

## Introduction & Background

From a Study done by the Government Accountability Office (GAO) in 2022, there is still more than 110,000 unattributed Native American ancestral remains held by museums, federal agencies, and other research institutions. This snippet of information does not cover other culturally significant artifacts where an exact number could not be accurately found but rough estimates put the figure at 800,000 artifacts this does not reflect private collection which can put this number well over a million. Repatriation of Native remains and artifacts is actively happening and an estimated 90% of Native American remains affiliated with a tribe have been returned, it has been 33 years since the Native American Graves Protection & Repatriation Act of 1990 went into effect.

We have clearly come a long way since 1990 in our repatriation efforts but more still remains to be done just looking at the number above, While I have found a lot of information regarding overall government and tribal government efforts, government programs, programs done by museums and have seen studies that look at an “overall” native American reaction to repatriation efforts there seems to be a lack of personal statements and what these efforts do to strengthen the culture identity of the tribes being effected, statements made on the topic of repatriation are made by tribal government officials, and while this can be a good indication of an overall tribes thoughts and feelings on the topic I know there could be more voices that can be shown.

The intent of this study is to explore and show repatriation efforts that are current and ongoing and compare them to the efforts of the past 33 years to see how this relates to what was being done then to now. Efforts in recent years have definitely improved since

1990 and it shows with how roughly 90% of Native American remains affiliated with a tribe have been returned, but there are still over 100,000 remains being held by museums and other agencies, and because these are mostly unaffiliated or hard to attribute to a tribe there remains have stayed where they are. This is the first step in the process of repatriation is getting the remains that may have been found on tribal land affiliated with the tribe who put in the request for repatriation, this is one example of one of the many steps in the legal battles for repatriation that will be examined in this study.

There is also an intent to see how Native Americans peoples are interacting with repatriation and if this is a big thought in their lives or not and how this has been affecting their cultural identity. I want to be able to explore the emotions that are behind having an ancestor remain held essentially hostage in a museum or research institution and the effect this has on someone and their culture. In the studies I have looked at there is a lack of view from individual people and how this is affecting them and their cultural identity. Many statements have been by tribal governments and people working with repatriation agencies, more personal statements from many individuals within the tribes can have greater impact during the repatriation process where tribe have to prove items belong to them, this would be ultimately the goal of the research study.

For this study data will come from many different places; Government sites, Tribe websites, other studies and research done to be used as a comparison and measurement for change. Since there are 574 recognized tribes in the US and Canada there is a large population to gather data from, more research will be needed into what tribes have been effected the most by repatriation and which ones have the most requests for remains and artifacts back and which tribes have organizations set up, for

this study I would like to look at the tribes most impacted as they are effected directly and directly involved, but I would also like data from people outside the tribe.

It is also complicated as there are Native American artifacts, I am not sure about remains, in other museums around the world. Recently a museum in the UK returned about 9,000 artifacts back to tribes in the US. But I would say that the data will remain within the US but mentions of these other countries can be an end piece.

My approach will have two parts, the first being to explore cases of repatriation and compare them through the years since 1990 to see how efforts have changed, if there were any fluctuations in efforts etc... Second will be surveys and talks with tribes and their tribal government to get a sense of repatriation on their cultural identity and how it has been affected.

The results will end up being mainly qualitative regarding the data from the surveys and looking at the changing repatriation efforts and how they have adapted and changed over time. There will be quantitative data mentioned regarding the outcome of the repatriation efforts, but this data will be mentioned and used to measure the changing efforts and not be what this study will be about.

### **Literature Review:**

Concept 1: Legal Struggles, proving "Indianness." This is the concept that the majority of the literature involving Native American repatriation covers or at least mentions, the legal battles between tribes and institutions and the precedents being set and how tribes are forced to prove the "indianness" of remains and artifacts in institutions that were often found on historic tribal lands. This is for good reason; this is

one of the more important areas that needs coverage for this topic. A good example of a study showing the legal struggles is an article by Susan B. Bruning about the complex legal legacies surrounding one of the most well-known cases of native repatriation struggles the Kennewick Man aka The Ancient One (Bruning 2006). This legal battle involved a 9,000-year-old body set many things into motion regarding how one can link remains this old to a group of people, it also showed how hard Native Americans are willing to fight to get the remains of their ancestors back. Burnings study examined the “NAGPRA and concluded two provisions in the law expressly permit the scientific study of human remains if certain conditions are met... and Kennewick man might have still qualified for study under NAGPRA” (Bruning 2006 pg. 1). While this article looks at the legality of the museum to study the remains while the legal battle was still ongoing it still serves as a look into how researchers are writing about the legal side. While one of the most well-known this is not the only legal battle that took place that has been studied. An article by Cottrell Coutenteny discusses the legal struggles of a tribe that is not federally recognized by the US government and the struggles they face in seeing their item returned called the Skeesucks Pipe (Cottrell 2020). Another topic that these studies and articles write about is the difference between US and Canadian Legal system being not in agreement with traditional tribal laws, this is brought up in the study by Jennifer Kramer looking at tribes struggling to bend their legal concepts of ownership with that of “western” legal concepts (Kramer 2004). This topic will be explored further in a later section looking at “the clash of cultures” but it also serves to point out the differences in legal systems and beliefs. The way all of these authors write about the legal side of things differ, and that is the same for a majority of articles, these three above are good

examples of the different views writing on the same topic Burning with the more controversial conclusion but with a strictly legal lens of study, Cottrells lens of study comes from being the historical consultant brought in to help with the legal battle, and Kramer who takes a more aggressive activism approach in support of The First Nation in Canada whom her article is about. Onto the topic of proving “indianness” a study by Chip Colwell-Chanthaphonh & Jami Powell discusses “the methodology by which cultural affiliation is determined through NAGPRA.” (Colwell-Chanthaphonh and Powell 2012 pg. 1). Their study tries to make the ways that cultural affiliation is determined more transparent and less difficult.

Concept 2: A Clash of Cultures Between Western and Native Views. The next concept I noticed that the literature seems to be focusing on is the clashing of cultures, what are the views of the US government, the views of the museums, the US legal system, the tribes, the tribal legal systems, and how do these all clash? A lot of this can be tied to concept 1 of the legal struggles and proving Indianness, this is shown in the (Kramer 2004) article where the First Nations are fighting to recover cultural property through “self-definition”, First Nations tribe members were asked what “ownership” means to them and this was compared to how the museums in Canada determine ownership of historic tribal artworks, they know they are native art works but how do they prove they belong to the First Nations. The (Cottrell 2020) article sets another example of this clash of cultures, where a tribe that is not officially recognized by the US was trying to get an artifact back. The problem looked at here is that they technically had no protection with the NAGPRA to get their items back since the US government has not recognized them. Another article that studies these conflicting world views was

written by Ann M. Kakaliouras. This article looked at views of anthropological scientists versus those of Native Americans. The final study explored was “new theoretical foundations for repatriation that brings western and physical anthropological concepts into greater symmetry with indigenous perspectives” (Kakaliouras 2012 pg. 1). These studies, while all looking at something a little different talk and discuss the same things, views of the country’s government tribes are residing in, views of the tribes, and views of the institutions holding tribal items. Not every repatriation process has been or is a horror show however, in the article by Kimberly Christen she does a case study examining “a collaborative archival project aimed at digitally repatriating and reciprocally curating cultural heritage materials of the Plateau tribes in the Pacific Northwest” (Christen 2011 pg. 2). This study tackles the struggle of our digital age and how tribes are having to adapt and create definitions for items they create that are digital or private heritage items that have been digitally photographed and used without tribal permission.

Concept 3: Tribal Repatriation Workers, Museum Staff, and Cultural Legal Consultants. The last concept that is the topic of most studies is the tribal repatriation workers, those who are directly involved in the repatriation efforts, the museum staff and scientists working with Native remains and items, and the cultural legal consultants brought in to help prove or disprove native affiliation to remains and items. This is seen in the (Cottrell 2020) article where Cottrell was the consultant brought in. The topic of the museum and repatriation workers can be seen in the (Colwell-Chanthaphonh and Powell 2012) article, their study looks at scholars and museums and how they have different concepts of identity that differs from tribal views, this article also discusses the tribal workers of the Haudenosaunee and Susquehannock Nations and the historic

views of the tribe as told by the workers. Colwell-Chanthaphonh also conducts another study looking at how museum professionals and practicing anthropologists have published many studies and papers on their experiences and perspectives of repatriation, this study he did a survey of tribal repatriation workers to help establish a baseline of their personal backgrounds and motivations and views of how repatriation has affected them. (Colwell-Chanthaphonh 2012). Like Colwell-Chanthaphonh's survey looking only at those involved in repatriation another article by Greg Johnson did a study with two agendas, the first being "My Primary Purpose is to explore the contours of repatriation language as spoken by Native Americans directly participating in repatriation processes" (Johnson 2005 pg. 480). While the studies here are all looking at different tribes who have their own way of doing things, they all talk look at Native Americans who are actively involved or apart of the repatriation process, likewise the museums and consultants also have their voices and views studied and show by the studies and research above.

The studies of Native American repatriation cover a lot of topics and information and this literature review only covers a selected view studies and deep dives into the topic but the three concepts mentioned above fit a theme provided by the majority of paper on repatriation, the concepts being the legal struggles and politics, the conflicting views and ideas of western and native cultures, and the focus on views of many studies being Tribal Repatriation Workers, Museum Staff, and Cultural Legal Consultants. These concepts are the most talked about for a reason, and that is they are very important for future change, in many cases of repatriation shown in the studies above legal precedents were being set for future cases and definitions were being solidified.

The view of the different cultures is getting written about and being understood by both parties for the better, many tribes are now able to pivot their efforts to use the US legal system to their advantage to get their cultural items back, and lastly the personal views from those actively working with repatriation, their knowledge is integral both tribal and museum knowledge for future repatriation efforts. But with all the studies there is a gap, the first gap is just a mention but is still very important, you can see the dates of the studies done above, some are 10 or 18 years old, the newest study represented in this literature review is from 2020, this is both a good and bad thing. The good is that the vast majority of repatriation is done, according to the US Government Accountability Office, roughly 90% of items affiliated to a tribe have been returned in the time span from 1990 to 2020. This is awesome progress, but the largest issue and hardest part is the last 10%, this consists of over 100,000 remains that are unattributed, so the legal battle for these remains continues where tribes must prove they belong to them, so the repatriation process is long from over. The second gap and the area of study for my research is the lack of Native American voices who are not actively apart of the repatriation and how this is all effecting with the impact on their culture.

**Research Question:**

Based on the literature review and the findings there the proposed research question is as such. How do Native American individuals not actively involved in the repatriation process view repatriation and how does it affect their cultural identity, tribal identity and connections to their tribes?

With this question ill also give some explanations to the concept of “Identity” for Native Americans. All tribes can be a little different, so this definition is not one size fits



all, but it does its best. From the National Museum of the American Indian “Identity development takes place in a cultural context, and the process differs American Indian culture to another. American Indian identity is shaped by the family, peers, social norms, and institutions inside and outside a community or culture.”

### **Method Description: Interviews, Surveys, and Narrative Analysis**

First let me reiterate my research question as I feel it will help to show why I choose the methods I plan to use. “How do Native American individuals not actively involved in the repatriation process view repatriation and how does it affect their cultural identity and connections to their tribes?”

The research method I would be using will be technically two methods, with a first round of surveys to get some general criteria information down then follow up to that information with interviews which will be the primary method displayed in the research. I choose these methods because my research will focus on the personal voices of Native American tribe members in the discussion of Native American Reputation. A survey and an interview are the perfect method to get these voices across while giving the personal note that I hope they will bring. An article on using and reporting on interviews says, “They are flexible, allowing in-depth analysis from a relatively small sample size and place the focus of research on the views of participants. While interviews are a popular method, several critiques have been raised in response to their use, including the lack of transparency in sampling strategy” (Young et al., 2018, pg. Abstract). This small snippet from the abstract of the paper shows exactly what I hope to get from using interviews, to place the focus on the voices of the Native Americans who are interviewed and to be able to show their sense of self culture and

how they are thinking about repatriation. The second part of this quote of the critique of the interview on the lack of transparency in Sampling strategy is the reason I want to start this process with surveys and show why I choose to reach out to certain individuals for further interviews. Similar another book titled *How to Interview and Conduct Focus Groups* says, “speaking with people is one of the best ways to understand the why and how of human experience and perspectives ... Directly speaking with people individually or in groups allows access to their opinions, values, implicit beliefs, and perspectives on a set of topics” (Katz-Buonincontro, J., 2022, pg. 25). This is the entire idea behind my research to show voices and see what the impacts of repatriation are on tribes, if they have a strong voice then hopefully it will allow further repatriation efforts to grow, and if there is little care then maybe efforts put to repatriation can be allocated to areas people feel are more pressing.

For the initial screening surveys, the following are sample questions may be used.

- What year were you born?
- Were you born apart of a tribe, or did you apply for membership later in life?
  - At what age did you apply for tribal membership?
- What area of the United States is your tribe located?
- What do you know about Repatriation?
  - Have you ever been involved in any part of the repatriation process?
- Do you know if your tribe has been involved in Repatriation efforts?
  - Do you know the names of the institutions where the repatriation took place?

As for the interviews mentioned before they will be in an open-ended style, some potential questions will be.

- What do you know about repatriation in your tribe and in others?
- Has repatriation affected you personally? Has it effected someone you know?
- Do you believe that spending resources on repatriation efforts are worthwhile, or would you like to see resources elsewhere?
- Tell me how repatriation affects your Cultural Identity.

Before going over how ill access the population, I wish do research, first let me go over some population figures. As of a 2022 census there is 5.2 million individuals who identify at least partially as being Native American, this is around 2.6% of the US population. Only around 30% of these 5.2 million live on reservations. It should also be noted that these numbers are only for the Federally recognized Tribes within the US. I'll gain access to the population I want to interview is first investigate what tribes are involved in repatriation and see which tribe members are involved themselves as these people are not the area of focus. I will then, if needed get in touch with the tribe leaders and express interest in sending initial anonymous surveys followed by personal interviews where I would like to put a face with a voice, but it is up to the participants. All participants will be told what their interviews will be used for after the interview and it is then where I will ask and take note of what they are comfortable with being public, like their names, faces, do they want audio released or just transcribed text. The survey will also have more privacy questions about what people do and

don't want shared. While I do not foresee any issues or repercussions on speaking out about repatriation people could always have a controversial take that would be good information for the research but might be bad for them if what they said got back to their tribe and community. The hope is to pull participants from every area in the US, to do this I will look at what tribes are the most involved and start the recruitment process there, as there are 42 US states with Native Reservations, I hope to have tribes from each state, maybe 2-5 members from the tribe to collect the data from, this number will vary depending on logistics and how many tribes will grant access for the study.

To analyze the data from the personal interviews I will be using a narrative analysis which is a type of qualitative data analysis that will allow me to highlight the more important parts of the participants interviews to get their voices and thoughts across. I am choosing a narrative analysis approach because I want to be able to highlight personal views and other parts of the interviews to show what, if any repatriation impacts are happening to the people in the research.

Imagine one day you went to a museum and on display was the body of a great-great-grand parent along with many family artifacts and there you discovered that your families historic but lost burial grounds had been found and dug up without your consent or knowledge by people with no affiliation to your family. For many Native American tribes this was and still is exactly the case, but slowly institutions have been repatriating remains and artifacts back to the tribes but in many cases the tribes had to fight for their return in legal battles that make it complicated for the tribes who don't always have the same views as Western Government laws. As seen in the literature review many papers and studies view repatriation in a lens of legal precedents and cases, the museums and

institutions are studied, and the people(consultants) and tribe members actively involved are studied but one group of people's voices is often not mentioned in the studies and that is of the everyday tribe members not involved in repatriation efforts. Using interviews with a narrative analysis is the best way to approach my research question at the start of the document. These interviews will be able to investigate how tribe members feel about repatriation, about the process, how has this affected their cultural identity, their sense of tradition or self? My research is very much focused on qualitative information about culture and emotion. How this research will affect potential implications is in two ways, the first being all of the people interviewed find repatriation very important, in that way one of the big ways to get remains repatriated is to "prove Indianness" prove that these remains are linked to the tribe. If more people in the tribe get involved from the interviews, then this can speed up the remaining repatriation efforts still ongoing. The second option is that the people from the interviews express that they have no opinion on the matter and that it doesn't affect them, this could then allow tribes to spend resources in more needed areas. From the US Government Accountability Office as of 2020 there remains roughly 116,000 Native American human remains with no cultural affiliation. While this number is a lot it should be mentioned that about 90% of remains have been repatriated so far since 1990. 90% is really good but this part "remains with no cultural affiliation", this will be the hardest part, before remains are returned tribes have to prove cultural affiliation to even have a claim and prove that is the hardest part.

## **Conclusion**

As mentioned throughout this proposal the process of repatriation can be complicated and long. The primary focus of past studies has been primarily the legal side followed by looking at the institutions and lastly the native members who are actively involved. It is these topics that often make the largest headlines, and for good reasons they make the largest splash and most change. Those not actively involved, the “every day” tribe member are not looked at to see how repatriation has affected them, or to see their thoughts on if enough or too much is being done. They are equally important, and now more than ever with most repatriation done leaving the last bit left. This study will broaden what is written about repatriation and hopefully further progress the remaining repatriation efforts or see these resources allocated to be better used where tribes’ members would like them.

Furthermore, by using a combination of surveys and interviews to gather initial data on participants. Then getting a deep dive into their own views then using a narrative analysis to really dive into the thoughts of the participants to fully express and fill in those research gaps mentioned throughout this proposal.

Roughly 90% of Native American remains affiliated with a tribe have been returned, but there are still over 100,000 remains being held by museums and other agencies, and because these are mostly unaffiliated or hard to attribute to a tribe there remains have stayed where they are. This is the reason this study needs to be done, arguably the hardest, longest, and most costly part of repatriation is still to come. In the 30 years since the NAGPA went into effect literature and studies have stayed relatively

on the same topics. This study has the potential to alter future repatriation efforts of an underrepresented community.

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