

The Incorporation of the Native American Past: Cultural Extermination, Archaeological Protection, and the Antiquities Act of 1906

Chip Colwell-Chanthaphonh*

Abstract: In the late nineteenth century, while advocates garnered support for a law protecting America's archaeological resources, the U.S. government was seeking to dispossess Native Americans of traditional lands and eradicate native languages and cultural practices. That the government should safeguard Indian heritage in one way while simultaneously enacting policies of cultural obliteration deserves close scrutiny and provides insight into the ways in which archaeology is drawn into complex sociopolitical developments. Focusing on the American Southwest, this article argues that the Antiquities Act was fundamentally linked to the process of incorporating Native Americans into the web of national politics and markets. Whereas government programs such as boarding schools and missions sought to integrate living indigenous communities, the Antiquities Act served to place the Native American past under the explicit control of the American government and its agents of science. This story of archaeology is vital, because it helps explain the contemporary environment in which debates continue about the ownership and management of heritage.

Over the course of four centuries, between 1492 and 1892, it is believed that the population of native peoples in the Americas collapsed by as much as 90%.¹ By the time manifest destiny had fully manifested at the end of the nineteenth century, only about 250,000 American Indians survived in the United States,² confined by the government in many cases to small, unhealthy enclaves at the fringes

*Center for Desert Archaeology. Email: chip@cdarc.org

ACKNOWLEDGMENTS. I am grateful for the generous assistance and critical input of Alexander Bauer, T. J. Ferguson, Don D. Fowler, Francis P. McManamon, John R. Welch, and the journal's anonymous reviewers.

of American society.³ The acts of removal and assimilation entailed in this extraordinary shift include an array of strategies from the unconcealed methods of slavery and warfare to the disguised practices of religious missions and boarding schools.⁴ Although this history is unquestionably multifaceted—a tale of colonialism and imperialism, accommodation and resistance—the final result was a staggering loss of land and the collapse of a way of life formed over the generations. It is no small matter that a number of scholars have labeled this process as one simply of genocide.⁵

Given this long and tumultuous saga, it is striking that in the late 1870s, a group of American citizens, archaeologists, and their boosters began a movement to preserve the cultural remains of the native people their own government was still seeking to exterminate. Yet after a quarter of a century of steady work this movement resulted in the Antiquities Act of 1906 (PL 59–209) and established the foundation of cultural and natural resource preservation in the United States. Indeed, the Antiquities Act is a landmark in the movement to preserve and protect cultural resources.⁶ This modest legislation, only several pages long, diminished indiscriminate excavations on federal land, recognized looting as a crime, quelled the overt commercialization of ancient objects, authorized the creation of national monuments, and established the principle that government should serve as steward of a nation's cultural, historical, and natural heritage. While not dismissing this legacy, it is also important for us to understand the historical context in which this legislation materialized. This story, as we enter the legislation's centennial commemoration, is vital, because it helps explain the profession's current relationship with native peoples and why archaeologists need to recognize the legitimacy of overlapping claims and multiple stakeholders.

In this article, I examine these two entwined histories, that is, the condition of Native America at the close of the nineteenth century and the development of the nation's first expansive legislation to protect heritage resources. I argue that the Antiquities Act was fundamentally linked to the process of incorporating Native Americans into the web of national politics and economic markets. While government programs such as schools and missions sought to integrate living indigenous communities, the Antiquities Act served to place the Native American past, embodied in native historical and cultural remains on public lands, under the explicit control of the American government and its agents of science. My focus will be on the Southwestern United States, as this region provided the impetus and rationale for the Antiquities Act. This approach is useful, because although a number of researchers have now examined the development of the Antiquities Act, none fully addresses the conditions of Native American communities at a time when archaeologists sought to save the vestiges of native history.⁷ By exploring the apparent contradiction between cultural extermination and archaeological preservation, we gain new insights into the ways in which archaeological theory and method are drawn into complex sociopolitical processes and makes way for creating new and innovative archaeological practices.

THE INCORPORATION OF NATIVE AMERICANS

Whereas the consequences of early conquistadors such as Columbus, Cortez, and Coronado are well known, it is important to recognize that the colonization of the Americas was still unfolding into the late nineteenth century. In the United States, as Americans migrated westward, direct violence was one of the most visible forms of conflict. In 1863, upwards of 200 Shoshoni were violently murdered by Anglos in retaliation when they tried to stop settlers from trespassing on traditional lands.⁸ Several months later in California, Captain M. A. McLaughlin and the Second Cavalry Volunteers rounded up and executed 35 Tehachapi men as punishment and to prove to the Indian population that “they will soon either be killed off, or pushed so far in the surrounding deserts that they will perish by famine.”⁹ In 1864, Kit Carson forced 8,000 Navajos to walk more than 300 miles from their homeland in Arizona to a desolate “reservation” in eastern New Mexico.¹⁰ In that same year, Colonel John Chivington and 700 soldiers slaughtered some 150 Cheyenne and Arapaho peacefully camped along Sand Creek in southern Colorado.¹¹ Body parts and scalps of American Indians were paraded along the streets of Denver. A brutal massacre of more than 100 Apaches—all innocent men, women, and children—followed in 1871 on Arivaipa Creek in Arizona, perpetrated not by representatives of the U.S. government, but prominent Tucsonans and their Tohono O’odham allies.¹² Up until the mid-1880s, Apaches, if found outside reservation boundaries, risked being shot on sight.¹³

Although it might be easy to dismiss these episodes of violence as isolated or haphazard, a more compelling explanation interprets such acts as a part of a larger strategy to remove Indians from the path of U.S. political and economic ascendancy. In his seminal book, *The Return of the Native*, sociologist Stephen Cornell discussed how the “Indian problem” in the Americas was fundamentally linked to three interrelated problems for the elite. First, the “Indian problem” was an economic problem, how to secure Indian resources, particularly land. Second, the “Indian problem” was a problem of cultural transformation, how to convert Indians to being non-Indians. And third, the “Indian problem” was a political problem, how to maintain an effective system of control over Indian groups with their own political will and identity. Cornell thus focused on what he called “patterns of incorporation,” which explicate the particular ways native individuals and groups were integrated into the web of national politics and global markets.¹⁴ Outright violence, of the kind outlined previously, was one means to incorporate native peoples, effectively taking their land, eradicating resistant populations, and asserting control and authority.

However, by the late 1800s, direct physical violence was no longer the most effective means of incorporation, particularly as indigenous peoples were largely subdued, and the majority of Indian lands had been transferred to non-Indians. The U.S. government and its citizenry sought incorporation through social, political, and economic policies that aimed to assimilate native peoples into American society.

By the early 1900s, the notion, as expressed by Indian Commissioner Francis Leupp, of “kill the Indian, spare the man,” was widespread and directed American policy during this period.¹⁵ Although still ruthless, this view notably improved upon the belief that all Indians should simply be killed, a position that dominated only a generation earlier.¹⁶ Significantly, even as assimilationist policies took hold in the U.S., the underlying principles of cultural extermination remained—the destruction of traditional Native American lifeways and worldviews. This goal was effectively achieved in the early 1900s by three broad strategies that may be termed dislocation, disease, and disruption.

Although Native Americans were confined to relatively small, isolated reservations by the end of the 1800s, the American territorial appetite was unrelenting. Farmers, miners, businessmen, and speculators continued to encroach on land set aside for native communities, causing still further dislocation. The Allotment Act of 1887, ostensibly intended to empower American Indians, resulted in the net loss of more than 150,000 square miles—an area just smaller than the state of California—by 1934.¹⁷ U.S. government authorities often played an ambiguous role in these land transfers, at times acting on behalf of native communities and at times actively working against them. This can be seen with the San Carlos Apache Reservation, which encompassed a large area of eastern Arizona when first established in 1871.¹⁸ However, with vague boundaries, settlers made their homes at the edge of the reservation. When it was discovered that non-Indian settlers were in fact living within the reservation, rather than pushing them off, the reservation itself was reduced. After two major reductions, in 1873 and 1877, more than 360 square miles of the reservation were subtracted in 1896. After a farcical vote of Apache men, the Indian agent released the territory to miners who had illegally squatted on the land for 12 years. The ceded land was supposed to only go toward coal mining, with a percentage of the revenue returning to the tribe. Local farmers and ranchers as well as the National Forest Service appropriated the land instead. After 35 years, the tribe received a mere \$12,433. Notably, this is just one story about one part of one reservation. The Acoma, Akimel O’odham, Havasupai, Hopi, Laguna, Navajo, Tohono O’odham, Yuma, Zuni, and just about every tribe in the Southwest have similar tales to tell.¹⁹

Because American settlers and soldiers had so successfully appropriated traditional lands, many native communities struggled for bare survival. Native Americans in large measure had been pushed to marginal regions and no longer had easy access to traditional areas for hunting wild animals and gathering vegetables, fruits, and herbs. The growing Anglo population in the Southwest in the late 1800s, the boom of cattle industry, and the discovery of silver and copper deposits, also strained riverine resources and farming infrastructure. As Edward H. Spicer has written in *Cycles of Conquest*, native groups at first played an important role in supplying Americans new to the region, but were soon challenged by the very people they assisted:

Water for irrigation and land itself was appropriated not only from the Gila Pimas, but also from the San Carlos Apaches who had begun a promising agricultural development in the early 1900's, from Eastern Pueblos, from Navajos, and from Mayos and Yaquis. The interests of Anglos and Mexicans became focused on acquiring Indian land and water, which they justified on the ground that Indian farming was too inefficient to warrant the Indians holding even as much land as remained to them. . . . The result was that Indians wherever they engaged in farming ceased to produce for the expanding market, and in fact, as they were limited to smaller and more marginal tracts, produced less and less even to the point of not being able to supply their own needs. By the early 1900's few were any longer even reasonably secure subsistence farmers. Even the Eastern Pueblos who continued to hold good farm land along the Rio Grande River suffered a decline in production as the result of destructive floods caused by the uncontrolled use of range land and by the encroachment of squatters on their lands.²⁰

By 1900, Pimas along the Gila River were destitute and dying of starvation.²¹ With severely limited resources, many native people grew to depend on government subsidies. However, the government rarely provided optimal services, offering meager food rations and limited funds for sustainable agricultural programs. Corruption was rife, and food was often used to coerce people, as in 1893, when Congress authorized the Commissioner of Indian Affairs to "refuse rations to families who stubbornly kept their children out of school."²² With the psychological burden of confinement and little chance for advancement, alcoholism swelled and health deteriorated.²³ The U.S. government, although at times genuinely concerned, by and large allowed native communities to languish as social and physical diseases spread.

The aim of radical cultural assimilation was also achieved through the disruption of Native American economic activities, child-raising, religion, and individual autonomy. Beginning in the 1870s, Native Americans were forced to send their children to distant boarding schools where they were made to forget their indigenous languages and beliefs and replace these with American mores.²⁴ As Robert A. Trennert wrote, "One important aspect of the government's acculturation program was Indian education. By means of reservation day schools, reservation boarding schools, and off-reservation industrial schools, the federal government attempted to obliterate the cultural heritage of Indian youths and replace it with the values of Anglo-American society."²⁵ This experience for native children was not innocuous, but a totalized remaking of a human being, even as children often accepted and resisted such transformations.²⁶ The beliefs of American Indian adults were also disrupted as Christian missions took hold. The government too monitored any emerging religious or political beliefs they found distasteful or dangerous.²⁷ In 1881, for example, a White Mountain Apache medicine man was arrested (and killed) because he preached that the great Apache leaders of yesteryear would rise again to the earth.²⁸ The Bureau of Indian Affairs acted as "cultural enforcers" into the 1900s, charged with "ending gambling and dancing, enforcing school at-

tendance, and ending the influence of shamans and traditionalists;" BIA courts, beginning in 1883, punished those charged with "Indian offenses" including "feasts and dances, polygamy, and assorted religious practices."²⁹ Arbitrary imprisonment, without due process, was not uncommon, as seen with the Hopis at Alcatraz. In November 1894, the Navajo and Hopi agent, Captain Constant Williams, wrote that a "hostile" faction of Hopis made clear "for themselves that they do not want to follow the Washington path; that they do not want their children to go to school; that they do not want to wear white man's clothes; that they do not want to eat white man's food; that they do want the white man to let them alone."³⁰ In order to "bring them to their senses," 19 Hopi men were arrested and sent to Alcatraz, where they worked under hard labor until the fall of 1895.³¹ Another infamous example is when an Apache leader named *Haské bahnzin* was arrested in 1894 merely on the suspicion that he was related to a "renegade" Apache, and sent to a diseased military prison in Alabama.³² Most Native Americans, after all, were not even legal American citizens until 1924.³³

THE INCORPORATION OF NATIVE AMERICAN HISTORY

Legal scholar and anthropologist Robert H. McLaughlin has provided us with one of the most persuasive accounts of the historical development and political machinations that resulted in the Antiquities Act of 1906. McLaughlin argued that the legislation is the result of two principal forces, chiefly nationalism and the struggle among anthropologists for influence in the discipline: "The first may be characterized as a popular demand for national narrative history, civic institutions and prestige among Western nations. The second force was a distinctive struggle within the porous anthropological community for scientific or disciplinary boundaries and resolution to a theoretical debate between the pluralistic, historically diffusionist view of culture and the linear, evolutionary model of culture adopted by the U.S. government's Bureau of American Ethnology under the administration of John Wesley Powell."³⁴ Although McLaughlin's careful study significantly deepens our understanding of the Antiquities Act, it does not fully account for the disparity between the aims of archaeological preservation and cultural extermination, which coexisted into the 1900s.

If these ancient objects were merely being appropriated to reimagine a national story or gain national prestige, one might anticipate that the physical remains of the Native American past would have to be distanced from living native peoples. Geoff Eley and Ronald Grigor Suny wrote that nationalism fundamentally involves "the attempt to manufacture and manipulate a particular view of the past, invariably as a myth of origins which is meant to establish and legitimate the claim to cultural autonomy and eventually to political independence."³⁵ Still, the instruments of nationalism do not have an empty canvas to paint upon, but rather, "Adapting a famous adage, we might say that nationalists make their own history

but not entirely as they please; not with cultures of their own choosing, but with cultures directly encountered, given, and transmitted from the past.”³⁶ The nationalist narrative requires a fundamental sense of unity among the diversity of citizens, as Eley and Suny wrote, for “in trying to understand the fashioning of extremely disparate populations into a nation, the passage from one kind of history (of dispersal, heterogeneity, indeterminacy) to another (unification, instituted solidarity, securely established community) is crucial.”³⁷ Yet the proposition that the ruins of the Southwest were made by the direct ancestors of modern American Indians would, in fact, challenge the nationalist agenda; for these ancient places to serve nationalism, to be “owned” by all citizens, they would have to be divorced from the native peoples who still lived among them.

However, the work of prominent anthropologists in the late 1800s indicates that rather than advocating for such distancing, most scholars recognized Native American cultural continuities in the Southwest. Anthropologist Alice Cunningham Fletcher, for example, a strong proponent of the legislation, wrote of the need to “set aside certain portions of the public domain in the southwest territories in which are characteristic remains of *former and present aboriginal life*.”³⁸ This perspective can also be clearly seen in the work of J. Walter Fewkes, who in 1896 began his paper, “The Prehistoric Culture of Tusayan,” with, “The Pueblo Indians offer most interesting problems to the historian, the archaeologist, and the ethnologist. Among these people are found the oldest villages of the United States—towns populous a century before the Mayflower set sail for the New World, and continuously inhabited from that time until the present day.”³⁹ In a later article in 1896, Fewkes lamented the destruction of cliff dwellings and explicitly argued that these ancient houses were made by the ancestors of the Hopi and Zuni; he then went on to write that Case Grande is claimed by the modern Pimas (Akimel O’odham) and has been since 1697.⁴⁰ Similarly, Washington Matthews noted that Frank H. Cushing’s archaeological research in Arizona demonstrated the connection of ancient sites to the modern Zuni.⁴¹ Published in *American Anthropologist*, these pieces almost certainly would have been read by the prominent scholars who actively promoted the Antiquities Act and themselves published in the distinguished periodical.⁴² Clayton W. Dumont Jr. has pointed out that the Antiquities Act made little “distinction between graves that were thousands of years old and the interment of one’s mother at a tribal cemetery a week or even a day prior,” indicating how nineteenth-century anthropologists assumed *all* Indians, living and dead, were open to study.⁴³

Furthermore, anthropological theories at the turn of the last century would also indicate recognition of the affinities between native communities and their ancestral ruins. Evolutionary theory, as developed from Morgan and expounded by John Wesley Powell and the Bureau of American Ethnology anthropologists, saw Native Americans at a unique stage in the evolutionary chain of society. Indigenous peoples clearly had a past in the Americas. It would not be contradictory for anthropologists who held this view to want Native Americans to “progress” to the next

evolutionary stage, while at the same time want to preserve and study evidence of the human past.⁴⁴ After all, if anthropologists did not understand human origins, how could they understand the full development of human society to the heights of civilization? Evolutionary theory's competing paradigm, propounded by Franz Boas and his colleagues, recognized the historical and local character of each culture.⁴⁵ In this view, native peoples are also necessarily connected to a distant past, because it is recognized that each group has its own particular genesis, chronology, and sociopolitical and environmental context.

It is significant, then, that anthropologists realized the close connection between ancient ruins and living Native Americans and yet did not suggest that native peoples should actually have any rights to these places. Fewkes, after stating that the Hopi and Zuni are the living descendents of the cliff dwellers, went on to say that cliff dwellings must be protected, not for Pueblo communities but for the scientific endeavor. He wrote,

Palatki has suffered sorely at the hands of Apaches, who have wrenched many of the beams from the walls for firewood and overthrown sections of the front wall. As a rule, the southwestern ruins are now suffering more from the white man than from the Indian. If this destruction of the cliff-houses of New Mexico, Colorado, and Arizona goes on at the same rate in the next fifty years that it has in the past, these unique dwellings will be practically destroyed, and unless laws are enacted, either by states or by the general government, for their protection, at the close of the twentieth century many of the most interesting monuments of the prehistoric peoples of the Southwest will be little more than mounds of debris at the bases of the cliffs. A commercial spirit is leading to careless excavations for objects to sell, and walls are ruthlessly overthrown, buildings torn down in hope of a few dollars' gain. The proper designation of the way our antiquities are treated is vandalism. Students who follow us, when these cliff-houses have all disappeared and their instructive objects scattered by greed of traders, will wonder at our indifference and designate our negligence by its proper name. It would be wise legislation to prevent this vandalism as much as possible and good science to put all excavation of ruins in trained hands. In this particular we have much to learn from the European method of control of antiquities of the country by proper authorities or societies for the protection of historical monuments.⁴⁶

In my own reading of the discussions that led to the Antiquities Act, I am most struck not by argument about creating a national story but rather promoting science and ensuring scholars have continuing access to their data.⁴⁷ Ronald F. Lee pointed out that the single word scientific in the Antiquities Act ultimately proved sufficient to establish dozens of national monuments.⁴⁸ When explicit discussions of the nation figure in, often it is not in the context of creating a national story, but rather protecting a national resource, as the government sought to safeguard other "resources" like timber and forests.⁴⁹

Rather than interpreting this process as one of nationalism, Cornell's notion of incorporation more compellingly situates the ways in which the Native American

past was integrated into the social, political, and economic structures of the United States. By the late 1800s, the American government controlled essentially every American Indian community. Although the government continued to incorporate native peoples through an array of programs, such as boarding schools and Christian missions, the Antiquities Act provided an opportunity to incorporate not only living Native Americans, but also their past. While this process helped spread the roots of nationalism and most certainly bolstered the position of anthropology, it was fundamentally a means by which Native Americans were further incorporated into American life.

The Antiquities Act makes explicit that it is to benefit the American public; however, since most American Indians were not yet citizens in 1906, it can be presumed that they were not considered a part of the public. That this law was fundamentally about incorporation is further supported by the observation of how poorly the archaeological record was initially cared for. Although Edgar L. Hewett optimistically wrote in 1907 that, "Almost no vandalism is now going on in the American ruins,"⁵⁰ several decades later a committee declared, "extensive collections of antiquities have been obtained from prehistoric ruins on the public domain. Most of these ruins lie on Indian reservations in Arizona and New Mexico."⁵¹ The first prosecution for violating the law was not until 1974.⁵² If these ancient ruins constituted a vital part of a national story, a key element in nationalism, it is not farfetched to presume that they would be carefully guarded and cherished. Instead, in many places, the plunder continued.⁵³

THE LEGACY OF INCORPORATION

The incorporation of Native Americans and Native American history persisted throughout the twentieth century as archaeologists continued to act as if Indian artifacts and sites were only theirs to collect, study, store, and represent. While the growing awareness of a stewardship ethic in American archaeology was certainly presumptuous, it was not altogether negative.⁵⁴ During a time of expansive development and explosive population growth, particularly in the American Southwest, archaeologists advocated for the preservation of countless sites that could have easily been lost to the bulldozer. Archaeologists, too, worked at a time when Native American communities still carried little political power. Nevertheless, the continuing presumption that science only serves the greater good, that archaeology is a culturally neutral discipline that benefits the public, is a legacy of the discipline's early history, enshrined in the Antiquities Act of 1906. Joe Watkins has recently shown how debates surrounding heritage too often focus on claims of national ownership or collective international rights, dismissing "intra-nationalist" claims made by local indigenous groups.⁵⁵ The unending controversy of "The Ancient One" or "Kennewick Man" also illustrates how some archaeologists continue to believe that science should trump all other interests.⁵⁶ Indeed, the Native Amer-

ican Graves Protection and Repatriation Act (NAGPRA) (sec. 7.b) itself recognizes that museums must expeditiously return requested objects, “unless such items are indispensable for completion of a specific scientific study, the outcome of which would be of major benefit to the United States.”

Of course, Native American communities have never been entirely powerless through the process of incorporation and have long acted to maintain control over their communities and histories. Since the 1970s, Native American communities have become increasingly vocal about their concerns for ancestral places and objects. The Pueblo of Zuni in New Mexico, for example, began developing a cultural resource management program in 1975 and formally sought to reclaim the scores of sacred War Gods held in museums throughout the world, beginning in 1978.⁵⁷ Throughout North America, native peoples have similarly worked to gain a say in how the study of their ancestors is conducted.⁵⁸ Since the contentious first days of repatriation and the assertion of native voices into professional archaeology, the discipline now widely recognizes the legitimacy of Native American concerns, perspectives, and values. This can be seen in how NAGPRA has unfolded, now embraced by many archaeologists as well as the Society for American Archaeology’s Principles of Archaeological Ethics, which does not surrender absolute control but stresses the importance of working with the array of publics affected by archaeological practice.⁵⁹ On a more global level, the World Archaeological Congress First Code of Ethics requires members “To acknowledge the importance of indigenous cultural heritage, including sites, places, objects, artefacts, human remains, to the survival of indigenous cultures.” As the social and political context of archaeology has changed in recent years, our view of the Antiquities Act has also shifted. Rather than being a tool of colonialism, the law and the federal agencies that carry out its mandates can now be seen to serve multiple interests. Now that Native Americans are one of the most important publics for archaeologists, they increasingly have a role in decision making, access to sacred places, and control over the disposition of their ancestors bodies and belongings. They can at last more directly benefit from this important law. This is not to say that this process is always easy, but as we come to the centennial mark, we may say that we are moving in the right direction.

The history of the discipline and its relationship to native peoples is vital for shaping heritage policy and creating innovative archaeological practices embedded in collaboration, community-based research, and indigenous archaeologies. Cornell observed,

The historical frame of reference within which most Indians consciously act is immense. Other groups in American life—Jews, Blacks, perhaps others—may have a sense of history matching it in scope and in immediacy with which it informs their daily lives. Uniquely for Indians, however, that sense of history is rooted here, in this land, in the geography of their present. Most forms of Indian political action are explicitly grounded in a consciousness of that history, and more often than not, are articulated in explicitly historical terms.⁶⁰

As significantly, Cornell pointed out that the history of incorporation is fundamentally about the tension between structure and agency—how individual action conforms to and resists sweeping social forces.⁶¹ Because incorporation is still operational though diminished in Native America, scholars must be aware how their actions relate to power and political structures. The histories presented here aim to elucidate the structure of incorporation and create the means for individuals to break the pattern of past injustices. The proverbial saying depicting the Irish-British conflict, “The Irish never forget and the English never remember,” might also be said of indigenous peoples and archaeologists. Native Americans never forget and archaeologists never remember.

CONCLUSIONS

By addressing the patterns of incorporation of living American Indians and their past, we may begin to recast the Antiquities Act in terms of its specific consequences for native peoples.

Although Fewkes himself wondered how future generations would pass judgment on him and his colleagues, I do not seek to morally measure the champions of the Antiquities Act: I make no attempt to judge them by today’s standards, or even their own standards, but rather aim to ensure that discussions about this important legislation are considered within the social and political context in which it was founded. In part, through an analysis of this law and similar efforts that sought to regulate heritage resources by promoting archaeological science, I believe we may better understand the contemporary environment in which debates continue about the ownership and management of the past. That early archaeologists understood the connection between ancient places and modern Indian populations and yet did not include them as decision makers allows us to understand the frustrations of American Indians that finally erupted in the late 1960s and ultimately resulted in NAGPRA.⁶²

Reviewing this history also reminds us that the role of archaeologist as self-appointed steward of cultural heritage is founded on the false assumptions of our anthropological predecessors.⁶³ That archaeologists have often been good stewards does not mean that they are the only stewards or are justified in taking the role of caretaker. By clarifying this past and highlighting the relationship between the structure of incorporation and individual agency, we make way for new endeavors that recognize archaeologists are not the only, or even primary, stakeholder of the past.

ENDNOTES

1. Dobyns, “An Appraisal of Techniques with a New Hemispheric Estimate”; Jacobs, “The Tip of the Iceberg.”

2. Driver, “On the Population Nadir of Indians in the United States.”

3. Spicer, *Cycles of Conquest*.
4. Adams, *Education for Extinction*; Brooks, *Captives and Cousins*; Rothschild, *Colonial Encounters in a Native American Landscape*; Tinker, *Missionary Conquest*.
5. Churchill, *A Little Matter of Genocide*; Friedberg, "Dare to Compare"; Moore, *Genocide of the Mind*; Stannard, *American Holocaust*; Yellow Bird, "Cowboys and Indians."
6. Gersenblith, "Identity and Cultural Property," 579.
7. Biasi, "The Antiquities Act of 1906 and Presidential Proclamations"; Lee, "The Antiquities Act of 1906"; McLaughlin, "The Antiquities Act of 1906"; Squillace, "The Monumental Legacy of the Antiquities Act of 1906"; Thompson, "Edgar Lee Hewitt and the Political Process."
 8. Fleisher, *The Bear River Massacre and the Making of History*.
 9. n.a. "Keysville Massacre."
 10. Trafzer, *The Kit Carson Campaign*.
 11. Cutler, *The Massacre at Sand Creek*.
 12. Colwell-Chanthaphonh, "Western Apache Oral Histories."
 13. Ogle, *Federal Control of the Western Apaches*; Ryden and Doug Kupel, "Warfare between Indians and Americans in Arizona."
 14. Cornell, *The Return of the Native*, 11.
 15. Churchill, *A Little Matter of Genocide*, 245.
 16. Mieder, "'The Only Good Indian Is a Dead Indian.'"
 17. Kickingbird and Ducheneaux, *One Hundred Million Acres*.
 18. Colwell-Chanthaphonh, "The Place of History," 111; Perry, *Apache Reservation*.
 19. Ortiz, *Handbook of North American Indians*, Vol. 10; Ortiz, *Handbook of North American Indians*, Vol. 9.
 20. Spicer, *Cycles of Conquest*, 543.
 21. DeJong, "Forced to Abandon Their Farms."
 22. Worcester, *The Apaches*, 329.
 23. French, *Additions and Native Americans*.
 24. Adams, *Education for Extinction*; Hoerig, "Remembering Our Indian School Days."
 25. Trennert, "Educating Indian Girls," 271.
 26. Ahern, "An Experiment Aborted"; Lomawaima, "Domesticity in the Federal Indian Schools."
 27. Tinker, *Missionary Conquest*.
 28. Collins, *Apache Nightmare*.
 29. Cornell, *The Return of the Native*, 57.
 30. In Whiteley, *Deliberate Acts*, 86.
 31. Whiteley, *Deliberate Acts*, 87.
 32. Clum, "Es-Kin-in-Zin"; Stockel, *Shame and Endurance*, 69.
 33. Deloria, *American Indian Policy in the Twentieth Century*, 29.
 34. McLaughlin, "The Antiquities Act of 1906," 63.
 35. Eley and Suny. "Introduction," 8.
 36. Eley and Suny. "Introduction," 23.
 37. Eley and Suny. "Introduction," 22.
 38. In Thompson, "Edgar Lee Hewitt and the Political Process," 275. Emphasis added.
 39. Fewkes, "The Prehistoric Culture of Tusayan," 151.
 40. Fewkes, "Two Ruins Recently Discovered," 279–282.
 41. Matthews, "In Memoriam," 373, 375.
 42. For example, Hewett, "Preservation of American Antiquities."
 43. Dumont, "The Politics of Scientific Objections to Repatriation," 117.
 44. McGuire, "Contested Pasts," 379.
 45. Trigger, *A History of Archaeological Thought*, 151.
 46. Fewkes, "Two Ruins Recently Discovered," 269–270.
 47. Lee, "The Antiquities Act of 1906," 203, 222, 224, 230, 233, 260.
 48. Lee, "The Antiquities Act of 1906," 240.

49. Lee, "The Antiquities Act of 1906," 222.
50. Hewitt, "Preservation of American Antiquities," 233.
51. Judd, "Report on Illegal Excavations in Southwestern Ruins," 428.
52. Cunningham, *Archaeology, Relics, and the Law*, 158.
53. Doelle, "Threats to the Past"; Mallouf, "An Unraveling Rope"; Merrill et al., "The Return of the Ahayu:da"; Nichols et al., "Ancestral Sites, Shrines, and Graves."
54. Green, "Cultural Resource Management and American Archaeology."
55. Watkins, "Cultural Nationalists, Internationalists, and 'Intra-Nationalists'"
56. Chatters, *Ancient Encounters*; Thomas, *Skull Wars*.
57. Anyon and Ferguson, "Cultural Resources Management"; Merrill et al., "The Return of the Ahayu:da."
58. Dongoske et al., *Working Together*.
59. Watkins et al., "Accountability," 34.
60. Cornell, *The Return of the Native*, 217.
61. Cornell, *The Return of the Native*, 218.
62. Echo-Hawk and Echo-Hawk, *Battlefields and Burial Grounds*; Fine-Dare, *Grave Injustice*.
63. McGuire, "Why Have Archaeologists Thought the Real Indians Were Dead"; Trigger, "Archaeology and the Image of the American Indian."

BIBLIOGRAPHY

- Adams, David Wallace. *Education for Extinction: American Indians and the Boarding School Experience, 1875–1928*. Lawrence: University Press of Kansas, 1997.
- Ahern, Wilbert H. "An Experiment Aborted: Returned Indian Students in the Indian School Service, 1881–1908." *Ethnohistory* 44, no. 2 (1997): 263–304.
- Anyon, Roger, and T. J. Ferguson. "Cultural Resources Management at the Pueblo of Zuni, New Mexico, U.S.A." *Antiquity* 69 (1995): 913–30.
- Biasi, Heidi M. "The Antiquities Act of 1906 and Presidential Proclamations: A Retrospective and Prospective Analysis of President William J. Clinton's Quest to 'Win the West.'" *Buffalo Environmental Law Journal* 9 (2002): 189–244.
- Brooks, James F. *Captives and Cousins: Slavery, Kinship and Community in the Southwest Borderlands*. Chapel Hill: University of North Carolina Press, 2002.
- Chatters, James C. *Ancient Encounters: Kennewick Man and the First Americans*. New York: Simon & Schuster, 2001.
- Churchill, Ward. *A Little Matter of Genocide: Holocaust and Denial in the Americas, 1492 to the Present*. San Francisco: City Lights Books, 1997.
- Clum, John P. "Es-Kin-in-Zin." *New Mexico Historical Review* 4, no. 1 (1929): 1–27.
- Collins, Charles. *Apache Nightmare: The Battle at Cibecue Creek*. Norman: University of Oklahoma Press, 1999.
- Colwell-Chanthaphonh, Chip. "Western Apache Oral Histories and Traditions of the Camp Grant Massacre." *American Indian Quarterly* 27, no. 3&4 (2003): 639–66.
- . "The Place of History: Social Meanings of the Archaeological Landscape in the San Pedro Valley of Arizona." Ph.D. diss., Indiana University, 2004.

- Cornell, Stephen. *The Return of the Native: American Indian Political Resurgence*. New York: Oxford University Press, 1988.
- Cunningham, Richard B. *Archaeology, Relics, and the Law*. Durham: Carolina Academic Press, 1999.
- Cutler, Bruce. *The Massacre at Sand Creek*. Norman: University of Oklahoma Press, 1997.
- DeJong, David H. "Forced to Abandon Their Farms: Water Deprivation and Starvation among the Gila River Pima, 1892–1904." *American Indian Culture and Research Journal* 28, no. 3 (2004): 29–56.
- Deloria, Vine Jr. *American Indian Policy in the Twentieth Century*. Norman: University of Oklahoma Press, 1985.
- Dobyns, Henry F. "An Appraisal of Techniques with a New Hemispheric Estimate." *Current Anthropology* 7, no. 4 (1966): 395–416.
- Doelle, William H. "Threats to the Past." *Archaeology Southwest* 15, no. 3 (2001): 1.
- Dongoske, Kurt E., Mark Aldenderfer, and Karen Doehner, eds. *Working Together: Native Americans and Archaeologists*. Washington, D.C.: Society for American Archaeology, 2000.
- Driver, Harold E. "On the Population Nadir of Indians in the United States." *Current Anthropology* 9, no. 4 (1968): 330.
- Dumont, Clayton W. Jr. "The Politics of Scientific Objections to Repatriation." *Wicazo Sa Review* 18, no. 1 (2003): 109–28.
- Echo-Hawk, Roger C., and Walter R. Echo-Hawk. *Battlefields and Burial Grounds: The Indian Struggle to Protect Ancestral Graves in the United States*. Minneapolis: Lerner Publications, 1994.
- Eley, Geoff, and Ronald Grigor Suny. "Introduction: From the Moment of Social History to the Work of Cultural Representation." In *Becoming National*, edited by Geoff Eley and Ronald Grigor Suny, 3–38. Oxford: Oxford University Press, 1996.
- Fewkes, J. Walter. "The Prehistoric Culture of Tusayan." *American Anthropologist* 9, no. 5 (1896): 151–74.
- . "Two Ruins Recently Discovered in the Red Rock Country, Arizona." *American Anthropologist* 9, no. 8 (1896): 263–83.
- Fine-Dare, Kathleen S. *Grave Injustice: The American Indian Repatriation Movement and NAGPRA*. Lincoln: University of Nebraska Press, 2002.
- Fleisher, Kass. *The Bear River Massacre and the Making of History*. Albany: State University of New York Press, 2004.
- French, Laurence. *Addictions and Native Americans*. Westport: Praeger, 2000.
- Friedberg, Lilian. "Dare to Compare: Americanizing the Holocaust." *American Indian Quarterly* 24, no. 3 (2000): 353–80.
- Gersenblith, Patty. "Identity and Cultural Property: The Protection of Cultural Property in the United States." *Boston University Law Review* 75 (1995): 559–688.
- Green, William. "Cultural Resource Management and American Archaeology." *Journal of Archaeological Research* 6, no. 2 (1998): 121–67.

Hewett, Edgar L. "Preservation of American Antiquities; Progress During the Last Year; Needed Legislation." *American Anthropologist* 8, no. 1 (1906): 109–14.

———. "Preservation of American Antiquities—Progress During 1906." *American Anthropologist* 9, no. 1 (1907): 233–34.

Hoerig, Karl A. "Remembering Our Indian School Days: The Boarding School Experience." *American Anthropologist* 104, no. 2 (2002): 642–6.

Jacobs, Wilbur R. "The Tip of the Iceberg: Pre-Columbian Indian Demography and Some Implications for Revisionism." *William and Mary Quarterly* 31, no. 1 (1974): 123–32.

Judd, Neil M. "Report on Illegal Excavations in Southwestern Ruins." *American Anthropologist* 26, no. 3 (1924): 428–32.

Kickingbird, Kirke, and Karen Ducheneaux. *One Hundred Million Acres*. New York: Macmillan, 1973.

Lee, Ronald Freeman. "The Antiquities Act of 1906." *Journal of the Southwest* 42, no. 2 (2000): 197–270.

Lomawaima, K. Tsianina. "Domesticity in the Federal Indian Schools: The Power of Authority over Mind and Body." *American Ethnologist* 20, no. 2 (1993): 227–50.

Mallouf, Robert J. "An Unraveling Rope: The Looting of America's Past." In *Repatriation Reader: Who Owns American Indian Remains?*, edited by Devon A. Mihesuah, 59–73. Lincoln: University of Nebraska Press, 2000.

Matthews, Washington. "In Memoriam: Frank Hamilton Cushing." *American Anthropologist* 2, no. 2 (1900): 370–6.

McGuire, Randall H. "Why Have Archaeologists Thought the Real Indians Were Dead and What Can We Do About It?" In *Indians and Anthropologists: Vine Deloria Jr. And the Critique of Anthropology*, edited by Thomas Biolsi and Larry J. Zimmerman, 63–91. Tucson: University of Arizona Press, 1997.

———. "Contested Pasts: Archaeology and Native Americans." In *A Companion to Social Archaeology*, edited by Lynn Meskell and Robert W. Preucel, 374–95. Oxford: Blackwell, 2004.

McLaughlin, Robert H. "The Antiquities Act of 1906: Politics and the Framing of an American Anthropology and Archaeology." *Oklahoma City University Law Review* 25, no. 1&2 (1998): 61–91.

Merrill, William L., Edmund J. Ladd, and T. J. Ferguson. "The Return of the Ahayu:da: Lessons for Repatriation from Zuni Pueblo and the Smithsonian Institution." *Current Anthropology* 34, no. 5 (1993): 523–67.

Mieder, Wolfgang. "'The Only Good Indian Is a Dead Indian': History and the Meaning of a Proverbial Stereotype." *Journal of American Folklore* 106, no. 419 (1993): 38–60.

Moore, Mari Jo, ed. *Genocide of the Mind: New Native American Writing*. New York: Nation Books, 2003.

n.a. "Keysville Massacre, April 19, 1863 (from Military Correspondence)." *Kern County Historical Society* 4, no. 2 (1952): 5–8.

Nichols, Deborah L., Anthony L. Klesert, and Roger Anyon. "Ancestral Sites, Shrines, and Graves: Native American Perspectives on the Ethics of Collecting Cultural Properties." In *The Ethics of Collecting Cultural Property: Whose Culture? Whose Property?*, edited by Phyllis Mauch Messenger, 27–38. Albuquerque: University of New Mexico Press, 1999.

- Ogle, Ralph Hendrick. *Federal Control of the Western Apaches, 1848–1886*. Albuquerque: University of New Mexico Press, 1949.
- Ortiz, Alfonso, ed. *Handbook of North American Indians*. Vol. 9. Washington, D.C.: Smithsonian Institution, 1979.
- , ed. *Handbook of North American Indians*. Vol. 10. Washington, D.C.: Smithsonian Institution, 1983.
- Perry, Richard J. *Apache Reservation: Indigenous People and the American State*. Austin: University of Texas Press, 1993.
- Rothschild, Nan A. *Colonial Encounters in a Native American Landscape: The Spanish and Dutch in North America*. Washington, D.C.: Smithsonian Institution, 2003.
- Ryden, Don W., and Doug Kupel. “Warfare between Indians and Americans in Arizona, 1846–1886.” Manuscript on file, Arizona State Historic Preservation Office, Phoenix, 1998.
- Spicer, Edward H. *Cycles of Conquest: The Impact of Spain, Mexico, and the United States on the Indians of the Southwest, 1533–1960*. Tucson: University of Arizona Press, 1962.
- Squillace, Mark. “The Monumental Legacy of the Antiquities Act of 1906.” *Georgia Law Review* 37, no. 2 (2003): 473–610.
- Stannard, David E. *American Holocaust: The Conquest of the New World*. Oxford: Oxford University Press, 1992.
- Stockel, H. Henrietta. *Shame and Endurance: The Untold Story of the Chiricahua Apache Prisoners of War*. Tucson: University of Arizona, 2004.
- Thomas, David Hurst. *Skull Wars: Kennewick Man, Archaeology, and the Battle for Native American Identity*. New York: Basic Books, 2000.
- Thompson, Raymond H. “Edgar Lee Hewitt and the Political Process.” *Journal of the Southwest* 42, no. 2 (2000): 271–318.
- Tinker, George E. *Missionary Conquest: The Gospel and Native American Cultural Genocide*. Minneapolis: Fortress Press, 1993.
- Trafzer, Clifford E. *The Kit Carson Campaign: The Last Great Navajo War*. Norman: University of Oklahoma Press, 1982.
- Trennert, Robert A. “Educating Indian Girls at Nonreservation Boarding Schools, 1878–1920.” *The Western Historical Quarterly* 13, no. 3 (1982): 271–90.
- Trigger, Bruce G. “Archaeology and the Image of the American Indian.” *American Antiquity* 45, no. 4 (1980): 662–76.
- . *A History of Archaeological Thought*. Cambridge: Cambridge University Press, 1989.
- Watkins, Joe. “Cultural Nationalists, Internationalists, and ‘Intra-Nationalists’: Who’s Right and Whose Right?” *International Journal of Cultural Property* 12, no. 1 (2005): 78–94.
- Watkins, Joe, Lynne Goldstein, Karen D. Vitelli, and Leigh Jenkins. “Accountability: Responsibilities of Archaeologists to Other Interest Groups.” In *Ethics in American Archaeology: Challenges for the 1990’s*, edited by Mark J. Lynott and Alison Wylie, 33–37. Washington, D.C.: Society for American Archaeology Special Report, 1995.

Whiteley, Peter M. *Deliberate Acts: Changing Hopi Culture through the Oraibi Split*. Tucson: University of Arizona Press, 1988.

Worcester, Donald E. *The Apaches: Eagles of the Southwest*. Norman: University of Oklahoma Press, 1979.

Yellow Bird, Michael. "Cowboys and Indians: Toys of Genocide, Icons of Colonialism." *Wicazo Sa Review* 19, no. 2 (2004): 33–48.