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The Desecrators

For centuries people have dug up Native American graves. Now the FBI is tracking down the culprits — and trying to return what they stole.

BY ELIZABETH EVITTS DICKINSON

A historian on the 1921 Tulsa massacre A conservative who cares about climate change

‘There’s This Notion That Some People’s Graves Are for Plunder Because They Are Not Considered to Be Fully People’

The mass looting of Native American burial sites —
and the FBI’s effort to return what was stolen

STORY BY ELIZABETH EVITTS DICKINSON ILLUSTRATION BY LIA LIAO



The day the SUVs arrived in Waldron, Ind., a rural town 40 miles southeast of Indianapolis, the residents took notice. It was April 1, 2014, and to get to the house on South 850 West you had to drive down a long stretch of flat roads, past orchards and farmland. The line of government cars was easy to spot in this community of less than 700 people.

The caravan pulled in front of a large, if unassuming, rural home. FBI Special Agent Tim Carpenter and cultural anthropologist Holly Cusack-McVeigh got out of the cars, accompanied by other agents and the local sheriff. They walked past a human-sized terra-cotta replica of a Chinese warrior, which offered a first hint of the obsessions of the homeowner inside.

Carpenter, armed with a 100-page search warrant, the largest he'd ever compiled, knocked on the front door. When Don Miller, age 90, appeared, he only smiled. He didn't seem worried to find federal agents standing on his porch. "I don't think he believed that what he had done was problematic," Carpenter told me. After consulting with his lawyer by phone, Miller voluntarily let them in.

Inside, and squirreled away in outbuildings across his property, was one of the largest personal stores of cultural artifacts in the world, according to the FBI. "In my experience dealing with antiquities cases, a large private collection would have been 100 pieces," Carpenter says. "Then I walked into Don Miller's house." He had more than 42,000 items.

In the basement, glass cases and wooden shelves displayed some of what he'd amassed in a makeshift museum. He loved to show off the items that he'd dug out of the ground and gathered over eight decades, regaling friends, Boy Scout troops, curators and reporters with stories of his global adventures. Miller was what professional archaeologists deridingly call a pothunter, an amateur who seeks buried treasure. Amateur archaeology is a thriving hobby in America, with many types of collectors. Surface hunters gather what has leached from the earth or what may have been churned up by, say, farm or construction equipment. Relic hunters tend to use metal detectors. And then there are those like Miller who employ shovels and picks and, in his case, heavy machinery. Digging is when you become a pothunter.

Miller was one of the most prolific pothunters of his generation. He began digging as a kid and was still going well into his 80s. He traveled the world buying and excavating, eventually displaying in his basement artifacts ranging from Ming Dynasty vases to ancient Italian mosaics to Indigenous wares from Indo-Pacific regions such as Papua New Guinea. One archaeologist brought in by the FBI openly wept when he saw the vastness and quality of what Miller had reaped.

Carpenter showed up at Miller's house that April morning as a member of the FBI's Art Crime Team. Formed in 2004, this unit of 25 specially trained agents seeks to rescue stolen cultural items. Agents often work undercover, posing as experts in the art world or as collectors. The team has repatriated art stolen by the Nazis and returned fine art and antiquities to their countries of origin.

The Miller case represented a shift: Increasingly, the Art Crime Team had been looking into thefts against Native American communities and how to repatriate items back to those tribes. Miller's main obsession was with Native American cultural goods; 80 percent of what he took came out of the ground in the United States. He stockpiled thousands of arrowheads and stone tools and sherds of pottery. Some of what he gathered had been unearthed before laws explicitly said he couldn't, but much of it he'd gotten illegally.

Many pieces in Miller's home came from graves, where Indigenous peoples bury their loved ones with personal items meant to carry them into the afterlife. Pothunters like Miller routinely target Native American graves "looking for the associated funerary goods," Carpenter explains.

Miller, however, didn't just take the funerary artifacts. He also took Native American bones — a practice that, historically, has been shockingly common. "Pothunters come here and dig, and they have stolen pots and our human remains," says Leigh Wayne Lomayestewa of the Hopi Tribe, who works as a research assistant in the Hopi Cultural Preservation Office in Kytotsmovi Village, Ariz. "We used to call them pothunters. Now we call them looters."

When the FBI left Miller's house — six days after arriving — they had uncovered more than 2,000 bones, representing 500 human beings, and seized more than 7,000 items. Forensic anthropologists were able to determine that the bones primarily belonged to Native Americans. Miller may have been an anomaly for the size of his looting, and the extent to which he took bones out of graves, but "Don Miller is not unique," says Deborah Nichols, who is president of the Society for American Archaeology. "He was just able to do it on a larger scale than most."

Federal land management agencies estimate that more than one-third of Native American sites on federally protected property have been emptied. Many of those sites were graves. To take just one example of the scope of theft: According to a 1997 FBI Law Enforcement Bulletin, 95 percent of Native American graves on public land in southwest Virginia have been pillaged. And this doesn't begin to account for the graves on private property.

In some cases, the plunder happened years ago at the hands of professional archaeologists, scientists and museums looking to extract, exhibit and study the past: Nearly 200,000 human remains were found to be housed in federally funded museums and institutions in the United States, according to one governmental inventory. But we have yet to account for what has been taken by pothunters and held in private collections. Meanwhile, zealous hobbyists and those looking to cash in on a lucrative global demand for Native American goods continue to ransack graves.

The theft is so pervasive that there's an active debate about whether to mark Native American burials on public and tribal lands. Officials who police these areas worry that such markers act as an X on a proverbial treasure map.

What was at stake in the Miller case, in other words, was much more than one man's decades of plunder. Miller's spoils were just a tiny part of a centuries-long campaign of theft perpetrated in the resting places of Native Americans — a campaign that we are only now beginning to fully understand. We have taken Native lands and tried to eradicate Indigenous societies, yet it's not only what we've done to the living that is so deplorable. It's what we've done, and continue to do, to the dead.

On a cold December day in 1620, several Pilgrims at Plymouth set out to find the local Indians. They followed a beaten path through the woods, which they presumed would lead to a town or at least houses, but after traveling for some time, they saw no signs of life. On the way back, they came to a clearing in the woods and discovered, instead, a "place like a grave, but it was much bigger and longer." The Pilgrims dug it up.

What they found is recounted in the diary "Mourt's Relation: A Journal of the Pilgrims at Plymouth." Inside were knives and bows and various Indian "trinkets." They came upon two sealed



Don Miller in 1998 in his basement museum with a dugout canoe from South America.

bags. The first, which was filled with a mass of fine red powder, contained the bones of a man whose skull still had traces of hair and decomposing flesh. A second, smaller bag contained the remains of a child whose body had been encircled with "bracelets of fine white beads." They took "sundry of the prettiest things" and left.

What compels a person to reach inside the grave of another and take what's there? "There's this notion that some people's graves are for plunder because they are not considered to be fully people," says Gabrielle Tayac, a member of the Piscataway Indian Nation and an associate professor of public history at George Mason University. "Everything can be owned, taken over and assumed by a conquering society."

Since the arrival of European ships on these shores, White Americans have been obsessed with dead Indians. The U.S. Army made it official policy to dig up bones for study. In 1868, Madison Mills, the leading medical officer in the U.S. Army, instructed in writing: "The Surgeon General is anxious that our collection of Indian crania, already quite large, should be made as complete as possible." Military grave-robbing continued for decades. In 1892, an army surgeon named Z.T. Danie broke into a cemetery belonging to the Blackfeet tribe in Montana, and while the residents slept, he sneaked skulls out under his coat. "The greatest fear I had was that some Indian would miss the heads, see my tracks and ambush me, but they didn't," he wrote in a letter. These bones eventually ended up in the Smithsonian's National Museum of Natural History.

Throughout the 19th and early 20th centuries, anthropologists,

professional archaeologists and amateur pothunters alike aimed to build collections around Native American artifacts and bones. "The whole idea of how museums even started was as cabinets of curiosity," Tayac says. "It was outright desecration, and an essential lack of acceptance of the humanity of certain people."

Samuel George Morton, a member of the Academy of Natural Sciences, procured skulls from pothunters and others around the world during the 19th century, and these now make up the Morton Cranial Collection at the Penn Museum in Philadelphia. There was "quite a lot of interest in racial hierarchies," Tayac says, "showing cranial size and who is intelligent and what's the scale from barbarism to savagery to the most highly civilized, which of course is the White race."

Learning about skull science "was disgusting," says Mike Catches Enemy, who is Lakota, from the Oglala Band Sioux. He lives on the Pine Ridge Reservation in Little Wound, S.D., not far from where Miller would hunt, and works as an administrative assistant for the tribe. He was encouraged by his elders to get a master's degree in archaeology and help the tribe better understand the methods of the profession. "I'm asking myself during that process: What am I doing, as a Lakota man, trying to be in archaeology?" he recalls. "But I had my elders who were encouraging me, saying, 'Go ahead, learn it so that we can be at the table with archaeologists today and they can't talk over us. You can be our interpreter.'"

By the 1900s, Native Americans were believed by many to have disappeared. Jacquetta Swift, who is Comanche/Fort Sill Apache and works as a repatriation manager at the Smithsonian's National Museum of the American Indian in D.C., explains it to me this way: "Imagine you go into a natural history museum and you've got animals, and then you've got the cave men, and then you've got Native people and Indigenous cultures.... We're in with the animals and the fossils. That is embedded, sadly, in American culture and the world."

Legal challenges by Native Americans over the desecration of their graves began as soon as Colonial courts existed to file them, but for a long time it wasn't explicitly illegal to dig into Native American burial sites. It wasn't until 1906, as a market for Native American cultural items grew, that Congress passed the American Antiquities Act to try to protect some of what was being taken. The law levied fines and even jail time against those doing unauthorized excavations on federal land, and it gave the president the authority to designate national monuments. Native American bones and funerary items were given special distinction, but as material culture. "In that act, we're referred to as resources, alongside pots," says Swift. "We were considered things."

The act did little to stem looting, and by the 1920s, the decade in which Miller was born, amateur archaeology was a thriving hobby and searching for Indian artifacts a popular pastime. Publications like *Hobbies: The Magazine for Collectors* included classified sections in the back advertising arrowheads and stone tools for sale. You could order an Indian finger bone for a few pennies. A skull might run you \$2.

In 1935, several pothunters cracked into a mound of earth in Oklahoma and unearthed a Native American burial crypt. Today, the raiding of Spiro Mounds is considered one of the great tragedies in archaeological history, scattering untold items to the wind. But at the time, it helped spur excitement over what many considered treasure hunting. "Most dealers and collectors, even some universities and museums, acquired many of their artifacts from the pot hunters who fanned out across the countryside in search of old Indian sites," historian David La Vere writes in "Looting Spiro Mounds: An American King Tut's Tomb."

Pothunters, archaeologists, anthropologists and museum collectors could often be found working shovel to shovel. In some places like Utah and New Mexico, pothunting was a viable business where professional institutions came to the amateurs for finds.

By the 1940s, the professions of anthropology and archaeology in America were coalescing. Amateurs like Miller were getting left out, so the hobbyists began forming clubs of their own. Archaeological societies bloomed across the country. Miller had a doctorate in electrical engineering and worked full time at Naval Avionics in Indianapolis, but he spent his free time scouring the land for artifacts. Miller and his first wife, Sue, who died in 2000, would hop on his motorcycle and spend afternoons at digs, alone or with friends. Miller often wrote about their adventures in archaeological society magazines, including one article from the 1950s about digging into a Native site, titled "Fun on a Sunday Afternoon."

"It was much more socially acceptable," Carpenter says of these activities. "We have pictures of folks going out on the weekend with their families sitting next to graves eating their PB&Js and digging up graves."

Miller was savvy at finding sites, particularly burial mounds where he knew that individuals had been interred with precious objects. He would seek out authorized archaeological digs run by universities and "get the skinny on the best sites and then go back to do his own illegal excavations later," Carpenter says.

Miller had another amateur hobby, ham radio, and this allowed him to connect with people around the country and the world, asking about places to excavate. On one trip, in August 1959, Miller and his wife traveled to South Dakota in search of the Oglala Sioux. Miller was "impressed with all the evidence that the Indian had inhabited this land for many centuries," he wrote a few months later in the *Central States Archaeological Journal*, acknowledging that these sites were "in the same areas that the Sioux are located today." This article was published under the

From top: A panoramic view of the basement of Miller's main house. A ceremonial drum taken from Papua New Guinea.



title "Indiana Collectors Go on Vacation."

One of the common defenses used by pothunters, even today, is that Native sites have been abandoned and that, by digging at those sites, they are not purloining but rather saving evidence of the ancient past. This ignores, of course, that Native lands were taken and people displaced onto reservations. It ignores, too, the way many tribes moved camps seasonally to conserve resources, and how they think about the burial process. "Once a body is done and the spirit goes back to the spirit world, the remains of that person and anything associated with them is meant to be left alone in the earth," Mike Catches Enemy told me. "You want to allow the earth to absorb her again, and it becomes part of the cyclic system."

On this South Dakota trip, Miller followed in the tracks of "several large universities and institutions" who were also "digging for evidence of ancient man" in the region. Soon, he and his wife came upon a remote area, where he saw what he believed to be bones protruding from the mud. "Feeling that we had located a human burial we marked the spot in order to find it upon our return the following morning," he wrote. They came back with a trench shovel, and "during the cool morning hours it was pleasant digging."

Miller dug until he came to a skeleton. He abandoned the shovel, got on his knees and began removing the soil with his hands. "The lower jaw had dropped down giving the skeleton the appearance of voicing objection to its removal from the grave," he wrote. Miller disinterred the skeleton, which he believed to have been a man in his 30s. He took photographs. Then the electrical engineer on summer vacation dislocated the bones one by one and "carefully packed" them "to be later preserved."

It would be another 20 years before Congress passed the Archaeological Resources Protection Act of 1979, or ARPA, which governed archaeological excavations on federal and tribal lands and tried to curb illegal excavations. By the 1980s, though, pothunting had hit a fever pitch. One *New York Times* article from that era recounted how "you couldn't move without stepping on a bone" at one federal site because "the grave robbers were ahead of the rangers once again."

Pothunters became increasingly sophisticated in the 1980s, using helicopters and stealth tactics to identify where to dig. While ARPA and some state laws tried to protect graves on public lands, graves on private property were not well protected. Miller was present at many of the greatest plunders of Native American burial sites in American history. He was there in 1987 when pothunters paid the owner of Slack Farm in Kentucky \$10,000 to allow them the rights to dig on his property, which was a known burial ground for Native Americans. Miller was among those who came in with tractors and heavy equipment to open some 650 graves, damaging the skeletal remains while nabbing the objects. Miller was in Indiana the following year when General Electric officials and pothunters leveled a Native American ceremonial mound. Items from these lootings were found among Miller's haul.

That decade also gave us Indiana Jones, the swashbuckling archaeologist in the movie "Raiders of the Lost Ark" and its sequels. One archaeologist complained to the *New York Times* in 1984 that the movies heightened interest in artifact hunting and grave robbing. Larry J. Zimmerman, an archaeologist who consulted on the Miller case, remembers how even professionals in his field started dressing like the character: "I mean, they didn't carry

a bullwhip, but they wore the leather bomber jacket and fedora and carried a canvas messenger bag.” Miller, because of where he lived, was nicknamed Indiana Jones.

In the 1980s, proposals for a bill — then known as “The Bones Bill” — began circulating. It took five years, but in 1990, Congress finally passed the Native American Graves Protection and Repatriation Act, or NAGPRA, which made it illegal to dig, desecrate or take any Native American remains, funerary objects, sacred objects and objects of cultural patrimony from federal and tribal lands. It also dictated repatriation to tribes, as well as the treatment of objects and human remains. The law was the culmination of generations of lobbying and activism on the part of tribes to get the federal government to finally recognize that Native bodies were targets and needed to be protected.

At that point, the Smithsonian housed more than 19,000 Native American bodies. Thirty-one years later, the repatriation effort continues; Jacquetta Swift’s job is to help identify remains and return the bones to their people for reburial. (The Smithsonian is governed by a law similar to NAGPRA, known as the National Museum of the American Indian Act.) It’s notable, she says, that a society should need a law like NAGPRA in the first place. NAGPRA isn’t just about cultural theft, she explains: “It’s considered human rights legislation by Native peoples.”

Around the same time NAGPRA was enacted, New Mexico also signed into law a stricter grave-protection act. Andrew Gulliford is a historian and former museum director who has helped citizens and pothunters return artifacts taken from public and tribal lands, and he snapped a photo in the Mimbres Valley not far from where he lived back then. It shows a pothunter ravenously digging into a Mimbres site with a bulldozer before the state law went into effect at midnight. With stricter laws, some pothunters began carrying loaded shotguns to scare off potential witnesses as they worked.

NAGPRA violations committed after 1990 were part of what gave the FBI probable cause to raid Miller’s house. But throughout much of his life as a pothunter, NAGPRA didn’t yet exist, and other laws that might have deterred him were only sporadically enforced. Miller was able to dig without consequence.

Before the raid in 2014, the FBI had already been to Don Miller’s house. A tip had come in to the Indianapolis field office in 2008 from someone who worried Miller had a nuclear trigger in his basement. Miller had served in the Army Signal Corps during World War II, and he claimed he’d worked on the secretive Manhattan Project. He liked to tell people that he’d been just six miles from the test of the atomic bomb and that he had been the one to give the signal for its detonation. “He did not have a nuclear trigger,” Carpenter says. “But he did have a little piece of depleted uranium that they took for safety reasons.”

Carpenter wasn’t part of that earlier investigation, and the agents who’d gone into Miller’s house were specialists in weapons of mass destruction and not trained in antiquities. “They remarked on his collection but didn’t know what they were seeing,” Carpenter told me. In 2013, Carpenter fielded a second tip to the Indianapolis office, this time from a person close to Miller who understood that some of what he had was illegal. The FBI’s previous case offered Carpenter the ability to go into Miller’s house, saying that he was following up.

One of the first people Carpenter brought in to consult on the investigation was Holly Cusack-McVeigh, a cultural anthropologist at Indiana University-Purdue University Indianapolis (IUPUI). Cusack-McVeigh has spent years working with Native

American tribes on the repatriation of sacred objects and, as she told me, “to help protect ancestral burial sites and claim their ancestors, who are held in institutions around the world.”

There are 574 federally recognized American Indian and Alaska Native tribes and villages, each with its own set of beliefs and cultural truths. In some tribes, there is no time or distance between the living and the dead. Ancestors are entities in a spirit world who actively help broker and care for those on Earth. To disturb the bones is to not just put the dead into a kind of purgatory, but to forever disrupt the connection with the living.

Cusack-McVeigh looped in her colleague Zimmerman, who was a professor at IUPUI at the time. When Carpenter and Cusack-McVeigh showed Zimmerman photos from inside Miller’s home, “I could immediately see that he had grave goods,” he says.

The morning of the raid, along with the SUVs, there were semi-trucks hauling a command center and a porta-john. FBI agents and experts set up climate-controlled tents and forensic labs on Miller’s land so they could safely sift through the items.

People in town wondered what all the commotion was about. Articles in local papers had appeared over the years, like a 1998 feature in the Indianapolis Star under the headline “Rush County home is full of collectibles from years of missionary work around the globe.” Miller was a beloved churchgoing guy known in the community as an avid collector of artifacts and relics. Now South 850 West was blocked a half-mile around his home.

Miller owned hundreds of acres, but he had 10 of those dedicated to what Carpenter called a homestead. There was the main house, an old farmhouse, a former barn, several smaller buildings and sheds. One building held an electronics repair business Miller had started in retirement, and below that was a room dedicated to fine pottery. Miller had also built fallout shelters underground, which were connected by a tunnel. The moisture there “was horrendous, and we were in Tyvek suits and masks going down into those places,” says Zimmerman, who is now retired.

What Zimmerman saw shocked him. Glass cases lit from within held hundreds of artifacts, but in other places, priceless items were piled in moldy boxes. There were artifacts and bones everywhere across the property. Miller had disarticulated the bodies and commingled bones. He didn’t follow the standard process for cataloguing finds and making detailed notes about the in situ setting as a professional archaeologist would, so determining where bones had been removed often came down to other contextual clues. In one instance, Zimmerman found a black plastic bag of skulls that also included a receipt from a grocery store in South Dakota.

As the scope of human remains scattered across Miller’s property became clear, Carpenter paused the work to ask tribal leaders how they should proceed. It was the first time the FBI had actively partnered with Native American tribes during a recovery.

Basic osteological exams told the FBI’s forensic team that these were Native American bones, and in a normal crime scene investigation they would have also run tests for DNA and carbon dating, but tribes requested that they refrain. The testing requires some damage to the bone, which would have run counter to many burial traditions and beliefs; in addition, the tribes weren’t comfortable with the FBI housing so much genetic information. “Tribes were unified in saying: We know you don’t know who all of these ancestors are, but we do not want invasive DNA testing to determine that,” Cusack-McVeigh says. “Early on, they were guiding the FBI on what, from a cultural perspective, was acceptable and what was not.”



FBI Supervisory Special Agent Tim Carpenter at the Colosseum in Rome on a trip to return a Roman mosaic that Miller had acquired.

The FBI brought in Charmayne Champion-Shaw, a member of the Cheyenne tribe and director of IUPUI American Indian Programs, to advise on how to care for the remains. Zimmerman says he “watched as agents apologized to the bones and put a small tobacco pouch in each box.”

One afternoon, the FBI stopped its work altogether, turning off the compressors that kept the tents inflated and silencing the generators. A tribal elder from the Pokagon Band of Potawatomi Indians, the only federally recognized tribe in Indiana, and a member of the Choctaw Nation offered prayers that carried over a loudspeaker as agents bowed their heads.

Midway through the week-long recovery, FBI agents, along with Zimmerman and other consultants, went before a room of reporters to explain what was happening at Miller’s residence. That night Zimmerman received his first death threat over email. “Saw you’re selling out to the FBI,” it read. “When the revolution comes, we know what your address is. Watch out.”

Zimmerman was not the only one on the Miller case to receive threats. The case has raised ire among those who believe the government shouldn’t dictate who can dig and collect what they consider to be the historical past, particularly when it’s on private property. Commenters on articles posted online about the Miller case said the government had overreached by coming on private land and taking what they saw as Miller’s hard-earned collection.

Arguments continue to rage among professional archaeologists,

anthropologists and museums over what can be dug up, studied and displayed, and what should stay in the ground or remain in their collections. NAGPRA requires any institution that receives federal funding to inventory and repatriate bones, funerary items and objects of cultural patrimony to tribes. But compliance, which is monitored by the National Park Service, has been slow. Harvard University has more than 22,000 individuals held primarily in the Peabody Museum of Archaeology and Ethnology, and the Warren Anatomical Museum. Most are Native American, but at least 15 were recently identified as belonging to enslaved people. Harvard has apologized for collecting practices that benefited from “colonial and imperial policies” and for placing “the academic enterprise above respect for the dead and human decency.”

Three decades after NAGPRA, the university has only repatriated a small percentage of what it houses. “An apology is worthless unless it is accompanied by a change in behavior,” Shannon O’Loughlin, who is Choctaw and the chief executive for the Association on American Indian Affairs (AAIA), wrote in an open letter to Harvard President Lawrence Bacow in February. “You have significantly more deceased Native people in boxes on your campus than the number of live Native students that you allow to attend your institution.” Harvard released a statement late this spring saying it will revisit its procedures to be in better compliance with NAGPRA. Around the same time, the Penn Museum announced a plan to try to repatriate and rebury the 1,300 skulls in the Morton Cranial Collection, some of which belonged to enslaved people.

Meanwhile, the market for Native American objects here and abroad remains robust — which in turn continues to fuel grave robbing by pothunters. A few years ago, Leigh Wayne Lomayestewa was in the desert with a group of Hopi schoolchildren showing them Indigenous sites when he came across fresh dirt, evidence of a recent looting.

“People think this is something that happened in the past,”

Cusack-McVeigh told me, “but it’s something that tribes are dealing with now. In 2021, they are still working to protect their dead and their belongings.” In all of our interviews, she was cautious when speaking about reburials. “Grave robbers know that tribes are often reburying the dead with their belongings. So funerary objects that have already been looted can be re-targeted, sometimes by the same people, if we’re not careful.”

But it’s easier to be vigilant in theory than in practice. “Our reservation and our landscape are spread out vastly over the prairie, and we can’t watch all of our sites where we know people are buried,” says Justin Pourier, an executive board member for the Oglala Sioux Tribe. “A lot of our graves are unknown even to us because our people understood, going back, that we had to try and keep burials as private as we could.” Some of the Sioux chiefs were buried in secret, Pourier says, to keep them safe from grave hunters.

“We keep an eye on eBay and on auction sites,” says Kevin Daugherty, a member of the Pokagon Band of Potawatomi Indians. The AAIA has an auction alert website that allows tribes to search for stolen grave goods and sacred items.

A few federal agencies have begun to try to quantify the decades of theft. No comprehensive data on the world market for Native American cultural items exists, but in 2018 the U.S. Government Accountability Office attempted to calculate at least some of the export, theft and trafficking of Native American cultural items abroad. It identified several auction houses in Paris as primary markets for stolen goods, and calculated that between 2012 and 2017 nearly 1,400 items believed to have been illegally obtained from U.S. tribes were auctioned, fetching nearly \$7 million. The GAO report covers just a sliver of the market. In May, Congress picked up a years-long debate around proposed laws meant to police the international trafficking of artifacts, many of which come from gravesites.

Increasingly, agents from the Bureau of Land Management, the FBI and the National Park Service have gone after pothunters. Some of Miller’s buddies in the amateur archaeology world have been rounded up over the years for breaking antiquities laws. But by then, there had been so much theft over such a long period of time.

Miller died in March 2015, nearly a year after the raid. He had cooperated with the FBI on the search and seizure, and charges were never filed against him. A few months before he died, the Indiana Archaeological Society honored Miller with their Lifetime Achievement Award, which is “bestowed upon a person who ... has given unselfishly of themselves to the advancement of ... amateur archaeology.”

This past May, Carpenter flew to Indianapolis from D.C. and met Cusack-McVeigh at the secured facility where, since 2014, they’ve been housing the items and remains recovered from Miller. They had completed international repatriations to Canada, China, Haiti and Italy, and one repatriation and reburial to Native tribes in the Great Plains. Now they were preparing to return sacred objects, funerary items and human remains to seven tribes in the Southwest where Miller liked to steal.

Miller spent a lot of time in Arizona, and there was enough evidence to know that several individuals in his possession were Hopi. “They were taken out in an area by Springerville from an exact location that is unknown, but we had them reburied as close as possible to where they were taken out,” Lomayestewa says, careful not to be too specific because of ongoing fears they’ll be targeted. “They are in the ground now, and hopefully they are back with their loved ones there.”



From top: Items on Miller’s property, including a Roman mosaic.

The customs and rituals for burial in tribes are precise, as they are in most cultures. There are no rituals, though, for reburying the dead. Tribes vary in how they see the items that were taken. For the Hopi, some sacred objects are considered living deities, and they had to consider how to welcome them back in order to put them at peace. Others simply cannot rebury their dead or handle the funerary items because they are poisonous after being prepared by conservators back in the days when arsenic was thought to be an effective preservation chemical. The FBI had scientists on-site at Miller’s property equipped with technology to scan for heavy metals, because that was something they worried about.

Since the FBI went public with more details about the Miller case in 2019 in an effort to help repatriate items and ancestral remains to tribes, calls into the FBI have gone up by 400 percent. “We’re seeing a societal change as younger generations understand that what was done in the past wasn’t okay,” says Carpenter, who is now the supervisory special agent and manager in charge of the team. Art Crime currently has several active cases involving pothunters.

In recent years, boxes of broken pottery and sometimes bones have come back to the Hopi. People mail them or drop them off anonymously. “Some write that they believe they cursed themselves by taking them,” Lomayestewa says. “Now they want to bring it back.” Still, the Hopi are missing so many sacred objects, including entire altars where they once worshiped, and Lomayestewa hopes the right people might read this article and consider returning them. He also notes that the Hopi are waiting for skulls and other remains of ancestors to be returned from various museums and historical archives.

Many of the human remains recovered from Miller’s property will never be fully identified. In May, Justin Pourier and Mike Catches Enemy traveled with several elders from the Lakota Sioux tribe to Indianapolis, to the secret location where the ancestors and funerary items have been kept. They were part of a delegation of tribes brought in to consult with the FBI about what should happen to the 100 ancestors whose tribal affiliations are not fully known, but who came from the Dakotas.

As soon as they walked inside the building, Pourier says, they could feel the ancestors. It was heavy and uncomfortable, but they persisted to let the spirits know that they were there. “We ended up not looking at anything that was there, really,” Catches Enemy says. “We went into one room and it was so ...” He sighs deeply here and takes a moment. “I can’t even think of the word. Disappointing? Discouraging? Disgusting? To be in there. And yet, we wanted to honor the ancestors and let them know that we are here to help, regardless of that man’s wrongs, and whoever had touched them, and however they were mishandled. We wanted to talk to the spirits to let them know that.”

They identified themselves through their Lakota names, their spirit names. They prayed. “We told them that we’re here to help them get home,” Catches Enemy says. But where, exactly, is home? “We don’t know where they all came from,” he explains. “So what do we do? Are we building a mass grave? Are we creating a hundred new burials? And how do we know which of those artifacts goes with which person?”

And then there’s the question of the ceremony. When people offer a prayer for their dead, no matter the language or the culture, the wish is the same: to release the soul and send it on its way in peace and in love. To believe, to hope and also to expect that whatever comes next for that spirit will proceed undisturbed. 🙏

Elizabeth Evitts Dickinson is a writer in Baltimore.