



SOCIETY FOR AMERICAN ARCHAEOLOGY

OFFICE OF THE PRESIDENT

January 13, 2010

Mr. Stephen S. Lash
Chairman, Christie's Americas
20 Rockefeller Plaza
New York, NY 10020

Dear Mr. Lash:

As leaders of the undersigned archaeological, anthropological, and cultural resource preservation organizations, we write to express our strong opposition to the planned auction of human remains scheduled to take place at Christie's New York during a themed sale beginning January 21st. The commercial sale of human remains is unethical and may be illegal. The remains at issue here are of questionable cultural origin, and their sale may violate the Native American Graves Protection and Repatriation Act (NAGPRA).

The human remains are scheduled for the auction titled "Important American Furniture, Folk Art, Silver & Chinese Export," and are identified in Christie's materials as A SKULL-AND-BONES BALLOT BOX, AMERICAN, 19TH CENTURY." The "ballot box" in question is in fact a human skull and what appear to be two human thigh bones. According to Christie's literature, these and accompanying items belonged to a late-19th Century member of the Skull and Bones secret society at Yale University.

As you may be aware, there have long been rumors that Skull and Bones used and/or uses human remains in at least some of its ceremonies. The provenance that Christie's presents for the lot—"*...said to have been used as a ballot box during society meetings or displayed in the Society's headquarters at 64 High Street in New Haven*" indicates that Christie's itself believes it possible that the rumors have basis in fact. There are also many theories as to the origin of the human remains used by Skull and Bones. Some of these hold that certain of the remains are Native American, pillaged from battlefields and gravesites.

One of the long-standing efforts in cultural heritage preservation is to combat commercial and illicit trade in human remains and archaeological materials. Historic human skeletons used for teaching and research are acquired from human cadavers donated for the purpose, often with the permission of family and even the individual whose remains they are. Ancient skeletal materials that may be studied are recovered in archaeological excavations that meet legal and regulatory requirements and have the requisite permits. However, other laws expressly limit or prohibit the sale or transfer of human remains. The Native American Graves Protection and Repatriation Act (NAGPRA), Section 4 (18 U.S.C. 1170) explicitly prohibits the sale, purchase, use, or transport for profit of the human remains of a Native American, regardless of when or how acquired, without having the right of possession to those remains as provided for by the statute. Those who violate the statute are subject to fines or imprisonment, or both.

Clearly, the remains being offered at auction do not meet any of the legal or scholarly criteria for transfer or sale mentioned above, and should not be sold. At the very least, we believe that the remains

should be removed from auction for a determination of whether they are Native American and subject to NAGPRA's protections. Human skeletal remains should at all times be treated with dignity and respect. The commercial exploitation of human remains is abhorrent, and an institution such as Christie's should decline to participate in such exploitation.

We appreciate your time and attention to this important matter.

Regards,

Margaret Conkey
President, Society for American Archaeology

Luiz Oosterbeek
Secretary-General, International Union of Prehistoric and Proto-historic Sciences

Douglas Comer
Co-President, International Scientific Committee on Archaeological Heritage Management

Brian Rose
President, Archaeological Institute of America

Sandra L. Lopez Varela
President, Society for Archaeological Sciences

William B. Lees
President, Society for Historical Archaeology

Jack Brink
President, Canadian Archaeological Association

Paul Lane
President, Society of Africanist Archaeologists

Lucy Wayne
President, American Cultural Resources Association

CC: Mr. Edward Dolman, Chief Executive Officer, Christie's International
Mr. Marc Porter, President