NAGPRA for the Local Museum: An Introduction to the Native American Grave Protection and Repatriation Act
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Connecting to Collections Care Webinar
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Experience

• Archaeology and cultural resource research in Indiana and Ohio
• NAGPRA Consultation & Documentation grants in 2012, 2013, and 2015 and Repatriation grant in 2014 with Ball State University
• Multiple NAGPRA consultations with American Indian tribes
• Research partnerships with American Indian tribes
• Work closely with other museums and academic institutions in Ohio and Indiana
• Volunteer and member of a local historical society
Topics Today

• What is NAGPRA?
• Why is NAGPRA important?
• What is the NAGPRA process?
• Selected NAGPRA Case Studies
• How can you learn more about NAGPRA?
• Wrap up
• Questions
What is NAGPRA?
The very basics of NAGPRA

- **Native American Grave Protection and Repatriation Act**
- Federal law passed in 1990
- Provides a process for returning certain cultural items, including human remains, to Native American tribes and Native Hawaiian Organizations (NHOs)
- Includes provisions for unclaimed and culturally unidentifiable items
- Penalties for noncompliance and illegal trafficking
- Authorizes Federal grants to facilitate NAGPRA compliance
What does this really mean?

• Human rights and civil rights legislation
• Recognition and supporting that Native American human remains are people, not specimens
• Building relationships with Native American tribes
• Returning Native American ancestors to a proper and respectful burial place, in consultation with tribes
Basic NAGPRA Terms

- **Cultural Items** - Human remains, associated and unassociated funerary objects, sacred objects, and objects of cultural patrimony

- **Associated Funerary Objects (AFO)** – Objects reasonably believed to have been placed with the deceased as part of the death rite or ceremony of a culture AND the human remains they are associated with are in the **possession** or **control** of a Museum

- **Unassociated Funerary Objects (UFO)** – Funerary objects as described above AND the human remains they are associated with are NOT in the **possession** or **control** of a Museum

- **Sacred Objects** – Specific ceremonial objects needed for the practice of traditional Native American religions today

- **Objects of Cultural Patrimony** - An object having ongoing historical, traditional, or cultural importance central to the Native American group or culture itself
Basic NAGPRA Terms, cont.

- **Museum** – Institution or State or local government that receives Federal funds and has **possession** of, or **control** over, Native American **cultural items**

- **Possession** – (permanent) physical custody of Native American **cultural items**

- **Control** – legal interest in Native American **cultural items**

- **Repatriation** – The transfer of physical custody and legal interest in Native American **cultural items** to lineal descendants, culturally affiliated Indian tribes, and Native Hawaiian organizations
Why is NAGPRA Important?
Why was NAGPRA legislation necessary?

- Newberry: “American collecting of [Native remains and] objects, [scholars] argue, should be understood as a form of ‘nation building,’ in which Americans came to view the dead bodies of Indians as trophies.”
- European contact - Indian graves and sacred objects regularly desecrated
- 1830s - Native American leaders were often disinterred and displayed
- 1860s - U.S. Surgeon General encouraged collecting American Indian human remains for study at the Army Medical Museum
- Misguided attempt to study evolution; Smithsonian > 18,000 Indian remains
- Late 19th and early 20th century – treatment of Native Americans, living and dead, as “exhibits”, “exotics”, and “part of the past”. Mass collecting of cultural items while squelching active cultural practices.
How did NAGPRA come to be?

• 1970s Native rights movement
• Maria Pearson (Running Mocassins, Yankton Dakota)
• 1987 looting of Slack Farm, Kentucky
• 1990, over 14,500 Native American human remains at Federal agencies
• Native American concerns - Lack of state law protecting unmarked graves; equal protection; common law’s lack of acknowledgement of Native American death and burial practices, and religious beliefs; etc.
Why NAGPRA continues to be important

• The remains of at least 182,000 Native American individuals are housed at federal institutions and museums, awaiting repatriation

• **Objects of cultural patrimony** remain separated from the tribes whose culture they represent

• From an University of Michigan repatriation with Nottawaseppi Huron Band of the Potawatomi (NHBP) in 2014:

  "NHBP’s Director of the Cultural and Historic Preservation Office, Jeff Chivis, who led this repatriation effort, points out its significance. "This was one of the most historic and important events for our Tribe. As Anishinaabe people, we believe that we have a responsibility to care not only for our current and future generations, but also for those who came before us. The large number of ancestors, although impressive, is not what’s most important here: the importance lies in finally placing these ancestors back into Mother Earth where they belong," Chivis said."
What is the NAGPRA process?
What are the NAGPRA Collections summary and inventory processes?

**Summaries vs. Inventories**

**Summaries for unassociated funerary objects, sacred objects & objects of cultural patrimony:**

1. **Institution or Federal agency** produces a summary description of objects in its collection that fit, or might fit, one of the categories of cultural item (**NAGPRA Summary**) and distributes it to all potential culturally affiliated Indian tribes or NHOs.

2. **Institution or Federal agency** consults with Indian tribes or NHOs, upon request, to identify NAGPRA cultural items.

3. **Indian Tribe or NHO** submits a written request, and if the request satisfies the required criteria, the **institution or Federal agency** publishes a Notice of Intent to Repatriate in the Federal Register.

4. **Institution or Federal agency** waits 30 days following publication of a Federal Register notice before transferring control of cultural items, human remains, or associated funerary objects, in case there are competing claims that satisfy the required criteria. During the 30 days, there can be consultation on transfer of possession.

5. **Institution or Federal agency** must transfer control of item(s) to **Indian tribe(s) or NHO(s)** within 90 days of receipt of a claim that satisfies the required criteria if no exceptions apply (such as to resolve competing claims), and transfers possession of item(s) based on mutual agreement of all parties.

**Inventories for human remains and associated funerary objects:**

1. **Institution or Federal agency** consults with Indian tribes or NHOs to determine if human remains and associated funerary objects in its collection are culturally affiliated or culturally unidentifiable.

2. Based on the totality of the information in its possession, **institution or Federal agency** creates an item-by-item Culturally Affiliated Inventory or Culturally Unidentifiable Inventory.

3. Within 6 months of completing either type of inventory, **institution or Federal agency** sends copies to appropriate Indian tribe(s) or NHO(s) and publishes a Notice of Inventory Completion in the Federal Register. Notices are not claim dependent.
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More NAGPRA Terms

- **Consultation** – Process undertaken with American Indian tribes to determine cultural affiliation and disposition of human remains and cultural items

- **Culturally Unidentifiable (CUI)** – Human remains and cultural items that cannot be culturally affiliated to any present day Indian tribe or NHO

- **Cultural Affiliation (CA)** – When the preponderance of evidence associates human remains or cultural items to a specific present day Indian tribe or NHO

- **Repatriation** – The transfer of physical custody and legal interest in Native American cultural items to lineal descendants, culturally affiliated Indian tribes, and NHOs
What tribes should you consult with?

- National NAGPRA Native American Consultation Database
- Federally recognized tribes in your state
- Can be very complex in removal states, treaty claims
- Some states have repatriation alliances – Michigan MACPRA
- Assistance at the state level
  - State Historic Preservation Office
  - Department of Transportation
  - Public Universities and other institutions with NAGPRA collections
NAGPRA is about people and building relationships – educate yourself

• Build and develop trust
• Take interest in your consulting tribes – Show Up
  • Review their web sites, learn a little about their history
  • Participate in training sessions
  • Attend their presentations
  • Learn about their culture and current concerns
• Learn about tribal sovereignty and what that means
• Learn about tribal etiquette from others who have been through the NAGPRA process
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What are the NAGPRA Collections summary and inventory processes?

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Selected NAGPRA Case Studies
Case Study # 1, Pre-NAGPRA

• Small local museum/historical society in Ohio, 1982
• Human skull (presumed to be Native American) on display
• Reburied with help of local Native American groups
• No involvement from federally recognized tribes
• Pre-NAGPRA laws
• Much different process today
Case Study # 2, Transfer of Control

- Small local historical society in Ohio, 2014 – same entity as # 1
- Found 2 femur bones in closet from a donation years before
- Presumed to be American Indian
- Worked with Ohio Historical Society (now Ohio History Connection, OHC) to transfer control
- OHC will consult with federally recognized tribes along with all of their other NAGPRA collections
- Much different process post-NAGPRA than pre-NAGPRA
Case Study # 3, Assistance

- County historical society in Indiana
- Apparently have federal funds involved = NAGPRA “Museum”
- Five collections on National NAGPRA Database
  - Three collections were donated in 1922, 1959, and unknown date
  - Two collections came from unknown locations
- Asked for our advice in 2013
  - Ball State no longer accepts NAGPRA collections
  - Directed them to State Historic Preservation Office, Miami Tribe of Oklahoma, and to contact National NAGPRA. Offered assistance with NAGPRA Grant.
Case Study # 4, NAGPRA not applicable

- Small museum / historical society in Ohio
- Sandal sole shell gorgets, unassociated funerary objects
- Collection is locally owned (no federal funds); collection is displayed in building owned by the State of Ohio (federal funds)
- Have relationships with federal recognized tribes
- Not required to be listed on NAGPRA database, but aware of NAGPRA
The Miami Tribe of Oklahoma is encouraging tribes to “to exercise their sovereignty, as provided for in the Native American Graves Protection and Repatriation Act, by formally repatriating to their Nation those objects ‘... having ongoing historical, traditional, or cultural importance central to the Indian tribe or Native Hawaiian organization...’”
“The impacts of the increased knowledge of historical changes provided by the Miami National Council Books are not purely factual in nature. The words carefully recorded over one hundred pages in two separate volumes represent a physical and emotional connection with a collective Myaamia past that is no less significant or meaningful than the two chests of ancient wampum belts and painted hides that were destroyed in 1791. All of these objects were constructed to help Myaamia people recount and remember their stories, historical and otherwise. Wampum and hides are often more readily identified as “Indian” things because they are more obvious in their uniqueness. Perhaps this is because they are not viewed as exotic forms of record keeping by Americans today. However, the Miami National Council Books embody a record that is just as valuable as the Nation’s more ancient stories. Despite the Council Books reflecting a Euro-American method of governmental documentation, their historical, cultural, and emotional value is paramount because they demonstrate the adaptations Myaamia people made in order to find a path forward for their Nation and their people.”
Case Study # 6, Culturally Affiliated

IU trip above the Arctic Circle for repatriation

OCTOBER 1, 2015
Case Study # 7, Culturally Unidentifiable

- Ball State University, Department of Anthropology
- Federal funds, classified as NAGPRA “Museum”
- NAGPRA collections from archaeology in 60s and 70s; donations; accidental discoveries, and holdings from State of Indiana
- Consultation and repatriation to date
- NAGPRA grants
- Developing research relationship with tribes in multiple ways
How can you learn more about NAGPRA?
NAGPRA Resources

• National NAGPRA website
• Most applicable if you are new to NAGPRA and want to learn more
  • Frequently Ask Questions
  • Glossary
• Plus.....
  • Training
  • Online Databases
  • Resources for Museums
The Department of the Interior is currently conducting a review of the charters and charges of Federal Advisory Committee Act (FACA) Advisory Commissions in an effort to maximize feedback from these boards and to ensure their compliance with both FACA and the President's recent executive orders. The review process is meant to identify committees that merit improvement in order to fully support their mission, serve the local communities, and ensure the Department was getting local feedback to the maximum extent possible. This is a standard review process which previous administrations have also conducted during the transition process. The goal is to institutionalize state and local input and ongoing collaboration, particularly in communities surrounding public lands. This review process necessitates the temporary postponement of advisory committee meetings. Therefore, meetings by these groups are postponed for the present time.

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The Native American Graves Protection and Repatriation Act (NAGPRA) was enacted on November 18, 1990, to address the rights of lineal descendants, Indian tribes, and Native Hawaiian organizations to return Native American remains and associated funerary objects in their physical possession that were taken from lands within the United States or its territories before 1990.
Resources for Museums

NAGPRA requires museums that receive Federal funds to complete inventories and summaries of Native American cultural items in their collections, publish notices in the Federal Register, and repatriate Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony to lineal descendants and culturally affiliated Indian tribes and Native Hawaiian organizations.

Learn More About NAGPRA
Working with Tribes and Native Hawaiian Organizations
Working with Federal Agencies
Working with the National NAGPRA Program
Additional Resources and Professional Associations
NAGPRA Videos and Webinars

• YouTube National NAGPRA Program channel
• Most applicable if you are new to NAGPRA and want to learn more
  • NAGPRA (NAGPRA in a nutshell)
  • The Development of NAGPRA
  • NAGPRA Basics Training (2 parts)
  • Webinar: NAGPRA for Newbies
• Plus 19 other videos and webinars on specific NAGPRA topics
Take a Class!

• National Preservation Institute

• Scholarships and Travel Grants available
NAGPRA is about people and building relationships – educate yourself

• Build and develop trust

• Take interest in your consulting tribes – Show Up
  • Review their web sites, learn a little about their history
  • Participate in training sessions
  • Attend their presentations
  • Learn about their culture and current concerns

• Learn about tribal sovereignty and what that means

• Learn about tribal etiquette from others who have been through the NAGPRA process
Help in your state

- State Historic Preservation Office
- Archaeologists at State Museum
- Public University with NAGPRA Collections
- Department of Transportation
- Repatriation Alliances
- Learn and share with others!
See Handout

• Links to all resources from this presentation
• Additional resources that may be helpful
Today we learned

• The basic definition of NAGPRA
• Why NAGPRA is important
• General NAGPRA processes
• Reviewed selected NAGPRA case studies
• Resources to learn more about NAGPRA
Questions