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TRIBAL RELATIONS AND NAGPRA: CONSCIOUSNESS, CONNECTEDNESS, AND
CAUSE

By

Rylee Susan LaLonde

THESIS

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SIGNATURE APPROVAL FORM

TRIBAL RELATIONS AND NAGPRA: CONSCIOUSNESS, CONNECTEDNESS, AND
CAUSE

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ABSTRACT

TRIBAL RELATIONS AND NAGPRA: CONSCIOUSNESS, CONNECTEDNESS, AND CAUSE

By

RYLEE SUSAN LALONDE

Native American Grave Protection Act (NAGPRA) was enacted in 1990 as a way for federally recognized tribes to bring home Ancestors and belongings that have been held captive in universities, museums, and government agencies. This thesis examines if NAGPRA helps Tribal nations in their goals for repatriation and protection as intended. By connecting with Tribal Historic Preservation Officers (THPO) from Anishinaabe Tribes in the State of Michigan via survey and interview, this study demonstrates that Indigenous voices are important, especially in writing their own history. This thesis sought to answer the questions: Does NAGPRA harm or help tribes? Where are the Indigenous voices? It argues that, while the NAGPRA process may seem beneficial, it can cause harm to tribe-to-institution relationship facilitation, hindering repatriation abilities and disregarding the primary basis for the law: that all humans deserve human rights. The author and this work are situated at the intersection between Anthropology and Native American Studies. Qualitative and quantitative analysis was conducted through these intersecting lenses alongside Indigenous Standpoint Theory, resulting in the discovery of thematic elements such as consciousness, connectedness, and cause. The results from the knowledge shared indicated that NAGPRA was helpful in the letter of the law and suggest that the law has gone as far as it can. The problem lies within the spirit of the law. This was seen in the lack of recognition of Indigenous science and perspectives, dehumanizing language, lack of compliance, and poor effort from institutions to form relationships with Tribal nations.

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DEDICATION PAGE

To my mom and dad, who taught me with love how to navigate life and not get lost.

To my sisters, for always pushing me to be better.

To my Aunt Jill for always encouraging me in each step I have taken and teaching me to chase my dreams.

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This thesis follows the format prescribed by the *American Psychological Association* (APA), Seventh Edition and the Department of Anthropology.

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LIST OF ABBREVIATIONS

| | |
|--------|---|
| AMM | Army Medical Museum |
| ARPA | Archaeological Resource Protection Act |
| BIA | Bureau of Indian Affairs |
| CFR | Code of Federal Regulations |
| DOI | Department of the Interior |
| MACPRA | Michigan Anishinaabek Cultural Preservation and Repatriation Alliance |
| NAGPRA | Native American Grave Protection and Repatriation Act |
| NATHPO | National Association of Tribal Historic Preservation Officers |
| NEPA | National Environmental Policy Act |
| NHO | Native Hawaiian Organization |
| NHPA | National Historic Preservation Act |
| NMAIA | National Museum of the American Indian Act |
| NPS | National Park Service |
| PASS | Post-apocalyptic stress syndrome |
| SAI | The Society of American Indian |
| SHPO | State Historic Preservation Officer |
| SOI | Secretary of the Interior |
| TCP | Traditional cultural properties |
| THPO | Tribal Historic Preservation Officer |
| UNGC | United National Genocide Convention |
| USACE | United States Army Corps of Engineers |
| USC | United States Code |

INTRODUCTION

Hope has two beautiful daughters; their names are Anger and Courage. Anger at the ways things are, and Courage to see that they do not remain as they are.
- St. Augustine of Hippo (5th century) quoted *Hope's Daughters*

Post-colonial research has been conducted on Native peoples and land to such an extent that Native peoples are estimated to be the most researched people on earth (Ormiston, 2010). Typically, this research was conducted on Native people, land, and culture without the consent or involvement of the people being researched. Research contributed to the removal of Native Americans from their homelands, suppression of sovereignty, replacement of government, and the destruction of cultures (Battiste, 2000). There is a problem, whether it has been recognized or not outside of Native communities, of the lack of human rights and the handling of Ancestors by anthropologists and scientists. Alex Wesaw (Pokagon Band of Potawatomi Indians) shares that “...there have been archaeologists that have made their careers on the backs of our Ancestors pulled out of the ground or mounds. It’s really truly heartbreaking when you think about that” (Jaffe et al., 2023). This is a problem that is gradually changing, however; there is still conversation circulating about how to address these differences precisely.

From a Native perspective, there is a lot to unpack in the problems that connect to NAGPRA. Truthfully, a lot of the conversations that need to be had are either in-person conversations or topics worthy of their own paper entirely. I am doing both through this thesis. The problem that will be addressed here is that Native voices are not prominent in the Native American Grave Protection and Repatriation Act (NAGPRA). This can be related to the practice of complacency that has occurred within academia. This comes in the form of favoring one

perspective over the other, compliance with harmful language practices, and lack of respect for living Native Americans and those who have walked on (died).

These are problems that I have experienced and witnessed throughout my undergraduate career. These are actions and words, conscious and unconscious, that involve the telling of an incomplete history, as well as a lack of thoughtful consideration for laws such as NAGPRA, as if the work that is currently done now can erase past and present behaviors. Practices and behaviors within academia, in my personal experience, have contributed to anger, one that has created tension. This tension is not found only within me, but other Native and non-Native scholars as well as the connection between the two fields of study, Anthropology and Native American Studies (Nicholas & Andrews, 1997; Riding In, 1996; Supernant, 2018, 2020; Watkins, 2004; Yellowhorn, 1996, 2002, 2010; Zimmerman, 1992). I do believe that Native American Studies and Anthropology could work together, but there needs to be a recognition of history, language, and respect within the greater realm of research. The intersection between these two fields of study is meaningful to me, as it is where I stand both physically, academically, and mentally. I am Native American and White; this intersectionality is where my backgrounds collide. Recognizing the volatile history between the two, I have anger from mistreatment and misinformation, the courage to speak up and privilege the voices of Native Americans, and hope that two seemingly contentious fields could exist harmoniously in the future.

As a Tribal member, I can see where Native scholars, in and out of academia, are interacting with this problem. As an Anthropologist, I see very little in Western science where anthropologists are engaging with these problems. However, this is not to say that no anthropologists are engaging in this type of work. It would be a disservice to the changes that are

occurring by not acknowledging anthropologists, both Native and Non-native, who have tirelessly worked to implement a change within the field. Despite these efforts, there is still a concerning lack of privilege afforded to Native voices, those most affected by poor decision-making of the past and the present. In this thesis, connection with Native voices is the primary way I utilize literature and conversation to address my questions.

This thesis aims to answer the question: **Does NAGPRA law help tribal goals of repatriation and protection, or does it harm?** More specifically, does the way the law is outlined by the federal government help serve Tribal nations in their goals, or does the lack of Indigenous perspective in the implementation of the law cause a hindrance? Finally, **where are the Indigenous voices who speak on behalf of these issues? Are they being heard?**

The decision to choose these questions as focal points for this thesis project was to truly understand, from an Indigenous perspective, whether NAGPRA is doing enough and whether Native voices are being heard. To answer these research questions, the following objectives are proposed: 1) **Identify cause for concerns within NAGPRA law over the past thirty years,** 2) **Talk about these areas of contention with Tribal Historic Preservation Officers/NAGPRA specialists within Anishinaabe Tribes in Michigan,** and 3) **Utilize statistical data and thematic coding to interpret the concerns of Tribal representatives.**

These objectives, in turn, will be achieved by testing the following hypotheses:

1) **Tribal representatives will share the benefits of NAGPRA processes, but also highlight how, through Indigenous epistemologies, federal government proceedings fall short of meeting Tribal goals** and 2) **While NAGPRA processes may seem beneficial, they can cause**

harm in tribe-to-institution relationship facilitation, hindering repatriation abilities, and disregarding the primary basis for the law: that all humans deserve human rights.

This research serves to document and interpret the relationship that Tribal representatives have with NAGPRA law. This will be done by engaging in conversations that Native scholars already have. This thesis involves consideration of the mistreatment of Native Americans, the history of archaeological protection laws, and engagement with Native scholars and Indigenous epistemologies connecting them to the research carried out by Tribal representatives.

0.1 Review of Literature

In the literature review for this thesis, I am going to create a type of literature talking circle. This is a practice within Native traditions to create a non-judgmental place to contribute to a discussion. Wilson (2008) engages in this practice within his writing; however, it is a recorded conversation. I will be implementing a similar practice by forming a talking circle that pulls from Native voices in scholarly work. This will be done through the engagement with different scholars, both Native and non-Native, in and out of academia across the spectrum of Anthropology to Native American Studies where different contributions and ideas are aiding the discussion. The literature talking circle will engage with the Native voices from scholarly works in that each individual has an idea or thought that contributes to the greater perspective, in the end forming a well-rounded discussion. However, this is a discussion that will never end. While I work here to privilege Native voices, I recognize that, ultimately, I will not be able to include them all. Instead, I aim to create an everlasting talking circle in which ideas and thoughts will always be contributed.

For the last five centuries, Native Americans struggled to have a voice in what happened to their Ancestors and belongings. (Thomas, xxxvii). Many scientists demonstrate the responsibility of aiding in the repatriation journey; however, some scientists still actively oppose the repatriation process. In North America, there is the Truth and Reconciliation Commission (TRC) in Canada (2008) to facilitate reconciliation and forgiveness for those directly and indirectly affected by the legacy of the Indian Residential Schools, but it implements no protection or repatriation practices (TRC, 2015). Eighteen years prior, the United States adopted the Native American Grave Protection and Repatriation Act (NAGPRA), which is a law created to help navigate the protection and repatriation of Ancestors and belongings. Unfortunately, it involved no reconciliation for those affected by troublesome practices within the States (NAGPRA, 1990). Within the same continent, facing the same problem, both countries offered two different solutions at two different times. The difference is that Canada has had Indigenous scholars continuously offering academic writings critiquing how anthropology and archaeology interact with Indigenous peoples (Absolon, 2022; Battiste, 2000; Henderson, 2000; Supernant, 2018). In the United States, some similar work is produced, but it has seldom been valued within the academic world until the beginning of the twenty-first century. This is important in the discussion of NAGPRA and Native voices, which this thesis covers since much of the literature I will be drawing from resides from outside the United States, mostly Canada and some Australia (Absolon, 2022; Battiste, 2000; Foley, 2005; Henderson, 2000; Supernant, 2018). I am drawing on these Indigenous voices because while not all experiences are the same, they apply to the perspective and thinking of the greater community (Absolon, 2022; Battiste, 2000; Foley, 2005; Henderson, 2000; Supernant, 2018).

Dr. Kisha Supernant's article, *Reconciling the Past for the Future*, pushes for a movement in Archaeology supporting the enactment of a future of Indigenous making. Supernant (2018) highlights the importance of community-driven work that remains respectful of the needs and practices of the people. She suggests that rather than remove archaeology and anthropology, we need to examine how we practice them and who undertakes them. Native Americans across the nation work as stewards of the land and push proactively to care for all that it encompasses. As an evolving field of work, some anthropologists are striving for correction in criticizing a past that has deemed Ancestors as "specimens" and "property." Recruiting and retaining Indigenous archaeologists and anthropologists is currently the biggest push within Indigenous archaeology. This is an action that is gradually happening, but Supernant (2018) calls for immediate action as an effort to aid in decolonization and reclamation. This is just one example of the literature that surrounds repatriation practices and anthropology/archaeology.

Despite many academic writers, scientists, and anthropologists pushing for this change within anthropological subfields, most of the conversation remains on paper (Nicholas & Watkins, 2014; Supernant, 2018, 2020; Watkins, 2004, Yellowhorn, 1996, 2002, 2010; Zimmerman, 1992). There are still those who have participated in unethical practices concerning NAGPRA and anthropology (Owsley & Jantz, 2014; Weiss & Springer, 2020). However, issues also arise in the difficulty of validating traditional beliefs and oral histories despite the relationship-building with Native American communities. These can be seen in examples of books published discussing repatriation as a form of erasure (Weiss & Springer, 2020), university faculty opposing repatriation (Hudetz & Brewer, 2023; Jaffe et al, 2023), institutional noncompliance with repatriation policies (Hudetz & Brewer, 2023; Jaffe et al, 2023), or simply the language utilized to describe Native Americans, amongst other practices (Owsley & Jantz,

2014). Anthropologists like Tim White continue to actively oppose consultation and community work with Tribes, perpetuating Native Americans' poor view of anthropologists and other scientists. Tim White, an anthropology professor at U.C. Berkley,⁴ has opposed repatriation by excavating gravesites and adding Ancestors to a skeletal collection estimated to contain 9,000 Ancestors held within the walls of the Phoebe A. Hearst Museum of Anthropology on U.C. Berkley's campus (Hudetz & Brewer, 2023). White has maintained that the individuals, whom the US Berkeley Museum curator estimated to be Polynesian descendants, could not be Native Hawaiian, but rather, victims of shipwrecks or drownings. Through this insistence, he could avoid repatriation efforts with the Hui Mālama I Nā Kūpuna O Hawai'i Nei (Hudetz & Brewer, 2023). Ancestral remains have been used in teaching for years at U.C. Berkeley, and at one point in time resulted in contention when the Hearst Museum director, Rosemary Joyce, wanted to carry out NAGPRA inventories accurately and White protested (Hudetz & Brewer, 2003). Unfortunately, this does not end with a singular scientist or anthropologist; entire institutions have fallen into the realm of noncompliance. This includes (not is not limited to) Harvard University's Peabody Museum of Archaeology and Ethnology, University of California, Berkley, and the Field Museum in Chicago (Jaffe et al., 2023). These institutions collectively hold more than a thousand Ancestors in collections dating back to the nineteenth and early twentieth centuries (Jaffe et al, 2023). At the end of 2023- 97,000 Ancestors needed to be repatriated, and 180 museums had not even begun the process (Jaffe et al., 2023). In an article published by ProPublica (2023), D. Rae Gould (Hassanamisco Band of Nipmucs), the executive director of the Native American and Indigenous Studies Initiative at Brown University, shares that "institutions that don't want to repatriate often claim there's inadequate evidence to link ancestral human remains to any living people" (Jaffe et al., 2023).

Anthropologists and scientists have also perpetuated unethical practices through language. Language and language choice are part of an identity construction, both individually and collectively (Wodak, 2012). Language provides an identity through dialect relationships which aid in defining “who we are,” especially through linguistic patterns (Wodak, 2012). Dialect involves the region, society, and groups of people developing a particular vocabulary, grammatical structure, and even speech sounds. For the Anishinaabe, language is verb-based. It breathes life into the words incorporating respect for both humans and belongings (Kimmerer, 2017). The practice of utilizing a certain dialect in conversation can encourage a form of disassociation and objectification. Examples of this in NAGPRA are the utilization of words such as human remains, objects, and archaeological resources. This practice for anthropologists and scientists makes it easy to see Ancestors and belonging as nothing more than research prospects. Wodak (2012) shares the ‘power of discourse,’ which emphasizes how societal structures influence discourse. This is important to the premise of this thesis as discourse, language, and perspective all shape experience and worldviews. Consciously choosing to implement a certain form of language can lend to the erasure of peoples, land, and cultures by conforming to a Western perspective and ignoring the power language holds.

0.2 Contributions to the Work

Indigenous Standpoint Theory is the theoretical perspective that I will be utilizing to interpret and discuss both the objectives and hypotheses. This theoretical framework offers a space for Indigenous researchers to share their cultural stance within spaces that tend to contest Indigenous epistemology. The overall theoretical approach highlights a research ‘strategy’ of 1) resistance, 2) Indigenist voice, and 3) political integrity (Rigney, 1999). These applications were developed as an undertaking as part of the Indigenous Australian struggle; however, they serve as

applicable to Indigenous communities worldwide. The concept of resistance is an imperative in Indigenist Research. Researching the survival and resistance of Indigenous communities serves as recognition and support for self-determination, but also the fight for respect (Foley, 2005).

This theoretical perspective will be further discussed in Chapter Four.

This theoretical framework stems from the intersection that many Indigenous scholars, like me, are placed at between Western education and Tribal perspective. This positionality helps me to examine the implementation of human rights laws from both sides and work to bridge the gap through Indigenous Standpoint Theory. This theory serves as a bridge to link the two worldviews by acknowledging the individuality of both without erasing either. In this thesis, there is a clear stance that I am taking in how this will represent Indigenous perspectives and Native voices. One of the ways that this can be seen is through the language that will be utilized. This is currently one of the greatest forms of reclamation, a revision of the history that is being taught (Battiste, 2000). This language starts in Chapter One and is something I will touch back on throughout the thesis. At this time, I want it to be made known that these are conscious decisions to reference the mistreatment of Native Americans as a genocide and apocalypse. This is further carried out in the thesis by referring to Native human remains as Ancestors, artifacts or objects as belongings, and Kennewick Man as the Ancient One. The language that is used to refer to deceased individuals can often be hidden in terminology to dissociate from the reality of life and death (Davis & Krupa, 2022). By addressing history, law, and Western and Indigenous perspectives I am working to acknowledge the interconnectedness in Indigenous perspectives and the power that language holds, to divide us or bring us closer together.

Within the broader debates, discussion occurs about the combative nature between Western science and Indigenous thinking. Some Native scholars support the idea of bridging the

two worlds (Nicholas & Watkins, 2014; Riding In, 1996; Supernant, 2018, 2020; Watkins, 2004, Yellowhorn, 1996, 2002, 2010; Zimmerman, 1992). While the combination of Anthropology and Native American Studies seems like a novel combination within Western science, I would argue that they blend well. The problem in broader debates is that the bridge is still under construction, and there are not many who venture toward the middle. There is a way that anthropology and science can be more conscious of practice and Indigenous thinking throughout their work when dealing with Indigenous individuals. In this thesis, I work to show the harm of Western science (Chapter One), the effort through the law to help (Chapter Two), introduce a research paradigm from an Indigenous perspective (Chapters Three & Four), and work to validate this thinking through the power of knowledge sharing (Chapters Four, Five, & Six).

0.3 Organization of Thesis

This thesis is divided into seven chapters. Chapter One focuses on the mistreatment of Native Americans from the understanding of genocide and apocalypse. The first section of this chapter serves to define genocide from a Western and Indigenous perspective. The culmination of genocide is discussed through the remaining sections in which the myth of the “Vanishing Indian” and looting/collecting of Native American Ancestors are considered, especially as they contribute to the overall implementation of extermination. Chapter One concludes with introducing the National Museum of the American Indian Act and the history of protection laws.

Chapter Two reviews the history of laws concerning protection and repatriation and the involvement of tribal representatives. Currently, the most utilized law for repatriation and protection is the Native Americans Grave Protection and Repatriation Act (NAGPRA). The first section provides the background of protection laws that were first implemented during the twentieth century, incorporating the background that has contributed to the NAGPRA. The

second section defines the law of NAGPRA, leading to the Ancient One case that put NAGPRA to the test. The final section discusses how the representatives of Ancestors are changing from any individual to an appointed individual within Tribes.

Chapter Three introduces the idea of an Indigenous perspective. The first section discusses criticisms of NAGPRA and how this has contributed to problematic viewpoints within academia. The second section offers the idea that NAGPRA is not doing enough and highlights the absence of Native voices. The remaining sections discuss how to engage with the problem from an Indigenous perspective, the importance of experience, and how privileging Native voices can contribute to change.

Chapter Four demonstrates the theoretical perspective of the Indigenous Standpoint Theory that will be implemented in the analysis of data and literature. The first section provides an overview of what Indigenous Standpoint Theory encompasses. The second and third sections focus on the methods and materials utilized in this study and the implementation and practice of this theoretical perspective.

Chapter Five presents the data and results of the statistical analysis and the qualitative analysis through thematic coding. This chapter is divided into two main sections. The first section is Results of Quantitative Data, including a description of the statistical (survey) data. These analyses consider Native perspectives on NAGPRA through agreement or disagreement with statements about NAGPRA presented via an anonymous survey. The second section is the Results of Qualitative Data, including a description of the thematic elements found within individuals and across the groups as a whole from the qualitative (interview) data. The thematic elements that I will be looking for are consciousness, connectedness, and cause. These are three themes that I see reflected throughout Native scholarly work and conversation.

Chapter Six is an interpretation of the results presented in Chapter Five. This involves larger analyses of the knowledge gathered in conversation with an Indigenous perspective, answering the questions and hypotheses I originally started with. There is a focus on the themes of consciousness, connectedness, and cause and the contributions these have to the relationship between Indigenous and Western perspectives.

Chapter Seven is the thesis conclusion and reviews the discussion of Tribal representatives' Indigenous perspectives and interaction with NAGPRA. Additionally, this chapter includes future directions for research and consideration of the broader impacts on the community from conducting research that is accountable to both Tribes and institutions.

Throughout this roadmap of my thesis, I will be adding checkpoints throughout the chapters. While you as a reader are navigating this work, I am navigating through my perspective and research, something we are both learning together. These checkpoints serve as breaks in the heaviness and complexity of the conversation that is being had. I am using these as ways to check in with you as a reader, simplify the ideas I am covering, and prepare you for the sections we will be covering next.

In addition, I want to acknowledge what is in a name. Throughout this thesis, I deliberately mention tribal affiliation or status for Indigenous Peoples across the United States, Canada, and Australia. However, when I am not acknowledging a specific individual there are three terms I utilize when discussing Indigenous Peoples: 1) Native American for individuals in the United States, 2) Aboriginal for individuals in Canada, and 3) Indigenous as an all-encompassing name for peoples from North America and Australia. Throughout this text, the change in Tribal nations and Tribal communities may also be noted. I wanted to first note the capitalization. This is to emphasize ownership. Secondly, I want to briefly discuss the difference

between community and nation. I utilized the title Tribal nations in the discussion of all tribes, implementing the name nations highlights sovereignty and the system of government that Tribal nations have. When I utilize the title Tribal communities I, most often, am referencing a personal connection. This personal connection is either my own or that of another that someone has shared. I discuss the power of rhetoric, but there is equal power in a name. These names are identifying titles and recognition of relationships that **must** be acknowledged to truthfully proceed with this work.

CHAPTER I: A GENOCIDE AND APOCALYPSE: THE TREATMENT OF NATIVE AMERICANS

Where today are the Pequot? Where are the Narragansett, the Mohican, the Pokanoket, and many other once-powerful tribes of our people? They have vanished before the avarice and oppression of the White Man, as snow before a summer sun.

- Tecumseh (1811) (Shawnee)

Criminal statutes in all fifty states very strictly prohibit grave desecration, grave robbing, and mutilation of the dead—yet they are not applied to protect Indian dead.

Walter Echo-Hawk (1991) (Pawnee)

The recording of United States history has many perspectives, two of which are Native American perspectives and the Western perspectives that were gradually advancing across the “frontier.” Historically, these are two perspectives that have been placed at odds with each other. For instance, the Oglala refer to the Battle of Little Bighorn as The Battle of Greasy Grass (Sweeney, 2021). The land was named Greasy Grass by the Lakota Sioux and Crow, who discovered that walking through the deep, dewy grass made their moccasins and horse’s bellies wet and greasy looking (“*Little Big Horn...*”, n.d.). Each interpretation and understanding of historical happenings are based upon epistemologies, experiences, and worldviews. To explain history from an Indigenous perspective, the history must be explained as you have first been taught, then reimagined. Doing this opens the door for dialogue and knowledge which can contribute to the understanding of Indigenous perspectives. This involves a knowledge of colonization and recovery of Native Americans, an analysis of manifest destiny, and the struggle of Native Americans for self-determination (Tuhiwai Smith, 2012, 8). The difference in interpretation of historical events comes from recognizing that the voice privileged in telling the story is typically that of a victor who has usurped another. Recognizing and acknowledging the difference offers a way to highlight how those sharing Native history are gradually changing

from an expansionist Western perspective to an interconnected relational Indigenous perspective (Supernant, 2018; Yellowhorn, 2002; Watkins, 2004).

This chapter discusses the history of the mistreatment of Native Americans as genocide and the Anishinaabe perspective of the apocalypse. This is a crucial step in reviewing a past of war and assimilation which led to the collection and looting of Native American burial sites, which will be further addressed in Chapter Two. The Anishinaabe perspective of an apocalyptic past known as Post-Apocalyptic Stress Syndrome (PASS) will be presented to discuss the history of assimilative war and the scientific endeavor of collecting and looting (Gross, 2016). Along with that perspective the beginning stages of the National Museum of the American Indian Act (NMAIA) as beginning steps to rectify a history of mistreatment will be introduced.

1.1 Defining Genocide

In 1948, The United Nations Convention on the Prevention and Punishment of the Crime of Genocide referred to genocide as an attempt to destroy a group “in whole or in part (Woolford, 2015, 9). However, the term genocide was first coined in 1943, by Raphael Lemkin, as a way to distinguish cultural, biological, physical, and other methods of genocide (Lemkin & Power, 2005; Woolford, 2015, 9). There has been a lengthy conversation as to whether the experiences Native Americans have endured should be defined as genocide (Adams, 2020; Woolford, 2015). In late 1943, Lemkin aided the United Nations Genocide Convention (UNGC) in framing the term genocide, distinguishing among the differences (Lemkin & Power, 2005; Woolford, 2016, 9). The two types of genocide that will be focused on in this chapter are physical and cultural genocide.

Genocide as defined by Article II of the UNGC states:

“In the present Convention, genocide means any of the following acts committed with

intent to destroy, in whole or in part, a national, ethnical, racial, or religious group as such:

- a. Killing a member of the group;
- b. Causing serious bodily or mental harm to members of the group;
- c. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d. Imposing measures intended to prevent births within the group;
- e. Forcibly transferring children of the group to another group” (Woolford, 2015, 25).

Cultural destruction could be loosely read into any of these applications of genocide, however, seldom is it explicitly stated. Some scholars suggest that the genocide clause from the United Nations was intended to speak only to physical destruction (van Krieken, 2004; Woolford, 2015). This perspective tends to define the mistreatment of Native Americans as “cultural” genocide or ethnocide, minimizing the reality of violence that was experienced (Woolford, 2015). Lemkin suggests that genocide has two phases: the destruction of the national pattern of the oppressed group, and the imposition of the national pattern of the oppressor, both of which contribute to the totality of genocide (Woolford, 2015). This idea of destruction and imposition lies within the mentality of the oppressor population. This mentality highlights that the oppressed population can remain only if giving in to the oppressor’s ideals, ultimately succumbing to cognitive elimination (Battiste, 2000). Experiencing genocide, in every aspect of the word, Native Americans were/are robbed of their personhood- land, traditions, belongings, people, and more were stolen. (See Figure 1.1). However, there has been much debate regarding the treatment of Native Americans throughout the centuries being considered genocide (Woolford, 2015). It is clear that there is a blatant disregard for the lives of Native Americans,

and there are laws that have supported mistreatment. Bill Thorpe coined the term “Indigenocide” to communicate “an interdependent, three-way onslaught upon lives, land, and culture” (Woolford, 2015, 27). This further emphasized the difficulty in applying the current definition of genocide to the historical mistreatment of Native Americans, and at the same time further lessened the effects of historical mistreatment by trying to categorize the Native American genocide as something unique or separate (Evans, Raymond, & Thorpe, 2001).

The history of violence against Native American individuals throughout the United States has been functioning for centuries. Genocide occurs in ten steps through which it builds an environment conducive to the takeover of the dominating society (Stanton, 2016). (See Figure 1.1)

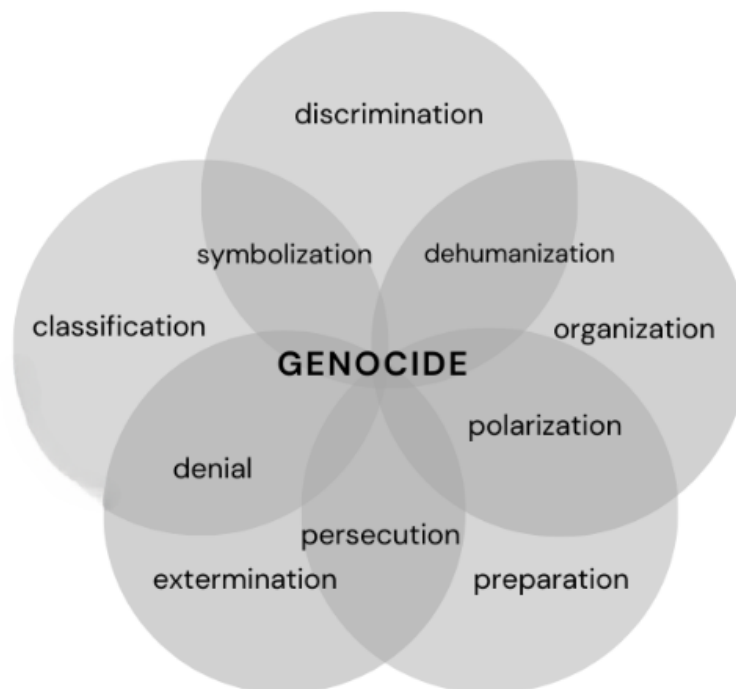


Figure 1.1 Ten Stages of Genocide Inspired by George Stanton

Genocide is not a happenstance, it is a cumulative process that develops through stages where preventative measures can occur to stop it (Stanton, 2016). Stanton presents stages as

follows: classification, symbolization, discrimination, dehumanization, organization, polarization, preparation, persecution, extermination, and denial (Stanton, 2016). Stanton developed these stages based on his research of the Holocaust. I do not believe in “equating” one genocide with another as terror and trauma cannot be ranked or scaled. However, I do believe that Stanton has developed a strong series of stages (not linear) that can help interpret the happenings throughout a genocide to better formulate an understanding for individuals who have never experienced such terror, as they have helped me. As such, I am reformulating Stanton’s stages as I consider the ongoing violence perpetrated against Native Americans.

The occurrence of each stage is not linear and often they can happen simultaneously. As represented in Figure 1.1 the stages of genocide are cyclical, working together they create and perpetuate more stages often resulting in a repeat of the cycle. These stages (See Figure 1.1) are the aspects of genocide. To provide more context, they will be defined here briefly. When a discussion of genocide in this text occurs, it encompasses one or more of these aspects.

Stage 1, classification, is the concept of distinguishing another group from the dominating group. This occurs through ethnicity, race, religion, or nationality. In **Stage 2, symbolization**, individuals are given names or other symbols to classify them as different. This was seen particularly in the division of settlers and Native Americans, by labeling Natives as “savages.” Further perpetration continues in modern society with the use of derogatory language and slurs. **Stage 3 is discrimination**, when the dominant group establishing power utilizes law and political power to deny another group of people rights. This can be seen throughout history, but especially in the developing United States with laws such as the Removal Act of 1830. **Stage 4 is dehumanization**, which denies the humanity of another group. Individuals are often equated with animals, vermin, insects, or diseases (Stanton, 2016). **Stage 5, organization**, is the

formation aspect typically by the state, sometimes militia, to provide deniability of state responsibility (Stanton, 2016). This stage occurs most often in the form of state organizations to spy on, arrest, and kill people in opposition. Indian Agents and the development of the Bureau of Indian Affairs were said to be created to benefit Native Americans, yet this is where starvation, separation of families, and policing of culture were greatly seen. **Stage 6, polarization**, is the driving of groups apart and the creation of barriers often in the form of negative propaganda. Examples like the saying “Kill the Indian, Save the Man¹” bring to light the view of Native Americans in the 19th century. This is an example of negative propaganda that promotes death if “civilized” behavior cannot be achieved through assimilation. In **Stage 7, preparation**, the perpetrating group starts to form plans of killing. For Native Americans, this stage involved assimilation through war, off-reservation schools, massacres, forced removal, and more. **Stage 8, persecution**, is the active identification and separation of individuals to be killed. This can be seen through land allotments; all Native Americans were forced to one location setting them up as easier targets in certain instances. In **Stage 9 extermination** begins, this is where the mass killings legally called “genocide” occur (Stanton, 2016). The final stage is **Stage 10, denial**, which is another form of genocide in and of itself (Stanton, 2016). This is where digging up graves, collecting, looting, covering up evidence, and intimidation of witnesses are located.

Policies such as forced resettlement, assimilative war, denial of access to food, lack of health assistance, and destruction of the land are a few examples of how genocide has taken a physical toll on Native Americans (Adams, 2020; Fear-Segal & Rose, 2016; Niezen, 2000; Woolford, 2015). These examples of physical genocide are rooted in the early introduction of European colonists to the “New World,” which can be seen in President Grant’s “Peace Policy”

¹ The full quote is: “Kill the Indian in him, and save the man” (Pratt, 46).

if not earlier (French & Hornbuckle, 1980). The “Peace Policy” is a policy enacted in 1870 that officially declared Native Americans as “renegades” before being pursued as hostiles (French & Hornbuckle, 1980). Different variations of this treatment persisted in massive catastrophic events such as the Trail of Tears (1837-1839) to the Dawes Act of 1887, the Curtis Act of 1898, The Indian Reorganization Act, Termination in 1953, and Relocation in 1954 (French & Hornbuckle, 1980).

The Indian off-reservation boarding schools were a pivotal example of genocide, both physical and cultural (Heinz, 1988; Kuper, 1981). They were placed throughout North America to simultaneously remove children from their homes on tribal lands and denied them the right to practice their traditions and customs (Fear-Segal & Rose, 2016). These institutions went as far as to forbid them from speaking their language (Adams, 2020 Fear-Segal & Rose, 2016; Heinz, 1988; Kuper, 1981). Not only were Native Americans robbed of their land, people, and ability to practice culture and tradition, they were left to try to find a place to fit in a world that was no longer recognizable. Native Americans suffered from a lack of access to their traditional education and faced difficulty in adopting foreign manners, only to then be punished for crimes so that the dominating society could dispose of them (More, 2024). Examples of these types of “crimes” include but are limited to the seventy-two Indian warriors charged with so-called “crimes” during the Red River War of 1874 to commission them to the military, instead, they became prisoned then the subject of an educational experiment for assimilation (Adams, 2020, 42-50). Western society deemed Tribal practices wrong and then cast Native Americans into a world where the laws were written against them, first making them “criminals” and then treating them as such (More, 2024).

The forced dismemberment of Native tribes across the United States is a result of the trauma faced through their lived experiences and the lack of privileging their voice (Absolon, 2022). As Dr. Paul Farmer states, “The idea that some lives matter less is the root of all evil in the world” (Fear-Segal & Rose, 2016, 349). The viewpoint that Farmer is addressing encompasses the idea that genocide is a culmination of “acts of moral turpitude.” As demonstrated by the ten stages, genocide does not just happen (Stanton, 2016). He calls attention to the main premise of genocide, being that the lives of a particular group are found to be less than others, resulting in a lack of access to necessary resources in addition to violence (Kiernan, 2007). Simply defined, genocide is an intentional and systematic process of destruction (Alvarez, 2014).

To move past the issues and difficulty of recognizing what happened to Native Americans as genocide is to allow Natives in their own words to define what genocide is (Alvarez, 2014; Colwell-Chanthaphonh, 2005; Gone, n.d.; Gross, 2016). Lawrence Gross (Anishinaabe) asks, “What happens to a society that has gone through an apocalyptic event?” (Gross, 2016, 33). This is precisely how “genocide” is defined and viewed through a Native lens. Native Americans survived an apocalypse. As a people, they faced destruction and damage to their world at a catastrophic scale.

Check Point: The first checkpoint! I have unpacked, and maybe introduced, a lot of new ideas about how genocide can be viewed or how genocide is viewed by Native Americans. As I shared, I utilized Stanton’s stages of genocide to outline what genocide typically occurs, but each genocidal act differs from the next. They are incomparable, as terror and trauma should never be scored or ranked. I introduce this purely to walk with you, as a reader, through the thought

processes that helped me, as an author, to grasp the reality of what I am learning. This is how genocide is defined in the Western perspective; from an Indigenous perspective, it is equated to an apocalypse. While I can see where Gross is leading his audience, as a Native American I struggle to conceptualize the idea as I have never experienced it in this context. To explain this, I draw on narrative ideas of apocalypse to equate them to the reality of Native Americans. This is where I am taking you next.

1.1.1 Perception of Genocide as Apocalypse

I argue that there are typically five reasons an apocalypse occurs: 1) disease, 2) aliens, 3) impact events, 4) ecological destruction, and 5) human destruction. All of these can be seen in the history of Native American mistreatment. Gross explains an apocalyptic happening through his text *Anishinaabe Way of Knowing and Being*, describing how each of the ways led to an apocalypse occurring within Native communities resulting in the end of a certain pre-colonial world (Gross, 2016, 31).

The first cause of an apocalypse is disease. Some of the individuals who have been sent through the public school system have heard the story of smallpox in blankets distributed to Native tribes across the United States (Carlos & Lewis, 2012; Patterson & Runge, 2002). However, most do not know about the incubus of disease that was bred within Native boarding schools. Children who fell sick were continuously kept with healthy children to maintain their daily schedules (Fear-Segal, 2016). Diseases like trachoma flourished within the walls of boarding schools due to malnutrition, poor hygiene, and lack of proper sick care (Fear-Segal, 2016). The result of such treatment was eye disease and a whole generation of people “wearing glasses that never would have needed them had they been fed properly and cared for as children” (Fear-Segal, 2016, 325). Furthermore, diseases like measles, smallpox, tuberculosis, chronic

stomach problems, and more were prevalent due to the lack of diagnoses and doctors (Fear-Segal, 2016, 325).

The second cause of an apocalypse is the arrival of aliens. *In 1492 Columbus sailed the ocean blue* and “discovered” land already occupied (DuBoff, 1992; Marzollo; 1993). Before Columbus, the Spanish, English, and French were some of the first aliens to arrive in the “New World.” Driven away by a monarchy that was greedy or did not support their lifestyle, English colonists sought asylum in a place where they inflicted the ostracization they once faced (Cragg, 2011). In this case, the aliens were foreigners, especially ones who were not naturalized citizens of the country in which they were living. In traditional apocalyptic invasion stories, the invader is typically denoted as the alien, however, the invaders would be more accurately categorized as those who are exploring an unknown area. This is how European settlements can be considered as an element of apocalypse. They serve as a foreign group exploring unknown land and when encountering a population of people different from their own, they task themselves with extermination.

The third reason for an apocalypse is an impact event. Native Americans faced plenty of impact events, starting with an introduction to a new type of war that led to removal and dispossession (Becker, 2022). The history of Natives shows a people continuously broken down and experiencing unfavorable treatment from rising society, especially through war, compromised treaties, and assimilative schools (Adams, 2020; Akers, 2014; Atkinson, 1998; Fear-Segal, 2016; Woolford, 2015). An impact event in apocalyptic stories is typically a collision of some form of astronomical objects causing massive and often catastrophic effects on Earth. While no Texas-sized asteroid collided with the Earth, the impact events that affected Native Americans emphasize how inequalities were ingrained into the systems that were supposed to

support life, liberty, and the pursuit of happiness. Unfortunately, there are so many impact events that led to massive killings of Native Americans that they cannot all be discussed here. However, a catastrophic example is the forced westward expansion of approximately 16,000 Cherokee who were forced to walk over 5,000 miles on what would be referred to as the Trail of Tears (Mankiller & Wallis, 2019). It is estimated that throughout those two years of removal, 4,000 Cherokee perished on this walk (Mankiller & Wallis, 2019; Neugin, 1932). Another example is the Potawatomi Trail of Death (1838) where 859 Potawatomi were shackled and restrained in a wagon and forced to march from their home in Indiana to a small reservation in Kansas (*Trail of Death*, n.d.). The journey was 660 miles and over forty people died (*Trail of Death*, n.d.). Similarly, a military general rampaged through Diné homeland burning villages, killing livestock, and destroying water sources (*The Long Walk: The Navajo Treaties*, 2019). With no access to necessities to survive, the Diné were forced to march between 250 miles to 450 miles to a reservation where an internment camp was located (*The Long Walk: The Navajo Treaties*, 2019). During the eighteen-day march, hundreds of Diné died (*The Long Walk: The Navajo Treaties*, 2019). These are only a few examples of the impact European settlers and the federal government have had on Native Americans.

The fourth reason for an apocalypse is the destruction of ecology. The connection Native Americans have with the land is that of traditional practices (Carmichael et al., 2013; Suagee, 1996). These practices can change depending on the Tribal nation's practice, but the Anishinaabeg believe that the ultimate good is a bountiful land that would and could supply all human needs to sustain life (Geniusz, 2015). With Native American life sources rooted in land and location, each individual and community is defined. A perspective within Tribes shows how when the earth is wounded, the people, who are caretakers of the earth are also wounded (Duran,

2019, 55). From mining, timbering, lumbering, and the frontier, Natives were driven out of their homes in countless circumstances (Anderson et al, 1996; Flett et. al, 2021; Lewis et al., 2017). This displacement was supported by legislation like the Allotment Act of 1887, also known as the Dawes Act. This act resulted in land throughout the United States being divided into allotments and handed out to individual Native Americans. Depending on the reservation and Native status, different sizes of allotments were given (Gross, 2016). During this time most of the land was federally owned, especially tribal allotments (Gross, 2016). The White Earth Anishinaabeg, a tribal nation in Minnesota, faced particular issues with land handling related to an individual's Native status. If they had mixed blood, meaning they had a European and Native parent, they would be able to sell their allotted land (Gross, 2016). Congressmen offered this option to move Native Americans off allotted land and abuse timber resources on the reservation, pushing Native Americans further away and destroying the unique geography they were once able to call home (Gross, 2016).

The final reason for an apocalypse is human destruction. Native peoples are no strangers to human destruction. However, facing battles and territory claims within tribal conflicts did not prepare them for Euro-American demolition (Brave Heart & DeBruyn, 1998; Edmunds, 1995). Human destruction occurred in boarding schools, in massacres, via the withholding of rations by the Bureau of Indian Affairs (BIA), by forced assimilation, and through cultural extinction (Adams, 2020). The impact of human destruction has been diffuse and massive, however, resistance to this destruction has led to reclamation (Gross, 2016; Henderson, 2000; Little Bear, 2000).

While many believe that Natives are a people of the past, they are very much the future. Native Americans are continuously striving to reconcile with the past for a better future. Battiste

writes “We are conscious of how so many of our peoples have suffered through the winter, and now we look to find new ways to warm, nourish, and heal our fragile spirits” (Battiste, 2000, xxiii). Battiste takes the struggle to survive in winter translating it to the recognition of the cold, harsh, and gruesome battle Indigenous peoples encounter and how currently Indigenous people find themselves seeking ways to heal and reclaim voice and vision in a different season of life (Battiste, 2000). Battiste and others are working to re-write “history” in their own words; she and others emphasize that the attempts towards assimilation became tools to make Indigenous people stronger (Adams, 2020; Battiste, 2000; Fear-Segal, 2016; Woolford, 2016).

Gross shares his telling of Native Americans living through an apocalypse by pulling from his experience of working with the White Earth Band, a Chippewa Tribe in Minnesota (Gross, 2016). Post-contact, some Native Americans, specifically the White Earth Band, were fully engaged with a modern lifestyle that participated in the cash economy while others maintained a subsistence lifestyle (Gross, 2016, 31). In both cases, he shares that Native Americans were working out a life for themselves in their new world (Gross, 2016, 31). Gross (2016) argues, that had Native Americans been left to their own devices, they would have found a way to be successful in the style of life that was taking over the continent. However, they were never given that chance (Gross, 2016, 31).

Considering all five reasons combined, it is clear that Native Americans have suffered and lived through an apocalypse. Post-apocalyptic stress syndrome, also known as PASS, is an Anishinaabe theory that analyzes trauma history and the soul wounds of Native peoples (Gross, 2016). The concept of the soul wound is a continuously denied trauma, forming the trauma into an ongoing wound within the very being of a person, their soul bearing a moral injury (Duran, 2006, 7). This theory ties directly back to the apocalyptic definition of genocide and how Natives

are living and surviving in a post-apocalyptic land. This is a culture shock that will continue to shake Native peoples as the institutional effects make it intergenerational (Gross, 2016).

This culture shock has a lengthy history. In the nineteenth century, the mindset of Native Americans as “savage” was already rooted deep into the minds of the dominant society. Native Americans were seen as opportunities for scientific inquiry rather than as humans that garnered respect and dignity (Gulliford, 1996, 120). Native Americans were hunted and killed on battlefields, forced onto reservations, and ultimately collected, examined, and stored for ongoing and future scientific expeditions (Gulliford, 1996, 120). This history contributed to the perpetuation of Native Americans as a “vanishing race” by the dominating society.

The “vanishing Indian” concept references literary, historical, and cultural understanding of the opposition between the “civilized” colonizers and the “savage” Native Americans (Fort, 2013, 309). Shawnee chief, Tecumseh, addresses this idea of Natives as missing. During a debate at the Choctaw and Chickasaw council in 1811, he cried out for resistance (Cushman, 2016, 311). He said “Where are the Pequot...the Narragansett, the Mohican, the Pokanoket, and many other once-powerful tribes of our people? They have vanished before avarice and oppression of the White Man, as snow before a summer sun” (Cushman, 2016, 311). Throughout the late nineteenth century and into the twentieth century, the federal government took a stance that Natives were to either assimilate into the blossoming American society and “disappear” from old practices, or disappear altogether due to an inability to become “civilized” (Maroukis, 2021, 4). This perspective draws on the idea of Social Darwinism, labeling Native Americans as “inferior” people and treating them as such.

1.2 The “Vanishing Indian:” Myth or War?

Social Darwinism (1880), a pseudo-scientific theory, provided scientific support for those in a developing America to control so-called “inferior” peoples through the idea of “survival of the fittest” (Maroukis, 2021, 21). This idea reinterpreted the principles of natural selection and redefined it simply as the continued existence of a “superior” group of organisms at the expense of the extinction of others (Claeys, 2000). In America, this looked like the continued existence of European colonists, “new Americans,” and the extinction of Native Americans. It was through this mindset that Native Americans were labeled as savages and the paradigm of “savage to civilization” was emphasized (Adams, 2020). Social Darwinism paired with Lewis Henry Morgan’s various stages of cultural evolution, setting up a conversation of support for the idea of the “Vanishing Indian” (Adams, 2020). This idea, in 1877, of a cultural evolution set a spectrum on which society placed people from savage to barbarism to civilized (Adams, 2020). To aid in reforming the aspects of American society that were less than ideal, like poverty, lack of public health, and overcrowded cities, the assimilation of Native Americans was encouraged. This included touting the benefits that would be received by becoming “Americanized” (Maroukis, 2021, 22). In the late 1800s, this mindset was visible in the creation of off-reservation boarding schools, as a method of taking children from their homes to eradicate tribal and cultural connections, but it was seen earlier as well, through assimilative war (Adams, 2020). The practices of Social Darwinism and Morgan’s Theory of Cultural Evolution supported the removal of Native Americans because they were not vanishing, they were disappearing depending upon where society placed them: savage, barbarism, or civilized.

1.2.1 The Myth

The depiction of Native Americans as a disappearing people, also known as the myth of the “Vanishing Indian,” perpetrated a grandiose scheme of gathering as much information from Native Americans as possible in little time (Fort, 2013). This encouraged scientists and anthropologists to spread across the country to gather information and artifacts, looting and snatching Ancestors along the way. The motives for this looting ranged from “interest in race biology, to museum competition for anthropological “collections”, to commercial exploitation, or to just “carrying out orders” (Echo-Hawk, 1991, 67). What was disguised as a harmless gathering of information became a great form of violence against Native Americans, impacting generations. Walter and Roger Echo-Hawk describe the intrusion as follows:

“Systematic disturbances of non-Indian graves, on one hand, are abhorred and avoided at all costs, while Indian people are actively searched out, dug up, and placed in museum storage. Criminal statutes in all fifty states very strictly prohibit grave desecration, grave robbing, and mutilation of the dead—yet they are not applied to protect Indian dead. Instead, the laws and social policy, to the extent that they affect Native dead, do not treat this class of decedents as human, but rather define them as ‘non-renewable archaeological resources’ to be treated like dinosaurs or snails, ‘federal property’ to be used as chattels in the academic marketplace, ‘pathological specimens’ to be studied by those interested in racial biology, or simple ‘trophy or booty’ to enrich private collectors. The huge collection of dead Indians is a compelling testimony that Indians have been singled out for markedly disparate treatment” (Echo-Hawk, 1991, 68).

The construction of the “Vanishing Indian” contributes to the idea of Native Americans being a disappearing people whose skeletal remains and artifacts needed “saving” (in museums) (Thomas, 2000). Paradoxically, while representing Native Americans as “Vanishing Indians,” European settlers were simultaneously removing Native Americans in large numbers to make room for settlers to live comfortably and explore the land they were seeing for the first time (Thomas, 2000, 29-35).

Like the bison, Native Americans were sequestered in one area and systematically hunted, facing mass genocide that spread like wildfire throughout the United States. This was so prevalent that some historians suggest that, like the bison, Native Americans were “disappearing” (Thomas, 2000, xxxii). Similar to the bison slaughter, Tribes were deprived of resources to live, negatively impacting their self-sufficiency and autonomy (Moloney & Chambliss, 2013, 321). Native Americans were not disappearing. War, in particular, was a way to disguise the heinous acts of an infiltrating society.

Discussion of assimilative war practice and genocide has to consider the historical past of the “Indian Wars” (Ostler, 2015). This was a defining term utilized for United States Army campaigns to overcome Native nations in the development of the American West in the later nineteenth century (Ostler, 2015). The “Vanishing Indian” was intangible, only an idea that the dominating society could propagate until the dominating society adopted it as fact. Yet, how were all of these Native Americans “vanishing” if they were not truly vanishing? Westerners took the intangible and made it tangible by pulling Native Americans into a type of war they were unfamiliar with.

1.2.2 War

Native Americans were often involved in wars that left them caught between two worlds of power (*"The People Involved..."*, 2023). Some of these wars include the Little Turtle's War (1785-1795), the Battle of Tecumseh (1813), Cheyennes and Arapaho at Sand Creek (1864), the Shoshones at Bear River (1863), the Blackfeet on the Marias River (1870), and the Lakota at Wounded Knee (1890), to name a few. Scholars have started to reference these events as "genocidal massacres" rather than as wars, in an attempt to highlight the demolition of Tribal groups (Kiernan, 2007; Ostler, 2015). Assimilative practices were meant to entice Native Americans into a "benevolent alternative" rather than extinction (Adams, 2020).

Many Native Americans actively resisted, leading to aggressive and assimilative warfare. The infliction of mass and catastrophic violence led to death or compliance for many tribes (Ostler, 2015). Battles like Fetterman's Fight (1866) and Little Big Horn (1876) emphasize Native American resistance and skilled fighting forces (Ostler, 2015). Often, aggressive or assimilative warfare was utilized against tribes who previously had not engaged in resistance, resulting in mass genocidal massacres such as Sand Creek (1864) and Marias River (1870). The attack of any tribal nation was a reflection of the disposition to consider all Native Americans as deserving of violence and extermination (Ostler, 2015).

The Cheyenne and Arapaho, situated south of the Black Hills, were massacred on the banks of the Big Sandy Creek. Just two years after the decree of the Surgeon General in 1864, over a hundred women, children, and elders were killed for their body parts by Colonel John Chivington and his troops (Gulliford, 1996, 123). Dozens of elders, many chiefs, were killed in this slaughter including White Antelope, Stands in Water, and Lone Bear (Thomas, 2000). However, this was not the first battle and would not be the last. Ten years later, Nicholas Black

Elk recalls another battle this time near the Yellowstone River. (Sweeney, 2021, 13). The Lakota, led by Crazy Horse, fought the Battle of Little Bighorn, leading to what is known as the greatest defeat of the U.S. military on American soil of all time (Sweeney, 2021,15). Black Elk later shared “[They] had come to kill our fathers and mothers, and us...” (Sweeney, 2021, 16).

Fighting became the method of survival in the eighteenth through the nineteenth centuries, when Native Americans were tracked down for bounty, their land was dispossessed, and their culture was forbidden. These are the battles where skeletal collections originated. Often, those collecting Native remains for skeletal collections did not wait for people to be buried. Troops scoured battlefields littered with the dying and stole anything they had left, often including parts of their bodies (Gulliford, 1996; Thomas, 2000; Sweeney, 2021). High-ranking federal officials, like Surgeon General William A. Hammond (1862-1864), encouraged Native Americans to be hunted across the United States for years and their bodies collected (Thomas, 2000).

These are examples of the battles fought that contributed to the “Vanishing Indian” concept, while simultaneously supplying “scientific material” for a larger issue on the horizon: looting and collecting of burial sites to support the desecration of Native Americans.

1.3 A Crime of Desecration

Native Americans could exist if assimilated, adapting to the new dominant society, but this again continuously reinforced the idea that Native Americans would always be people of the past, not the present or future (Fort, 2013, 310). The myth of the “Vanishing Indian” conditioned the centuries of federal policies that would be enacted, while simultaneously creating a new scientific endeavor to record the details of those whose existence was thought to cease (Thomas, 2000, xxx). The Society of American Indians (SAI) (1911-1923) tried to combat this falsehood

by trying to establish the citizenship of Native Americans in the early twentieth century as a means to counteract the myth of “Vanishing Indian” and achieve a degree of self-determination, but this was not something that every Native American wanted (Maroukis, 2021, 4).

The main effort of the SAI to combat the idea of the “Vanishing Indian” was to grant Native Americans citizenship. However, this would prove difficult with the federal government turning authority over to the Secretary of the Interior (SOI), which had been previously held by the Department of War, to divide up land, hold it in trust, and delay or eliminate citizenship (Maroukis, 2021, 5). It became apparent that to avoid the repeal of treaty rights, the SAI would have to assert themselves in America as both citizens of the United States and Tribal Nations, emphasizing that citizenship and sovereignty were not mutually exclusive (Maroukis, 2021, 6). Throughout this time, the federal government discussed what citizenship meant for Native Americans including earned citizenship, a path to citizenship, or the process of becoming “civilized” in the view of the Indian Office (Maroukis, 2021, 148). It took thirteen years from the time the SAI was started in 1911 for Native Americans to have citizenship in the United States through the Indian Citizenship Act of 1924, but damage had already been done. This damage includes but is not limited to, assigned land allotments, destruction of cultural practice through “citizen’s clothing²” and discouragement of Native languages, as well as the inability to access education, healthcare, and employment opportunities (Maroukis, 2021).

It was the concept of the “Vanishing Indian” that contributed to the pillaging, looting, and collecting of Native American remains (Thomas, 2000). The concept of the “Vanishing Indian” was designed to assimilate and dispossess Native Americans (Adams, 2020; Fear-Segal & Rose,

² “Citizen clothing” references the changing of clothing style and wearing what the current American society deems appropriate such as starched shirts, pants, and coats for men and dress with appropriate modesty pieces for women. This also includes the cutting of one’s hair (Maroukis, 2021).

2016; Thomas, 2000; Woolford, 2016). However, when implemented the concept of the “Vanishing Indian” saw a lack of the intended effect, and the mindset moved to science to understand why assimilation and dispossession did not lead to extinction (Judza, 2009; Thomas, 2000). In the second half of the nineteenth century, the Army Surgeon General ordered the collection of Native American osteological remains (Judza, 2009). The purpose was to contribute to an ever-growing collection of Native Ancestors and belongings for the United States Army Medical Museum (AMM) in Washington, DC (Judza, 2009).

The accumulation of Ancestors for collection purposes ultimately served as a method of tracking the movement of Manifest Destiny, which perpetuated the idea that new Americans were divinely ordained to settle and expand the entirety of North America, an inevitable and “necessary” event (Judza, 2009). This movement included murder and displacement of Native Americans, imminently leading to the contribution of approximately 3,000 Native American crania in the AMM³ (Judza, 2009). Mass displacement and the Allotment Act contributed to escalating violence, where Indian Agents were sending parts of Ancestors to AMM, many of whom were massacre victims (Judza, 2009).

In the late 1800s, race science became a phenomenon many wanted to participate in. Swiss naturalist and Harvard professor, Louis Agassiz, took a significant role in the enlargement of the United States' growing natural history collection (Thomas, 2000, 57). In 1864, he wrote to the Secretary of War Edwin Stanton, requesting “Let me have bodies of some Indians. All that would be necessary...would be to forward the body express in a box...I should like one or two handsome fellows entire and the heads of two or three more.” (Thomas, 2000, 57). A trend started by President Thomas Jefferson (1801-1809) was echoed Agassiz’s cry for a “scientific

³ Important Note: In 1900, these Ancestors were transferred to the Smithsonian. As of 2009, they were actively being repatriated (Judza, 2009).

specimen,” declaring Native American Ancestors (skull and bones) to be fair game for scientific inquiry (Thomas, 2000, 57). Throughout this portion of history in the United States, many scientists and political figures emphasized the want for skeleton remains, specifically those of Native Americans. In 1868, Dr. George Otis, the Assistant Surgeon General, wrote a letter to military personnel stationed in “Indian country” (Judza, 2009, 156). He called out to Army medical staff asking for their cooperation in contributing to the growing collection of Indian belongings, specifically remains (skeletons and crania) that were becoming “showpieces” in the United States Army Medical Museum (AMM) (Judza, 2009, 156).

The AMM acquired its greatest number of skeletal remains when Joseph Henry, Secretary (director) of the Smithsonian Institute, agreed to trade skeletal collections (Judza, 2009, 160). It was thought museums could help redistribute “materials” specific to their specializations like anatomy, physiology, medicine, etc. (Judza, 2009, 160). This led to a loan, where 2,000 skulls were exchanged from the Smithsonian to AMM. This type of relationship persisted for several years, with the Smithsonian shipping skeletal collections to Washington to “diversify” the collection of AMM (Judza, 2009).

At the turn of the 20th century, race science and the study of craniometrics started to lose their appeal in the scientific community, and scientists became less interested in acquiring new skeletal collections (Judza, 2009). A new director of the Army Medical Museum, Walter Reed, started transferring the skeletal collections and crania back to the Smithsonian in 1900 (Judza, 2009). By 1904, the remainder of the collection was sent to the Smithsonian, and AMM had ended. However, this was not the end of placing Native Americans on display. Once transferred to the Smithsonian (1904), Native American crania were on display. The idea of craniometrics had not dwindled in the minds of all scientists. Aleš Hrdlicka, the physical anthropologist of the

National Museum's Anthropology Department, picked up where AMM left off, producing a catalog of craniometrics on Native American crania (Judza, 2009).

In the 1980s, several Northern Cheyenne leaders discovered almost 18,500 Ancestral remains housed in the Smithsonian Institute (Trope & Echo-Hawk, 1992, 54-55). This was cataclysmic in the repatriation effort that would come within the next ten years (Trope & Echo-Hawk, 1992, 54-55). In 1988, the American Association of Museums filed a report to the Senate Select Committee of Indian Affairs that 163 museums held over 43,000 Native American skeletal remains, not accounting for the belongings also in collections (Gulliford, 1996, 120). The Smithsonian Institution held the largest quantity of Native American human remains: 18,600 Ancestors and belongings were stored on the shelves in archives (Gulliford, 1996, 120). During this time, the commercial looting of Native American burials was publicly exposed (Gulliford, 1996, 121).

In the 1960s, a rise in civil rights movements increased the public and academy's interest in the history of ethnic minority groups. By the late 1960s, this included Native Americans (Edmunds, 1995, 723-724). This was reflected in the rise of the Red Power Movement (1961) where Native American leaders started appearing in urban Native communities and throughout university campuses in the West (Edmunds 1995, 724). Started by a group of college students fighting for protection and autonomy against an encroaching Western culture, events like the Alcatraz Occupation in 1969 and the Walleys Wars (1989) emphasized the importance of reminding the world of tribal land and traditional practices and the voices that accompanied them (Johnson, 1996; Nesper, 2002). Senator Daniel Inouye sponsored the National Museum of the American Indian Act in 1989, which pushed for a Native Museum in the remaining space available in the Washington D.C. Mall (Gulliford, 1996, 121). This act was passed and offered a

space for Ancestors and belongings to be housed while waiting for reunification.

The rise in the civil rights movement, especially regarding Native Americans, provided a spotlight for the mistreatment of Ancestors and belongings that was actively taking place within museums. Civil rights groups, like the Red Power Movement, had a focus on the reclamation of land, voice, and vision, which showed the uncomfortable reality that American society had been ignoring for a long time (Johnson, 2009). Native Americans were still present and they had been hurt, are being hurt, by the actions of policymakers, government agencies, museums, and universities. This hurt was emphasized through the ceasing and withholding of Ancestors and belongings (Battiste, 2000). Active resistance started to change the perspective of skeletal collections within museums, especially about Native Americans (Sleeper-Smith, 2009). Ancestors and belongings stashed on dusty museum shelves were no longer representative of scientific conquest, but representatives of a past that would change the future.

1.4 Conclusion

I make intentional decisions in the terminology utilized throughout this chapter concerning how the mistreatment of Native Americans is defined and viewed. This includes language like genocide and apocalypse, recounting history through an Indigenous perspective provided by Native scholars. This does not, however, discount the voices of Non-Natives. Rather, it aids in the discussion by acknowledging the power of the choice of language to define a past. It serves to privilege a perspective, not of the idealized telling, but of the stories of the people who both suffered and inherited suffering.

In this chapter, the perspective of labeling the mistreatment of Native Americans as genocide is discussed, and how this discussion in Western practices can be further broken down into an Indigenous perspective by identifying genocide as an apocalypse (Gross, 2016).

Throughout the centuries, Native Americans were labeled as a disappearing people. However, they were not just vanishing as is alluded to, rather Native Americans were systematically exterminated to provide more room for the incoming society (Adams, 2020; Thomas, 2000; Woolford, 2015). Through constant assimilative techniques, Native Americans remained strong (Adams, 2020; Battiste, 2000; Fear-Segal & Rose, 2016; Woolford, 2015). Still, this was what ultimately led to the looting and collecting of burial sites, battlegrounds, and sacred places.

Native Americans today are continuing to combat the challenges that were inflicted on their families many years ago. This includes continuing to fight against the idea of the “Vanishing Indian” and working to reverse the effects of looting and pillaging throughout the years. Vine Deloria Jr. (Standing Rock Sioux) defines this period as “a sordid history...kept from the public for many years” (Thomas, 2000, xvii). The history of war, assimilation, and collection persists; the story surrounding it, however, is changing (Battiste, 2000). Native voices are becoming stronger in reconciling past conflicts to pave a path for a better future (Battiste, 2000, Fear-Segal & Rose, 2016). This concept pushes back against the myth of the “Vanishing Indian,” while simultaneously navigating the areas in which Tribal nations can work for a prosperous future for the next generations. One way Tribal nation representatives work towards this goal, which will be addressed throughout this thesis, is through the Native American Graves Protection and Repatriation Act (NAGPRA). During the adoption of NAGPRA, Senator Daniel Inouye highlighted this past. He stated, “The desires of Indians to bury their dead were ignored...the bill before us is not about the validity of museums or the value of scientific inquiry. Rather it is about human rights...” (Trope & Echo-Hawk, 1991, 59). The act is designed to provide standards and procedures for repatriation efforts across the United States. While NAGPRA introduces the protection and ownership of material uncovered on federal and tribal land, human rights

legislation, such as NAGPRA, can also contribute to Tribal individuals speaking up for those who cannot. Chapter Two will discuss the laws that both contributed to looting and collecting and the laws that stopped these practices, as well as how Tribal nations are developing a stronger foothold within law through representation.

CHAPTER II: A HISTORY OF LAWS AND THE REPRESENTATIVES GUARDING NATIVE AMERICAN ANCESTORS AND FUNERARY BELONGINGS

An old man's son was killed far away in the Staked Plains. When the old man heard of it he went there and gathered up the bones. Thereafter, wherever the old man ventured, he led a dark hunting horse which bore the bones of his son on its back. And the old man said to whomever he saw: You see how it is that now my son consists in his bones, that his bones are polished and so gleam like glass in the light of the sun and moon, that he is very beautiful.

- N. Scott Momaday (Kiowa), excerpt from "The Colors of Night" (2011)

In Chapter One, the history of mistreatment of Native Americans was discussed, specifically from the perspective of genocide and the Anishinaabe perspective of an apocalypse. Developing this discussion and drawing from Native scholars is a crucial step in reviewing a past of war, assimilative, collection, and looting that has led to the laws discussed here. The purpose of this chapter is to outline the history of these laws as they are written, emphasizing the areas where they are harmful and helping Tribal Nations. This history will consider these laws from an Indigenous perspective. Throughout the previous chapter, I made the conscious decision to reference the mistreatment of Native Americans as genocide and apocalypse to emphasize the mistreatment that was inflicted and continues to be carried out through the withholding of Ancestors and belongings. In this chapter, I will continue to use humanizing language preferred by Native Americans, such as Ancestors, belongings, and the Ancient One. Chapter Three will further critique the language and application of these laws through an Indigenous lens.

This chapter discusses the law of the Native American Grave Protection and Repatriation Act (NAGPRA) alongside Tribal Historic Preservation Officers (THPO) and their roles as tribal representatives for protection and repatriation. Discussing these aspects is crucial in reviewing the legislation that was created throughout the years to rectify the mistreatment of Native Americans, as discussed in Chapter One. In addition, this multifaceted discussion follows the process of laws that have contributed to the role that Tribal representatives fill and the problems

that have arisen due to noncompliance with laws, which will be further discussed in Chapter Three. The history of archaeological laws that is presented includes the National Museum of the American Indian Act (NMAIA), contributions to the beginning of NAGPRA, and the creation of the role of Tribal representatives (THPO and NAGPRA specialists) in contributing to the protection and repatriation of Ancestors and belongings.

2.1 Leading to NAGPRA: History of Protection and Repatriation Laws

Repatriation is how Ancestors and their belongings (funerary objects, sacred objects, and objects of cultural patrimony) are returned to lineal descendants in modern Native American tribes and Native Hawaiian Organizations⁴ (NHO) (Repatriation, n.d.). The act of repatriating means to return someone or something to their area of origin. Funerary objects are classified as either associated or unassociated, depending on the documentation collected when the burials were excavated and if the belongings were separated. Sacred objects are those that would have been or currently are still used for ceremonial purposes. Finally, objects of cultural patrimony are belongings that have ongoing historical, traditional, or cultural importance central to Native culture (See Table 2.1). (U.S.C. 25 § 3001). In this section, I discuss how five laws led to the existence of NAGPRA. (See Figure 2.1) Each of these laws (See Figure 2.1) outlines an important step forward in working cooperatively with Tribal bodies in the preservation of TCP, sacred sites, and land.

The first act implemented by the United States government to protect and repatriate Native American Ancestors and belongings was enacted in 1989. With the creation of the

⁴ Native Hawaiian Community, which does not currently have a unified formal government, uses Native Hawaiian Organizations as its informal representatives for consultations (U.S. Fish & Wildlife Service, n.d.).

National Museum of the American Indian Act (NMAIA)⁵, there was the recognition that the collected Native remains were human remains. This act requires the Smithsonian Institute to return, when requested, Ancestors and their belongings to federally recognized tribes that have a cultural affiliation (Repatriation, n.d.). The term “cultural affiliation” is applied to the relationship of a shared identity that can be traced (pre)historically between a present-day tribe and an earlier group (25 U.S.C § 3001(2)). The NMAIA applied only to the Smithsonian Institution, as a way to solve the issue of the Army Medical Museum looting of grave sites for collections of Native remains (“*Repatriation,*” n.d.). However, the law left thousands of institutions (museums, universities, and federal agencies) within the United States unaccounted for in repatriation responsibility. NMAIA contributed to developing the Native American Grave Protection and Repatriation Act (NAGPRA). Despite NMAIA’s contribution, there are additional laws passed in the last century that have tried to highlight the importance of conservation and protection, but missing the mark. These regulations served as the primary law support for the direct protection of Ancestors and belongings set to establish historic landmark legislation, but ultimately fell short fundamentally in the incorporation of tribal parties (Trope & Echo-Hawk, 1992, 36). (See Figure 2.1) To discuss the effect these laws have today, we have to go back to the beginning.

⁵ The National Museum of the American Indian Act (NMAIA) is Public Law 101-185, 20 U.S.C §80q, was amended by the National Museum of the American Indian Act Amendment of 1996, Public Law 104-278 and requires the Smithsonian to return to Native Tribes of Hawaiian Organizations, upon request. (Repatriation, n.d.).

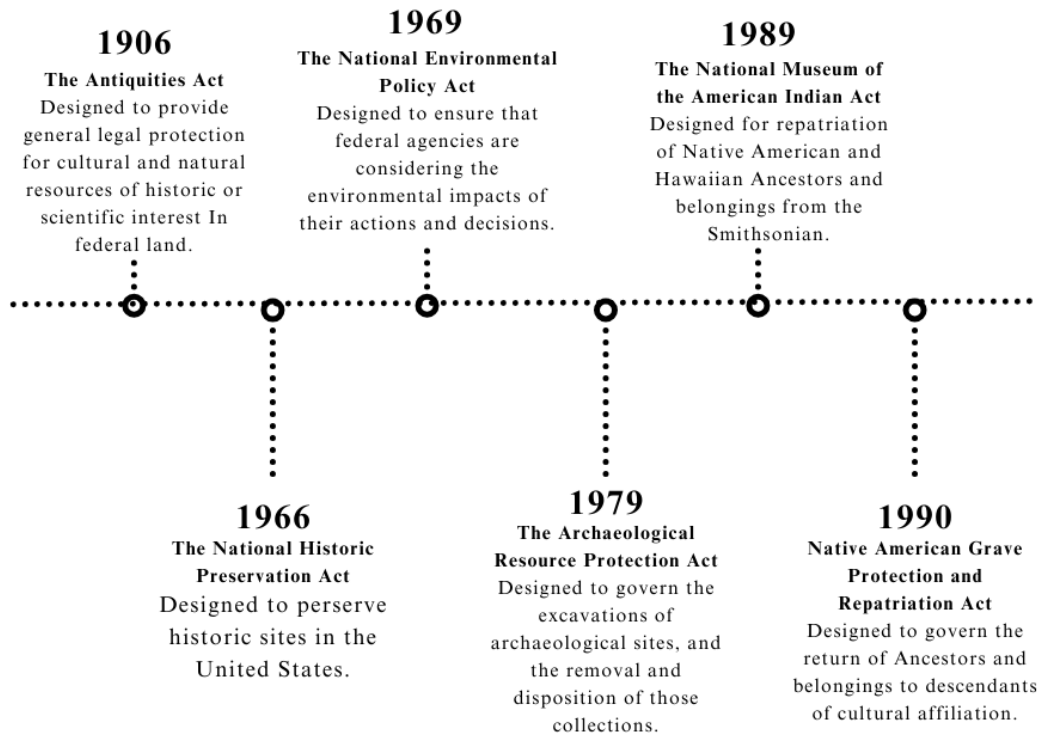


Figure 2.2 Timeline of Acts on Protection and Repatriation Covered in Chapter Two

Over a century ago, **The Antiquities Act of 1906** was designed to protect archaeological sites from looters on federal and tribal lands. This law served as the main conservation and protection policy for federal agencies for sixty years (1966) as a method to protect sites from looters so that, legally, the federal government could loot. Despite the intention of protection, Native American sites that fall under this jurisdiction are considered “archaeological resources” and “federal property” (16 U.S.C. § 470dd). The Antiquities Act made the looting of Native American sites on federal land a crime, classifying archaeological sites as national monuments and creating a framework that allowed only archaeologists to excavate (Thomas, xxxiii). By extension, this act considers Ancestors and belongings as objects of study. It allows “dead persons to be dug up according to a federal permit ‘for the permanent preservation [of the remains] in public museums’” (Trope & Echo-Hawk, 1992, 42). Outlined to legally transfer the Native American past to the American public domain, this act was crafted without Native

American involvement and inclusion of Native Americans maintaining “legitimate” cultural affiliation with the past.

Up until the late 1960s, the Antiquities Act of 1906 served as the sole law concerning federal archaeological jurisdiction. In 1966, **The National Historic Preservation Act** (NHPA) became the foundational law for the United States National Historic Preservation Program (54 U.S.C.). President Lyndon B. Johnson created a committee designed to cover historic preservation, as a means to protect the rich heritage of the United States (“*National Historic Preservation Act*”, n.d.). The act created a clear process for historic preservation and established institutions to aid in affected federal projects. This includes local, state, and tribal governments absorbing more of the responsibility in preservation efforts (“*National Historic Preservation Act*”, n.d.). While NHPA serves the public, it is also a law that recognizes tribal sovereign governments and continues to grow in awareness of community identity (“*National Historic Preservation Act*”, n.d.). In the 1992⁶ amendments, “traditional cultural properties” are included. (54 U.S.C. § 3027). Traditional cultural properties (TCPs) are classified as a specific subset of historic properties, properties that have religious or cultural importance to a community (Suagee, 1996, 170). The National Parks Service (NPS) defines TCPs as properties eligible for the National Register due to their cultural relevance (Suagee, 1996, 171). While this can be beneficial in preservation, properties that would be defined as a sacred site by Tribal nations are forced to utilize the title of TCP. Sites are not recognized because of their sacredness, but rather their historical and cultural significance (Suagee, 1996, 172). A portion of this law that aids Tribal nations in protecting areas of cultural significance is Section 106.

⁶ The National Historic Preservation Act has since been amended once more in 2016, Pub. L. No. 96-515.

Section 106, a subsection of NHPA, allows for the review of federal undertakings that could affect a tribal site, mandating notice and consultation with tribes. In continuing to promote the preservation of pre-Colombian resources, NHPA supports not only state and local undertakings, but Native American, Native Hawaiian, and Alaskan Native Tribes as well to expand and promote preservation programs (Cook, n.d.). Essentially, an undertaking is any project or activity that includes a federal agency involvement (*“When Do Project Planning”*, 2019). Through consultations, historic properties must be identified in every proposed undertaking (Suagee, 1996, 176).

The National Environmental Policy Act of 1969 (NEPA) is similar to NHPA in that it serves as the true foundational law for the protection of the environment, leading to an explosion of environmental protection laws throughout the twentieth century. This act aims to introduce a “national policy which will encourage productive and enjoyable harmony between man and his environment” (42 U.S.C. § 4321). This coincides with Native American resistance that flourished in the late 1960s, as discussed in Chapter One. Land is an integral part of Native American being, something taken away as an act of genocide. Joy Harjo (Mvskoke) elaborates:

“We all emerge from a place...our identity springs from a place. Indigenous peoples of a land are deeply rooted. We are taught not to forget where we came from, and to know that we are related...to the very land itself of that place. Our languages, ideas, and bodies are shaped, fed, and given meaning by place.” (Harjo, 2003)

We have deep roots in the land and as stewards have a responsibility, an obligation, to take care of the land and one another (Harjo, 2003). As a result, the land became a great source of active resistance to showcase the importance of life.

NEPA works in association with NHPA and the Archaeological Resources Protection Act of 1979 (ARPA) (discussed below) to analyze the environmental impact. These environmental impacts can include destructive happenings that affect the environment and Native communities. Native people have been driven from their lands and forbidden from traditional practices. Limited in its offering to tribal endeavors, NEPA safeguards interests when Tribal nations disclose the matter, location, and description for protection (Cook, n.d., 19). This can cause issues, as the reason the location and descriptions are safeguarded is to protect sacred sites from being looted and pilfered.

However, a transformation in federal policy has created a space for Native people to return and revitalize relationships with their homelands (Wolfley, 2016, 56). NEPA makes space for Native Americans in the decision-making process for matters that could potentially harm historic, sacred, cultural, and traditional lands (Cook, n.d.). It does this by allowing protection of sacred sites, medicinal plants, and holy areas amongst others (Wolfley, 2016). The law works to support engagement and consultation with Tribal representatives, linking sovereignty and identity for Tribes (Wolfley, 2016).

The Archaeological Resources Protection Act of 1979 (ARPA) replaced The Antiquities Act of 1906. The purpose of ARPA was to protect “archaeological resources” of federal and tribal lands more directly and efficiently (“*Archaeological Resources Protection Act...*”, n.d.). However, while the Antiquities Act and ARPA protect sites from looters, ARPA also protects sites from “individual and commercial interests and to foster the professional gathering of information for future benefit” (Tsosie, 1997, 69). ARPA regulations highlight the support for archaeological excavations and consider the “archaeological resources” found on public lands “an accessible and irreplaceable part of the Nation’s heritage” (16 U.S.C § 470aa).

Public lands refer to lands owned and administered by the United States government, as part of 1) the National Park System, 2) the National Wildlife Refuge System, 3) the National Forest System, and 4) any land the fee title to which is held by the United States government (43 C.F.R. § 10.2). Impacts on these areas include, but are not limited to: ski lifts on Mt. Shasta, the clash at Chimney Rock, or the scattering of National Parks across the Nation (Suagee, 1996; Vogel, 2001; Wolfley, 2016). Each of these is representative of a time in history when Tribal nations had to fight for the protection of TCPs from recreational development. For over a century, NPS policies and federal law drove Native peoples from their land (Wolfley, 2016, 56). Preservation of TCP was initially conducted to preserve the “uninhabited wilderness” of national parks and lands for recreationists, tourists, and visitors (Wolfley, 2016, 56). The vision was that civilization was better than savagery and cities were better than wilderness (Thomas, 2000, xxix). The idea of an “uninhabited wilderness” came from settlers and the expansion of the frontier with the idea that Native Americans were not utilizing the land to its full capability.

ARPA serves to govern the excavation of archaeological sites, and aids in preventing the looting of designated sites, benefitting those with interests in sites on both public and tribal land. While the law stands to safeguard an irreplaceable part of the Nation’s heritage, it perpetuates the practice of and permits archaeological excavations. Ultimately, the purpose of these guidelines is to dictate how and when excavation and removal are to happen. This act highlights that archaeological activity may only be conducted when a permit is received and the undertaken serves the purpose of furthering archaeological knowledge and public interest (16 U.S.C § 470cc).

The purpose of this act is to secure, for the present and future, the protection of archaeological resources on public and Tribal land. This includes focusing on increased

cooperation and exchange of information between governmental authorities, professional archaeological communities, and private individuals with collection pieces (16 U.S.C. § 470aa). The intent of consultation and communication is clear; however, the consideration of Tribal voices is absent from the law. The only mention of Tribal nation consideration is centered on the custody of archaeological resources, emphasizing that archaeological resources excavated or removed from Indian lands are subject to the consent of the Tribe on whose lands they were removed (16 U.S.C. § 470dd). While this is an important step in acknowledging Tribal nations, it fails to consider Tribal land that is no longer occupied by a federally recognized Tribe.

Despite the intent of these laws, consideration of Tribal Nations is important to the impact their homelands have faced and continue to face. When do Tribal Nations supersede federal law, especially when it comes to safeguarding their homelands and people? The Native American Grave Protection and Repatriation Act is the beginning of a movement toward acknowledging and valuing Tribal voices for the ultimate protection of land and people.

Check Point: Checking in before moving on. This is a significant amount of law talk, which I have tried to pad throughout, but it will only increase from here as I dive into what NAGPRA is. This is important, though! To have the conversation and critique a law, you have to understand “What preceded it?”, “Where does it come from?”, “What does it entail?”, and “How is it enforced?” Currently, I have covered the first, “What preceded it?”. But I want to make a point to tell you, as a reader, that I am covering all of these laws because they contribute to either the position of a Tribal Historic Preservation Officer (THPO) or connect to NAGPRA through the type of legislation that it is. The laws tend to feed off each other. For instance, NHPA will

trigger Section 106, which in turn brings NEPA into the conversation, joining them together.

After covering the preceding laws, I can move into what NAGPRA is and what the law entails.

2.2 NAGPRA: What is the Law?

The **Native American Grave Protection and Repatriation Act**⁷, also known as NAGPRA, was set forth by the George Bush Jr. Administration in the fall of 1990. NAGPRA “addresses the rights of lineal descendants, Indian tribes, and Native Hawaiian Organizations to certain Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony,” serving as both a human rights and cultural heritage law (NAGPRA, 2016). This provides legal backing for tribal governments’ attempts to protect grave sites from looters, as well as facilitates the return of pinched and unethically acquired belongings and Ancestors. NAGPRA outlines regulations concerning repatriation and protection, stating the prohibition of...

“...trade, transport, or sale of Native American human remains and directs federal agencies and museums to take inventory of any Native American...and, if identifiable, the agency or museum is to return them to the tribal descendants...the act prohibits remains and objects from being considered archaeological resources, prohibits disturbing sites without tribal consent, and imposes penalties for unauthorized excavation, removal, damage or destruction” (Getches et. al, 1993, 772-73).

The declared purpose of NAGPRA was to protect Native graves and support the repatriation of Native Ancestors and belongings. “Ancestors” encompass all human remains and “belongings” and represent all objects that are both associated and unassociated funerary, sacred, and of cultural patrimony (25 U.S.C.). NAGPRA’s outlined law is Chapter 32 in United States Code

⁷ Regulations were amended in 2023. The final rule of NAGPRA 43 CFR §10 was effective as of January 12, 2024.

(U.S.C) 25. This chapter encompasses all possible considerations that, in the 1990s, seemed most relevant to the effort of protection and repatriation for Tribal nations. There are thirteen sections categorized within Chapter 32.

The first section covers definitions. For this thesis, I will address seven that are pertinent to this discussion: cultural affiliation, cultural items (unassociated/associated funerary objects, sacred objects, objects of cultural patrimony), Indian tribe, and museum (See Tables 2.1 and 2.2). The term “cultural affiliation” is applied to the relationship of a shared identity that can be traced (pre)historically between a present-day tribe and an earlier group (See Tables 2.1 and 2.2) (25 U.S.C § 3001(2)).

The umbrella term “cultural items” encompasses four terms: (un)associated funerary objects, sacred objects, and objects of cultural patrimony (25 U.S.C § 3001) (See Tables 2.1 and 2.2). Belongings deemed “associated funerary objects” are belongings that serve as a part of a death rite or ceremony placed with an individual at the time of death (or later in certain communities) that are connected with the Ancestor the belongings were interned with (25 U.S.C § 3001(3a)). Similarly, “unassociated funerary objects” are belongings that serve as a part of a death rite or ceremony that were placed with an individual at the time of death (or later in certain communities) but that were later separated from the Ancestor (25 U.S.C. § 3001(3b)). Belongings that are considered “sacred objects” are items tied specifically to ceremonies utilized in traditional Native practice (25 U.S.C. § 3001(3c)). Objects of “cultural patrimony” are belongings that have ongoing historical, traditional, or cultural importance central to Native culture, rather than property that was owned by an individual/family that cannot be replicated (25 U.S.C. § 3001(3d)). The last two terms referenced in NAGPRA’s definition section are “Indian tribe” and “museum” (25 U.S.C. § 3001(7) & 3001(8)). The term “Indian tribe” refers to any

tribe, band, nation, or community of Native Americans including Alaskan Natives that are recognized as eligible for the services provided by the United States (25 U.S.C. § 3001(7)). Finally, while in everyday vernacular “museum” refers to a building that houses historical items, the term “museum” contains different connotations in NAGPRA (25 U.S.C § 3001(8)). In NAGPRA, “museums” are any institution, state or local, that has received or is receiving federal funding and has possession of known Native Ancestors and belongings (25 U.S.C § 3001(8)).

In January 2024, after 34 years of NAGPRA, the Department of the Interior (DOI) published a proposed rule to clarify and improve the systematic processes for the disposition or repatriation of Native American human remains and cultural items under the NAGPRA law (43 C.F.R. § 10). This final rule amended and modified all the previously mentioned definitions according to the DOI. (See Tables 2.1 and 2.2) It is important to note that the differences in the definitions are not necessarily how a term is defined, but what it includes. For instance, unassociated funerary objects were understood to be belongings that at one point in time were associated with a burial, but for whatever reason had become “unassociated.” Perhaps disassociated is a better word to describe the breaking of connection and context (Marie Richards, personal communication, 2024). The new rule of NAGPRA does not change how an unassociated funerary object is understood, rather it lists four ways in which they can be identified. One of the primary purposes of NAGPRA is to serve as legislation that both protects and repatriates Ancestors. It is important to note that the new amendment of NAGPRA now explicitly defines human remains, whereas the original legislation did not.

As the protection, repatriation, and disposition of Ancestors are heavily addressed throughout this work, the new definition under the law needs to be referenced. According to the new amendment “human remains” are defined as any physical part of the body of a Native

American individual, but do not include human remains to which a museum or Federal agency can prove it has a right of possession (43 C.F.R § 10). The importance of this new definition is that Native remains are explicitly declared human remains, when for centuries they were not. However, while Ancestors are defined as human remains, they remain undefinable due to the “right of possession” clause.

This “right of possession” references the accumulation of human remains for any temporary or permanent purpose including, but not limited to: academic interest, education, conservation, forensic purposes, research, and public benefit (43 C.F.R § 10). This means that for any of the above-listed reasons, an Ancestor can be declared to be outside of NAGPRA due to the institution that holds them and the reasoning for that. There are three additional circumstances outlined in the “human remains” definition: 1) human remains believed to be commingled with other materials (such as soil or faunal remains) may be treated as human remains, 2) those incorporated into funerary objects, sacred object, or object of cultural patrimony are considered part of the cultural items rather than human remains, and 3) human remains incorporated into a funerary object or item that is not a funerary object, sacred object, or object of cultural patrimony are considered human remains (43 C.F.R. § 10.). Previous to this regulation amendment, the only definition of “human remains” within the 25 U.S.C. § 3001 was in “burial sites,” which was explicitly defined as any physical location below, on, or above the surface in which human remains were deposited (25 U.S.C. § 3001). Ultimately, the difficulty in adding a “right of possession” clause and the circumstance in which Ancestors can be found renders the definition of Ancestors as human remains difficult to navigate and unclear.

| | Unassociated Funerary Objects | Associated Funerary Objects | Sacred Objects | Objects of Cultural Patrimony | Indian Tribe | Museum | Cultural Affiliation |
|--|---|---|---------------------------|--|--|--|---------------------------------|
| The Antiquities Act (1906) | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| The National Historic Preservation Act (1966) | N/A | N/A | N/A | N/A | An Indian tribe, band, nation or other group or community, including native village, that is recognized as eligible for the special program provided by the U.S. | N/A | N/A |
| The National Environmental Policy Act (1969) | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| The Archaeological Resources Protection Act (1979) | N/A | N/A | N/A | N/A | An Indian tribe, band, nation, or other organized group of community, including any Alaskan Native or regional or village corporation. | N/A | N/A |
| The National Museum of the American Indian Act (1989) | Means an object that, as part of a death or ceremony of a culture, is intentionally placed with an individual human remains, either at the time of burial or later. | Means an object that, as part of a death or ceremony of a culture, is intentionally placed with an individual human remains, either at the time of burial or later. | N/A | N/A | Has the meaning given the term in Section 5304 of Title 25. | Means the National Museum of the American Indian established by Section 80q-1 of Title 20. | N/A |

Table 2.1 Definitions of Terms Across Protection and Repatriation Laws

| | Unassociated Funerary Objects | Associated Funerary Objects | Sacred Objects | Objects of Cultural Patrimony | Indian Tribe | Museum | Cultural Affiliation |
|---|---|--|---|---|---|---|--|
| Native American Grave Protection and Repatriation Act (1990) | Objects that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later. | Objects that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later. | Specific ceremonial objects which are needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents. | An object having ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual Native American. | Any tribe, band, nation, or other organized group or community of Indian, including any Alaska Native village, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. | Any institution or State or local government agency (including higher learning) that received Federal funds and has possession of, or control over, Native American cultural items. Does not include Smithsonian or any other Federal agency. | A relationship of shared group identity which can be reasonably traced historically or prehistorically between present day Indian tribes or Native Hawaiian organization and an identifiable earlier group. |
| Native American Grave Protection and Repatriation Act (2024 Regulations) | Any funerary object that is not an associated funerary object and is identified by the following: 1) related to human remains by the human remains were not removed or location unknown, 2) related to specific family/individual, 3) removed from a specific burial site with cultural affiliation to a Tribe or NHO, 4) removed from a specific area where a burial site with cultural affiliation is known to have existed, but is no longer extant. | Any funerary object related to human remains that were removed and the location of the human remains is known. Any object made exclusively for burial purposed or to contain human remains is always an associate funerary object regardless of the physical location or existence of any related human remains. | A specific ceremonial object needed by a traditional religious leader for present-day adherents to practice traditional Native American religion, according to Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian Organization. | An object having ongoing historical, traditional, or cultural importance central to the Native American group, including any constituent sub-group, according to the Native American traditional knowledge. | Any tribe, band, nation, or other organized group or community of Indian, including any Alaska Native village, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. | Any institution or State or local government agency (including higher learning) that received Federal fund and has possession of, or control over, Native American cultural items. Does not include Smithsonian. | There is a reasonable connection between human remains or cultural items and an Indian Tribe of Native Hawaiian Organization based on a relationship of shared group identity. Cultural affiliation may be identified clearly by the information available or reasonably by the geographical location or acquisition history of the human remains or cultural items. |

Table 2.2 Definitions as applied to NAGPRA: 1990 versus 2024

Following the section on definitions, NAGPRA contains twelve sections that outline the following: ownership, inventory, summary, repatriation, review committee, penalty, grants, savings provisions, relationship, regulations, authorization or appropriations, and enforcement (25 U.S.C.). While each section is crucial to the establishment of the law and necessary for enforcement for the purpose, in this chapter only ownership, repatriation, penalty, and relationship will be further discussed. Each of these sections was chosen as a focal point because these are portions of the law where compliance and recognition of Native perspectives are apparent.

Section 3002, "Ownership," defines who is in control of Native American Ancestors and cultural items, per the law (25 U.S.C. § 3002). After NAGPRA was enacted in November 1990, ownership or control of Native American cultural items, excavated or discovered, on federal or tribal land are to be documented and brought to the attention of possible Tribes with lineal descendants (25 U.S.C. § 3002). The section outlines processes for NAGPRA compliance when lineal descendants are identified as well as when they cannot be identified. For this to be determined, there are three situations: 1) if an Ancestor or belonging were discovered on the land of the Tribe or Native Hawaiian Organization 2) if there is a Tribe or Native Hawaiian Organization that has the closest cultural affiliation, or 3) if the cultural affiliation cannot be reasonably ascertained, the federal land has to be recognized by the Indian Claims Commission of United States Court of Claims as the aboriginal land of some Tribe. This means that when a determinant(s) is identified, a claim can be established by the Tribe on which the Ancestor or belongings were found. If no lineal descendants can be found, a Tribe with significant evidence displaying a strong cultural relationship can stake a claim (25 U.S.C. § 3002). If there are unclaimed Native American Ancestors and belongings, they are noted to be disposed of

following the regulations set forth by the Secretary of the Interior (SOI), the review committee, Native American groups, and museums or scientific community representatives (25 U.S.C. § 3002).

The protocol for establishing cultural affiliation, “Ownership” covers intentional and inadvertent discoveries of Native American Ancestors and belongings. These types of discoveries reference recoveries that are both accidental and due to permitted excavation, the only difference being legality issues and timing. Should an Ancestor or belongings be discovered due to intentional removal or excavation on federal or tribal lands, they may be removed if 1) what is excavated falls under permit-issued law per 16 U.S.C. § 470cc⁸, 2) what is excavated was done so due to Tribal consultation and consent, 3) the ownership and right of control were established by the Tribes whose tribal land the excavations are carried out or there is a Tribe that has established cultural affiliation, or 4) consultation or consent has been received by a Tribe that has ample evidence of strong cultural affiliation (25 U.S.C. § 3002c). However, this leaves private and state land unaccounted for, as the law only applies to federal and tribal lands. In the case of inadvertent discovery, those who recover an Ancestor or belongings must notify the responsible Federal agency of discovery and cease the activity that led to the discovery (i.e., construction, mining, logging, etc.) (25 U.S.C. § 3002d). An effort must be made to best protect the area of discovery along with the items found (25 U.S.C. § 3002d).

“Repatriation” addresses the repatriation of Native American Ancestors and belongings that are currently in the possession of or controlled by federal agencies and museums (25 U.S.C. § 3005). All Ancestors and belongings that have been consulted upon and cultural affiliation established must be expeditiously returned. This includes Tribes that can show cultural affiliation

⁸ U.S.C. 16 is Title 16- CONSERVATION, Chapter 1B-ARCHAEOLOGICAL RESOURCE PROTECTION, Section 470cc- Excavation and removal.

through geographical, kinship, biological, archaeology, anthropological, linguistic, folkloric, oral tradition, historical, or expert opinion evidence (25 U.S.C. § 3005a). However, Ancestors and belongings are not required to be returned if such items are “indispensable for the completion of a specific scientific study, the outcome of which would be a major benefit to the United States,” once again referencing the problem with the human remains definition newly added in 2024 (25 U.S.C. § 3005b). All federal agencies and museums must share with identified Tribes and National NAGPRA what information they possess regarding Native American Ancestors and belongings that reside within their collection, allowing Tribes to make claims (25 U.S.C. § 3005d).

“Penalty” covers the consequences if museums fail to comply. If any museum fails to comply with the repatriation protocol, they are subject to a civil penalty by the SOI with each violation considered a separate offense (25 U.S.C. § 3007a). Penalties are assessed and determined with the consideration of 1) the archaeological, historical, and commercial value, 2) the damages suffered, economic and noneconomic, by the aggrieved party; and 3) the number of violations that have occurred by the museums (25 U.S.C. § 3007b). If museums fail to comply and pay for the violations, the Attorney General may issue a civil action within the district court to collect the penalty (25 U.S.C. § 3007c).

The final section to address is “Relationship.” This is a short statement on the special relationship between the federal government and Native American Tribes and Native Hawaiian Organizations (25 U.S.C. § 3010). It briefly states that Chapter 32: Native American Grave Protection and Repatriation Act of U.S.C. 25 is a “reflection of the relationship between the federal government and Native American Tribes and Native Hawaiian Organizations and should

not be construed to establish a precedent concerning any other individual, organization or foreign government” (25 U.S.C. § 3010).

NAGPRA defines clearly the sections and definitions that are applicable for protection, repatriation, and disposition. These definitions and sections have been made clearer in the final rule currently in effect.⁹ This is not limited to only definition; the layout of the written law has changed. Part 10 of Code of Federal Regulations 43 is broken into four subparts: *Introduction; Human Remains, Funerary Objects, Sacred Objects or Objects of Cultural Patrimony from Federal or Tribal Lands; Human Remains, Funerary Objects, Sacred Objects or Objects of Cultural Patrimony in Museums and Federal Collections; and General* (43 CFR § 10). The sections in NAGPRA (1990) have been restructured according to where they best fit and, like the definition section, have provided lengthier and more detailed requirements for adherence to the regulations. However, despite the clear definitions that are laid out within the law and the section that discusses the steps for repatriation, many Tribes have struggled in a battle to reclaim their Ancestors and belongings. In the 1990s, the pivotal case that tested the new law was known as Kennewick Man, or as he will be referred to throughout this work, The Ancient One (the name given by his Tribe).

2.3 The Ancient One: A Textbook Case

The case that projected NAGPRA into the world and provided its pedestal was the discovery of the Ancient One (Kennewick Man) in 1996. The case of the Ancient One has been exhausted, in that the case has been referenced in a literary multitude (Bruning, 2006; Coleman and Dysart, 2005; Custred, 2000; Seidemann, 2003; Tsosie, 1999; Whiteley, 2002; Zimmerman and Clinton, 1999). This is because the conflict over the Ancient One case was a landmark case

⁹ Referencing the amendments effective as of January 12, 2024.

that put the new NAGPRA legislation to the test. It began in the summer of 1996 when teenagers stumbled upon a set of human remains on the shore of the Columbia River outside Kennewick, Washington (Bonnichsen v. U.S., 2004). The land, federal property, was overseen by the United States Army Corps of Engineers (USACE) and is the traditional tribal territory of the Umatilla, Wanapum, Nez Perce, and Yakama (Bonnichsen v. U.S., 2004).

After discovery, the Ancient One was excavated by anthropologist Dr. James Chatters, and the original ancestry was assumed to be that of an early European settler due to the morphological face structures. Upon further analysis, there was an identifiable stone projectile point embedded in the hip of the individual found (Bonnichsen v. U.S., 2004). With the age and ancestry of this individual now in contention, radiocarbon testing was conducted, against the wishes of the Tribes. It was determined that the estimated age of the bones had to be between 8340 and 9200 years old, placing this individual in the Early Holocene (Bonnichsen v. U.S.; 2004). The date aided in attracting unwanted attention to the Ancient One, drawing out many scientists who hoped “the discovery might shed light on the origins of humanity in the Americas” (Bonnichsen v. U.S., 2004, 4).

Relying on NAGPRA, the USACE saw legitimacy in the repatriation claim of the Tribal Claimants, a group of five Native American Tribes from the area (Bonnichsen v. U.S., 2004). USACE responded to this claim by seizing the remains before transportation to the Smithsonian Institution and halting DNA testing (Bonnichsen v. U.S., 2004). As a result of the denial of scientific use of the Ancient One, litigation arose between USACE and the Smithsonian Institution (including other scientists and anthropologists). In 1998, USACE transferred the authority of the case to the Secretary of the Interior (Bonnichsen v. U.S., 2004). Experts from the SOI then conducted a thorough skeletal analysis in an attempt to estimate ancestry. This included

the comparison of the measurements of the skull, teeth, and bones with corresponding measurements from exemplars, in addition to the analysis of the sediment layers in which the Ancient One was found (Bonnichsen v. U.S., 2004). In 2000, it was determined that while the physical attributes of the skeleton did not match contemporary Native American traits (rather Polynesian was suggested) the Ancient One was not to be ruled out as Native American (Bonnichsen v. U.S., 2004; Rasmussen, 2015). With the evidence from carbon dating, the Secretary decided the Ancient One was “Native American” following NAGPRA’s guidance (Bonnichsen v. U.S., 2004).

The case of the Ancient One continued to circulate in the court system for eight years. The last case was heard in 2004 by the Ninth Circuit Court, where the lower court's decision was upheld. This allowed scientists to study the remains of the Ancient One under the Archaeological Resources Protection Act of 1979 (Bonnichsen v. U.S., 2004). It was deemed that the SOI prematurely concluded the Ancient One had a relation to NAGPRA (Bonnichsen v. U.S., 2004). Despite the Tribal claim and SOI conclusion of connection to NAGPRA, the claimants faced a larger issue than the case ruling in favor of the plaintiffs (scientists): there was a struggle to prove cultural affiliation (Bonnichsen v. U.S., 2004). Despite the geographical location and oral tradition from the Tribes as support for the Secretary’s claim, there was no support recognized under NAGPRA. The court determined that the Ancient One did not apply to NAGPRA because, “Kennewick Man’s remains are *so old* and the information about his era is *so limited*, the record does not permit the Secretary to conclude reasonably that Kennewick Man shared special and significant genetic or cultural features with presently existing indigenous tribes, people, or cultures” (Bonnichsen v. U.S., 2004, 16). This declaration only reinstated the idea of Natives as a vanishing race, that those today have no connection to Native Americans of the past. This dispute

carried on for thirteen years, until 2017, when the Ancient One was finally repatriated. The Ancient One was housed from 1998-2017 in the care of the Burke Museum. During the lengthy process of litigation, the Burke Museum of Natural History and Culture was deemed “the most suitable neutral place for safekeeping of the Ancient One” (*The Ancient One*, 2017). For a while, the Ancient One was untouchable and safely curated within the Burke Museum of Natural History and Culture. However, in July 2005, the Ancient One underwent a two-week taphonomic study, which established a baseline for specialized scientific studies in 2006 (Owsley & Jantz, 2014). These studies included noninvasive techniques such as skeletal inventory, morphology, and pathology as well as the recording of dentition and trauma (Owsley & Jantz, 2014). However, the studies include invasive techniques as well as isotopic evidence for diet (involving extraction of collagen from the tibia) as well as molding and casting of the Ancient One’s remains (Owsley & Jantz, 2014).

Eventually, in 2015, the ancestry of the Ancient One was determined through genomic analysis to resolve the question of Native American affiliation. The team working on the DNA analysis obtained a sample from a metacarpal bone (Rasmussen et. al., 2015). They ultimately ended with a DNA fragment with damage at the end of the fragments, consistent with ancient DNA damage patterns (Rasmussen et. al, 2015). The mitochondrial genome sequences were placed in haplogroups which signified uniparental lineages found within modern Native Americans (Rasmussen et. al, 2015). It was found that the Ancient One held “a clear genetic similarity to Native Americans...” (Rasmussen et. al, 2015, 456). While Chatters was confident the Ancient One was European, through analysis of morphological traits, the Tribes were confident this individual was an Ancestor of the Confederated Tribes of Umatilla Indian Reservation. The genetic testing study concluded that the Ancient One shared ancestry with

Northern Native Americans, specifically Colville, Ojibwa, and Algonquin. This not only rejected the previous assertion by Chatters that the Ancient One was European, but another that utilized craniometric methods to suggest that the Ancient One was more closely related to the Ainu or Polynesians (Rasmussen et. al, 2015). The USACE transferred control of the Ancient One to the Washington State Department of Archaeology and Historic Preservation.

Finally, the Ancient One was repatriated to the Confederated Tribes of the Umatilla Indian Reservation in 2017 (Kakaliouras, 2019). In 2016, the Water Infrastructure Improvements Act for the Nation (WIIN) overruled the previous NAGPRA process (“*The Ancient One*,” 2017). WIIN, also known as the “Indian Irrigation Fund,” served to address, support, and improve America’s drinking water infrastructure (WIIN Act, 2016). The act worked to help with water storage maintenance of the Bureau Indian Affair (BIA)-owned irrigation project (WIIN Act, 2016). Buried amongst the many components is section 1152, labeled “Kennewick Man”. This section states that,

“...any other provisions of Federal law, including the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.), or the law of the State of Washington, not later than 90 days after the date of enactment of this Act, the Secretary, acting through the Chief of Engineers, shall transfer the human remains to the Department, on the condition that the Department, acting through the State Historic Preservation Officer, disposes of the human remains and repatriates the human remains to the claimant tribes” (WIIN Act, 2016).

Throughout history, the repatriation laws enacted in the United States have continuously privileged the viewpoint of the scientists: that unfettered access to Native American remains is necessary for the progress of scientific research. In doing so, it inescapably pits science and

religion against each other when it comes to the inherent value of the Ancestors and their belongings. Where is human dignity in the process of repatriation? If it is absent, how do we establish it? Throughout these laws, Ancestors and belongings are in continuous discussion, but a vital voice in the discussion is missing. Where are tribal representatives? Where are their voices? Currently, the inclusion of tribal voices is limited to the role of Tribal Historic Preservation Officers.

Check Point: In the last checkpoint I talked about how all the laws are connected. Another instance could be if NAGPRA is implemented and triggers NMAIA, because an Ancestor or belongings from a particular area may have been sent to the Smithsonian. It all works together! So, I have covered a plethora of protection laws, addressed what NAGPRA is and what it entails, and in this past section, gave a pinnacle example of testing NAGPRA as legislation. The Ancient One has finally been repatriated, but the case is still being utilized as a reference in law, ethics, and anthropology (Bruning, 2006; Coleman and Dysart, 2005; Custred, 2000; Seidemann, 2003; Tsosie, 1999; Whiteley, 2002; Zimmerman and Clinton, 1999). The point is that there are lasting effects that invasive scientific inquiry has on Tribal populations. These results and outcomes are not only accessible to a Western science audience. There is room for consideration of how this affects generations of Native Americans, especially when images of Ancestral remains are splashed throughout books and the internet or when individuals start to understand just how destructive DNA analysis is (Bader, 2022; Owsley & Jantz, 2014). These are things made easier by dehumanizing Native Americans. So, now I am going to talk about those who try to give Ancestors their humanity back.

2.4 Representation: Tribal Historic Preservation Officers

The State Historic Preservation Officer (SHPO) is appointed according to 54 U.S.C § 302301 (1) by the “chief executive official of a State having a State Historic Preservation Program approved by the Secretary under that section” (54 U.S.C § 3023). The SHPO is responsible for carrying out historic preservation within their state. Examples include, but are not limited to, surveying, evaluating, and protecting buildings, sites, and structures of historic significance (54 U.S.C §302303). Regulations and programs can differ throughout the states, but the goal is to identify, evaluate, and protect historic and archaeological resources across the United States (54 U.S.C. § 302303). These state officers work in tandem with federal and state agencies, local governments, and private organizations, as well as private individuals, to develop statewide historic property inventories (54 U.S.C § 3023031). They develop plans for preservation, identify the property, provide public information and education on historic preservation, as well as consult and mitigate projects to manage and reduce harm to certain properties (54 U.S.C. § 302303). While these duties are frequently seen in the establishment of protected land or centennial barns/houses, SHPOs work with Tribal nations as well to ensure all types of historic properties are protected (54 U.S.C. § 302701). To emphasize the importance of tribal values, consultation, and tribal programs, the responsibilities of SHPO are shared with Tribal Historic Preservation Officers (THPO).

Under the 1992 amendments to the National Historic Preservation Act of 1966, Tribal Historic Preservation Officers (THPO) gained substantial authority in federal law to preserve, conserve, and protect tribal lands (54 U.S.C. § 3027). Chapter 3027 states that, “a tribe may assume all or any part of the function of a State Historic Preservation Officer following subsections 302302 and 302303 of this title, concerning tribal lands...” (54 U.S.C. § 302702).

These two subsections refer to the program evaluation and responsibilities of the SHPO, as previously stated. This allows the tribe to assume the responsibilities of the SHPO concerning all land within the "...exterior boundaries of any Indian reservation; and (B) all dependent Indian communities" (54 U.S.C. 300319). In implementing this subsection, the position of Tribal Historic Preservation Officer (THPO) was created offering Tribal representatives to operate on behalf of and with the tribe, rather than an outside source (54 U.S.C.).

In 1998, the National Association of Tribal Historic Preservation Officers (NATHPO) was founded to support THPO (*"The National Association"*, 2006). THPOs are designated within federally recognized tribes to direct these programs approved by the National Park Service, as outlined in 54 U.S.C. mentioned above. The primary service of the THPO is assuming responsibility for their tribal lands as they demonstrate "active expressions of tribal sovereignty" (*"The National Association"*, 2006). Tribal officers work with federal agencies and are involved in consultations, planning, and compliance regarding construction for economic development (*"The National Association"*, 2006). Working within the realm of cultural and heritage tourism, THPO serves as a sponsor for educational programs highlighting language revitalization (*"The National Association"*, 2006). They serve Tribal communities in the conservation and preservation of every aspect of Native American cultural heritage, from historic sites and language to cemeteries and repositories (*"The National Association"*, 2006). They care for the dead, just as they care for the living. This often includes the provision of oversight for repatriation (*"The National Association"*, 2006).

As a result of section 302702 in U.S.C. 54, Native tribes can assume part of the functions of SHPO, specifically concerning tribal land (54 U.S.C. § 302702). For Tribes to assume some or all of these responsibilities, upon their choosing, the tribe has to identify to the National Park

Service (NPS) a Tribal Historic Preservation Plan (NATHPO, 2021). Through NHPA, a historic plan must be provided to demonstrate that the historic preservation program is capable of accomplishing the state function it wants to assume, as well as define the responsibilities of the NPS, SHPO, and THPO (Maki, n.d.).

Preservation denotes a relationship of protection between modern society and heritage in the United States. The term historic preservation in the past has heavily focused on the preservation of monuments, buildings, parks, and battlefields- landmarks where important events have occurred throughout the history of the United States. (Gossett, 1998; Redding, 2004; Rose, 1981). These landmarks include areas that have been established throughout America's history that have highlighted certain periods like the "inspirational" period in Gettysburg or the "artist merit" of old districts in Charleston and New Orleans (Gossett, 1998; Rose, 1981). However, it has been argued that very few individuals associate preservation with the protection of areas that are important to Tribes, such as burial mounds, waterways, forested areas, etc. (Marincic, 2018). Examples of this are highlighted throughout the law. For instance, *Muckleshoot Indian Tribe v. U.S. Forest Service* involved a private company (Weyerhaeuser) buying the cultural land of the Muckleshoot Tribe from the U.S. Forest Service without the Tribe's consent with the intent of logging (Marincic, 2018, 1791). In *Sisseton-Wahpeton Oyate v. U.S. Department of State*, another disagreement occurred involving cultural land and the lack of proper surveying, where the Department of State felt it was necessary to survey only 25% of the intended area for the pipeline installation (Marincic, 2018, 1791). This could lend itself to the idea that for something to be historically important, there has to be visible representation (Carmichael, 2013). NATHPO emphasizes the goals THPO have within their tribes, sharing:

“Tribal historic preservation plans have emphasized the importance of the oral tradition, as well as consulting Tribal elders and spiritual leaders with special knowledge of the Tribe’s traditions. They also have given emphasis to the importance of protecting “traditional cultural properties” ...incorporating Tribal cultural values into the historic preservation program has been consistently cited as a priority” (*The National Association*, 2006).

These associated places are determined by 1) the root in the history of the community and 2) the importance of maintaining the cycle of community tradition and values (NATHPO, 2021).

Sometimes the historical relevance cannot be determined by a document, but rather by a history dictated by the tribe about ancestral territory, boundaries, ceremonies, practices, and beliefs (Maki, n.d.). These unwritten histories are often not recorded or shared with non-Natives. This does not, however, lessen the importance or relevance of protection (Maki, n.d.). Each Tribe determines and identifies its own preservation, protection, and repatriation goals (Maki, n.d.).

THPO and NAGPRA specialists work to implement NAGPRA at a Tribal level by connecting with museums, institutions, and government agencies. These positions are designed to aid Tribes in the ability to protect and preserve their ancestral and historic territories as well as repatriate what has been taken. The act aids in facilitating consultation for undergoing repatriation processes government-to-government and institution-to-government. Under NAGPRA, any state or local institution receiving federal funding must identify an inventory or summary of all individuals and belongings of Native American affiliation under their control (NAGPRA, 2016). NAGPRA established a platform for lineal descendants of American Indian and Alaska Native or Native Hawaiian Organizations to establish a claim for Ancestors and belongings listed in inventories and summaries for repatriation, this is known as the Federal

Register (NAGPRA, 2016). These guidelines enable Tribes to work towards securing belongings and Ancestors, most often to the Tribe they originate from, although this cannot always be determined. While NAGPRA outlines the requirements for compliance, there is more that goes into the process of protection and repatriation, which will be discussed in the following chapters.

2.5 Conclusion

In this chapter, the history of repatriation laws was discussed to highlight the absence of Native voices in the processes of protection, repatriation, and disposition of Ancestors and their belongings. Although more recent laws and the 2024 update to NAGPRA have begun to work progressively towards the inclusion of Native voices, they still have far to go. Chapter Three will discuss exactly how aspects of NAGPRA contribute to problems in protection and repatriation, how NAGPRA and its flaws are viewed through Indigenous perspectives, what can be done to solve the problems of NAGPRA, and how NAGPRA is currently being carried out.

CHAPTER III: THE PROBLEM

“Stories go in circles. They don’t go in straight lines. It helps if you listen in circles because there are stories inside and between stories, and finding your way through them is as easy and as hard as finding your way home. Part of finding is getting lost, and when you are lost you start to open up and listen.”

- Terry Tafoya (Taos Pueblo & Warm Springs Indian) (1995)

As displayed in the two previous chapters, I took an intentional stance through the language I utilized to describe a portion of Native American history. There is very clearly an issue with the treatment of Native Americans, both physically and culturally, as discussed in Chapter One. This is an issue that has been experienced by Native Americans for years and has been addressed by Native scholars. Yet, when mistreatment is discussed, the focus is typically on the Western perspective within academia. This chapter will address the stance of (some) scientists, the stance of Native American scholars, and mine.

Here, I discuss the problem of the collection of Ancestors and the history of laws, as previously introduced. I will then discuss how the problem can be addressed from an Indigenous perspective. This will be done through a discussion of how Native scholars throughout the years have engaged with this issue and how their voices have been undercut, until now. For the most part, many Tribes in the United States were completely independent, politically, until the late nineteenth century (Deloria, 2003, 320). This means that the experiences that are addressed by Native scholars are often experiences within their generation or only a couple of generations away. They describe the direct and personal impacts of colonization. Acknowledging this highlights the effort of Native peoples, both academic and non-academic scholars, to navigate their experiences within spaces that contest their knowledge. Bringing the three points of human rights and respect, the intersection in Anthropology and Native American Studies, and

reclamation in academia together, the chapter will conclude with how this can change and is changing, specifically via a greater recognition of Native voices.

3.1 Criticisms of NAGPRA

The twentieth century was a time when protection laws of Native American Ancestors and belongings peaked, as discussed in Chapter Two. However, it has been in the last thirty years that protection and repatriation have become the center of many conversations (Cryne, 2009; Graham & Murphy, 2010; Kakaliouras; 2017; Nash & Colwell, 2020; Rose et al., 1996; Watkins, 2004). This is no easy feat, as repatriation involves a long chain of events (Colwell & Nash, 2020). The repatriation process includes relationship-building between Tribal representatives and institution repatriation specialists. Some aspects of these relationships include shaping policies, holding meetings, crafting emails and letters, navigating phone calls and arguments, sharing meals, shedding tears, and reburying Ancestors and belongings (Colwell & Nash, 2020). At each step, both parties seem to be working towards creating a seamless process for repatriation that involves conversation, but sometimes it is not that easy. Tribal representatives can work past all these barriers and still be met with resistance. Historically, there has been a lack of Indigenous voices that are included in the instruction, interpretation, and implementation of legislation and practice considering the handling and treatment of Ancestors and belongings. At the same time, this is not the only problem that is faced. There is a lack of privilege afforded to Indigenous voices, but additionally a disregard for the importance and necessity of repatriation.

The problem of recognizing Ancestors as human remains was not something that was addressed through law explicitly until the amendment of NAGPRA was accepted this year, 2024 (43 C.F.R. § 10). This is because the 1990 NAGPRA law did not define human remains from the

beginning (NAGPRA, 1990). Interactions with criticisms of NAGPRA often involve how the law is implemented over time, as initially the law was only supposed to be in place for five years (Kakaliouras, 2017; Nash & Colwell, 2020; Seidemann, 2010). Most involve this idea of reconceptualizing the future, museum practices, community involvement, and more (Kakaliouras, 2017; Nash & Colwell, 2020; Seidemann, 2010). The ideas that NAGPRA works to implement are great, but most of the time only ideas. For example, the Museum of Us has engaged with the Maya community to tell their own story through exhibits (*“Maya peoples: Heart of sky...”*, n.d.). However, this work is done through relationship building, something that is not emphasized within NAGPRA law, but rather implemented by some individuals and institutions that interact with the law.

Repatriation efforts, supported by Natives and Non-Natives, are efforts for human rights and cultural heritage protection. Yet, some anthropologists and scientists argue that laws like NAGPRA conflict with the goals of scientific inquiry and emphasize the idea that religion (Native American spiritual beliefs) is superior to science (Weiss, 2008, 2009, 2020). This could not be further from the truth. The reality is that Native Americans are advocating, today, for the basic human rights they were not afforded and some cases still struggle to grasp, as is in the case of withholding Ancestors or the denial of gross mistreatment. These problems started from a legal perspective and land grab early on in the history of the United States and continue to manifest more today. The problem that will be addressed here is the loss of moral high ground or the ability to remain respectful and adhere to a universal concept of justice (Colwell & Nash, 2020). In the genocidal massacres that plagued the plains in the nineteenth century, Native Americans lay dead, most of them women, children, and elderly (Colwell & Nash, 2020). During this time, people looted these sites taking weapons, clothing, and body parts- fingers, ears,

private parts, and scalps- as “trophies” (Colwell & Nash, 2020). These “trophies” could be later traded or sold for profit (Colwell & Nash, 2020). While many were lost, most ended up in museum collections and treated as objects. Repatriation is a tool in the fight to counteract this lack of respect and oversight of justice.

An example of this lack of respect within the academy can be seen in the statement released by the American Association of Physical Anthropologists in 2007 (AAPA, 2007). In October of 2007, the Department of the Interior (DOI) published a draft regulation for NAGPRA concerning Ancestors who were culturally unidentifiable (*Disposition...*, 2007). The position statement by the AAPA lists four reasons for arguing *against* the repatriation of culturally unidentifiable Ancestors.

The first reason is that, according to the AAPA, the proposed regulations contradict the goal of NAGPRA, which is to repatriate **known** Ancestors and belongings. This corroborates the ruling in the Ninth District Court of the Ancient One, where it was determined that he was so old, that no one could have kinship (AAPA, 2007). The second is that the regulations violate the Fifth Amendment, which asserts that no individual should be indicted without a grand jury (except for in military cases), tried for the same crime twice, or compelled to incriminate themselves (AAPA, 2007). The only aspect of the Fifth Amendment that could be “applicable” to NAGPRA is the deprivation of life, liberty, or property, without due process of law, nor the taking of private property for public use, without compensation (AAPA, 2007). If this is the case, there are larger issues in ethical perspectives within the academy than previously thought, because the body of another individual is never nor should it be owned by another.

The third reason given by the AAPA for opposing NAGPRA regulations is that the enactment of these regulations would destroy the shared history that is contained in museums,

permanently “altering the understanding of American history and the place of America’s first inhabitants in the biological history of all humankind” (AAPA, 2007). There is plenty of history already known, individuals only need to ask. This was a fact that became apparent through my work in this project. All the individuals who chose to participate wanted to speak via interview, with the minority wanting to complete the survey. This emphasized the idea that relationship forming and communication in person is a crucial part of connecting and sharing knowledge. This is where the problem of Western science and academia’s not considering Native voices is greatly seen. Indigenous peoples have an incredibly vast knowledge of oral traditions. While there are stories that are not shared, there are still plenty of stories that can be shared. This is the practice of a shared history, the incorporation of two perspectives coming together, not grave robbing and holding Ancestors captive. The last reason is that the regulations would damage the relationships that NAGPRA has fostered between tribal representatives and the scientific community (AAPA, 2007). The damage has been done, not by regulations but by the scientific community. Any relationship that has been fostered between tribal representatives and the scientific community has been done through hard work and tough conversation, not NAGPRA. There is nowhere in NAGPRA law where it lists out how to form and have a relationship between tribes and institutions, it only serves to lay out the bare minimum of the steps to follow should institutions choose not to enter into these relationships with tribes. In addition to those four reasons, the position statement of the AAPA closes with the enormous cost to museums and federal agencies, which seems to be the ultimate reason for noncompliance (AAPA, 2007). If scientists cared about science, they would keep meticulous records. If anthropologists cared about the culture for study, they would keep the context regardless of cost. How can an argument for science be made, if science is not being carried out in its entire capacity? AAPA makes an

argument for expenses for museums, universities, and governmental agencies. However, anthropologists should fully contextualize human skeletal remains regardless of ancestral background, future scientific prospects, or cost. Overall, the list that the academy provides in its position against adjustment to NAGPRA regulations lacks a steady foothold when presented against the stance that what they are referencing is stolen property, captive people, and a one-sided history.

If poor behavior toward Native American communities can be justified by professional organizations, what stops individual anthropologists from practicing unethical behaviors as well? Elizabeth Weiss is an anthropologist notorious for her objectification of repatriation. She has written multiple books and articles on the subject, two of which will be addressed here: *Reburying the Past: The Effects of Repatriation and Reburial on Scientific Inquiry (2008)* and *Repatriation and Erasing the Past (2020)*. Addressing scholarly work, such as this, is a part of having hard conversations. From a Western science perspective, I understand the concern: what happens when you cannot study anymore? But that is not the problem at hand. Weiss poses the idea that repatriation leads to an erasure of the past, but whose past (Weiss, 2020)? What story, and from what perspective? She poses arguments about science versus religion, but I would argue that she is *making* it science versus religion (Weiss, 2020). It all comes back to this idea in Western science that Indigenous thinking and science have not been accepted as valid, but oral tradition holds so much information. All one has to do is ask. However, without respect for Native peoples as a group, there is a translation of no respect for their practices, language, science, perspectives, and so on, all of which culminates in Western perspective voice. In her text, Weiss introduces ideas that Native Americans are “sleeping” with the enemy, equating relationships she finds unappealing to “bedfellows” (Weiss, 2008, 36). She titles chapters “Who

Gets What Bones,” as if people are objects that can be passed around (Weiss, 2008, 36). She argues that culturally unidentifiable Ancestors should be subject to science because NAGPRA’s only intent was to deal with culturally identifiable Ancestors (Weiss, 2008, 41). Does that mean all individuals should be subject to scientific inquiry because they cannot be identified? No! Actions like these carried out against any other group of people are criminal offenses. As I shared in Chapter One, Walter Echo-Hawk (Pawnee) reminds us of this saying, “criminal statutes in all fifty states very strictly prohibit grave desecration, grave robbing, and mutilation of the dead- yet they are not applied to protect Indian dead” (Echo-Hawk, 1991, 68).

These are only two examples of the behavior and regard of Native Americans. This is all possible because of the “lack of teeth” that NAGPRA has. This means that realistically institutions and individuals can break the law with very little consequences. This “lack of teeth” stems from two loopholes within the law that scientists tend to exploit: 1) who is subject to NAGPRA and 2) how NAGPRA is enforced.

3.2 Not Enough Happening

If it has not been said before in this text, I will say it now. NAGPRA is not doing enough, or at least I do not think it did. I believe that others recognized this as well, as changes to the regulations have been enforced as of January 2024. This does not mean that there are no changes that still need to actively be applied. Provided in the last section are two examples of maleficence against Native Americans. The purpose of outlining these issues is not to dismiss Western science, as Western perspectives are integral to the approach I am using in examining this issue. However, there are blatantly wrong allegations against the reason for NAGPRA, and most of these allegations come out in works or position statements. While people are free to express their

own opinions on the matter, a partial contribution to the loopholes that scientists find lies within the law. The areas in which I find NAGPRA lacking enforcement and language.

Two aspects contribute to the lack of enforcement within these areas: who is subject to NAGPRA and how it is enforced (Smith, 2023). According to the law of NAGPRA, the institutions (universities, museums, and federal agencies) that are subject to compliance are only those that receive federal funding (25 U.S.C. § 3007). Due to this stipulation, private and state land or institutions are not subject to NAGPRA, so any repatriation done in these instances is carried out in good faith, emphasizing the spirit of the law. Those institutions that do not repatriate and do not fall under the museum definition within NAGPRA could be seen to actively avoid repatriation and remain non-compliant by not taking federal funding (Jaffe et al., 2023). The second aspect is penalties for noncompliance. An allegation against an institution for failure to comply must be filed by an individual and reported to the National NAGPRA Program (43 CFR § 10.11). As of April 2022, only 20 institutions had been fined for noncompliance, an average fine of around \$2,955 per institution (Hudetz & Brewer, 2023). Pocket change to institutions valued at a billion dollars' worth, these institutions can continue to be non-compliant.

In addition to these two aspects of lack of enforcement, language is a contributor to noncompliance. Examples of language in NAGPRA law hold connotations of objectification of people. This can be seen in words utilized like “archaeological resources,” “ownership,” “objects,” and “culturally unidentifiable” (25 U.S.C § 3001). These are only a few examples, but the AAPA position statement and writings of Weiss illustrate how words contribute to the devaluation and disrespect towards Native Americans (AAPA, 2007; Weiss 2008, 2020). In the utilization of “scientific” language, that is prominent within Western science, individuals perpetuate a further dissociation of Native Americans from their Ancestors. This means that the

farther you remove a person's identity from their body and identify them as an object of possession instead, the easier it becomes for society to accept these practices as right. This rhetoric is seen in the law, in the academy of Western science, in classrooms, and in scholarly work, which trickles its way down into everyday vernacular, with individuals not always understanding just how harmful it is.

The Senate committee chair, Senator Brian Schatz, called the acts against NAGPRA inexcusable, immoral, and hypocritical (Hudetz & Brewer, 2023). It has to stop. Fortunately, NAGPRA reevaluated the regulations and several changes have been implemented within the law. The overarching changes that contribute greatly to relationships, language, and enforcement are the deference to traditional knowledge and the elimination of the term culturally unidentifiable (43 CFR § 10). While these seem like small changes, they are grand in the scheme of practicing the law. These updated regulations aid in encouraging relationship formation and privilege Native voices. Yet, despite reading countless pieces of literature about NAGPRA, Native voices are not as present as they should be. How can they be included?

By defining the problem, an Indigenous perspective can be introduced, specifically, through the engagement of the problem by Native scholars. Many Native scholars engage with the question: when does that statute of limitations for human collection expire? How does one individual or perspective outrank the other? Fundamentally, they do not. Just because we can learn something about someone or something does not mean that research or educational values surpass other perspectives (Colwell & Nash, 2020). Native American perspectives and voices are no less important because the values behind them do not reside within the typical Western style of academia. Native American voices are no less important than another in addressing issues of human rights and the lack of them through the keeping of Ancestors and belongings.

The problem of collecting and withholding Ancestors and belongings is not a foreign conversation to Native Americans, but especially not for Native scholars who have grappled with this issue since the beginning of the twentieth century (Echo-Hawk, 1991; Riding In, 1996; Supernant, 2018; Watkins, 2000, 2004; Yellowhorn, 2002). There was a response from Native Americans fighting for rights, repatriation, and a way to have dialogue with institutions in efforts of decolonization and ethical practices (Tarle et al., 2020). In order to have this dialogue, it is important to determine whether NAGPRA is doing all that it was created to do.

The primary question of this thesis is: **Does NAGPRA law help Tribal goals of repatriation and protection, or does it harm?** This question will be addressed by talking with Tribal representatives, Tribal Historic Preservation Officers, about topic issues of NAGPRA.

Check Point: How's it going? At the beginning of this chapter, I took the opportunity to lay out the problem of NAGPRA and anthropology and science. While it seems like bashing, I promise it is not. If you remember in the introduction, I talked about how well I thought Anthropology and Native American Studies could work together. That remains true. However, to get to a solution, you have to have difficult conversations. In this instance, one of those conversations is where anthropologists and NAGPRA have failed Native peoples in one way or another. In this previous section, I laid out this argument from the Anthropologists' and Western science side, we are now going to move on to engagement from Indigenous perspectives. But do not worry, I'll be back to check in again!

3.3 Engaging with the Problem from an Indigenous Perspective

Up to this point, the concept of an Indigenous or Native perspective has been mentioned but never addressed. The Indigenous perspective is to create from the environment- the land, and

the culture in which the land sits (Cardinal, 2001). Indigenous and Western knowledge systems view the natural world in different ways (Whitt et al., 2001). Each Indigenous perspective is shaped by the land, traditions, language, and culture in which they reside (Cardinal, 2001). It is a perspective that is based upon responsibility for stewardship.

Wilson (2008) outlines an Indigenous research paradigm. Paradigms deal with the beliefs and assumptions about reality from a particular perspective (Wilson, 2008). The four parts that make up a paradigm are ontology, epistemology, methodology, and axiology (Wilson, 2008). I will briefly describe these four concepts to display the connection to perspective changes.

Ontology is the theory of the nature of existence or the nature of reality (Wilson, 2008).

Epistemology is the study of the nature of thinking and knowing (Wilson, 2008). **Methodology** refers to the concept of how knowledge is gained (Wilson, 2008). **Axiology** is the ethical and moral guide in the search for knowledge (Wilson, 2008). Each of these contributes to the influences of an Indigenous perspective of research.

There is a general understanding of knowledge amongst Native individuals of the responsibility to cultural heritage and people (Whitt et al., 2001). Perspectives such as this can be difficult to understand, especially if an individual is unfamiliar with the thought or knowledge process. Ammoneta Sequoyah (Cherokee), a medicine man, explains from an Indigenous perspective “the knowledge and beliefs of [the] people...are in the ground” (Sequoyah v. Tennessee Valley Authority, 1980 in Whitt et al., 2001). One can see how digging up a burial site thus destroys the knowledge and beliefs of the people in the ground, especially when removed (Whitt et al., 2001).

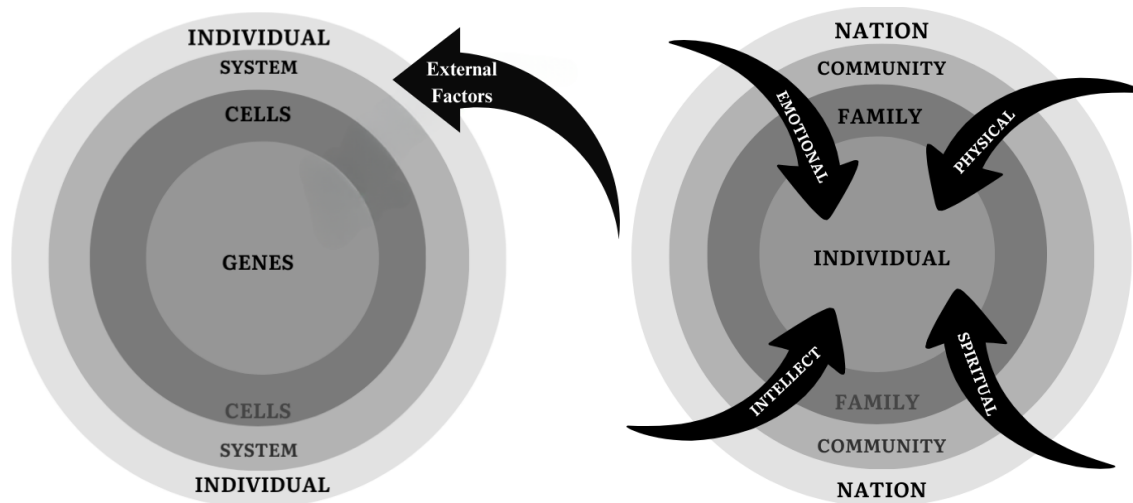


Figure 3.1 Western Perspectives, Inspired by Pidgeon (2014). Figure 3.2 Indigenous Perspective, Inspired by Pidgeon (2014).

Essentially, Western knowledge and perspectives of the natural world are representational, while Indigenous knowledge and perspectives of the natural world are presentational (Whitt et al., 2001). The difference can be understood through the act of acknowledgment, in which an individual displays knowledge and accepts someone or something, as can be seen in Figures 3.1 & 3.2.

To be representational is to carefully ignore or engage as an outsider, conveying purely “facts” that one chooses to represent. This means that an individual starts with an individualistic approach (See Figure 3.1). It is what makes up the individual first, then what external forces could have an effect, but these external forces often are disregarded to avoid subjectivity (See Figure 3.1). To be presentational is to acknowledge a person or item you are interacting with, conveying a perspective other than your own. From the Indigenous perspective, this means that an individual recognizes themselves as an individual existing within a family, a community, and a nation (See Figure 3.2). Through each interaction, an acknowledgment is made of the emotional, intellectual, spiritual, and physical influences that make up each tier’s entirety (See Figure 3.2) (Wilson, 2008). This could be understood from an etic versus emic concept

comparison, or subjectivity versus objectivity, however, this would disregard the idea of an Indigenous perspective, once again forming it into a Western form of understanding (Wilson, 2008). Wilson (2008) argues that “using an Indigenous perspective is not sufficient, but that Indigenous research must leave behind dominant paradigms and follow an Indigenous research paradigm” (Wilson, 2008).

This idea of a relationship involves the entirety of something or someone’s being: physical, emotional, spiritual, and intellectual (Wilson, 2008). An analysis comes not only from a factual stance but rather a holistic stance. This includes an acknowledgment of what makes a being and the connectedness of the individual to family and communities. Once these two ways are compared and contrasted, an individual can start to understand how knowledge is transmitted and understood. Before we discuss this, let us talk about what ontology and epistemologies are and how they operate within Indigenous perspectives.

In Western perspectives, theories require a developed philosophical stance to provide context and logic for a methodology (Foley, 2005). In Indigenous perspectives, theories require not a philosophical stance of logic, but the writer’s Ancestors and life to inform the methodology (Foley, 2005). Indigenous philosophy is a triangle: the connection between physical land, human knowledge, and culture, and what we believe but cannot see (Rigney, 1999). This is an influence in ontology, which in turn affects why and how research is conducted. Ontology is the nature of reality (Wilson, 2008). This stance argues that there can be many realities in which people engage in research, Western science and Indigenous perspectives being two of these realities. This highlights a practice of objectivity in research. There is no finite answer to the question since the individual’s set of beliefs contributes to defining “what is real” (Wilson, 2008). As

complex as this idea, it is only asking “What is real? (Wilson, 2008). Once an individual establishes their reality, they move into figuring out epistemology.

3.4 Epistemology: The Importance of Perspective from Experience

Defining what is “real” means navigation of beliefs that influence the perspective in which you engage research. Epistemology is the nature of thinking or knowing (Wilson, 2008). This involves consciously recognizing how you have come to gain the knowledge you maintain, or how we know that we know something (Wilson, 2008). This includes the system of beliefs that support your reality, almost like a scholarly citation of your knowledge (Wilson, 2008). There is a way each researcher comes to know what they know, whether it is through literature, communication, or study. These choices within knowledge about the reality one engages with depend upon how one thinks and how one interacts with the world (Wilson, 2008). This is why the importance of perspective lies within experience. Thinking and knowledge support one’s interaction (or experience), thus influencing perspective. However, this can change depending on how an individual interacts with the world and engages with knowledge and thought. It can be seen in the difference between Western science and Indigenous science, because the view of thinking and knowledge changes the interaction with the world. Influences that pertain to this discussion involve a Western perspective engagement, an Indigenous perspective engagement, and an engagement with both perspectives, especially where they intersect. Each chapter contains a little bit of all three, except for Chapter Three. Here I focus on dividing the Western and Indigenous perspectives so the differences can be seen and the issues of NAGPRA can be discussed from each perspective. In the previous section I talked about the Western science perspective, so now I will talk about the Indigenous perspective.

Realistically, there is a plethora of Native scholars who have addressed the issues of NAGPRA in many ways, whether they are directly engaging with NAGPRA or the reason for its existence (Brave Heart. & DeBruyn, 1998; Deloria Jr., 2003; Echo-Hawk, 1991, Little Bear, 2000; Riding In, 1996; Supernant, 2018; Watkins, 2000, 2004; Yellowhorn, 2002). Some have engaged with an Indigenous anthropology and archaeology perspective, and some only have an Indigenous perspective. Some Native scholars engage in this discussion from the same intersection that I am, so I am going to invite them into the discussion. Others address the issue of respect and mistreatment of Native Americans; they will also be invited into the conversation, as this is the very reason NAGPRA exists. Finally, Native scholars who interact with the conversation of Indigenous voices as reclamation will be invited as well. Each of these areas interacts with either the creation of NAGPRA, interaction with NAGPRA, or a result of NAGPRA. It is important to highlight that I am not only standing on a ledge in this fight. Each contribution to the topic lends a strong and important part of the conversation. This is where I am going to create a literature circle, similar to a talking circle, but I am going to interact with Indigenous voices through scholarly work. This scholarship is in no way separate from the discussion as a whole, but rather where voices of Native scholars poignantly engage with the problems of NAGPRA that are the focus of this thesis.

3.4.1 Human Rights and Respect

To view the problem of NAGPRA, I first started with the reason, the mistreatment of Native Americans. As I previously mentioned, this mistreatment contributed to a lack of human rights and respect. Native scholars have interacted with the conversation on the issue of human rights and respect throughout the years (Echo-Hawk, 1991; Gross, 2016; Hudetz et. al., 2023; Supernant, 2018, 2020; Yellowhorn, 1996; Watkins, 2000, 2004). In Joy Beasley's statement to

the Senate Committee on Indian Affairs, she stated that “NAGPRA recognized that human remains of any ancestry must at all times be treated with dignity and respect” (Beasley, 2022). But is this always seen? Native scholars like Walter Echo-Hawk (Pawnee) and Vine Deloria Jr. (Standing Rock Sioux) have engaged in the conversation of human rights and respect (Deloria Jr., 2003; Trope & Echo-Hawk, 1992). While I explicitly state their names, I will work to invite more Native scholars covering these concepts into the discussion. However, I will be mainly drawing from these two scholars.

Trope and Echo-Hawk compiled a paper *The Native American Graves Protection and Repatriation Act: Background and Legislative History (1992)*. As it states, the paper discusses the law by analyzing the scope and nature of repatriation as an issue and the legal rights of repatriation, pre-NAGPRA and post-NAGPRA (Trope & Echo-Hawk, 1992). They address the massive scope of the repatriation problem and how there should be the expectation of a rather lengthy implementation period for this particular human rights legislation (Trope & Echo-Hawk, 1992). In other words, due to the status of the problem, it should be expected that NAGPRA practices will be carried out for a long time before the issue is fully addressed. This statement can be seen in looking at the length of time that NAGPRA has been around, and that presently (2024), there are still issues with compliance and recognizing Native Americans as equals in rights and respect. They continue discussing the idea by addressing that museums and scientists continue to argue that Ancestors have scientific and educational value and believe Ancestors should be kept for such purposes (Trope & Echo-Hawk, 1992). Trope and Echo-Hawk emphasize that the protection for the dead, which includes fundamental legal rights, is taken for granted by everyone but Native Americans. In Chapter One, Walter Echo-Hawk contributes a very important statement that emphasizes this statement, he shares:

“Criminal laws prohibit grave robbing and mutilation of the dead and ensure that human remains are not mistreated. Statutes in most states guarantee that all persons- including paupers, indigents, prisoners, strangers, and other unclaimed dead- are entitled to a decent burial...common law goes to great lengths to protect the sanctity of the dead” (Trope & Echo-Hawk, 1992).

Why does the protection of the deceased and the sanctity of death stop at Native Americans?

What is achievable by withholding not only this right but respect to another individual? Trope and Echo-Hawk highlight that the national estimate of Native Americans that have been dug up from their graves for storage or display by institutions (government agencies, museums, universities, and tourist attractions) is between a hundred thousand and two million deceased (Trope & Echo-Hawk, 1992). Marie Richards (Sault Tribe of Chippewa Indians) shared in our interview, “You know, sometimes I envy their unawareness. Tribal people, we don’t get to exist in a bubble of not knowing what happened.” The lack of human rights and respect emphasizes the magnitude of the problem that Native Americans have to face.

Vine Deloria Jr. expands upon this robbing of rights by sharing just how displaced society has become in viewing Native Americans as people. He shares in *The Passage of Generations* that his father died in 1990 and was born eleven years after Sitting Bull’s death. For those who do not know, Sitting Bull was being arrested by Indian Agents in the late 1800s when someone fired a shot and, as retaliation, the agents shot Sitting Bull. While this seems like a long time ago, generationally it is often one or two people away. Deloria Jr. shares that it occurred to him that his father represented a generation so remote from his own upbringing that it was almost prehistoric (Deloria Jr., 2003). His father was a part of the Native American generation that did not receive citizenship from the United States until adulthood. I bring these remarks from

Deloria Jr.'s writing because they are pivotal moments of recognition in him that he shares with a history reference. He continues throughout the discussion to talk about law and its oppression in practices, beliefs, lands, and rights (Deloria Jr., 2003). He closes with a remark that I believe is very powerful and highlights the importance of Indigenous knowledge and perspectives. He states: "We cannot continue to tell our story piecemeal as legal briefs give us the opportunity to do so" (Deloria Jr., 2003). Native Americans continue to experience misinformation about Indigenous life and practices from Western science. He makes a point to say that we (Native Americans) are all carriers of ideas, and each has a responsibility to move forward with what the previous generation has left us (Deloria Jr., 2003). I think it is important that, while Deloria Jr. does not outwardly talk about respect, it is a practice that Native Americans have been fighting for, for generations.

The fight for rights and respect that past generations have led current generations of Native Americans on pushes Native Americans of today to fight for the generations of tomorrow. Trope and Echo-Hawk engage directly with the idea of rights and respect, while Vine Deloria Jr. engages with the idea of how past generations have fought for current and future generations to have rights and respect. This plays directly into the conversation that I will move into next, with Native scholars who work at the intersection of Anthropology and Native American Studies.

3.4.2 Intersection in Anthropology and Native American Studies

How does intersectionality, referencing the intersection of Western and Indigenous perspectives, change the discussion of NAGPRA from Native scholars? Native scholars like Kisha Supernant (Metis/Papaschase/British), Eldon Yellowhorn (Pi'ikanni), and Joe Watkins (Choctaw) engage with the conversation that contributes to NAGPRA from an Indigenous archaeological perspective. So, let's hear what they have to say.

Kisha Supernant works in the Department of Anthropology at the University of Alberta and engages regularly in the discussion of the practice of archaeology in regard to Indigenous Peoples. Her work, *Reconciling the Past for the Future: The Next 50 Years of Canadian Archaeology in the Post-TRC Era*, addresses the rise of Indigenous Archaeology in Canada during the 1990s and what it looks like now. I would argue that Indigenous Archaeology in the United States is starting to navigate in the same direction. After the passing of NAGPRA in the United States, there was a larger amount of contention between archaeology and Indigenous practices, but it also created an era where Indigenous voices were stronger within the field of study (Supernant, 2018, 145). She shares how this has even spread into academies such as The Canadian Archaeological Association (CAA) and their development of *Ethical Conduct Pertaining to Aboriginal Peoples* (Supernant, 2018; CAA 1997). During this time, shifts occurred in the engagement with Tribal communities. She notes that this act of “engaging in collaborative, community-oriented research with Indigenous communities has brought a lot of positive change to archaeological practices in Canada” (Supernant, 2018). However, even the positivity has slight downfalls. Despite the effort to bring Indigenous people’s voices into archaeology, this effort has not addressed the underlying colonial structures inherent to archaeology and anthropology (Supernant, 2018). Best efforts to incorporate Indigenous voices in these fields of study can only ever result in these fields being de-colonized, not un-colonized. Marie Richards pointed out in our interview that understanding and research are “including other voices in this process of other ways of seeing--it improves it [research], it brings more into it [research] and we have a better understanding.” Once there is the inclusion of additional voices the understanding gets better. This is an important distinction because Anthropology will always

be about studying human behavior in groups other than your own. This does not mean that Indigenous voices should not be given a seat at the table for discussion, however.

Similarly, to Supernant, Eldon Yellowhorn approaches the intersection of Anthropology and Native Studies. However, Yellowhorn approaches archaeology as “internalist archaeology” (Yellowhorn, 2002). This involves the practice of appropriating methods of archaeology to define an individual’s research goals, in that they contribute to an internal dialogue about the past (Yellowhorn, 2002). He shares that “accepting that archaeology is not the antithesis of aboriginal history, nor it is about negating an internalist sense of the past, removes the main obstacle blocking...ways to explain certain manifestations in the aboriginal record” (Yellowhorn, 2002). Once again, this is engagement with the conversation of privileging Indigenous voices within their own experience. His thesis, *Awakening Internalist Archaeology in the Aboriginal World*, serves as a reminder and guide of how archaeology can be approached in an Aboriginal context (Yellowhorn, 2002).

In *Becoming American or Becoming Indian? (2004)*, Joe Watkins addresses the relationship between anthropologists and Native Americans. He starts with a compelling statement about how anthropologists have traced the history of anthropology and Native American relationships (Watkins, 2004). He explains that these relationships have demonstrated that colonial attitudes towards Native Americans have had a “tremendous” influence on not only how the government deals with Native Americans, but also the way anthropologists have studied and portrayed Natives (Watkins, 2004). Watkins emphasizes that the controversy is more than what is alluded to. He shares that the controversy is more than a scholarly debate, that some scholars argue the extermination of Native Americans due to the westward expansion was made easier because of the “primitiveness” of Native Americans (Watkins, 2004). He also shared that

other anthropologists have argued that scientists did Native Americans a favor, making Natives seem smarter than they were/are (Watkins, 2004). The relationship between anthropologists and Native Americans is contentious. It is volatile and exploitative, especially because Native Americans were not afforded rights. Watkins continues to address a history of poorly formed relationships that have contributed to years of mistrust. He continues by asking questions about NAGPRA, its ambiguities, the Ancient One case, and the power of language. He closes by offering the consideration that NAGPRA should continually define at what point an individual “Beringian” became “Paleoamerican,” when “Paleoamerican” became “Paleoindian,” and at what point there should cease to be a separation between cultural affinities from biological ones (Watkins, 2004).

Each of these Native scholars interacts with the idea of NAGPRA at the intersection of being both a Native American and an Anthropologist. Native American Anthropologists lend a unique perspective in addition to the contribution of an Indigenous perspective. They identify not only the issues that arise from this contention but are placed in the field where the problems arise. This gives Indigenous anthropologists an opportunity for reclamation from the inside.

3.4.3 Indigenous Perspective in Academia: Reclamation

I chose to place Native scholars’ conversation on reclamation at the end of this section, as I feel that this is the overarching goal. When you think about privileging voices and the fight for rights and respect, it all comes back to Indigenous reclamation. Through the harmonization of Indigenous knowledge and Western knowledge, there is an attempt to heal people, restore inherent dignity, and apply fundamental human rights to communities (Battiste, 2000, xvi). Through navigating some of these traumatic experiences, like those for repatriation, it can be seen how the reclamation of voice comes to fruition. In this section, Native scholars like Marie

Battiste (L'nu Mi'kmaq), Leroy Little Bear (Blackfoot), and James Riding In (Pawnee) are invited into the conversation to see how Indigenous perspective in academia contributes to reclamation and how this reclamation can lend to the betterment of NAGPRA.

To address the idea of reclamation, I feel there must be a space for the conversation of maintaining identity, language, and culture in current society for Native Americans. Marie Battiste's *Maintaining Aboriginal Identity, Language, and Culture in Modern Society* covers the idea of the Aboriginal people of Canada navigating a society while simultaneously developing their personal, communal, linguistic, and cultural identity from their own Aboriginal context. She calls out the current educational policies, drawing attention to the fact that what is taught is based on false assumptions from a Western perspective (Battiste, 2000). This in turn creates a gap for Aboriginal people, providing them only with limited knowledge, but not the empowerment of identity in Aboriginal worldviews, languages, and knowledge (Battiste, 2000). She shares that "the purpose of education is to transmit culture to new generations" (Battiste, 2000). However, the discussion is followed by the realization that there is no universal agreement on how culture is transmitted and that it seems the purpose of education has now become a way to affirm the political and social status quo (Battiste, 2000). While it may not be directly apparent how this pertains to NAGPRA, it is crucial to the discussion. The ability to have autonomy in how one would conduct or carry out research and from what perspective seems to be taken for granted, similar to the protection of Ancestors, an idea brought from Echo-Hawk previously (Echo-Hawk, 1996). If Indigenous voices are to be privileged within history, law, and research (both in and outside of tribal areas), the reclaiming of education and identity is important. Most often, this reclamation is what creates and supports the research questions that are introduced by Native Scholars. Battiste emphasizes the importance of this change and how it could be better

implemented, especially for future generations. Next, I want to introduce Leroy Little Bear to the conversation to see how he interacts in academia with colliding worldviews.

Little Bear writes *Jagged Worldviews Colliding*, addressing the conversation that many of the Native scholars brought into this thesis project are engaging with. He starts with the fact “that no matter how dominant a worldview is, there are always other ways of interpreting the world” (Little Bear, 2000). He states that “any individual within a culture is going to have his or her interpretation of the collective cultural code...its roots in the culture...shared philosophy, values, and customs” (Little Bear, 2000). Understanding the differences that pop up between worldviews aids in the understanding of conflicts that stem from colonized positioning, especially in social control (Little Bear, 2000). He continues by discussing Aboriginal values and customs, then Eurocentric values and customs, but I want to focus on his section that covers the jaggedness of these worldviews colliding. In academia, it seems that researchers have to be on one side or the other, but what if they can do both? Little Bear talks about the fragmentary worldview common among Aboriginal peoples, which I would argue applies to all Indigenous. Through force and terror, there was an attempt to destroy Indigenous worldviews (Little Bear, 2000). As it can be seen, this failed, but not without a legacy of damage. Similar to a shattered mirror, colonial impacts left a heritage of broken pieces of worldviews for Indigenous peoples. This is not to say that the worldview itself is broken, but rather the way Indigenous peoples learn about this worldview is synonymous with receiving pieces of a broken mirror periodically to put back together over time. Even this can change. Not every Indigenous person receives knowledge like this. Little Bear equates this to a jigsaw puzzle, but in my case (and I imagine other Native scholars) it is similar to a broken mirror with sharp pointy parts that can sometimes draw blood. Overall, it is a discovery of self-identity. This is the power of reclaiming identity however one

chooses to travel that path. Little Bear (2000) states “No one has a pure worldview that is 100 percent Indigenous or Eurocentric, rather everyone has an integrated mind...” This collision is at the heart of many issues, especially those that Indigenous anthropologists are encountering, such as research or archaeology protection laws. But what does this mean? I am going to introduce James Riding In and how he interacted with reclamation in academia, specifically as it relates to his experience with NAGPRA.

James Riding In (Pawnee) developed his opposition to scientific grave looting during the rise of the American Indian repatriation movement in the 1960s (Riding In, 1996). He recalls the first time he met an archaeologist at a party in the late 1970s, where the man was bragging about the knowledge he obtained studying Ancestors, belongings, and grave sites (Riding In, 1996). During his time in academia, he, and others, took the opportunity to engage in conversation with anti-repatriation forces (Riding In, 1996). It was during this time that it was apparent archaeologists were thinking on a metaphysical and intellectual plane that differs greatly from that of Native Americans (Riding In, 1996). This particular paper is called *Repatriation: A Pawnee's Perspective*, and it includes both criticisms of failed Western science and the benefits of acknowledging Tribal counterparts. Riding In is a strong leader in emphasizing the concerns of repatriation practices in academia. He pushes to include, acknowledge, and validate Indigenous perspectives as well as the aim for reclamation in his journey. He shares “I envision a society where people can interact freely, respecting one another without regard to race, color, ethnicity, or religious creed” (Riding In, 1996, 239). This was in 1996, and many of the infringements of Native beliefs, practices, rights, and sovereignty are still existing in 2024. He lays out many of the concerns that I have engaged with in federal protection stipulations, enforcement, and language. It is important to acknowledge that, despite the positive aspects that

come from repatriation, there is still also hurt. Native Americans are fighting for reclamation that continuously brings up centuries of struggles and pain. So, I will finish this section with James Riding In's words. He shares:

“Reinternment ceremonies, along with funeral feasts, evoke a gamut of emotional expressions ranging from sorrow to joy. When conducting reburials, people rejoice at the fact that the repatriated remains are finally being returned to Mother Earth, but, like modern funerals, an air of sadness pervades the ceremonies. In particular, reinterring the remains of young children causes grieving and weeping. Mourning is part of the healing process in that burials seeks to restore harmony between the living and the dead by putting restless spirits to rest. At another level, reburials bring closure to bitterly contested struggles” (Riding In, 1996, 243).

3.5 How Privileging Voice Can Contribute to Change

The point of this literature “talking” circle is to bring in Native scholars who contribute, either consciously or unconsciously, into the discussion of why NAGPRA is important and how NAGPRA needs to implement Indigenous voices to contribute to the change. There are many reasons for privileging these voices. Here I will talk about how privileging voices helps redefine research, erase the idea of objectivity, and reestablish a history.

These practices are due to the work of more Native scholars. Kathleen Absolon (Anishinaabe) discusses the practice of Western science being traumatic for Native Americans and the concept of re-searching. Native students are often filled with fear, insecurity, and doubts when engaging in research (Absolon, 2022). Many students do not see a future in research, which is disheartening but understandable (Absolon, 2022). Absolon uses the idea of searching for knowledge to overcome these emotional connections to a traumatic research experience,

whether academically or personally related. She calls this re-search, instead of research (Absolon, 2022). This is another way language contributes to perspective, by reestablishing research as an idea of re-searching for truth, knowledge, or thought that changes the way this process is addressed (Absolon, 2022).

By reimagining re-search, there is an automatic privilege to the voice that contributes to this viewpoint (Absolon, 2022). As has been addressed in section 3.4, these voices are engaging in a different type of conversation. This is not a conversation that I can say I have seen regularly engaged within the scientific community by Western scientists. A portion of this comes from the idea that the purpose of objectivity is moot in research. Native American perspectives are important to highlight in their own stories because they write a history accurate to their experience, and these experiences and stories fuel research prompts. This means that Native Americans are drawing on experiences, they are drawing on stories, relying on shared knowledge and traditions to help them build and support their reality and argument.

Check Point: Before we end, I am taking another break to check-in. Does it make sense? NAGPRA intended to do good, but has served as a band-aid for a hemorrhage. Many Ancestors and belongings have been safeguarded and repatriated due to this law, but even band-aids stop a little of the blood. The reason NAGPRA is harming Tribes is that the basic construction of the law fails to acknowledge Native perspectives, fails to include their voice, and therefore does not respect what Tribes have to say. This is the main point of this conversation. Where are the voices? This is where we are traveling to in the next chapter, to enter into another talking circle, this time with the voices sharing knowledge in this project.

3.6 Conclusion

It is important to note that, despite the setbacks that have been discussed in this chapter (problem with language; lack of Indigenous perspective in academia, anthropology and science), there are meaningful relationships that form between tribes and institutions that aid the change in the effort of repatriation (Colwell & Nash, 2015). This is a crucial part of the discussion had with THPO for this project and will be explored further in the following chapters. When referencing a history, such as that of Native Americans, many tend to seek how they have been taught. This emphasizes the reality that, for the history of Native Americans, their voices are not necessarily privileged outside of groups in which they are accepted.

Many Native Americans are continuously combating the idea of manifest destiny and the struggle for self-determination (Tuhiwai Smith, 2012). This comes in the form of fighting for inalienable human rights and a sense of justice for mistreatment. To fully understand the meaning of the problem, it is addressed from an Indigenous perspective. Indigenous and Western perspectives are important, but one does not outweigh the other. This is where our discussion leads us to understand how the problems have developed through science, rights, and academia. The point is that there is a change occurring in how Native voices are privileged and considered within academic and legal conversations. This is the first step in how to address the problems.

The research of this thesis will engage with Tribal Historic Preservation Officers and NAGPRA specialists within the Anishinaabe tribes in Michigan to discuss NAGPRA topics that are points of conversation. Chapter Four will start to outline the project that I have chosen for my thesis. This includes looking at how Native American voices can be privileged more within academia and law, creating a space within a knowledge-based setting for Tribal representatives to share, and how NAGPRA helps or harms repatriation goals.

CHAPTER IV: INDIGENOUS STANDPOINT THEORY

It should be understood that research in itself is not inherently 'bad,' it is generally the 'people factor' - people's intentions, motivations, and interests that shape a particular research project. Our task as Indigenous people is not only to claw back the appearance of control by renaming research as Indigenous research; we must also claw back ownership of the control over the intentions, purposes, motivations, and interests of the total research process.

- G.H. Smith¹⁰

There is a significant difference between the perspectives that influence Indigenous and Western science. Research is not always a bad thing, yet the research carried out on Indigenous peoples has hurt more than helped. It is often the intentions and motivations behind the interest of a research project that tend to cause issues and lead individuals astray. An introduction to an Indigenous theoretical framework will be made within this chapter. This is an important step in understanding the research paradigm that I will be using for my project and how it connects with my positionality in research as a Native researcher. Once the framework and influence have been addressed, I will discuss the group of people who made this project possible. I am covering why these particular individuals were chosen and how their perspectives and positions contribute to discussing NAGPRA regarding Tribal relations. Finally, I will discuss the methods of data collection, how I chose to find out more about reality, and the questions I am exploring.

4.1 Theoretical Framework and Research Paradigm

The Indigenous methodological approach in research is an approach taken as research for the “researched,” not for the scientific community (Foley, 2005). The theoretical framework operates in a way that Indigenous students or scholars can conduct high-degree research via Indigenous knowledge within a framework that holds academic rigor (Foley, 2005). This means that within Western practices, Indigenous Standpoint Theory offers a middle ground for

¹⁰ Personal communication shared by Naadli Todd Ormiston (Northern Tutchone & Tlingit) in *Reconceptualizing Research: An Indigenous Perspective* (2003).

Indigenous approaches to be utilized as a valid methodological approach. This allows Indigenous researchers to 1) speak from their cultural standpoint, 2) assist in cultural maintenance, and 3) present their own epistemological ‘truth’ in an attempt to produce knowledge (Foley, 2005). The framework originated from Dennis Foley (Koori) (2005) who discusses the problems that Indigenous scholars faced in utilizing their science and knowledge system within the academy. The purpose was to create a validated theory where Indigenous students and scholars could write utilizing their perspectives and knowledge, producing high-degree research, guided by a theory of academic rigor (Foley, 2005). The presence of an Indigenous Standpoint Theory offers a flexible and applicable basis for numerous, if not all, Indigenous nations (Foley, 2005). The application of this theory includes that:

“...the practitioner must be Indigenous...and have supervision from a qualified Indigenous academic...non-indigenous supervision must be from suitably qualified staff well versed in social sciences.

...practitioner must also be versed in theory...not so that the Indigenous researcher may reproduce them, but rather to be acutely aware of limitations of these discourses to ensure that Indigenous research is not...classified in the physical distortions...of these Western approaches.

...the Indigenous research must be for the benefit of the researchers’ community or the wider Indigenous community...not the Academy. The participants are the owners of the knowledge, not the researcher (Foley, 2005).”

These criteria form the basis of Indigenous Standpoint Theory. They were compiled from discussions with Indigenous people of many nations, from Native scholars, those with Western education, those without Western education (but versed in Indigenous knowledge), and seniors

including Indigenous advisors (Foley, 2005). Few Indigenous scholars have utilized this theoretical framework, but it continues to be explored (Foley, 2005).

Indigenous Standpoint Theory results from epistemological developments following Indigenous participation and achievement within the academy (Foley, 2005). This theoretical framework utilizes the acknowledgment of differences between Western and Indigenous perspectives discussed in Chapter Three. The Indigenous approach to knowledge serves as a valid methodological process in this theoretical framework (Foley, 2005). Native scholars strive to find space within current academia for an Indigenous epistemology. Foley (2005) discusses how, for a while, Indigenous science had no validity within Western perspectives. In some disciplines, like Anthropology, Indigenous science struggles to be accepted. In Indigenous Standpoint Theory, Indigenous perspectives emphasize the differences in the practice of ontology, epistemology, methodology, and axiology and the questions asked (Wilson, 2008) (See Figure 4.1).

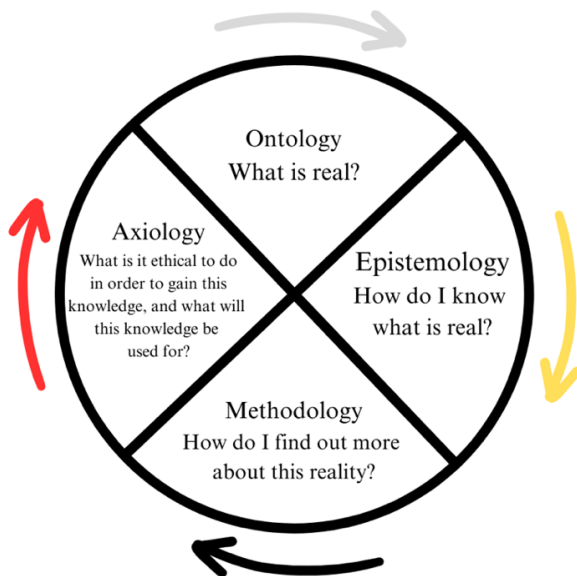


Figure 4.1 Aspects of Research Paradigms in an Indigenous Perspective, Inspired by Shawn Wilson (2008).

These four aspects of the research paradigms will be broken into three parts in this thesis: ontology and epistemology in Chapter Three, methodology in Chapter Four, and axiology later on. Paradigms that have been developed within Western perspectives operate with a knowledge that is seen as being individual and linear (Wilson, 2008). Indigenous perspectives operate with a knowledge that is holistic and circular (Wilson, 2008). This is one of the major distinguishing factors of Western and Indigenous perspectives, as discussed in Chapter Three. For any deeper consideration of the topic, I encourage individuals to read Shawn Wilson's *Research in Ceremony: Indigenous Research Methods*. It is in this project that he develops the main theme of the components of an Indigenous paradigm. I will briefly elaborate on the outline of each of these, focusing in particular on methodology as the topic of this chapter.

In Chapter Three, I covered ontology and epistemology. If following a circular path, one could realistically start anywhere in the circle. However, ontology is asking "What is real?", which is why I found myself starting there (Wilson, 2008) (See Figure 4.1).

I needed to answer this question first to reach an answer for methodology (See Figure 4.1). The aspect of methodology references the theory of how knowledge is gained (Wilson, 2008). Wilson (2008) outlines the conversation of perspective by stating that "your view of what reality is, and how you know this reality, will impact on the ways that more knowledge can be gained about this reality" (Wilson, 2008). Essentially, he is saying that the interaction of an individual with the state of things as they exist has a strong effect on how information or an experience can be gained. Or, once the question of "What is real?" is asked, the question of "How do I find out more about this reality?" can be answered (Wilson, 2008). This is methodology.

4.2 Theoretical Influence

4.2.1 Rigney's 'Strategy' Approach in Indigenous Standpoint Theory

At this point in the thesis, I have proposed that Indigenous perspectives and science are real by providing evidence of how these perspectives are present in Native scholarly writings through the interaction with human rights, Indigenous perspective as reclamation, and anthropology/science. Utilizing the knowledge I have gathered from Native scholars, I can formulate a research strategy. The three concepts for consideration from Indigenous Standpoint Theory as laid out by Lester-Irabinna Rigney are:

- 1) Resistance as the emancipatory imperative in Indigenist research,
- 2) Political integrity in Indigenist research, and
- 3) Privileging Indigenous voices in Indigenist research (Rigney, 1999).

These concepts were developed as an undertaking as part of the Indigenous Australian struggle; however, they serve as applicable to Indigenous communities worldwide. The concept of resistance is an imperative in Indigenist Research. Researching the survival and resistance of Indigenous communities serves as recognition and support for self-determination (Foley, 2005).

This first concept, resistance as imperative, serves as a way to further identify the forms of oppression; the design of the approach rejects societal dehumanizing characteristics of Indigenous people “as oppressed victims in need of charity by challenging the power and control that traditional research has held on knowledge over the other” (Foley, 2005, 31). The second concept is the political integrity of Indigenist Research. This concept entails an acknowledgment of the Indigenous struggle and the control of research function (Foley, 2005). By establishing the social link that exists between research and political struggle, Indigenous researchers can serve as representatives due to their responsibility to their communities (Foley, 2005). The final

concept of Indigent voice is the culmination of “research which focuses on the lived, historical experiences, ideas, traditions, dreams, interests, aspirations and struggles of Indigenous...” peoples (Foley, 2005, 32). This concept encompasses the idea that Indigenous researchers are not free from a colonial hegemony, however, they will inevitably make better researchers for Indigenous communities because they are themselves Indigenous (Foley, 2005). The concept of the Indigenist voice offers awareness and respect for various cultural traditions (Foley, 2005).

For these three concepts to be applied, they need to be considered alongside the physical, human, and sacred worldviews discussed in an Indigenous philosophy. Foley (2005) charted the physical, human, and sacred existing within one circle with the corresponding concepts, where what lies in the middle of the triangle is the conceptual framework process that offers a space for Indigenous researchers to act within their ontology and epistemology.

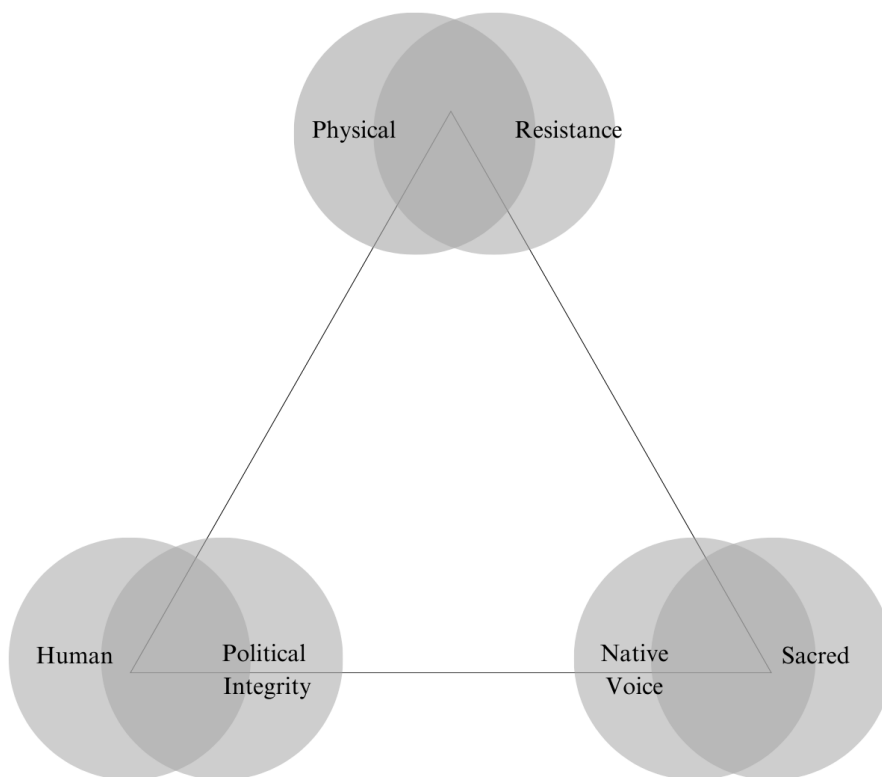


Figure 4.2 Indigenous Philosophy Meets Indigenous Standpoint Concepts, Inspired by Foley (2005)

This is just one form of Indigenous perspective that can influence Indigenous Standpoint Theory. As discussed in Chapter Three, individual experiences influence perspective, which is why there is an importance of experience to understand experience. However, this does not negate other experiences outside of a perspective, rather only lends another varied understanding. Figure 4.2 is inspired by Rigney's Indigenist view and the application to his Indigenous perspective. Each of the worlds (physical, human, and sacred), outlined in an Indigenous Australian philosophy, I would argue are applicable to any Indigenous philosophy (Foley, 2005). There is a connection between the worlds of Indigenous philosophy and Rigney's foundational concepts of Indigenous research (Foley, 2005). There is a connection of resistance with the physical world in which Indigenous people display their resistance and reclamation. This often comes in the form of land, since land serves as our home and we are its stewards. Political integrity corresponds with the human world because of the connection to society and power that has been established by Western science in research, but also in the privileging of scientific voice. This can be seen and displayed in human rights activism for Native Americans. The last is how Native voices correspond with the sacred. Ancestors, elders, and the land are guiding forces; there is a spiritual connection in which knowledge and tradition are shared.

Every researcher, through whatever perspective they conduct their research, has a reason they study what they choose to study. This practice makes the idea of subjectivity versus objectivity a moot point. Indigenous perspectives contribute to this idea because the research is done for the researched, by a member of the researched community where they are bringing in worldviews and experiences. The three circles depicted in Figure 4.2 push this idea further, as the worlds Indigenous peoples interact with are found in their actions, which in turn influence

research. The idea will be further explained with Wilson's (2008) relational accountability to display how privileging Native voices in NAGPRA draws from these influences.

4.2.2 Wilson's Relational Accountability

I am searching for knowledge, to find out more about the reality with which I am engaging. This is done through my epistemological stance, which is a combination of Indigenous Standpoint Theory, Rigney's 'strategy' approach, Wilson's 3 R's (respect, reciprocity, and relationality), and my own worldview, which encompasses the physical, human, and sacred worlds. In Foley's (2005) original Indigenous Standpoint Theory model, rather than having overlapping circles like I present (Figure 4.2), he has the world with the corresponding strategy in one. To give you a visual representation of this, the world (physical, human, or sacred) and the corresponding Rigney's concepts (resistance, political integrity, and voice) are within one circle. In contrast, I put them each in their own circle to highlight the overlaps. However, I feel at this moment that full separation between these circles is not a possibility, as my position as an Anishinaabekwe¹¹ and student in Western-style academia still overlap greatly. As a result, the overlapping dark gray areas are where I am focusing my search for knowledge, through the overlap of Native voices and NAGPRA. This overlap occurs in the conversations of repatriation and law across all three concepts. The middle of the triangle is left blank, as this is where the research paradigm is placed. I feel this middle ground looks different for each Indigenous scholar who takes on the development of their paradigm. I am still determining precisely what mine looks like.

To discover this middle ground in application to the three concepts (resistance, political integrity, and Native voices) as a part of Indigenous Standpoint Theory, I am drawing from

¹¹ Anishinaabemowin for Ojibwe woman

Wilson's (2008) concept of relational accountability. The shared aspect of an Indigenous ontology and epistemology is relationality (Wilson, 2008). This means that relationships do not shape reality but are in themselves a reality. The shared aspects of an Indigenous axiology and methodology are accountability to relationships (Wilson, 2008). This means that there is a willingness and responsibility to connect in the relationships (person-person, tribe-tribe, tribe-institution, sovereign nation-government) formed. The combination of these four research concepts creates relational accountability, which can be utilized in the decision-making of research topics, methods of data collection, and the analysis and presentation of information and knowledge (Wilson, 2008). Relational accountability can look different to each individual, but the premise includes key features such as respect, reciprocity, and responsibility (Wilson, 2008). These features ask questions such as: "Is your research respectful?", "What does your research offer the broader community?", "How are you utilizing this information, and are you giving back?" and "Are you maintaining accountability in the relationships formed where knowledge is shared for a common goal?"

These are the questions that guide my methodology and, in turn, my axiology. Each research concept provides me a path to find the answers to my questions while navigating the most ethical way to gather that knowledge.

Check Point: At this point, I am going to take a check-in break. The discussion of theoretical perspectives is already complex to digest, and then you add an aspect of the perspective that is opposite of what you may have been taught in your education. The purpose of this is not to criticize or deem your practice of research incorrect, but rather to offer an alternate consideration for a scientific practice that you may not have interacted with before. In this

chapter, we discussed the premise of Indigenous thinking and how it is different from Western science in the questions it asks, but also the acknowledgment that objectivity is a moot point. Now that we have laid out our framework, we can start to fill the gaps by addressing the who, where, what, and how of my thesis research.

4.3 The People

The people who made this project possible are the Tribal Historic Preservation Officers and Repatriation Specialists from the Anishinaabe Tribes in Michigan. The Anishinaabeg, which means ‘Original People,’ is a Tribal group of the Great Lakes Region (Taniam, 2022). In Michigan, we are known as the Niswi-mishkodewinan (Three Fires Confederacy), a nation comprising the Ojibwe, Odawa, and Potawatomi (Taniam, 2022). The Ojibwe is the older brother. They are the Keepers of the Medicine and Faith, responsible for igniting the first flame (Taniam, 2022). The Odawa, the middle brother, is the Keepers of the Trade and are responsible for the second flame (Taniam, 2022). Finally, the Potawatomi, the younger brother, the Keepers of the Fire, is responsible for the third flame. Each tribe serves the nation alliance as a whole.

The Westward Migration of the Anishinaabe and the formation of Niswi-mishkodewinan was dated by Potawatomi elder, Shup-Shewana, to 796 A.D. from birch bark scrolls (Loew, 2001). Following displacement and modern boundaries, there was a split of the Three Fires Confederacy. The Potawatomi moved to southern Michigan in the early 1500s and remained there until the mid-1600s (Taniam, 2022). The Odawa remained in the center of the state and the Ojibwe in the Upper Peninsula (See Figure 4.3).



Figure 4.3 Map of Twelve Federally Recognized Michigan Tribes

Figure 4.3 provides a visual representation of modern Tribal lands throughout Michigan and where each Tribe is located on the map. In Michigan, there are twelve Tribal nations. The Tribal representatives contacted from each Tribe were Tribal Historic Preservation Officers (THPO) and Repatriation Specialists. These individuals were chosen because, while each Tribe may have many individuals who take part in protection and repatriation efforts, these particular twelve were hired to be representatives on behalf of the tribe who uphold certain aspects of State Historic Preservation Officer (SHPO) duties, as discussed in Chapter Two.

Since Tribal plans for protection and repatriation can look different, I reached out to each tribe that had a listed THPO or Repatriation Specialist on the Michigan Economic Development

Corporation site (“*Michigan Tribal Historic...*”, n.d.). My goal was to include every voice of the tribal representatives within Michigan who were currently dealing with repatriation and protection on a day-to-day basis. The Tribes contacted are as follows: Bay Mills Indian Community, Grand Traverse Band of Ottawa & Chippewa Indians, Hannahville Indian Community, Keweenaw Bay Indian Community of the Lake Superior Band of Chippewa Indians, Lac Vieux Desert Band of Lake Superior Chippewa Indians, Little River Band of Ottawa Indians, Little Traverse Bay Bands of Odawa Indians, Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians (Gun Lake Tribe), Nottawaseppi Huron Band of the Potawatomi, Pokagon Band of Potawatomi Indians, Saginaw Chippewa Indian Tribe of Michigan, and Sault Sainte Marie Tribe of Chippewa Indians (See Figure 4.3).

While the Anishinaabeg are scattered throughout the Great Lakes region, the timeline for this project made it difficult to reach out to each THPO or Repatriation Specialist. Considering the size of the group of people I would be talking to, I felt that depth was more important than breadth. I felt that the project would be more fruitful and faithful to an Indigenous framework by establishing a conversation with twelve individuals that contained deep knowledge and developing relational accountability rather than speaking to every THPO/Repatriation Specialist.

I contacted twelve THPO/Repatriation Specialists for this project. For responses, I received one NO, six YES, and NO RESPONSES from six individuals (there is an additional count here because a THPO was replaced during the research process). In addition, I extended the invitation to three others who work in the repatriation office of one of the tribes (who do not hold the THPO position, but rather positions in archives and collections). For these responses, I received one NO from an individual who felt they did not work closely enough with repatriation to provide me with accurate responses and two NO RESPONSES. My purpose for extending the

invitation to these individuals was that I wanted to include all individuals possible from each of the twelve tribes to privilege as many voices as I could. From the original twelve THPO/Repatriation Specialists, I received 50% participation. From the participation group, I had 50% (3) participation in the anonymous survey and 100% (6) participation in the interview process.



Figure 4.4 Locations of Participating Tribal Representatives

4.4 Methods of Knowledge Collection

The questions asked in this thesis are: **Does NAGPRA law help tribal goals of repatriation and protection, or does it harm? Where are the Indigenous voices who speak on behalf of these issues? Are they being heard?** The hypotheses tested in this thesis are 1) **While NAGPRA processes may seem beneficial, they may cause harm in relationship facilitation, hindering repatriation abilities and disregarding the primary basis for the law that all humans deserve human rights,** and 2) **Tribal representatives will share the benefits of NAGPRA processes, but presently highlight how, through Indigenous epistemologies, federal government proceedings fall short of meeting Tribal goals.**

To test these proposed hypotheses, this project consisted of two analytical aspects: an anonymous survey and an interview. These two forms of data collection served to document perceptions of NAGPRA of Tribal Historic Preservation Officers (THPO) to answer the research questions. However, to answer these questions, I needed to build an ethical guide for how to contact participants and ask for the sharing of knowledge.

Axiology asks the question “What is ethical to do in order to gain this knowledge, and what will this knowledge be used for?” (Wilson, 2008) (See Figure 4.1). This portion of the cycle is the ethical or moral guide that an individual follows in their search for knowledge and helps to decipher what information is worth searching for (Wilson, 2008). My educational background is heavily based in Western sciences. Until recently, my Anishinaabe heritage was a reality that occurred occasionally. As I started to interact more with Native scholars, Indigenous perspectives, and falsehoods that have been created about Native Americans throughout history, I started to notice teachings that had been shared with me. These teachings often encompassed traditional knowledge with a sprinkle of Western science, as it seemed like that was the reality of

which Native people were now a part. Coming to this realization, I found the ‘worthiness’ of my pursuit in gaining more knowledge about how Indigenous perspectives work within Western sciences. With a degree in anthropology, seeing flaws within repatriation laws and ideas that combat Native traditional teachings, I wanted to know more to improve the reality I am now occupying. However, to travel this path I needed to set guidelines: 1) how will I gain this knowledge (4.4.1 Knowledge Sharing), 2) what are my ethical grounds (4.4.2 Permission and Consent), and 3) what will this knowledge be used for (4.4.3 Understanding Knowledge: Thematic Elements)?

4.4.1 Knowledge Sharing

The process of gathering shared knowledge began by contacting each tribe to ask if they had their own form of an Institutional Review Board that I should obtain approval from in addition to obtaining IRB approval from Northern Michigan University (Appendix A). I took this step to provide Tribal nations and representatives with their due agencies. At the beginning of this chapter, there is a quote from a Native Elder, shared by Naadli Todd Ormiston (Northern Tutchone & Tlingit) about how the intent of research can make it good or bad. One of the aspects forgotten in research, especially regarding Native Americans, is the idea of consent and agency. Involving each Tribe to contribute to the decision was a work toward a better implementation of research. There were only three tribes that had their own form of an Institutional Review Board. I submitted a proposal to one Tribal review board in total as there was no response from the other two. Upon the submission, the Tribal review board looked over the IRB and recommended moving forward with research as the risk was marginal, and I had provided a mechanism for mitigating risk.

After securing answers from each tribe regarding a Tribal IRB process, I sent out my first round of invitation letters on November 3, 2023. For individuals who responded, I immediately started conversations about consent forms and what aspects of the project they would like to participate in. For the individuals who participated in the survey, when they had finished the consent form, a link to the survey was sent. All results of the survey were gathered at the end of knowledge sharing for every individual (March 15th). For individuals who chose to participate in the interview after the collection of the consent form, I asked their preferred method of communication. This included three in-person interviews and three Zoom interviews. Interviews were conducted from December 2023 through March 2024.

I gathered this knowledge in two ways: an anonymous survey and an interview. Each individual contacted for participation was offered an option to complete an anonymous survey and/or an interview, or neither. For the anonymous survey, if an individual chose to participate, a link was sent to them for a survey through Qualtrics. The estimated time of completion for the survey was between ten and fifteen minutes. In this portion of the study, individuals were asked to answer twenty-three questions that involved NAGPRA laws, language, practice, and tribal goals. The questions are grouped by: experience with tribal repatriation and training (5), application and regulations of NAGPRA (5), implementation of tribal practices/perspectives in law (5), the acceptance of tribal practices/perspectives in Western science (5), and a recognition of the relationships and voices of tribal nations (2) (Appendix B). This included questions that were answered yes/no, questions that asked the participant to indicate their level of agreement with a statement about NAGPRA, and one written response (Appendix B). The last question on the survey asked the individual if they would like to participate in an interview separate from the survey, which provided them with a link to keep survey response answers separate from the

interview interest answer to maintain anonymity. However, this question ended up not being utilized, as all the individuals reached out directly (through email) with their interest in an interview, with half expressing interest in only the interview.

Similar to the survey, I asked a range of questions involving NAGPRA for the interview. These questions included eight main questions with ten supplementary questions. Sometimes these supplementary questions were not asked because the individual naturally answered them within the main question. The questions were grouped by: experience with NAGPRA law (4), tribal goals (2), the language and relationship of NAGPRA (5), the implementation of new changes and a future of intersectionality between science and Indigenous thinking (5), and finally, the last question, which invited the individual to share any additional thoughts on the subject that was at the forefront of their mind (1) (Appendix C). In comparison with the survey, these questions were more heavily directed toward the implementation of Indigenous perspective and knowledge sharing. Interviews were conducted on Zoom and in person. For reference, the interviews were recorded, to have an accurate transcription of what was shared. This was a way to ensure that I was only working with knowledge and information that was shared and not casting assumptions onto the individual with whom I was engaging in conversation. In addition, the practice of not making assumptions was extended to individuals who were invited but did not respond to my participation invite. This is because I have no known reason as to why the individuals who did not participate chose not to participate, the goal is to work only with the information I have.

Implementing a practice of Indigenous methodology, I wanted to only work with what I had and no more or less. It was important to me that each individual knew that the knowledge they were sharing was their knowledge. It would not be something I claimed ownership over, but

rather a collaborative effort guiding me in the formation of my perspective. This is another way in which language is utilized to change the perspective. I was not collecting data, but gathering knowledge to strengthen my epistemology.

4.4.2 Permission and Consent

The justification for doing this project was the ethical belief that each human deserves fundamental necessities for a good life, emphasizing respect. This idea is more complex than developed within this project because it is a project of its own. A prime example of an Indigenous perspective is Ancestors and belongings as they hold a connection to life through teachings and knowledge. I wanted each individual who agreed to participate in this project to have a sense of ownership in it. I wanted to reimagine what research looks like (Absolon, 2022). Native Americans share; we have a rich history of sharing knowledge and seeking knowledge amongst our tribes and from others (Absolon, 2022, 33). This includes practices of knowledge transmission from one generation to the next through oral traditions of storytelling, teaching, experiences, and mentorships (Hare, 2012). Reimagining research with my Indigenous perspective meant offering a place for each individual participating to claim ownership.

In Indigenous research, truth is determined by the researched, not the researcher, because Indigenous ideas of respect and understanding are dominant (Foley, 2005). Having discussed the people who shared this knowledge so that I may learn, I can now discuss what my ethical grounds are. It is no secret that research and Native history in the past have not had a healthy relationship. I open this chapter with a quote from a Native scholar who states that research is not inherently bad, but it is the intention of an individual that can lead it astray. Permission and consent were extremely important in the development and implementation of this project. Each individual had the right to share as much or as little knowledge as they were comfortable sharing.

To ensure permission and consent, I created consent forms that were as transparent as possible. There were two consent forms: one for the anonymous survey, and one for the interview. The only aspects that changed between the two were the procedure/tasks and the recording and identification aspect. I purposefully kept these two similar as I did not want to have confusion between the two methods of knowledge sharing. While they served the same purpose, I wanted to keep them separate. Each starts with the Title Name and IRB Approval Number. Each faculty member or researcher who participated in analyzing the knowledge was listed at the top of both consent forms. I laid out the purpose of the project, the procedure/task that would be carried out per that form, and participant rights. I included the incentive/compensation and potential risks and benefits of the project. I provided the option for individuals to remain anonymous throughout the entirety of the project. They could either opt in or out of having their name and tribal affiliation shared. Only the researchers of the project would know this information. In addition, there was a section where participants could indicate whether they wanted to be involved in future research and share authorship of that research, to emphasize the ownership in knowledge sharing.

4.4.3 Understanding Knowledge: Thematic Elements

To understand the knowledge that has been shared with me and discuss it in this thesis, I identified three themes that I find are prevalent in Native scholars' literary works. These three themes are consciousness, connectedness, and cause. These repeated patterns of conversation from Native scholars encompass the influence that I am drawing from: Indigenous Standpoint Theory, Rigney's research 'strategy', and Wilson's Research Paradigm discussion (Foley, 2005; Rigney, 1999; Wilson, 2008). Despite implementing an Indigenous perspective, I am still utilizing Western science to sort the knowledge that has been shared with me. Specifically, I am

using thematic analysis (Saldaña, 2011) to qualitatively analyze the results of the survey. My use of both Indigenous theory and Western methods is the bridging effort between Indigenous thinking and Western science.

To apply the selected themes (consciousness, connectedness, and cause) to the knowledge that was shared, I first needed to identify phrases, sentences paragraphs, or even words that fit the theme. The first thematic category is consciousness. In this theme, I was looking for a conversation that referenced Indigenous knowledge, specifically awareness of perceived differences/similarities between Indigenous and Western science. The second thematic category is connectedness. In this theme, I was looking for a conversation that referenced relationship or accountability. This included topics that involved an effort to link two groups; this could have been tribe-to-tribe, tribe-to-institution, sovereign nation-to-government, land, people, belongings, etc. The last thematic group is cause. In this theme, I was looking for the “why” in conversation. It became apparent to me that humans like to explain their whys (similar to what I am doing here) and that individual’s whys naturally make their way into conversation. These three thematic groups were each designated a color and had a list of terms and ideas that fall under the themes. I went through each conversation and highlighted paragraphs, sentences, phrases, or words that referenced the overarching ideas.

The survey operates differently. I chose an anonymous survey so the individuals answering the questions could feel comfortable answering honestly with no fear of repercussions. This is because I felt that the statements, I was posing covered particularly strong issues that NAGPRA has as a law, and because they are tribal employees, I did not want them to feel unsafe in answering honestly. While making the survey, I answered the questions as well. This was not to have a right and a wrong answer, but how I perceived the questions may be

answered based upon my knowledge of the law. I then utilized this answer for a comparative analysis, finding where the majority lie, how significant the difference is, and what affects these answers. When I was finished with the results from both the survey and the interview, I compared the two to see where the similarities and differences were and how both compared to my informed expectations.

4.5 Conclusion

In this chapter, I discussed the complexity of paradigms, and perspectives were addressed. There is an important realization within navigating this perspective: that while research is stronger with the presence of Native voices, eliminating one perspective to focus on the other is a disservice to the project. I am an Anishinaabekwe and an Anthropologist. I have an intersectional perspective of Indigenous thinking and Western science. My education is based on Western science, but I am working to navigate and incorporate an additional perspective of Indigeneity, specifically as an Anishinaabekwe. This chapter divulges where I am on that journey, the questions I am asking, and who is influencing me on the way.

I close the chapter by discussing the people of this project, knowledge-sharing, permission and consent, and thematic elements. The end of this discussion will lead into the next chapter, where I analyze the knowledge that has been gathered and how it answers my questions and hypotheses.

CHAPTER V: RESULTS AND ANALYSIS

“Every person was born with a set of spiritual instructions or understandings, my girl. It’s what we do with it that defines us as human beings.”

-Aimée Craft (Anishinaabe/Métis), Treaty Words: For As Long As the Rivers Flow (2021)

In this chapter, I will discuss the knowledge that was shared. I will review and analyze the results from both the survey and interviews, separately. In these two separate sections, I will discuss the statements and questions, answers, and conversation and the significance of the information or knowledge pulled. Afterwards, I will address the analysis of the results together, comparing the information from both surveys and interviews to see if scaled questions of basic NAGPRA issues correspond with more detailed knowledge sharing about the happenings through NAGPRA. Through this analysis and comparison, I can address how the research connects to the questions and hypotheses I posed at the beginning of the thesis.

5.1 Results of Survey

In the anonymous survey, the statements were grouped by: experience with tribal repatriation and training (5), application and the regulations of NAGPRA (5), implementation of tribal practices/perspectives in law (5), the acceptance of tribal practices/perspectives in Western science (5), and a recognition of the relationships and voices of tribal nations (2) (Appendix B).

It was expected that participants would not have received or been provided with comprehensive NAGPRA training, answering no/neutral (No. 4-5) (Table 5.1). It was expected that participants would disagree with the statement that NAGPRA met all the needs of tribes or that otherwise depicted it as entirely positive (No. 9) (Table 5.1). For statements that stated NAGPRA provided challenges to tribal goals, it was expected that participants would agree (No. 7-8, 10, 13-14) (Table 5.1). It was expected that participants would agree with the statement that

NAGPRA supported no repatriation due to separation of Ancestor and belongings (No. 16). It was also expected that participants would agree that Western science is in opposition to tribal goals (No. 18) (Table 5.1). For a statement about repatriation as successful following NAGPRA guidelines it was expected the participants would remain neutral (No. 17) (Table 5.1). It was expected that participants would find the statement about the language of “ownership” being unproblematic as disagreeable (No. 19) (Table 5.1). It was expected that in statements involving NAGPRA recognition of tribal practices or perspectives participants would remain neutral or in the case of No. 12, disagree (No. 11-12 & 17) (Table 5.1). It was expected that participants would agree that NAGPRA carries out the goal of repatriation (No. 16 & 22) (Table 5.1). It was expected that participants would disagree that the language of NAGPRA was unproblematic (No. 19) (Table 5.1). It was expected that participants would have a neutral response to a statement stating that NAGPRA highlights tribal priorities (No. 21) (Table 5.1).

When deciding on the questions asked within the survey, I focused on questions that could be brought into conversation with the thematic analysis of the interviews. I wanted to scale the interactions the THPO had through their time working in protection and repatriation. To analyze the results, Table 5.1 contains the questions that will be discussed, what the expected answer was, the majority and the minority answers, or if the answer was split evenly between multiple answers.

| | Expectation | Majority | Minority | Split |
|---|--------------------|-----------------------------|--------------------------|---|
| Q4: I was introduced to or received training in NAGPRA outside of the tribe. | No | 67%, Yes | 33% No | |
| Q5: I was provided a comprehensive and appropriate NAGPRA training. | Neutral | 67% Neutral | 33% Disagree | |
| Q7: The restriction of NAGPRA regulation to federal land, only, is challenging to tribal goals. | Agree | 100% Strongly Agree | | |
| Q8: The exception for non-federally recognized tribes is challenging to tribal goals. | Agree | | | 33% Strongly Agree, Agree, Neutral |
| Q9: NAGPRA covers all intents and purposes for my tribe's repatriation goals. | Disagree | 100% Disagree | | |
| Q10: NAGPRA laws should encompass more categories than listed... | Agree | 67% Strongly Agree | 33% Disagree | |
| Q11: The requirements of NAGPRA violate traditional laws or practice for tribal repatriation. | Neutral | 67% Neutral | 33% Agree | |
| Q12: The handling of NAGPRA items in institutions and museums under the law's rule and regulations coincide with policy and practice from our tribe. | Disagree | | | 33% Strongly Agree, Neutral, Disagree |
| Q13: The allowance for intentional excavation cause issues for tribal repatriation goals. | Agree | 67% Strongly Agree | 33% Neutral | |
| Q14: I have participated in a repatriation effort in which Ancestors and/or cultural artifacts were successfully returned to the tribe following NAGPRA practices. | Agree | 100% Strongly Agree | | |
| Q15: I have participated in the decision not to repatriate Ancestors without their funerary belongings. | Yes | 67% No | 33% Yes | |
| Q16: The decision to not repatriate Ancestors without their funerary belongings was accepted by NAGPRA. | Agree | 100% Neutral | | |
| Q17: The repatriations I participated in following NAGPRA guidelines were successful and met all tribal goals. | Neutral | 67% Agree | 33% Strongly Agree | |
| Q18: Western science and tribal goals for repatriation are in opposition. | Agree | 67% Agree | 33% Disagree | |
| Q19: The concept of "ownership: as applied to Ancestors and belongings via NAGPRA is unproblematic. | Disagree | 67% Strongly Disagree | 33% Disagree | |
| Q21: NAGPRA laws highlight the priorities of tribal communities in repatriation efforts. | Neutral | 67% Neutral | 33% Agree | |
| Q22: NAGPRA has helped tribes successfully achieve their repatriation goals. | Agree | 100% Agree | | |

Table 5.1 Expected versus Actual Answers of Anonymous Survey

Questions 1, 2, 3 & 6 were omitted because they are demographic questions.

Red boxed indicates a correlation between expected versus actual answers.

5.1.1 Analysis of Results

Looking at the answers from the survey, there was a 25% response rate. This provides the completion rate of individuals who answered and completed the survey (3) compared to the number of people invited to participate (12). Going through the information, I am going to break down and analyze the answer in three different ways. I am going to look at the questions where answers were most agreeable, questions where there were significant differences in expectations, and if there is a trend amongst individual answers.

Reviewing the answers of the survey, there were seven questions where the answers were most agreeable. For this, I was looking at not only the expected answer and the real answers agreed, but the answers that agreed with the questions. These were questions 7-8,10,13-14,18 and 22 (Appendix B). Four of these questions were about NAGPRA regulations, two were about repatriation, and one was about Indigenous perspectives. The first statement about regulations had a three-way split of 33% across strongly agree/agree/and neutral (Figure 5.1).

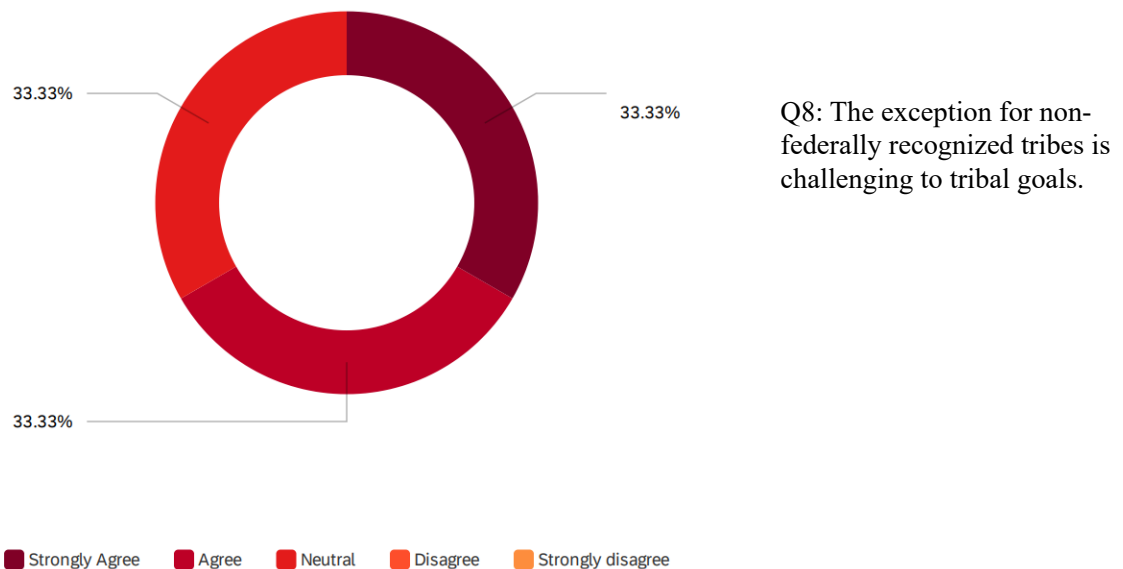
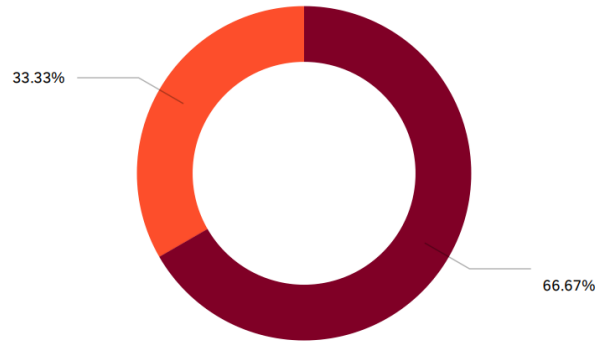


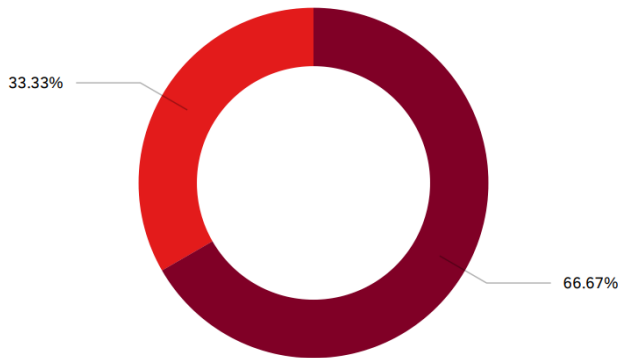
Figure 5.1 Pie Chart of Survey Answers for Question No. 8 (Qualtrics, Provo, UT)

Two regulation questions (10, 13) and the Indigenous perspective question (18) all had a 67% majority of agree (Figure 5.2).



Q10: NAGPRA laws should encompass more categories than currently listed (i.e., Ancestral remains, (un)associated funerary objects, sacred objects, and objects of cultural patrimony).

Strongly Agree Agree Neutral Disagree Strongly disagree

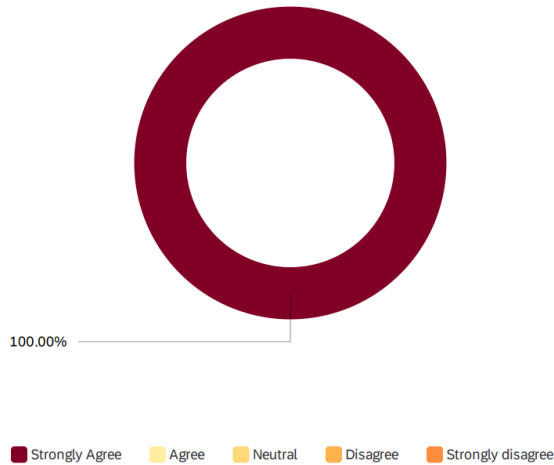


Q13: The allowance for intentional excavation causes issues for tribal repatriation goals.

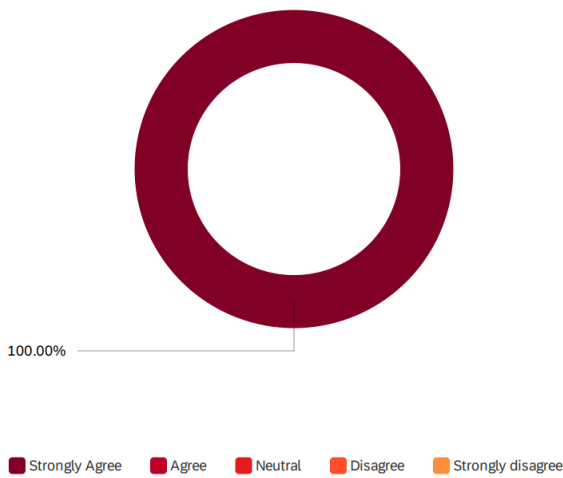
Strongly Agree Agree Neutral Disagree Strongly disagree

Figure 5.2 Pie Chart of the Survey Answers for Questions No. 10 and 13 (Qualtrics, Provo, UT)

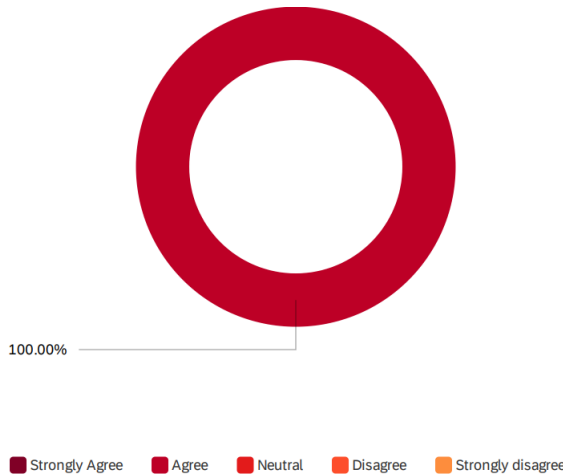
Three of the questions (7, 14, and 22), both repatriation and one regulation question, received a unanimous agreement (Figure 5.3).



Q7: The restriction of NAGPRA regulation to federal land only is challenging to tribal goals.



Q14: I have participated in a repatriation effort in which Ancestors and/or cultural artifacts were successfully returned to the tribe following NAGPRA practices.



Q22: NAGPRA has helped tribes successfully achieve their repatriation goals.

Figure 5.3 Pie Chart of Survey Answers for Questions No. 7, 14, and 22. (Qualtrics, Provo, UT)

The commonality among these answers signified an issue or disagreement with the way the language of NAGPRA regulations, what is acknowledged or included in the regulations, or the curation and repatriation process of NAGPRA-eligible items.

The next way I viewed the answers was through the difference in the answer from expectation versus reality. I wanted to know if how I expected the question to be answered coincided with the answer of individuals who practice and implement NAGPRA every day. I was surprised to see only five questions that had a significant difference in answers. The questions that had significant differences in the answers from expected to reality were questions 4, 10, 12, 15, and 19 (Appendix B). Three of the questions within this analysis were about regulations or language, one about handling, and one was about training. Four of the questions (4, 10, 15, and 19) about covering training and regulations had a 67% majority response. For questions 4 and 15 this resulted in a 67% yes and 33% no (Figure 5.4).

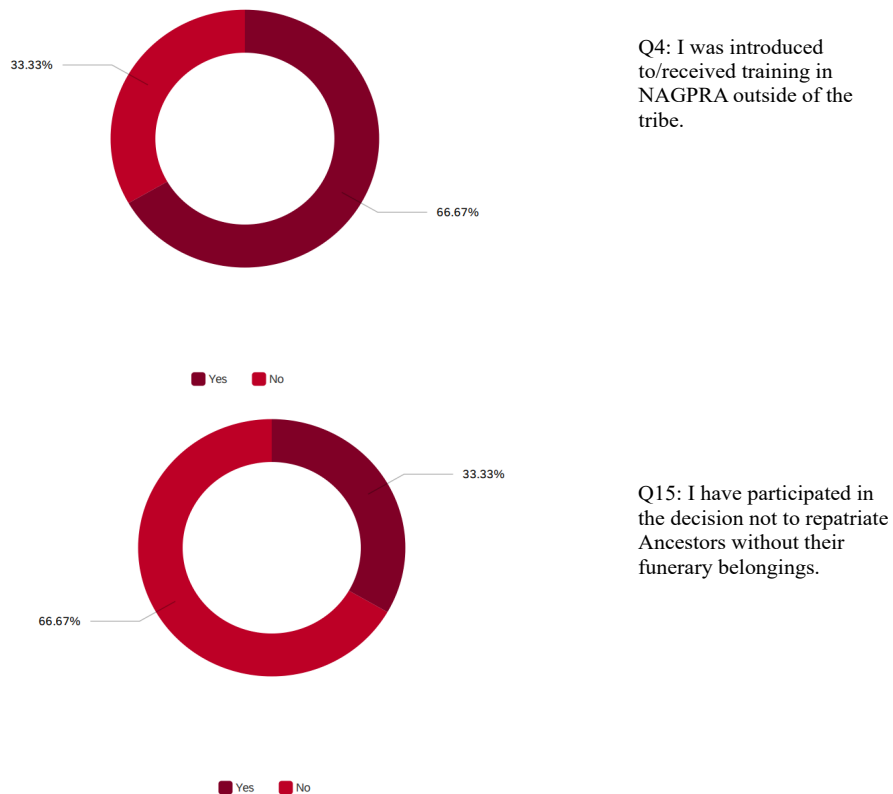


Figure 5.4 Pie Chart of Survey Answers for Questions No. 4 and 15 (Qualtrics, Provo, UT)

For questions 10 and 19 this shows 67% strongly agree and 33% disagree (Figure 5.5).

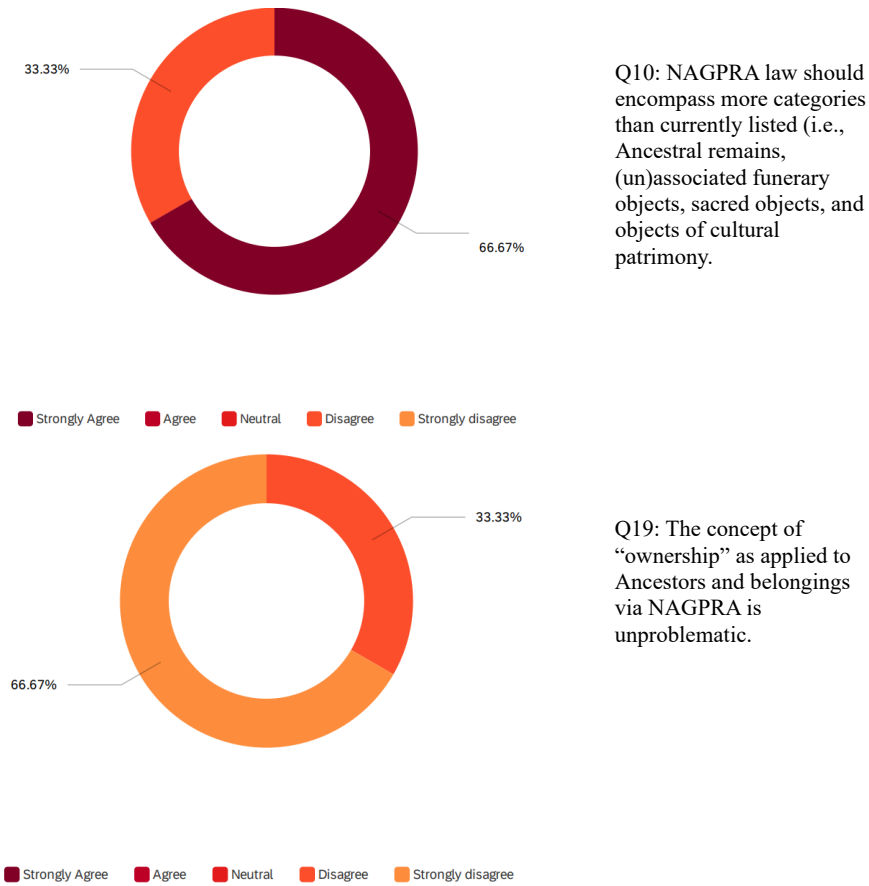
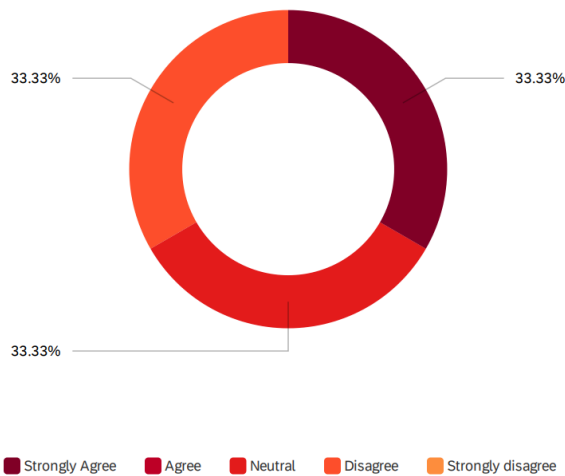


Figure 5.5 Pie Chart of Survey Answers for Questions 10 and 19

(Qualtrics, Provo, UT)

The last question (12) was split in three ways. These questions asked about the handling of Ancestors and belongings coinciding with tribal policies and practices. For this question, 33% strongly agreed, 33% were neutral, and 33% disagreed (Figure 5.6). While the rest of the questions were evenly split, this last question had what I would say is the most significant difference, because each individual has experienced a different outcome.



Q12: The handling of NAGPRA items in institutions and museums under the law's rules and regulations coincide with policy and practice from our tribe.

Figure 5.6 Pie Chart for Survey Answers of Questions No. 12

(Qualtrics, Provo, UT)

This analysis brought me to my final lens of looking at the survey answers, by individual. I thought the splits within the answers were interesting. Even though they only occurred in two questions, they were either clumped together or across the spectrum of answers. So, I wanted to know why. These two questions were questions 8 and 12, which included the regulation of non-federally recognized tribes and the handling of Ancestors and belongings by institutions (Appendix B). While the answers of each individual tended to follow the general trend of their most utilized answer, the most utilized answer changed depending on time spent in repatriation. I think this is where the significance lies because I was able to see indirectly how individuals may be drawing from their experience with the law, versus just the law. This is a trend that was also found throughout the interviews.

5.2 Results of Interviews

The questions for the interview (Appendix C) were designed to elaborate further on the survey statements. Initially, I had the survey as the primary knowledge collection and the interview as an optional. The statements for the survey were basic statements of NAGPRA issues

that were answered on a scale of agreeability. The questions for the interview were elaborative on the survey statements about NAGPRA introduction, training, tribal goals, language, and recognition of tribal perspective and practices. I found the conversation with knowledge sharers surprising.

Many of the knowledge sharers had different experiences in being trained in NAGPRA, but also learning about it. Most individuals described a learn-as-you-go experience for NAGPRA training and typically worked with a mentor, but Lisa McGeshick noted that this changed with COVID-19. When life started to switch online, many things were taking place virtually. She had received training online. However, when talking about the NAGPRA process and the practice of Indigenous methodologies, Emma Donmyer shared, “I think that it is something I am still learning about.” Many THPOs or repatriation specialists do not receive formalized training for NAGPRA. Marie Richards points this out, sharing, “NAGPRA the law itself does not have anything about education, right? That is part of why there is no education formally set with it because there is no requirement.” In the academy, the problem of not teaching NAGPRA is apparent, which causes issues for future anthropologists in not being ethically well-rounded. However, this is a larger issue for THPO and repatriation specialists where Western science is not meeting the needs of tribal nations. However, Tribal nations use this as an opportunity to learn and watch from Elders. Jay Sams remembered this, sharing, “there were four or five [people] when we just started working with them—they had the basics laid out for us—but training guides—we worked with other folks who did the same kind of things.” Developing a basis and learning as one goes in the preservation and repatriation position, they set themselves up and designed goals following what the Tribe as a whole wanted to focus on.

As I have mentioned previously, many of the knowledge sharers I had conversations with emphasized that it is not necessarily the law that is the problem, but the spirit of the law. I asked each tribal representative what their tribal goals were regarding repatriation and if they were permitted to talk about it. Most of the answers were as expected about repatriating Ancestors and their belongings and reinterning them in the ground. However, Lisa McGeshick shared a different focus: “Goals—mostly protection. It’s—that’s what’s loudest in my mind, protection—of our sacred and cultural sites.” Marie Richards shared a different goal as well: “Education and outreach. Focusing on these things, the opportunity there.” The focus of these goals translated into how the questions were answered regarding how helpful NAGPRA is. All the answers had the same connotation as this statement shared by Emma Donmyer, “I think it is definitely better than not having anything at all and there are things that have, even in the recent months, we have done better with all the NAGPRA stuff that just in the past wasn’t as good.” When I realized most had similar answers, but felt that NAGPRA worked well, I wanted to know where the issues were.

Despite the Western perspective formulating the law through which repatriation and protection are carried out, Native Americans have utilized the spirit of the law to introduce their perspectives. One of the ways Native Americans “change” the law without actually changing it is in the language that is utilized. When asked about the language of NAGPRA, Marie Richards commented,

“It’s a reminder that we are not the ones who create and have the final say on laws. As sovereign as tribal nations are, they’re sovereign as long as the United States government recognizes that. So, the legal framework is always going to be whatever the legal framework is that is used by the U.S.—by Western standards.”

However, this does not mean that Indigenous perspectives do not make their way into the rhetoric utilized in repatriation processes. Jay Sams shared, “It [the law] used to have cultural identification and cultural affinity. That anything not affiliated was outside of the NAGPRA effort. Now, you can affiliate by area, you can affiliate by territory, so it [the law] is more supportive than it was.” This is a way the tribal representative implements their practices and perspectives into carrying out the law.

Douglas R. Taylor shared, “You know, being sovereign nations, everybody has a different twist to their ceremonies and repatriation process. So generally speaking, it is basically the same: you repatriate your Ancestors and funerary objects, and you reintern them in a cemetery of sorts—it may be marked, it may not be marked. It just depends on the teachings of the particular tribe.”

Marie Richards shared, “When we re-humanize what the language dehumanized, the science is dehumanizing. It tells you something. That subconsciously people realize and are uncomfortable with what they are doing, so that when we do use language that removes humanity it makes it easier for those individuals to ignore that little voice that is telling them—but, but, but.”

Paula Carrick said, “There are some people now that are becoming more aware of, being more sensitive—culturally sensitive—to our Ancestors and funerary objects. They are becoming more aware. There are some [people] that--- there are some that will never, because they think we are still lower than the dogs. Ya know, so. There are still some of them today that think dogs are more respected than our Ancestors that they have.”

Lisa McGeshick, when asked about a future of anthropology that is conscious of tribal goals, shared, “I can envision that goal. There are people who are up and coming who show some hope in that—dealing sometimes with anthropologists who aren’t familiar with Indigenous ways of knowing who may refer to our Ancestors, other than. Or, not have much consideration on a Zoom showing a visual of an Ancestor—that’s too much—

some anthropologists don't have the Indigenous ways of knowing, that is the scientific part that they don't even consider.”

Through the questions that were asked in the interview process, I wanted to know more about how Indigenous voices were being heard and if they felt heard and recognized. It became apparent that some were and some were not. To make up for the areas where Native voices were being ignored, they utilized their practices and perspectives to fill the gaps in training, language, and recognition.

5.2.1 Analysis of Results

For the interviews, I decided to engage in deductive research also known as the top-down approach (Delve & Limpaecher, 2020). In this case, I created themes before I started coding the transcriptions of knowledge collected. These themes (mentioned in Chapter Four) are consciousness, connectedness, and cause. Before I started coding using these themes, I needed to define each one.

When looking for **connectedness**, I was searching through the conversation for ideas of relationships. The word relationship could have been connected to land, people, belongings, etc. When looking for **consciousness**, I was searching through the conversation for ideas of knowledge. This could have entailed the awareness of perspective change, traditional beliefs, practices, or a generalized mention of knowledge. The final theme was **cause**, when searching for this theme I was looking for what seemed to be the “why?”. For this theme, I was looking for the mention of the reason for involvement in historic preservation, protection, and repatriation. The reason these themes were chosen is because I felt they were themes that tended to come out of all Native work. I felt that when privileging Native voices, it only made sense to establish themes that we based upon my research question and the theoretical framework I am utilizing.

Once I had the themes decided I was able to code. For this, I decided to do a traditional approach of printing transcriptions and assigning highlighter colors for each theme. I was then able to start my first pass at coding the knowledge. In this step, I read through the conversation assigning themes to various words, sentences, or paragraphs. After going through this initial process, I stepped away from the knowledge. When I came back later to comb through the knowledge again, I found that some sentences and paragraphs contained more than one theme. The purpose of going through the knowledge multiple times was to accurately perform a thematic analysis. Thematic analysis is a form of qualitative data analysis that involves reading through something, in this case, the recorded knowledge from interviews, and identifying patterns of meaning across the set but also by individual (Delve & Limpaecher, 2020). This enabled me to become familiar with the knowledge, before applying the coding to identify themes.

Since I utilized deductive research, I started with my themes (connectedness, consciousness, and cause) and coded accordingly adding additional themes as I saw fit. In the end, the initial themes that I had formed I found were more subcategories of the themes that had already existed, so I adjusted how I defined certain themes. For instance, the theme of respect was prominent in conversation, but I felt that it contributed to consciousness, therefore, respect became an additional defining term for that theme. Now I am going to share with you, with permission, what was shared with me and how this knowledge was categorized under a theme.

While each person had a contribution to the theme, I found that how knowledge was shared varied. For example, while the totality of the conversation was about NAGPRA, very few individuals utilized similar expressions to convey their thoughts. While I expected the most common theme would be connectedness, it turned out to be different.

As I had mentioned earlier, the themes of connectedness, consciousness, and cause were chosen by reading Native scholarly work and being surrounded by Tribal communities. These are three concepts many conversations include, whether an individual is including them consciously or subconsciously. Most often the reasons and thought processes behind actions are not always included in everyday conversation, however, after my conversation with Marie Richards (Sault Tribe of Chippewa Indians), we recognized that Anishinaabe people have an innate sense to listen and share. So, I am going to walk through the themes, how they were shared, and what I heard.

The first theme is **connectedness**. Indigenous perspectives are all about connectedness, the joining together. In conversation about NAGPRA, connectedness is a way to view relationships. This includes relationships with the land, people, belongings, or even relationships between institutions. This theme was chosen because of this function within Indigenous perspectives. When thinking back to the triangular figure provided in Chapter Four each there is a world (physical, human, and sacred) that connects with a research 'strategy' (resistance, political integrity, and native voices). Connectedness lies between sacred and Native voices. A part of privileging Native voices, not just the current scholarly voices, but those of Ancestors, Elders, and all Native Americans, comes from forming relationships. In the practice of establishing a connection that influences how two people behave towards one another, Jay Sams (Little River Band of Ottawa Indians) says, "That's the effort part..." when discussing relationships and consultation. It is a determined attempt to reach a common ground. Tribal Historic Preservation Officer Emma Donmyer (Sault Tribe of Chippewa Indians) shares, "Since I have had the job most of my training has been from a mentor. He has been very helpful...but he is retired so I try not to overuse him. So, I also work pretty closely with Paula Carrick (Bay Mills

Indian Community).” These relationships form on an individual level, but also at a tribal level. Paula Carrick shared “...the NAGPRAs in Michigan, we all got together, and we formed MACPRA...” This references the Michigan Anishinaabek Cultural Preservation and Repatriation Alliance (MACPRA), a collaborative effort of all the federally recognized tribes and two historic tribes in Michigan to work towards the protection and repatriation of tribal and cultural resources (Saginaw Indian Chippewa Tribe, n.d.). She continued, saying, “We started going in all together...and it is successful. It is working.”

One of the issues with NAGPRA is that it does not tell people how to form relationships or connections, the law purely states that institutions must consult with tribes¹². This was prevalent throughout the conversations had with THPO, they recognized that the issues come in the relationships that are formed. While some institutions choose to remain ignorant and noncompliant, some are participating in the effort to form active and lasting relationships with tribes. Emma Donmyer shares, “There are institutions that have been a lot more helpful in repatriation efforts...a couple of the universities in Michigan, they reach out to us first. It isn’t like they publish their inventory list and we have to go looking for it, they reach out...” This is an important step in these formed connections, they are not relationships that can be picked up and utilized according to convenience. A guiding path in taking these steps is a part of realizing that there are differing perspectives in worldviews. Forming relationships and connecting gradually guides one into knowledge or consciousness.

Jay Sams shared, “I think that being recognized as equally valid to the report of somebody who covered a site earlier is a big step in the right direction.”

¹² Change made in CFR 43 § 10 according to the new NAGPRA regulations of 2024.

Douglas R. Taylor shared, “Just in personal experience, I’ve met a lot of fine people who are wanting to return the funerary objects and remains back to their original tribes. Its people becoming more aware that we weren’t just “savages,” we were a much more sophisticated society in general, as to, what the internal processes and operations of how a particular tribe existed, everybody had a job.”

Emma Donmyer reflected, when thinking about anthropology’s harmful past, “I think they absolutely were in the past and a lot of the Anthropologists I have gotten the chance to work with have been trying really hard to undo the harmful effects of the past.”

Marie Richards brought up the reality of the law in conversation, sharing, “That is where building that relationship and finding a mutual way to talk about it. Because in fairness, I think the way that tribes, or perhaps the Anishinaabe since I don’t really know how other tribes, talk about it--that there is a common thing that when we talk about it, we rehumanize it.”

When consultations and recognition were discussed in conversation, most often it resulted in a conversation about knowledge. However, occasionally the benefits of relationships were addressed. While there is a harmful past between scientists, specifically anthropologists, and tribes, there was a lot of realization that there are currently anthropologists who are trying to address the issues of the past. Relationship formation happens to be a crucial part in these happenings.

The second theme is **consciousness**. Indigenous perspectives are about relationships and connecting, the idea of an Indigenous perspective is a new knowledge. When thinking about NAGPRA from an Indigenous perspective, there is a switch in perception or the knowledge one interacts with. This involves an acknowledgment of Indigenous science, traditions, and beliefs. I would argue that Native Americans who actively work with NAGPRA also engage in this, not

only acknowledging that there is a lack of acknowledgment for the Indigenous perspective but also that they have to engage in a Western perspective when referencing or dealing with the law. This particular theme lies between human and political integrity. There is an idea that the connection between society and power was established by Western science in research, especially concerning NAGPRA, many THPO have a lot to share on the theme of consciousness. Lisa McGeshick (Lac Vieux Desert Band of Lake Superior Chippewa) shared that "...Indigenous ways of knowing can, should be, implemented in NAGPRA. They definitely align with each other, they go hand-in-hand-when they started recognizing that Indigenous-TEK-Traditional Educational Knowledge...was something." She was in graduate school. That was in 2020. Douglas Taylor (Nottawaseppi Huron Band of the Potawatomi) reminds us that these are not new ideas:

"...our traditional lifeways and values to academia to be--validated, because of how we survived through the years. Again. Individuals had certain jobs, nobody sat around and did nothing. It was a joint effort to ensure the survivability of not only the tribe, but everyday things that needed to be done to survive. But also, the traditional knowledge and lifeways associated with the environment. Take only what you need and preserve the rest, ensure that there's cohesion, and cooperation between Anishinabek traditional lifeways and values along with Mother Nature, and ensure that we are in harmony with one another for survivability, not only for the people but also Mother Nature. The Creator has gifted us with--taking care of and becoming one with Mother Nature."

There is great importance in these teachings, and they are values that carry over into the practice of life within Tribes. However, they also address how we steward the Earth and care for the dead. The ways of life for each Tribe include aspects such as these, and I mentioned in a previous chapter how the destructive act of digging up an Ancestor does not only remove their

bodies from the ground, but their knowledge as well. Marie Richards (Sault Tribe of Chippewa Indians) emphasized this idea, she said,

“If researchers, anthropologists—archaeologists—are doing their due diligence in building those relationships and having those conversations with the tribes, the research is better. Our understanding is better. The intellectual body and the academic body are better and richer when it’s collaborative. Because the tribes...we have our own questions, right? We have our own curiosities--I like to remind people we have our own science, our own understanding, and you know it is an opportunity for us to learn from those Ancestors, why don’t you want to give us that same opportunity you have? Why is it only your interest? Why is it only your questions?”

How many non-Natives know these ideas? Is there an effort to implement changes of becoming more aware of the cultures and lives they work with as scientists? During our conversation, Paula Carrick was relaying to me a story about her first burial site protection. While the whole story was important, she said one significant thing, “We called it Wadjiwong, they called it Brady Park.” Wadjiwong means place of the great hill, it is the original Crane clan burial site for Baweting (Sault Sainte Marie). The power of language relays a lot about who is telling the story. Frequently something is ignored, but even a change in the language utilized by scientists could suggest an effort to acknowledge Indigenous perspectives and listen to Native voices.

Marie Richards emphasized this by saying, “NAGPRA is just the framework for repatriating a lot more than the visible physical remains and objects, because by bringing them home we are bringing home, their teachings, their lessons, their everything. So, it is hard to do anything to build up tribal relations without partaking in that.”

Paula Carrick makes note of changes: “As time is going on now, they are starting to call them funerary objects and our Ancestors. It is changing. We aren’t going to change everybody, but we’re getting them to see our way of thinking.”

Douglas R. Taylor shared, “NAGPRA law doesn’t imply you have to do consultation and good communication with people that you are talking with or consulting with—and then you have other situations where you have a private individual who is wanting to do the right thing because of their family, somebody passing on, and they want to return the remains or funerary objects or artifacts back to the original tribe if possible.”

Jay Sams recalled, when discussing repatriation, “I think sometimes you get caught up in looking at something and making a judgment of what you know from the story or some other source of that nature and sometimes the people in the area have the story of how that got there and who it may have been and why they did thing the way they did. I don’t necessarily see a lot of ‘let’s go ask them, in the way things have been done in the past.’ I would hope that it changes more! That more and more folks will say that maybe we need to talk to the folks before we make our conclusion.”

Calling into recognition the questions and issues that Native Americans have brings to light many questions and issues that anthropologists and scientists are not addressing, or most of the time not asking. These conversations about relationships, consultations, and recognition are most often influenced by experience and perspective.

The final theme is **cause**. While this theme may seem like it should have come first in understanding the “why?” behind the involvement with repatriation and protection, I save it for last. While each part is equally important, I wanted to point out all the different reasons behind getting involved in a common goal: repatriation and protection. I feel like this theme lies between physical connection and resistance. The work of NAGPRA involves evaluation and connection with the land, just as much as the people and belongings. It is also a form of direct resistance and not standing for mistreatment and disrespect. As Dr. April Lindala put it, “We have things to say! At a local level, a state level, a national level, and across the world” (April

Lindala, personal communication, Mar. 10th, 2024). Each THPO that I talked with had a different reason for getting involved in this work.

Paula Carrick shared, “My sister and I put a proposal together. We volunteered for seven years to help Dr. Charles Cleland write [his] book...to keep it our history.”

Emma Donmyer, new to her role as THPO, shared, “I am still...I am in my last semester and my major is political science, historical and comparative, and we never, not once, talked about NAGPRA in my degree.”

Lisa McGeshick shared, “I think about landscape.... These are the things I think about because sometimes I literally stand outside, places I visit if it’s water, up high...you try to picture your Ancestors, because you know we moved all over the place. We had to figure out a place where we would be able to eat and have a fire that’s not gonna catch the whole woods on fire. It’s just so many...where did we bury our Ancestors? These things...so you think of landscape, or I do. Because we are all over the place.”

Douglas Taylor shared, “I had always, it was always my goal to keep in contact and to give back to the tribe to help move it forward not only as a personal initiative but also as a collective with other individuals. Moving the tribe forward in a good way, and also giving back to all the Indian country... my primary goal was to support the tribe and whatever expertise I could offer...”

Jay Sams shared about repatriation with Grand Valley State University, how anthropologists said, “‘We could say there were curve marks on the remains, indicating the Tribes were cannibalistic.’ And I said, ‘Well wait! I have heard the following growing up is why we have Spirit Suppers or Ghost Suppers.’ They were held over from way back, at which time they were disinterred from being recently buried. They cut the flesh off and the men burned the flesh in the fire freeing the Spirit, after that first year of being buried. Then everyone would have a feast, including all the dead relatives and they would

reinter the skeleton for a tie to someone being able to connect with their Ancestor, if they needed to. She said, 'Well she never heard that.' I said, 'Well, did you ask?'"

Marie Richards shared, "...a lot of things were education and outreach... [the story of repatriation] ...that was an opportunity for educating about NAGPRA and repatriation and why it even exists. You know that historical legacy institutions come to hold people in their collections, in kind of a...I was going to say quasi-hostage, but it is really a hostage situation sort of thing and people are unaware."

Each of these causes highlights tribal perspectives of giving back, while simultaneously pointing out the gaps where there is an absence of Native voices within Anthropology, general science, and NAGPRA law. I am not saying that these are the sole reasons each individual got involved in protection and repatriation work. However, when going through the knowledge shared, it was obvious that these circumstances contributed in some way to why they started, or at least continued, on this journey. But how does this knowledge shared about connectedness, consciousness, and cause relate to everyday NAGPRA practices? I am going to compare what was pulled in coding from the interviews with the answers from the surveys.

5.3 Connection Between the Two

When I had finished coding, I found that the most common theme in conversation was consciousness. I thought consciousness would be important, but not the most common theme. The theme of consciousness was the connecting point between the survey answers and the interview discussions. When looking at this connection and revisiting my analysis of the survey answers the inclusion of the interviews in mind, I found that individuals who participated in the survey echoed the idea of consciousness. Twelve questions within the survey included an aspect of consciousness, this could have been recognition, tribal goals, or general knowledge of the

Indigenous perspective. When looking at the results, the participants answered nine of the twelve statements corresponding with the expected answers, either unanimously or in majority, agreeing with the statement emphasizing consciousness or its lack. This stood out, because in the questions that referenced Indigenous practice directly or indirectly, as was the case with questions about regulations or handling Ancestors and belongings, the participants of the survey were more likely to answer strongly against (which was strongly agree) or they answered as a collective with the unanimous result.

My hypotheses were **1) Tribal representatives will share the benefits of NAGPRA processes, but also highlight how, through Indigenous epistemologies, federal government proceedings fall short of meeting Tribal goals** and **2) While the NAGPRA process may seem beneficial, they can cause harm in tribe-to-institution relationship facilitation, hindering repatriation abilities, and disregarding the primary basis for the law: that all humans deserve human rights.** I found that the survey agreed with both my hypotheses, but the interviews only agreed with the first. Through the surveys, it was evident that NAGPRA is beneficial for repatriation, but was harmful in certain aspects like the exclusion of non-federally recognized tribes or languages. During conversations with knowledge sharers, I found that NAGPRA worked well for the type of law that it is. The problem is in the spirit of the law and getting institutions to actively participate. The law has its strengths and provides tribes with a way to repatriate, whereas its weaknesses are in the language and compliance code. These are two areas the new regulations seek to address; however, it is too soon to comment on a notable change found in institutions' actions.

As I pointed out in the survey analysis section (5.1.1 Analysis of Results), it seemed that the time spent in the THPO position was reflective of the answer provided in the survey. This is

known because question 2 asked the individual how long they have maintained the THPO position. For individuals who have held the THPO position for a lengthy amount of time, it was noticeable that their answers were most often opposite of the expected answer. Those individuals who have only been in the position of THPO for a handful of years answered closer to the expected answer. Contributing factors could be experience, repatriation involvement, or focus on tribal goals. This could be attributed to an individual being accustomed to how NAGPRA systems work and form relationships, or a general understanding of how certain approaches or consultations will end. For anonymity purposes, this will not be disclosed within the results of the thesis. Generally, however, there was a pattern of recognizing knowledge differences either in the lack of acknowledgment of Indigenous science/perspectives or the opposition between the goals of scientists and tribal nations.

5.4 Conclusion

In this chapter, I finished the thesis work by reading through and understanding the knowledge from the interviews and analyzing the survey answers. Each step further into the chapter, there was a stronger realization of how important Native voices are, but also the pain associated with such a task. The more that I read through the conversations that I had with tribal representatives or viewed the answers to the surveys, I realized what a disparity there is within science to privilege one voice over the many. Despite this disparity, NAGPRA has most likely done all it can as a law, but it is up to individuals within institutions to recognize their moral imperative to act ethically and respectfully, especially when handling the dead.

I close the chapter by discussing the similarities of consciousness that were prevalent throughout the discussion and within answers. The next chapter will be the end of the project in

its entirety, opening a discussion on the knowledge, the limitations that I encountered, future directions of research, and the impact for both the community and the academy.

CHAPTER VI: DISCUSSION AND CONCLUSION

“Fallacies do not cease to be fallacies because they become fashions.”

-G.K. Chesterton

“You can’t have science without caring about how it’s used. You have to be a good relative.”

-Diane Wilson (The Seed Keeper) (2021)

In Chapter Five, I discussed the results of the survey and interview, discussed an analysis of each, and compared the two findings. In this chapter, the final chapter, I will discuss what knowledge was shared and how it answers the questions posed for this research. In addition to the discussion of the results, I will also cover the limitations of this study. On the opposite end, I will talk about the possibility of future research and broader impacts for both, intellectual merit, and community.

6.1 Discussion of Results

In Chapter Five, I provided what my expectations were for the questions in the survey and my expected common theme of connectedness from the interviews. The overall question of this research was: **Does NAGPRA law help tribal goals of repatriation and protection, or does it harm?** My hypotheses were **1) Tribal representatives will share the benefits of NAGPRA processes, but also highlight how, through Indigenous epistemologies, federal government proceedings fall short of meeting Tribal goals** and **2) While the NAGPRA process may seem beneficial, they can cause harm in tribe-to-institution relationship facilitation, hindering repatriation abilities, and disregarding the primary basis for the law: that all humans deserve human rights.**

I found that the results from both the survey and interview agreed with my first hypothesis, but not in the way that I had thought they would. For the second hypothesis, I found the survey agreed, but the interview did not. I figured that it would be a consensus that NAGPRA

can be beneficial, but makes it more difficult for tribes to repatriate. Rather than having issues with the letter of the law, the problems are in the spirit of the law (Marie Richards, personal communication, 2024). Douglas Taylor pointed out when asked about the implementation of Indigenous ways of knowing and doing “that it sounds good in practicality...but how many federally recognized tribes are there? [574] So, traditional lifeways and values, everyone has their own take on how they repatriate and reintern...I think the federal government has gone as far as they can go.” While there are problems in the law due to language and loopholes, the problems that currently exist are in noncompliance or recognition of Indigenous perspectives and lifeways. The problems in the law were not what was making it difficult, but rather the intent of individuals within institutions to comply with the law.

The changes made to NAGPRA at the beginning of this year (2024) start to work toward a way to solve these problems. In the law, as it currently is, there are new clauses that force institutions to start recognizing tribes. This includes, by extension, those who represent tribes in repatriation efforts, THPO, or repatriation specialists. But how can we expect a change, when most often the problem is unknown, undervalued, or ignored?

6.2 Limitations

The limitations of this study include the difficulty in recruiting and participation. This research served as an exploratory study and is research that I will continue, as I feel that each tribal interpretation on the topic of repatriation and protection is important. However, given the timeline of this project, I chose to stick with tribes in Michigan. Because I utilized my Indigenous perspective partnered with Western science, I felt it appropriate I start within my own Anishinaabe community. Making this decision, I set the research up to draw from a small group of people to invite.

Despite this, it was a conscious decision that I made, and still believe in, because I felt that the value would be in depth versus breadth. If I have learned anything throughout this study, it is that Native Americans share, and a part of that is sharing in person. If I could invite a few individuals with whom there was meaningful knowledge and a purposefully cultivated relationship for this study, it would serve me as a Native researcher more than an ill-invested and rushed “research” process where I and the researched gained nothing. If I had had more time, I would have increased the number of individuals invited to participate. Through talking with tribal representatives and researching the topic, I believe there was a broader scale of people I could have included from within tribes. This includes legislative workers who interact on a tribal level with repatriation, retired repatriation specialists, and Elders to name a few.

6.3 Future Directions

This study covers an important conversation that I believe tribal community members benefit from as well as the general academy. What the future directions of possible continuation of this research look like I am unsure currently. However, I would like to talk to more repatriation specialists, not only Anishinaabe but across the United States. Throughout the conversations that I have had with the knowledge sharers of this study, great points were made that the repatriation and problems with NAGPRA differ across tribes. From the six tribal representatives that shared with me in this research, the relationships and interactions with tribes and institutions have differed.

I can only imagine what the additional six tribes in Michigan would have brought to the conversation, let alone tribes outside of the Great Lakes region. Each tribal nation is different. In this study, the knowledge sharers showed me the implementation of Anishinaabe values and how individuals come to teachings and knowledge from plants and animals and in the interactions

between all peoples. Most tribal nations have the basic premise of stewardship for people and the Earth, but they are all vastly different, even down to the language. While I think that all tribes would have similar issues with NAGPRA law, I believe that the perspective of how life and knowledge are approached would change their answers. For instance, I would not be surprised to see a majority theme of cause versus consciousness from an interview with Native Americans from the plains region of America, as this is where collecting and looting was most prevalent throughout the twentieth century. In addition, there are eighteen displacement states. These are states that have ancestral territory, but the tribes within the states were forcefully removed resulting in difficulty in repatriation efforts. Each tribe would contribute a specific perspective based upon their experience and the experiences of their people. A part of this could be states that have repatriation alliances amongst tribal nations, like MACPRA in Michigan, which involves more than federally recognized tribes (two state-recognized tribes).

However, when moving forward in this research, I want to continue to operate under the same idea here, that the research is for the research. This research is for Tribal communities, for the individuals who shared their knowledge, and for future generations. Any other individuals who gain knowledge from research such as this is an addition.

6.4 Broader Impacts

Much like the framework I am utilizing throughout this project, the broader impacts reside in both Indigenous and Western sciences. The important distinguishing factor is that both, most likely, pull completely different ideas from the questions, information, and problems that have been addressed in this thesis.

6.4.1 Intellectual Merit

While I think that it is important for anthropologists and scientists to read a paper such as this and work to understand the information it holds, my goal in completing this research was not for the greater academy. However, that does not mean that it did not address issues for the academy.

Reflecting on the work in this thesis and the connections formed with THPO, there is the reality that Anthropology is changing. Maybe not as fast as Native Americans would hope, but it is changing in the recognition of tribal perspectives. In our conversation, Marie Richards shared that “Anthropology will always be anthropology.” We cannot take away the essence of what it means to study anthropology. It was created as a colonial practice; thus it operates as such. We cannot un-colonize a colonial practice, rather we have to work to decolonize the behaviors (Marie Richard, personal communication, 2024). I believe we are approaching a great intersection in Anthropology; one where Indigenous people take a strong foothold in re-searching their history (Absolon, 2022). The change in recognizing tribal perspectives is grand. I have seen this in conversations of ethics within the classroom, the teaching of NAGPRA, and the awareness of the harmful past of Anthropology. But we, as Natives and scholars, are starting to see the change within literature, teaching styles, and Anthropologists, one at a time.

This new recognition of Native Americans in Anthropology contributes greatly to the science that is done. Marie Richards said, “If researchers—are doing their due diligence in building those relationships and having those conversations with the tribes, the research is better.” There are many things to be shared and learned. Through this process, Anthropologists can shift away from utilizing Native Americans remains for teaching in classrooms, Native Americans can find autonomy in ethical donations programs, and scientists can develop accurate

non-invasive techniques for biological profiles reflective of modern populations. These are only a few possible results from changing perspectives and dialogue between Tribal nations and scientists.

The research done here, I believe, did not solve the problem, but (at the very least) contributed to the conversation about the importance of listening to Native voices. This is the gap that I sought to address, and I feel like I did so, yet there is still much to share. Learning that the problem is acting on the spirit of the law, rather than the letter of the law, makes it even more valuable to privilege Native voices and Indigenous perspectives. Many of the THPOs shared that acknowledgment of this and the formation of relationships change the outcome of repatriation. While this knowledge is valuable to the communities, scientists could benefit from stepping back and looking at the larger picture. Anthropologists and scientists could benefit greatly from the formation of relationships with Tribal nations, recognizing that knowledge is not only defined in Western perspectives. There are many questions that anthropologists and scientists have about the past that can be understood through context and oral history; there is no need to unearth individuals without cause. The unnecessary atrocities reviewed in this thesis continuously damage a relationship that has not yet been formed. By disrespecting and dehumanizing Native Americans, anthropologists and scientists open themselves and their institutions up for criticism and a rude awakening when behaviors within anthropology start to change.

Anthropologists, like me, who are walking the bridge of intersectionality between Indigenous science and Western science can see how research such as this, which seeks only truth and validation of Indigenous methodologies, can contribute to the field of anthropology as a whole. Eventually, these practices will change. Anthropologists consumed in an all-encompassing Western approach may find themselves struggling to connect with a greater

community of scientists who are implementing change for the better.

6.4.2 Community

As I have mentioned in various instances throughout my thesis, this project was research for the researched. While scholars find the idea of studying your own community contentious, there are many questions that Native Americans have regarding our science, knowledge, tradition, and culture. Some Indigenous peoples engage in this quest for knowledge off paper and some navigate these questions through paper. While I hope that this research can open the channel for change in at least one scientist, the work here is for Tribal communities. There is comfort in finding people in academia who recognize and validate a similar way of thinking. There is also power in the realization that Native Americans are changing the story. Douglas Taylor told me,

“...it is people like you that are becoming educated knowing our background, the history of your tribe, and interfacing with academia, and being a forefront not only as a tribal member but also as a strong kwe—which as you know women play a strong part in our traditional lifeways and values, so again thank you for that.”

Many work towards the want that Native Americans have for academia to discover, validate, and acknowledge traditional lifeways and values. I have had many people tamp this path down for me, I can only hope to do this for future Native scholars.

Native Americans have utilized the *Seventh Generation Teaching* from the Haudenosaunee, which works to acknowledge the seven generations before you and remember the seven generations after you. In doing so, you are compelled to leave the world a better place through words, work, and actions. I have seen this done by tribal members within my tribe and by the academic aunties and uncles who compile their thoughts on paper or in a classroom. So,

while I feel that each individual in the tribal community will get out of this paper whatever it is they are meant to find, I want to leave with the *Seven Grandfather Teachings*.

The Seven Grandfather Teachings are teachings I was taught at a very young age. Each teaching is a guiding principle, a steppingstone for our (Ojibwe) culture. I try to be thoughtful of these practices in life, but especially my academic journey as an Indigenous Anthropologist. The teachings are as follows:

- 1) Humility- Dbaadendiziwin
The wolf represents a selfless life. Respect your place and people.
- 2) Bravery- Aakdewin
The bear represents the inner strength to have courage and face difficulties.
- 3) Honesty- Gwekwaadziwin
The raven represents acceptance of yourself and your talents.
- 4) Wisdom- Nbwaakaawin
The beaver represents recognition of difference in knowledge by kindness and respect.
- 5) Truth- Debwewin
The turtle represents faith in teachings and trust in yourself.
- 6) Respect- Minadendmowin
The buffalo represents honor to the journey, be mindful of the balance of life and give all of yourself for others.
- 7) Love- Zaagidwin
The eagle represents acts of kindness finding peace in people, the land, and yourself.

Each of these teachings has aided me in my engagement with the field of anthropology, which has a particularly harmful past, especially to my own Ancestral group. Often academia can be unwelcoming to Indigenous perspectives, but as I have said this seems to be changing. Each of these helps me form a protective shield from those against the idea of implementing Indigenous perspectives into Anthropology, but also provides me with a defense when questioned. I hope that future Native scholars will also learn from this teaching, letting it guide them in their work in this field or another. However, this can also help non-Native scholars. Each journey should be walked with the thought of past generations and the future. How can one as a

scholar help another? I would hope that other anthropologists, Native and non-Native, would join in on this conversation of ethical practices, respect, and rights for Native Americans. In addition, I would hope that Native scholars currently addressing these ideas in any form will continue to do so, inspiring others to contribute to a universal talking circle and engage with the many ideas that contribute to the argument for privileging Native voices.

6.5 Conclusion

For five centuries, Native Americans have experienced an apocalypse, the destruction of land, people, culture, and traditions. Native Americans currently exist in what can be seen as a post-apocalyptic time, navigating life and salvaging what is left of cultures. Despite the attempts to eradicate Native Americans, we are still here. In 1985, Cheyenne leaders found that the Smithsonian had over 18,000 of their Ancestors in storage. This started a great reclamation, an active fight for the repatriation of Ancestors held captive by institutions and the protection of Ancestors who were still in the Earth. Yet, for over thirty years the legislation of NAGPRA has struggled to bare its teeth and provide backup to Tribal nations seeking repatriation from government agencies, museums, and universities that actively oppose.

While some institutions complied with NAGPRA, working to facilitate relationships with Tribal nations for repatriation, others chose to remain in the dark. Today, we are seeing a change in the law as new regulations recognize Ancestors as human remains, have gotten rid of “culturally unidentifiable,” and added a mandatory consultation for curation and repatriation needs. By listening to tribal representatives, the federal government may have gone as far as they can. It is now about acting upon the purpose and spirit of the law: rights and respect for all Indigenous people, living and dead. By listening and privileging the voices of Tribal nations, hard conversations can be had, issues can be solved, and the purpose of the law can be carried out. As

a result, ethics of the treatment of Ancestral remains as human remains can be taught, classes can move forward in educating students early about NAGPRA law and repatriation, and the Indigenous perspective can be brought into the classroom. As students, we learn about other perspectives, so why not Native perspectives as well?

REFERENCES

- Absolon, K. E. (2022). *Kaandossiwin: How We Come to Know: Indigenous Research Methodologies*. (2nd ed.) United States: Fernwood Publishing.
- Adams, D. W. (2020). *Education for extinction: American Indians and the boarding school experience, 1875-1928*. University Press of Kansas.
- Advisory Council on Historic Preservation. (2019). *When Do Project Planning Activities Trigger a Section 106 Review?* <https://www.achp.gov/digital-library-section-106-landing/when-do-project-planning-activities-trigger-section-106-review#:~:text=Under%20the%20Section%20106%20regulations,a%20federal%20permit%2C%20license%2C%20or>
- Donna L. Akers. (2014). Decolonizing the Master Narrative: Treaties and Other American Myths. *Wicazo Sa Review*, 29(1), 58–76.
<https://doi.org/10.5749/wicazosareview.29.1.0058>
- Alvarez, A. (2014). *Native America and the Question of Genocide*. United States: Rowman & Littlefield Publishers.
- American Association of Physical Anthropologists. (2007). Position Statement of the Department of the Interior's Proposed Rule for the Disposition of Cultural Unidentifiable Human Remains.
https://bioanth.org/documents/2/NAGPRA_AAPA_CHUR_Position_Statement.pdf
- American Battlefield Trust. (2023). *The people involved in the French and Indian War*.
<https://www.battlefields.org/learn/articles/people-involved-french-and-indian-war>
- Anderson, M. K., & Moratto, M. J. (1996). Native American land-use practices and ecological impacts. In *Sierra Nevada ecosystem project: final report to Congress 2*. 187-206. Davis, CA: University of California, Centers for Water and Wildland Resources Davis.
https://pubs.usgs.gov/dds/dds-43/VOL_II/VII_C09.PDF
- Antiquities Act of 1906, 16 U.S.C § 470aa & 470dd (1906).
<https://www.govinfo.gov/content/pkg/USCODE-2011-title16/pdf/USCODE-2011-title16-chap1-subchapLXI-sec431.pdf>
- Arnold, C. (2015). Hope's Daughters. *HEAL: Humanism Evolving through Arts and Literature*, 6. journals.flvc.org

- Atkinson, M. (1998). Red Tape: How American Laws Ensnare Native American Lands, Resources, and People. *Okla. City UL Rev.*, 23, 379.
https://heinonline.org/HOL/Page?handle=hein.journals/okcu23&div=22&g_sent=1&cas_token=&collection=journals
- Bader, A., Carbaugh, A.E., Davis, J.L., Krupa, K.L., Malhi, R.S. (2022). Biological samples taken from Native American Ancestors are human remains under NAGPRA. *American Journal of Biology Anthropology*. 1-8. <http://doi:10.1002/ajpa.24726>
- Battiste, M. (2011). *Reclaiming Indigenous Voice and Vision*. Canada: UBC Press.
- Beasley, J. (2022). *Native American Graves Protection, The Long Journey Home: Advancing the Native American Graves Protection and Repatriation Act's Promise After 30 years of Practice*. <https://www.doi.gov/ocl/native-american-graves-protection#:~:text=NAGPRA%20recognized%20that%20human%20remains,Tribes%20and%20Native%20Hawaiian%20organizations>.
- Becker, S. O. (2022). Forced displacement in history: Some recent research. *Australian Economic History Review*, 62(1), 2–25. <https://doi.org/10.1111/aehr.12237>
- Bonnichsen v. U.S., Dept. of the Army*, 969 F. Supp. 614 (D. Or. 1997)
<https://casetext.com/case/bonnichsen-v-us-dept-of-the-army>
- Burke Museum. (2017). *The Ancient One, Kennewick Man*.
<https://www.burkemuseum.org/news/ancient-one-kennewick-man>
- Brave Heart, M. & DeBruyn. (1998). The American Indian Holocaust: Healing Historical Unresolved Grief. *American Indian and Alaska Native Mental Health Research*, 8(2), 60–82. <https://doi.org/10.5820/aian.0802.1998.60>
- Bruning, S. B. (2006). Complex Legal Legacies: The Native American Graves Protection and Repatriation Act, Scientific Study, and Kennewick Man. *American Antiquity*, 71(3), 501–521. <https://doi.org/10.2307/40035362>
- Cardinal, L. (2001). What is an Indigenous perspective? *Canadian Journal of Native Education*, 25(2), 180-182.
<https://nmu.idm.oclc.org/login?url=https://www.proquest.com/scholarly-journals/what-is-indigenous-perspective/docview/230307307/se-2>
- Carlos, A. M., & Lewis, F. D. (2012). Smallpox and Native American mortality: The 1780s epidemic in the Hudson Bay region. *Explorations in Economic History*, 49(3), 277–290.
<https://doi.org/10.1016/j.eeh.2012.04.003>
- Carmichael, D. L., Hubert, J., Reeves, B., & Schanche, A. (2013). *Sacred sites, sacred places*. Routledge.

- Chesterton, G. K., Robertson, W. G. (1904). *The Napoleon of Notting Hill*. United Kingdom: John Lane.
- Claeys, G. (2000). The “Survival of the Fittest” and the Origins of Social Darwinism. *Journal of the History of Ideas*, 61(2), 223–240. <https://doi.org/10.2307/3654026>
- Coleman, C. & Dysart, E. (2005). Framing of Kennewick Man against the Backdrop of a Scientific and Cultural Controversy. *Science Communication* 27:1 p3-26. <http://doi:10.1177/1075547005278609>
- Colwell-Chanthaphonh, C. (2005). When history is myth: Genocide and the transmogrification of American Indians. *American Indian Culture and Research Journal*, 29(2). <https://doi.org/10.17953>
- Colwell, C. & Nash, S. (2020) Why we repatriate: On the long arc toward justice at the Denver Museum of Nature & Science. In *Working with and for Ancestors*. Routledge. (79-90).
- Cook, W. J. (n.d.). Preserving Native American Places. <https://cdn.savingplaces.org/2023/07/20/16/37/28/605/Preserving-Native-American-Places-FINAL.pdf>
- CPN Cultural Heritage Center. (n.d.). *Trail of Death*. <https://www.potawatomih heritage.com/encyclopedia/trail-of-death/>
- Craft, A. (2021). *Treaty Words: For As Long As the Rivers Flow*. Annick Press.
- Cragg, G. R. (2011). *Puritanism in the Period of the Great Persecution 1660-1688*. United Kingdom: Cambridge University Press.
- Cryne, J. A. (2009). NAGPRA revisited: a twenty-year review of repatriation efforts. *American Indian Law Review*, 34(1), 99–122. <http://www.jstor.org/stable/25684264>
- Cushman, H. B. (2016). *History of the Choctaw, Chickasaw, and Natchez Indians*. Wentworth Press. p. 303-342.
- Custred, G. (2000). The forbidden discovery of Kennewick man: AQ. *Academic Questions*, 13(3), 12-30. <https://doi.org/10.1007/s12129-000-1034-8>
- Davis, J. L., & Krupa, K. (2022). Toward a Language of Possibility in Curation and Consultation Practices. *Collections: A Journal for Museum and Archives Professionals*, 18(1), 18-27. <https://doi.org/10.1177/15501906211073074>
- Davis, J. L. (2013). *Survival Schools: The American Indian Movement and Community Education in the Twin Cities*. United States: University of Minnesota Press.

- Deloria Jr., V. (2003) *The Passage of Generations In Native Voices: American Indian Identity & Resistance*. Ed. Grounds, R., Tinker, G., and Wilkins, D. University of Kansas Press. (318-323).
- Delve, Ho, L., & Limpaecher, A. (2020). *How to Do Thematic Analysis*. Essential Guide to Coding Qualitative Data. <https://delvetool.com/blog/thematicanalysis>
- Disposition of Culturally Unidentifiable Human Remains, for Native American Grave Protection and Repatriation Act. 72 F.R. (199): 58582-58590. (proposed Oct. 16th, 2007). <https://www.govinfo.gov/content/pkg/FR-2007-10-16/pdf/FR-2007-10-16.pdf>
- DuBoff, L. D. (1992). 500 years after Columbus: protecting native American culture. *Cardozo Arts & Entertainment Law Journal*, 11(1), 43-58. <https://heinonline.org/HOL/P?h=hein.journals/caelj11&i=51>
- Echo-Hawk, W. R., & Echo-Hawk, R. C. (1991). Ch. 3: Repatriation, Reburial, and Religious Rights. In *Handbook of American Indian Religious Freedom*. New York, Crossroad.
- Edmunds, R. D. (1995). Native Americans, New Voices: American Indian History, 1895-1995. *The American Historical Review*, 100(3), 717-740.
- Evans-Campbell, T. (2008). Historical Trauma in American Indian/Native Alaska Communities: A Multilevel Framework for Exploring Impacts on Individuals, Families, and Communities. *Journal of Interpersonal Violence*, 23(3), 316-338. <https://doi.org/10.1177/0886260507312290>
- Evans. (2001). Indigenocide and the massacre of Aboriginal history. *ABAC Journal.*, 163(163), 21-39. <https://doi.org/info:doi/>
- Fear-Segal, J & Rose, S. (2016). *Carlisle Indian Industrial School: Indigenous Histories, Memories, and Reclamations*. University of Nebraska Press.
- Flett, L., McLeod, C. L., McCarty, J. L., Shaulis, B. J., Fain, J. J., & Krekeler, M. P. S. (2021). Monitoring uranium mine pollution on Native American lands: Insights from tree bark particulate matter on the Spokane Reservation, Washington, USA. *Environmental Research*, 194, 110619. <https://doi.org/10.1016/j.envres.2020.110619>
- Foley, D. (2005/6). Indigenous Standpoint Theory: An Acceptable Academic Research Process for Indigenous Academics. In *International Journal of the Humanities* 3(8). 25-36. <http://doi:10.18848/1447-9508/CGP/v03i08/41775>
- Fort, K. (2013). The Vanishing Indian Returns: Tribes, Popular Originalism, and the Supreme Court. *Saint Louis University Law Journal*. Vol 57:297-338. <https://scholarship.law.slu.edu/lj/vol57/iss2/4>

- French, L. A., & Hornbuckle, J. (1980). Alcoholism among Native Americans: an analysis. *Social Work, 25*(4), 275–280. <http://www.jstor.org/stable/23712094>
- Geniusz, M. (2015) *Plants Have so Much to Give Us, All We Have to do is Ask: Anishinaabe Botanical Teachings*—University of Minnesota Press.
- Getches, D., Wilkinson, C. and Williams Jr, R., *Cases and Materials on Federal Indian Law*, 3d ed. (St. Paul: West Publishing, 1993), 772-73).
- Gone, J. P. (2014). Colonial Genocide and Historical Trauma in Native North America. *Colonial Genocide in Indigenous North America*, 273-291. <https://doi.org/10.1215/9780822376149-013>
- Gossett, T. M. (1998). The American Battlefield Protection Program—Forging Preservation Partnerships at Historic Battlefields. *The George Wright Forum, 15*(2), 61–69. <http://www.jstor.org/stable/43597581>
- Graham, M., & Murphy, N. (2010). NAGPRA at 20: Museum collections and reconnections. *Museum Anthropology, 33*(2), 105-124. <https://doi.org/10.1111/j.1548-1379-2010.01090x>
- Gross, L. W. (2016). Chapter 2: Postapocalypse Stress Syndrome. In *Anishinaabe ways of knowing and being*. 33–51. essay, Routledge.
- Gross, L. W. (2016). Chapter 3: Silence and the Anishinaabe Worldview. In *Anishinaabe ways of knowing and being*. 55–79. essay, Routledge.
- Gulliford, A. (1996). Bones of Contention: The Repatriation of Native American Human Remains. *The Public Historian, 18*(4), 119–143. <https://doi.org/10.2307/3379790>
- Hare, J. (2012) “They Tell a Story and There’s Meaning Behind that Story’: Indigenous Knowledge and Young Indigenous Children’s Literacy Learning,” *Journal of Early Childhood Literacy 12*(4). <https://doi.org/10.1177/146879811417378>
- Harjo, J. (2003). Introduction: The Psychology of Earth and Sky. In *Native Voices: American Indian Identity & Resistance*, Ed. Grounds, R., Tinker, G., and Wilkins, D. University of Kansas Press. p. 3-5.
- Henderson, J. (2000). *Postcolonial Ghost Dancing: Diagnosing European Colonialism. In Reclaiming Indigenous Voice and Vision*. UBS Press. pg. 57-76.
- Hudetz, M., & Brewer, G. L. (2023). *Senate probes top institutions for NAGPRA FAILURES*. ProPublica. <https://www.propublica.org/article/senate-probes-universities-museums-nagpra-failures>

- Hudetz, M., & Brewer, G. L. (2023). *UC Berkeley professor taught with suspected Native American remains*. ProPublica. <https://www.propublica.org/article/berkeley-professor-taught-suspected-native-american-remains-repatriation>
- Jaffe, L., Hudetz, M., Ngu, A., & Brewer, G. L. (2023). *America's museums fail to return Native American human remains*. ProPublica. <https://www.propublica.org/article/repatriation-nagpra-museums-human-remains>
- Johnson, T. R. (1996). *The Occupation of Alcatraz Island: Indian Self-determination and the Rise of Indian Activism*. United States: University of Illinois Press.
- Johnson, T. R. (2009). *Red Power: The Native American Civil Rights Movement*. United States: Facts On File, Incorporated.
- Juzda, E. (2009) Skulls, science, and the spoils of war: craniological studies at the United States Army Medical Museum, 1868-1900. *Studies in History and Philosophy of Biology and Biomedical Sciences*. 40. P156-167. <http://doi:10.1016/j.shpsc.2009.06.010>
- Kakaliouras, A. (2019). The repatriation of the Paleoamericans: Kennewick Man/the Ancient One and the end of a non-Indian ancient North America. *BJHS Themes*, 4, 79-98. <http://doi:10.1017/bjt.2019.9>
- Kakaliouras, A. M. (2017). NAGPRA and repatriation in the twenty-first century: Shifting the discourse from benefits to responsibilities. *Bioarchaeology International*, 1(3/4), 183-190. <http://doi:10.5744/bi.2017.1007>
- Kiernan, B. (2007). *Blood and Soil: A World History of Genocide and Extermination from Sparta to Darfur*. United Kingdom: Yale University Press.
- Kuper, Leo (1981). *Genocide: Its Political Use in the Twentieth Century*. New Haven, CT: Yale University Press.
- Lemkin, R., & Power, Samantha. (2005). *Axis rule in occupied Europe: laws of occupation, analysis of government, proposals for redress*. Lawbook Exchange.
- Lewis, J., Hoover, J., & MacKenzie, D. (2017). Mining and environmental health disparities in Native American communities. *Current Environmental Health Reports*, 4, 130-141. <http://doi:10.1007/s40572-017-0140-5>
- Little Bear, L. (2000). Jagged Worldviews Colliding, In *Reclaiming Indigenous Voice and Vision*. UBC Press. Pg. 78-87.
- Big Horn County Historical Museum. (n.d.). *Little Big Horn Battlefield National Monument*. <https://www.bighorncountymuseum.org/little-big-horn-battlefield-national-monument/#:~:text=%E2%80%9CGreasy%20grass%E2%80%9D%20was%20coined%20by,Horn%20sheep%20in%20the%20area>.

- Loew, P. (2001). *Indian Nations of Wisconsin: Histories of Endurance and Renewal*. Madison, Wisconsin Historical Society Press.
- Maki, R. (n.d.). *What is a tribal historic preservation - university of Wisconsin–Madison*. What is a Tribal Historic Preservation Officer? A GUIDE TO TRIBAL HISTORIC PRESERVATION IN INDIAN COUNTR.
https://media.law.wisc.edu/s/c_8/m3fty/what_is_tribal_historic_preservation.pdf
- Mankiller, W., Wallis, M. (2019). *Mankiller: A Chief and Her People*. United Kingdom: St.
- Marincic, A. M. (2018). The National Historic Preservation Act: an inadequate attempt to protect the cultural and religious sites of native nations. *Iowa Law Review*, 103(4), 1777-1810.
<https://ilr.law.uiowa.edu/sites/ilr.law.uiowa.edu/files/202210/The%20National%20Historic%20Preservation%20Act%20An%20Inadequate%20Attempt%20to%20Protect%20th%20Cultural%20and%20Religious%20Sites%20of%20Ntive%20Nations.pdf>
- Maroukis, T. C. (2021). *We Are Not a Vanishing People: The Society of American Indians, 1911–1923*. University of Arizona Press. Martin's Publishing Group.
- Marzollo, J. (1993). *In 1492*. Scholastic Paperbacks (T).
- Maya peoples: Heart of sky, heart of Earth*. Museum of Us. (n.d.).
<https://museumofus.org/exhibits/maya-peoples-heart-of-sky-heart-of-earth>
- Michigan Economic Development Corporation (MEDC). (updated: 2024, March 7). *Michigan Tribal Historic Preservation Officers and Tribal Cultural Representatives: Miplace*
<https://www.miplace.org/historic-preservation/archaeology/michigan-tribal-historic-preservation-officers-and-tribal-cultural-representatives/>
- Moloney, C.J., Chambliss, W.J. (2014). Slaughtering the Bison, Controlling Native Americans: A State Crime and Green Criminology Synthesis. *Crit Crim* 22, 319–338.
<https://doi.org/10.1007/s10612-013-9220-5>
- Momaday, N. S. (2011). *Again, the Far Morning: New and Selected Poems*. United States: University of New Mexico Press.
- More, T. (2024). *Utopia*. The Project Gutenberg eBook of Utopia, by Thomas More.
<https://www.gutenberg.org/cache/epub/2130/pg2130-images.html>
- Native American Grave Protection and Repatriation Act. 25 U.S.C. § 3001–3013 (1990).
<https://uscode.house.gov/view.xhtml?path=/prelim@title25/chapter32&edition=prelim>
- NAGPRA*. U.S. Department of the Interior. (2016). <https://www.doi.gov/ocl/NAGPRA>
- Nash, S. E., & Colwell, C. (2020). NAGPRA at 30: the effects of repatriation. *Annual Review of Anthropology*, 49, 225-239. <https://doi.org/10.1146/annurev-anthro-010220-075435>

- NATHPO. (2021). *What is a THPO?* <https://www.nathpo.org/what-is-a-thpo/>
- National Environmental Policy Act. 42 U.S.C. § 4321 (1969).
<https://www.govinfo.gov/content/pkg/COMPS-10352/pdf/COMPS-10352.pdf>
- National Historic Preservation Act. 16 U.S.C § 470a(d)(2) & 470w(14). (1966).
<https://ncshpo.org/wp-content/uploads/2017/02/nhpaTitle54Dec2016.pdf>
- National Park Service and Related Programs. 54 U.S.C. § 302301. (2014).
<https://www.govinfo.gov/content/pkg/USCODE-2015-title54/html/USCODE-2015-title54.htm>
- National Parks Service. (n.d.) *Archaeological Resource Protection Act of 1979*.
<https://www.nps.gov/subjects/archeology/archaeological-resources-protection-act.htm#:~:text=ARPA%20responded%20to%20the%20need,objects%20and%20destruction%20of%20sites.>
- National Parks Service. (n.d.). *National Historic Preservation Act*.
<https://www.nps.gov/subjects/historicpreservation/national-historic-preservation-act.htm#:~:text=The%20act%20established%20permanent%20institutions,the%20Secretary%20of%20the%20Interior.>
- Native American Graves Protection and Repatriation Act, 43 C.F.R. § 10 (2024).
<https://www.federalregister.gov/documents/2023/12/13/2023-27040/native-american-graves-protection-and-repatriation-act-systematic-processes-for-disposition-or>
- Nesper, L. (2002). *The Walleye War: The Struggle for Ojibwe Spearfishing and Treaty Rights*.
- Neugin, R. (2005). *Recollection of Removal, 1932*. In *the Cherokee Removal: A Brief History with Documents*. (2nd ed.) Boston: Bedford/St. Martin.
- Nicholas, G. P., & Andrews, T. D. (1997). *At a Crossroads: Archaeology and First Peoples in Canada*.
- Nicholas, G.P., Watkins, J. (2014). *Indigenous Archaeologies in Archaeological Theory*. In: Smith, C. (eds) *Encyclopedia of Global Archaeology*. Springer, New York, NY.
https://doi.org/10.1007/978-1-4419-0465-2_263
- Niezen, R. (2000). *Spirit wars: Native North American religions in the age of nation building*. Univ of California Press.
- Ormiston, N. (2010). *Re-Conceptualizing Research: An Indigenous Perspective*. *First Peoples Child & Family Review*, 5(1), 50–56. <https://doi.org/10.7202/1069061ar>
- Ostler, J. (2015). *Genocide and American Indian history*. *Oxford Research Encyclopedia of American History*. <https://doi.org/10.1093/acrefore/9780199329175.013.3>

- Owsley, D. W., & Jantz, R. L. (Eds.). (2014). *Kennewick man: The scientific investigation of an ancient American skeleton*. Texas A&M University Press.
- Patterson, K. B., & Runge, T. (2002). Smallpox and the Native American. *The American Journal of the Medical Sciences*, 323(4), 216–222. <https://doi.org/10.1097/00000441-200204000-00009>
- Pidgeon, M. (2014). Moving Beyond Good Intentions: Indigenizing Higher Education in British Columbia Universities through Institutional Responsibility and Accountability. *Journal of American Indian Education*, 53(2), 7–28. <http://www.jstor.org/stable/43610473>
- Pratt, R. (1892). The Indian Policy: The Advantages of Mingling Indians with Whites. In *Proceedings of the National Conference of Charities and Correction at the Nineteenth Annual Session Held in Denver, Col., June 23-29, 1892*. Ed. Isabel Barrows. Boston: Press of Geo. H. Ellis. 45-59. <https://carlisleindian.dickinson.edu/teach/kill-indian-him-and-save-man-r-h-pratt-education-native-americans>
- Rasmussen, M., Sikora, M., Albrechtsen, A. *et al.* (2015). The ancestry and affiliations of Kennewick Man. *Nature* 523, 455–458 <https://doi.org/10.1038/nature14625>
- Redding, E. T. (2004). The preservation of civil war battlefields: preserving our history and culture. *Albany Law Environmental Outlook Journal*, 8(2), 237-268. <https://heinonline.org/HOL/Page?handle=hein.journals/alev8&id=243&collection=journals&index=>
- National Museum of the American Indian. (n.d.). *Repatriation*. <https://americanindian.si.edu/explore/repatriation>
- Riding In, J. (1996). Repatriation: A Pawnee’s Perspective. *American Indian Quarterly*, 20(2), 238–250. <https://doi.org/10.2307/1185703>
- Rigney, L. (1999) ‘The First Perspective: Culturally Safe Research Practices On or With Indigenous Peoples. In 1999 Chacmool Conference Proceedings. University of Calgary, Alberta, Canada. ‘Internationalisation of an Indigenous Anti-colonial Cultural Critique of Research Methodologies: A Guide to Indigenist Research Methodology and its Principles’. *Higher Education Research and Development in Higher Education*. 20:629-636. https://cpb-ap-se2.wpmucdn.com/thinkspace.csu.edu.au/dist/c/3891/files/2020/10/LI_Rigney_First_perspective.pdf
- Rose, C. M. (1981). Preservation and Community: New Directions in the Law of Historic Preservation. *Stanford Law Review*, 33(3), 473–534. <https://doi.org/10.2307/1228356>
- Rose, J. C., Green, T. J., & Green, V. D. (1996). NAGPRA is Forever: Osteology and the Repatriation of Skeletons. *Annual Review of Anthropology*, 25, 81–103. <http://www.jstor.org/stable/2155819>

- Saginaw Indian Chippewa Tribe. (n.d.). *Repatriation and Reburial*. Repatriation and reburial. <http://www.sagchip.org/ziibiwing/ziibiwingcenter/repatriation.htm>
- Saldana, J. (2011). *Fundamentals of qualitative research*. Oxford University Press.
- Seidemann, R. M. (2003). Time for change the Kennewick Man case and its implications for the future of the native american graves protection and Repatriation Act. *West Virginia Law Review*, 106(1), 149-176. <https://researchrepository.wvu.edu/wvlr/vol106/iss1/7>
- Seidemann, R. M. (2010). NAGPRA at 20: what have the States done to expand human remains protections?. *Museum Anthropology*, 33(2), 199-209. <https://doi.org/10.1111/j.1548-1379.2010.01098.x>
- Sleeper-Smith, S. (Ed.). (2009). *Contesting knowledge: museums and indigenous perspectives*. University of Nebraska Press.
- Smith, M. G. (2023, November 16). *We need to talk about NAGPRA: Noncompliance & Cultural Affiliation*. Museum Studies at Tufts University. <https://sites.tufts.edu/museumstudents/2023/11/16/we-need-to-talk-about-nagpra-noncompliance-cultural-affiliation/>
- Stanton, G. (2016). *The Ten Stages of Genocide Handout*. Genocide Watch: Alliance Against Genocide. <http://genocidewatch.net/wp-content/uploads/2012/06/The-Ten-Stages-of-Genocide-handout.pdf>
- Suagee, D. B. (1996). Tribal voices in historic preservation: sacred landscapes, cross-cultural bridges, and common ground. *Vermont Law Review*, 21(1), 145-224. https://heinonline.org/HOL/Page?handle=hein.journals/vlr21&div=15&g_sent=1&casa_oken=&collection=journals
- Supernant, K. (2020). Decolonizing bioarchaeology?: Moving beyond collaborative practice. In *Working with and for Ancestors* (pp. 268-280). Routledge.
- Supernant, K. (2018). Reconciling the Past for the Future: The Next 50 Years of Canadian Archaeology in the Post-TRC Era. *Canadian Journal of Archaeology / Journal Canadien d'Archéologie*, 42(1), 144–153. <http://www.jstor.org/stable/44878258>
- Sweeney, J. M. (2021). *Nicholas Black Elk: Medicine man, Catechist, saint*. Liturgical Press.
- Tafoya, T. (1995). Finding harmony: Balancing traditional values with Western science in therapy. *Canadian Journal of Native Education*. 21(supplement). 7-27. <https://doi.org/10.14288/cjne.v21i.195779>
- Taniam. (2022, June 19). *1441 – the Council of Three Fires split into separate groups*. NHBP. <https://nhbp-nsn.gov/timeline/1441/>

- Tarle, L., Nicholas, G., Cardoso, H. (2020). What next? Changing ethical protocols for human remains in museums. In *Working with and for Ancestors*. Routledge. (219-232).
- The Long Walk: The Navajo treaties*. Smithsonian National Museum of the American Indian. (2019). <https://americanindian.si.edu/nk360/navajo/long-walk/long-walk.cshtml>
- The National Association of Tribal Historic Preservation Offices. (2006) <https://www.nathpo.org/what-is-a-thpo/>.
- Thomas, D.H. (2000). *Skull Wars: Kennewick Man, Archaeology, and the Battle for Native American Identity*. Basic Books.
- Trope, J. F., & Echo-Hawk, W. R. (1992). Native American Graves Protection and Repatriation Act: background and legislative history. *Arizona State Law Journal* 24(1), 35-78. <https://www.indianaffairs.org/uploads/5/4/7/6/54761515/nagprahistory.pdf>
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- The Truth and Reconciliation Commission of Canada. (2015). *Honoring the truth, reconciling for the future: summary of the final report of the Truth and Reconciliation Commission of Canada*. <http://www.trc.ca>
- Tsosie, R. (1997). Ch 5: Indigenous Rights and Archaeology. In *Native Americans and Archaeologists: Stepping stones to common ground* (pp. 64–76). PDF.
- Tuhiwai Smith, L. (2012). *Decolonizing methodologies: Research and indigenous peoples*. Ottago University Press. United States: University of Nebraska Press.
- U.S. fish & wildlife service. (n.d.). *Fulfilling the trust responsibility to tribes and the Native Hawaiian community, and other obligations to Alaska native corporations and Alaska native organizations, in the stewardship of Federal Lands and waters*. <https://www.fws.gov/policy-library/do227>
- van Krieken, R. (2004). Rethinking Cultural Genocide: Aboriginal Child Removal and Settler Colonial State Formation. *Oceania*, 75(2), 125–151. <http://www.jstor.org/stable/40331967>
- Vogel, H. J. (2000). The clash of stories at Chimney Rock: A narrative approach to cultural conflict over Native American sacred sites on public land. *Santa Clara L. Rev.*, 41, 757. <https://digitalcommons.law.scu.lawreview/vol41/iss3/2>
- Watkins, J. (2001). *Indigenous Archaeology: American Indian Values and Scientific Practice*. United States: AltaMira Press.

- Watkins, J. (2004). Becoming American or Becoming Indian?: NAGPRA, Kennewick and Cultural Affiliation. *Journal of Social Archaeology*, 4(1).
<https://doi.org/10.1177/1469605304039850>.
- Weiss, E. (2008). *Reburying the past: the effects of repatriation and reburial on scientific inquiry / Elizabeth Weiss*. Nova Science Publishers.
- Weiss, E., & Springer, J. W. (2020). *Repatriation and Erasing the Past* (1st ed.). University Press of Florida. <https://doi.org/10.2307/j.ctv15vwjv4>
- Weiss, Elizabeth. (2009). "The Bone Battle: The Attack on Scientific Freedom." *Liberty*, 39-45.
https://scholarworks.sjsu.edu/anth_pub
- Whiteley, P.M. (2002). Archaeology and Oral Tradition: The Scientific Importance of Dialogue. *American Antiquity*, 67(3), 405-415. <http://doi:10.2307/1593819>
- Whitt, L. A., Roberts, M., Norman, W., & Grieves, V. (2001). Indigenous perspectives. *A companion to environmental philosophy*, 3-20.
<https://doi.org/10.1002/9780470751664.ch1>
- WIIN Act of 2016, 33 U.S.C. § 1152. (2016).
<https://www.congress.gov/bill/114th-congress/senate-bill/612/text>
- Wilson, D. (2021). *The Seed Keeper: A novel*. Milkweed Editions.
- Wilson, S. (2008) *Research is Ceremony: Indigenous Research Methods*. Fernwood Publishing.
- Wodak, R. (2012). Language, power, and identity. *Language teaching*, 45(2), 215-233.
<http://doi:10.1017/S0261444811000048>
- Wolfley, J. (2016). Reclaiming a Presence in Ancestral Lands: The Return of Native Peoples to the National Parks. *Social Science Research Network*.
<https://digitalrepository.unm.edu/nrj/vol56/iss1/6>
- Woolford, A. (2015). *This Benevolent Experiment: Indigenous Boarding Schools, Genocide, and Redress in Canada and the United States*. University of Nebraska Press.
- Yellowhorn, E. (2006). The Awakening of Internalist Archaeology in the Aboriginal World. In R. F. WILLIAMSON & M. S. BISSON (Eds.), *Archaeology of Bruce Trigger: Theoretical Empiricism* (pp. 194–209). McGill-Queen's University Press.
<http://www.jstor.org/stable/j.ctt80m1k.18>
- Yellowhorn E.C. (2010) My Eclectic Career in Archaeology. In *Being and Becoming Indigenous Archaeologists*. Ed by Nicholas, G. Left Coast Press. P 334-340.

Yellowhorn, E.C. (1996) Indians, Archaeology and the Changing World. *Native Studies Review* 11(2), 23-50.

Zimmerman, L. J., & Clinton, R. N. (1999). Kennewick man and native american graves protection and repatriation act woes. *International Journal of Cultural Property*, 8(1), 212-228. <http://doi:10.1017/S0940739199770670>

Zimmerman, L.J. (1992). Archaeology, Reburial, and the Tactics of a Discipline's Self-Delusion. *American Indian Culture and Research Journal* 16(2):37-56. <https://doi.org/10.17953>

APPENDIX A

IRB APPROVAL FORM



Graduate Studies and Research
Marquette, MI 49855-5301
906-227-2300
www.nmu.edu/graduatestudies/

Memorandum

TO: Malorie Albee
Department of Anthropology and Sociology

Rylee LaLonde

DATE: September 21, 2023

FROM: Lisa Schade Eckert
Dean of Graduate Studies and Research

SUBJECT: **IRB Proposal HS23-1395**
IRB Approval Date 9/21/2023
Proposed Project Dates: 10/1/2023 – 04/07/2024
Title: Tribal Relations and NAGPRA: Consciousness, Connectedness, and Cause

Your proposal “Tribal Relations and NAGPRA: Consciousness, Connectedness, and Cause” has been approved by the NMU Institutional Review Board. Include your proposal number (HS23-1395) on all research materials and on any correspondence regarding this project.

- A. If a subject suffers an injury during research, or if there is an incident of non-compliance with IRB policies and procedures, you must take immediate action to assist the subject and notify the IRB chair (dereande@nmu.edu) and NMU’s IRB administrator (leckert@nmu.edu) within 48 hours. Additionally, you must complete an Unanticipated Problem or Adverse Event Form for Research Involving Human Subjects.
- B. Please remember that informed consent is a process beginning with a description of the project and insurance of participant understanding. Informed consent must continue throughout the project via a dialogue between the researcher and research participant.
- C. If you find that modifications of investigators, methods, or procedures are necessary, you must submit a Project Modification Form for Research Involving Human Subjects before collecting data. Any changes or revisions to your approved research plan must be approved by the IRB prior to implementation.

All forms can be found at the NMU [Human Subjects Research webpage](#).

APPENDIX B

SURVEY QUESTIONS

Tribal Relations and NAGPRA: Consciousness, Connectedness, and Cause

Survey Questions:

1. How long have you worked for your current tribal repatriation office?
a. < 1 b. 1-2 years c. 3-4 years d. 5 years or longer
2. Have you worked for other tribal repatriation offices?
Yes or No
3. Have you worked in repatriation outside of the tribe?
Yes or No
4. I was introduced to/received training in NAGPRA outside of the tribe.
Yes or No
5. I was provided a comprehensive and appropriate NAGPRA training.
Strongly Agree, Agree, Neutral, Disagree, Strongly Disagree
6. I maintain the tribal historic preservation officer title in my tribe.
Yes or No
7. The restriction of NAGPRA regulation to federal land only is challenging to tribal goals.
Strongly Agree, Agree, Neutral, Disagree, Strongly Disagree
8. The exception for non-federally recognized tribes is challenging to tribal goals.
Strongly Agree, Agree, Neutral, Disagree, Strongly Disagree
9. NAGPRA covers all intents and purposes for my tribe's repatriation goals.
Strongly Agree, Agree, Neutral, Disagree, Strongly Disagree
10. NAGPRA laws should encompass more categories than currently listed (I.e., Ancestral remains, (un)associated funerary objects, sacred objects, and objects of cultural patrimony).
Strongly Agree, Agree, Neutral, Disagree, Strongly Disagree
11. The requirements of NAGPRA violate traditional laws or practice for tribal repatriation.
Strongly Agree, Agree, Neutral, Disagree, Strongly Disagree
12. The handling of NAGPRA items in institutions and museums under the law's rule and regulations coincide with policy and practice from our tribe.
Strongly Agree, Agree, Neutral, Disagree, Strongly Disagree
13. The allowance for intentional excavation causes issues for tribal repatriation goals.
Strongly Agree, Agree, Neutral, Disagree, Strongly Disagree
14. I have participated in a repatriation effort in which Ancestors and/or cultural artifacts were successfully returned to the tribe following NAGPRA practices.
Strongly Agree, Agree, Neutral, Disagree, Strongly Disagree

15. I have participated in the decision not to repatriate Ancestors without their funerary belongings.
Yes or No
16. The decision to not repatriate Ancestors without their funerary belongings was accepted by NAGPRA.
Strongly Agree, Agree, Neutral, Disagree, Strongly Disagree
17. The repatriations I participated in following NAGPRA guidelines were successful and met all tribal goals.
Strongly Agree, Agree, Neutral, Disagree, Strongly Disagree
18. Western science and tribal goals for repatriation are in opposition.
Strongly Agree, Agree, Neutral, Disagree, Strongly Disagree
19. The concept of “ownership” as applied to Ancestors and belonging via NAGPRA is unproblematic.
Strongly Agree, Agree, Neutral, Disagree, Strongly Disagree
20. What are your thoughts on “ownership” of Ancestors?
*lines to elaborate
21. NAGPRA laws highlight the priorities of tribal communities in repatriation efforts.
Strongly Agree, Agree, Neutral, Disagree, Strongly Disagree
22. NAGPRA has helped tribes successfully achieve their repatriation goals.
Strongly Agree, Agree, Neutral, Disagree, Strongly Disagree
23. Would you like to be contacted for an Interview separate from the anonymous survey?
Yes or No
Name, Tribe, Phone number, and Email
*Entered at the end of the survey in Qualtrics that will send survey takers to separate forms.

APPENDIX C

INTERVIEW QUESTIONS

Tribal Relations and NAGPRA: Consciousness, Connectedness, and Cause

The Interview Questions:

The order of questions during the interview will most likely change, as there is hope for relational conversation rather than calculated discussion.

The Questions:

- How were you introduced to the Native American Grave Protection and Repatriation Act (NAGPRA)?
 - What is your educational background? Is this where you learned about NAGPRA?
 - Did you receive formalized training, or was it more of a mentor-mentee relationship?
 - Have you always known about NAGPRA and repatriation needs from the tribe?
- If you can speak on it, what are the goals your tribe has for repatriation?
 - Do you feel that NAGPRA supports these goals?
 - As the family of the Ancestors who are being returned home, does the tribe have the final say in repatriation acts? Or do institutions have the final say?
 - Does the language utilized in the NAGPRA outline support the vision tribes have of bringing Ancestors home? Words like- “controls”, “owns”, “human remains”, and “objects”
- Reflecting on the goals for your tribe, do NAGPRA laws cover all aims for goals of repatriation?
- Do you feel that NAGPRA laws aid in creating relational accountability in inter-tribal relations as well as institutions?
 - Does this law emphasize respect, reciprocity, and relationality in the efforts of repatriation?
 - Looking at relationality, does NAGPRA reflect the connectedness that exists within Indigenous methodologies?
- Do the new changes that are being implemented in the NAGPRA law emphasize these practices?
- How do you feel Indigenous methodologies could better be implemented into the practices highlighted in NAGPRA?
- Are the goals of anthropology at odds with tribal goals for Ancestors and belongings?
 - Do you think that NAGPRA research impedes anthropological research? If it does, should it?
 - How do you envision anthropological research that is conscious of tribal goals?
- Do you have any additional thoughts that you would like to share?