

# Reclaiming Identity: The Repatriation of Native Remains and Culture

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Repatriation involves a return to one's own people. In the Native American context, repatriation involves returning Native American human remains and cultural objects back to tribal members or governments centuries after their collection.

## Background of the Problem

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Archaeologists, educational institutions, natural history museums and government agencies acquired thousands of Indian remains and objects and displayed them publicly for centuries. Museum visitors gawked at native remains and funerary objects, including those robbed from graves, as if native peoples and cultures were extinct. These museum collections appalled Native Americans whose relatives' bodies were on display but tribes had no recourse to force the return of their cultural objects and the remains of their ancestors for proper burial.

Some of the remains collected were of Indian soldiers; the War Department collected American

and displayed them publicly for centuries.

Indian bodies after battles. Remains from the Sand Creek Massacre in Colorado were sent to museums for study. Museums also acquired human remains and objects from grave robbers who unearthed native bodies for profit. Supposedly, the grandfather of the current president stole the skull of Apache leader Geronimo from his grave and incorporated the remains in rituals of the Skull and Bones, a secret

society at Yale. Sadly, grave robbing of native graves continues today.

## Overview of Native American Repatriation and Grave Protection

Remains and objects are repatriated from museum, university, and government collections that acquired hundreds or even thousands of native remains and objects, and displayed them publicly without tribal consent. Now those remains and objects are, rightfully, returned to tribal hands. Grave protection applies to native remains and objects such as stolen artifacts or remains accidentally unearthed by construction projects. In the past, construction projects have destroyed tribal burial grounds and scattered human remains. Laws now require protection, excavation, and consultation with tribal governments when native remains are discovered. In all cases the bones and objects of Native American's ancestors are to be treated with respect and returned to the tribe of origin for proper care and reburial.

## Legal Protections

As part of the legislation to create the new National Museum of the American Indian, in 1989 Congress required the Smithsonian Institution which had a massive Indian artifact collection and 17,000 skeletal remains to start identifying, inventorying, notifying tribes and arranging for recovery.

In 1990, Congress passed the landmark [Native American Graves Protection and Repatriation Act \(NAGPRA\)](#). NAGPRA instituted guidelines for the respectful return of Native American human remains and cultural objects from any collection (museum, university, government, etc.) that received federal funding. The law has "teeth," i.e., civil and criminal penalties for violation of the law such as knowingly selling or purchasing sacred objects stolen from graves.

Since the passage of NAGPRA in 1990, institutions have cataloged their collections, identified objects and human remains that belong to more than 400 modern-day tribes and repatriated hundreds of thousands of cultural objects and tens of thousands of remains to those appropriate tribes. Tribal members engage in emotional ceremonies that return their long-lost ancestors to the earth with respect and savor the return of their tribal cultural objects. The grave protection section of the law protects

accidentally discovered remains by requiring anyone who unearths or finds historic Native American remains or objects to immediately contact federal authorities.

## Continuing Concerns

Despite the protections and regulations of NAGPRA, several controversies surrounding repatriation and the protection of native human remains continue. The question of when federally-funded museum and research collections will return tens of thousands of "culturally unidentifiable" human remains to tribes for burial continues to loom in the minds of many Native Americans. NAGPRA was enacted in 1990 but tens of thousands of skulls and skeletons are still in storage rooms of museums. These remains of indigenous peoples were rendered "culturally unidentifiable" by the original thoughtless collection process and a lack of proper documentation. Experts cannot determine from which tribes, and in many cases what region of the country, these remains originated.

Native Americans know these remains will most likely never be identified and want to return their "lost" ancestors to the earth with reverence instead of leaving them in collections. Several organizations, including religious and tribal groups, have been formed to buy land for burial purposes.

## Lack of Governmental Progress

The NAGPRA review committee, which consists of seven members, is empowered to set out recommendations on the final disposition of the "unidentifiable remains." A watchdog group of Native Americans that follows the committee's proceedings closely has expressed concern that the committee will issue their recommendations before proper consultation with tribes. The watchdogs argue that in order for tribes to conduct *informed* consultation a comprehensive inventory of all "unidentified remains" (the inventory is a mandatory piece of NAGPRA's implementation) will have to be released prior to any discussion. The NAGPRA committee and the National Parks Service, which oversees the implementation of NAGPRA, should follow a 1994 presidential memorandum, which calls for government-to-government consultation in all interactions between the federal government and tribal governments "to ensure that the rights of sovereign tribal governments are fully respected."

## Potential Conflicts

Controversy and criticism over the protection of native remains has materialized when construction projects unearth ancient graves and other artifacts. Recently in Washington State, Texas, and Rhode Island major state infrastructure projects have unearthed and even destroyed and scattered native remains. The state of Rhode Island and the Narragansett Tribe are in consultation after the state's \$6.5

million sewer construction project unearthed the graves of two Native Americans from the colonial era. Evidence of a larger community has also been found.

The finding represents a dilemma for tribal and state leaders. If archeologists continue to excavate the area to ensure that no more remains are in harm's way more bones and cultural objects could be discovered. More findings could delay or halt construction altogether. However, a continuation of construction without more research could result in the desecration of burial sites, a painful proposition for the Narragansett. In other states, work stoppages have inflamed local public opinion because of the subsequent loss of jobs and the continuing lack of proposed public services, such as the sewer project. Thus tribes suffer in two ways: their ancestors' remains are at risk of being disturbed or destroyed while their protective efforts are publicly lambasted.

Fortunately, in most cases, state officials properly consulted with tribal leaders and weathered the public heat by deciding to halt or move construction sites that threaten tribes' ancestral burial grounds.

## Summary: A Major Advance in Cultural Understanding

After years of advocacy from the Indian community, the passage of NAGPRA was a prized victory. It helped to establish a model of tribal consultation, which is now incorporated into more and more legislation concerning native peoples. The act enforces criminal sentences for grave robbing, requires anyone who unearths remains or objects on federal or trust land to notify authorities and mandates the return of all identifiable remains and objects held in federally funded collections to their tribe of origin.

Some experts say the bill represents more than just legal code. "This was more than a law; it was a change in the American consciousness," says Steve Russell of Indiana University, "NAGPRA has helped transform Indian bones from archeological specimens to the remains of human beings." NAGPRA reinstated basic respect for Native American humanity, which much of American society had lost. The shift towards codified respect provided by the law led Arizona Judge Sherry Hutt to describe NAGPRA as "one of the most significant pieces of human rights legislation since the Bill of Rights." The enactment of similar legislation, modeled on NAGPRA, by several state governments verifies NAGPRA's significance as a monumental "change in the American

'NAGPRA has helped transform Indian bones from archeological specimens to the remains of human beings.' - Steve Russell

consciousness."

## Resources

- [NAGPRA web site](#)
- [Good overview of NAGPRA's guidelines](#)
- [Attic full of remains and artifacts found in Illinois](#)

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