

# Beyond Texas' Legacy: Searching for Cooperation Without Submission

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## Abstract

Billed as a civil rights issue, federal graves-protection legislation led archaeologists to more effectively incorporate Indians into scientific investigations. In light of historical relationships with Indian groups in Texas, however, and without state-level graves-protection legislation, Texas appears to be somewhere in a dark corner of this particular civil-rights arena. The good news is that archaeologists, Indians, and other citizens in Texas have already demonstrated their collective ability to cooperate. The challenge, as shown elsewhere in the Nation, is to sustain cooperation and open new pathways that allay suspicions, form alliances, and lead to common ground for diverse cultural and scientific perspectives.

## I. Introduction

Thousands upon thousands of unmarked graves are scattered throughout rural Texas as well as in many towns and cities, often just beyond the boundaries of established cemeteries. These unheralded burial sites are the final resting places for now-nameless people of the past who lived, worked, and died in Texas, and who certainly contributed substantially to Texas' long and diverse cultural heritage. Unmarked graves contain the remains of not only Native Americans who lived in Texas during the last 12,000 or so years (e.g., Steele and Olive 1989:93-98), but also Hispanic Americans (e.g., Rubio 1998:152-153), Anglo Americans (see following section), African Americans (e.g., Dockall et al. 1996:1), and other immigrants (Potter and Simons, this volume).

Graves protection is an emotionally charged, often ethnically bound, and certainly belief-conditioned issue. Its contentious nature is aptly demonstrated by controversies that continue to surround Public Law 101-601, the Native American Graves Protection and Repatriation Act (NAGPRA), which was enacted in 1990. NAGPRA called the Nation's attention to age-old controversies between science and religion (Clark 1998:22; Lippert 1992:18; Watkins 1998:23), and to opposing perspectives of the victors and the vanquished (Echo-Hawk and Echo-Hawk 1994:21). As civil rights legislation, however, NAGPRA also led politicians, Indians, and archaeologists to work within a context of cooperation without submission (Inouye 1994:9).

Consistent with the national pattern, Texas' legacy of historical treatment and portrayal of Indian people lies somewhere in a dark corner of the civil-rights arena (Thoms 1997:200-205). The good news, as the present "Common Ground" conference exemplifies, is that archaeologists, Indians, and other citizens in Texas have demonstrated their collective ability to cooperate (Lippert 1992:18-21; Thoms 1997:205-209). The challenge is to sustain cooperation and

open new pathways that allay suspicions, form alliances, and lead to common ground for diverse cultural and scientific perspectives.

And so, how are NAGPRA, civil rights, and graves protection issues related? Precisely because unmarked graves lack headstones or other readily recognizable monuments, they tend to remain invisible until inadvertently discovered, often by construction workers, farmers, ranchers, or outdoor enthusiasts (Potter and Simons, this volume). Sadly, however, hundreds of Native American burial sites continue to be purposefully looted by grave robbers searching for skulls and funerary objects with high-dollar values in black markets (Perttula and Nelson, this volume). Price guides for grave goods, some of which actually include prices for human skeletal remains, are readily available to the public. In late 1996, for example, I visited a bookstore in one of San Antonio's leading museums and purchased an out-dated pamphlet that listed "average market values" for many American Indian "relics;" included was a sketch of and suggested costs for human skulls (Moore 1959:i, 8).

In spite of the all-too-frequent presence of grave robbers in Texas, the vast majority of Texans would probably agree wholeheartedly that their ancestors' burial places merit protection wherever they are located, whenever and however the individuals were interred, and regardless of their ethnicity or religion. Although they are "invisible" on the landscape, unmarked graves nonetheless represent Texas' millennia-long and culturally diverse heritage. What may be surprising to many Texas citizens today is that for the past 15 years, conflicts and disputes among several interest groups have impeded success in a series of efforts to enact protective legislation (Mercado-Allinger, and Soucy and Harris, this volume). What may be useful in breaking the apparent deadlock, is to view this issue from a civil rights perspective and to call attention to how formal protection of unmarked graves promises to create important pathways that will lead to greater recognition of and respect for Texas' truly outstanding multi-ethnic heritage.

With the approach of the 21st century, America finds herself still struggling to cope with her legacies of slavery, ethnic cleansing, and disenfranchising selected elements of her citizenry (e.g., Copelin 1998:B1,9-10). Robert Kelly, a well-known archaeologist, recently wrote an article for the *Society for American Archaeology Bulletin* entitled "Native Americans and Archaeology: A Vital Partnership." In it, Kelly recognized that "while archaeologists may trip over their feet and tongues, most do mean well," and he asked that Native Americans be more forgiving (Kelly 1998:25). His main point, however, was that "it seems too simplistic, but archaeology's purpose today is to play a role in ending racism. Everything follows from this fact" (Kelly 1998:24). He illustrated this point by calling attention to an undergraduate class he teaches:

While showing the cultural genius of North America's indigenous societies, I examine the effects of environmental change and increasing population density, providing an alternative to a racialist explanation of the differences between Native American and European history. For me, then, a

scientific materialist approach is a key tool in fighting racism (Kelly 1998:24).

Not unlike many other states, it is Texas' historical legacy of relationships with American Indians (e.g., Russell 1993:3-4; Carmichael and Soucy and Harris, this volume), African Americans (e.g., Copelin 1998:B1,9-10; Williams 1997:1-5), and Hispanic Americans (e.g., Rubio 1998:xvii-xxi) that raises the specter of racism. What makes protection of unmarked graves so clearly a civil-rights issue in Texas is that most of the unprotected grave sites are places where non-whites are interred (Potter and Simons, this volume). Accordingly, these invisible grave sites call attention to civil-rights struggles that extend well beyond Indians, archaeologists, and legislators.

In the remainder of this paper, I discuss aspects of Texas history as they are related to the issue of protecting unmarked graves in Texas and to civil-rights underpinnings. I draw mainly from my own enculturation and education in Texas. These life experiences have convinced me that recognition of basic human-rights issues, what we often term civil rights, will prove to be a useful glue in Texas that leads to greater understanding and mutual respect among culturally diverse citizens, legislators, landowners, scientists, and educators (Thoms 1997:192). Among the things Indians are likely to have in common with other ethnic groups in Texas are respect and honor for their ancestors and the conviction that their final resting places should serve as testaments to their contributions to Texas' heritage.

## II. A Personal Perspective

I began my career in archaeology during the 1960s as an undergraduate student majoring in history and anthropology at what today is known as West Texas A&M University. My first archaeological job was as one of several part-time assistant curators of archaeology at the Panhandle-Plains Historical Museum in Canyon, Texas. These positions were awarded to undergraduate students through a National Science Foundation grant aimed at cataloging and preparing collections, including human remains, for long-term curation and research purposes. The job was a dream come true, because it allowed me to play a role in revealing how Indian people lived in the past. It opened a door for me to become a professional archaeologist and take on the ethical and moral, almost sacred, obligations to interpret and preserve the fragile scientific evidence of past lifeways (Thoms 1997:191). For the past 30 years, my professional career has focused on recording, excavating, and analyzing hundreds of archaeological sites in Texas and elsewhere, several of which contained unmarked Native American burials. To better understand my perspective on graves protection issues, however, it is useful for the reader to also know something about my own family heritage.

My great-great-great grandfather came to Texas in the 1840s and began farming and ranching along the Colorado River in south central Texas. In the 1880s, his grandson T. L. "Tom" Coffee, the man who would eventually become one of my maternal great-grandfathers, moved to the Texas Panhandle. He worked on large cattle ranches, became a trail boss, and drove some of the

last great cattle herds to Montana. His trail boss role is recognized on a state historical marker in Carson County near an old ranch where he helped gather cattle for the drives (Dooley et al. 1985:526). Tom Coffee's daughter, my grandmother, was born after he settled down and became a rancher along the Canadian River (Crumpacker and Coffee 1966:75-77). In the 1920s, she married a Kansas-born farmer who had also become a landowner in the Texas Panhandle. My mother inherited land from her parents. She has since given a portion of her land to me and my siblings, including my adopted sister whose biological parents were Comanche and Kiowa-Apache. In turn, we all intend to pass our land on to our children.

In 1888, my grandmother's brother Emmitt was buried on a mesa top near Adobe Walls, only 14 years after my adopted sister's relatives fought buffalo hunters who were encamped there in 1874 (Tyler 1996:35). I recall asking my grandmother if Emmitt's burial place was marked in any way. She responded that there once was a cross and that the grave site had been fenced, but she thought these had long since fallen and there would be little left to indicate the exact location.

A few years after my grandmother died, family members obtained permission from the ranch owner near Adobe Walls to locate Emmitt's then unmarked grave and place a headstone there to preserve his memory, and protect the burial site from inadvertent destruction. If my family had not been able to accomplish this, Emmitt's burial place would have remained unmarked and therefore without adequate legal protection. In other words, it would have been in the same category as the graves of my sister's ancestors that are undoubtedly located somewhere in the surrounding landscape and certainly merit as much protection as Emmitt's final resting place.

### III. Texas Indians as People Without a History

In an earlier publication (Thoms 1997:200-205), I argued that educational systems in Texas have historically perpetuated and spread the myth that all of the real Texas Indians died out or were forced out of the state long ago. After more than a century of historical misinformation, many Texans seem all too ready to accept the concept that descendants of one-time Texas Indians have little, if anything, to contribute about or inherit from past Indian cultures. My basic contention is that this particular socio-political falsehood encouraged non-Indians, including me, to erroneously conclude that it is a primary responsibility of professional archaeologists, in and of themselves, to deal with Indian graves and to reconstruct and preserve past Indian lifeways in Texas (Thoms 1997:192). In this scenario, Indians with Texas heritage exemplify what Eric Wolf called "people without history" in that their voices have not been heard by the dominant western society that usurped their history and placed all Native Americans in a timeless, static past (Wolf 1982:4, 19).

A solid foundation of misinformation about Texas' Indian heritage was already in place when Anglo-Americans began to colonize Texas in large numbers and reshape the state as an independent nation. In 1836, for example, one Texas history book reported that Indian people, living in what then was rapidly becoming Anglo-Texas, were "but remnants of broken tribes" (Edward

1990:93 [1836]). A book written in 1912 with a rambling title, *A New History of Texas for Schools: Also for General Reading and for Teachers Preparing Themselves for Examination*, included this statement: "It is a mistake to think there were large numbers of Indians here or in any other part of the United States when the Europeans came" (Pennybacker 1912:16[1888]).

Well before the turn of the 20th century and, ironically, while contending that there were never really very many Indians in Texas, another concept that became entrenched in the literature was the idea of Indians as savage killers who were culturally and racially inferior (Thoms 1997:195, 200). A well-known example is J. W. Wilbarger's *Indian Depredations in Texas* (1889) which was widely circulated, reprinted as late as 1967, and that is still available in many bookstores. One might well ask why so many ideas about the "savage" and "bloodthirsty" Indians persisted for so long and continued to capture the attention of non-Indians (e.g., Newcomb 1961:viii). I think part of the answer may come from the fact that armed conflict persisted between Indians and non-Indians in Texas for almost 350 years, from 1528 until the late 1870s. Neither descendants of the victors or the vanquished are likely to forget such long-term warfare.

While I never heard my grandmother say anything negative about Indian people, she once told me that she remembered well one of her father's house guests, Mr. William Dixon, a well-known buffalo hunter and pioneer who fought at the Battle of Adobe Walls in 1874. He is credited by some historians with having used a buffalo gun to shoot an Indian man on horseback almost a mile away (Richardson 1996:659; Tyler 1996:35). Accounts such as this continue to reinforce ideas that white settlers were the conquerors who earned a right to punish and vanquish the Indians. In turn, these are just the kinds of ideas that may contribute to the attitudes of some non-Indians that skeletal remains of Indian people found on private land should be considered as private property.

A contemporary example of Texas Indians without history can be found embossed on a state historical marker located in the Canadian River valley not far from where my grandmother lived as a child. Although I am sure I read it in the early 1970s, I was quite surprised when I read it again two years ago, and for the first time really understood its subtle message. The 1969 plaque reads: "Old Military Road: One of the earliest known Texas Panhandle trails. Flint-pierced mastodon bones show prehistoric men trailed this valley before Indians were here" (Dooley et al. 1985:85). While it may have been inadvertent, the embedded message is nonetheless clear: noble, prehistoric men who hunted elephants here more than 11,000 years ago must have been decidedly different from the mere Indians, my sister's ancestors, who inhabited the region long before my family arrived.

Books and pamphlets about Texas Indians (e.g., Guderjan and Canty 1989:27; Newcomb 1961:24), including one published very recently (La Vere 1998:3), typically call attention to Texas' Indian reservations as being established for its "recent immigrants," "migrant tribes," or "relative newcomers:" the Alabama-Coushatta, the Kickapoo, and the Tigua groups who have lived in Texas for 150 to 300 years. Any non-Indian whose ancestors had lived here that long would be considered a native-born, blue-blooded, true

Texan. In a recent publication entitled *Texas Archeology in the Classroom: A Unit for Teachers*, the Apaches and Comanches are also termed “newcomers” who arrived in the state during late prehistoric and early historic times, respectively (Simons et. al 1998:B-20). The same publication goes on to state:

None of the Texas Indian cultures that were present at the beginning of the Historic period now lives within the borders of Texas. By 1880 they had been forced out of the state or destroyed. A handful of Lipan Apaches live in New Mexico, a few Tonawas in Oklahoma, and the Wichitas, Caddos, and Comanches are joined on the reservations in Oklahoma. The Karankawas, Coahuiltecans, Atakapans, Jumanos, and others have all disappeared—vanished forever [Simons et al. 1998:B-24, emphasis in original].

A not-so-subtle message I see in these passages is that somehow these Texas Indian “newcomers” are not as real as other groups whose ancestors lived here for thousands of years, but who left few if any descendants. For example, impacts from the Spanish and inter-group conflicts among Indians during the 18th century are widely believed to have caused the demise of Coahuiltecan groups in southern Texas and northeastern Mexico, such that none of these groups “survived culturally or biologically to be interviewed by early anthropologists” (Hester 1989a:195). Following this particular line of reasoning, it seems reasonable to conclude that archaeologists, primarily through results of their studies at Spanish mission sites, are the most likely sources of information about how these Indian people lived during the early historic period (Hester 1989b:218). Written records are of course important in historical archaeology investigations, but the assumption of cultural and biological extinction effectively precludes a search for ethnographic informants. But is this truly a logical conclusion?

A few days after the present conference, the *Austin-American Statesman* published an article about the seventh annual Powwow and Heritage Festival in Austin sponsored by the Austin Independent School District’s Native American Parents’ Committee (Trower 1998:B6). The article called attention to widespread “misperceptions” about Indians in Texas, including the idea that few Indian people live here today, when in fact 2,000 Native Americans presently reside in Austin and surrounding Travis County. Apparently one mother took her son to the powwow in response to overhearing a children’s argument in which one of her son’s friends proclaimed that “All Indians are dead” (Trower 1998:B6). The sad tale here is that apparently our children, even in one of the most liberal areas of the state, are still being taught that there are no more real Texas Indians.

There are reliable indications, however, that South Texas’ Coahuiltecans may be among the Indians with Texas heritage who are more rare and endangered than they are extinct per se. Thomas N. Campbell, the best-known Coahuiltecan ethnographer, observed that “all surviving Indians passed into the lower economic levels of Mexican society,” but as of 1981, “descendants of some aboriginal groups still lived in various communities of Mexico and Texas,

although few attempts have been made to discover individuals who can demonstrate this descent” (Campbell 1983:347). Consistent with this observation is a brief notation included on a recent flier about Mission San Juan Capistrano, one of the San Antonio missions where numerous Coahuiltecan groups lived during the eighteenth century. The flier reads in part that “Native American and Spanish descendants of the original inhabitants still live near the Mission grounds” (San Antonio Convention and Visitors Bureau 1998: front page). Currently, the San Antonio Missions National Historical Park (1998:3) is negotiating with Texas A&M University to conduct a lineal descent and cultural affiliation study of populations at Mission San Juan Capistrano. The goals are to establish relationships between park resources and collections and associated past and present peoples, with special efforts devoted to baseline research for Coahuiltecan groups. It appears that even though the “myth” that Indian people have long since left Texas continues to be perpetuated, steps are now being taken to assess the myth’s veracity.

#### IV. Sustaining Cooperation and Forming New Alliances

According to the 1990 federal census, approximately 65,000 of Texas’ residents are listed as Native Americans (Paisano 1995; Trower 1998:B6). Slightly more than 30,000 of these individuals identify themselves as members of BIA-recognized tribes with demonstrable Texas heritage, including those who reside on Texas reservations as well as Comanche, Kiowa, Apache, Caddo, Cherokee, Choctaw, Chickasaw, and others (Stanush 1994:15). Recently, arguments have been made based on archival research that there may be thousands of Hispanicized Texas Indians living in South Texas, many of whom have retained their identity as Indian people (England 1995:35-36; Guerra 1994:A11). Among those are individuals who grew up around the San Antonio missions and who learned from their parents and grandparents that they descended from Indian people who once lived at the missions. Some of the descendants now belong to organized groups, including the “American Indians in Texas-at Spanish Colonial Missions” (England 1995:36). Although these groups are not BIA-recognized tribes, some of their members have been very active in efforts to obtain legal protection for unmarked graves in Texas. Unfortunately, even this kind of pan-Indian force has yet to achieve success in its forays into Texas’ legislative spheres.

The people-without-history scenario discussed earlier in this paper is also applicable to Hispanic Americans, African Americans, and other ethnic minorities who all too often have remained historically invisible in Texas. In light of the common-ground theme, it is useful to call attention to the fact that these groups share with Indian people common historical roles as disenfranchised Texans concerned with protecting their ancestor’s graves (also see Potter and Simons, this volume). For example, an unmarked African-American cemetery was inadvertently discovered in 1991 during a highway construction project just outside the Phillips Memorial Cemetery at La Marque, Texas. A detailed account of these unmarked graves and how local community members played active roles in subsequent scientific studies and reburial is presented in a publication entitled *Home Hereafter: An Archaeological and*

*Bioarchaeological Analysis of an Historic African-American Cemetery (41GV125)* (Dockall et al. 1996:iv-v). Another recent publication, entitled *Stolen Heritage: A Mexican American's Rediscovery of His Family's Lost Land Grant* (Rubio 1998:152), retraces efforts by an Hispanic-American family to document their history, including their attempts to locate some of their ancestor's now unmarked graves in South Texas. No doubt there are many other examples of once disenfranchised people working to protect their ancestor's unmarked graves.

In America, it is primarily within the last few decades that Native Americans, African Americans, Hispanic Americans, and Asian Americans have gained sufficient political strength for their voices to be heard in a meaningful fashion. These ethnic groups are among once-vanquished, once-enslaved, and once-disenfranchised people of the world who are now presenting their own histories. Examples of the means by which disadvantaged groups are regaining their civil rights include the Truth and Reconciliation Commission in South Africa, the enactment of NAGPRA in the United States, and the passage of unmarked graves protection legislation in 35 states, including all of those that border Texas (Mercado-Allinger, this volume). Contemporary cries for racial reconciliation also come from African Americans and whites in Texas, but while many praise this cry, others question the need to call attention to the past and argue that to do so tends to polarize communities (Copelin 1998:B1,9-10).

Although NAGPRA is nationally viewed as "a piece of human rights legislation designed to provide Native American human remains equal protection under the law" (Watkins 1998:23), the concept of affording protection to all grave sites regardless of race, color, or creed has yet to receive widespread acceptance in Texas. As noted earlier, Texas' historical relationships with Indians and other minorities place the state somewhere in a dark corner of this particular civil-rights arena. That corner seems even darker knowing that this conference marks the 12th year that organizations, agencies, and individuals have tried and failed to pass legislation for unmarked graves protection (Potter and Simons, Mercado-Allinger, Russell, and Soucy and Harris, this volume).

## V. Conclusion

As I have argued elsewhere (Thoms 1997:208) and as the present conference shows, there exists an ever-growing spirit of cooperation among Indians of diverse affiliations and archaeologists, but to date this level of cooperation has not been of sufficient magnitude to achieve success. What the graves protection movement in Texas needs is more strength through greater awareness and less rhetoric. The time has come to strengthen existing cooperative networks and form new alliances with citizens who are concerned with obtaining better protection for grave sites and cemeteries where their ancestors are buried. Graves protection can be readily related to other ethnic and heritage issues by instilling greater respect for diverse cultures and thereby helping to make it socially and politically undesirable to deny protection and respect.



Toward that end, we should broaden our concept of "common ground" to include Hispanic-Americans, African-Americans, other minorities, and folks like me whose ancestors may be buried in unmarked graves around the state. Also included should be an array of organizations with vested interests in promoting ethnic identity and resolving inter-ethnic conflicts. A coalition of this type could be called TAGPRA: Texas Alliance for Graves Protection and Reconciliation Action. To insure success, however, every advantage must be taken of the unprecedented momentum that exists today as our nation endeavors to move beyond its legacy of racism and toward inter-ethnic reconciliation.

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