

Protection of Ancient Burials in Iowa

General Information



Burials Program
Office of the State Archaeologist
The University of Iowa

OSA Indian Advisory Council

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Iowa's Program for Protecting Ancient Burials

- Statutory **protection** for burials over 150 years old
- Regular **consultation** with Indian community through Indian Advisory Council
- Examination and **study** of human remains
- **Reinterment** of human remains in a designated state cemetery
- **Publication** of study results
- Public **education** on burial site protection and respect for burial sites and human remains

Protection of Human Remains in Iowa

The Office of the State Archaeologist (OSA) is a unit of The University of Iowa. Its responsibilities include the investigation, interpretation, and preservation of ancient burial grounds, and when necessary, the recovery and reburial of ancient human skeletal remains. State statute assigned these duties to the OSA in 1976 after Indians in Iowa raised the issues of proper disposition of Indian burials, the defilement of Indian burial grounds, and equal protection under the law. Enacted through the combined efforts of Indian representatives, the State Archaeologist, state legislators, and the Governor, Chapter 263B of the Iowa Code protects ancient human remains in Iowa. The OSA works closely with the Indian community through an Indian Advisory Council to implement the law.

Ancient human remains are those older than 150 years. Legal protection of burials in Iowa extends to include prehistoric burial mounds and unmarked cemeteries. Sites are preserved and protected whenever possible. If, however, human remains have been or must be removed, the OSA disinters and examines the remains prior to reburial.

Any individual who has found a possible ancient burial site or skeletal material he or she suspects may be human should contact the OSA. If the bones are determined to be human, they will be examined by a physical anthropologist in an attempt to determine cultural affiliation. A report will be written and submitted to the Department of Health. If the remains are over 150 years old, they will be reburied in one of four state cemeteries established for that purpose.

Anyone considering construction activities and concerned about encountering burials should contact the OSA for assistance to ensure compliance with Iowa law and to preserve our non-renewable cultural heritage. Anyone with knowledge of disturbance of ancient human remains should contact the OSA. Intentional disturbance of a burial is considered criminal mischief in the third degree (Chapter 716.5, Iowa Code).

The OSA is willing to explain in more detail the procedures followed upon the discovery of human remains, what we can learn from bones, and the importance of treating human remains and burials with respect. Please contact the OSA for further information.

State Statutes on Protecting Ancient Burials

263B.7 Ancient remains.

The state archaeologist has the primary responsibility for investigating, preserving and reintering discoveries of ancient human remains. For the purposes of this section ancient human remains shall be those remains found within the state which are more than one hundred fifty years old. The state archaeologist shall make arrangements for the services of a forensic osteologist in studying and interpreting ancient burials and may designate other qualified archaeologists to assist the state archaeologist in recovering physical and cultural information about the ancient burials. The state archaeologist shall file with the Iowa department of public health a written report containing both physical and cultural information regarding the remains at the conclusion of each investigation.

263B.8 Cemetery for ancient remains.

The state archaeologist shall establish, with the approval of the executive council [Governor, Secretary of State, State Auditor, State Treasurer, Secretary of Agriculture], a cemetery on existing state lands for the reburial of ancient human remains found in the state. The cemetery shall not be open to the public. The state archaeologist in co-operation with the department of natural resources shall be responsible for co-ordinating interment in the cemetery.

263B.9 Authority to deny permission to disinter human remains.

The state archaeologist shall have the authority to deny permission to disinter human remains that the state archaeologist determines have state and national significance from an historical or scientific standpoint for the inspiration and benefit of the people of the United States.

523I.316.6 Serious misdemeanor for failure to report discovery of human remains.

716.5 Criminal mischief in the third degree.

A person commits criminal mischief in the third degree [aggravated misdemeanor] who does either of the following:

1. Intentionally disinters human remains from a burial site without lawful authority.
2. Intentionally disinters human remains that have state and national significance from an historical or scientific standpoint for the inspiration and benefit of the United States without the permission of the state archaeologist.

Iowa Administrative Code

Ancient Human Skeletal Remains

685-11.1 Procedures. OSA is the appropriate agency to contact regarding the discovery of human physical remains or suspected human physical remains believed to be over 150 years old. The OSA should be notified of the location of areas believed to represent ancient burial grounds. The director has the authority to deny permission to disinter human physical remains from aboriginal ossuaries, grave sites, cemeteries or any other archaeological deposit that are determined to have state and national significance from the standpoint of history or science.

11.1(4) The OSA shall maintain records of all known or suspected ancient burial sites in the state. The OSA has the authority to co-ordinate activities pertaining to ancient burial grounds in order to foster their protection and preservation.

OSA Burials Program

The OSA Burials Program is involved in numerous field projects throughout Iowa. Museums, other repositories, and individuals also submit their collections to the OSA for examination and reburial. Since 1976, the program has handled over 2,000 projects in 97 of Iowa's 99 counties.

Field projects result in the discovery of many new sites and acquisition of new information on previously recorded sites. Field work involves verification of reports of possible burials or mounds, as well as examination of mounds or

mound groups and other burials that are threatened by erosion, construction or quarrying activities, or vandalism. Many sites require periodic monitoring on an ongoing basis. Preservation of sites is always the preferred treatment. In cases where significant sites are threatened, the State Archaeologist has the authority (Code of Iowa, 263B.9) to deny permission to disinter.

The results of analyses of human remains are published in order to disseminate the information obtained under the OSA's statutory obligation to publish educational and scientific reports. Burials Program reports, which are filed with the Iowa Department of Health, integrate cultural and physical information recovered and serve to establish the significance of sites under investigation.

The remains of over 1,200 individuals have been reburied since the program began. A cemetery on state-owned land was dedicated and set aside for this purpose in 1977. A second cemetery was established in 1979, a third in 1987, and a fourth in 1991. Remains are reinterred in the cemetery nearest to the original burial site, and a ceremony is held at or shortly after each reburial in accordance with the wishes of the Indian Advisory Council. Repatriation of tribally affiliated remains is conducted in compliance with the federal Native American Graves Protection and Repatriation Act.

The OSA Burials Program is dedicated to the protection of burial sites and human remains, to the reburial of ancient human remains, and to achieving a greater understanding of Iowa's past. Regular consultation with the OSA Indian Advisory Council is a critical element of the program. All Iowans are served through the program's protection of Iowa's heritage.

"In Mesquakie religion our creator put us on this earth (not in Europe or Africa, but here). The earth is the ultimate repository for all people....The Mesquakie have adapted to modern ways, but our burials have not changed. All burials remain the same, inviolate."

Don Wanatee, 1980 Planning Seminar on Ancient Burial Grounds.

"The Indian point of view on exhumation can be stated in simple terms. Basically there is rarely a good reason for removal of the dead from the ground where they have rested so long and when it does become necessary those human remains should be reburied as soon as possible and in a proper and dignified manner....Our ancestors were human and we want them left alone....We Indians respect our ancestors. They are present in our ceremonies and we call upon them for help to live our lives helping one another....[They] were once people who once walked on earth, loved, prayed, took care of their families, died and were buried....We believe that the dead should stay buried. There is enough land for everything that needs to be done so that a few acres left for our dead won't cause anyone to starve."

Maria Pearson, paper entitled The Indian Point of View: Exhumation and Reburial.

"More Indians have died in Iowa over the centuries than anyone or any people today can ever remember the names of. Whole tribes have disappeared without leaving their names for our own generation....I say it is possible, to see some of those old timers as living, breathing, thinking, feeling personalities with beliefs, fears, hopes, and prayers. In that sense those individuals are not really dead. If we can see them as real people, they are not really dead."

Robert L. Hall, anthropologist, 1983 Symposium on the Study of Ancient Human Skeletal Remains in Iowa.

"Indians and scientists both have many good reasons for wanting to protect and preserve ancient burial sites. We need to form a partnership and work together toward common goals. We are allies and we must work side-by-side against the forces of erosion, development, looting and other factors that eliminate ancient burial grounds."

Duane Anderson, former State Archaeologist, 1980 Planning Seminar on Ancient Burial Grounds.

Contact

Working together, Iowans can help preserve our cultural heritage. For more information, contact:

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