicine is always at work, no matter what the individual experience -- balance or imbalance. The point is that all relations are spiritual.

The medicine way is directly related to traditional wisdom. The seven primary teachers are identified as *Niizhwaaswi Mishoomsag kinoomaagew niniwok* (Seven Grandfather teachings). An exact translation of the Seven Grandfathers concept is not possible in this thesis. For now, let us understand the Seven Grandfathers as “teachings.”

*Anishinaabek* references to teachings mean specifically that “teachings” actually participate in the medicine way of life. This animate, interactive quality infuses

*Anishinaabek* oral tradition teachings with spiritual life. Teachings are spiritual or *manidoowok*.

*Niizhwaaswi Mishoomsag miinawaa mshkiiki* (The Seven Grandfathers and Medicine) provide a model of interaction in the medicine wheel. This spiritual model connects contemporary *Anishinaabek* to their ancestors. Spiritual relations, when understood this way, thicken interpretations of meanings of oral tradition as a primary source of cultural affiliation data.

Each of the Seven Grandfather teachings represent direction. They provide wisdom for, and direction to, a balanced spiritual life. In this complicated interactive traditional model, spirituality is maximized. This does not indicate an ideal such as is prescribed by a Protestant work ethic. No promise is made related to material gains. The affect of this way of life is fully spiritual.

Balance does not pivot on the individual's actions alone. Rather, balance, as stated earlier, can be likened to kinship. That is, balance involves all relations. If any relation is out of balance then that individual's life can be understood as out of balance. This is traditional. This is why traditional *Anishinaabek* ceremonies include an acknowledgment of *ngii baa nawendwin* (all my relations). It is imperative to acknowledge all relations at all times, even in sickness and dreams.

What a challenge. But not too much for those who have been taught to live this way. For them it is normal.

While this heuristic medicine wheel device may help others understand, full comprehension of meaning requires a lot of effort and guidance by qualified traditional



teachers. These traditional teachers tell you that this is a way of life, not something that they do on Sunday, or for money.

At this point it is important to introduce more of the language and meanings of the seven interactive teachings and the four directions of the Medicine Wheel model. Keep in mind that the four directions are also understood as levels of knowing derived from relations with all of creation. Add the seven teachings to the four levels of knowing and the Medicine Wheel model becomes quite intricate.

On level one there are at least twenty eight traditional teachings. If we combine these teachings with another twenty eight at the next level, and add the potential for interaction between the learner and the teachings (meanings of old and new teachings) from the Seven Grandfathers, the number arising from each combination of the original teachings becomes astronomical. This kind of numerical exploration into indigenous thought holds potential for more *Anishinaabek* language and meaning studies, but this preliminary analysis represents only four directions in combination with the Seven Grandfather teachings listed below.

**Table 3:** *Niizhwaaswi Mishoomsag* (Seven Grandfather teachings)

1) <i>Nbwaakaawin</i> (Wisdom)	2) <i>Zaagidwin</i> (Love)
3) <i>Mnaadenmowin</i> (Respect)	4) <i>Aakdehewin</i> (Bravery)
5) <i>Gwekaadziwin</i> (Honesty)	6) <i>Debaadenziwin</i> (Humility)
7) <i>Debwewin</i> (Truth).	

### **The first Medicine wheel teaching**

The following story is from Dominic Eshkakogan, another *Anishinaabek Ojibway* teacher who, before passing on, also worked closely with Jesuits in residence near WRFN.

Dominic shared an origin story about Seven Grandfather teachings that were given to the first Elder when he was just a boy.

Each grandfather gave him a great gift. One gave him the gift of wisdom (nbwaakawin), and he learned to use that wisdom for his people. Another gave the gift of love (zaagidwin) so that he would love his brother and sister and share with them. The third offered a gift of respect (mnaadenmowin) so that the First Elder would respect everyone, all human persons and all the things that are created. Bravery (aakdehewin) was the next gift. Bravery to do good things even in the most difficult of times. One grandfather gave the boy honesty (gwekaadziwin) so that he would be honest in every action and provide good feelings in his heart. One grandfather gave the boy humility (debaandenziwin) to teach the boy to know that he was equal to everyone else, no better or no less, just the same as anybody else. The last gift that he received was truth (debwewin). The grandfathers told him "Be true in everything that you do. Be true to yourself and true to your fellow man. Always speak the truth." They told him, "Each of these teachings must be used with the rest; you cannot have wisdom without love, respect, bravery, honesty, humility and truth. You cannot be honest if you use only one or two of these, or if you leave one out. And to leave one out is to embrace the opposite of what that teaching is." (Eshkakogan, 1992, p.58)

### **The Medicine wheel and repatriation**

These grandfather teachings as a guiding set of principles are necessary for interpreting WRFN meaning in repatriation processing. Many readers may not fully comprehend the intended meanings of traditional *Anishinaabek* teachers, but Cultural Anthropology makes many assumptions, one of them being that studies of little or unknown cultures are fundamental, their cultural meanings are essential to understanding their worldview. Accordingly, this component represents an exploratory method of



WRFN meanings of cultural affiliation. It has been included in hopes of discovering an understanding of important WRFN cultural affiliation terms and concepts.

The teachings of the medicine wheel have a direct bearing on the issue of repatriation. The WRFN community knows that Dr. Greenman did not get their permission to take the *Wah Wah Skin Ah Gah* grave contents (see chapter five). This is the official view of the Elders and Band Councils, some of whose members witnessed Dr. Greenman's impact on their community in 1938, and the view of a majority of community members in 1996. There is evidence of other legal violations too.

Exhumation in 1938 was not allowed without permission from health and government authorities. Ontario law, Common Law, and Michigan Grave Robbery law is discussed in the context of legal requirements relevant to the removal of human remains from graves in chapter four.

It is important to note that permission of this kind (grave exhumation) is not a realistic possibility for the *Anishinaabek* who view ancestors as community members, fully active spiritual participants. Removing ancestors from graves is not normal. It goes against tradition.

Identifying oneself publically (earlier illustration) is one traditional practice many WRFN community members acknowledge as a significant determinant of cultural affiliation. Sharing traditional identity is based in an ethic of equity (i.e., living community members and ancestors participate fully in the community as animate spirits). This was made evident in a community survey on the meaning of repatriation in the contemporary WRFN community.

Cleland (1975) partially articulated this “sharing ethic” in an interpretation of *Anishinaabek* culture in the following quote.

...the ethic of sharing was as precious as life itself. In a world where the land of nature could be unyielding, men relied on each other for survival. Thus the great ethic of sharing was extended to all things, including goods, labor, and food. The scarcer the commodity, the more it was shared; therefore, if anyone had food, everyone had food. (p. 12)

But this explanation expresses a male gender bias, and the interpretation is presented as if sharing took place only in the past, which may be regarded as scientific, but not as appropriate for fully expressing current *Anishinaabek Ojibway* traditional practices and their meanings. Understanding living *Anishinaabek* sharing tradition is germane to developing a culturally appropriate interpretation of the WRFN indigenous view of ancestral relations and the meaning and values of cultural affiliation implied in repatriation processing. Vanderburgh (1992) and several *Anishinaabek* Elders, some from the WRFN, and The Ojibwe Cultural Foundation expressed this perspective in a special publication titled “*Kaash naa-kii: Let us think ahead for seven generations*”.

### **Sharing**

To share friendship is important. It is important for us to work together. To communicate with each other for the sake of our children and the future generations to come. If we work together and love each other, things will be easier. To be truly an Anishinaabe is a hard path. Relationships do not stop with the family, the band, the tribal group; they extend out to embrace and relate to the land, to the animals, to the plants, and to the clouds, the elements, the heavens, the stars. The Anishinaabe are related to all these: we share with them the community of life. Ultimately these relationships extend to embrace the entire universe. But we must not just express these relationships in our talk, we must live them in our actions and our thoughts. When we help each other the road will be easier. All these relatives share with us the gifts of the Creator. All these relatives were given the knowledge of how to keep these gifts safe for future generations. We learn from our relatives, from our animal brothers. The deer eat cedar; it is their source of survival and it should be a





healing agent for us also. As this sharing is forgotten, the prophecies of our people are coming true. It was foretold that this day would be coming - dead fish in the waters - animals we can no longer eat. Our gardens are affected. The Creator gave us instructions for our survival and we are not following them, we are following the ways of the white man. (p. 5)

“They share” is translated as *Maada 'oonidiwag* (Nichols and Nyholm, 1995, p. 245).

This means that traditional sharing supersedes the more popular contemporary anthropological term ‘reciprocity.’ *Maada 'oonidiwag* (traditional sharing) is culturally affiliated with *Anishinaabek* sharing values. Reciprocity is not, because, as stated earlier, sharing, in this tradition, is a cultural norm. This type of sharing involves the entire collective community in the process of exchange and is integral to the tradition of sharing that guides the individual to share in this way. A sharing norm is lived in daily life. It is a normal practice.

Within this way of life energy flows from traditional sharing values. So, traditional sharing is more than interaction between socially structured factors - human and material goods exchanged. It is synergy, a synthesis of the value of sharing and the act of giving.

This interpretation differs from the anthropological interpretation of reciprocity which integrates historic examples of commodity exchange in explanations of traditional *Anishinaabek* sharing values. Reciprocity used this way is better described as a conflict of traditional *Anishinaabek* sharing values. That is, two cultural perspectives are mixed, with neither fully explained. Rather, the material exchange value dominates the interpretation.

This interpretive problem has affected many *Anishinaabek* people who have interacted with non-native Anthropologists. It may be the real basis of conflict affecting cooperative determination of cultural affiliation. Based on this supposition, an assumption

was made that there must be other primary differences of meanings related to conflict in repatriation processes that can be identified and sorted out. For example, etymological meaning in historic expressions of anthropological concepts can be traced from Euro-American political relationships with *Anishinaabek* communities (see chart 1, p. 10). On the other hand, indigenous *Anishinaabek* explanations can be derived from oral tradition, or gleaned from other collective community sharing experiences.

In order to understand the meaning of each group's repatriation terms and concepts it was necessary to find particular cultural meaning which expresses the meaning of normal practice. For example, reciprocity represents anthropological interpretation while *Maada 'oonidiwag* represents traditional *Anishinaabek* meaning.

The anthropological analysis of reciprocity is described above in terms of trade agreements. "You give - you get." This exchange-of- material-goods explanation has corrupted the traditional meaning of *Anishinaabek maada 'oonidiwag*. A significant problem posed for contemporary language and meaning research is that these new meanings have become primary references to traditional values of the *Anishinaabek*.

The following quote, lengthy out of necessity, demonstrates how a contemporary anthropological text has attempted to describe the *Anishinaabek* tradition of sharing using modern anthropological meaning. What happens in the following interpretive process, as can be read in the text, is that the traditional spiritual context of *Anishinaabek* sharing is altered, the meaning is changed to a modern context.

As capitalists, we learn at an early age that the law of supply and demand is both natural and logical. After all, if something is scarce it is bound to be more valuable, and if it is not scarce, it could not have great value. Supply must be the primary difference between glass and diamonds, because they

look the same to most people. With this understanding of economics, we separate what is “economic” from what is “social.” If we buy a theater ticket, the transaction is an amount of money for an equivalent value of ticket. The transaction is purely economic. As tickets become scarce, their value rises, scalpers demand higher prices, and people with tickets guard them more jealously. The value of the ticket is not changed by the relationship between ticket buyer and the seller in the booth and the inflated cost charged by the scalper does not change if he happens to be a relative. This is not to say that social relations never matter in a capitalist economy. It is true that economic exchange is either economic or social but it is very seldom both, and most often purely economic.

In the economy of the Anishinaabe, kinship does matter. In fact, economic exchange cannot be understood apart from it, for there is no such thing as a purely economic transaction. Exchange might be “economic” in the sense that goods and services flow from person to person, but exchange cannot be asocial since, among the Anishnaabek, all social interaction is conditioned by kinship. The Anishnaabek could not, by definition, be capitalist, or for that matter socialist or communist, because their economics was always strictly personal. Anishnaabek “economics” was an economy of gifts where exchange produced both economic benefit and a feeling of good will that cemented the social bond between the people who conducted the exchange. Gift giving as a type of economic exchange is a two-edged sword. Giving the proper way makes people feel good but giving too much, not enough, or at the wrong time creates the opposite effect. As a result, customs that govern gift giving among Anishnaabek were well developed and commensurate with its importance in society. As we might expect, the kin relationship conditioned expectations of exchange. Basically, the rule of giving was this: the closer the kin relationship between people, the greater the reliance, and therefore, the implication of trust. Exchange would balance out in the long run. This type of exchange is called general reciprocity by anthropologists and is the kind of exchange that occurs within households and among members of a nuclear family. This holds true in non-native families as well, where, for example, on Christmas there is no insistence on the exchange of equally valuable gifts. As we say, “It’s the thought that counts.” At the other extreme of Anishnaabek exchange is the type that takes place with very distant kin or strangers. Here, the things exchanged should be of equal value and both parties should be immediately satisfied. Although this sounds like our ticket buyer and seller, it is not, since the exchange is still in the form of a gift and still carries social implications - goodwill and the promise of future relationships. It was for this reason that, when Europeans first contacted the Anishnaabek, “barter” (an economic term in our context) was conducted in a social atmosphere with prolonged greetings, pipe smoking, and present exchanges as preliminaries to the main

event. The confusion over social versus economic emphasis in exchange during the early years of Euro-American and Indian contact also accounts for a common term in American folklore about Indians. Because the Indians placed gift giving in an economic as well as a social context, a present made to a distant kinsman or to a stranger, the category into which non-Indians would be placed, required the immediate return of a present of equal value. To a person ignorant of this expectation, as many non-Indians were, the gift was usually accepted with a grateful "thank you," a social response. Since no economic recompense was forthcoming from the ill-mannered stranger, a return of the gift was demanded. The Indian, for his trouble, was branded as an "Indian giver." Since reciprocal giving was both economic and social, many customs determined the conditions and decorum of giving. The first of these is that there is as much obligation to receive as to give, and as much right. Custom dictated that visitors be fed, and that tools required to complete a task were available to all, irrespective of ownership. No thanks was required and no thanks was expected; giving and receiving were equivalents. To the Anishnaabek, it was "blessed to give and receive." Unlike our gifts, which require transfer of ownership or use rights and imply future obligation, Anishnaabek required neither. Obligations were implicit in the kin relationship and were, in turn, structured by the nature of the social interaction. (Cleland. 1992, p.55-56)

This anthropological notion of reciprocity reflects other written interpretations of European entrepreneurs, but the actual tradition of sharing continues as always in *Anishinaabek* community life. While most *Anishinaabek* are now influenced by political economics, traditional sharing has not changed for many, and is in a stage of revitalization.

Cleland's explanation of reciprocity is about trade. It has become popular as a result of anthropological interpretations that have been incorporated into modern educational history and social science texts. Misconstrued in this explanation of reciprocity is the traditional *Anishinaabek* community view of sharing which does not include a component of trade-for-profit.

Also of interest is the observation that the text, like the earlier statement on sharing, is presented in a past tense because science-oriented genre requires it. One of the

consequences of this, from the standpoint of this interpretation, is that *Anishinaabek* tradition no longer exists. This text is exemplary of a good deal of American ethnocentric anthropology that fails to fully incorporate contemporary *Anishinaabek* meaning into interpretive texts. In my view, ignorance of contemporary *Anishinaabek* culture is not a mistaken gesture. Rather, it is a deliberate gesture which imposes historical change into texts about indigenous people and culture. Furthermore, the text fails to acknowledge that this knowledge was acquired from indigenous *Anishinaabek* teachers. Therefore, they cannot be referenced as a credible source of expertise in the evaluation of *Anishinaabek* tradition and meaning.

Some archaeologists involved in repatriation processes are aware of the problem. Larry Zimmerman (1992) described the impact of archaeologists interpretations on indigenous attitudes in the early days of the current repatriation movement.

Indians have a humorous story for just about every difficult situation in life. About ten years ago, when the reburial issue seemed insoluble, when Indians felt almost completely powerless in the face of the archaeological establishment and there was intense anger and frustration among both Indians and archaeologists, a story surfaced at one of the meetings held between the groups. In the story, several holy people from different tribes got together to discuss the “bone lickers,” those bizarre creatures, the archaeologists and physical anthropologists who study Indian bones. One of the undercurrents of the meeting was an often-expressed fear that when the holy people themselves died, archaeologists would be especially interested in studying their bones. After some discussion about burial practices that might keep the bones from falling into the hands of the ‘arks,” most of the participants were at a loss as to what to do. Cremation was not the answer; for some it was a kind of spiritual suicide. No one believed hiding the bones would work either, because the “arks,” after all, were pretty crafty about finding bones. In the end, with some resignation, the holy people concluded that, if nothing else, they at least could “get in the last word.” They all agreed that instead of being buried in the usual way, they would be buried face down, and they would have signs put on their rear ends reading. “Archaeologist! Kiss my ass!” (p. 37)

There are many new indigenous explanations of traditional indigenous meaning available in accredited research formats from Native repatriation researchers as a result of the NAGPRA repatriation process. In 1992, Rick Hill, Assistant Director for National Museum of the American Indian, wrote the following:

### **Preservation of well being**

Rituals that in some cases have not been performed in over a century are now being held. This allows the cultural and spiritual belief of the people to continue. The objects stimulate the restoration of the ceremony. The ceremony in turn, revitalizes the community. The community re-empowers the individual. The individual assures that someone else will learn what it all means. Each community has its own story as to what it all means. As a result of repatriation, there will be people who will be able to continue the ancient cycles and modern practices that make Indians Indians. We may not be able to witness the sacred practices, but we will all benefit from them continuing. (p.5)

### **Chapter summary**

This chapter has made two important points. First, that in intercultural communication, one encounters terms like repatriation or reciprocity which appear to have the same meaning for both communities but upon closer inspection the terms differ quite substantially and, as a result, neither side fully understands the intentions and motivations of the other.

Secondly, from the perspective of the WRFN, the issue of repatriation is more than simply the return of stolen property, but a process of healing an injury and that as such, the process of repatriation (healing) is as important as the return itself.

### **Chapter 3**

#### **THE REMOVAL OF HUMAN REMAINS FROM *WAH WAH SKIN AH GAH***

This chapter provides a description and analysis of Dr. Greenman's exhumation. For the sake of clarification I have paraphrased the following texts which describe Dr.

Greenman's arrival from mid July through a five week period of activities that led him to Old Birch Island where he exhumed the grave contents. This section is followed by entries from the exhumation process and his departure afterward.

##### **Dr. Greenman's transcribed field notes (O'Shea, 1996) (prior to Old Birch Island exhumation)**

- The initial trip took three days to get from Ann Arbor to *Manitoulin* Island where Dr. Greenman and two of his colleagues settled into a rented log cabin at a place called *Bushwong*, located directly across from *Manitowaning*. Field note entries reveal an eagerness to see some artifacts and meet some of the local people.
- The first evening (July 7, 1938) they visited a local family and collected stories about sites and artifacts. The next morning they visited sand mounds on South Bay. Dr. Greenman had gotten some information the night before about a place where "an Indian had dug up a stone with an inscription on it." Dr. Greenman wrote that the original researchers became alarmed and stopped digging. This interpretation came from his guide.
- According to transcripts, Dr. Greenman did not find these mounds. But as word of Dr. Greenman's interest in artifacts got out, he was approached by local community members from *Wiwemikong* and other communities who had stories to tell about artifacts, or who had actual artifact collections.
- On July 14 the team exhumed two graves from a site at Providence Bay. They found pottery on the surface. Two days later the research team moved to another site at



*Mindemoya* Lake. Skeletal remains were reported there by an earlier group of artifact hunters who had apparently taken their findings to the Royal Ontario Museum at Montreal (Dr. Greenman's speculation).

- Dr. Greenman described this region in terms of its natural beauty. His descriptions of the landscape, excavations, and environmental setting reveal an excellent ecological field research technique.
- A few days later, on Thursday July 21, a local surveyor reported "potsherds, a sword, and a stockade protruding from the sand at West Bay." They found animal and fish bones, flint, charcoal, and remnants of an ancient beach under deep layers of topsoil.
- At this point he describes a place where the "rocks ring when hit with a hammer." Sometime thereafter they arrive at the community he called McGregor Bay Indian Village. This is where he met John Walker, the individual credited with showing Dr. Greenman the Wardrobe (a.k.a. Wah Wah Skin Wah Gah aka Old Birch Island) grave site.
- Walker showed him a trade iron axe and brass pail he had "found in his garden." He also saw remnants of flint and several quartzite flakes. Walker informed him that the people living there were *Ojibway*. His field notes include more *Ojibway* language from here on, as well as more local history.

The following notes are actual excerpts from Dr. O'Shea's transcripts of Dr.

Greenman's notes from the excavation site on *Wah Wah Skin Ah Gah* (aka "Owaskinega" Greenman's notes). Only spelling mistakes have been corrected.

It is important to note that the oral tradition spellings from Dr. Greenman's notes change in the following text. *Otchipwe* becomes *Ojibway*, and "*Øwðskin^ga*" becomes Old Birch Island, and finally, he calls it "Wardrobe Island." These intertextual changes demonstrate meaning replacement. This process is relevant to understanding power relationships. In the following quote Norman Fairclough (1989) explained the relevance of "intertextual context" and how to determine presupposition of power.

Discourses and the texts which occur within them have histories, they belong to historical series, and the interpretation of intertextual context is a matter of deciding which series a text belongs to, and therefore what can be

taken as common ground for participants, or *presupposed*. As in the case of situational context, discourse participants may arrive at roughly the same interpretation of different ones, and the interpretation of the more powerful participants may be imposed upon others. So having power may mean being able to determine presuppositions. (p. 152)

Which changes were made by Dr. Greenman and by UMMA translators? Without having the original notes for comparison it is impossible to answer these questions or ask other important questions about meanings related to specific oral tradition or historic terms, or to develop an accurate understanding of how intertextual change reflects new, traditional, or historic meaning.

### Field note excerpts

**August 12.** Found a historic site on the north end of Wardrobe Island [Old Birch Island] this morning. The Indians call the portage *Gamikonin* which is rendered in English as Pickerel Road. *Mikon* I believe is road in *Otchipwe*. The Otchipwe word for Birch Island is *Owaskinega*. This is the form in which the word was first given to me by John Walker at Wardrobe Island. The McGregor Bay Indians, *Ojibway*, lived first on Birch Island at the south end, then moved to the mainland directly west to the old town near John Walker's and then, because they were dying too fast of fever, to the present McGregor Bay village. John Walker's father was the last man to leave Birch Island - about 80 years ago. The Indians called the portage *Gamikonin* meaning "Pickerel road" because they used to portage there on the way from the old village to fish for pickerel at spawning time at the mouth of Whitefish river. Whitefish is *Tikomesh*, in *Otchipwe*. We returned to camp at 4:00 p.m. and went down to Little Current. Gregor McGregor went with us. We ate there, got some packing and mail, and gasoline. Coming back it looked like rain so we packed up and left for Whitefish Falls, where we rented a cabin. This evening I rented Dave McGregor's boat for the next two days for \$.75 a day. We had it yesterday also. John Walker worked with us yesterday and I paid him \$2.00. Mike Bell came around this evening and I hired him for tomorrow.

**August 13.** We awoke at Whitefish Falls, had breakfast and went to McGregor Bay where Mike and John were waiting for us. Mike went to work making a tent, and the rest of us left for Wardrobe Island. In Grave 3 we found a brass spoon bowl, 2 thumb nail flint scrapers, a stone pipe with a human head effigy carved in the round, and a water-smoothed pebble. But no bones. All of the five graves have now had the leaf mold and roots removed but no bones show up. No.4 had a piece of a gun barrel 1-1/2" of it, about a foot down but nothing else. Later human bones were found beneath Grave 4, and digging a trench up to Grave 1 it was from that the burial is down in the

- bed rock, loose rock being taken out. Returning to McGregor Bay at 5:00 we found Mike Bell had built an excellent tent and so we are set for the time we stay here.
- August 14.** Sunday. Mike Bell, John Walker and the rest of us worked all day. Fletcher, Benton and I went into Little Current for supper at seven. Paid John Walker and Mike today. Also hired Dave McGregor's punt for four more days.
- August 15.** Monday. We laid off today. The car was greased and the oil changed at 34,700. The new clutch was also installed at this mileage. We went into Little Current and got various supplies, and I sent my expense account in. Returned to McGregor Bay at 5:30 and got supper.
- August 16.** Worked today. John worked but not Mike. Uncovered Burials 1, 3, 4. Went in to Little Current, got new camera, ate at Marshall's.
- August 17.** Rained all last night and this morning. Benton and I are sick. Something we ate probably. At 2 p.m. John, Fletcher, and I went out to Wardrope. Benton stayed in camp to keep the beans boiling and get a rest.
- August 18.** Thursday. I worked all day. Went to Little Current to supper and find out who owns Wardrope Island. Crown land apparently. Sent letter to McKern.
- August 19.** Worked till three, when it looked like rain, and we quit to get moved into a house. John Walker's house on the west side of the portage. Rented it for \$5.00 a week.
- August 20,** Saturday. Rained hard at seven and we didn't go to Wardrope Island. Repacked specimens and took them to the freight office in Little Current. John went in with us. Got back at 4:30 p.m.
- August 21.** Sunday. Laid around all day doing not a thing for the first time on this trip. Gus McGregor, the Chief, dropped in on us this evening and among other things told of a site where Pottery is found on Haystack Island. A Mr. Tuer lives there. Also tourists.
- August 22.** Monday. Map and uncovered Graves 11, 12 but found nothing in them. Quit at 3:00 to get prepared for Benton and Fletcher's trip to Northwest Point tomorrow. Found letter from Titiev asking us to meet him tomorrow on the Manitou at Little Current and have a drink. I got a haircut. Received check No. 13548 for \$67.80. It took 19 days to get it here.
- August 23.** Tuesday. Laid off today to get specimens shipped and make a copy of the catalog. Saw the Titievs at 3:00 p.m. at Little Current on the S. S. Manitoulin. Hired a gas launch for \$6.00 to take us to Whitefish Bay tomorrow.
- August 24.** Wednesday. The Indian was not on hand with his launch. We went to Little Current and got an excellent boat round-bottomed and large and started for the north shore of La Cloche Island. Visited Sturgeon Bay and Jumbo Bay and ate on Wells Island. On the way back Benton found a piece of English china at the Bay at Northwest Point, and that is all we found on this trip.
- August 25.** Thursday Back at Wardrope Island to finish up. John Walker says his father told him the *Ojibway* name for the Swift Current Site is *asindewe*, meaning Bell Rock. It is probably two words. Mike worked today. Also John. We dug graves 9, 10 and one notched projectile point was the result. We are through with WI 1 except covering in. John and I walked over to the east point of the Island where there is a

ridge similar to WI1, but found no graves. Saw some original White and Norway Pine, 100-125 feet high, and a beautiful maple sugar bush, and camp.

**August 26. Friday.** Rained early this a.m. and we did not get to Wardrope till 9:30.

Covered in the trenches and got caught in a half hours rain. We went directly north of our landing.

**September 1. Thursday,** Benton, John Walker and I worked at Wardrope. Day before yesterday I got to thinking further about the village site at Wardrope Island where the Indians lived whose remains we have been excavating. Previously we have scraped the leaf mold and roots off of 5 foot square areas on the flat terraces to the east of the cemetery and at a lower level than the burial ridge. Then it occurred to me we had finished with Wardrope Island, that the village site might be within immediate vicinity of the burials at the same level, on the ridge to the east of the burials where it is fairly level for a distance of 75 to 100 feet to the east of the bluffs edge where the burials are. Then while I took Fletcher to South Baymouth, Benton and John Walker went to Wardrope to remove a considerable area of leaf mold and roots in the immediate vicinity of the burials. Beginning about 12 feet south of Line AB, they found another burial the first thing, Grave 13.

**September 2. Friday.** This afternoon we finished the site WI I at about 2:30 then smoked a cigarette apiece during which John announced that he had found more graves to the east a couple of hundred feet. We went over and saw the same set-up as we had first seen at the cemetery we had just finished - limestone boulders lying around, with four depressions in the leaves of the forest floor. The difference was that these were much less obvious. Only two or three rocks could be seen, and very little of each of them. We had all walked right across this four or five times, except John and he may have, without seeing them. We cut the maple saplings and cleared off the dead wood, took a picture of the four graves, in which nothing will show but a floor of dead leaves. Next we stripped the dead leaves and leaf mold and roots from the grave farthest west, and found it to be a hole about or 5 feet long east and west, with limestone slabs piled around it in a circle. The hole is typically V-shaped in cross section. These graves are several feet lower than the ones just finished. Graves 1 - 16. We had expected to leave here in 3 or 4 days. Now it will be a week or more. We quit at 3:30 and went to Little Current to get a hand rake with which to remove the leaf mold, oil for the tape line, and other supplies. Took John's wife, sister, and little boy in with us.

**September 3. Saturday.** This morning it was raining and blowing hard when we got up. We packed specimens in the box and took them into Little Current and shipped this box, and the box of dishes by freight. John came in with us, also Dave McGregor brother of Gus, the chief at Birch Island. When we were ready to go about 3:00 p.m. we couldn't find Gus and John, and another man went looking for them. They were gone an hour and a half.

**September 5. Monday.** Gregor McGregor told me at the dock this morning as we were starting out that on Round Island east of Heywood Island, there is a good site on the south side. Today John Walker's son Frank worked in his place. John came around early and said his stomach was upside down and asked if Frank could take his place. The three of us finished mapping the Grave 17 - 20 group, and uncovered Grave 17.



So far it has beads and an iron axe with it, so it is post contact, instead of pre-contact as we had thought it might possibly be.

**September 6.** Tuesday. John Benton and I worked all day leaving the Island just in time to avoid getting rained on, about 4:45. The sky had become heavily overcast without our noticing it in the deep shade of the site on Wardrope. We nearly completed Grave 17 and got Grave 19 partially excavated. Went straight from work to Little Current to get the mail.

**September 12.** Monday. Went to *Manitowaning* to see Mr. Masten about the John Reynold's collection. Took further notes and photos. Mrs. Masten let me take the picture of Chief Little Knife. Stopped at *Shegwandah* to see the Anglican minister about site there. He knew of none, but had only been there about a year.

**September 13.** Tuesday. Sent the last box and cots off by freight. Interviewed Joe Buzwa during the day. At night after supper Benton, John Walker and I went to Little Current and drank some beer at Jack Marshall's till ten. John gave me a work list. Yesterday I asked John for a story to give it to me in *Ojibway*. I took it down in phonetic script. It was a story with a super-natural twist. I said he might tell me a hunting experience of his, and what he gave me was a story about an Indian, named *Wonquot* who nearly speared a mermaid off Flat Point and leaned over so far watching her that his head and shoulders were under water.

Five boxes containing specimens have been shipped to Ann Arbor from Little Current, that is, large wooden boxes. The first was the box the outboard motor came in, the second was a square box from the O.T. Bennett Hdw. Store. The third was made by Mr. Wardrope, the fourth a large box with rough surface outside and a handle at each end by Mr. Buck and the fifth by Mr. Wardrope. The fifth was sent September 13, 1938.

**September 14.** Wednesday. Received check for \$107.50 today and made preparations for leaving tomorrow for Sault Ste. Marie.

**September 15.** Thursday. Benton and I went into Little Current in morning taking John Walker and his wife with us, they to catch the mail truck for *Manitowaning* and go on from there to *Wikwemikong* to the fair. Benton and I left Little Current about 11:30, ate at Espanola and arrived at Sault Ste. Marie, Michigan through Canadian and American customs without a hitch at about 7:30. [end of field note excerpts]

### Discussion

These field notes reveal two or more repatriation language sources. Scientific research (e.g., finding specimens) and oral tradition names and places (Otchipwe, asindewe, Manitowaning, Wikwemikong ...) are obvious. Employment of local entrepreneurs, including some WRFN community members enriched Dr. Greenman's

exploratory technique. Many local workers, including a field guide, reportedly helped him find old grave sites. Their input provided a historic sample of WRFN language.

Dr. Greenman also rented several items for local travel and research needs (e.g., boats, cabins). In doing so he spread American money, a commodity of which there was little at that time, around the WRFN region. This high profile activity attracted locals who had artifacts and stories to offer.

When *Wah Wah Skin Ah Gah* (known to Dr. Greenman as Wardrobe Island) is identified in the field notes, his entries about grave contents also increase. Another signifying element in this statement is the Canadian language reference “Wardrobe” to refer to *Wah Wah Skin Ah Gah* or Old Birch Island. This reference causes another question about the origin of reference. Who or what was the source? Probably not WRFN community members since it identifies a Canadian site. The older *Otchipwe* oral tradition identity as presented in linguistic terms “*Øwəskinʌga*” is also noted. In his notes Dr. Greenman acknowledged that the WRFN *Otchipwe* lived on *Øwəskinʌga* until the 1850’s.

The McGregor Bay Indians, *Otchipwe*, lived first on Birch Island at the south end, then moved to the mainland directly west to the old town near John Walker’s and then, because they were dying too fast of fever, to the present McGregor Bay village. John Walker’s father was the last man to leave Birch Island - about 80 years ago. The Indians called the portage *Gamikoning* meaning “Pickerel road” because they used to portage there on the way from the old village to fish for pickerel at spawning time at the mouth of Whitefish river. Whitefish is *Tikomesh*, in *Otchipwe*. (August 12, 1938)

He did not state when they arrived but Art McGregor provides insight on this time in the next chapter.

There are obvious intertextual changes in identity references in the field entries. Early entries focused on daily activities, administration, and business details. Later, Wardrobe Island entries contain thicker archaeological descriptions. These entries demonstrate the significance of grave contents, and inadvertently reveal that grave exhumation was a typical 1938 U.S. archaeological excavation research method.

In Grave 3 we found a brass spoon bowl, 2 thumb nail flint scrapers, a stone pipe with a human head effigy carved in the round, and a water-smoothed pebble. But no bones. All of the five graves have now had the leaf mold and roots removed but no bones show up. No.4 had a piece of a gun barrel (1-1.5") of it, about a foot down but nothing else. Later human bones were found beneath Grave 4.... (August 13, 1938)

While many materials are listed (i.e., pipe, gun barrel, bowl, spoon...) they are less significant than the primary artifact (e.g. bones). The term "bones" appears very often (e.g. "But no bones." and "no bones show up"). These addenda to notes about actual findings reveal an intense desire to find human bones. This usage expresses a higher value of skeletal remains relative to other artifacts. He also refers to human remains as "specimens." This scientific term is specific in its reference to data collection. Generally speaking, modern social scientists use this objective term in research texts as a method that guards against subjective biases impinging on empirical interpretations.

The WRFN community is appalled by this language. Hearing that their ancestors are identified as "research specimens" is meaningful as an insult to their ancestors and to their own human value.

Specific language use and meaning is critical to understanding ethical research conflicts in the determination of cultural affiliation. The next important subject matter is the realm of legal language and its relations to repatriation meanings. Chapter four



focuses on the language of grave robbery law and its relationship to identity of prehistoric and modern humans.

### **Chapter summary**

Dr. Greenman's field notes provide many insights. Especially his illustrations of how he created a labor force to help with the excavation, and how he created and supported an archaeological research-based economy that many local residents participated in directly as a result of labor or education, or indirectly as a result of their relationship in Dr. Greenman's workforce. Others were involved as a result of offering their knowledge of artifacts and grave sites, and from personal visitations by Dr. Greenman as he followed up leads about grave sites in the region. Dr. Greenman also specifically acknowledged cultural affiliation of the Old Birch Island grave site to the present day WRFN community. His texts show clearly that in addition to carrying out other research he was searching for human remains and that he exhumed 20 such remains from *Wah Wah Skin Ah Gah* and sent them to the UMMA.

There is a potential problem relevant to intertextual change that cannot be checked without access to the original field notes. The meaning of Dr. Greenman's findings appear to have been recently re-interpreted by UMMA translators causing a question about validity and reliability resulting from technical language change in the original translations of oral tradition.

## **Chapter 4**

### **GRAVE PROTECTION AND GRAVE ROBBERY LAWS**

It is generally understood that current U.S. and Canadian systems of law are based on the English system of common law or unwritten law. On both national and international levels, common or customary law exists parallel to codifications, statutes or written law, both of which can be applied in a variety of legal decisions (Anabel Dwyer, p.c., 1998).

#### **Common Law**

Determining the content of common law in the English (or U.S. and Canadian systems) is similar to that of the determination of unwritten Native laws. Consequently, all three fall under the broader umbrella of historic common law. Arthur Hogue (1966) defined common law as follows.

This unwritten or common law, is properly distinguishable into three kinds:

- 1) General customs, which are the universal rule of the whole kingdom, and form the common law, in its stricter and more usual signification.
- 2) Particular customs, which for the most part, affect only the inhabitants of particular districts.
- 3) Certain particular laws which by custom are adopted and used by some particular courts, of pretty general and extensive jurisdiction. All of these are doctrines that are not set down in any written statute or ordinance, but depends merely upon immemorial usage, that is upon common law for their support. (p. 191)

Pertinent to this analysis is the fact that common law protects graves, and prohibits disturbing or robbing graves in all traditions and customs of all the people involved.

Unfortunately, this same respect for the dead was not applied to Native people. James

Riding In described this problem in a review of the legislative history of the NAGPRA.

The law did not protect unmarked Native graves like it protected marked European graves. Nor did the law recognize that Native people maintain close religious connections with ancient dead; instead, the right to protect the dead was limited to the decedent's immediate next of kin. The law also failed to take into account relevant historical circumstances such as government removal of tribes away from their burial grounds, and the need to accord legal protection for the graves and cemeteries that were involuntarily left behind. (Riding In, 1992. p. 46)

### **Ontario Law**

Ontario law (1927) pertaining to the removal of human remains from graves (in force at the time Dr. Greenman exhumed the *Wah Wah Skin Ah Gah* graves) is found in Section 29 of the Cemeteries Act of Ontario, chapter 317.

30.(1) No dead body shall at any time be disinterred or removed from any grave, place of burial or vault, other than a receiving vault, except under and subject to the regulations and under the personal supervision and direction of the medical officer of health.

(2) The certificate of the medical officer of health that the provisions of this Act and of the regulations have been complied with shall be affixed to the coffin or other receptacle containing the dead body before its removal from the cemetery. (3) Every person who disinters or removes from any such grave, place of burial or vault any dead body except as herein before provided, and every person who conveys or transports any such body in contravention of the provisions of this Act shall incur a penalty of \$100.

1926, c. 63, s.31.

This Ontario statute required certification and permission prior to grave exhumation, indigenous or other. Information provided by the UMMA does not include certification for exhumation of *Wah Wah Skin Ah Gah* graves. Apparently Dr. Greenman was not in compliance with Ontario law. These findings are significant for the following reasons:

1. The *Wah Wah Skin Ah Gah* exhumations were done on identifiable graves
2. Dr. Greenman documented his grave exhumation of human remains in 1938
3. Evidence has not been provided by the UMMA to show that Dr. Greenman

obtained permission from a medical health officer in Ontario.

We shall also see in Chapter five that WRFN community leaders, past or current, did not authorize the removal of these remains.

### **Michigan Law**

Although Michigan law is not applicable to this case, its formulation is worth noting.

#### **Chapter XXVI. DEAD HUMAN BODIES**

**750.160. Disinterment, mutilation, defacement, or carrying away of human body; exception**

**Sec. 160.** A person, not being lawfully authorized so to do, who shall willfully dig up, disinter, remove, or convey away a human body, or the remains thereof, from the place where the body may be interred or deposited, or who shall knowingly aid in such disinterment, removal, or conveying away, or who shall mutilate, deface, remove, or carry away a portion of the dead body of a person, whether in his charge for burial or otherwise, when the mutilation, defacement, removal, or carrying away is not necessary in any proper operation in embalming the body or for the purpose of a postmortem examination, and every person accessory thereto, either before or after the fact, shall be guilty of a felony, punishable by imprisonment for not more than 10 years, or by fine of not more than \$5,000.00. This section shall not be construed to prohibit the digging up, disinterment, removal or carrying away for scientific purposes of the remains of prehistoric persons by representatives of established scientific institutions or societies, having the consent in writing of the owner of the land from which the remains may be disinterred, removed or carried away. PA. 1931, No.328, 160, Eff. Sept.18 (amended 1974).

This Michigan law differs from the earlier cited Common and Ontario laws because it allows for the removal of human remains from graves that are "prehistoric," provided that permission is given by the current owner of the land where the graves are located. The content of aboriginal or prehistoric graves were re-evaluated according to legal precedent of the time. With respect to this law, aboriginal people are considered to be prehistoric people which made them and their ancestors graves and sacred sites legal research subjects. The key to understanding this legal act is that it did not protect Native grave

sites as the laws cited above do. Rather, it attempted to exclude Native human remains, including ancestral grave sites identified by Native groups as their own, from human research protections. In essence, Native ancestral remains were no longer identified as part of a modern human category. Hence, common law grave robbery became “legitimate” archeology when Native remains were involved.

The intent of the 1974 amendment to Michigan law was specific: Human remains of indigenous peoples were classified differently from the rest of the human population. “Aboriginal inhabitants” became “prehistoric persons,” a category made specifically for archaeological researchers. These newly codified laws explicitly excluded aboriginal people from modern humans. Aboriginal human remains and grave contents were assigned exclusively to science, and in particular, to archaeologists who redefined them as objects of science. Prehistory, an evolutionary concept of time, differentiated these graves and their human contents from modern human graves.

One reason for this change in classification is obvious. As “prehistoric persons” grave contents are identified in terms of evolutionary theory. By placing them in ancient human-like categories the law effectively questions any linkage they might have to modern cultural groups. This causes a question of cultural affiliation, effectively removing traditional cultural knowledge about ancestral relations from the knowledge database, and replacing it with a scientific question about humanness. This precedent is relevant to the new DNA hypothesis testing theory. It is the scientific basis for it.

As prehistoric objects of science, archaeologists now claim an exclusive legal right to them for research. This is significant for this study because the meaning of cultural

affiliation in archaeological contexts presented in this repatriation process rests on the premise that the claimant group (WRFN) has to show evidence that *Wah Wah Skin Ah Gah* is affiliated with modern WRFN humans. This is simple to do according to the WRFN researchers. Just show the evidence presented in this case study. But to the UMMA researcher who relies on archaeological method to discover "prehistoric human cultural affiliation", traditional knowledge simply does not count. If they did accept oral tradition as told by modern indigenous people, they would be admitting that these remains are related to modern humans and this causes several problems (legal, ethical, and scientific). That is why Dr. Greenman's acknowledgment of grave contents being from a post historic era, and acknowledging that they are related to the WRFN as recently as the 1850's is so vitally important for determining cultural affiliation.

It means that the argument UMMA is presenting is controversial. The archaeological concept of prehistory can not be used as sole evidence for separating modern WRFN humans from the prehistory of *Wah Wah Skin Ah Gah*. Therefore, it no longer supports DNA testing as the only method for proving cultural affiliation. This issue is critical to empirical archaeological method in this case and must be addressed sooner or later.

Within his own scientific field, archaeological theory about human origin at the time Greenman exhumed these graves, reveals an ideological bias that professional archaeologists possessed a special privilege that endowed them with legitimate rights to practice grave exhumations of this kind. Up until 1990, U.S. law, as can be seen in the Michigan law, provides a history of permission to archaeologists to collect dead Indians, including removing the dead warriors from battlefields (Riding In, 1992) and to conduct

grave exhumations on certain sites as designated by law. In essence, Greenman did what he was trained to do in the U.S. field of archaeology. Thus, the content of the Michigan law helps to explain why Dr. Greenman and other UMMA archaeologists believed that they had legal power to exhume Wah Wah Skin Ah gah burial sites in the interest, and indeed, the very essence of their specific science. However, Greenman did not act legally even with respect to Michigan law for, as far as available information shows, permission was not given by any proper authority. Interestingly, Dr. Greenman did mention in the portion of field notes that were made public, that he tried to find out about ownership from "McKern," one of Dr. Greenman's colleagues. Whether Greenman was inquiring about contemporary ownership of the property (Michigan Law) or about whether these remains were WRFN ancestors is unclear. But nothing was said about a reply from McKern to Dr. Greenman's letter of inquiry, nor is there any other discussion of ownership in the notes made available.

International repatriation language and meaning is an important data source relevant to this study of repatriation language and meaning. The problem is not new. Neither are the current conflicts.

Illegitimate exhumations of Native graves has given rise to a growing cadre of indigenous repatriation researchers. These researchers are now encountering old conflicts in new repatriation processes. For example, the Three Fires NAGPRA Alliance, a collective consortium of *Anishinaabek* repatriation researchers, has emerged in the Great Lakes region (i.e., Broome, 1996) and in other indigenous communities. Others are mentioned in Lorilee McGregor's statement (chapter five) and there are many others who

have offered to help the WRFN.

These Indigenous scholars often refer to a certain kind of research problem as "historic distrust" because examples of broken treaty issues abound in indigenous literature sources, U.S. federal policy studies, and treaty disputes. Reasons for distrust are well documented by Native scholars (DeLoria, 1992; Lewis 1991; Henry-Shipman and Holappa, 1989) and in other scientific research forums including archaeology and anthropology research journals. In addition, new horrific details from museum inventories and legal cases have recently been shared with indigenous people. This information has also caused an uproar in academia. As a result many older theories about indigenous people are being revisited but not by all yet. Some are still focusing on legalities as a primary standpoint for interpreting the new information. For example, the NAGPRA mandate for repatriation is interpreted by UMMA as legally limited to U.S. territory. But facts show that Dr. Greenman's research extended across an international border. The WRFN argues that this extension of institutional authority created a direct connection to the WRFN community in 1938, albeit illegally. On the other hand, the WRFN community connection to UMMA is to their ancestors. The WRFN was not connected legally by choice. But a legal relationship between the WRFN and UMMA now exists because the WRFN community believes that their ancestors are being held there against their will. The UMMA denies this legal aspect of their relationship to the WRFN.

In the WRFN oral tradition data, ancestral relations to *Wah Wah Skin Ah Gah* are axiomatic. But they are ignored by the UMMA in favor of current legal and scientific language that has recently been biased toward scientific values of ancient DNA. These



reactions demonstrate institutional, political, and scientific limitations of international repatriation processing in this case. Many Native scholars see this process as demeaning in a variety of ways. Walter Echohawk (1988), a Native American Rights Fund representative, provided a striking contrast to the archaeological groups rationale for preserving museum collections.

The well-known racial slur that “the only good Indian is a dead Indian,” continues to play a stark reality in the lives of Indian people today. After death, American Indians are not secure in their person or property as non-Indians pursue them into the grave, for various motive, in quest of “specimens,” “pathological material,” or just plain “booty.” All tribes throughout Indian country have been victimized by the body snatchers, but facts that have begun to emerge in recent years reveal that a shocking systematic expropriation of Native dead has occurred on a national scale for years. (p.1)

While some may excuse the original UMMA collector (Dr. Greenman) because he belonged to an age that was naively racist, it must be understood that western scientists have continued to utilize the contents of these collections for educational and research purposes for sixty years, and have duplicated the same or very similar collection methods elsewhere in the name of science. Furthermore, many other indigenous and non-native people have been impacted similarly and are now reacting in the same manner, or in support of the WRFN community. This group wants the human remains returned to their communities of origin.

Currently, there is significant political support to stop illegal collection and marketing of American Indian remains (McManamon. 1995). This attitude is a reversal of earlier attitudes in the U.S. federal government.

Daniel K. Inouye (1992), Senator from Hawaii and Chairman of the United States



Senate Select Committee on Indian Affairs (at that time), characterized federal government policy on Indians in the early part of the 19th century.

In the first seventy years of the nineteenth century, the Federal Government actively engaged in conquering the Indian nations. During this period, often referred to as the Indian Wars era, the bodies of Indian dead were taken from the battlefields and shipped to museums in the Eastern United States. In 1868, the army Surgeon General of the United States issued an order instructing Army Medical officers to collect specimens of Indian crania for the Army Medical Museum. The army Medical Museum later transferred the collection of Indian skeletal remains, gathered pursuant to the Surgeon General's order, to the Smithsonian Institution. (p. 1)

These early collection methods were sanctioned by the U.S. federal government.

Trope and Echohawk (1992) provide another relevant historical example from the development of Physical Anthropology methods that were also government sanctioned.

Dr. Samuel Morton, the father of American physical anthropology, collected large numbers of Indian crania in the 1840's. His goal was to scientifically prove, through skull measurements, that the American Indian was a racially inferior "savage" who was naturally doomed to extinction. Morton's theory established the "Vanishing Red Man" theory, which was embraced by government policy makers as "scientific justification" for relocating Indian tribes, taking tribal land, and conducting genocide - in certain instances - against American Indians. Later the search for Indian body parts became official federal policy with the Surgeon General's Order of 1868. The policy directed army personnel to procure Indian crania and other body parts for the Army Medical Museum. In ensuing decades, over 4000 heads were taken from battlefields, burial grounds, POW camps, hospitals, fresh graves, and burial scaffolds across the country. Government headhunters decapitated Natives who had never been buried, such as slain Pawnee warriors from a western Kansas battleground, Cheyenne and Arapaho victims of Colorado's Sand Creek Massacre, and defeated Modoc leaders who were hanged and shipped to the Army Medical Museum. (p. 1)

Government support of these objectionable practices provide a real basis for today's common feelings of distrust which are shared among WRFN and other *Anishinaabek*

repatriation researchers. Current conflicts are viewed as part of a hidden research agenda, which is essentially related to a current trend toward patenting human DNA for profit. These views are validated by research on bio-piracy (Debra Harry, 1998) and in debates about DNA research method development. For example, RAFI COMMUNIQUE (1994) reported the following on the Internet.

In the 1980's US court decisions set international precedent for the patenting of human genetic material. As a result, exclusive monopolies over human genetic materials are becoming commonplace in the industrialized world, without discussion of the social, ethical and political implications. (p. 1)

On March 17, 1996, Science (on the Internet) reported the following:

Population geneticist Luigi Luca Cavalli-Sforza at Stanford University and Molecular Anthropologist Allan Wilson from the University of California at Berkeley, with others, are calling for "an urgent, last ditch effort - involving geneticists, anthropologists, and medical researchers worldwide - to collect, analyze, and present for future study DNA from these [indigenous] populations as part of a massive survey of human genetic diversity. (<http://www.charm.net/~raft/1994lhtml>)

These examples reveal cultural meanings relevant to the primary conflict in this case. Each illustrates further distinct meanings of biological research practices relevant to the UMMA argument for DNA determination of cultural affiliation. Fueling the fear of hidden agenda items are conflicting meanings, lack of knowledge, and exclusive research practices that keep indigenous people out of the know.

The NAGPRA law mandates that indigenous community experts be incorporated into repatriation processes because museums generally do not have staff with the knowledge necessary to recognize the importance of traditional evidence like the type presented by



the WRFN research team. The next chapter (5) presents a collection of views of several contemporary archaeologists and professional Archaeology associations. Excerpts from professional archaeology associations emphasizing research ethics are predominant, showing a current trend in archaeological debates about ethical research and methods. These voices were added to broaden what is expressed in the field of archaeology about repatriation and international issues, and to further illuminate the impact of the new repatriation process in the international field of archaeology and on indigenous people.

### **NAGPRA**

Several references have been made in this chapter to NAGPRA (The Native American Graves Protection and Repatriation Act), passed in 1990. Although details of this law are presented in several chapters, let it be noted here that it was enacted to remedy the situation because of the massive number of (illegal) exhumations of the graves of indigenous peoples by professional archaeologists and others which have been stored in museums all across the United States. But the NAGPRA law did not make grave robbery a crime, because as has been shown, grave robbery laws, common and statutory, have been in effect for a very long time. What NAGPRA does is to provide a legal remedy for these abuses by providing a systematic returning of affiliated remains and associated patrimony to their resting places. However, the process of repatriation mandated by NAGPRA is limited to the political borders of the United States, meaning that the Canadian based people of Whitefish River First Nation have to find another way to seek repatriation of their ancestors.

There may be other international laws that apply to a comprehensive evaluation of

this case. For example, Treaty rights and legal agreements between the British Crown, Canadian government, and others. This chapter was limited to grave robbery and other laws in effect at the time of exhumation.

Dr. Greenman had been excavating for some time prior to his entry on McKern about permission. What prompted him to inquire about ownership at that time? Does his later inquiry suggest that within an archaeological frame of reference he felt compelled to get permission before taking anything more from Old Birch Island graves? What was it that made him inquire? What other factors might have caused him to seek advice on this issue?

Old Birch Island cultural affiliation has been dated much more recently by the WRFN and Dr. Greenman acknowledged that these graves are related to the current WRFN community residents in his field notes.

**August 12.** Found a historic site on the north end of Wardrobe Island [Old Birch Island] this morning. The Indians call the portage Gamikonin which is rendered in English as Pickerel Road. *Mikon* I believe is road in Otchipwe. The Otchipwe for Birch Island is Owaskinega. This is the form in which the word was first given to me by John Walker at Wardrobe Island. The McGregor Bay Indians, *Ojibway*, lived first on Birch Island at the south end, then moved to the mainland directly west to the old town near John Walker's and then, because they were dying too fast of fever, to the present McGregor Bay village. John Walker's father was the last man to leave Birch Island - about 80 years ago. The Indians called the portage Gamikoning meaning "Pickerel road" because they used to portage there on the way from the old village to fish for pickerel at spawning time at the mouth of Whitefish river. Whitefish is *Tikomesh*, in *Otchipwe*.

This information about death and disease on Old Birch Island-McGregor Bay Indian village was not cited as a significant factor in the final responses by University of Michigan officials. Two final responses from the University (UMMA Director and the President of the University) are evaluated in chapters seven and eight respectively.

The next chapter (5) introduces WRFN *Anishinaabek Ojibway* speakers, repatriation language, and cultural meanings. These data reveal a set of values relevant to community healing processes. Chapter five also introduces the WRFN repatriation researchers and their findings. Texts from WRFN Elder Art McGregor, Band Councillor Esther Jacko, Professional Researcher Lorilee McGregor, Youth Representative Roxanne Jacko, the WRFN Band Council policy statement, and references to a community survey are included. These texts provide data for analysis of cultural meanings of repatriation in chapter six and for a comparison of meanings in chapter nine.



## **Chapter 5**

### **WRFN REPATRIATION LANGUAGE**

This chapter presents and discusses the perspectives of WRFN community leaders and repatriation researchers. Several texts are presented and analyzed to illustrate meaning. The voices heard begin with *Nungess* (Little Sturgeon), an Elder who witnessed the whole history of impact Dr. Greenman had on his community beginning in 1938 and continuing to date.

#### ***Nungess* - Art Mc Gregor**

Nungess was born September 25, 1917. He is the Bear Clan Elder, and WRFN Band historian. It is important to note that I was encouraged to go and see Nungess when visiting the community. Each time I visited the WRFN research team I was asked “Did you stop by Art’s place?” and was advised to do so if I had not. Even when I gave an excuse about not wanting to bother the Elder I was always convinced *Nungess* would not mind. This gesture turned out to hold a deep traditional meaning that I began learning from after the research period ended. The value was demonstrated when *Nungess* and his wife (Violet) came to our Pow Wow in Lansing (November 16-17, 1997). They said they really enjoyed their visit. It was then that I knew how much of an honor it is to be accepted into their home and by the WRFN community.

*Nungess* was twenty one years of age when Dr. Greenman exhumed the *Wah Wah*

*Skin Ah Gah* graves. Nungess' voice represented the generation of Elders who were children or young adults in 1938, and he also spoke on behalf of the existing community. His voice represents the Elder; traditionally an important community leadership voice.

We talked at his home several times and at community gatherings. *Nungess'* style of storytelling introduced key characters with himself included in the dialogue, as if the characters were with us, sharing the present space and time. *Nungess'* stories, when combined with other research descriptions (i.e., political history, field notes) provide a thicker description of the *Wah Wah Skin Ah Gah* exhumation. In particular, his interviews revealed a timeline that stretches back about four hundred years. This traditional history is from the WRFN oral tradition, about the WRFN on *Wah Wah Skin Ah Gah* before and just after European contact. It embellished the written histories of contact with others who came into the WRFN homeland for trade, war, tradition, research, and discovery, during traditional and historic times.

The Elder's spoken words provided a traditional foundation for other ideas to rest on; a traditional principle for synthesizing relevant bits of information from WRFN oral tradition and from indigenous knowledge sources referenced in the NAGPRA type repatriation process. This combination of knowledge sources further cultivated an emergent set of cultural meanings relevant to modern and traditional WRFN *Anishinaabek Ojibway* identity, culture, history, and values. In essence, knowledge about traditional ancestral cultural affiliation.

Some of the details of our meetings, field notes, and other reference materials have been left out. What has been included are stories and events that describe the impact from

Dr. Greenman's exhumation and the new repatriation process.

Throughout our friendship *Nungess* shared his memories of other relevant events that augment Dr. Greenman's notes, making it easier to conceptualize the time and setting from a young adult community member's perspective. His wisdom also helped me to develop a traditional cultural understanding of the meaning of the stories of *Wah Wah Skin Ah Gah* and their relations to the modern day WRFN. In fact, the term Old Birch Island refers to the Whitefish River First Nation in the stories he told. Today, the term Old Birch Island is the primary historic English language referent term used by modern WRFN community members and others who are familiar with the community and setting. Old Birch Island signifies traditional and historic relationships to the modern day WRFN. This combination of oral tradition knowledge and historical fact represent a synthesis of two types of data required by the NAGPRA repatriation process model. The following presentation provides a glimpse of an indigenous perspective of the case. It is only one component of the WRFN database.

It is important to note that the indigenous knowledge of the WRFN community included in this study was interpreted for its anthropological significance by an *Anishinaabek* graduate student who was carefully guided by WRFN Elders and Community Leaders who know what happened in 1938. This cooperative participation research model yielded a text which WRFN repatriation researchers agree partially represents the views of the WRFN community on this subject matter. The WRFN community graciously allowed this written representation to become a component of their repatriation process.

**Nungess (Little Sturgeon) interview**

*Nungess:* My name is Nungess. It means Little Sturgeon. But my white man's name is Art McGregor.

*Tom:* And you're from here, Whitefish River?

*Nungess:* Yes, originally. And I'm still here. But it seems like this is not the only area. What they call it -- their harvest area. There's been some other areas. Some in Maldrum Bay.

*Tom:* Where?

*Nungess:* Maldrum Bay.

*Tom:* Where's that at?

*Nungess:* Over west end of Manitoulin Island. They had taken some there. They were all over the place, I guess.

*Tom:* Part of the whole process, of what they call Native American Graves Protection and Repatriation Act in the United States, that's what prompted me to come here. I found out through some of your community representatives what happened here and the NAGPRA law in the United States doesn't seem to apply here in Canada because of the border. What do you think about that?

*Nungess:* Well, they've taken it across the border whether anybody likes it or not. They took it anyway, whether they asked for permission to do that or not. Maybe the restrictions weren't as tight as they are now. Because the American people used to take a lot of fish and take them across the border. I don't know if they had taken any from the States and brought them over here. I don't know. But they have taken from here. Same thing in the Sault Saint Marie area. They come over there and they fly up north, and they take them right across the border.

*Tom:* So this kind of harvesting wasn't just from graves.

*Nungess:* Yes they've taken some, as far as I know, they've taken some Mills too, over in Little Current.

*Tom:* Mills?

*Nungess:* Yeah.

*Tom:* What do you mean?

*An:* Lumber Mills.

*Tom:* The whole Mill?

*Nungess:* Yes. And then when they got into the international border, you couldn't touch them. Apparently there's a line out in the ocean. I don't know how they figured that. Once they cross that line you can't touch them. As long as you catch them before they cross that line.

*Tom:* I don't know what to make of it.

*Nungess:* In Little Current they didn't know what was happening. The people didn't know what was happening. They just said they was going to transfer the Mill. So, they helped them take it all down, and they put them in a big barge. So at night they took off and that's when they found out

they had been stealing this Mill to transfer to the States.

Tom: How'd you find out about that?

Nungess: Well, my grandfather told me.

Nungess: I thought he [Dr. Greenman] was one of those fisherman that used to come up to McGregor Bay. There was a lot of those American people that came up here to fish. In fact, they spent their vacations. They used to come up a month at a time, and some even spent two. They come up for months. And then one day. I seen this professor. He said, "How many fish do you get in a day?" I said, "We're not pushy." [He said] "I got some artifacts." [I asked] "Where did you get them?" "Oh, we got them way over there, by Battle Rock." [*Battle Rock is also known as Bell rock.*] "Yeah, what are you going to do with them?" "Oh we're going to take them back with us. We're going to keep them for souvenirs." So, I didn't think much of it at the time. But as the years progressed, I found out they didn't have permission to take the artifacts. Did they even ask the Canadian government about those things? I'm not sure if they ever did or not.

Tom: I don't know either. Maybe we can find out.

Nungess: But that's, ah, like, they just take, and bring it over there, without any permission.

Tom: So the Band Council and the people like yourself, your parents or grandparents - nobody gave permission?

Nungess: We didn't know anything about it at the time. But then, years later we seen those graves that they had dug up at the old graveyard, out at Battle Rock. There's a big graveyard there. It goes till, about four hundred people in there.

Tom: Four hundred people?

Nungess: About. Because that was a big population then. They used to camp at the village there at one time, over at Battle Rock. It belongs to Fielding now. I don't know how he got a hold of it. But...

Tom: Who's Fielding?

Nungess: He's ah... he's from Sudbury. He's got a lot of things going - mining, gravel, cement and everything else. He has that whole island out there.

Tom: So he owns this whole area now?

Nungess: Not this part. The other island where the people were buried. They died over there a long time ago. You see, the trading post, the trading companies used to come in by Schooner back when my Great-great - I don't know how many. He was a grandfather of mine, anyway. His name was Captain Murray McGregor.

Tom: Murray?

Nungess: He was the first man that sailed the North Shore of Lake Huron. And, one time he was working for Hudson Bay Trading -- a fur trader. He would bring in supplies for people. This one time he wasn't around and

this other man took over for awhile. And this is the man that they blamed for all the deaths there. Because the Native people, they bought liquor from him. And later on, they actually stole some from the schooner. So, in order to retaliate, I guess they poisoned one of those kegs -- it used to come in kegs. And, at that time, when they did that they killed a lot of young men. And that's why that big graveyard, that's why it's big. People used to bury people with their earthly possessions. Some things that they really valued. They buried people along with that. It could be anything. A little tomahawk, or some other things that they had buried. And that's the story of that place over there. Because they drank the whiskey - it was spiked. That's why a lot of people died there. And this professor, Dr. Greenman, years after, came over there and dug up all those artifacts. In fact, he took some of their bones too, I guess. Then just left nothing but holes in there.

Tom: In some of the understanding from the new anthropologists at the University of Michigan, they make it sound like when he got here, the people welcomed him here. And, you know, he drove in a car, and a lot of the people hadn't seen a car yet, or some of the things he had. Do you know anything...?

*Nungess*: That's the thing about it. A lot of people, they'd welcome those American people because they are coming over for a vacation in McGregor Bay. Because that was some employment for the people that live here. That was only for a month or two. For the rest of the year they didn't have employment. Only when the tourists come in. So that's why they welcomed him because they thought he was one of the fishermen that come up here. They didn't know anything about this other part that he was doing.

Tom: Did you meet him?

*Nungess*: I seen him, but I didn't know him.

Tom: So, other folks told you what he was saying or...

*Nungess*: They didn't tell me too much. In fact, nobody said anything about it. But the man that worked with him knew what he was up to. But he wasn't an educated person and he didn't know that he had taken all this stuff with him. Whether he had asked for permission from Canadian people or the government or anything -- they just took it. We don't know.

Tom: Is there anything else that you can remember? While we're trying to put this together, this story, there is a process and a law that suggests that the things that were taken might come home and be put back. Is there anything else that you can remember that might help tell this story, so that people will understand?

*Nungess*: Well, another part of it is, after those people died, they retreated the area altogether. They left there. They scattered in all directions. Some went to *Sagamak*, *Wikwemikong*, Killarney, and down this way (WRFN) because they were so badly discouraged from living there after the people

died. And some moved over to Wardrobe -- Birch Island. On the south end of Birch Island there used to be a clearing there. That's where the people lived for many years. It was a big lot. And those people that lived there, they actually moved across on this side and to the mainland, what we now call the Old Village site. They have an old village there, with the foundation still there.

Tom: Oh. Is it?

Nungess: Yeah.

Tom: Is that part of the Band's land?

**Nungess: Yep, it is. That old Wardrobe Island is part of that too. Because there's some graves over on Wardrobe Island, too. People had moved back there, and some had died on the island and were buried there on old Wardrobe Island. Then they had to move again when the railroad company moved in. The Algoma Eastern Railroad got the rights to move through here to Little Current.**

*[See Barbara Chisolm (p. 25-28, 1997) for more details]*

Tom: Do you know about when that was?

Nungess: About 1914. That was before I was born. But anyway, after that they had to go back and forth. They were hired to cut railroad ties for the railroad company. And where the village is today, where the hall is, that was all cedar bush at one time. There was great big cedar, and that's what the railroad company wanted at that time. They couldn't cut, so they hired the people to cut it. The Native people. And they tell me, out of one tree, they could cut as many as sixteen railroad ties, that's how big the forest was. That's a lot of railroad ties.

Tom: It seems like then, at that time, that this area was also an important spot for tourism, fishing people to come up, vacationers, industry, and railroad. So your community has had a lot of visitors historically, over time. There's been a lot of traffic through here.

Nungess: Well most of the people in earlier times, say up to 1930, used to come in by railroad -- the Algoma Eastern Railroad that goes up as far as Little Current. And then the other part of it was the Transportation Company that was on the water. They owned the shipping industry from Sault Ste. Marie and Little Current. That's where we used to get our supplies. Little Current.

Tom: I was told a story about Dr. Greenman. That he came in and had a pretty good relationship with some folks here. That he had taken some people up to Sault Ste. Marie in his car to go to the hospital, and he had helped people out that way. That's the story I was told down there at the University of Michigan. Do you remember any of that?

Nungess: No, not that way. I don't remember any of that. Probably did, but in order to get respect from the people he probably did that. Just for respect more than anything. It isn't the idea of helping out the people, because they were afraid of the people that lived here. They'd really fight

any of them. That's part of it. When the people, the railroad company, found out that this was a reserve, and they needed that timber for the railroad ties, they asked the people to cut it. Then they did the same thing on Wardrobe Island. The lumber company used to have these things. What do you call it? Steam tugboats, and they had to have wood. So they cut down Birch Island. They cut down all the birch trees all over on Birch Island. That's why they called the island that, because the trees made it pretty near all white. That's how many trees that were there. That was in the early 1850's when they were cutting on Wardrobe Island for firewood for the lumber company because they used a lot of wood for the steam boilers for the mills, and also for the tugs that would haul the timber. That's why they cut all the trees off that island. And then when they finished over there they moved across to another and another. And when the railroad company moved in they started in on another village.

In this next segment it is important to note the variety and mix of identification languages and how oral tradition has changed as each interpretation was documented. For example, *Nungess* shared *Wigwaas Kinegaa* - place of white birch trees. This phrase describes what Old Birch Island meant to his grandfather. *Owāskin/aga* meant "Old Birch Island" to John Walker as he explained the Ojibway meaning to Dr. Greenman; *Wah Wah Skin Ah Gah* is used by current WRFN community leaders. "Wardrobe Island" is a Canadian term. Further explanations of this kind of change would necessarily include a study of re-syllabification, the changing around of syllables to reconfigure it into its current form. For example:

*Wig Waas kin e gaa* - original spelling in UMMA text (pronunciation by Nungess).  
has been changed into

*Wah Wah skin ah gah* - the current spelling and pronunciation.

#### **Nungess interview (cont'd)**

Tom: Do you know how to say Old Birch Island in *Ojibway*? Do you speak the language?

*Nungess*: Yes.

Tom: How do you say Birch Island?

*Nungess*: Wigwaas Kinegaa Minising. *Minis* means an island. Wigwass



Kinegaw.

Tom: Wigwaas Kinegaa?

Nungess: -- a place of birch.

Tom: A place of birch. So that's what it means.

Art: *Wigwaas* is birch. That's why they called it Birch Island.

Tom: So as the people moved, the name of their home site moved with them.

Nungess: Yeah. They kind of transported the name along with them. First of all, they were known as the people of Birch Island. And they lived in the old village site.

Tom: So, what would have been the *Ojibway* name then -- the people of Birch Island?

Nungess: This one here would have been *Oogaamikaanaang*.

Tom: *Oogaamikaanaang*?

Nungess: Yeah. See the people used to travel over the Whitefish Falls for pickerel in the Spring. That's *Oogaa* -- that's pickerel. So the hunters pass from the other bay to this other bay and that pass is what they called the pickerel pass, eh -- in other words, *Oogaamikaanaang*. The people still, the old people anyway, in *Wiki*, still call it *Oogaamikaanaang*. But, that is forgotten. So the people brought their name over from old Birch Island over the years. Every time they transferred, they brought their name with them.

Tom: Do you remember any other comments that people made about this person who was taking artifacts?

Nungess: No, not that I know of. The only thing is, they said it was just stolen from them.

Tom: They felt like they had been robbed?

Nungess: Yes. That's the only thing they had to say.

Tom: Do you remember who? Who would say that?

Nungess: All those old people have died already.

Tom: Are some of them your relatives?

Nungess: It would be my grandfather. He would be the only one. And some others that I hear now. They just moved in recently, say as far back as 1960. A lot of the original people have all died off, pretty near. But new ones come in. That's why they publish so many different names.

Tom: How important is it that the grandparents told their grandchildren that this happened? They apparently wanted them to know that something happened and that this area is important.

Nungess: It is important to us because that Battle Rock used to ring. Those rocks used to make a sound. That's the way they used to hold ceremonies there. And also, Dreamer's Rock is affiliated with Battle Rock. And the Dreamer's Rock is a place of vision -- vision quest. They used to send the young people over to Dreamer's Rock, to have a vision of what they were going to be later on. They could be a Chief. They could be a

scout. They could be a medicine man -- anything. Anything pertaining to the people. Our chief, at one time, came from there. He had his vision that he was going to be Chief so he became Chief later on because of his vision. He himself didn't know what he was dreaming about. It's the Elders that told him that he was going to be Chief. And to be a Chief, you don't get it like you do now. You don't get elected right away. You had to go with the Chief for many years at that time. You go with him everywhere he goes. You are like an apprentice. Could be twenty-five years, thirty years before you become a Chief. And when you do become a Chief, you're a Chief for life. None of this here three-year business about an elected chief. They were prepared for this life. That's the trouble with people today. They elect somebody that don't know anything about being a Chief. And if he's no good he gets kicked out and another one drops in. And then he in turn has to study. And he doesn't have time to study everything, so he gets kicked out, too. Chiefs were apprentice for many years before they become a chief. They were more like sub Chiefs before they became real Chiefs. Once they became a Chief: they're it for life. Another one following behind. I know for a fact, the last one that died was over in *Shigwanda*, on the other side of Little Current. There's a little Native town there, *Shigwanda*. So that old Chief is the last one that died. And they rung those bells. That's long before the railroads, I mean, the telephone companies came in. In order to have communication they used those bell rocks. And those bell rocks were loud, at one time. You could hear them for many miles. Twenty miles, twenty five miles. So when they ring those bell rocks we heard them. I heard them. And my grandfather says, "Do you hear that?" And I said "Yes." What does it sound like? "It sounds like something over there is pounding like a drum. A drum sound." And then we listened, and then we sat, and we listened. He said, "Do you know what? I think that's coming from those Bell Rocks." So you went there. And that was the way of communicating with the whole area while he was there, after, he knew what was wrong. That the chief in *Shigwanda* had died. He was an old man. He had been chief for maybe forty years, fifty years. Anyway, while he was there, people from Killarney moved there. They heard the sound, too. And then *Wikwemikong* and then West Bay and then [*Sagamok*]. You see, that would cover a radius of oh, forty miles. That's how loud those bells were. So when they, when he found out, he came home, and then went up to the hill. It was like a church bell there. And so he rang the bell rocks and the people had to come out to know what he had rung them for. Communication. Because there was no telephone line. So that was the story of those Bell Rocks.

Tom: How are the Bell Rocks and the Birch Island important to this area?

Nungess: It is a very important thing as far as, they say, in the spirit world. Well, they've taken all of this stuff over to the States, but the spirits are still there. They didn't take the spirits along with them when they took

their bones, eh? They're still there. And they would like to have them back. That's the way I feel about it.

Tom: And how many of the Elders and community members feel that way, do you think?

*Nungess*: Quite a bunch of people. Especially now since they started finding out about these things. They're working real hard on it so that they can have those brought back because some people have dreamt of those spirits and they're ready to fight. [end interview]

### Discussion

In this interview it was apparent that *Nungess* understood Old Birch Island to be culturally affiliated with his ancestors. The relevant sections of the interview are repeated here for clarity.

*Nungess* makes three significant references to the graveyard and the exhumation:

1. That old Wardrope Island is part of that too. Because there's some graves over on Wardrope Island, too. People had moved back there, and some had died on the island and were buried there on old Wardrope Island. Then they had to move again when the railroad company moved in.
2. In fact, he took some of their bones too, I guess. Then just left nothing but holes in there.
3. And this professor, Dr. Greenman, years after, came over there and dug up all those artifacts.

He also describes what happened to the people living there:

Well, another part of it is, after those people died, they retreated the area altogether. They left there. They scattered in all directions. Some went to *Sagamak*, *Wikwemikong*, Killarney, and down this way (WRFN) because they were so badly discouraged from living there after the people died. And some moved over to Wardrope -- Birch Island. On the south end of Birch Island there used to be a clearing there. That's where the people lived for many years. It was a big lot. And those people that lived there, they actually moved across on this side and to the mainland, what we now call the Old Village site. They have an old village there, with the foundation still there.

*Nungess* also explains why so many Native people were buried there:

Because the Native people, they bought liquor from him. And later on, they actually

stole some from the schooner. So, in order to retaliate, I guess they poisoned one of those kegs -- it used to come in kegs. And, at that time, when they did that they killed a lot of young men. And that's why that big graveyard, that's why it's big.

He also explains why other things were found in the graves as well.

People used to bury people with their earthly possessions. Some things that they really valued. They buried people along with that. It could be anything. A little tomahawk, or some other things that they had buried.

*Nungess'* narration of this history is the accepted WRFN community version of the facts. The WRFN community as a whole, as one voice speaking together, do not question this ancestral relationship.

*Nungess'* knowledge is presented in an oral history. Storytelling is of sacred sites and their cultural affiliation to the modern day WRFN. Relations with the land and everything else include the current WRFN community and all the people buried there -- past, present, or future.

*Nungess* introduced a traditional *Anishinaabek* history of cultural affiliation into this study. This knowledge existed before European or American contacts. Dr. Greenman, in reference to WRFN oral tradition, acknowledged these ancestral times and traditional relationships in his field notes as well. These convergent lines of evidence (scientific and oral tradition) are recognized and accepted determinants of cultural affiliation in repatriation processing.

It is important to introduce other WRFN voices before synthesizing WRFN repatriation meanings further. In the following essay, Esther Jacko, WRFN Band Counselor, Lands Manager, and Repatriation researcher, shares memories of her first visit (1982) to the UMMA. She went there to verify that her ancestors were actually in the

museum. Diehl (1991), a local Ann Arbor journalist, also reported on this case just after the NAGPRA Act became law.

### **Esther Jacko: WRFN Lands Manager**

My name is Esther Jacko. I am a member of the Whitefish River First Nation of Ojibwa located in Birch Island, Ontario. I was hired by the Whitefish River First Nation Council in 1981 to conduct historical research for our tribe, and to prepare documentation for future land claims and unresolved interests remaining between the tribe and the Canadian Government.

In 1982 I received an invitation from Kelly Roy, the historical researcher at the Union of Ontario Indians, to accompany her on a trip to Michigan for research purposes. Kelly felt the trip would be beneficial for the work I was doing for my tribe, and also, it would provide me with an opportunity to visit the Museum of Anthropology at the University of Michigan located in Ann Arbor. I had learned through my research that the Museum of Anthropology held the human remains and artifacts of my ancestors. These had been removed from their final resting place on Old Birch Island (Wah-Wah-Skin-Ah Gah) in 1938 by a man called Mr. Emerson Greenman, an anthropologist working for the University of Michigan.

I anticipated meeting with the Museum of Anthropology staff to ask questions, maybe even see the remains and artifacts, if I could. However, Kelly cautioned me to be careful. She told me that we would only be going in to look around. "We do not want to raise any alarms with these people we are going to see," she told me. "Just verify the facts."

I remember asking Kelly why we had to be covert. Kelly explained to me that the Museum staff might feel threatened if we asked too many questions and made too many demands on the first visit. She told me that the Museum was very protective of their collections, and that if they sensed we were there on a retrieval mission they might move things away where we would not be able to find them. "But they are our ancestors," I protested, "Not theirs!" "Let me do the talking," she said.

I can remember clearly how I felt as we first approached the Museum building. I was intimidated to say the least. Once inside I felt like I was on a secret mission, and in a very real sense I was. I remember feeling resentful that a place of such higher learning could so callously disturb the graves of my ancestors in the name of science, without my community's permission or knowledge. I was getting myself all worked up as I climbed the stairs upwards to keep our appointment with Mr. John O'Shea, the Museum's Curator. "Remember," Kelly warned, "let me do the talking. O.K., O.K." I whispered back.

Mr. O'Shea welcomed us to the Department he worked in. He did not look anything like what I had expected. I guess I was expecting to see an older man, perhaps bemused, and certainly pre-occupied and impatient. Mr. O'Shea seemed friendly, but didn't smile. He had calm but searching eyes. I also sensed a high

level of caution emanating from him. He led us into a place called the student lab which was rather stark and cold looking. I observed some students studying artifacts and keeping notes. Kelly asked him some questions, then he asked if we would like to see the artifact collection from Old Birch Island.

He went to a collection of drawers, pulled out the third one down and placed it on the table. Mr. O'Shea was sharing a lot of information about the tribes which occupied the Great Lakes.

I was engrossed in studying the artifacts as Kelly and Mr. O'Shea talked away. He kept asking me questions about the type of work that I did and what I knew about Old Birch Island. I told him that the Band would be entering a claim to the Island to retrieve it back into the Reserve, then I turned my attention back to the artifacts.

"How could these sacred burial items just lay around like this?" I wondered. And how many people had handled them since they were removed long ago? I wanted to ask so many questions, but I kept quiet. Mr. O'Shea left us temporarily, and Kelly took out her camera and started taking pictures.

"Where do you suppose the human remains are?" I asked her. "Maybe in another room," she answered. I discussed the possibility of asking Mr. O'Shea if we could see the human remains. "Not this trip."

We studied a pipe which had a human form on its front. We took out the tobacco bundle in red cloth that we had prepared and placed it inside the bowl of the pipe.

I felt sad and angry all at once. I wanted to take these things home where they belonged. I wanted to see my ancestors after having traveled so far. I kept bothering Kelly about it, and I knew she was growing impatient with me.

Mr. O'Shea reappeared in the room carrying a booklet with him. He walked over and handed it to me. "I thought you might like this," he said. "It is the report that Mr. Greenman wrote on his excavations. I think you will find this report useful in helping you to retrieve your ancestral Island back. You see Mr. Greenman's findings proved your people's occupation of this Island long ago."

Mr. O'Shea kept talking. "You could look at this report as a way of your ancestors helping you in your land claim," he offered. I made no comments, only listened. I realized that he did not see that any wrong had been committed long ago when Mr. Greenman removed the ancestral remains of our people. He actually believed that the exercise of the excavation was beneficial and useful to our generation of today. During our whole visit, this particular discussion was the only time I saw him become animated. As hard as I tried, I could not share his enthusiasm about the excavations.

I wanted to tell him that our ancient stories and legends contained all of our history and teachings. That we did not want or need people from another culture digging up our ancestors to tell us things about them. The important things about them had survived intact and were being practiced. My culture was not dead, but very much alive in my people and in myself.

I looked at him. He seemed so happy and learned as he shared the details the

bones had revealed. If only he knew that what he had learned from them was only a very small part of who they were, of who we were. If he really wanted to learn more he should come and join our circles where the teachings were shared, and to the Sweat Lodge, and to the mountain tops to fast and pray.

I felt sad for him at that time. Indeed we were worlds apart, but I realized too it was not because I wanted it to be that way. I made up my mind then and there not to interrupt his world, but to quietly go about my business in mine. Perhaps there would be future opportunities to share a broader understanding with each other.

I thanked him for the booklet. I appreciated his gesture. As we walked towards the door to leave he lagged behind with me as Kelly walked ahead of us. I had to ask him, "Mr. O'Shea. could you tell me where my ancestors remains are?" He seemed taken aback, and his brow furrowed somewhat, as I observed him trying to read my intentions. He adjusted his stance to one of caution. "We are storing the remains in another building where it is climate controlled," he replied. "Where is this building?" I asked. "It is here in the town of Ann Arbor," he answered. I tried a different angle. "Whereabouts? On the campus grounds?" I queried.

Kelly overheard our discussion and turned around. She quickly stepped to my side and thanked Mr. O'Shea for meeting with us. We then took our departure from the building. I would be seeing Mr. O'Shea again someday. As I left I vowed I would be back for my ancestors.

### ***Anishinaabek anthropology perspective***

The following interpretation represents an experiment with repatriation methodology.

It was developed in conjunction with Esther Jacko, the original WRFN repatriation researcher, as a way to incorporate historic indigenous meaning of this repatriation process with anthropological theory and method. This plan incorporates strategy taken from William Leap's (1993) ancestral language and American Indian-English studies, Dell Hymes (1972) American Anthropological Association lectures on partnership with indigenous knowledge holders, and the NAGPRA law (1990) mandates for specific repatriation processing techniques. These experts recognized the significance of language and meaning research techniques that incorporate indigenous knowledge.

According to Leap, studies of American Indian English and ancestral language

connections have not been explored to any great extent.

Let me acknowledge some of the other limitations of my database. I say very little here about Native English issues in Alaska, Hawaii, or Canada. I do not mean to imply, by taking this position or by using the cover term *Indian English* throughout the volume, that the issues raised in these chapters are irrelevant to the Native people's outside of the forty-eight contiguous states. I am certain the issues are relevant. But I have not been able to observe Indian English usage in those settings, and I have found only a limited number of source materials on these codes. I have incorporated these into this volume, but without more data I am unwilling to offer generalizations that extend outside of the lower 48. (p. 9)

The following interpretation assumes that oral tradition is cultural affiliation data. Interpretation is from the standpoint of an *Anishinaabek* anthropology graduate student who is writing on behalf of, and in conjunction with, indigenous knowledge holders. This type of interpretation is submitted as an attempt to synthesize oral tradition knowledge and anthropological method as called for by the NAGPRA repatriation process. By assuming a combined role (i.e., *Anishinaabek Ojibway* anthropologist) it is possible to determine both indigenous cultural and scientific perspectives. A second purpose was to develop a well informed perspective of museum settings on the place where research on indigenous people took place in the 1980's, and where repatriation processing is now taking place. This descriptive text, while interpretive, was verified and validated as an accurate portrayal by Esther Jacko. My own experiences as an *Anishinaabek* anthropology graduate student and Museum intern added a perspective of current repatriation research settings (i.e., museums) that helped develop and present an informed anthropological explanation of indigenous research method and findings.

The focus of data analysis was on the museum visitor (Esther Jacko) from another



culture. She came to the University Museum of Anthropology to see if it really held her ancestors human remains. At the time Esther Jacko visited, the facts of the case were largely unknown to the WRFN community for a number of reasons. First, it was nonsensical to them. Why would anyone dig up ancestral graves and put the bodies on display? Second, more than four decades had passed without any contact.

Esther Jacko is an indigenous *Anishinaabek* researcher who did not have extensive background training in the field of anthropology, archaeology, or museology at the time of her first visit to the UMMA. She did not think about cultural affiliation in terms of scientific values. Rather, she expressed her thoughts about ancestry in terms of spirituality and values relevant to her own culture.

### **Interpretation of Esther Jacko's language and meaning**

Esther Jacko was twenty nine years old when she left her home to find out if the UMMA held her ancestors on behalf of the Elders. She had been told that Old Birch Island human remains (her ancestors) were there but she could not fully comprehend what it meant until she encountered the real museum exhibits and had time to think about it after. She entered through the museum's outer hallway and followed the smooth floor of the external foyer into a back room storage, research, and administrative office area. Here, in disbelief, for the first time she saw the sacred gifts that were given by loved ones long ago displayed in specimen trays and cardboard boxes.

When she shared these initial memories Esther did not recall details of other prominently displayed educational exhibits that were set up for visitors who came to study prehistoric Indians, or to discover new insights into other anthropologically relevant

research questions about evolutionary eras, prehistoric cultures, and ancient people. Her primary interest, at that time, was how her own ancestors were doing.

Esther Jacko recalled that her mind whirled with questions about how they had been brought to the UMMA. This was the beginning point for development of her expertise in repatriation research.

Esther made her way past the well lit and attractively presented educational exhibits of the outer museum where she found another smaller hallway leading to yet another museum section which held another type of anthropological collection, but not the kind exhibited for the general public. This inner zone of the anthropology museum contained storage cabinets that looked more like antique clothes closets than exhibits and displays.

As she looked around she noticed old, fading to gray, and yellowish colored photographs of university faculty and researchers decorating the walls, prominently displaying trophies and other finds. Information about who found it was also displayed.

Some of the photos showed archaeological dig sites while others revealed anthropological field research sites. Some could have been both. The variety of photo contents suggested that they came from differing geographic locations and cultures from around the world.

In the smaller offices and research area shelves were filled with pottery shards and other artifacts, some intermingled with humorous exhibits, blending evolution and adaptation theory with creative trickery, an academic device of chance designed to fool naive students or visitors into asking questions about anthropological origin and cultural

meaning. These kinds of exhibits were commonplace then, and still are today. For example, cartoons from the "Far Side" hang above, or are often placed near curious looking groups of artifacts that may or may not be scientifically relevant. The effect to the outsider is bizarre.

These creative exhibits sometimes reveal ridiculous notions about others in humorous fashion, occasionally offering amusing messages about conclusions drawn by anthropologists and other scientists who mistakenly theorized about the meanings of people's behavior and cultural traditions that they had researched. These academically humorous exhibitions are normal in scientific research centers, but humor like this was oblivious to Esther because she was en route to a meeting with her ancestors.

Esther quickly became aware that the research mission she was on had become a reality and the experience was uncomfortable. For her to think of her ancestors in this setting, as specimens, possibly even in museum displays, was beyond her capacity to imagine in any humane way of thinking. Her memories clearly revealed this fact.

Instead of recalling mainstream educational anthropomorphic images, Esther recalled her first visit in terms of *Anishinaabek* spirituality. She was guided by her tradition. She remembered feeling a strange eeriness about meeting her ancestors in this place, in this way.

As I listened to her recollection of first contact with the UMMA I realized that must carefully check her understanding of my own viewpoint as an anthropology graduate researcher. I asked Esther if it was all right to occasionally check my understanding of what she told me about the issues related to Old Birch Island. I told her my reasons for

interpreting her memories of the initial UMMA visit from the perspective of an anthropology graduate student who was also *Anishinaabek Ojibway*. I explained that I needed to do this, at least partially, in order to complete research requirements and fulfill educational obligations.

I reiterated several times in our partnership that I am *Anishinaabek Ojibway* but that I am also an anthropology graduate student interested in learning more about *Ojibway* oral tradition, language, and culture from the indigenous people.

I explained that my traditional home is the Garden River First Nation of *Ojibway*, and that I was a student and friend of Dan Pine Sr. Dan Pine Sr. was a great *Anishinaabek Ojibway* medicine man who provided healing medicines for his community and others around the world for most of the twentieth century. Dan was a tremendous repository of indigenous knowledge. He knew and lived by *Anishinaabek Ojibway* traditions, and he had shared his teachings at the WRFN Rainbow Lodge every summer for many years.

Esther told me how she came to know Dan as well, and said that she trusted that I could understand her views because of my relationship (as an adopted brother to her) over the past several years, and because of my work with the WRFN Band Council and Community. Also because Dan Pine Sr. and many other *Anishinaabek Ojibway* people and Elders from Great Lakes communities whom she knew had helped me learn to understand the traditional ways. Many had shared teachings with both of us.

Still she took great care in explaining the meanings of her words and how she felt about her ancestors in this situation. She recalled in great detail her initial fear of what lay behind the museum display walls as she began her journey through the museum. "My eyes

grew bigger and bigger as I stared at the skulls and things that decorated the shelves. I was very nervous about being there. I was told to keep my mouth shut by my friend because if they found out why I was there they would never let us come back."

These mixed emotions filled Esther's memories as she shared her story. She expressed sadness about leaving her ancestors, and felt some anxiety about the treatment she received when she tried to have them returned. She also shared a feeling of astonishment about the university museum representatives who had this kind of power to take her ancestors remains and keep them.

Esther did not express feelings of hate or pessimism with me. Rather, her expressions were mixed with sadness and wonder about this museum experience and the people who would do such a thing.

Esther's traditional *Ojibway* knowledge guided her explanations of a spiritual journey, not a visit to a museum. She felt the Ancestors had begun to find their way back to their sacred resting place. Her conviction to this belief was unwavering even after facing the initial UMMA rejection of her request to return the ancestral remains.

On that day in 1982, forty four years after the original exhumation, her knowledge of 'What is an American Anthropology Museum?' began to grow. Beginning with respect for the strange ways of gathering knowledge, and wonder about the mysterious work sites of these people called American archaeologists and anthropologists. Fourteen years later her understanding continued to grow.

While developing this interpretation, I realized that Esther became an advocate of the reburial-repatriation process for two reasons. First, because this role is appropriate for her

traditional values. Working to return ancestral remains is culturally appropriate, perhaps natural. Second, she became aware of the need for advocacy because of the way she was treated during that first and subsequent visits to the university museum, and because of the treatment of other WRFN community members by UMMA representatives.

The UMMA environment was not a comforting place for her, her community, or her ancestors. She was not treated with respect when she visited because she wanted to bring her ancestors home.

"The Elders have been kept from continuing their journey to the spirit world for more than half a century. But my biggest worry is about those people who are responsible for keeping our ancestors. I offered to help them remedy the problem but my offer was ignored." What Esther did not know in 1982 was that she was part of a repatriation movement that would have a tremendous impact on museums, their research collections, and on the field of anthropology in general.

#### **Lorilee McGregor: Repatriation Committee Chair**

The next text is from the current generation of repatriation researchers. These texts provide more indigenous knowledge data for the final analysis and comparison of meaning. Lorilee McGregor, WRFN Repatriation Committee Chair and Director of the E.A.G.L.E. (Effects on Aborigines from the Great Lakes Environment) project for the Assembly of First Nations Lake Huron Regional Office, provided the official opinion of the WRFN Repatriation Committee. This official statement provides a definitive Sovereign First Nation perspective of international repatriation processing.

In 1938 Professor Emerson Greenman from the University of Michigan removed the remains and possessions of our ancestors from

Wardrobe Island. Although community members were aware that these graves had been robbed, very little had been done in order to get these remains returned.

In 1982 one of our community members confirmed that the remains were still housed at the Museum of Anthropology of the University of Michigan. In April 1995 a delegation from our community consisting of the Chief and Councillors viewed the remains and formally requested that they be returned to our community.

Subsequently, the Repatriation Committee was formed consisting of two Councillors, two technical staff, and four community members. Since April 1995 we have repeatedly requested that the remains be returned.

Dr. John O'Shea, the Curator of the Museum of Anthropology, visited our community in January 1996. In March 1996 the Repatriation Committee traveled to Ann Arbor to view the DNA extraction process that Dr. O'Shea was proposing to be carried out on the remains. The Repatriation Committee did not agree to DNA testing and brought the information back for the entire community to decide.

In April and May of 1996 a community survey was conducted in 61% of the households in the community. The survey results indicated that 66% of our community opposed the proposal to do the DNA testing. A community meeting was set up in order to present the results and get feedback from community members. The Repatriation Committee received a clear directive from this meeting: that DNA testing was not acceptable and that we wanted the remains returned as soon as possible.

In August 1996 we received a letter from Dr. O'Shea who decided that the negotiations are closed. We have since written letters to the Board of Regents and are awaiting their response.

### **External experience**

What seems so clear and simple to our community is not so clear to the University of Michigan. Our ancestors graves were pillaged and their remains and possessions were stolen. The University of Michigan has our ancestors and should simply return them, but instead they are holding our ancestors hostage for their DNA.

Our community has given them many opportunities to behave in an honorable manner but they have chosen to ignore our polite requests. The University of Michigan has stonewalled our requests by saying that the NAGPRA does not apply to us since we are a Canadian First Nation, and by implying that the remains are not our ancestors because their possessions were Iroquoian or Huron in origin (ironic since Dr. Greenman was studying the ancient trade routes). Our experience with the University of Michigan has been frustrating to say the least.

On the positive side we have had many offers of help from different people and organizations. The Saginaw Chippewa and Pokagon

Potawatomi tribes have been very helpful to our Committee. These offers of help will be instrumental in our next stages of planning.

### **Internal experience**

The return of our ancestors to our community is imperative to the healing of our community. The repatriation process has dredged up many powerful feelings that have been buried for a long time. As a community we are angry that the University of Michigan has held onto our ancestors for so long. We do not understand why they would want to dig up dead people in the first place since we are highly respectful of our dead. In the second place we do not understand why they need to hang onto these remains since they have had them for almost sixty years.

There is consensus that these remains should be returned. How they should be returned is where there are differences. Some people feel we should quietly negotiate with the University and do whatever they say in order to get the remains back. Others believe that further desecration of the remains is not acceptable and that we have been polite for too long.

This repatriation process has been a tremendous learning experience for me. It has been difficult to deal with a large institution like the University of Michigan as well as deal with concerns from community members.

Our task as a Repatriation Committee is difficult because this is not a short-term process and we have to maintain our interest. We also have a responsibility to keep the community informed about what is happening. This is not easy since we do not have someone to do this type of work for us. The repatriation Committee consists of volunteers and we do what we can to help out. When things are not going too well, I remind myself of the reason that I joined the Committee and that is to get our ancestors back from the University of Michigan.

### **WRFN Band Council statement**

The following text is an official First Nation government document requesting immediate repatriation. It was sent to UMMA administrators, University of Michigan Board of regents, the Assembly of First Nations in Canada, and to a broad network of U.S. tribes.

In 1938 Dr. Emerson Greenman, an anthropologist working for the University of Michigan entered our territory, and after making inquiries in our community, located the ancient grave sites and village sites of our ancestors on old Birch Island. Old Birch Island, known as Wah-Wah-Skin-



Ah-Gah, was the ancestral home of our people who lived there for countless generations. Our oral history tells of events that unfolded there which caused our people to abandon this island and flee to the mainland where they built our village of today.

Dr. Greenman solicited the cooperation of two of our community members to assist him in locating the old graves. His explanation was that he was trying to study the region for signs of pre-European contact, post-European contact and trade route activities as Old Birch Island lay in the center of the trade route between Eastern and western Canada. After locating the grave sites, Dr. Greenman began excavation, keeping a diary of all his activities. Unbeknownst to our people he was methodically removing artifacts and human remains, boxing them, and driving daily to Little Current to mail these items to the United States. Dr. Greenman removed the artifacts and human remains of our ancestors without the permission of our Chief and Council or community members. His activities were also unknown to the Department of Indian Affairs in Canada and the Canadian government at large.

Throughout the years, the theft of our ancestor's bodies and burial offerings has remained an outstanding issue for our people. The removal of these remains has profoundly affected the spiritual, social, and cultural aspects of our community.

In 1982 Esther Jacko, the Lands Manager for Whitefish River First Nation, visited the University Of Michigan's Department of Anthropology to make inquiries on Old Birch Island and to locate Dr. Greenman's field notes and reports. Esther met the Curator of the Museum, Mr. John O'Shea, who gave her a copy of a report prepared by Emerson Greenman titled "The Old Birch Island Cemetery: an Historic Trade Route." She asked Mr. O'Shea where the items were that Dr. Greenman had removed from Old Birch Island. O'Shea pulled out a tray containing the collection of artifacts and invited her to examine them. O'Shea also verified that the human remains were located off campus. This information was reported to the Chief and Council. At that time the Council felt it was important to formulate our land claim to Old Birch Island, however we refused to forget about our ancestors.

One of the priorities identified for our community's healing was to seek the return of our ancestral remains and place them in their final resting places at Old Birch Island. Our Elders advised us that we could not move forward into the future as a whole until we had completed this task. Therefore, for the past two years, we have been exploring alternatives so that we can repatriate our ancestors back to our homeland. Many people have been supportive of our objective, both within and outside of our community.

In January 1996, our First Nation began intensive talks with the University of Michigan, specifically with Mr. O'Shea, on which options

could be utilized to repatriate our ancestors and their burial offerings as quickly as possible. During these talks with our Chief and Council and members of our Repatriation Committee, Mr. O'Shea declared that the U.S. legislation -- the Native American Graves Protection and Repatriation Act, NAGPRA -- did not address Canadian aboriginal tribe's requests for repatriation. Instead Mr. O'Shea informed us that he was willing to look at a compromise solution which would facilitate the return of our ancestral remains. Mr. O'Shea proposed that our community allow the University of Michigan to remove DNA samples from these human remains. In return, Mr. O'Shea stated that the remains and burial offerings would be returned to our community within two months.

Our Chief and Council and Repatriation Committee members informed Mr. O'Shea that a decision of this magnitude required community consultation. A survey was carried out in 61% of the households. The survey results indicated that 66% of our people opposed the proposal to do the DNA tests. We arranged a meeting to inform the community of the results. The Chief and Council and Repatriation committee members received a clear directive from this meeting. We were to inform Mr. O'Shea of the results of the Community poll and to instruct him that we wished the remains returned as soon as possible.

In his reply, Mr. O'Shea wrote that the University of Michigan had sound documentary and archeological evidence countering Whitefish River First Nation's claim to affiliation with the burials. We interpreted this statement to mean that the University considered Dr. Greenman's report as evidence for its altered interpretation. Mr. O'Shea informed us that the moratorium on access to the remains had been lifted and that access could once again be obtained by faculty and students who wanted to study them. Mr. O'Shea indicated that he was sorry that Whitefish River First Nation had not accepted the University's offer but as far as he was concerned negotiations were over.

Immediately, the community was extremely concerned that because the moratorium on access had been lifted that DNA testing could possibly proceed without our knowledge. At this time our community is seeking assistance to prepare a stronger strategy to retrieve our ancestral remains and burial offerings. We are looking for ways to keep the University of Michigan from conducting any further research on our ancestral remains. It is urgent that a moratorium on any further research be in place so that our ancestors can be protected until they are returned. We are looking for people who have successfully resolved repatriation across modern international borders and strategies to make the University community aware of this sad and pathetic situation. We also seek the support of others. You can write letters of support to us and letters to the University of Michigan Board of Regents, to the Michigan legislature, and newspapers condemning this violation of our ancestors.

Chief Leona Nahwegahbow  
 Whitefish River First Nation  
 Birch Island, Ontario  
 POP IAO Canada

cc Board Of Regents  
 The University of Michigan  
 2074 Fleming Administration Building  
 Ann Arbor, MI 48109-1340 USA

The final voice is Roxanne Jacko, representing the WRFN youth. In it she shares her feelings as the official WRFN youth representative in a brief but powerful statement about her experience with DNA research at a UMMA demonstration.

### **Roxanne Jacko: WRFN Youth Representative**

As I witnessed the indignities of these sheltered individuals who plan to steal our ancestor's DNA from their bones I realized that this journey could not be completed without violence. We have tried to be nice and courteous, but they have chosen to keep what is rightfully ours. We need to organize our community along with others who will help, to form a powerful fist to fight against the troubles we are encountering with these individuals.

Being young, I have found that adult people rarely listen to what I have to say as a youth. Nobody realizes the knowledge I have gained over the years, nobody will listen. I have developed my mental abilities to the point of being able to tell what people are thinking and feeling and I believe that the intentions of these people are nothing but evil.

### **Meaning analysis**

The following table (4) categorizes individual and common meanings attributed by the speakers in this chapter to important referents used in their text.

**Table 4: WRFN Repatriation language analysis**

Referent	Nungess - Little Sturgeon - Art McGregor	Esther Jacko	Lorilee McGregor	WRFN Band Council	Roxanne Jacko
"Indians"	Native people;	Anishinaabek Ojibway; ancestors	Our community; First nation	Anishinaabek	WRFN; Our community
"human remains"	bones	human remains of my ancestors; our ancestors, not theirs; graves of our ancestors; our ancestors bones			
burial items	earthly possessions; sacred burial items; possessions of our ancestors				
the value of repatriation of ancestors	imperative to healing of our community; essential to community healing				
UMMA researchers	Dr. Greenman	Mr John O'Shea, curator	Dr. John O'Shea, Curator. The University of Michigan	Dr. Greenman Mr. John O'Shea, curator; The University of Michigan	sheltered individuals plan to steal our ancestors DNA from their bones; nothing but evil
act of removal of remains	harvesting; digging up; taking; removal from final resting place; disturbing graves; pillaging stealing; theft				
value of science	do anything they want	my culture is not dead	the community did not agree to DNA testing	DNA testing	evil
value of oral tradition	Our traditional stories and legends contain all of our history and teachings; our Elders teach us oral history; we know who we are				No one will listen to me
proper location of remains	back in the community	I vowed I would be back for my ancestors	the U of M should simply return them	in their graves	Old Birch Island
act of removal	they've taken it across the border whether anybody likes it or not	these graves had been robbed; pillaged; remains stolen		systematic removal without permission of WRFN or Canadian Authorities	evil
burial site	Ancestors grave sites on Wah-Wah-Skin-Ah Gah and WRFN home lands				

In these texts, one finds several important meanings. The remains are typically characterized as “ancestors.” The act of removal is characterized as pillaging, stealing, theft, and unlawful removal from their final resting place. Science is seen as sinister or “evil” and in juxtaposition to traditional knowledge, meaning that science views traditional WRFN culture as dead. Therefore, determining cultural affiliation to the living WRFN community would seem impossible. When taken together, these text reveal several important points:

- there is no evidence of Dr. Greenman having obtained permission for exhumation from anyone;
- the act of removal of human remains from Old Birch Island is contrary to the cultural traditions of the narrators;
- the tradition of burial, not unlike that of non Indians, is that human remains are interred and intended to be left there;
- the relationship between the living and the dead is one of continuity and not of separation;
- the feeling toward the UMMA is one of sadness rather than anger;
- repatriation is seen as an act of healing.

## **Chapter 6**

### **ARCHAEOLOGIST'S VOICES Ontario Archaeology Society**

On July 5, 1996, Prof. John Steckley, President of the Ontario Archaeology Society,  
an amateur organization, wrote:

To Whom it May Concern: I have recently heard of an attempt to take the Huron Cemetery away from the people who hold it most dear: the Kansas Wyandot. I am the president of the Ontario Archaeological Society and as such am familiar with the close attachment between Native Americans and their burial sites. These locations are sacred in ways that go deeper than just the shallow surface levels of the graves. It is appropriate to consider them as being like the memorials to, and graveyards of the slain in the Great Wars that helped to defend the freedoms of both of our countries. As a researcher I have discovered that this particular cemetery marks the tragedy of a people forced west, from Ohio, Michigan and Ontario, and all of their triumph in survival. Most of the early graves are of their children, who succumbed to the diseases to which they were exposed in their new home. The Huron Cemetery holds significance not only to the "officially recognized" Wyandot community in Oklahoma, but to Native communities in Kansas and Quebec (the Huron or Wendat of Lorette) as well as individuals of Wyandot and Huron Heritage in Michigan, Ohio and Ontario. I would urge extreme caution and sensitivity in this issue. The capricious vagaries of nineteenth century legislation regarding Native Americans created two entities out of one people, one entity with the power of status, the other without. No one group should have the right to destroy the shared heritage of a broader selection of peoples. There must be some way in which the two main groups involved, the people in Kansas and Oklahoma can come together to the mutual benefit of both, and the preservation of that which is sacred to both, and which is an important piece of the heritage of both Americans and Canadians. If you wish any historical information or clarification, do not hesitate to contact me ...

Prof. John Steckley, President  
Liberal Arts and Sciences, Humber College  
205 Humber College Blvd., Stobicoke, Ontario M9W 5J7

### **Argument**

The tone of this text shows a real sensitivity to the concerns of burials and the problems that are caused by population movements. Perhaps the best way to show this and to contrast it with subsequent texts is to outline the argument contained in the letter.

1. The Ontario Archaeology Society recognizes the close attachment between Native Americans and their burial sites. That these locations are sacred in ways that go deeper than just the shallow surface levels of the graves.
2. It is appropriate to consider them as being like the memorials to graveyards of the slain in the Great Wars that helped to defend the freedoms of both of our countries.
3. Particular cemeteries in this region mark the tragedy of a people forced west, from Ohio, Michigan and Ontario, and all of their triumph in survival.
4. Most of the early graves are of their children, who succumbed to the diseases to which they were exposed in their new home.
5. The Huron Cemetery holds significance not only to the officially recognized Wyandot community in Oklahoma, but to Native communities in Kansas and Quebec (the Huron or Wendat of Lorette) as well as individuals of Wyandot and Huron Heritage in Michigan, Ohio and Ontario.
6. Extreme caution and sensitivity is needed on these issues.
7. There must be some way in which the two main groups involved, the people in Kansas and Oklahoma can come together to the mutual benefit of both, and the preservation of that which is sacred to both, and which is an important piece of the heritage of both Americans and Canadians.

### **The American Committee for Preservation of Archaeological Collections (ACPAC)**

ACPAC is a group of more than 1,000 archaeologists headquartered in Whittier, California, who work to preserve archaeological collections in accordance with the archaeological Resources Protection Act of 1979 (36CFR Part 1215) and other related laws. This nationwide group has over 1,000 members, with members in all 50 states. Clement W. Meighan, Professor Emeritus, University of California was the Chairman when the following statement was published.

We believe that all human remains that cannot be documented as having a

real relationship to living people (not a fictional relationship based on mythology) should be retained and preserved in museums as sources of essential historical, medical, genetic, and other scientific information. Developing research makes it possible to determine the genetic relationships by DNA analysis, so the affiliation of “unaffiliated remains” are subject to scientific discovery and verification. This also applies to the remains now being returned for reburial, none of which has been subjected to such studies so far as we know. (ACPAC, Apr/1995, p.2)

### **Argument**

1. All human remains held by museums, regardless of how they were acquired, that cannot, or have not been documented, as having a real relationship should be retained and preserved in museums as sources of essential historical, medical, genetic, and other scientific information.
2. Oral histories are invalid as a source of documentation as they are fictional and based on mythology.
3. DNA analysis is valid because it is based on scientific principles.

This text focuses on the issue of how important archaeological information is, in opposition to oral history, in gaining information about the past. This text also stands in strong contrast to the first text in that there is no empathy for the issue of the relationship between the human remains exhumed in the interest of science and the living people associated with them.

### **Society for American Archaeology (SAA)** (statement concerning the treatment of human remains)

The Society for American Archaeology (SAA) is the main professional organization representing the field of Archaeology in the United States. The following statement, still on the SAA’s world wide web site at the time of this writing, was approved by the Society in 1986, four years before the enactment of NAGPRA.

Archaeologists are committed to understanding and communicating the richness of the cultural heritage of humanity, and they acknowledge and respect the diversity of beliefs about, and interests in, the past and its material remains. It is the ethical responsibility of archaeologists “to



advocate and to aid in the conservation of archaeological data,” as specified in the Bylaws of the Society for American Archaeology. Mortuary evidence is an integral part of the archaeological record of past culture and behavior in that it informs directly upon social structure and organization and, less directly, upon aspects of religion and ideology. Human remains, as an integral part of the mortuary record, provide unique information about demography, diet, disease, and genetic relationships among human groups. Research in archaeology, bioarchaeology, biological anthropology, and medicine depends upon responsible scholars having collections of human remains available both for replicative research and research that addresses new questions or employs new analytical techniques.

There is great diversity in cultural and religious values concerning the treatment of human remains. Individuals and cultural groups have legitimate concerns derived from cultural and religious beliefs about the treatment and disposition of remains of their ancestors or members that may conflict with legitimate scientific interests in those remains. The concerns of different cultures, as presented by their designated representatives and leaders, must be recognized and respected. The Society for American Archaeology recognizes both scientific and traditional interests in human remains. Human skeletal materials must at all times be treated with dignity and respect. Commercial exploitation of ancient human remains is abhorrent. Whatever their ultimate disposition, all human remains should receive appropriate scientific study, should be responsibly and carefully conserved, and should be accessible only for legitimate scientific or educational purposes.

The Society for American Archaeology opposes universal or indiscriminate reburial of human remains, either from ongoing excavations or from extant collections. Conflicting claims concerning the proper treatment and disposition of particular human remains must be resolved on a case-by-case basis through consideration of the scientific importance of the material, the cultural and religious values of the interested individuals or groups, and the strength of their relationship to the remains in question. The scientific importance of particular human remains should be determined by their potential to aid in present and future research, and thus depends on professional judgments concerning the degree of their physical and contextual integrity. The weight accorded any claim made by an individual or group concerning particular human remains should depend upon the strength of their demonstrated biological or cultural affinity with the remains in question. If remains can be identified as that of a known individual for whom specific biological descendants can be traced, the disposition of those remains, including possible reburial, should be determined by the closest living relatives.

The Society for American Archaeology encourages close and effective

communication between scholars engaged in the study of human remains and the communities that may have biological or cultural affinities to those remains. Because vandalism and looting threaten the record of the human past, including human remains, the protection of this record necessitates cooperation between archaeologists and others who share that goal.

Because controversies involving the treatment of human remains cannot properly be resolved nationwide in a uniform way, the Society opposes any Federal legislation that seeks to impose a uniform standard for determining the disposition of all human remains.

Recognizing the diversity of potential legal interests in the material record of the human past, archaeologists have a professional responsibility to seek to ensure that laws governing that record are consistent with the objectives, principles, and formal statements of the Society for American Archaeology. [Approved by the Executive Committee, May 1986]

### **Argument**

1. The Society for American Archaeology recognizes both scientific and traditional interests in human remains and other mortuary evidence.
2. These non-scientific interests (concerns) may conflict with scientific interests
3. While non-scientific concerns are legitimate they are less legitimate than scientific interests because scientific research can not exist without access to these remains.
4. Therefore, before their possible repatriation, science has the right to study these remains.

Given the time of its appearance, this text is clearly a response to the NAGPRA law developers. This can be seen in its plea to preserve “archaeological data” for scientific study and its opposition to “a uniform standard for determining the disposition of all human remains,” something that NAGPRA was enacted to accomplish. In comparison to the two preceding texts, this text and the ACPAC text appear quite similar to each other and quite different from that of the Ontario Archaeology Society.

### **The Michigan Archaeological Perspective**

The following text, produced in 1990, the same year NAGPRA was passed, shows the perspective of Dr. John O’Shea, current UMMA curator.

On January 30, 1990, a group of Michigan Indians and archaeologists met to try to hammer out a draft of a new state law to govern the study of human skeletal material. It was an uncomfortable meeting filled with tension, a meeting that cast old friends as opponents and where potential understanding often gave way to political posturing and strategy.

The position of the archaeologists was expressed by prominent archaeologists on the Michigan scene representing their professional organization as well as various private and public institutions. Dr. John O'Shea of the University of Michigan spoke eloquently for the scientific position. "Archaeological sites," he reminded everyone, are each unique. Each contains information about the past that can be gained from no other source. Archaeological sites and data are nonrenewable resources. Once destroyed they cannot be recreated. Where no literate tradition exists, the arrowheads, soil strata, skeletons, and the pottery are the only means to understand the events of past history. In asking us to give up skeletal collections and burial artifacts, you are asking us to give up access to the past. You are asking us to forever surrender the data by which future generations of archaeologists may come to new or different conclusions by reexamining this material" (personal communication). Beyond that, reburying skeletons and artifacts also denies future generations of Indians the right to reinterpret Indian history. "The Past," he said, "does not belong to any particular ethnic or religious group. The past belongs to everyone because, in the end, we all share in the past and profit by understanding it. By denying science the right to examine Indian skeletons or to use them to train students, you will deny everyone the right to understand prehistoric diets, disease, and other factors of population dynamics that may alert us to information important to the future. It can also help us to understand the past in other places at other times. Science," he said emphatically, "is not static but is constantly discovering new methods to test and retest hypotheses. Unless we preserve our ability to correct our errors, science cannot advance knowledge. If you deny us access to these bones and artifacts, who will bring Indians' history to light?" (Cleland 1992, p 30-31)

### **Argument**

A comparison of the argument in this text shows that while it is more adamant about the right of archaeologists to exhume human remains, it follows SAA's argument closely.

1. Science, as represented by archaeology, provides access to the past.
2. This is done through archaeological sites.
3. For people with no literate tradition, archaeology is the only means to the past.
4. Understanding the past is valuable to Indians and to everyone.

5. No one owns the past.
6. Archaeological sites are the property of archaeologists.
7. Therefore science (i.e.. archaeologists) have the right to examine Indian skeletons.

### **Meaning analysis**

Table 5 below shows how the various voices presented in this chapter give meaning to important terms in their texts. With the exception of the first text, the others in this chapter express similar meanings when it comes to the following:

- human remains as archaeological data;
- science as the only valid approach to knowledge (oral tradition as invalid);
- the rights of science and balancing the rights of native people to their ancestors;
- the ethical responsibility to science (but no ethical responsibility to the dead);
- the museum, as opposed to the cemetery, as the proper resting place for human remains.

**Table 5: Archaeologist language analysis**

<b>Referent</b>	<b>Ontario (OSS)</b>	<b>American ACPAC</b>	<b>SAA</b>	<b>UMMA</b>
<b>"Indians"</b>	Native American	not discussed in this text	producers of heritage	ethnic and religious groups
<b>"human remains"</b>	graves	human remains	archaeological data	archaeological sites
<b>Ownership of human remains</b>	one former group now split into two	all remains need to be tested scientifically before being returned	an integral part of the past	the past does not belong to any particular ethnic or religious group; science has the right
<b>Value of the return of human remains</b>	not discussed	possibly but only after scientific testing determines cultural affiliation		reburial will deny access to the past
<b>archaeologists</b>	researcher	scientists	(legitimate scientists, educators), scholars	science
<b>act of removal</b>	not discussed		not vandalism	access
<b>value of science</b>	can assist in resolving disputes	only way to determine affiliation		only access to the past
<b>value of oral tradition</b>	not discussed	fictional based on mythology	invalid	invalid (only literate tradition is valid)
<b>proper location of remains</b>	descendants	unaffiliated remains belong in museums; needed for science	in museums because research depends on collections of human remains; access only for legitimate science	[in our possession]
<b>act of removal</b>	collaboration with	not discussed	archaeology is	excavation
<b>burial site</b>	cemetery memorials	not discussed	archaeological data	archaeological sites only access to past
<b>ethics</b>	not discussed		conserve archaeological data	ethical responsibility to keep for all humankind
<b>NAGPRA</b>	not discussed	[this statement was intended as a critique of NAGPRA]	opposes any Federal legislation that seeks to impose a uniform standard for determining the disposition of human remains.	not applicable to WRFN international claim

### **Discussion**

In each of these texts, archaeologists argue that non literate peoples have no right to expect that when they bury their dead that the remains will be left untouched. This is because their own histories are not written. While written histories can be seen as a valid path to the past, oral histories are not. In such cases, it is necessary for archaeologists who dig up these grave sites and apply science which can infallibly lead to the true understanding about the past.

Other pertinent information sources exist as well but these texts do not reference them. For example, neither the NAGPRA law nor the significance of repatriation processing for indigenous people in archaeological research practices are included as references except as “missing subfields.” Janet E. Levy, a member and Chair of the Committee on Ethics in the early 1990’s noted this problem.

### **The Missing Subfields**

As written, the core portion, Section I, of the PPR refers only to the actions of cultural anthropologists and others whose research is based fundamentally on interaction with living people. Of course, the sections pertaining to relations with students, employers, and the public are relevant to all anthropologists, but there is no guidance given on significant issues for archaeologists and physical anthropologists, such as research with non-human primates or archaeological sites and artifacts. Although arguments have been made for using Section 1 as an ethical guide in the repatriation debate (see Meighan 1985; Fluehr-Lobban, 1991).

\* PPR - Proposed Professional Registry for SAA members.

There are references to Native people, but the primary messages are sent from educational and research service providers to a general public in need of their service. There is no discussion of the value or responsibility of returning illegally or unethically gained materials and human remains.

The contexts that created these professional rules may not have been considered the proper place for a discussion of repatriation and NAGPRA mandates to include indigenous knowledge holders in it, but why not? It seems that a serious discussion of ethics should reference this contemporary archaeology research problem.

There is a major methods-related problem, although it was not described as a major problem by archaeologists. The destructive nature of archaeological research methods was mentioned briefly by the SAA Executive Board. The following statement is quite significant to the meaning of preservation.

**Principle No. 8: Training and Resources:** Given the destructive nature of most archaeological investigations, archaeologists must ensure that they have adequate training, experience, facilities, and other support necessary to conduct any program of research they initiate in a manner consistent with the foregoing principles and contemporary standards of professional practice. [Ethics and Archaeology: Challenges for the 1990s, ed. Mark J. Lynott and Alison Wylie, 1995] (April 10, 1996, SAA Executive Board Meeting) <http://www.saa.org/AboutSAAIEthics/prethic.html>

What does “the destructive nature of archaeological methodology” mean to an indigenous community being researched? How will destructive methods affect the status of research sites, materials, and future access for others? Is DNA testing destructive?

The issue of “destructive nature” is passed over quickly in the SAA texts, in a brief matter of fact statement. Yet the expression implies destructive methods are necessary for ethical research and that training qualifies certain professionals to do this type of research. But the SAA does not say that destruction of property will be avoided. Is this issue relevant to an exclusion of indigenous knowledge holders in repatriation processing? Historic legislation suggests that it is.

There is an empirical methodological conflict hidden within the meaning of these SAA

texts. Does the destructive nature of archaeological methods threaten indigenous communities in any other way besides destroying some or all of the site and the related items being studied? Without clarifying the meaning of destructive research methods with indigenous people prior to proposing and conducting research it is impossible to argue that ethical research methods have been used. The result of this hidden agenda will destroy any appearance of ethics in research. Conflict such as is being experienced in the WRFN case is imminent with this kind of ethical violation of human rights and the scientific method.

The SAA suggests that archaeological methods used for conducting exploratory developmental DNA research is ethical. But is it unethical to destroy human remains without authority of the community being tested in the process of testing hypotheses? Does destructive archaeological method jeopardize the outcomes of related research?

In this type of research, future testing is not replicable. Once the removal process begins the site of origin is destroyed. No one else can duplicate this part of the process. In addition, DNA testing destroys samples. How many samples are available before the evidence is completely destroyed? The destructive nature of archaeology may actually nullify scientific value. On the other side of this discussion is the fact that reburial is viewed as a destructive method by many archaeologists. It is defined as destructive to the future of humanity. Some Archaeologists suggest that reburial destroys an opportunity for contemporary and future researchers to learn from the collections.

Ethics is an important issue. Goldstein and Kintigh (1990) dealt with “ethics and the reburial issue” early on in this debate. But there are still two extremes. First, the ACPAC



understands all museum collections with Native American human remains in them to be potential DNA research specimens, valuable for developing DNA theory and research methods. In contrast, NARF understands museum collections with indigenous human remains in them as proof of a systematic expropriation of dead Native Americans.

For now, it is important to recognize that many diverse voices in archaeology and indigenous communities are speaking on the topic of repatriation. Also, issues such as ethics in research methods are focal, with little direct recognition of NAGPRA or involvement of the new NAGPRA mandated indigenous cadre of repatriation researchers.

The next chapter focuses specifically on the UMMA response to the WRFN refusal to allow the UMMA to conduct DNA research, or any research on Old Birch Island ancestors. Institutional language reveals a usage of power which significantly impacts contemporary scientific practice in repatriation processing.

## **Chapter 7**

### **MEANING AND POWER IN UMMA REPATRIATION DISCOURSE**

The question of repatriation is related to a struggle for power. In this case, it is whether the WRFN has the right (that is, power) to allow the remains of their ancestors to remain buried as opposed to the right of archaeologists to have access to scientific data, which is what each has said that these remains mean to them. Power, in this sense, always shows up as an asymmetrical relationship between two individuals or two groups, where one side has the ability to do something, usually to the other side, which the other side can not do in return.

Historically, this type of power relationship is common in “Indian - white” relations. It has appeared brazenly in the taking of land, and making and breaking treaty agreements, not to mention numerous cases of U.S. government failure to prosecute criminals for murder and devastating injuries to indigenous people. We see it more subtlety as well as in the seemingly capricious shifts in U.S. and Canadian Indian policy that Professor Steckley of the Ontario Archaeology Society described in chapter four.

In this case the conflict over Native human remains is a struggle over discourse and representation. To resolve conflict as opposing groups become involved in repatriation processing it is imperative to maintain strategies that support cooperative decision making. This strategy is agreed upon by most repatriation researchers, but in order to do so it is

necessary to begin with a clear understanding of institutional goals and objectives, which are usually understood as policy statements, which are another formal type of communication, and new meanings appear in the discourse as a result.

Policy statements express institutional values. Kress (1989) introduced a directive for understanding institutional value and meaning expressions.

Discourse is systematically organized sets of statements that give expression to the meanings and values of institutions. Beyond that, they define, describe and delimit what it is possible to say and not possible to say (and by extension -- what it is possible to do or not to do) with respect to the area of concern of that institution, whether marginally or centrally. A discourse provides a set of possible statements about a given area, and organizes and gives structure to the manner in which a particular topic, object process is to be talked about. In that it provides descriptions, rules, permissions and prohibitions of social and individual actions. (p.7)

The WRFN repatriation team could have used these formal UMMA policy statements in their research had they been provided prior to the end of the process. But since repatriation processing is very new (as of 1990), new policy statements from the UMMA should be expected.

Kress' method is important to this analysis because each institutions representatives expressed values in determining cultural affiliation. At a cultural background level, these value expressions signified deeper underlying historic conflict. It is there because of historic distrust of Euro-American institutional values expressed in historic policy statements. For example, institutional identification processing is a well known method of European colonization practices that were used to affect change in indigenous communities around the world. Edward Said (1979) described this process as Orientalism. He described it as identification replacement processing which was used to

change the identity of indigenous people in Eastern cultures.

Orientalism can be discussed and analyzed as the corporate institution for dealing with the Orient -- dealing with it by making statements about it, authorizing views of it, describing it, by teaching it, settling it, ruling over it: in short, Orientalism as a Western style for dominating, restructuring, and having authority over the Orient. I have found it useful here to employ Michel Foucault's notion of a discourse, as described by him in *The Archaeology of Knowledge* and in *Discipline and Punish*, to identify Orientalism. My contention is that without examining Orientalism as a discourse one cannot possibly understand the enormously systematic discipline by which European culture was able to manage -- even produce - the Orient, politically, sociologically, militarily, ideologically, scientifically, and imaginatively during the post-Enlightenment period. (p. 3)

Steckley alluded to a similar process in the Great Lakes in chapter six. Petoskey's eras were listed in chapter two.

Voices in American archaeology are creating a discourse in which repatriation means that archaeologists and scientists have the authority to keep illegally obtained human remains for scientific research. Their meaning is that science is the ultimate authority in this process. But Ethnomethodologists and others challenge this one dimensional knowledge holder perspective. Warren Handel (1982) described these issues from the standpoint of reflexivity.

Originally, the term reflexive was used in grammar and logic. In logic, a reflexive relationship is one that something could have with itself. For example, everything is equal to itself; equality is a reflexive relationship. Nothing is greater than itself; "greater than" cannot be a reflexive relationship. In grammar, the term is used in a related way. A reflexive verb is one whose subject and object are the same. "Shave" is a reflexive verb in "I shave myself." In the same sentence, "myself" is a reflexive pronoun. In a sense, the reflexive verb describes a relationship of an actor with itself. The action is taken upon the agent of the action. The barber may shave me or himself. When he shaves me, the verb is not reflexive; when he shaves himself, it is. By extension, the actions themselves are often called reflexive when the person acts upon himself. Shaving oneself

is a reflexive action. So are feeding oneself, pampering oneself, deluding oneself, and improving oneself. The term reflexive has been extended to include the action upon oneself or relationship with oneself as well as the grammatical form we use to describe them.

Ethnomethodologists argue that all accounts are reflexive. All accounts are not in the distinctive grammatical form called reflexive; they are not even all linguistic. Rather, using the extended sense, ethnomethodologists argue that all accounts have a reflexive relationship with themselves and take some action upon themselves, regardless of their content and regardless of the medium in which the accounts expressed and regardless of their grammatical structure if any. We can begin to understand the nature of the reflexivity of accounts by examining the special case in which the content of accounts is concerned. Theories and empirical descriptions of perception, language, nonverbal communication, reasoning, or any other aspect of accounting are accounts about accounts. Since they are accounts, whatever they say about accounts will apply to themselves as well. That is, they are reflexive....

Ethnomethodologists are very concerned with this aspect of reflexivity because they are convinced that all empirical accounts are loose. When this scientific assessment is applied reflexively, it implies that scientific accounts are also loose. Until quite recently it was commonly held that science escaped the looseness of other empirical accounts. This belief provided a justification to put more confidence in science and technology than in other systems of knowledge. Religious faith, for instance, declined dramatically as science became more prominent. The looseness of scientific accounts undermines the unquestioning belief in science -- it provokes a crisis of confidence. In recent years, science has been increasingly open to the challenge of justifying itself and increasingly subject to political decision making. (p. 35)

The nature of the reflexivity of accounts is understood “by examining the special case in which the content of accounts is concerned. Theories and empirical descriptions of perception, language, nonverbal communication, reasoning, or any other aspect of accounting are accounts about accounts. Since they are accounts, whatever they say about accounts will apply to themselves as well. That is, they are reflexive....” In other words, science is not an absolute authority in the academic community.

This logic was used to examine the meaning of UMMA discourse on repatriation

processing. To reiterate briefly for contextual purposes, the repatriation process began when one of the UMMA professional staff (Dr. Greenman) exhumed grave contents from *Wah Wah Skin Ah Gah* in 1938 and deposited them in the UMMA. In response, Esther Jacko (1982) visited the museum's current director, Dr. John O'Shea. After the NAGPRA law was passed, Dr. O'Shea responded to another visit saying that he would be willing to return the remains if WRFN would give permission to the UMMA to conduct DNA research on the remains. To explain the purpose of the DNA research, Director O'Shea visited WRFN in January 1996 and invited members of the WRFN repatriation committee to Ann Arbor to demonstrate the process. The DNA research demonstration took place at the UMMA in March, 1996. The WRFN repatriation committee then returned home and conducted a survey of community members (April/May 1996) about whether they should grant permission to the UMMA for this research. The WRFN community rejected the UMMA proposal by a measure of more than 2 to 1. Dr. O'Shea responded in the following manner.

**Dr. John O'Shea's official UMMA response  
to the WRFN denial to conduct DNA research**

Chief Leona Nahwegahbow  
Whitefish River First Nation  
Birch Island  
Ontario P0P 1A0  
CANADA  
August 8, 1996

Dear Chief Nahwegahbow:

I am grateful for your letter of 17 July, although I am saddened by its content. On behalf of the Museum and the University of Michigan I have gone as far as I possible can to accommodate your wish that the human remains and burial artifacts be returned to Wardrobe Island. We have offered to return all of these materials even though we are under no legal

requirement to do so, and despite sound documentary and archaeological evidence countering the Whitefish River First Nations claim to affiliation with the burials. I simply can go no further without jeopardizing my own ethical responsibility to future generations. I must conclude, therefore, that the present negotiations are at an end. While this also brings to an end our voluntary moratorium on access to the collection, please be assured that the human remains from Wardrobe Island will continue to be treated with care and respect, and that requests for research access will be evaluated for scientific merit and appropriateness using the same high standards that are applied to all such requests in the museum.

Let me say again that I am saddened by your failure to reach an agreement. I sincerely had hoped that my visit to the reserve and our willingness to return the complete Wardrobe Island collection would enable a compromise solution to be reached. [end]

This response reveals a rich set of meaningful UMMA policy statements and individual personal expressions that clarify Dr. O'Shea's standpoint as spokesperson for his self, the anthropology museum, and humanity, as he perceives it to be. The following analysis points out where conflict in his perspective as the UMMA spokesperson on WRFN meaning exists and how his language use has structured conflict in the form of a one dimensional UMMA power base.

### **Personalized institutional statements of fact**

#### **Identification process**

On behalf of the Museum and the University of Michigan I have gone as far as I possibly can to accommodate your wish that the human remains and burial artifacts be returned to Wardrobe Island.

**Meaning:** Human remains from Wardrobe Island are acknowledged; ancestors from *Wah Wah Skin Ah Gah* are not. Dr. O'Shea personalizes the statement when he admits he cannot go any farther than this in the process.

#### **Objectification of human remains**

We have offered to return all of these materials even though we are under no legal requirement to do so, and despite sound documentary and archaeological evidence countering the Whitefish River First Nation's claim

to affiliation with the burials.

**Meaning:** Designation of human remains as materials no longer depicts ancestral human remains as understood by the WRFN community; legal requirements are prioritized with documentary and archaeological evidence cited to counter the WRFN claim, meaning this type of evidence is acceptable as answers to cultural affiliation questions for the UMMA while the WRFN evidence is not acceptable.

**Authoritarian persona**

I simply can go no further without jeopardizing my own ethical responsibility to future generations.

**Meaning:** Dr. O'Shea assumes full authority for decision making. He alone is obligated by his professional and personal ethics to protect an otherwise unidentified group he calls "future generations" from the WRFN community.

**Assertion of Power**

I must conclude, therefore, that the present negotiations are at an end.

**Meaning:** I have the ultimate decision making power.

**UMMA authority determines cultural affiliation**

While this also brings to an end our voluntary moratorium on access to the collection, please be assured that the human remains from Wardrobe Island will continue to be treated with care and respect, and that requests for research access will be evaluated for scientific merit and appropriateness using the same high standards that are applied to all such requests in the museum.

**Meaning:** I will use my power to determine cultural affiliation.

I have power to grant your wish.

Scientific interests are legitimate.

I am a scientist; you are not.

I determine the beginning and end of these negotiations.

I impose and end the moratorium on research on these human remains.

Dr. O'Shea added structural power to his position. In his perspective *Wah Wah Skin*



*Ah Gah* grave contents (human remains) are valued only as scientific materials. The functional component of this power structure is his rationale that the only applicable knowledge is scientific. In support of this assumption he declares that he has sound evidence to prove his point, which he did not share.

### **Judgement**

Let me say again that I am saddened by your failure to reach an agreement. I sincerely had hoped that my visit to the reserve and our willingness to return the complete Wardrobe Island collection would enable a compromise solution to be reached.

**Meaning:** The WRFN is to blame for the breakdown of negotiations. The community is labeled as a failure because they did not agree to allow the UMMA to conduct DNA research.

### **Ownership and Power**

Dr. O'Shea tacitly admits the following in his response:

- The UMMA has possession of the contents of the graves which Dr. Greenman exhumed from *Wah Wah Skin Ah Gah* in 1938.
- The UMMA recognizes some degree of ownership by the WRFN when it offered to return these remains if they would give permission to take DNA samples from the remains.

One has to accept the fact that there is a fundamental difference between archaeologists and the group they call "Indians" in relationship to burial sites to understand the UMMA argument. This difference has been masked by arguments of science -- that its quest for knowledge about the past is more valid than the hope that a loved one has a peaceful afterlife. In this analysis, it is clear that ancient burial sites are sought after data sources for UMMA researchers. That said, it is important to reiterate that this case is not about differing lifestyles, it is implicitly and inexorably about power.

In this case, understanding the meaning of repatriation requires understanding first the ability of one individual who represents an institution (UMMA) to have greater control over a situation than others involved (WRFN). This meaning is evidenced in the above text by the following assertions of power:

- The UMMA has the power to make such bargains (DNA for return of remains).
- The UMMA has the unilateral power to say when the negotiations are over, claiming in the process that failure to settle otherwise is the fault of the WRFN.
- The UMMA has the power to return these remains if they wish, despite the ethical problems that this will create for them.
- The UMMA has the power to return these remains if they wish even though they have sound evidence that they do not belong to WRFN.
- The UMMA has the power to possess the remains of Indians while Indians do not have the power to possess the remains of archaeologists.
- The UMMA has the power to conduct research on the remains of Indians while Indians do not have the power to do the same to the remains of archaeologists.
- The UMMA has the power to claim that they have sound evidence to disprove the WRFN claim on these remains without having to offer such evidence.

It is important to note that none of the above assertions of power appear overtly in the UMMA text. To do so would appear terribly blunt. The test of the validity of such assertions, however, is not that it is said directly in the text, but that they are necessary to make the claims in the text. Thus, when Dr. O'Shea says: "I must conclude, therefore, that the present negotiations are at an end," his claim cannot be made without asserting power (presumption #1 above).

This method of analysis has identified the meaning of authority from the standpoint of author. Another indicator of meaning in the use of power is defined by contradiction.

### **Contradiction of the "Un-Said"**

One of the most important aspects in the analysis of texts, when it comes to the issue of power, is to pay attention not only to what has been said, as has been done above, but

to the “un-said.” That is, what the text omits. For example, in the above text, two important items have been left un-said:

1. That Professor Greenman exhumed human remains from *Wah Wah Skin Ah Gah*.
2. That the act was illegal under Ontario Law.

Both of these items are important elements of the conflict between WRFN and the UMMA. In the first instance, there can be no question that the UMMA is aware of the exhumation. They provided the WRFN with portions of Dr. Greenman’s notes. But not mentioning this fact in their texts weakened the appearance of the WRFN’s claim. In addition, it positioned the issue of ownership in the text, beginning with the human remains in possession of the UMMA. In this context it appears as if it is up to the UMMA to decide what should be done in the matter. Furthermore, Dr. O’Shea stated that the UMMA’s own research in the form of “documentary and archaeological evidence” counters the WRFN claim. The meaning of this message is that there is a lack of cultural affiliation to the WRFN. Without all facts from the actual exhumation, the UMMA stated position of authority appears much stronger.

It is necessary to point out that the illegality of exhumation under customary law, or without a medical permit under Ontario law, may be something that UMMA was unaware of, but even in this case Michigan law at that time also did not allow the exhumation of remains without some sort of permit. Although, in the case of “Indians” in Michigan, all that was needed was the permission of the owner of the land on which the remains were buried.

It is true that ignorance of the law is no excuse, but the failure of the UMMA to recognize this law for the past sixty years can be seen as clear evidence of power usage.

The facts of this case show that the University of Michigan representatives prefer to “subscribe” to the laws of the land as opposed to obeying them.

Is conflict resolution possible when the issues are considered unequivocal?

Specifically, when scientific knowledge is deemed of greater value to the future than indigenous knowledge. The next chapter continues analyzing the University of Michigan’s formal responses to the WRFN’s requests to stop research and repatriate their ancestors remains.

## **Chapter 8**

### **THE USE AND ABUSE OF NAGPRA**

On April 22, 1997, Lee C. Bollinger, President of the University of Michigan replied to the request for the return of human remains by Chief Leona Nahwegabow of the Whitefish River First Nation. Because the letter makes reference to the Native American Graves Protection and Repatriation Act (NAGPRA), a brief review of the NAGPRA Act precedes the analysis of Dr. Bollinger's response in order to contrast how the original act was conceived and how it is currently being used.

As was pointed out in Chapter 4, because of the wholesale unauthorized exhumation of Native American graves, NAGPRA was enacted to provide a systematic, orderly way to remedy a history of abuses. As such, NAGPRA is not the only law that addresses the illegality of grave robbery (Chapter 4) but rather, because of the abuses of these laws on a massive scale, NAGPRA was enacted as a partial remedy for those abuses.

The title of the act makes it quite clear that it has been designed to protect the graves of Native Americans because these graves have been specifically targeted by archaeologists, such as Dr. Greenman of the UMMA, who plundered sacred burial grounds in the interest of science. The rationale for this scientific imperative is clearly articulated in the Society of American Archaeology text:

Research in archaeology, bioarchaeology, biological anthropology, and medicine depends upon responsible scholars having collections of human

remains available both for replicative research and research that addresses new questions or employs new analytical techniques (paragraph 2);

UMMA Director John O'Shea added:

The past does not belong to any particular group. The past belongs to everyone, because in the end, we all shall share in the past and profit by understanding in it (paragraph 2).

As the title makes clear, the NAGPRA act also provides for the removal of these human remains from museums and other repositories, and for their return. It states unequivocally that in no case should the remains of Native Americans become the property of museums or universities, without consent given by the owners. In fact, Section 5 of the act calls for museums to make an inventory of such remains.

#### **SEC. 5. INVENTORY FOR HUMAN REMAINS AND ASSOCIATED FUNERARY OBJECTS.**

(a) **IN GENERAL.**-- Each Federal agency and each museum which has possession or control over holdings or collections of Native American human remains and associated funerary objects shall compile an inventory of such items and, to the extent possible based on information possessed by such museum or Federal agency, identify the geographical and cultural affiliation of such item.

(b) **REQUIREMENTS.**-- (1) The inventories and identifications required under subsection (a) shall be -- A) completed in consultation with tribal government and Native Hawaiian organization officials and traditional religious leaders; (B) completed by not later than the date that is 5 years after the date of enactment of this Act, and (C) made available both during the time they are being conducted and afterward to a review committee established under section 8.

NAGPRA states that the purpose of making an inventory is to enable the repatriation of these remains to their rightful heirs, and makes it unequivocal that human remains belong to their descendants.

In cases where the remains of Native Americans are being held by museums, the act

calls for the prompt return of these remains and provides an explicit set of directives for their return. In no case does the act suggest that these remains are the property of the museum. In spite of this federal law and its mandates the following response was sent from the President of the University of Michigan to the Chief and Council of the WRFN.

**The President of the University of Michigan's response**

Lee C. Bollinger, President  
University of Michigan  
Fleming Administration Building  
Ann Arbor, Michigan 48109-1340

Chief Leona Nahwegahbow  
Whitefish River First Nation  
Birch Island, Ontario P0P 1A0  
Canada

The University of Michigan Board of regents and I have reviewed your letter of February 10, 1997, regarding materials and human remains excavated by Dr. Emerson Greenman from the Old Birch Island Cemetery and now cared for by the University of Michigan Museum of Anthropology.

The philosophy behind the Native American Graves Protection and Repatriation Act (NAGPRA) -- to which the University subscribes -- is one of balancing the rights of individuals to control the disposition of burial remains of individuals culturally affiliated with them versus the obligation of public institutions to serve as repositories of scientific information and to conduct research in the public interest with ancient materials or materials not otherwise affiliated with an existing cultural group.

There are two reasons why the University of Michigan cannot respond favorably to your request for the University to relinquish custody to you of the remains and materials from the Old Birch Island Cemetery. The first reason is substantive, the second is logistical and jurisdictional.

The substantive reason is that the cultural affiliation of the Old Birch Island remains is questionable. This conclusion is based on comparative cranial measurements, on historical commentary, and on the age of the cemetery.

In light of the questionable cultural affiliation there is no ethical imperative to consider transfer of the remains and materials to you. On the contrary, in the absence of established cultural affiliation, our ethical obligation is to preserve the evidence of the past for future generations.

The second reason we cannot respond favorably to your request is

logistical and jurisdictional. Since NAGPRA does not apply outside the United States, there is no established regulatory or legal framework governing discussions or potential agreements between the University of Michigan and the Whitefish River First Nation. Any discussions about transferring custody of the Old Birch Island remains and materials to Canada would have to involve governmental authorities from each country. Canadian authorities have not sought custody of the Old Birch Island remains or materials. Furthermore, it is our understanding that Canadian authorities do not recognize the Whitefish River First Nation claim to the Old Birch Island materials. For the above reasons, it is not possible for the University of Michigan to comply with your request.

cc Regents of the University of Michigan  
 Professor John O'Shea  
 Vice President for Research Frederick Neidhardt

### **Analysis of power**

#### **I. Law v. Philosophy**

President Bollinger makes the statement that the University of Michigan “subscribes” to the “philosophy behind the Native American Graves Protection Act.” Assuming that President Bollinger understands his responsibilities as the head of a public institution to abide by the laws of the land, the use of the term “subscribes” can be understood as a statement of power, that is “the University of Michigan can do what it pleases, including obeying the laws that it deems reasonable.”

#### **II. Limitations to the Act**

It would seem clear from this that the NAGPRA act to which University of Michigan President “subscribes,” is the law of the land and it would compel the University of Michigan to return the remains to the Whitefish River First Nation, but both UMMA Director and President Bollinger argue that it does not. This is because the NAGPRA law as written in their perspective applies to the remains of prehistoric native Americans. In



the NAGPRA text, however, the term “native American” refers to the Webster’s II (1986) New College Dictionary’s popular meaning of the term in which “native American” refers to an inhabitant of the western hemisphere.

**usage:** In the United States many now prefer the designation Native American instead of Indians for the first inhabitants of the Western hemisphere; although usage may vary according to tribe and region. (p. 728)

The law is written so that it does not apply in the case of cultural affiliations of people living outside the United States, even if their ancestors have been placed in U.S. institutions. While one could argue that the law was written this way because the United States had no jurisdiction in other parts of the world, and the law could only apply to the return of such remains in the United States, it would have been possible to write the law so that institutions holding such remains had an obligation to use analogous procedures to seek ways to return remains taken from Canada and elsewhere in the world for that matter. Whatever the real reason for limiting the scope of NAGPRA, the globalization of the NAGPRA law would have massive consequences for museums holding classical remains taken from Italy, Greece, Egypt and elsewhere.

One of the consequences of the law for native peoples living in Canada is that they learn that the argument is used as a justification by U.S. based institutions for not returning remains exhumed in Canada, as we saw in both the O’Shea and Bollinger letters.

**Dr. O’Shea:** “We have offered to return all of these materials even though we are under no legal requirement to do so, and despite sound documentary and archaeological evidence countering the Whitefish River First Nation’s claim to affiliation with the burials.”

**Dr. Bollinger:** “Since NAGPRA does not apply outside the United States, there is no established regulatory or legal framework governing discussions

or potential agreements between the University of Michigan and the Whitefish River First Nation.”

As can be seen so clearly in Dr. Bollinger’s statement, the UMMA claim is based on an assumption that prior to NAGPRA, no laws had been written to prevent the removal of materials from human graves. But this is not true as pointed out in chapter 4. Customary law of Native people, Europeans and virtually everywhere else throughout the world prohibit the exhumation of human remains without permission of the descendants. The written law of Ontario at the time of the *Wah Wah Skin Ah Gah* cemetery exhumations also required permission from local health authorities. Clearly other laws bear on this case and clearly (unless the UMMA has withheld evidence) Dr. Greenman acted illegally.

### **III. Right of Possession**

When it comes to the issue of possession, the text instead takes the tactic that they have reason to believe that the human remains taken from *Wah Wah Skin Ah Gah* Cemetery are not affiliated with the WRFN, even though this land is claimed by the WRFN as ancestral lands. Has this UMMA claim been made public? More importantly, the argument states essentially that because we (the university) claim them, they are not yours, they are ours. This argument bypasses the issue of how the UMMA came to possess them. Furthermore, the geopolitical limitations of NAGPRA do not mean that the UMMA has the right of possession of these remains, for definition (13) of the above cited section 2 of the Act states that:

“right of possession” means possession obtained with the voluntary consent of an individual or group that had authority of alienation. The original acquisition of a Native American unassociated funerary object, sacred object or object of cultural patrimony from an Indian tribe or Native Hawaiian organization with the voluntary consent of an individual

or group with authority to alienate such object is deemed to give right of possession of that object, unless the phrase so defined would, as applied in section 7(c), result in a Fifth Amendment taking by the United States as determined by the United States Claims Court pursuant to 28 U.S.C. 1491 in which event the "right of possession" shall be as provided under otherwise applicable property law. The original acquisition of Native American human remains and associated funerary objects which were excavated, exhumed, or otherwise obtained with full knowledge and consent of the next of kin or the official governing body of the appropriate culturally affiliated Indian tribe or Native Hawaiian organization is deemed to give right of possession to those remains.

While the text following the first sentence brings in the "native American" limitation, the first sentence unambiguously states a more widely applicable right of possession of anything, cars, land or human remains. To obtain "right of possession" you have to receive permission from the owner. There is no evidence that the University of Michigan did this when it took the remains from the *Wah Wah Skin Ah Gah* cemetery in 1938.

#### **IV. The Privilege of Science**

President Bollinger makes the claim that NAGPRA is a philosophy:

... one of balancing the rights of individuals to control the disposition of burial remains of individuals culturally with them versus the obligation of public institutions to serve as repositories of scientific information and to conduct scientific research in the public interest with ancient materials...

But the NAGPRA Act says no such thing. The text which makes that claim was written by the Society of American Archaeology which states:

The Society of American Archaeology recognizes both scientific and traditional interests in human remains.... Research depends upon responsible scholars having collections of human remains available both for replicative research and research that addresses new questions or employs new analytical techniques. (See chapter 5)

## V. The Role of Ethics

Dr. Bollinger also claims that:

... there is no ethical imperative to consider transfer of the remains and materials to you. On the contrary, in the absence of established cultural affiliation, our ethical obligation is to preserve the evidence of the past for future generations.

While ethical considerations are important, the statement suggests that there is only one area of ethical consideration, that of the responsibilities to future generations. It says nothing of the university's responsibilities to past generations. Because of this, it follows that the University is declaring that it has no ethical responsibilities with respect to the dead and consequently there is nothing wrong in its exhuming, without permission, the remains of Indians. In fact, it is an "obligation."

### Discussion

The first important expression of note in Dr. Bollinger's response is that it represents the policy of the University of Michigan, not just the UMMA, although much of the University President's text echoes Dr. O'Shea's response. For example, it contains a number of contested and mis-referenced meanings: funerary objects become materials; ancestors or human remains become "cranial measurements"; exhumation becomes excavated; stolen becomes removed; hierarchical titles designate authority (i.e., Dr. v. Mr. v. no title); Old Birch Island (*Wah Wah Skin Ah Gah*) becomes Wardrope; graves become archaeological research sites; "held without permission" becomes "cared for."

As was the case with Dr. O'Shea, the current and historic situation is described in such a way that the repatriation process is about The University of Michigan and the UMMA's rights rather than the WRFN's claim for repatriation of their ancestral remains.



This strategy makes the relationship a contest (i.e., us versus them). In structuring the relationship this way, as a conflict, it allows for the University to speak from an authoritative position (i.e., the University subscribes to federal law). Meaning is clearly interpreted as if the NAGPRA Act protects the University from the WRFN. Furthermore, the language the University President used focuses on scientific values as if that is the subject matter of the NAGPRA Act.

Dr. Bollinger reinforces Dr. O'Shea's objectification of human remains when he references the Old Birch Island human remains as valuable scientific information and ancient materials. The human remains become ancient objects for scientific analysis. Thus, the University of Michigan cannot respond in favor of the WRFN request because of professional scientific ethics.

This can also be interpreted to mean that the university had rights to return the human remains, if willing, but it has locked itself into a limited internal thought process that will not allow thinking in terms of returning Wah Wah Skin Ah Gah human remains. The closest Dr. Bollinger comes to a thought about returning the human remains and sacred items to the WRFN is the possibility of transferring custody to Canadian authorities, but only if they want them, which he claims they do not. But he does not suggest returning them to the WRFN. Within this statement he implies that the university has a legal obligation to return the remains to Canada if they want them.

As was the case with Dr. O'Shea, Dr. Bollinger's evidence for questioning cultural affiliation to the WRFN was not made available to the WRFN or anyone else as far as the WRFN knows. Why not? Did they break the Canadian grave robbery laws?

The university argument weakens further when the two responses to Chief Nahwegabow are compared and analyzed for reference sources. First of all, they make claims that the university subscribes to the NAGPRA. But their statements reveal that they do not obey federal law. Rather, they use it as needed.

**Conclusions drawn from official university responses to  
the WRFN repatriation claim**

The NAGPRA repatriation mandates require the inclusion of related tribal people who have wisdom necessary for determining cultural affiliation. But the university did not adhere to these mandates.

Specific meanings as claimed by the university representatives are not found in the NAGPRA text. The source of each argument begins and ends within the university's own texts. Dr. Bollinger and Dr. O'Shea reference each others interpretation of the NAGPRA but not the NAGPRA itself. There are similar ideas found in the SAA texts but this is not the correct source of NAGPRA language and meaning as they claim it to be.

As presented in Chapter 4 there are other relevant laws that were not cited as key reference guides. Also, the WRFN Elder Nungess (Art McGregor) pointed out that a lack of formal agreements did not prevent Dr. Greenman from removing human remains from Wah Wah Skin Ah Gah graves and taking them across international borders in the first place.

It is imperative to note that the university is presenting a new set of arguments and it is not clear in their references whether the Canadian government sees merit in their claim or whether Canadian authorities are aware of it at all. They do not say who the Canadian authorities cited are. Are they national, provincial, or other?

This is another example of reference to essential evidence that has not been made available to the WRFN. The University of Michigan has decided without WRFN knowledge that they have the right to possess Old Birch Island human remains. Reference sources remain secret.



## Chapter 9

### SUMMATION

Helen Hornbeck-Tanner (1987) provided a massive resource of pertinent illustrations on the extent of domestic and international repatriation processing that lay ahead for the Great Lakes cultural region. Her presentation was based on a theory that contended that the only way to study the problem of *Anishinaabek* history is with the aid of maps. This statement is more debatable now that the NAGPRA has begun to reveal the extent of holdings in museums. Yet, it must be considered as a very serious research needs indicator relevant to the size and scope of the problems that await repatriation researchers in the Great Lakes region.

This case differs from the bulk of ongoing repatriation processing because it involves the WRFN, an *Anishinaabek Ojibway* community that lies outside U.S. borders. However, the impact of the NAGPRA repatriation process was not contained within U.S. domestic territory, as this case and a growing body of literature demonstrates (Smythe, 1996; UNIDROIT, 1995; Green, 1994; Bieder, 1990). While WRFN is not included within the jurisdictional parameters set for repatriation in the original NAGPRA law, the basis for the NAGPRA law was a recognition that abuses by archaeologists in the unauthorized exhumation of human remains were so extensive that they could no longer be dealt with on an individual basis, but required a general legal remedy.

As was shown in chapters 2 and 5, the primary goal of the WRFN repatriation process is to promote spiritual healing in their community. This logic stems from traditional *Anishinaabek* medicine wheel teachings. It is appropriate for conflict resolution in their community. Conflict resolution with the UMMA is directly related because of the 1938 exhumation of 20 graves.

Current conflict stems from an international repatriation process and an archaeological argument over methods most appropriate for determining cultural affiliation to human remains, sacred items, and all items taken from a sacred site traditionally affiliated with the WRFN in 1938.

The WRFN defines cultural affiliation as spiritual in terms that mean ancestral relations to *Wah Wah Skin Ah Gah*. The UMMA defines cultural affiliation in terms that identify an “Old Birch Island museum collection.” The museum collection has valuable scientific data in the form of DNA. This language and meaning conflict is further complicated by the fact that international repatriation research is generally not acknowledged as an important scientific research issue, nor is international repatriation defined as a significant research ethics phenomenon by most professional U.S. archaeologists.

Great Lakes *Anishinaabek* and other indigenous scholars contend that, historically, indigenous people and cultures have been portrayed obscenely in educational texts and museum exhibits. The Native American Graves Protection and Repatriation Act (NAGPRA, P.L. 101-601, 1990) validated this charge with a mandate for equal partnership between scientific and indigenous community representatives in order to

determine cultural affiliation appropriately. But there are few indigenous anthropologists or repatriation experts.

Until 1995 most meaningful dialogue on repatriation was contained within non-native institutions involved in domestic U.S. repatriation processing. After 1995, the actual return of museum collections began in response to those institutions which were found to be in violation of the NAGPRA.

Analysis of international repatriation language and meaning began with an acronym “NAGPRA,” a previously meaningless noun phrase for those who could not translate the acronym into the full text “Native American Graves Protection and Repatriation Act” when this study began. This acronym pinpointed a basic limitation of understanding in repatriation processing in both the WRFN and within the field of Anthropology and Archaeology. As meaningful expressions were discovered the focus turned to historic conflicts stemming from archaeological expressions as the primary source of conflict in this language and meaning study. Missing information required a review of international Grave robbery and Common law of the time. As was pointed out in chapter 4, several laws appear to have been broken. Without more evidence from the UMMA archives it was not possible to conclude this as fact. Intergroup meaning analysis followed beginning with another review of Dr. Greenman’s transcribed field notes as a historic research perspective of the setting and it’s meaning to the current UMMA staff.

Nungess (Art McGregor) and other WRFN repatriation researchers and community representatives provided mixed Ojibway-English explanations of the importance of *Wah Wah Skin Ah Gah* in chapter 5, effectively establishing an oral tradition source perspective



of the exhumation in 1938. The WRFN perspective began before Dr. Greenman came into contact with *Wah Wah Skin Ah Gah* and the modern WRFN community. This knowledge further established a traditional WRFN basis for understanding pre-contact meanings about cultural affiliation to *Wah Wah Skin Ah Gah*.

At various times in the analysis William Leap's (1993) theory about "Indian english" as a primary source of ancestral language was useful for understanding how WRFN oral tradition (ancestral language) embodied a traditional history of *Wah Wah Skin Ah Gah* and its relationship to other sacred sites. This perspective further thickened the historic descriptions contained in UMMA texts and expressions. This combination of knowledge sources fulfilled a primary requirement for partnership between scientists and indigenous people as mandated in the NAGPRA repatriation process.

Conflict was easier to understand after comparing WRFN traditional cultural meanings of affiliation to *Wah Wah Skin Ah Gah* with archaeological voices, and the UMMA and the University of Michigan administrative accounts presented in chapters 6, 7 and 8. While discovery of cultural affiliation through scientific research was meaningful to UMMA and University officials who perceived the Old Birch Island collection as an ancient DNA source it was not acceptable to WRFN researchers who perceived these same human remains as their *Wah Wah Skin Ah Gah* ancestors. They were insulted by the fact that their ancestors are valued as objects (e.g., inanimate specimens and research data). On the other hand, UMMA and other University of Michigan officials did not accept the WRFN meanings and ended the repatriation process abruptly. This use of power in negotiations was found to be the primary essence of ethical research conflict

found in this study.

The UMMA practice is contradictory to modern day WRFN spirituality. By denying traditional WRFN cultural affiliation to *Wah Wah Skin Ah Gah* the UMMA is denying that the WRFN traditional way of life exists. The reverse can be said for the WRFN opinion of the UMMA perspective. The WRFN does not accept the idea that the UMMA can do a better job of teaching others about WRFN traditions and history. That is their own privilege.

This type of conflict is to be expected because contemporary native people of the U.S. and Canada are experiencing an era of government recognition. Not by their own governments, but by foreign governments. In the U.S. the practice is called Federal Recognition (chapter two). This era is represented by a foreign government identification policy and practice based on a mythical measure of blood (e.g. blood quantum) and imposed on the indigenous people by the foreign government. The meaning of identity is formulated by scientists and politicians who legislate identity. But the practice is not scientific. It is politically motivated. For example, Physical anthropologists generally agree that humans cannot be racially categorized, whether by blood type or any other measures, because the boundaries between the so-called racial groups are fuzzy, making separation into races impossible. As a result, many well-recognized physical anthropologists have discarded the concept of race entirely (Kelso and Trevathan, 1984, p.289). Furthermore, as a matter of legislated biological identity policy in U.S., Canadian, and many First Nations and Federally recognized tribal governments, millions of native people are identified by, or have learned to rely on an erroneous blood quantum

conceptualization of their aboriginal identity. The problem is exacerbated by mass media influence on the general populous.

Michael Real (1989) found that "Changes in the dominant medium of communications -- oral, print, electronic - are as important as the content of the media in determining the dominant definitions of personal and social reality in any given historic period." (p.23) The spread of a mythic "American Indian" identity has proliferated as mass media has proliferated.

Our contrived histories become "natural" and taken for granted. One culture's "common sense" becomes for its members the universal laws of nature. Ethnocentrism makes the resulting mythology invisible to members of the culture. This is where ideology and hegemony can most easily manipulate people and social forces. Mythic analysis can identify the ideological forms within which we think and act but of which we are largely unaware because they are taken to be natural." Ideology, world view, and a sense of what is real and true arise increasingly from our media experience. (p.228)

The good news is that "Super media create a complex and wide-ranging expression of culture that finds in cultural studies an ideal tool for examining and understanding it." (p. 52) Handel's (1982) Ethnomethodology of reflexive accounts and Fairclough's intertextuality method for analyzing changes in texts (chapter 7) are also relevant to developing a better understanding of this confusing set of problems.

In 1969, Vine DeLoria, Jr. delivered an indictment of historic attempts to define Indian identity describing the perpetrators of the process as practitioners of an "authoritarian rule" over indigenous people and their knowledge. DeLoria's *Custer Died for Your Sins* included a chapter titled "Anthropologists and Other

Friends.” It was a significant but negative gesture to many anthropologists and other researchers that symbolized to many indigenous people a demeaning profile of anthropologists; one that has since carried significant meaning, and is especially relevant to an interpretation of the status and role that American anthropologists play in modern research efforts in their communities. The significance of this message to modern anthropologists was debated by Dell Hymes and other anthropologists at the 1989 American Anthropological Association annual meeting (Hymes, 1992). The focus of the discussion was on the past twenty years of relations between Anthropologists and American Indians.

A similar message has impacted Government Organizations, Museum people, and other Indigenous repatriation researchers as a result of the NAGPRA. In fact, at least five new repatriation research type groups have been brought together in repatriation research processes (domestic and international) as a result, with more developing in the new UNIDROIT international repatriation network.

- University museum repatriation researchers
- Tribal archaeologists
- Curators representing museums
- Smithsonian repatriation researchers
- Tribal museum repatriation researchers

Kress’ (1989) discourse analysis provided an important model for understanding institutional expressions of value and power usage in determining cultural affiliation. Institutional identification replacement processes have been used historically to replace traditional indigenous identity. For example, Edward Said’s (1978) “Orientalism” was useful for considering historic identification



replacement processes that developed as a result of inappropriate identification of indigenous people of eastern cultures. Like Said's Orientalism process, this study found a systematic institutional identity development and replacement process in operation and one could easily substitute American "Indianism" for Said's Orientalism without changing the argument.

Certainly, message delivery about indigenous identity has changed in the past hundred years as a result of super media technologies, but more recently, challenges to inappropriate stereotypes from increasing input by indigenous knowledge holders have added to the diversity of opinions on cultural affiliation and identity (i.e., emic interpretations in indigenous language forms). But again, much of it is recent, and the effort is regarded by many as incomplete.

The NAGPRA counters historic identity replacement practices by requiring publicly funded American universities and museums to work with native community experts in domestic repatriation processes. One outgrowth of this policy is an international cadre of repatriation researchers. But these developments are confounded by a disturbing history of international research issues.

Heginbotham's report to The Social Science Research Council (1994) described the problems as follows:

In retrospect it seems clear that those who shaped emerging institutions of international scholarship in the early years of the cold war should have been more attentive to a range of issues involving the autonomy and integrity of scholars and scholarly institutions. It will be important to understand those issues as we adjust to a new environment for international scholarship. Unless we understand clearly the differences between the old and the new environments, however, we will be doomed to protect against the wrong threats

and respond to the wrong challenges and opportunities.

Brush (1993) provided a more specific set of five historic factors that have led to current problems in international research.

Five current trends connect indigenous groups, environmental change, and international trade in the debate about extending intellectual property rights. The first trend is the demise of indigenous populations and the loss of indigenous languages, changes that have eroded indigenous knowledge. Second, the loss of biological diversity--especially from . . . deforestation and agricultural intensification -- has increased the apparent value of biological resources that remain in their natural habitats. Third, biological resources are thought to have become more valuable as biotechnology has given scientists the tools to use them in new ways. As biological diversity becomes more scarce and valuable, the information about biological resources that is contained in indigenous knowledge systems should also become more valuable. Fourth, intellectual property rights have been expanded in advanced industrial countries to include biological materials and life forms, such as new plant varieties. Finally, there has been increased pressure for all nation-states to implement intellectual property protection and to conform to a common international standard. These trends raise questions about the legal status of indigenous groups and their control over culturally specific but widely useful information, and point out the need to conserve both biological resources and indigenous knowledge. Intellectual property is a means toward this goal, because it returns economic benefits to indigenous people for the use of their knowledge and resources. (p. 653)

In sum, this thesis demonstrated that there is a meaningful language and culture of international repatriation processing. Also, that indigenous knowledge is relevant because it is not an attribute of most museologists, anthropologists, and archaeologists. Individuals with this type of expert knowledge are being identified and introduced into international repatriation research studies now. The impetus is hampered by exclusionary scientific research tactics.

International repatriation processing is new to both WRFN and UMMA.

Cataloging domestic museum collections is still ongoing and many collections that are thought to be completely catalogued and returned are only becoming available to related claimants. However, it was demonstrated by the WRFN that they have shared common ground (i.e., space, territory) with UMMA and other anthropologists and archaeologists for at least sixty years. The history of research and data collections speak volumes in support of this fact. But these relationships are fraught with conflicts that continue to feed a historic distrust of American anthropology.

The NAGPRA, other civil rights laws, and theoretical and ethical revelations in the past thirty years have caused the United States federal government to redesign their own museum system, beginning with the Smithsonian and extending the practice to other museums that utilize federal funding for operations. Many are now trying to create partnerships and alliances with tribes that are slated to get museum collections back soon, in part or whole. Given this national museum system crisis it is safe to assume that the UMMA repatriation researchers are experiencing other international repatriation requests. It should be expected that there will be changes made in international repatriation research activities (i.e., international guidelines for museum accession policies, international guidelines for anthropological/ archaeological research projects, international human rights ethics, international research methodology and international law).

Conflict is maintained when groups like ACPAC allude to indigenous

research theory and methodology as myth, and when indigenous researchers renounce scientific theory as Euro-American myth and folklore. In order to alleviate conflict from repatriation processes and get back to the task of accurate identification of cultural affiliation, it is imperative to begin with a research perspective that avoids insignificant conflicts based on personal emotions about others. This can be done by beginning the analysis with full recognition of the others' methods of identification. In this case, indigenous knowledge was gleaned from ancestral language of the indigenous group occupying the territory where the collection came from originally. Even though it was not accepted by the UMMA during this study these findings demonstrate that a combination of data (WRFN and UMMA) is much more robust for analysis of cultural affiliation meanings.

Within the field of professional archaeology discussions of ethics are ongoing, but few texts found in this research mentioned international research ethics. In fact, Janet E. Levy, former Chair of the American Association of Anthropology Ethics committee noted they generally ignored living cultural study issues presented by the NAGPRA.

It is clear from this that the NAGPRA act to which University of Michigan subscribes is the law of the U.S. Does it compel the University of Michigan to return the remains to the Whitefish River First Nation? Both UMMA Director and President Bollinger argue that it does not. This is because the NAGPRA law as written, in their perspective, applies to the remains of prehistoric native Americans. However, in the NAGPRA text, the term "native American" is defined to mean the

native people living within the United States. This usage contrasts sharply with standard dictionary definitions which quite literally take the term to mean people native to the western hemisphere at the time of European contact.

Whatever the real reason for limiting the scope of NAGPRA, the globalization of the NAGPRA law would have massive consequences for museums holding classical remains taken from Italy, Greece, Egypt and elsewhere. One of the consequences of the law for native peoples living in Canada is that they learn that the argument is used as a justification by U.S. based institutions for not returning remains exhumed in Canada.

As can be seen so clearly in Dr. Lee Bollinger's statement, these claims are based on the assumption that prior to NAGPRA, no laws had been written to prevent the removal of materials from human graves. But this is not true as pointed out in chapter 4. Customary law of native people, Europeans and virtually everywhere throughout the world prohibit the exhumation of human remains without permission of the descendants. The written law of Ontario at the time of the *Wah Wah Skin Ah Gah* cemetery exhumations also required permission from local health authorities. Clearly other laws bear on this case and clearly (unless the UMMA has withheld evidence) Dr. Greenman acted illegally.

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