Who Owns These Bones?: Descendant Communities and Partnerships in the Excavation and Analysis of Historic Cemetery Sites in New York and Philadelphia

John P. McCarthy
Institute for Minnesota Archaeology/IMA Consulting, Inc., 3300 University Ave. SE, Suite 202, Minneapolis, MN 55414

Introduction

Archaeological and osteological data from historic cemetery sites have provided a wealth of information regarding life and death in the past that is available from no other source. For example, information concerning nutrition, mortality, burial practices, and aspects of the socioeconomic identities of early 19th-century African Baptists have been documented through the excavation and analysis of two such cemetery sites in Philadelphia (Parrington et al. 1989; Parrington and Roberts 1990; Crist et al. 1995; McCarthy in press). Researchers such as Brauer (1992) have detailed the research potential of human skeletal material, including contributions to molecular genetics, epidemiology, health care, and forensics.

While the advances in scholarship that the study of such sites afford are clearly in the public interest, the more direct and personal interests of the members of descendant communities have been increasingly recognized by legislative bodies, the courts, and public opinion. Often the desires of scholars and the descendants of those whom we wish to study come into conflict with respect to the manner of excavation of cemeteries, the handling and treatment of skeletal remains, the nature of analyses (if any are to be permitted), and the curation or reburial of the remains.

This paper offers an approach that focuses on the creation of formal and informal partnerships between researchers and descendant communities. The author’s experiences with the highly controversial excavation of a portion of the African Burial Ground (ABG) at Foley Square in New York City is contrasted with the relationship of mutual cooperation and respect that was developed in the excavation and analysis of two cemeteries associated with the First African Baptist Church (FABC) of Philadelphia. The partnership that evolved during the investigations of the FABC cemeteries have been previously discussed by Roberts and McCarthy (1995) and Crist and Roberts (1996).

Other scholars have noted the importance of identifying the many possible stakeholders in the excavation of human remains and recognizing their various agendas and expectations as projects develop. Goldstein (1995:17), in particular, has argued that it is important that re-
searchers develop inclusive approaches that treat others with “respect, sensitivity, and tolerance.” This paper will argue that the wishes and desires of descendant communities must be fully integrated into any research effort involving burials and the study of human skeletal remains, and that this is best accomplished through partnerships that recognize and integrate both scholarly and community goals. (See figure 1.)

**Background**

Since the early 1970’s a fundamental change has taken place in the way that archaeologists and physical anthropologists go about the study of cemetery sites and human remains. The 1980’s, in particular, were characterized by considerable conflict between the professional anthropological community on the one side and various Native American groups on the other, as these native people tried to establish claim to, and control of, the remains of their ancestors. The remains of thousands of native people had been excavated and curated in museum collections throughout the country as the result of over 100 years of “scientific” interest in the history and biology of native populations. Scholarly resistance to this movement branded all researchers as “insensitive” in the eyes of most Native Americans and much of the popular press, as well. The net result was the enactment of the Native American Graves Protection and Repatriation Act (NAGPRA) that addressed concerns centering on the reburial and repatriation of human skeletal remains and associated grave goods that are demonstrably associated with Native American groups. As such, NAGPRA is a very circumscribed bill, that regrettably, is also ethnocentric in focus, since it addresses only the burials of Native Americans. It grants no recognition whatsoever to any group other than Native Americans, and it fails to address other aspects of human culture and experience that might be of equal, or greater, value in the collective consciousness of a particular community. A number of states also enacted legislation addressing the treatment of cemeteries and unmarked burials during this period. The variety and complexity of such laws is beyond the scope of this paper.

Various groups, some socially and/or economically disenfranchised, have begun to exert their rights with respect to the treatment of the remains of their ancestors in ways similar to Native Americans. Over the 10 years I was employed at John Milner Associates, Inc. (JMA) as a senior project manager and principal investigator, I worked on two projects involving the excavation and analysis of human remains: (1) the ABG in New York City, and (2) the second of two cemeteries associated with the FABC in Philadelphia. In this paper I will describe these two very different projects to illustrate the importance of an approach based on partnering with descendant communities.

**The African Burial Ground Site, New York**

In July 1992, JMA was retained to take over ongoing excavation of a portion of the ABG being affected by the construction of a new federal office building in lower Manhattan. Archaeological fieldwork by another consulting firm had begun at the site in September 1991 with the goal of removing an unknown number of burials of Africans and African-Americans, who were interred at this location from the late 17th century through the end of the 18th century, the only legal Dutch rule, the and the young chattel slaves.

This repressing chapter

Figure 1. Excavations and curatorial activities of the 18th century and the young chattel slaves.
of the 18th century. The ABG had been the only legal burial place for the estimated 10,000 Africans, who, first under Dutch rule, then under the English, and later under the laws of New York State and the young American republic, were chattel slaves.

This represented a somewhat embarrassing chapter in the history of this important northern city that had not previously received widespread scholarly or public attention. The “peculiar institution” of slavery was more generally associated with the history of the plantation South than Northern urban centers. The ABG project focused new attention on the long history of Africans and African-Americans in New York City.

Figure 1. Excavation of historic cemetery sites must respect descendent community rights and concerns, including active involvement in research processes. (Photo courtesy of John Milner Associates, Inc.)
Historical and archaeological studies of the proposed project area by the previous consultant had identified this historic use of the property, but had concluded that 19th-century development of four- and five-story commercial buildings having deep basements had destroyed any graves in all but a small portion of the project area. Graves were thought likely to have survived only under an alleyway. However, the previous consultants had not taken into account the effect of the sloping of original ground surfaces toward the fresh water Collect Pond in this part of Manhattan. An extensive area of the cemetery had survived under nearly 30 feet of fill. The cemetery was initially thought to be such a minor issue that it was not even mentioned in the original Memorandum of Agreement negotiated between the GSA, the New York City Landmarks Preservation Commission, and the New York State Historic Preservation Officer.

During the initial stages of the investigation, the project’s sponsor, the U. S. General Services Administration (GSA), exhibited insensitivity to the incredible cultural and research significance of the ABG site. Excavation of the site began without a formal research design. This subsequently proved to be the principal factor leading to the project’s problems from a regulatory standpoint. The GSA also displayed a lack of candor and sensitivity to community concerns as the project advanced, and the scope and significance of the site became better and more widely known. Indeed, it appeared that the general attitude of the New York GSA office toward community involvement in planning and environmental review processes was that such efforts were bothersome and largely meaningless burdens to be endured rather than opportunities for constructive engagement. In addition, there was not one African American, or even a widely-recognized expert on African American culture, in a responsible position on the project team. Moreover, at least one African-American scholar’s efforts to be included in the project were rebuffed in an essentially condescending manner.

Nearly as soon as the project started, New York’s Mayor Dinkins formally expressed concerns, and a press conference was held in October 1991 by community members, concerned that they had not be consulted as the project was being planned. By December, the GSA was panicked by the delayed start of construction of their 34-story office tower, and began discussing “undertaker’s” or “coroner’s” methods to more quickly remove the burials. While such methods have been routinely employed in moving other historic cemeteries, they are generally considered less than precise, and always result in the loss of archaeological data. Archaeological excavation was taking up to a month of crew effort for each burial, and even with a crew of over 30, working 12 hours a day, 7 days a week, there was no knowing how long the excavation was going to take, since the extent and condition of the remaining burials that would be affected by the project was unknown. The New York Times reported this turn of events, leading to renewed local concern. In response, State Senator David Paterson established a “Task Force” of community members to “oversee” the project.

By February 1992, construction was finally underway on a portion of the site that had been “cleared” of burials. However, a miscommunication between the previous archaeological consultant and the excavation contractor resulted in the unfortunate destruction of as many as a dozen burials. Efforts to keep this mistake quiet fail
quiet failed, leading to community outrage. In March, a research design for the project was finally submitted by the previous consultant.

In April, New York City Council began hearings and public meetings on the project, and Mayor Dinkins established an advisory committee. Community members were calling for direct African American involvement in the project. By June, review comments on the research design document indicated its complete inadequacy. The review agencies' rejection of the original consultant's research design led to their dismissal from the project, and JMA was brought in to take responsibility for completing the project. While key field personnel were retained from the previous team to maintain project continuity, African-American scholars from Howard University and other institutions were engaged to contribute to the preparation of a new research design in which they would have key roles, and a public information/interpretation program was established. Human remains within the "foot print" of the main part of the office tower had been removed by then, but burials still remained under the area of the planned four-story "pavilion" portion of the building.

On July 27, 1992, Congressman Gus Savage, chairman of the subcommittee overseeing the GSA and an African-American activist from Chicago, came to New York to hold hearings on the project, following Mayor Dinkins' demands that excavations be halted until an appropriate research design could be developed. While the issue of the rejected research design was essentially a red herring, it provided a convenient regulatory "handle" upon which the project's opponents could focus. Mayor Dinkins had cleverly waited until construction of the office tower was fully underway before publicly speaking out against the excavation: after all he could not turn away a nearly half billion dollar investment in the city in the middle of a recession!

Congressman Savage was enraged by the GSA's actions in this matter, and forced GSA to halt excavations. Eventually, construction of the four-story pavilion portion of the building was abandoned (sorry, no executive health club or day care center), the site was backfilled with clean sand, and the ABG was designated a National Historic Landmark. It stands today as a small grass-covered plot surrounded by a chain-link fence.

The remains of approximately 400 individuals were recovered from the site. A much revised research design, prepared in collaboration with a team of African-American scholars, including notably Dr. Michael Blakey, an associate professor of physical anthropology at Howard University, was submitted for the ABG and nearby Five Points sites in October 1992 (HU and JMA 1992). That document was revised by April 1993 to focus solely on the ABG and finalized following a series of public meetings to present the research design and gather community input in December 1993 (HU and JMA 1993). Dr. Blakey was named director of the project, and the analysis of the human remains and other data from the ABG is now nearing completion at Howard University. Upon completion of the analysis, the remains are to be reburied at the ABG site with "appropriate memorialization."

**The First African Baptist Church Cemetery Sites, Philadelphia**

Turning now to the FABC sites in Philadelphia, in 1983-84, a JMA team
directed by Michael Parrington excavated the site of a cemetery located near 8th and Vine Streets, used ca. 1825 to 1842 by the FABC. The project was conducted for the Redevelopment Authority of the City of Philadelphia with supplemental funding from the Pennsylvania Department of Transportation (PennDOT), Federal Highway Administration (FHWA), and the William Penn Foundation. The site was scheduled to be affected by both the construction of ramps for the Vine Street Expressway and a new office building (the construction of which, by the way, was subsequently abandoned when the project’s investors found out that the property had been a cemetery). This cemetery contained the remains of approximately 140 individuals.

In April 1990, a second FABC cemetery, used from ca. 1810 to 1822, was excavated for PennDOT and FHWA under my direction near 10th and Vine Streets, directly in the proposed path of the Vine Street Expressway. The remains of approximately 85 individuals were excavated at this second cemetery site during a 30-day “window” in the construction schedule. While the cemetery was known from previous research, it lay inaccessible under the eastbound lanes of Vine Street, built in the 1940’s, until traffic could be diverted from the area in the midst of expressway construction.

From the outset, in 1983, the JMA team sought to develop partnerships with the African-American community. Philadelphia’s Afro-American Historical

Figure 2. Public tour of the Eighth Street First African Baptist Church Cemetery Site, Philadelphia. Nearly 3,000 people visited the site during excavations in 1983 and ’84. (Photo courtesy of John Milner Associates, Inc.)

and Cultural Envelopment in concert with African-American community. Some aspects of the project’s development are of particular interest. In 1990, the site was placed on the National Register of Historic Places.

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and Cultural Museum was enlisted to develop on-site interpretive programming in concert with the project, and local African-American scholars participated in some aspects of the project. Most importantly, the current congregation of the First African Baptist Church, and its pastor, were kept apprised as the project developed and moved forward. Considerable interest in the church’s history arose out of the project, and the church was directly involved in the ceremonial reburial of the remains following the completion of analysis at the Smithsonian Institution by a team lead by Lawrence Angel.

In 1990, we built on and expanded our relationship with the church community. As soon as burials were confirmed in the ground in April 1990, the church’s pastor and the Afro-American Historical and Cultural Museum were notified. While it was not possible to develop an on-site public interpretation program due to schedule and site access issues, informal tours were conducted for congregation members. (See figure 2.) Local African-American researchers, including a historian and a folklorist, were included in the project team in key roles. While not members of the congregation themselves, they worked closely with church members, as did I, to (1) collect oral history and other cultural information, (2) try to understand the congregations’ interests with respect to the history of the church and the treatment of ancestral human remains, and (3) develop programming to mutually share results and insights. Public programs were organized by and presented at the Afro-American Historical and Cultural Museum in February 1991 and September 1993 and at the city-owned Atwater Kent Museum as well. In June 1993, a detailed, four-hour presentation of the project was made to the congregation and their guests. Nearly 100 people attended the event which included prayers, a performance of African music, and poetry reading in addition to technical presentations on all aspects of the project. Even though I left my position at JMA nearly three years ago, and have since moved to the upper Midwest, I still keep in contact with members of the congregation.

The Lessons Learned

*Experience keeps a dear school, but fools will learn in no other.*—*Poor Richard’s Almanac*

While ultimately, in both cases, the interests of the descendent communities were recognized and served, it would not be accurate to call the New York project a real success in that respect. I might be tempted at this point to say that the main difference between these two projects can be chalked up to the fact that New York’s complex social and political environment make it difficult to undertake a sensitive archaeological investigation there.

The real difference between these two projects can be summed up by these two vignettes:

In New York during a public meeting on the burial ground project, community activists charged the regional administrator of the GSA with racism and stated in so many words that the “desecration” (that is, the excavation) of the ancestors would never have been permitted if the bodies had been those of white people, or of Jews especially. The regional administrator, who happened to be Jewish, lost all control at this point, and stated angrily that the federal government had purchased the property for the office building from the City of New York, and accordingly the government owned everything in and on
the site, including the human remains and the federal government would solely determine the disposition of said remains. He was quoted as having said, "We own those bones!" Surely not very politically correct or sensitive to say when referring to the remains of enslaved Africans!

In contrast:

In Philadelphia at one of the public presentations of FABC project results, a member of the audience, a community activist, stood up during the discussion and asked why it was that white people were standing up there talking about "black folks' history and messing with black folks' bones." Before I could open my mouth in response, Mrs. Amy Alexander, one of the matriarchs of the First African Baptist Church, stood up and told the questioner that it was not really any of his business, and further, she and the other elders of the First African Baptist Church had every confidence in the people from JMA, including Mr. McCarthy there.

In New York, due to the nature of the site as the city's only legal burial ground for people of African descent during the period of its use, any person of African heritage could comment on the project as a member of the descendent community. This fact provided all community members with equal "standing" in the consultation process upon which they seized as a means of expressing their concerns. The GSA's response resulted in the project quickly becoming a political issue between the city, state, and federal governments and the African-American community of the city. Procedural errors on the part of the GSA and its initial consultant, and institutionalized insensitivity to community concerns allowed the substantive issues of the project to be blown out of proportion in an atmosphere of mutual distrust. The project then became a lightning rod for many tangential issues. For example, "traditional" African religious practitioners, African Muslims, and Christian clerics, all laid claim to the souls of those who had found their final rest at the ABG site. The multiple conflicting agendas could not be counted on two hands. Ultimately, it took congressional intervention to stop the excavation, and the community would place its trust only in Dr. Blakey to head the analysis and reporting of the ABG site.

In Philadelphia, the descendent community was limited to the Christian, middle-class members of a single congregation deeply interested in its history and not particularly interested in political or other agendas. Efforts to build relationships of mutual respect and cooperation in the mid-1980's yielded dividends in the 1990's as those relationships were expanded and strengthened. We tried to be responsive to the congregation's interests and involve them as fully as possible in the project. As early as possible we told the community what we were doing, and why, and cooperated with their desire to rebury the remains when scientific analyses were completed. We entered into formal and informal partnerships, some of which still persist, even though the project is completed.

Goldstein (1995) has argued for an inclusive approach to the excavation of human skeletal remains that recognizes the agendas of the various stakeholders in a project. While this is indeed necessary, I believe that it is through the forging of partnerships that the agendas and expectations of researchers and descendant communities may best be recognized and negotiated. Partnerships with descendant communities, no matter how informal, are...
not easily, or naturally, formed. Such relationships can only be built on hard-earned trust and mutual respect. Relationship-building must be based on proactive consultation rather than reactive "damage control," and cannot in any way be condescending. Communities must be fully informed at all stages of project planning and implementation, allowed to comment on and participate in the project, and be assured that community values concerning the dead and the history of the community will be recognized and respected. Only then can we hope that our scientific agendas will be rationally considered and supported.

In the final analysis, we, as scholars, have to be willing to share the "power," such as it is, that our academic qualifications and professional positions afford us. Perhaps hardest of all, when we discuss our research agendas with descendant communities, we have to be willing to hear and accept the word "NO" and abide by any limitations placed on excavation, analysis, and curation activities. While we risk the loss of some valuable data to science, we must trust descendant communities to agree to that which is truly in everyone's best interests.

Acknowledgments

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