



A147 A Review of Statutes in Place to Stem the Commodification of Human Skeletal Remains in the United States

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After attending this presentation, attendees will better understand the laws in place relating to the commodification of human skeletal remains. This presentation categorizes and compiles all of the current legal statutes in order to provide a review of the protection of human skeletal remains from commodification in the United States. In particular, this presentation considers how the law protects cemeteries, archaeological sites, and even criminal sites, and further considers the extent to which the laws may protect human skeletal remains when removed from their final disposition.

This presentation will impact the forensic science community by demonstrating the need for statutory language that can stem the trade in human skeletal remains commodification. Highlighted is the unique problem with the commodification of human skeletal remains that may result from a modern version of grave robbing. This presentation provides an opening platform for the discussion regarding the commodification of human skeletal remains, regardless of the context from which the remains are derived (i.e., anatomical specimens, archaeological sites, sites of forensic significance, or cemeteries).

Damage to cemeteries, particularly above-ground vaults or unmarked cemeteries so common in the Southeastern United States, is inevitable in most locations. In South Louisiana, where bodies are often entombed in above-ground vaults, the effects of both natural events and intentional damage result in relatively easy access to human skeletal remains. Below-ground interments and archaeological sites are equally vulnerable, particularly when located on private lands. Legal protection at the state level varies greatly, not only in scope but in language. The language that addresses the law concerning the dead as it relates to interment spaces is of particular concern in Louisiana; however, each state has its own specific challenges.

Because federal law (aside from the Native American Graves Protection and Repatriation Act) regarding the protection of human skeletal remains is incomplete at best and negligible at worst, it is up to each state to put that legislation in place and to monitor the sales of human skeletal remains; otherwise, the commodification of human skeletal remains is ignored. Because highly visible platforms for human skeletal remains sales are dwindling (in particular, eBay® shut down the sale of human remains in 2016), it will become increasingly difficult to track the location of remains. To swiftly intercept human skeletal remains, state officials need laws in place as well as working protocols to implement rapid responses to recover such threatened remains. Louisiana serves as one example of working to fill in gaps in the legislation, which involves multi-agency cooperation to ensure swift action and proper documentation/investigation of the human skeletal remains.

While enforcement is presently lacking, researchers should be made aware of what is illegal for human skeletal remains trade in their respective states. Cooperation among local forensic anthropologists, legal entities, state archaeologists, and law enforcement is important in identifying and creating protocols for human skeletal remains trafficking.

Skeletal Remains, Forensic Archaeology, Commodification

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