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Native American Human Remains in UK Collections: Implications of NAGPRA to consultation, repatriation, and policy development

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ABSTRACT

The past 30 years has witnessed a dramatic shift in attitudes towards excavating (pre)historic cemeteries, the study of human remains, and the retention of remains in formal collections as well as their placement on public display. However, legislation and policy on their treatment varies dramatically, especially across international boundaries. For example, in 2004 the Human Tissue Act, the British parliament passed which enabled nine national museums the discretionary power to deaccession human remains under 1000 years old. The *Guidance for the Care of Human Remains in Museums* was then published the following year as a 'best practice' document to aid institutions in England, Wales, and Northern Ireland by providing a legal and ethical framework for the treatment of human remains. Despite these efforts, most repatriation claims in England are not domestic, but are actually related to human remains from overseas. In this case, the *Guidance* advises that institutions become aware of relevant foreign legislation, especially as it relates to local policy and claimants' expectations. Greater awareness is particularly critical with Native American human remains in the United States, which are broadly governed by the Native American Graves Protection and Repatriation Act (NAGPRA, Public Law 101-601), a law that is both complicated and quite different from other countries. The goal of this paper is to inform UK institutions on NAGPRA terms and concepts, expectations among Native Americans, and available support resources. The paper will then provide recommendations on how to work within NAGPRA so that consultations on Native American human remains will be most fruitful.

KEYWORDS: human remains, NAGPRA, Native American, repatriation, United Kingdom

INTRODUCTION

Laws and policies regulating the treatment of human remains held in institutions (i.e., museums, academic institutions, research laboratories, antiquarian societies, government agencies, or any organized entity holding human remains) are highly variable and seldom apply beyond domestic borders. Additionally, the protocol for communicating between interested parties varies between cultures and administrators, which creates further differences and possible disparities. As repatriation requests for indigenous human remains continue to increase, institutions and claimants must better understand formal legal processes and learn to communicate effectively to avoid legal and other conflict.

Australian Aborigines long campaigned for the repatriation of human remains held in British institutions (Fforde and Ormond-Parker 2001). In 2000, these efforts finally gained political clout when the Australian and British governments agreed to increase efforts to repatriate human remains to Australian indigenous communities (DCMS 2005), with the Australian government assuming a formal role in facilitating international repatriations (Australian Government 2005). The increasing number of repatriations back to Australia from the UK bears witness to the success of this formal agreement (DCMS 2005: 23). However, the responses of British institutions to claims from other native peoples are less clear, especially Native North Americans. The United States (US) and British governments have no formal agreement related to Native American human remains nor has the US government assumed a leadership role in coordinating such repatriations to Native Americans. Despite this lack of infrastructure, large numbers of indigenous human remains originating from the Americas reside in UK institutions (Weeks and Bott 2003: 12-19).

The 2003 *Scoping Survey of Historic Human Remains in English Museums and Other Organisations* (Weeks and Bott 2003) is the only published study that attempted to document the number and place of origin of human remains in collections in the UK. It only included information from 146 English museums; however, it found that 41.7% of the institutions that responded had human remains of indigenous peoples from North and South America who died between 1500 and 1947 (Weeks and Bott 2003: 13), which roughly equated to 1,800 individuals. Weeks and Bott also gathered information about individuals who died prior to 1500 with 46.2% of the responding institutions indicating they held 'ancient' human remains (>4,000 individuals) from overseas, but locations of origin were not available and it is not possible to say how many of those individuals were from the US or North America or broadly from the Americas. Interestingly, in a 2007 survey of English museums, L. Bell (personal communication, September 2008) found that of the 157 museums (not including the Natural History Museum) she surveyed 12 museums indicated they held human remains representing a minimum number of 225 individual of North American origin. She also found that four claims had been received specific to North American human remains; one claimed had resulted in repatriation, while the remaining three claims were pending further consideration.

Although the exact number of Native American human remains in UK institutions is unknown, it is just a matter of time before inquires and/or claims start arriving at UK institutions regarding them, and no national approach exists within the UK for addressing such actions. UK institutions (except those in Scotland, where independent guidance is under development) seeking guidance on such international repatriations most likely will turn to the 2005 *Guidance for the Care of Human Remains in Museums* (UK Guidance). This guidance provides a legal and ethical framework for the treatment of human remains; additionally, it has a section entitled

“Policy of the country of origin” (Section 3.2K), which states that “[s]ome nation states have developed domestic legislation or policy to govern claims for the return of remains ... [and should] be aware of any policies of the national government from which a claim originated” (DCMS 2005: 28). Furthermore, the Uk Guidance recommends that museums be aware of how claims are resolved in the native country as well as expectations of claimants based on the practice in their country of origin.

A need for greater awareness is especially true for human remains originating from the US where legislation and policy for the repatriation of Native American human remains is well established ([Table 1](#)) under the Native American Graves Protection and Repatriation Act (NAGPRA, Public Law 101-601) and its implementing regulations (43 CFR Part 10). NAGPRA affects almost all Native American repatriations and is legally complicated, requiring considerable expertise for successful consultation. Given this background, the goal of this paper is to inform British institutions of key terms, concepts, and expectations within NAGPRA as a guide for consultations, but also to present for discussion NAGPRA as a model for future repatriation claims.

US REPATRIATION LEGISLATION

The desire to repatriate human remains resulted from the strong conviction of many Native Americans and others that the long-term curation, display of, and research on human remains is not an appropriate treatment of the dead. Political pressure and heightened awareness among the public increased the power of indigenous groups over the disposition and treatment of cultural items, and led to the enactment of progressively broader and more complicated laws associated with the

issue of repatriation. Historically, individual US states were the first to respond to increasing concerns about long-term curation, display, and research on Native American human remains. Local actions most often were through legislation aimed to protect unmarked burial sites and later through actual repatriation law. This resulted in very different laws from state to state, although the core of most state law mandates special treatment of burial sites and similar cultural resources, and provides significant penalties for failure to comply.

Due to growing national pressures, federal legislation was finally put forward and passed in 1989. The first law was the National Museum of the American Indian Act (NMAI Act). This law mandated Smithsonian museums to identify, and consider for return, if requested by a Native community or individual, American Indian, Alaska Native, and Native Hawaiian human remains and associated funerary objects. Furthermore, federal funds were provided to cover the cost of actions under this law.

Congress later broadened the scope of the law in relation to Native American remains and artefacts through the passage of NAGPRA in 1990, which established a similar mandate to all US federal agencies and US museums that receive federal funding. NAGPRA also targets human remains and associated funerary objects, but also added unassociated funerary objects, sacred objects, and items of cultural patrimony to the list of potential repatriable items. Although operational ramifications were daunting, only limited funds were appropriated to cover the cost of NAGPRA actions, which has become very significant in efforts to implement the law.

The NMAI Act Amendment of 1996 further added provisions for the inventory and repatriation of unassociated funerary objects, sacred objects, and objects of cultural patrimony. The NMAI Act and its amendment are most often applied to the

Smithsonian museums that have large American Indian collections, specifically located in the National Museum of the American Indian and the National Museum of Natural History. Both museums have repatriation offices that follow similar NMAI Act guidelines, yet each museum manages a separate and distinct repatriation program.

Broadly speaking, NAGPRA and the NMAI Act affirms the rights of lineal descendants, Indian tribes, and Native Hawaiian organizations to custody of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony (collectively referred to as Cultural Items). In enacting this legislation, the federal government acknowledged that over the course of the nation's history, Native American human remains and funerary objects have suffered from differential treatment compared with related materials from other groups. They also acknowledged the failure of US law to recognize traditional concepts of communal property used by many Indian tribes. In a nutshell, NAGPRA and the NMAI Act aim to help affected parties resolve issues surrounding the custody of Cultural Items in an equitable manner. Specifically, NAGPRA requires federal agencies and museums to consult directly with lineal descendants, Indian tribes, or Native Hawaiian organizations and, in many cases, transfer custody of Cultural Items to them.

For simplicity, one can break NAGPRA into four basic parts. The first deals with identifying and defining terms. The second part deals with new and existing collections of Cultural Items. The third part deals with the protection of Native American graves and describes procedures that federal agencies must follow when they intentionally excavate or remove Cultural Items, or when they inadvertently discover Cultural Items on federal or tribal land. The fourth part describes criminal penalties for illegally trafficking in Cultural Items. The first and second parts (i.e., Definitions and Collections) are of greatest interest here, although tribes may have

different expectations depending on experiences with the third part (Discoveries/Excavations), which will be specifically discussed under expectations below.

KEY NAGPRA TERMS AND CONCEPTS

In order to understand NAGPRA and its regulations, one must first become familiar with the terms they use. Although some definitions will be provided below, it is highly recommended one returns directly to the law and its regulations to understand fully their context, meaning, and relationship with each other. Below are some general questions that may set the stage for informed communication with Native Americans.

1. *What must US museums do if they have human remains in their collections?*

This answer is “it depends.” If the museum receives federal funds (after November 16, 1990) and the human remains are Native American, then NAGPRA applies. However, if the museum does not receive federal funds or the human remains are not Native American, the museum policy or applicable state laws apply. Although these options appear clear, terms within NAGPRA have specific legal meanings, which must be understood to answer the above question correctly in a given case.

For example, *Native American* is defined as “of, or relating to, a tribe, people, or culture that is indigenous to the United States” (25 USC 3001 (9)) and “of, or relating to, a tribe, people, or culture indigenous to the United States, including Alaska and Hawaii” (43 CFR 10.2 (d)). A disagreement over the meaning of *Native American* was central to the Kennewick Man controversy (Holden 2004, Watkins 2004, Zimmerman 2005, Edgar et al. 2007). Furthermore, *human remains* mean “the physical remains of the body of a person of Native American ancestry.” The term does not include remains or portions of remains that have been freely given or

naturally shed by the individual from whose body they were obtained (e.g., hair made into ropes). Furthermore, “for the purposes of determining cultural affiliation, human remains incorporated into a funerary object, sacred object, or object of cultural patrimony must be considered as part of that item” (43 CFR 10.2 (d)(1)). *Control* means to have “a legal interest in human remains . . . [that is] sufficient to lawfully permit the museum . . . to treat [them] . . . as part of its collection for purposes of these regulations whether or not the human remains . . . are in the physical custody of the museum” (43 CFR 10.2 (a)(3)(ii)). Finally, *Indian tribe* means “any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians” (25 U.S.C. 3001 (7)). The current list of eligible tribe is available at www.narf.org/nill/resources/fr2007.pdf, although this list changes periodically as the Bureau of Indian Affairs approves tribal petitions for recognition or as recognition is conferred through legislation.

In summary, the terms *Native American*, *human remains*, *control*, and *Indian tribe* have explicit legal meanings, which in total, narrows the scope of NAGPRA; consequently, care and experience is needed to appreciate fully the many intricacies of NAGPRA. In fact, these terms are all potentially contentious terms because one is often dealing with limited information and interpretations are subject to the bias of observers. Many of the litigations and disputes within the US have resulted from a lack of understanding or challenges of these terms (Ackerman 1997, Goldman 1999, Owsley and Jantz 2001, Watkins 2004). As such, UK institutions would benefit from

knowing the legal meaning of these terms, especially given that they are familiar to most Native Americans likely to make claims to Native American remains.

2. How do you know which Native American group(s) to consult?

The answer to this question also is not straightforward. Using NAGPRA as a model, the range of Native American groups to be consulted differs depending whether the human remains are being dealt with as a Collection or a Discovery/Excavation. **Table 2** provides a summary of these differences. Note that much disagreement exists regarding the scope of consulting parties identified in NAGPRA, with many advocating that non-federally-recognized tribes should be included in the process. Native American views on recognition are split, but for differing reasons. According to Watkins (2004: 69), “many tribes feel that non-federally-recognized tribes are no less Indian than their federally-recognized counterparts, while others are afraid that to allow standing under NAGPRA would allow such groups to bypass the normally tedious process of federal recognition.”

3. Where can one obtain more information about NAGPRA, especially related to identifying consulting parties?

The National NAGPRA Program hosts a website, which provides all sorts of information about NAGPRA and useful databases for NAGPRA implementation. Note, when tribes are being consulted instead of lineal descendants, NAGPRA identifies tribal government and Native Hawaiian organization officials, and traditional religious leaders as important consulting parties. The *Native American Consultation Database* is particularly relevant to consultation, which identifies current official contacts for Indian tribes, Alaska Native villages and corporations, and Native Hawaiian organizations; and includes names and addresses of tribal leaders

according to the current information kept by the Bureau of Indian Affairs. Also useful is the *Notices of Inventory Completion Database*, which is a searchable library of published Federal Register notices pertinent to Native American human remains. Within the notices are consultation lists that are relevant to human remains that have been assigned cultural affiliation. Equally helpful is the *Culturally Unidentifiable Native American Inventories Database*, which provides information about Native American human remains determined to be culturally unidentifiable. See **Table 3** for a detailed list of web addresses for these and other online resources.

Noteworthy too is that Native American human remains found as inadvertent discoveries or planned excavations on non-federal or non-tribal lands do not fall under NAGPRA. In those cases, state laws often provide a different set of consulting parties, including tribes that fall outside federal recognition. Details of state-recognized tribes can be obtained at

www.ncai.org/State_Recognized_Indian_Tribes.285.0.html.

4. *How do you make a cultural affiliation determination?*

Cultural affiliation is defined as “a relationship of shared group identity which can be reasonably traced historically or prehistorically between a present day Indian tribe or Native Hawaiian organization and an identifiable earlier group” (25 U.S.C. 3001 (2)). Under NAGPRA, cultural affiliation is “established when the preponderance of the evidence -- based on geographical, kinship, biological, archeological, linguistic, folklore, oral tradition, historical evidence, or other information or expert opinion -- reasonably leads to such a conclusion” (43 CFR 10.2 (e)). The National NAGPRA Program databases, particularly the *Notices of Inventory Completion Database*, are useful in assessing what others have done with respect to making cultural affiliation

determination. Equally helpful are the repatriation reports of the Repatriation Office of the National Museum of Natural History. Web links to these resources are found in Table 3. It should be noted that determining cultural affiliation is among the most difficult components of NAGPRA because the evidence used can be contradictory or often open for interpretation. Weighing out the lines of evidence in an unbiased manner is exceedingly challenging.

5. *Does a priority system exist regarding repatriation or disposition claims?*

Yes, but like consultation, priority depends upon whether the human remains are identified as a Collection or as a Discovery/Excavation; see [Table 4](#) for a comparison of priorities. At this moment, repatriating Native American human remains in Collections is fairly straightforward with priority going to lineal descendants and then to culturally affiliated Indian tribes. However, human remains that are culturally unidentifiable (the term used in NAGPRA) will be less clear until the reserved section of the NAGPRA Regulations (43 CFR 10.11) is finalized. Currently, culturally unidentifiable human remains can only undergo disposition after the Native American Graves Protection and Repatriation Review Committee provides recommendations to support such an action. A proposed rule for this section of the NAGPRA Regulations was published in the Federal Register in October 2007 with comments due in January 2008.

6. *Who can make a claim under NAGPRA?*

NAGPRA only recognizes claims by lineal descendants, Indian tribes, and Native Hawaiian organizations. *Lineal descendant* means “an individual tracing his or her ancestry directly and without interruption by means of the traditional kinship system of the appropriate Indian tribe or Native Hawaiian organization or by the common law

system of descentance to a known Native American individual” (43 CFR 10.2 (b)(1)). Whereas, *Native Hawaiian organization* means “any organization that (a) Serves and represents the interests of Native Hawaiians; (b) has as a primary and stated purpose the provision of services to Native Hawaiians; and (c) has expertise in Native Hawaiian affairs” (43 CFR 10.2(b)(3)). *Indian tribe* was defined in Question 1 above. Who can claim under NAGPRA can be contentious; therefore, the above definitions need to be clearly understood by institutions involved in consultation and repatriation.

7. *What are some tips for achieving successful consultations?*

Know what is meant by federally-recognized tribe - It is centrally useful to know which tribes are considered sovereign Nations with whom the US government has unique legal relationships. Federal agencies are obligated to work with these tribal governments on a government-to-government basis, and strongly support and respect tribal sovereignty and self-determination. Museums do not have the same legal relationship with Indian tribes; instead, they tend to engage in consultation more on a business level. Also, refer back to the response provided to Question 2.

Seek out established support documents - Two helpful documents written on tribal consultation include *Tribal Consultation: Best Practices in Historic Preservation* at www.nathpo.org/PDF/Tribal_Consultation.pdf, and *Guidelines and Procedures for Repatriation* at www.nmnh.si.edu/anthro/repatriation/pdf/guidelines_and_procedures.pdf.

Document collection and management procedures *a priori* – Know your collection and document it clearly through inventories. Additionally, it is always good practice to have formal written procedures and collection management policies in place prior to

consultation, which sets the stage for open and transparent discussions. Additionally, it is very helpful to have organizational charts that clearly identify who has authority to make decisions about the treatment of human remains within any museum or institution. It also is prudent to maintain formal administrative records of correspondence, meetings, and decision processes that occur.

Make sure whom you are consulting with is who you think they are - Tribes (like museums) have numerous individuals on staff and not all of them have the authority to make decisions. Be sure the persons with whom you are sharing information have the authority to represent the tribe you are consulting. Note also that many tribes have traditional leaders, elected officials, and NAGPRA coordinators who will have some say about human remains; the latter two positions usually are appointed and change with tribal elections. Finally, confirm you are consulting with the current administration.

EXPECTATIONS OF CLAIMANTS

Under NAGPRA, lineal descendants, Indian tribes, and Native Hawaiian organizations have some clear expectations of which UK institutions must be aware. For example, they expect to be provided item-by-item inventories of Native American human remains, which are likely culturally affiliated with them or originated from their tribal or aboriginal lands, regardless of age of the remains (historic and ancient). Additionally, they imagine such inventories will include details about associated funerary objects. Similarly, Indian tribes and Native Hawaiian organizations assume they will be consulted on Native American human remains *and* associated funerary objects regardless of the age of the collections. They expect the opportunity to contribute information relevant for the museum to make a cultural affiliation

determination and that tribal government officials, Native Hawaiian organization officials, Alaska Native groups, and traditional religious leaders will be invited to take active roles in the consultation process. Finally, expectations exist related to public notices about inventory completion and cultural affiliated determinations. Museums and federal agencies in the US must publish such notices in the Federal Register – the official daily publication for rules, proposed rules, and notices of federal agencies and organizations; see <http://www.gpoaccess.gov/fr/index.html>. These notices allow open and equal access to information, plus allow tribes to make claims to collections. Finally, tribes expect to have an advisory committee available to voice concerns and facilitate dispute resolutions.

Once cultural affiliations are determined, the affiliated Indian tribes or Native Hawaiian organizations expect timely repatriation of the human remains and associated funerary objects to occur following submission of their written claims. Additionally, Indian tribes and Native Hawaiian organizations anticipate the return of culturally unidentifiable Native American human remains, and, in many cases, the associated funerary objects (Office of the Secretary, Interior 2007). However, such expectations are not consistent with UK Guidance (DCMS 2005: 27), which states, “that claims are unlikely to be successful for any remains over 300 years old, and are unlikely to be considered for remains over 500 years old, except where a very close and continuous geographical, religious, spiritual and cultural link can be demonstrated.” This incongruity demonstrates why UK institutions need to establish their own policies regarding US repatriations because Native American expectations can differ from the UK Guidance recommendations and even the legal obligations of NAGPRA.

CONCLUSION AND RECOMMENDATION

UK institutions should expect increasing claims for Native Americans human remains and associated funerary objects from their collections, whether these items are historic or ancient because Native Americans are becoming more active and successful at making claims in the US under both state and federal laws. This reality has some implication for UK institutions with Native American remains in their collections; whereby, a greater knowledge of NAGPRA by such institutions would be advantageous. Additionally, the relative success of NAGPRA also might provide a framework for UK institutions to model their own practices. Clearly, the UK and US legal systems differ but evidence from other quarters suggest the systems are becoming more similar (e.g., medical litigation). UK institutions will benefit from an increased awareness and understanding of NAGPRA as well as the many valuable lessons learned throughout its near two-decade tenure

Pertinent to this, one can find many overviews of NAGPRA as policy (Trope and Echo Hawk 1992, Carter 1999, Lovis et al. 2004, Ousley et al. 2005) and other issues related to practice (Echo Hawk 2002); however, the best way to understand NAGPRA is to read the statute and its implementing regulations. Although this is generally useful, the regulations are still incomplete (43 CFR 10.7, Disposition of unclaimed human remains, funerary objects, sacred objects, or objects of cultural patrimony; 43 CFR 10.11, Disposition of culturally unidentifiable human remains; and 43 CFR 10.15(b), Failure to claim where no repatriation or disposition has occurred.); therefore, also expect change. In fact, the pending Proposed Rule for Disposition of Culturally Unidentifiable, 43 CFR 10.11 promises some interesting and possibly controversial changes, as can be seen by the number of disparate responses to it publication (see comments at

<http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=DOI-2007-0032>).

Regardless, proactively sharing information about Native American collections will play a significant role in setting the appropriate tone and would be likely to reduce the expense of consultation activities in the future. As such, compiling and publishing inventories of institutional holdings of human remains is a desirable starting point as is stated in the UK Guidance (DCMS 2005: 22). Establishing a web-based clearinghouse to post inventories and notices would be highly beneficial. It is clear both federally-recognized and non-federally-recognized Indian tribes have an interest in and seek the repatriation of Native American remains. In the US, NAGPRA focuses on who should be consulted (e.g., lineal descendants, Indian tribes, and Native Hawaiian organizations; and specifically tribal government and Native Hawaiian organization officials and traditional religious leaders), but also limits the potential claimants of Native American human remains. No similar restrictions exist in UK law; consequently, each UK institution has complete discretion on such matters. Consequently, when it comes to Native American human remains in their collections, it would be useful for institutions to 1) decide whether it will consult with all interested parties, or only NAGPRA-defined legal claimants; and 2) fully understand the consequences of such a decision (e.g., setting a precedent for subsequent cases) .

Ultimately, managing human remains in our increasingly litigious world comes down to establishing internal policies and procedures. The UK Guidance does provide practical advice. Nevertheless, it is up to each institution to formalize its practices in written policy and procedures, thereby lessening the potential for disputes or possibly litigation by being consistent and transparent. At a minimum, UK institutions controlling Native American human remains should become

knowledgeable of US policy and procedures and then develop their own that specifically address 1) how to and who will make cultural affiliation determinations (including the types of evidence needed); 2) who are acceptable consulting parties; 3) who can or cannot make claims; 4) how will associated funerary objects be dealt with; 5) how are disputes resolved; and 6) what type of notifications are needed in the process.

Managing and researching human remains is a unique opportunity, which comes with complex and often contradictory viewpoints. It is important that decisions in response to claims for repatriation be made equitably and transparently; however, such decisions are not simple. Better understanding of NAGPRA is a key step in simplifying such decisions, both related to contemporary repatriations with Native Americans, but also as a guide for UK institutions in setting up an effective infrastructure for addressing repatriation claims in the future. NAGPRA has been relatively successful in the US for the last seventeen years, and deserves consideration as a model for equivalent policy in other domains.

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Table 1. Key US Repatriation Laws, Regulations, and Policies

- 1989 **National Museum of the American Indian Act** (NMAI Act) www.nmnh.si.edu/anthro/repatriation/pdf/nmai_act.pdf
- 1990 **Native American Graves Protection and Repatriation Act** (NAGPRA), plus regulations www.nps.gov/history/nagpra/MANDATES/INDEX.HTM
- 1997 **State Statutes** – “Update of Compilation of State Repatriation, Reburial And Grave Protection Laws” www.nrcs.usda.gov/technical/ECS/culture/rebury.pdf
- 2007 – **Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects** www.achp.gov/docs/hrpolicy0207.pdf

Table 2. NAGPRA Consulting Parties

43 CFR 10.9(b) Collections	43 CFR 10.5(a) Inadvertent Discoveries & Planned Excavations
<ul style="list-style-type: none"> ▪ Lineal descendants; ▪ Indian tribe officials & traditional religious leaders from whose tribal lands the human remains originated; ▪ Indian tribe officials & traditional religious leaders that are, or are likely to be, culturally affiliated with human remains; and ▪ Indian tribe officials & traditional religious leaders from whose aboriginal lands the human remains originated. 	<ul style="list-style-type: none"> ▪ Lineal descendants; ▪ Indian tribes on whose aboriginal lands the planned activity will occur or where the inadvertent discovery has been made; ▪ Indian tribes and Native Hawaiian organizations that are, or are likely to be, culturally affiliated with the human remains; and ▪ Indian tribes and Native Hawaiian organizations that have a demonstrated cultural relationship with the human remains.

Table 3. Online Resources

- National NAGPRA www.cr.nps.gov/nagpra
- Native American Consultation Database <http://home.nps.gov/nacd/>
- Tribal Leaders Directory <http://library.doi.gov/internet/triballeaders9.pdf>
- Indian Land Cessions 1784-1894
www.nps.gov/history/nagpra/onlinedb/land_cessions/index.htm
- Federal Lands and Indian Reservations Map
<http://nationalatlas.gov/printable/images/pdf/fedlands/fedlands3.pdf>
- Indian Reservations in the Continental US Map
www.nps.gov/history/nagpra/DOCUMENTS/RESERV.PDF
- Judicially Established Indian Lands Map
http://rockyweb.cr.usgs.gov/outreach/mapcatalog/images/culture/indian_land_judicial_areas_11x15.pdf
- NAGPRA Notice of Inventory Completion Database
www.nps.gov/history/nagpra/fed_notices/nagpradir/index.htm
- NAGPRA Culturally Unidentifiable Native American Inventory Database
<http://64.241.25.6/CUI/index.cfm>
- NMNH Cultural Affiliation Reports
www.nmnh.si.edu/anthro/repatriation/reports/summaries.htm
- NMAI Repatriation Office
www.nmai.si.edu/subpage.cfm?subpage=collaboration&second=repatriation

Table 4. Custody Priorities

<p align="center">43 CFR 10.10(b) Collections</p>	<p align="center">43 CFR 10.6(a) Inadvertent Discoveries & Planned Excavations</p>
<p>1. Lineal Descendant 2. Culturally Affiliated Indian Tribe 3. Retain culturally unidentifiable until 43 CFR 10.11 is finalized, or recommendation to do otherwise is obtained from the Native American Grave Protection and Repatriation Review Committee.</p>	<p>1. Lineal Descendant 2. Indian Tribe on whose tribal land cultural items were found 3. Culturally Affiliated Indian Tribe 4. Indian Tribe with stronger cultural relationship, unless another tribe has a stronger one 5. Indian Tribe aboriginally occupying the land, as determined by the Indian Claims Commission of US Court of Claims 6. If custody cannot be determined or no claim is received, then the agency retains unclaimed remains and objects.</p>