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**INDIAN TRIBAL RELIGIOUS AND CULTURAL CONCERNS AND THE IMPLEMENTATION OF FEDERAL ARCHEOLOGY AND HERITAGE LEGISLATION**

Dean B. Suagee

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In August 1978, Congress enacted Joint Resolution 102, also known as the American Indian Religious Freedom Act of 1978<sup>1</sup> (AIRFA) which establishes that it is:

"The policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiian, including but not limited to access to sites, use, and possession of sacred objects and the freedom to worship through ceremonials and traditional rites."

One might think it unnecessary for Congress to express such a policy, since freedom of religion is guaranteed all Americans by the first Constitutional amendment. In fact,

AIRFA refers to this Constitutional right, then goes on to state that the "lack of a clear, comprehensive, and consistent Federal policy has resulted in the abridgment of religious freedom for traditional American Indians" and that "such religious infringements result from the lack of knowledge or the insensitive and inflexible enforcement of Federal policies and regulations premised on a variety of laws."

This article discusses two acts of Congress which have particular relevance to traditional Indian religious freedoms: the Archaeological Resources Protection Act of 1979<sup>2</sup> (ARPA), and the National Historic Preservation Act of 1966, as amended<sup>3</sup> (NHPA). ARPA was enacted after AIRFA and contains several provisions which address Indian concerns, including a reference to AIRFA. NHPA was enacted prior to AIRFA and contains no specific references to Indians.

Before discussing the implementation of each act, a few general comments are offered on traditional Indian religions and the retained sovereign authority of the Indian tribes.

**Traditional Indian Religions**

Vast differences exist between the traditional religions of indigenous North American tribes, and major or "world" religions. Some of these differences are discussed in the American Indian Religious Freedom Act Report,<sup>4</sup> submitted to Congress pursuant to section 2 of AIRFA.

The Report uses the term "commemorative" to describe the major world religions. These trace their origins to specific persons or events (the Exodus, Jesus, Mohammed, Buddha), and ceremonies and rituals serve to commemorate sacred occasions (Passover, Holy Communion) The performance of

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**BEING GOOD NEIGHBORS WITH FIRST AMERICANS IN THE WESTERN REGION**

Roger E. Kelly

"This island should be a classroom for young Indian kids," said a California Chumash group representative during a visit to San Miguel Island, a part of Channel Islands National Park. On a bright fall day last year, a group of Chumash people from Santa Barbara, with Superintendent Ehorn, Western Regional Office, Denver Service Center, and Washington staff, hiked on the island to discuss preservation of the more than 500 shell midden sites recorded for the 14,000-acre land mass.

In the Western Region, many National Park Service areas are neighbors to Native American, Hawaiian, or Chamorro people who live in both urban and rural communities. How to be good neighbors on formal or legal terms as well as on informal or operational terms can be a challenge to Park Superintendents, their staff, and to

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Kule Loklo is a demonstration village at Point Reyes National Seashore. Jennifer Bates, Sierra Miwok, is shelling acorns.

the Regional Director's staff. In compliance with the American Indian Religious Freedom Act of 1978, superintendents or their representatives have sought comments from their "First American" neighbors. American Indians and Hawaiians have long been employed as craft demonstrators, not to mention other staff positions. In some parks, Southwestern Indian and Hawaiian craft items have also been available to Park visitors for many years, as encouraged by Department of the Interior policies. Perhaps this basic recognition of ethnic vitality in our neighbors has been and will continue to be enhanced by an active and reciprocal association of the Service and nearby communities of Native peoples. Continuing consultations with individuals or groups on specific concerns, in-Park "events" involving neighboring peoples, and open communications are all successful ways for the Service to be good neighbors with Native communities.

How are we doing? Western Region has the following programs:

Grand Canyon National Park includes ancestral lands of five Arizona tribes: Hopi, Southern Paiute, Navajo, Hualapai, and Havasupai. Park Anthropologist Robert Euler acts as the Superintendent's liaison to each of these groups, making periodic visits to listen to concerns and to explain Service actions and policies. Perhaps the most complex relationship is with the Havasupai, whose historic subsistence patterns have included much of the Park's south rim lands. The Grand Canyon Enlargement Act of 1975, although extinguishing tribal rights to some park lands, took the farsighted step of establishing Havasupai Use Lands (HUL) for "grazing and other traditional purposes." Euler's field work within the HUL yielded 177 sites and ethnographic data, though a management problem remains in the existence of Supai Camp, a small settlement of Havasupai employees. The Park contains sacred locations important to the Hopi and Navajo as well which require preservation and protection. Other issues are Navajo sheep grazing on park lands and Hualapai desires for river-running permits. Euler accomplishes archeological surveys and other cultural resources management actions in addition to his liaison role.

In the deserts of Organ Pipe, a preservation plan for 34 deteriorated historic gravesites of a group of Papago families was developed in cooperation with the Monument, Western Archeological Center personnel, and descendants of the group. Oral history was recorded by one of the group's descendants, and the decision

made to use modern materials to protect grave features in a way compatible with the group's mortuary beliefs.

Regional Research Archeologist Keith Anderson explained the project this way:

We have combined ethnographic, historic, and archeological data in identifying the names of those buried at the Oasis of Quitobaquito. The project is an exercise in applied anthropology to preserve the heritage of an ethnic group whose members have dispersed and whose survivors are quite old. A report will be designed as a heritage document for the Sand Papagos, preserving some of the history and cultural practices of this little-known group.

Within the "mud walls" of Casa Grande, in the fall of 1979, the last traditional Pima singer of the Salt River Indian Community near Scottsdale, Arizona, recorded songs explaining stories and myths of his people. Nearly 80 years old and blind, the singer was retained by American Visual Communications Bank, an Indian-owned educational aides firm, that produced tapes of the songs for reservation childrens' enrichment.

Recently, a cooperative project between the Service and the Yavapai-Apache Community in the Verde River Valley resulted in the construction of a cultural center facility on tribal lands which will contain displays on tribal history and culture, and on forests and parks in the central Arizona region. The facility will also serve as the administrative headquarters for Montezuma Castle and Tuzigoot National Monuments.

In California, "Kule Loklo," or "Bear Valley" is an authentic demonstration Coast Miwok Village at Point Reyes National Seashore which began as a Bicentennial celebration project. It has attracted 120,430 visitors since its start. A village of the structures and appropriate artifacts has been reproduced by involved citizens and volunteers. Technical management and advice are provided by the Miwok Archeological Preserve of Marin County representatives who participate in a Management Board for "Kule Loklo," along with Point Reyes' Chief of Interpretation and a permanent staff member who supervises the Village and its activities for the Service.

In northwestern California, the "Brush Dance," a traditional curing ceremony of the Yurok, had been customarily performed at a spot now in Redwood

National Park. The concept for a permanent "Brush Dance" ceremonial site grew out of a 1978 Native American Conference on Cultural Resources in the Park. Also established then were five on-going heritage advisory committees, composed of Yurok, Tolowa, and Chilula-Hoopa Indians, to consult with Park staff. Yurok Tribe members, with assistance from Park personnel, constructed a lined pit, bleachers, campsites, and an eating area for a highly successful "Brush Dance" which attracted hundreds of people during a four-day period in July, 1980. As work continues today on associated traditional facilities--a sweathouse, houses, dugout canoes and a boat house--the Park is investigating the possibility of designating the parcel of land for ceremonial use by the Yurok community.

For several years, representatives of the Mariposa County American Indian Council have provided vigorous input to the Yosemite General Management Plan (GMP) and related actions. Among the concerns discussed with the Council and its attorney have been a facility for ceremonies, protection of archeological sites and historic village locations, in-Park housing, employment, and continuation of the interpretive program presenting lifeways of the Sierra Miwok to visitors. Yosemite's Park Archeologist and other staff members consult almost daily on a variety of projects with Council representatives who reside within Yosemite Valley. Yosemite's relationships with the Sierra Miwok and other Native American members of the Council have been mutually challenging and so precedent setting as to require the National Park Service Director's review.

In the Santa Barbara Channel region, the Chumash cultural tradition was one of the most complex in Native California. Today, several distinct Chumash organizations in urban and rural communities have ancestral ties to the northern Channel Islands which now compose newly established Channel Islands National Park. Most of the Chumash groups were consulted frequently during the three-year planning process for the former Monument which was expanded to become the 40th National Park. One highlight of the planning meetings was a day trip to San Miguel Island with representatives of Chumash groups affiliated with the Santa Barbara Indian Center. These archeological village sites, natural resources, and the preservation of human and cultural resources were discussed in the field setting.

In other Park Service areas of California, some Superintendents have met with local Native American leaders or

groups in public meetings or one-to-one situations. For example, a leader of a Modoc community relocated by the U.S. Government to Oklahoma in the 19th century revisited the Stronghold of Captain Jack, Modoc patriot, within Lava Beds National Monument. At the end of a tour, the visitor remarked that the battleground left "a very dramatic feeling...a very touching experience to come here and witness this." Lava Beds also contains rock art and village sites of Modoc heritage.

Currently, a legal research project assigned to John Herron, of the Denver Service Center, was designed to compile information regarding the Shoshone presence in Death Valley and the background of the "Indian Village" near the Monument headquarters. Similar studies for General Management Plans and other planning actions have been completed by Herron regarding four Native American groups' utilization of Sequoia-Kings Canyon National Parks and by Denver Service Center Anthropologist Larry Van Horn on Chumash legal relationships to the Channel Islands. A successful "Pow Wow," co-sponsored by Bay Area Indian Organization and Golden Gate National Recreation Area, was held in June of 1979. California's Native Heritage Commission, a unit with the Governor's Office, is in its third year of operation as authorized liaison to State and Federal agencies, including the National Park Service (which has sought review of some actions from the Commission).

In Hawaii, whether formed in legendary times by the demigod Maui, the goddess Pele, or other supernaturals, much of the terrain within Hawaii's National Park Service areas has direct associations with legendary beliefs of the Native Hawaiians, both ka po'e-kahiko, "the people of old," and today's citizens. At Hawaii Volcanoes, it is standard practice to provide individual Hawaiians an opportunity to make offerings to Pele during eruptions. Persons identifying with the Native Hawaiian heritage frequently form civic clubs and other organizations for the preservation of lifeways and personal enrichment. These organizations are active reviewers of Service plans and proposed actions. For example, the management and operation of Puukohola Heiau National Historic Site incorporate the concerns of the local Waimea Hawaiian Civic Club, a group that urges the National Park Service to accurately interpret this site, a sacred rallying place for unification in Native Hawaiian history and to hire Hawaiians when possible. Recently, interest from some Native Hawaiians to conduct traditional rituals within the Haleakala Crater backcountry necessitated spe-



"Brush Dance" facility at mouth of Klamath River, Redwood National Park.

cific arrangements to avoid impacts on archeological resources and customary public use of rustic shelters. New areas or legislated park additions nearly always contain resources with many associations to Hawaiian legendary or cultural history. The Kalapana Extension lands, now part of Hawaii Volcanoes National Park for nearly 20 years, contain stone temple structures or heiaus, villages and other archeological evidence, rock art localities, and many other features of Hawaiian life along this south coast of the "Big Island." In 1938, legislation authorized Native Hawaiians' exclusive fishing and homestead rights, issues which are still management concerns in the Park. The 1980 proposal for Kalaupapa National Historic Preserve, Molokai, includes many aspects addressing current community life in the historic leprosy settlement and preservation of its unique historic role. Proposed additions to Pu'uhonua o Honaunau National Historic Park, formerly City of Refuge, and the ongoing archeological research by Ed Ladd, Pacific Archeologist, requires continued consultations with the Kona Hawaiian Civic Club, local residents, and the Bishop Estate.

Guam's history is a complex mixture of unique ancient immigrant culture (the Chamorro), overlays of several totally foreign nations, and changes precipitated by those governments and military operations during the past 40 years. The Chamorro language is commonly used by many Guamanians who reside in village communities, some near War in the Pacific National Historic Park (WAPA), some near the Guam National Seashore. Although

cultural resource inventory surveys of WAPA revealed many military features and objects, National Register nomination research for the Seashore area included description of Chamorro village locations. Interpretation of WAPA's story will be in Japanese, Chamorro, and English.

The American Memorial Park on Saipan entails a site sacred to the Carolinian immigrants to that predominately Chamorro island. That spot will be protected and made accessible for Carolinian ritual use. Interpretation of the Memorial Park will be in Chamorro, Carolinian, Japanese, and English.

Western Region field areas are found in five great world culture areas--the Southwestern United States, Great Basin, California, Polynesia, and Micronesia--each with living communities of Native peoples as neighbors or residents. Through formal relationships and through people-to-people relationships, we are working toward helpful partnerships where in-Park programs, resources, and management actions relate to heritage traditions of many First Americans. **CCM**

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ceremonies is of secondary importance to the expression and practice of beliefs associated with sacred truths revealed by the founder of the religion.

Tribal religions, on the other hand, are described as "continuing" religions since their essence lies in the performance of rituals and ceremonies acknowledging the dependency of human life on the natural world. What is important is the proper performance of these rituals in accordance with instructions given in the revelation of each ceremony or ritual, not the expression of a set of beliefs about sacred truths.

One of the most important differences between world religions and traditional Indian tribal religions regards the position of human beings in the natural world. Major religions place human beings apart from nature, in possession of a conscience unlike the animals. Tribal religions, on the other hand, emphasize the dependency of human life on the natural world, and on the plants and animals with whom we share it. Thus, tribal religious ceremonies are generally conducted outdoors at specific locations and utilize sacred objects made from plants and animals.

Finally, in countries in which the major world religions are dominant, the institutions of government and religion are usually kept separate. However, in traditional tribal cultures, religion is an integral part of the way of life. Recognizing this, the Indian Civil Rights Act of 1978<sup>5</sup> extended the free exercise clause of the Bill of Rights to the tribes, but not the separation of church and state clause.

Much of the infringement on traditional tribal religious practices has resulted from ignorance of the need to travel to particular sites in order to perform ceremonies and other religious activities as well as to obtain the plants and animals with which to make sacred objects. Infringement has also resulted from past Federal encouragement of Christian missionary work among the Indians. Since tribal religions are an integral part of tribal culture, the survival of Indian tribes as distinct cultural entities depends on the survival of tribal religions.

### Tribal Sovereignty

Indian tribes of course are more than cultural entities. What distinguishes them from other ethnic minorities is that Indian tribes are also governmental entities. During the colonial period, the nations of Europe entered

into treaties with the indigenous tribes. The United States continued to enter into treaties with the tribes until 1871.<sup>6</sup> The relationship between the United States and the tribes has also been shaped by numerous Congressional acts, decisions of the Supreme Court, and Executive Orders and other actions by the Executive branch. Although the doctrine of tribal sovereignty first enunciated by the Supreme Court in 1831 in Cherokee Nation v. Georgia<sup>7</sup> has undergone change, the basic principles have been upheld by a number of recent decisions.

Basically, the tribes have retained sovereign authority over their members and their territory. While tribal authority does not include the power to try non-Indians in tribal courts for criminal offenses,<sup>8</sup> sovereignty does include a broad measure of civil jurisdiction over non-members.<sup>9</sup>

The legal doctrine of tribal sovereignty may, in some circumstances, give rise to problems when traditional religious practices become an issue in a particular controversy. Although traditional tribal cultures were generally characterized by the integration of governmental and religious functions, the governing body which is presently recognized by the United States may have little affiliation with the traditional religious leadership of that tribe. This is understandable considering the history of brutal assault on tribal cultures and the pressures placed on Indians to assimilate themselves into the dominant culture. Government policies such as allotment<sup>11</sup> and termination,<sup>12</sup> although repudiated by Congress, have left deep scars in many tribal cultures. Even the Indian Reorganization Act of 1934,<sup>13</sup> which specifically affirmed the retained governmental authority of the tribes,<sup>14</sup> contributed to the disintegration of tribal cultures, although these contributions can be attributed to the manner in which it was implemented rather than the Act itself.<sup>15</sup> Fortunately, preserving a tribe's heritage usually has broad support within a tribe, even when tribal members are divided on other issues.

### Archeological Resources Protection Act

Certain provisions of ARPA make it important for the recognized governments of the Indian tribes to become actively involved in heritage preservation.

Section 4(g) exempts tribes and tribal members from the requirement to obtain a permit under ARPA for the excavation or removal of any archeological resource on tribal lands:

"except that in the absence of tribal law regulating

the excavation or removal of archeological resources on Indian lands, an individual tribal member shall be required to obtain a permit "

The same section also requires that any permits which are issued for Indian lands shall be issued only after obtaining the consent of the Indian landowner and the tribe having jurisdiction.

Thus ARPA recognizes tribal authority to protect archeological resources on Indian lands. Perhaps more importantly, ARPA recognizes that there are areas of tribal religious and cultural concern located on Federal lands. When the issuance of a permit for archeological work on public lands might result in harm to or destruction of a tribal religious or cultural site, Section 4(c) of ARPA requires the Federal land manager to provide notice to the tribe prior to issuing the permit.

Furthermore, section 10, which mandates the Secretaries of Interior, Agriculture, and Defense, and the Chairman of the Board of the Tennessee Valley Authority to issue uniform regulations, directs that they shall consider the policy established by AIRFA.

As of this writing, the proposed uniform regulations are ready for publication in the Federal Register for public comment.<sup>16</sup> Several sections have special relevance to Indians, including section 1215.12 which provides that the issuance of a permit may be appealed.

However, the bulk of tribal provisions are contained in section 1215.6 entitled "Consideration of Indian tribal religious and cultural concerns." This section provides that affected tribes receive notice when the Federal land manager receives an application for a permit which may result in harm to or destruction of a tribal religious or cultural site. The Federal land manager must notify 1) any tribe with a reservation within 200 miles of the permit area, an arbitrary figure which can be modified by agreements between tribes and Federal land managers; 2) any tribe which the Federal land manager knows or believes to have a religious or cultural site in the permit area, a provision which allows tribes to render themselves entitled to receive notice by notifying Federal land managers of the general areas in which they have religious or cultural concerns; 3) any Indian group with a petition for acknowledgment pending before the Secretary of the Interior, which the Federal land manager knows to have a religious or cultural site within the permit area, a provision which allows such Indian groups to render themselves entitled to receive notice; and

4) the Area Office of the Bureau of Indian Affairs and any other tribes which the Area Office identifies, a provision which allows a tribe an alternative means of insuring that it receives notice if the tribe would rather provide information to the BIA Area Office than to the Federal land manager.

Section 1215.6 goes on to provide that the Federal land manager shall consider the comments of any tribe or group which receives notice or which is entitled to receive notice, and which responds within 45 days. Upon request the Federal land manager shall meet with any such tribe or group to discuss its concerns, including ways to mitigate or avoid adverse impacts. If the Federal land manager decides to issue the permit, areas containing tribal religious or cultural sites may be excluded from the permit. If not, the Federal land manager shall consider ways to avoid or mitigate any adverse impacts. This may be as simple as excluding unauthorized persons from the area during religious activities. Or it may be as serious as an irreconcilable conflict between tribal religious concerns and a proposed Federal undertaking, such as a reservoir which would flood a sacred site. In the latter case, a procedure currently exists for referring the matter to the President through the Council on Environmental Quality.<sup>17</sup>

Because of the opportunities ARPA provides for tribes to influence Federal decision making, it is important for tribal governments to assume responsibility for advocacy on behalf of tribal members.

#### National Historic Preservation Act

On January 30, 1979, the Advisory Council on Historic Preservation issued regulations implementing the consultation requirements of section 106 of NHPA.<sup>18</sup> Section 800.10 of the Advisory Council's regulations require Federal agencies with water resources responsibilities to issue implementing procedures; as an alternative, section 800.11 allows agencies to issue counterpart regulations. The Bureau of Indian Affairs has decided to issue counterpart regulations, recently published in the Federal Register for comment.<sup>19</sup>

The primary reason that the BIA decided to issue counterpart regulations was to provide appropriate opportunities for the tribes to be involved in the consultation process required by section 106 of NHPA. The proposed counterpart regulations recognize that the protection of historic and cultural properties is a function of government which is within the retained sovereign authority of the tribes.<sup>20</sup>

Section 106 requires each Federal

agency to consider the effects of its undertakings on any property which is either listed on or eligible for listing on the National Register of Historic Places, and to afford the Advisory Council on Historic Preservation an opportunity to comment prior to proceeding with the undertaking. The consultation process established by the Advisory Council relies heavily on the State Historic Preservation Officers (SHPOs), state officials whose responsibilities are established by regulations issued by the Heritage Conservation and Recreation Service (HCRS).

The consultation process consists of several steps, including identification of historic and cultural properties; determination of whether any identified properties are eligible for the National Register of Historic Places; determination of whether the proposed undertaking would affect any such properties, and, if so, whether the effect would be adverse; the identification of alternatives to the proposed undertaking; and the identification of measures to mitigate any adverse impacts.

The proposed regulations encourage the tribes to designate an official to be the focal point for this consultation process, and to participate in the consultation process to the same extent as the SHPO. An issue which is not resolved by the proposed regulations is whether the establishment of a tribal heritage program substantially equivalent to that of the state should preempt any formal involvement by the SHPO in consultations regarding Federal undertakings within the tribe's reservation.

In order to assist the Bureau in carrying out the policy established in AIRFA, the proposed counterpart regulations suggest that the designated tribal official to be able to "represent the views of or provide liaison with traditional religious leaders."<sup>21</sup> In addition, the BIA will consider the impacts of proposed actions on religious and cultural sites which may not be eligible for the National Register.

#### Conclusion

The proposed regulations discussed in this paper are important steps toward involving the tribes in Federal archeology and heritage programs. But they are only first steps. There are issues which are not addressed in these proposed regulations. For example, tribes which would like to be actively involved in these areas are hindered because of the way Federal assistance is provided, such as the Historic Preservation Fund Program established by NHPA.<sup>22</sup> Tribes have

retained sovereignty within their reservations, but their ability to exercise that sovereignty and their ability to advocate their interests in matters outside their sovereignty are heavily dependent upon Federal assistance. The extent to which the Federal government provides such assistance and the manner in which such assistance is provided are appropriate subjects for the Secretary of Interior's annual report to Congress, pursuant to section 13 of ARPA. The tribes should advise the Secretary of their concerns in this area, to insure that they are addressed in the annual report. Because these unresolved issues will largely be resolved in the political arena, the tribes should be prepared to present their case. **CEM**

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#### FOOTNOTES

1. P.L. 95-341; 42 U.S.C. 1996. AIRFA was enacted in resolution form and contains 10 "whereas" clauses followed by two substantive sections. Only the two substantive sections are codified in title 42 of the U.S. Code.
2. P.L. 96-95; 16 U.S.C. 470aa et seq.
3. P.L. 89-665; 16 U.S.C. 470 et seq.
4. Federal Agencies Task Force, Chairman Cecil D. Andrus, Secretary of the Interior, American Indian Religious Freedom Act Report, P.L. 950-341, (August 1979), pp. 8-16.
5. P.L. 90-284; 25 U.S.C. 1302(1).
6. 16 Stat. 566; 25 U.S.C. 71.
7. 30 U.S. (5 Pet.) 1.
8. Oliphant v. Suquamish Indian Tribe, 435 U.S. 191(1978).
9. Washington v. Confederated Tribes of the Colville Indian Reservation \_\_\_\_\_ U.S. \_\_\_\_\_, 65 L. Ed 2d 10 (June 10, 1980).
10. Santa Clara Pueblo v. Martinez, 436 U.S. 49, 66 (1978).
11. The General Allotment Act of 1887, 24 Stat. 388; 25 U.S.C. 331-358.
12. House Concurrent Resolution 108, 83rd Congress, First Session. See Getches, Rosenfelt, and Wilkinton, Federal Indian Law (1978), pp. 86-106.
13. 48 Stat. 984; 25 U.S.C. 461-479.
14. 25 U.S.C. 476. This section contains the clause "In addition to all powers vested in any Indian tribe or tribal council by existing law," which was the subject of a lengthy opinion by the Solicitor for the Department of Interior entitled "Powers of Indian Tribes," 55 I.D. 14 (1934).
15. See Berkey, "Implementation of the Indian Reorganization Act," American Indian Journal, Vol. 2, No. 8, (August 1976). See also Vol. 2, No. 7 of American Indian Journal (July 1976) for three articles on the enactment of the Indian Reorganization Act.

## THE NATIONAL PARK SERVICE AND THE NAVAJO NATION

David Brugge



*Indian visitors at Inscription House.*

The Navajo Nation is the largest Indian tribe north of Mexico. Navajo country includes not only the main Navajo Reservation, but a few small outlying reservations and a large expanse of land where Navajos reside on Indian allotments, privately purchased land, and leased land. Within this region are some of the most scenic areas of the Southwest and many ruins of prehistoric pueblos.

It was probably inevitable that some of the ruins within Navajo country would be set aside as national monuments at an early date. The first national monuments in the region were established without consultation with the Navajos. El Morro National Monument was created in an area of mixed settlement where Navajos had been holding land through sheer determination. Chaco Canyon National Monument was created in 1907 partially from public domain and partially from railroad grant lands. In 1909, Navajo National Monument was proclaimed on the basis of reports that the area was "uninhabited." Even as late as 1924, there was apparently little concern for Navajo interests in the establishment of Wupatki National Monument.

It was in 1924 that the Park Service undertook serious consideration of Canyon de Chelly as another national monument. The land was a part of the original Navajo Treaty Reservation and legal requirements were strict in this case. Agreement by the Navajo Tribal Council was necessary and was obtained only under conditions that preserved for the Navajos all use rights within the Monument. Planning for the Park and negotiations with the Tribe dragged on into 1930. After a meeting with the Tribal Council in that year, the Park Service also dealt with the local Navajo community. Authorization of the national monument, which gave the Service authority over ruins and tourists only, passed Congress in 1931. Although agreements and legislation preserved Indian rights as the Navajos viewed them at that time, a great deal remained to be worked out in actual practice. This was especially true as new and unanticipated issues arose.

The Park Service's view of Navajo benefits was initially limited to their increased opportunities to serve as guides, to rent horses and to sell more of their arts and crafts. The Navajos were generally more in-

terested in preserving their more traditional rights to grazing, farm land, and firewood.

In a number of the areas, it soon developed that one of the major tangible benefits of a park was employment by the National Park Service. Navajos had begun working in excavations in the ruins of Chaco Canyon and Canyon de Chelly even before those monuments were created, and were, of course, the natural candidates for employment in further excavations as well as in stabilization. During the 1930's, Gordon Vivian developed a corps of skilled Navajo stabilization workers at Chaco Canyon that for many years handled almost all ruins stabilization work for the Service in Navajo country and occasionally on sites elsewhere. Employment in maintenance work came almost as quickly.

Navajo advancement to other positions depended on increasing education among tribal members. The first uniformed Navajo employee was apparently Seth Thomas Bigman who served as seasonal ranger at Navajo National Monument in 1948. Probably the first Navajo to hold a permanent full-time maintenance position was David Gorman,



Navajo Ranger Wilson Davis, Canyon de Chelly.

hired at Canyon de Chelly in 1949. His job placed him in charge of crews working on a diversity of projects and even led to his being Acting Superintendent for a brief period in the winter of 1955-56, during which he conducted a highly successful, if short-lived, interpretive program on Navajo life. In recent years, the number of Navajos in permanent and seasonal ranger positions has increased greatly, and one, Clarence Gorman, has served as Superintendent in three different areas, being currently in charge of Aztec Ruins National Monument.

A more recent realization has been that Navajos are also visitors to the parks. Most early Navajo visitors came as school children participating in class activities, but adult Navajo tourists were noted in monthly reports as early as 1933 at Chaco Canyon. The hiring of Navajo seasonals has made bilingual interpretation possible and doubtlessly has helped to encourage Navajo visitation. Often, Navajos have somewhat different interests than other visitors, but our interpretive programs do help expand their interests in other areas.

The Navajo Lands Group office in Farmington, N.M., has as one of its chief functions the coordination of NPS dealings on the tribal level. A few parks that neighbor Navajo country, Grand Canyon, Petrified Forest and Lake Powell, are outside the group, but the office has still been an important force for better relations.

The Southwest Regional Office also administers an assistance program for the Bureau of Indian Affairs overseeing cultural resources management. As a result of the mining activity in Navajo country, this is a major undertaking. The largest single project is doing clearances

for the Navajo Indian Irrigation Project which has involved not only several contracts for archeological work, but in-depth ethnohistorical research. Increasing attention to the modern Navajo occupation of project areas and to the integration of history and oral tradition with archeology is producing not only better anthropological results, but is also assembling much valuable data on Navajo history.

Although our Indian Assistance program had to be terminated due to lack of funding, the Regional Division of Cooperative Services is still able to aid tribes with projects for which tribal funding is available. Although the per capita income of the Navajos is low, the Tribe does have resources, and is currently planning for a campground at Tse Bonito. Past projects done by the Regional Office have included campground planning, planning for Monument Valley and for a Tribal museum.

Not all dealings with the Tribe have been smooth. There have been unfortunate events, such as the arrest of Navajos for collecting medicine plants at Grand Canyon. The Tribe made Monument Valley a Tribal park in order to prevent its leaving Navajo control and organized its own Parks and Recreation Department. Cooperation between the two park agencies has sprung from this inauspicious beginning, however, particularly in training.

Problems do remain to be worked out between the Tribe and NPS in areas such as concessions, religious use, and other matters, but if a good working relationship can be maintained with mutual recognition of interests and appreciation of the services each has to offer, most can be resolved in time. **CEM**

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## THE NATIONAL PARK SERVICE AND CULTURAL ANTHROPOLOGY

Larry Van Horn

Like the disciplines of archeology and history, long used by the National Park Service, cultural anthropology has a contribution to make to planning, interpretation, and management. Cultural anthropology studies the behavior patterns and beliefs of living peoples.

The cultural anthropologist learns about the customs and culture of a people through interviewing and participant observation, i.e., through ethnographic fieldwork. A people's cultural history is studied by asking informants about remembered events and folk legends (oral history) and by researching historical documents for cultural data (ethnohistory). Ethnographic fieldwork for the Park Service includes the concerns of groups who have rights and interests in traditional subsistence or ritual uses of park lands.

A role often performed by the cultural anthropologist is that of culture broker in that the anthropologist must explain the culture of a people to the National Park Service and vice versa. This function can be especially important when cooperative decisions have to be made.

The following parks have used cultural anthropological services available at the Denver Service Center:

- Big Cypress National Preserve (Miccosukee Seminole people)
- Big Horn Canyon National Recreation Area (Crow people)
- Channel Islands National Park (Chumash people)
- Death Valley National Monument (Shoshone people)
- Jean Lafitte National Historical Park (Cajun people & others)
- Lake Meade National Recreational Area (Hualapai people & others)
- Santa Monica Mountains National Recreation Area (various ethnic groups of Los Angeles)
- Sequoia and Kings Canyon National Parks (Tubatulabal people & others)
- Voyageurs National Park (Euro-American commercial fishermen)

The potential for cultural anthropology in the National Park Service includes visitor use studies that employ the skills of ethnographic fieldwork. Also, the cultural anthropologist can contribute by monitoring the impact of interpretive programs on the possible cultural change of groups participating in park programs. **CEM**

Larry Van Horn is a cultural anthropologist at the National Park Service's Denver Service Center.

# THE KAIBAB-PAIUTE AND THE NATIONAL PARK SERVICE

William E. Fields



Can a small Indian tribe, isolated along the southern border of Utah on the Arizona strip, successfully cooperate with a Federal agency? And if so, can this cooperation produce mutually successful results? Both the Kaibab-Paiute Tribe of northern Arizona and the Southwest Regional Office of the National Park Service located in Santa Fe, New Mexico can answer a resounding yes!

Most people know who the National Park Service is, but very few have ever heard of the Kaibab-Paiute Indian Tribe. The Kaibab-Paiutes are one of a number of wide-ranging semi-sedentary Southern Paiute bands that controlled the Arizona strip from as early as A.D. 1150 until the mid-1800's. Their aboriginal territory incorporated much of the Colorado River in northern Arizona and southern Utah. This was a topographically diverse land with elevations ranging from 2,300 feet along the banks of the Colorado River to over 9,000 feet at the top of the Kaibab Plateau.

Before the white man came, the Kiababs, as they are affectionately known, numbered in excess of 5,500. Today, this Tribe numbers only 225. Like most Indian tribes they have been shoved from pillar to post, with much of their natural resources and land taken from them, especially in the last 100 years. Prior to the Civil War, it is estimated that 2,000 plus members of their band ranged over northern Arizona and all of southern Utah. The Mormon intrusion in the 1860's had a great impact on the Tribe, and for the next fifty years, the Mormons dominated, especially in the communities of Moccasin, Kanab,

Fredonia and Pipe Springs, where they controlled the water resources. But in 1907, the Mormon Church prevailed on the local residents to return some of the water to the Kaibab-Paiutes, and very slowly, the Kaibabs started establishing themselves as a settled group of people.

Their present location at Pipe Spring was once an old Mormon fort built around three small springs in the northern section of the Arizona Badlands. That fort is now a National Monument consisting of 40 acres and managed by the National Park Service. The past 10 years has seen a remarkable surge of opportunities for the Tribe in this area. The Indian Assistance Division of the Southwest Regional Office has cooperated with them on several projects which have given them a renewed competition with the outside world. This also has helped produce an ethnic revival.

Historically, the Kaibab-Paiutes have retained rights to 1/3 of the Pipe Springs water flow. But up until 1969, the Park Service drew heavily on this water supply for domestic and visitor use. Had the Indians drawn on their historic water rights, they would have threatened some of the Fort functions. Therefore, the Park Service began searching for another source of water from which to construct a water system for domestic use purposes. As a result of negotiations with the Tribe, the Park Service drilled a water well on Kaibab-Paiute land and piped the water to Pipe Springs, allowing the Indians to tap the pipeline in several places to make up for their loss of water at the Pipe Springs site.

A cooperative agreement was written to define water rights use for both parties, and since then both parties have gotten along amicably. Today, the springs run full and perennially.

Another "bone of contention" between the Tribe and the Park was the intrusion of a small, modern visitor center and employee housing units inside the 40-acre Pipe Springs National Monument. Then in 1972, the Kaibab-Paiute decided to build a landscape-compatible structure to be used as offices, curio shop and cafe. Again a cooperative agreement was worked out. National Park Service engineers and architects from the Indian Assistance Division designed the visitor center and concessioner complex, and assisted in supervision of the construction. The Kaibab-Paiute Tribe furnished the labor, money and materials, and built this complex right at the entrance of Pipe Springs National Monument. After completion of the visitor center complex, the Park Service leased approximately half of the building from the Tribe to serve as their own visitor center. Many say it is the most beautiful and compatible of all Park Service visitor centers.

The same Division of the NPS then mapped a number of archeological sites on the reservation for future reference and designed two subdivisions for Indian housing. The return on this investment will come in a few years when the Park Service plans to move their employee housing away from Pipe Springs and into a housing area leased from the Tribe. When that time comes, Pipe Springs will again have the appearance of an 1880 Mormon Fort.

The Park Service is no longer involved in planning with the Kaibab-Paiute Indians except at a local level. But the memories of full cooperation has forged a lasting friendship between one agency of the Federal government and a small Indian tribe. The last act of assistance given by this Park Service group was the establishment of guidelines for a resource-base-inventory which will help the Tribe better plan for reservation-wide land and resource use. **CEW**

William E. Fields works in the Southwest Regional office.

## GRAN QUIVIRA: A CULTURAL HERITAGE SITE

Tom Carroll

In 1979, Gran Quivira National Monument hosted its first cultural heritage festival. The program was dedicated to the Indian and Hispanic peoples of Las Humanas (Gran Quivira) and to the continuing cultural heritages of these groups. Since the 1670's the historic pueblo has been largely isolated from the people who once lived and traded at the site. In many ways, this isolation has continued into the 1980's despite the fact that a National Monument was established in 1909 and that about 15% of the Pueblo has been excavated and stabilized. Nevertheless, since the cultural heritage festival, it appears that, once again, the Pueblo de las Humanas has become a part of the lives of the Indian and Hispanic peoples. The first festival in 1979 marked a significant forging of cultural links between the past and the present, and between the rich diversity of cultures thriving today in New Mexico.

As in any evolving relationship, the 1980 festival reaffirmed the bonds between community and Park Service, first established in the 1979 festivities. In essence the event accented the role of the Park in its continuing relationship with the cultural traditions of New Mexico. As stewards of the land, the Park staff welcomed and encouraged the appropriate use of the Pueblo as a cultural heritage site. By establishing and maintaining close personal relationships with all performing groups and through involving broad spectrum participatory management, the National Park Service role enhanced rather than intruded upon the cultural "happening." Our primary concern for preserving the cultural resources was viewed with understanding, as a sign of our respect for the cultural traditions involved. It was understood by both performers and visitors who in turn showed their awareness of the cultural values present.

The Gran Quivira Festival was specifically chosen as a major interpretive program due to a variety of factors. From our point of view, the festival tradition emphasized performer, public and resource interaction, so as to favor a multi-layered experience appropriate to the diversity of the anticipated visiting public. Through adapting this program to shared cultural traditions we have been able to make everyone "feel at home" within the Pueblo.

Participating in the 1980 program were the Many Tribes Indian Dancers from Isleta, the Towan Indian Dance Club



(Top Left) Butterfly Dance, Towan Indian Dance Club from Jemez. Mound 7 in background.



(Top Right) Paguate Deer Dancers, San Isidro Church.

(Bottom) Buffalo Dance, Many Tribes Indian Dancers from Isleta.

from Jemez, the Paguate Deer Dancers, the San Juan Pueblo Dancers, the Mes-calero Apache Dancers of the Mountain Gods, the Ballet Folklorico de Albuquerque, the Mariachi Tenampa, Ray Garcia's Band, the St. Alice Choir, craft demonstrators, volunteers from the Mountainair High School Band, a 16th-century Spanish conquistador, the Mountainair Volunteer Fire Department and Fathers Robert Martinez and Robert Auman who led the Mass that ended the day's activities. Contacts were made with possible direct descendants from the Pueblo and it is likely that they will be participating in 1981. A secondary performance area

on the edge of the Pueblo in an old parking lot was developed to relieve pressure on the cultural resources and to accommodate elderly and handicapped visitors unable to walk into the plazas of the Pueblo.

It was a beautiful event made possible by full staff support and a broad range of positive input from the surrounding communities. Gran Quivira is looking forward to next year's festival and to the close friendships that will develop. 

Tom Carroll is the Acting Superintendent for Gran Quivira National Monument.

## ZUNI COMPREHENSIVE PLAN AND AFTER

Douglas H. Scovill

In the preface to the 1969 Zuni Comprehensive Plan, Governor Robert E. Lewis expressed the Zunis' delicate balance between the acquisition of modern conveniences and their own distinctive, traditional lifeways:

"We live in accord with Zuni Pueblo concepts, and in the past, have asked or expected little of those not of our Pueblo. Now we want to achieve a level of living such as other Americans enjoy. We have a long way to go in a short period of time. Zunis want to retain their identity--not the moccasin and feather image--but the cultural and historical identification any man uses to reflect pride of his forefathers and of their accomplishments and contributions to society."

A direct, straight-forward, almost matter-of-fact spirit of compromise infuses these words, but now, almost 11 years after the Zuni Comprehensive Plan, much has been done, and much is still left to do. Perhaps most remarkable is how much, over these past 11 years, the Zunis have retained of their own cultural heritage and how much they have added on in the way of conveniences from mainstream American life. At Zuni, modern housing is silhouetted against the same landscape as older adobe structures. There is also a continually upgraded network of roads and an ever-improving educational system. Unfortunately, on the negative side, the Zunis have also experienced some unwelcome exposure. Vandals, frequently the commercial pothunter rather than the casual tourist, have rummaged through ancient Zuni archeological remains, seeking the profitable artifact while carelessly scattering bones of Zuni ancestors and profaning sacred sites.

On lands the Zuni now occupy, land just south of Gallup in west central New Mexico, their history and prehistory is clearly discernible. It is discernible in the outlying summer farming communities and in the mounds of ruined villages which represent a thousand years of Zuni heritage and occupation. The Zuni are a ceremonious people who place high value on human dignity and the retention of their historical lifeways. Their religious observances and the social structure of their community remains, in texture, much the same as it was when they first occupied the land. They are farmers, raisers of cattle and sheep, wage-earners through tribal and non-tribal enterprises and



(Top) Ojo Caliente, a Zuni farming village near Hawikuh and Kechibowa.

(Bottom) Governor Lewis dedicates the new tribal offices at a 1970 ceremony when the Tribe took over its own affairs.



through cottage industries such as lapidary work, silversmithing, and pottery making.

A self-governing people with a population of about 7,000, they operate under their own constitution and elect by secret ballot a council which includes a governor and lieutenant governor who serve for four-year terms. They pass their own laws, enforce them in their own courts, and administer their own affairs. As the formal political body of the Pueblo, the governor and the council represent the people in their dealings with Federal, state, and local governments. But to initiate and carry out any program, the council is still responsible to the wishes of the Zuni people and does not act independently of them. Governor Lewis' remark that the Zunis wished to retain their culture while enjoying life at a level equivalent to other Americans was not a casual observation. It was a well-considered issue much discussed and strongly supported by the Zuni population as a whole.

Once the Zunis agreed on the direction of their efforts, the foundations were laid for the Zuni Comprehensive Plan. In 1969, the tribal council, with technical assistance coordinated through the Bureau of Indian Affairs,

described, defined, and analyzed the social, economic, and development issues facing their people. Broadly stated program goals were set forth in the Zuni Comprehensive Plan, and specific projects were proposed that would lead to the achievement of these goals. Health services, education, flood control, housing, range development, care for the elderly, capital improvement in public facilities (streets, sewers, water supply), and jobs for Zunis through the development of commercial and industrial potentials were among the issues debated and the program policy established. Encouraging the growth of job opportunities for Zunis in the face of high unemployment on the reservation and the Zuni wish to retain their millennium-old traditions and rich ceremonial life became an especially challenging dilemma for the tribal council.

Unquestionably aware of potential threats to their traditions by the technologically dominant American culture, they identified Zuni Heritage as a policy consideration in the Comprehensive Plan. The key elements of the heritage program which developed out of this concern hinged around three projects: 1) restoration of the historic Pueblo, which is a National Historic Landmark; 2) establishment of



a Zuni Museum; and 3) creation of the Zuni Cibola Historical Park, a selection of archeological ruins dating from the tenth century to Spanish occupation in the seventeenth century, and representing Zuni history and pre-history. A fourth element of the Zuni Heritage program was established when the tribal Cultural Resources Management program was initiated in the early 1970's in response to Federal environmental and historic preservation laws and policies. (Refer to article by T. J. Ferguson, next issue.)

Two motivational threads run through the Zuni Heritage Program. The strongest of these threads, the one that the Zunis find of primary value to them as a people, is to develop and strengthen their institutional capability to preserve and transmit to successive generations of children the traditions, folklore, cultural values, and beliefs of the Zuni people.

This capability is reinforced by some very pragmatic objectives: 1) develop a system for controlling and channeling outsiders, such as the tourists who visit Zuni lands; 2) develop an economically viable tourist program providing on-reservation jobs for Zunis through service industries associated with tourism; and 3) develop tribal ability to enforce both Tribal and Federal antiquities laws to drive the looters and vandals from reservation lands. The tourist market will be structured through the profits from a tribally run museum, including exhibits and crafts sales; by the restoration of the old Pueblo, the surviving final City of Cibola; by Zuni-led guided tours to insure the privacy of village residents; and by the establishment of the Zuni Cibola Historical Park, consisting of Hawikuh, Kechibowa, and the Village of the Great Kivas, which are major archeological ruins and registered National Historical Landmarks.

The question in 1980, 11 years after the first Zuni Comprehensive Plan was adopted, is how much has been accomplished in the Heritage program? Let us look at some encouraging results.

The historic Pueblo of Zuni, still occupied, rests on the collapsed houses and accumulated debris of the 17th through 19th century village of



(Left) Beehive ovens, a Spanish introduction associated with wheat bread.

(Right) Towayallani, the Sacred Mountain of the Zuni. One of the "Seven Cities of Cibola" is at its base in the foreground.

Hanola. The houses, many of them adobe, are structurally unstable, due to the settling of archeological debris on which they rest. Leaks from cracked and broken sewer lines further contribute to the subsidence of the underlying cultural deposits.

The Pueblo is not only a place of residence but also a site of great ceremonial and sacred significance to all of the Tribe; ceremonial dance plazas and many sacred places are located within the historic village. Kivas and Zuni ceremonial structures as well as residences would be lost without stabilization. The rehabilitation seeks to restore the multi-level native architectural character of the 19th century Zuni Pueblo while structurally stabilizing the buildings and providing modern sewerage, water supply, and electrical systems. The use of native materials such as coursed red sandstone blocks and adobe bricks, made of local red clay tempered with the ash-rich soils of the village, would be used to retain the texture and form typical of Old Zuni.

Some progress has already been made. In the late 1960's, the restoration committee of the St. Anthony Mission of the Roman Catholic Church provided funds for the restoration of the mission church, Nuestra Senora de Guadalupe de Zuni. Completed in 1969, the church is used by those Zunis who embrace both the Catholic faith and their native religion. While other buildings in the pueblo have been restored, this project has a high priority for the

tribal government. The tribe is working closely with Federal agencies to implement this project during the next few years.

Secondly, efforts toward a Zuni museum have been ongoing for the last 20 years. More recently, in 1979, Governor Lewis established a Museum Study Committee, and with a grant from the National Endowment for the Arts, engaged Mimbres and Associates of Santa Fe, New Mexico to serve as consultants to the Tribal Council, to assist them in the development of a museum prospectus reflecting Zuni goals, needs and lifestyle. The consultant's report developed in close association with the Study Committee and the Tribal Council, was submitted in July, 1980. It notes that:

"Zuni adults are keenly aware of the importance of education to their society--education which they feel should transmit and nurture continuity with the past as well as prepare and strengthen opportunity in the future."

The report concludes that a museum could effectively help achieve the following Zuni identified goals: 1) contribute to the preservation and transmission of the Zuni heritage to current and future generations of Zuni youth by complimenting traditional family and ceremony-centered activities; 2) provide the institu-

tional means for the acquisition, return, and preservation of Zuni material culture; 3) establish a focal point and a facility to orient and direct the activities of the non-Zuni visitor; and, 4) coordinate the various Zuni Heritage program activities.

The consultant's study envisions a museum operating under a Board of Trustees independent of the Tribal Council. The Pueblo would be expected to donate

the land for the facility; and the capital costs associated with the design and construction of facilities would have to come from Federal, foundation, or corporate grants. Operational funding would come from a variety of sources such as endowments, grants, lease and rental fees of tourist-related facilities or activities, gift shop, Federal grants or assistance funds, research contracts related to cultural resources management projects and similar sources.

In the fall of 1980, in accordance with the amended provisions of

Section 8 of the General Authorities Act of 1976, the Secretary of the Interior transmitted a National Park Service alternatives study for the Zuni-Cibola National Historical Park to Congress. This study traces the planning history of the park proposal from its inception in the 1969 Zuni Comprehensive Plan through its various considerations by the Department of the Interior during the 1970's. It further notes that the national significance of the sites proposed for inclusion in the park have unquestionably been established. In fact, all three areas are registered

## CULTURAL RESOURCES MANAGEMENT AT NEZ PERCE NATIONAL HISTORIC PARK: A LIVING PROCESS

Kenneth L. Adkisson

Cultural Resources Management at Nez Perce National Historical Park must be broadly defined so that it includes a concern for the existing culture of the Nez Perce People, as well as historic structures, archeological resources and other products of past human behavior. The Park's geographic location and operational requirements, as well as appropriate legislative and planning mandates and constraints, demand such a view.

The Park is located in northern Idaho and consists of 24 separate and diverse sites spread over approximately 12,00 square miles. Only four of the sites are owned and managed by the National Park Service. The remaining sites are managed by various Federal, state, tribal, and private parties according to cooperative agreements with the National Park Service. The resources include geologic formations of mythological significance to the Nez Perce People, historic buildings, archeological resources, and sites of historic significance. All of the sites are linked thematically through the story of the Nez Perce and their culture as it has evolved through time and how it continues to still do so. What is interpreted at the Park is the story of the Nez Perce People and how their culture has adapted to its environment and how it has influenced or been influenced by various elements in that environment including the westward expansion of Anglo-Americans across the area. The majority of the sites, while not located on Indian owned land, lie within the boundaries of the Nez Perce Reservation as defined in the treaties of 1855 and 1863.

The cultural resources management program at the Park may be viewed as



*Nez Perce dancers begin at an early age.*

possessing two dimensions. The first dimension consists of managing those tangible cultural remains that are the products of human behavior. Included would be historic buildings and furnishings, archeological sites and specimens, ethnographic collections of Nez Perce material culture, photographs, documents and contemporary art and craft work. Managing those cultural resources might be much the same in any unit of the Park system or with any entity involved in cultural resources management. There is a body of law, rules, regulations, and policies that govern an agency's actions, and there is a body of preservation technology that may be applied to specific problems.

The second dimension involves the Park's ongoing relationship with a

living cultural system represented by the Nez Perce People. It is in this dimension that the cultural resources management program at Nez Perce National Historical Park differs from many others in the National Park System. For we are now talking about ongoing relationships with the living bearers of a culture system that is quite likely very different from the system represented by park management. While this situation offers exciting and stimulating possibilities, it also comes equipped with sources of ready-made conflict over differing values, attitudes, goals, and objectives.

What is more, this second dimension cannot be ignored, since the Park cannot effectively and professionally fulfill its mission without the good will and support of the Nez Perce People. In ef-

as National Historic Landmarks-- Hawikku, where the 16th-century Zuni first encountered Europeans like Vasques Coronado; Kechibowa, a late prehistoric/early history period "City of Cibola"; and the Village of the Great Kivas, representing Zuni 11th- and 12th-century prehistory. The report identifies four alternative management strategies and assesses their effectiveness in managing and preserving the sites and providing public services for their appreciation and enjoyment. The four alternatives are: 1) continue traditional reservation management of the sites;

2) establish a Zuni Tribal park; 3) establish a Zuni Cibola National Historic Site as an affiliated area of the National Park System but managed by the Zuni Tribe; and 4) establish a Zuni Cibola National Historical Park as a unit of the National Park System, administered by the National Park Service. The study has also been sent to the Zuni Tribal Council for its evaluation and response.

The Zunis have worked hard for more than 15 years to establish a distinctly Zuni heritage program. Some progress has been made, such as the

Tribal Cultural Resources Management Program, and the restoration of the mission church. The results reflect well-considered objectives tailored by the Zuni themselves to meet Zuni needs. Over the next few years, it will be up to those who feel that the Zuni Heritage Program is not only in Zuni interests but in the broad public interest, to develop, through private and public sources, the resources and the commitment to carry out the program.

CIA

Douglas Scovill is the Chief Anthropologist of the National Park Service, Washington, DC.

fect, without the second dimension, many of the activities related to the first dimension are bound to be incomplete, less effective, or fail altogether.

Some of these activities would include the identification and interpretation of archeological sites and specimens; access to tribal material culture for interpretive displays and research, and fulfilling our responsibilities under the American Indian Religious Freedom Act of 1978 and the Archeological Resources Protection Act of 1979.

In dealing with the second dimension, Nez Perce National Historical Park finds itself in a somewhat unique position. Because of its physical nearness to tribal activities, the public nature of its programs, and the fact that many Nez Perce Park facilities, the Park finds itself under a good deal of scrutiny. In fact, the impressions that the Park creates with the Nez Perce may be extended to other agencies. And, for the same reasons, the Park may become the target of displaced feelings stemming from the activities of others.

At the same time, the Park, acting through the second dimension, affords both benefits and hazards to the Nez Perce. On the positive side are technical assistance regarding preservation of cultural resources, actual cooperative activities aimed toward preservation and management, and a unique opportunity to bridge cultural differences aimed toward creating better understanding between peoples.

The risks on the negative side could include: 1) inaccurate representation of the Nez Perce People and their story through incomplete or erroneous interpretation, and 2) destruction of sites and resources important to the Nez Perce People through construction on Park lands without maximum regard for those resources. It is also possible that Park programs may influence tribal individuals indirectly through the tribal political process. For



Craft demonstration in the Park.

example, it would be foolish for a tribal politician to support a Park program that had widespread unpopularity among tribal members. The Park's programs reflect not only history, but also a living peoples' image of themselves and their society and how that image is projected to others. It deals then with identity, and that is too strong a medicine to dispense foolishly.

There are also some positive signs at Nez Perce NHP that indicate success in both dimensions. The first encompasses the area of cooperative activities with the Tribe. Although there was some tribal support for the creation of the Park during the 1960's, support and cooperation seem to have been sporadic over the last fifteen years. Recently efforts have been made to involve the Tribe in planning the exhibits going in the new visitor center and the Park's interpretive materials such as a film and handbook. The Staff Museum Curator worked out a tribal agreement providing for the loan of several important cultural items needed for the visitor center exhibits.

Another area of success involves the Nez Perce cultural demonstration pro-

grams at the Park. One aspect of this involves the direct Park hiring of Nez Perce artisans and craftspersons to demonstrate the making of traditional craft objects. The demonstrators are also available to provide visitors with additional information and insights into Nez Perce culture. A summer program of Nez Perce singing, drumming and dancing demonstrates elements both of tradition and of cultural change. Here again, the Park deals directly with individual tribal members. The programs themselves become cultural happenings or events rather than literal recreations of past events.

While the programs are popular with Park visitors, and both the programs and cooperative activities mark a moderate level of success, they represent only the beginning of what could become a deeper, more meaningful and productive relationship between the Park and the Tribe.

On the other hand, there are areas for concern where the Park is not doing so well in both dimensions. These can be detected through signs of certain lack of interest, lack of support, lack of understanding, misunderstanding, and even anger and hostility among some tribal members. As long as those factors exist, the Park is bound to be less effective than it could be in carrying out its mission.

As a recent example, I offer the case of the Nez Perce burials. During the construction of a roadway on Park land,

See LIVING PROCESS, page 14

earth-moving equipment uncovered and badly disturbed several Nez Perce burials. The Park Service did everything it could to mitigate this unfortunate event, including conducting more extensive archeological testing and carefully collecting skeletal and artifactual material. Nevertheless, this incident has left bad feelings.

While there are several causes underlying the accident, the fact remains that better attention to ethnographic information, more information from living tribal members, and/or more thorough archeological testing of the area might have prevented the incident. Such incidents, rather than stimulate cooperation, only provoke anger and encourage the withholding of information.

In order to be truly effective, a cultural resources management program at Nez Perce National Historical Park must consider both dimensions, and be as much concerned for the dynamics of a living culture as it is for the products of that culture's past. **CRA**

Kenneth Adkisson is a Park Ranger at Nez Perce National Historical Park.

## Letters to the Editor

### Native American Issue

This letter is in regard to the Federal Government's policy direction regarding graves and human skeletal materials located on public and Indian lands relative to authorized scholarly studies.

The study of human skeletal remains contributes much to our understanding of preexisting populations. Information can be derived from skeletal remains regarding interpopulation relationships, tribal origins, health, nutrition and environmental adaptation. Much of my own work concerns the demographic parameters of prehistoric groups as determined from human skeletal material. The information I have been able to obtain about the demographic structure of an earlier population, its mortality rates, fertility and sex ratio, indicated how well that population was adapted to its cultural and physical environment. Knowledge of these factors helps explain why a particular population existed as it did, why it grew in size or declined towards extinction, even why certain cultural practices may have developed and continued. The study of human skeletal remains allows us to examine the developmental trends in human life spans and mortality. A more complete understanding of the past gained from such studies are essential to understanding the underlying causes of modern population change and population trends.

The information which can be gained is not only important in historical viewpoint but is often relevant to modern populations including American Indians. For example, skeletal samples can be used to trace population movements and to trace population origins. Several articles published in physical anthropology and archaeology journals concern this topic. This information is important to Indians as far as tracing their background and could even be useful in establishing direct ties to areas of land over which ownership is questioned.

As another example, it is well known that certain types of cancer are more common in and around the Tennessee

River Valley. We study the skeletal remains of prehistoric populations of this area to determine whether they show the same types of cancer. In this way, such studies are relevant to the health of modern populations since questions can be answered regarding the antiquity of this disease and its causes. Are the causative factors involved due to recent environmental changes or of longstanding origin? Only by studying skeletal remains can we answer such questions.

Skeletal material recovered from archaeological sites is washed, preserved and carefully stored for present and future study. It is not tossed casually into boxes. Human bones are handled with respect and scientific care.

The material is retained in institutional repositories such as museums and universities. As part of our country's heritage, the skeletal material must be preserved for the benefits of all people that accrue from proper scientific reservoirs, or urban expansion. Its protection in perpetuity is insured under present curatorial practices. Preservation is especially important because science is advancing rapidly. The types of information which can be obtained from the study of bones is increasing. If we did not have skeletal collections recovered over the years, we would have to accept the inaccurate and at times even racist interpretations made by early observers. For example, around 1900 it was commonly thought that ancient Indian mounds could not possibly have been built by ancestors of modern Indians but by some earlier, more advanced Mound Builder race. Only after examination of skeletal remains was this error acknowledged.

American Indian skeletons are not the only ones being preserved in museums and universities located in the United States. Other population samples are also represented as is shown in a recent inventory:

El-Najjar  
1977 The Distribution of Human  
Skeletal Material in the

Continental United States.  
American Journal of Physical  
Anthropology. Vol. 46,  
pp. 507-512.

More American White and European skeletons are available for study than for American Indians. American Indian skeletons are not the only ones studied by scientists. I recently surveyed recent volumes of the American Journal of Physical Anthropology (most likely journal in which these studies are reported) for articles which report skeletal data. I noted the groups studied. Other world populations are represented including American Whites, Europeans, American Blacks and Africans. In Europe, it is common practice for archaeologists to excavate earlier European graves from church yards and historic cemeteries. I have studied the skeletal remains of American Whites from Tennessee which were scientifically excavated and preserved for future study.

Professional archaeologists and physical anthropologists expend considerable effort toward understanding and preserving the cultural heritage of the American Indian. We are interested in enlarging Indian knowledge of his past. Prior to European arrival, no written records were kept of native American history or lifeways. It is only through research that their rich past and cultural heritage can be documented.

We are seriously interested in stopping the looting of archaeological sites and the buying and selling of Indian artifacts and human skeletal remains. Cemeteries are being destroyed by looters and construction activities. I feel that it is far superior to have such sites and material carefully excavated and preserved for study rather than simply lost to future generations.

Human skeletal remains should be preserved for future scientific study. By careful examination, scientists can learn about diet, nutrition, the affects of malnutrition on growth, aging, disease, life expectancy and mortality and other information relevant to mod-

ern populations. Your consideration will be greatly appreciated.

Douglas W. Owsley, Ph.D.  
Physical Anthropologist

William M. Bass, Ph.D.  
Physical Anthropologist  
University of Tennessee

Our apologies to the authors for leaving the last part of this letter out of Vol. 3, No. 2 of the CRM BULLETIN.

THE EDITORS

### Reconstruction In The National Park Service?

Harry Butowsky's letter in the June 1980 Bulletin eloquently supports the anti-reconstructionist stance of Richard Sellars and Dwight Pitcaithley in their excellent December 1979 Bulletin article. But Harry overstates his case in asserting that we have no general legislative authority for reconstructing vanished historic features.

"The word reconstruction can be found nowhere in the Historic Sites Act," Harry declares. "It is simply not there. The act is concerned with the preservation of objects of genuine historic antiquity and not the reconstruction of buildings or objects that have long since disappeared."

Perhaps Harry is referring to his expurgated edition of the Historic Sites Act. According to my uncensored copy of the Act, the National Park Service is indeed empowered to "restore, reconstruct, rehabilitate, preserve, and maintain historic or prehistoric sites, buildings, objects, and properties..." (emphasis supplied).

I write this not to embarrass my friend and colleague (although I must confess to a certain sadistic pleasure in catching him in error). My point is that while we may be legally authorized to reconstruct, we should strongly resist most efforts in this direction. Having served in two areas where the primary "historic" features are reconstructions (Fort Caroline and Booker T. Washington), I have had firsthand experience with such pseudo-resources and share most of the sentiments expressed by Butowsky, Sellars, and Pitcaithley. Under certain circumstances, the reconstruction of historic resources may be warranted, but the Management Policies criteria guiding us in this regard are highly restrictive and rightly so. When funds are tight, even those rare reconstruction proposals that meet the policy criteria must be given very low priority.

Insofar as our mission is preservation, reconstruction is none of our business.

Barry Mackintosh  
Regional Historian, NCR

### What Is The Purpose Of Historic Parks

The December, 1979 issue of CRM BULLETIN has finally found its way to my desk from the next desk. The following comments are respectively submitted, however late, because Ft. Hancock in the Sandy Hook Unit of Gateway NRA was one of the NPS areas surveyed as a basis for the article by Dr. Harry A. Butowsky.

Thought-provoking though the article was, I could not help but envision what Ft. Hancock might be if compatible use of certain sites in this National Recreation Area was applied in the inflexible manner that Dr. Butowsky advocates. We have running races, festivals, schools using our open field areas, concerts and picnics in the Ft. Hancock and Sandy Hook Proving Ground Historic District. I do not think these things were totally absent in 1940. But the eighteen Officer row houses, barracks, and myriad other buildings that make up a military post must be used adaptively. Sometimes this use may not be historic. During the summer, 15 of the 18 houses are used under permit by non-profit organizations for summer operations. Ideally, of course, these houses should each be the residence for one family--simply unrealistic in the face of today's economics. Neither can we have 18 museums. Compatible use coupled with adaptively using historic buildings should, and is in the case of our Headquarters (now NPS HQ), be attempted. When not feasible, other non-compatible uses must be explored. In other words, recreational (non-compatible) use of historic structures is a valid alternative to historic (compatible) use. What makes it most valid is that it aids preservation--the first charge by Congress to the Park Service.

The implication of the caption accompanying the picture of kids sledding down the hill at Valley Forge seems to be that kids did not do this in 1776, and today is an intrusion on the historic scene. Certainly, if they ricochet off earthworks causing damage to historic structures and themselves, this should not be permitted, but I am willing to bet there were a few Ethan Fromes who glided gleefully down that hill on many a snowy winter day--and who knows, perhaps Washington's troops joined in. I would hope that the NPS wants me to see that winter of suffering

not removed from the context of the community surrounding them, however few and scattered farms may have been.

Historic interpretation can come alive, not only with people dressed in period costumes firing muskets, but also with real people engaged in the rituals of daily living. I believe these rituals may jog a visitor to wonder and perhaps compare the scene he sees with a scene that may have occurred in time past, creating a link between what he has learned or experienced through our interpreters of what was and the world that now surrounds him. This is, after all, the essence of interpretation.

Kate P. James, Park Technician  
Valley Forge National Historical Park

The CRM Bulletin welcomes any and all letters to the editor. They will help us make this a regular feature.

CRM

### ANN HITCHCOCK, CHIEF CURATOR FOR THE NATIONAL PARK SERVICE

Ann Hitchcock comes to the Park Service with experience in collections management, conservation, and museum training--areas currently of major concern to the museum program of the Service.

Ann began her museum career as a volunteer while an undergraduate at Stanford University. She received an M.A. in anthropology, with a specialization in museum studies, from the University of Arizona, and went on to become the Registrar of Anthropological Collections at the Museum of Northern Arizona.

In 1977, she joined the Manitoba Museum of Man and Nature, where she served as assistant chief curator and coordinator of Curatorial Services. Her responsibilities included management of computerized registration, conservation, museums advisory services, training programs and collections policies.

First on her list of priorities, Ann plans to develop a "voice" in Washington for curatorial interests and museum collections. She stresses the need for collections resources awareness and increased perception of the role of NPS museums both within the Service and within the professional community. One of her top priorities will be the computerization of the National Catalog. Because of the unique status of the Catalog, the rest of the museum field will be watching the NPS program with great interest. Ann's experience with the computerized National Inventory Programme in Canada should prove especially useful in the development of this NPS project.

**AUDIO/VISUAL PROGRAM ON ENERGY DEVELOPMENT AND HISTORIC PRESERVATION**

Terje G. Birkedal

A slide/tape program on the subject of historic preservation and energy development is now available. The program, entitled "Archeology and Energy Development," was jointly sponsored by the National Park Service's Branch of Indian Cultural Resources and the Bureau of Indian Affairs. Richard Knox, an independent audio/visual contractor, worked closely with the Branch of Indian Cultural Resources to create the program.

"Archeology and Energy Development" was specifically designed to promote a greater understanding and appreciation of cultural resources management among energy developers. The basic theme of the program is cooperation. Too often, historic preservationists and energy developers view each other as adversaries with mutually exclusive goals. "Archeology and Energy Development" rejects the simplistic idea that energy production and archeology are in direct opposition, and it illustrates how coal and uranium producers can achieve their goals in a timely and efficient manner without adversely affecting cultural resources.

A case-study approach is employed to introduce the audience to the purposes and methods of historic preservation. The program includes a brief overview of the prehistory and history of the American Southwest and a short discussion of the legislative and regulatory base of historic preservation. However, the program emphasizes the "nitty-gritty" aspects of preservation such as archeological surveys, avoidance techniques, and the implementation of adequate data recovery programs.

One case study examines uranium exploration and mining on a Mobil Oil Corporation's lease in northwestern New Mexico. The other study looks at Peabody Coal Company's strip mining operations on Black Mesa, Arizona. Mobil, Peabody, Southern Illinois University, and the Navajo Nation gave their gracious cooperation to the production of the program.

In spite of the program's regional focus, it should be of interest to a nationwide audience of energy firms and regulatory agencies. The uranium segment is applicable to oil and gas production, and the coal segment is applicable to all forms of open-pit mining or strip-mining.

"Archeology and Energy Development" can be easily obtained on temporary loan. If desired, copies can be reproduced from the loan copy. Requests should be addressed to the Branch of Indian Cultural Resources, National Park Service, P.O. Box 728, Santa Fe, New Mexico 87501.

The audio portion of the program is contained on a cassette tape which can be automatically or manually coordinated with the slides. Total length of the program is approximately 20 minutes.

Terje G. Birkedal works in the Branch of Indian Cultural Resources at the Southwest Regional Office, National Park Service. **CRM**

**ATTENTION:**

Supplement 4, Basic Manual Supplement: Oregon, to the Remote Sensing Handbook is now available to the public through the Superintendent of Documents, Government Printing Office Washington, D.C. 20402. The price is \$2.50 per copy. Ask for it under GPO Stock #024-005-00780-6.

LEGISLATION, from page 5

16. No publication date as yet.
17. See 40 CFR Part 1504, entitled "Predecision Referrals to the Council of Proposed Federal Actions Determined to be Environmentally Unsatisfactory," in the Council on Environmental Quality's regulations implementing the National Environmental Policy Act. This part allows a Federal agency, such as the Bureau of Indian Affairs, to refer matters to CEQ if the proposed Federal action would violate existing environmental requirements or policies. 40 CFR 1504.3(c)(2)(ii). The policy established by AIRFA is such a policy.
18. 36 CFR Part 800; 44 FR 6067. These regulations were initiated as part of the President's water policy.
19. 45 FR 60923 (September 15, 1980). Proposed as 25 CFR Part 281.
20. Proposed 25 CFR 281.1(b).
21. Proposed 25 CFR 281.4.
22. See 36 CFR Part 1201; 45 FR 30625 (May 9, 1980).

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