History of the NAGPRA Law

I. Background
   A. looting

   B. scientific studies with skeletal remains in the 19th century focused on cranial comparisons to prove intelligence superiority/inferiority among different races
      1. in 1868, the surgeon general ordered for Indian skeletons to be sent by Army field officers for scientific study of Indian craniums.

   C. resulted in destruction of Native American burial sites, sale of cultural objects and institutionalization of human remains and funerary objects

II. Repatriation Efforts
   A. 1988? proposal of a repatriation process, Senate Select Committee on Indian Affairs initiated dialogue between museums/federal agencies and the Native American Community

      1. year long dialogue prior to bill action
      2. conclusions? all resolutions should uphold the value of scientific research and education, and more importantly, respect the human rights of Native Americans, work to maintain dialogue between tribes and museums, Federal Legislation was needed
      3. panel was divided over what to do with culturally unidentifiable remains

   C. March 14, 1989? Native American Burial Site Preservation Act
      -prohibits excavations/removal of contents from any Native American site without a state permit

   D. March 23, 1989? Native American Grave and Burial Protection Act
      1. made selling, profiteering and transporting of any Native American skeletal remains illegal without the written consent of descendents or culturally affiliated tribe
      2. required museums/federal agencies to list and identify, within 2 years, all Native American possessions, notification within 3 years, and within 1 year of notification tribes will decide if objects in possession should be returned

      -because the Smithsonian Institution held so many (thousands) of Native American remains, the American Indian Museum was established as part of the Smithsonian

III. Native American Grave Protection and Repatriation Act
   A. July 10, 1990? Native American Grave Protection and Repatriation Act
-any Native American remains, funerary objects, sacred objects and objects of
inalienable communal property found on tribal or federal lands after the date of
enactment are considered owned/controlled by (in order)
-lineal descendants
-the tribe on whose land objects were found
-the tribe having the closest affiliation with the objects
-the tribe which aboriginally occupied the land

B. July 17, 1990?Legislative Hearing
   1. review discussion and testimonies by all parties involved
   2. led to technical changes in amendment
ARPA: Archaeological Resources Protection Act

The purpose of this Act is to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites which are on public lands and Indian lands, and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data which were obtained before the date of the enactment of this Act.

Historical and significant events in the life and times of Kennewick Man

- 24,000 BCE - Likely early crossings of land bridge across Bering Strait
- 7,200 BCE - Kennewick Man lives and dies
- 4,000 BCE - Earliest known form of wheel in use
- 2,613 BCE - Great Pyramids of Egypt begin to be built
- 4 BCE - Christ born
- July 28, 1996 - Kennewick Man skeleton found in Columbia River during annual hydroplane races
- Aug. 28, 1996 - Kennewick Man bones dated at 9,200 years old
- Sept. 13, 1996 - Army Corps of Engineers says it will give bones to American Indians for reburial
- Oct. 17, 1996 - Eight scientists begin legal battle to study Kennewick Man
- June 27, 1997 - Judge criticizes corps' handling of case and demands answers about how they will proceed
- July 30, 1997 - Army Corps of Engineers admits it gave Indians access to Kennewick Man
- Aug. 27, 1997 - Asatru Folk Assembly holds ceremonies at site of discovery and with ancient bones
- Dec. 15, 1997 - Scientists study Kennewick Man site, make exciting geological discoveries
- April 1, 1998 - Army Corps of Engineers gives Kennewick Man to Department of Interior
- April 6, 1998 - Army Corps of Engineers buries Kennewick Man site
- June 9, 1998 - Clinton administration opposes bill to allow study of Kennewick Man
- July 2, 1998 - Department of Interior drafts plan to allow study of Kennewick Man
Example of Alaskan discovery and how it was handled

- Who
  Cavers working with the Tongass cave Project and Fred Grady, preparator of the Smithsonian Institution, and supported by a grant from the National Geographic Society.

- What
  Human jaw bone was recovered.

- When
  First discovered in early July of 1996.

- Where
  Cave on Northern Prince of Whales Island in Alaska----remote area.

- Age
  9,730 +/- 60 years

- Remains
  NAGPRA- consultation was held with the tribal governments of Klawock, Craig, Hydaburg, and Kake after the discovery of the remains. Purpose was so they could identify concerns on how they should proceed.

The Klawock and Craig association agreed that further excavations should be held, provided that they would be contacted and told of any new discoveries.

"We all must take responsibility for protection of that information and what may be learned from it. We have seen a truly gratifying spirit of cooperation between tribal governments, federal agencies, universities, and scientists during the initial stages of this discovery," says Fifield. "In many ways this is a model of how we can work together on important concerns. We are optimistic that, as this discovery unfolds, we will continue to cooperate, sharing information and learning about the earliest beginnings of culture in southeast Alaska."