

Restoring Honor: NAGPRA Restoring Rights and Responsibilities to Native
Graves

Colton Nash, Maddox Astle

Junior Division

Group Website

Student-Composed Word Count: 1199 Words

Process Paper Word Count: 498 Words

Annotated List of Works Cited

Primary Sources

Bauman, Joe. "Native Artifacts Are Still Buried in Controversy." *Deseret News*, 8 Dec. 1996, www.deseret.com/1996/12/8/19281503/native-artifacts-are-still-buried-in-controversy/.

This is a news article by Deseret News in 1996, six years after NAGPRA was passed. According to the article, after six years, the Native Americans and the institutions holding collections of the Natives were lagging behind the federal mandate for having a detailed inventory the year prior. It also shows how NAGPRA operates and what difficulties the tribes are going through. I will use this mainly for quotes, the time of the issue, and how long it took for everyone to resolve it.

---. "Navajo Custody of Shields Fueling Discontent." *Deseret News*, 10 Oct. 2005, www.deseret.com/2005/10/10/19916583/navajo-custody-of-shields-fueling-discontent/.

This source is a news article written by Deseret News about a NAGPRA claim involving ancient shields that were believed to be Navajo. According to this article, a shield was found on the Capitol Reef National Park grounds in the 1600s. It was on display before and a bit after NAGPRA was passed, but after a NAGPRA claim, it is now locked away at a Navajo

museum and used for ceremonial purposes. This source is reliable because the news station is very trusted, and the reporter was at the place with interviews with the people who mattered in this story.

Bean, Melissa. "Tribes, Museums Toil to Obey Law." *Deseret News*, 4 Sept. 1995,
www.deseret.com/1995/9/4/19191069/tribes-museums-toil-to-obey-law/.

This source is a news article written by the Deseret News 5 years after the law was passed. The article states that Museums and tribes were having difficulty implementing the law. The communication issues have been a real hassle. I will use this to show the issues with NAGPRA.

Busk, Golda Pectol, and Ephraim P. Pectol. "Indian Shields P.1." *Classified Photograph Collection*, Photograph, Utah Historical Society, 1930,
collections.lib.utah.edu/details?id=449699.

This source is a photograph taken around 1930 by Ephraim Pecol, who discovered three Native American Shields. After NAGPRA was passed, these shields sparked controversy, with the Navajo Nation gaining custody. I will use this and the other two pictures of the

three Shields to make a new section based on the controversy and the items included under NAGPRA.

California State Auditing Team. "Native American Graves Protection and Repatriation Act

The California State University Must Do More to Ensure the Timely Return of Native American Remains and Cultural Items to Tribes." *National Archives*, California State

Auditing Team, 29 June 2023,

<https://information.auditor.ca.gov/reports/2022-107/index.html>.

This source is a government audit report written by an independent audit team examining California State University's compliance with NAGPRA and CalNAGPRA. According to this document, UC on all of its campuses was not fully complying with the laws and not doing enough research to examine its collections for possible NAGPRA items. I will use this to examine CalNAGPRA more fully.

Fash, William, et al. "Letter to the Secretary of the US DOI." *National Archives*, Peabody Museum of Archeology and Ethnology, 2 Nov. 2009,

https://obamawhitehouse.archives.gov/sites/default/files/omb/assets/oira_1024/1024_110409-3.pdf.

This source was a letter from the Peabody Museum of Archeology and Ethnology director to the US Department of the Interior Secretary. From this, we learned that over the past twenty years, NAGPRA has gained a lot of momentum and progress, but a new draft regulation proposal would make restrictions on culturally unidentifiable remains stricter and thus harder for institutions to follow. I plan to use this on my website so that I can gain quotes and use it in a new section that I am thinking of.

Fash, William, and Muriel Seabury Howells. "Letter to the Manager of NAGPRA." *National Archives*, Peabody Museum of Archeology and Ethnology, 14 Jan. 2008,

https://obamawhitehouse.archives.gov/sites/default/files/omb/assets/oira_1024/1024_110409-4.pdf.

This source was a letter from a professor from the Peabody Museum of Archeology and Ethnology to the director of NAGPRA regarding a new proposal. According to this document, there were numerous concerns at the time that this new law would be too much of a hassle for institutions and tribes, as well as not allow for culturally unidentifiable remains

to be identified after they were repatriated under this new law. I will use the quotes from this on my website and give me a new idea for a section about this new proposal and the backlash from the community of scholars.

Klesert, Anthony L., and Shirley Powell. "A Perspective on Ethics and the Reburial Controversy." *American Antiquity*, vol. 58, Apr. 1993, p. 348+. *Gale Academic OneFile*, link.gale.com/apps/doc/A14348369/AONE?u=onlinelibrary&sid=bookmark-AONE&xid=a496b148.

This source is an article written and published in the early 1990s. This source aligns with the beliefs that made NAGPRA in the first place. According to this, ethnocentrism is a big problem in modern archeology, and archeologists do not have any inherent "right" to dig up human remains and then not let the descendants decide whether to repatriate. Their view is that human remains should not be disturbed if it can be done. I will use this as a treasure trove of quotes, viewpoints, and perspectives of academics who supported NAGPRA.

"Native American Graves Protection and Repatriation Act Explained." *Cronkite News*, 10 June 2024,

cronkitenews.azpbs.org/2024/06/10/native-american-graves-protection-and-repatriation-act-nagpra-explained/.

This source is a website about NAGPRA and the guidelines it sets for the NAGPRA organization in government. The information we used from this website was mainly the photograph we were able to get from the website's cover. We used this image in our wrap-up page.

"Repatriation Grants - Native American Graves Protection and Repatriation Act (U.S. National Park Service)." *National Park Service*,

www.nps.gov/subjects/nagpra/repatriation-grants.htm. Accessed 20 Feb. 2025.

This is a website about NAGPRA that includes a beneficial image. The image shows a tribal repatriation with a family looking at it. We used this image as a decorative image on the thesis page.

"Report 2021-047." *California State Auditor*, 17 Nov. 2022,

<https://information.auditor.ca.gov/reports/2021-047/index.html>.

This is a government document from the California State Auditor's office about the effectiveness of NAGPRA in California, including the number of repatriations that have taken place since it was enacted and the progress of the UC school.

Small, Zachary. *Push to Return 116,000 Native American Remains Is Long-Awaited*. *The New York Times*, 6 Aug. 2021,

www.nytimes.com/2021/08/06/arts/design/native-american-remains-museums-nagpra.html

This is a website from the New York Times about NAGPRA and the new spring of pushes by native tribes to get more remains successfully repatriated and brought home. The main thing we used from this website was the picture on the cover we used on the main event page.

Stallworth, Leo. "CSU Facing New Scrutiny over Possession of Native American Artifacts, Remains." *ABC7 Los Angeles*, 31 Aug. 2023,

abc7.com/native-american-remains-artifacts-california-csu/13723160/.

This source is a newspaper article by ABC7 News about how CSU still had native remains 30 years after NAGPRA was enacted. According to the newspaper, multiple state and federal

laws, including NAGPRA, had been enacted, but CSU had only repatriated 6% of the remains that it had before NAGPRA was passed. The source is reliable because it is a firsthand witness from a renowned news source.

United States Senate. "Providing for the Protection of Native American Graves and the Repatriation of Native American Remains and Cultural Patrimony." *United States Code*,

United States Senate, 26 Sept. 1990,

<https://www.nps.gov/subjects/nagpra/upload/SR101-473.pdf>.

This is the best primary source because it is the actual Senate document they used when reviewing NAGPRA for passing. This document tells us that similar bills have been passed in the past and gives us information on previous drafts of them. It also shows the senators' feelings about the bill. We would use this document to tell the best main story and understand exactly what the bill was.

University of Utah, et al. "Indian Shields P.3." *Classified Photograph Collection*, Photograph, J.

Willard Marriott Library, University of Utah, 1930,

collections.lib.utah.edu/details?id=449687.

This is a photograph of a Native American shield that sparked much controversy about who would actually get it. Some said it was a NAGPRA item, but others said it was not a burial item. I will use this as a photograph on my website.

Webster, Fontella Pectol, and Ephraim P. Pectol. "Indian Shields P.2." *Classified Photograph Collection, Utah Historical Society*, Photograph, J. Willard Marriott Library, University of Utah, 1930, collections.lib.utah.edu/details?id=449693.

This is a picture from the University of Utah taken in 1930. It was taken in the Capitol Reef area and shows a Native American shield discovered by Pectol in 1926. In 2003, this shield was moved to the Navajo Nation under NAGPRA. I will use this picture in a section about what can be under NAGPRA.

Secondary Sources

"A Clash of Cultures | The American Experience in the Classroom." *The American Experience*

in the Classroom, The Smithsonian Institute,

americanexperience.si.edu/historical-eras/expansion/pair-pigeons-egg-head-speculator/.

Accessed 20 Feb. 2025.

This source was a website from the Smithsonian Institute about George Catlin, a painter of Native American scenes. One of the pictures he painted is on this website, and we used it in our Archeology tab as a decoration on how much racism was in the early archeological industry.

Bauman, Joe. "Which Tribe Will Get Shields?" *Deseret News*, 1 Apr. 2002,

www.deseret.com/2002/4/1/19646648/which-tribe-will-get-shields/.

This source is a newspaper article by Deseret News about the Navajo shields issue.

According to the article, the shields were found in Utah after being used in a battle against the Spanish in the 1600s. The Navajo identified the shields as one of their own, as told of in oral history. I will use this for more quotes and to learn more about those three shields.

Blakemore, Erin. "Over 9,000 Years Later, Kennewick Man Will Be Given a Native

American Burial." *Smithsonian Institute*, 28 Apr. 2016,

www.smithsonianmag.com/smart-news/over-9000-years-later-kennewick-man-will-be-given-native-american-burial-180958947/.

This is an article by the Smithsonian Institute about Kennewick Man's burial. This source contains all of the information about Kennewick Man and the controversy surrounding him that we could find on other pages. We used the image on the cover for our webpage on Kennewick Man. This source is reliable because the Smithsonian Institute, a well-known, reputable source, writes it.

Carson, Leah B., and Joseph F. Powell. "Kennewick Man." *World Book Advanced*, World

Book, 2024,

www.worldbookonline.com/advanced/article?id=ar749347&st=nagpra#tab=homepage.

This source is an encyclopedia entry by World Book Advanced about Kennewick Man, a skeleton found on the bank of the Columbia River in 1996. Carbon testing showed that the bones are 8,000 years old. Five Native American tribes requested a NAGPRA claim, but scientists filed a successful lawsuit, stopping the claim and allowing for tests. Genetic testing

was done, and Kennewick Man is most related to modern Native Americans. Because of this, NAGPRA went into effect, and the skeleton was turned over to the tribes.

Childs, Connie, et al. "The Word Anasazi on Government Buildings and Trails: Is It Appropriate? - Student Scholarship Archive - SUU Digital Library." *Southern Utah University*, Sherratt Library, Southern Utah University, 2015, contentdm.li.suu.edu/digital/collection/scholar/id/12017/rec/1.

This source is part of a newspaper article from Southern Utah University. It further illustrates that one of the effects of NAGPRA was claims about how far tribes need to go to prove "cultural affiliation." I will use this to help me show this debate effectively.

Davidson, Lee. "Utah Lags in Reburying Ancient Indian Remains." *Deseret News*, 11 Dec. 2000, www.deseret.com/2000/12/11/19543609/utah-lags-in-reburying-ancient-indian-remains/.

This is a newspaper article by Deseret News about how depressingly little progress Utah had made as of December of 2000 to repatriate and comply with NAGPRA. According to the

Inspector General, the state was lagging significantly and has made "minimal progress." I

will use this source to uncover which states are trying to follow the law.

Davis, Jennifer, and Alexander Salopek. "NAGPRA: An Attempt to Correct the Past | In Custodia Legis." *The Library of Congress*, 24 Nov. 2023. *Library of Congress, In Custodia Legis*, blogs.loc.gov/law/2023/11/nagpra-an-attempt-to-correct-the-past.

This source is an article from the Library of Congress about the historical background of NAGPRA. It gave us a lot of new information about the legal acts that had been enacted before NAGPRA, mainly the Iowa Burials Protection Act of 1976 and the American Indian Religious Freedom Act. This source is reliable because it was written by an expert in this field and vetted by experts enough to be published in the Library of Congress.

Deloria, Phillip, and Colin Calloway. "New Insights: Native American History in the Colonial Period." *John F. Kennedy Presidential Library and Museum*, interview by Julia A King, Interview, JFK Library, 27 Mar. 2019, www.jfklibrary.org/node/403951.

This source is an interview with two professors, one from Princeton and one from Harvard. It shows me the general history of Native Americans in the USA and the indifference with

which the archeologists are displaying their graves. I will use quotes from this on my website to enhance the quality.

Hawkins, Evan. "Breaking down the Sections of NAGPRA Law." *Buffalo Bill Center of the West*, centerofthewest.org/2015/12/01/breaking-sections-nagpra-law/. Accessed 20 Feb. 2025.

This handy website broke down NAGPRA and explained each section and what it ingrained into US law. This article showed each separate section of the NAGPRA bill and exactly what that section described. Also, it had an image that we used on the thesis tab for decorative purposes.

"Indians of the Midwest: Native American Graves Protection and Repatriation Act." *Indians of the Midwest*, Newberry Library, digital.newberry.org/scalar/indians-midwest/media/native-american-graves-protection-and-repatriation-act. Accessed 20 Feb. 2025.

This source is a website with pictures about the Native American Graves Protection and Repatriation Act. It has multiple great primary source images, some of which you can't find elsewhere. We used one of these images for our main event page.

"Maria Pearson | Ames History Museum." *Maria Pearson*, Ames History Museum, ameshistory.org/content/maria-pearson. Accessed 18 Feb. 2025.

This source is a website about Maria Pearson, the 'Rosa Parks of NAGPRA.' This source gave us valuable information about Maria's personal life and activism and an image we used for our Archeology tab under the heading Rosa Parks of NAGPRA, which is about Maria Pearson.

Murphy, Nell. "Native American Graves Protection and Repatriation Act (NAGPRA)."

World Book Advanced, World Book, 2024,

www.worldbookonline.com/advanced/article?id=ar757087&st=nagpra#tab=homepage.

This source is a World Book Online encyclopedia article about the historical background and story of NAGPRA. This article shows the main historical reasons for NAGPRA, including how museums sometimes did not even record how they obtained native objects.

This source is reliable because it is from a significant encyclopedia and was written by someone who is a director of cultural resources for the American Museum of Natural History.

"NAGPRA." *Britannica Kids*, Encyclopædia Britannica, Inc., 19 Aug. 2024, kids.britannica.com/kids/article/NAGPRA/635371.

This is an article by Britannica for kids about NAGPRA. It has beneficial information, but we did not use it to write our website. Instead, we used the image in the article on our Repatriations and Restorations website. This source is reliable because it is written by a well-known encyclopedia.

Nash, Stephan E. "Two Pioneering Female Archaeologists." *Sapiens News*, 23 Mar. 2022, www.sapiens.org/archaeology/pioneering-female-archaeologists/.

This is a website about the two female archeologists who pioneered the field of archeology for women worldwide. Because the website content was not related to our topic, we only used the image found on it to decorate the archeology tab and no other information from the source itself.

"Native American Graves Protection and Repatriation Act." *University of Montana*, 2024,
www.umt.edu/native-american-graves-protection-repatriation/default.php.

This source is an article about NAGPRA from the University of Montana. The article shows that NAGPRA is a law stating that whenever a new repatriation claim is valid, the organization MUST carry out the repatriation. This reliable source is from a university with NAGPRA-related remains, presumably from experts.

"Native American Graves Protection and Repatriation Act (U.S. National Park Service)."
Nps.Gov, www.nps.gov/subjects/nagpra/index.htm. Accessed 14 Oct. 2024.

This source talks about what NAGPRA is and what it does. It also shows a quote from what Congress said about NAGPRA; it talks about how it is a federal law and what it protects. It discusses who is with NAGPRA and what they do and shows photos.

Redshaw, Alexis. "'The Rosa Parks of NAGPRA' - Center for Art Law." *Center for Art Law - At the Intersection of Visual Arts and the Law*, Center for Art Law,
itsartlaw.org/2022/02/14/the-rosa-parks-of-nagpra/. Accessed 20 Feb. 2025.

This source was a website about Maria Pearson, one of the prominent people we talked about on our website. It told us about her life and how she convinced the legislature to enact the NAGPRA Act. Specifically, there is a picture on it that we used in the main event NAGPRA page.

Reisner, Marc. "Journal of Land, Resources & Environmental Law Volume 20 No. 1 2000 | College of Law Publications." *University of Utah Digital Library*, Journal of Land, Resources & Environmental Law, S.J. Quinney College of Law, University of Utah, 2000. *S.J. Quinney College of Law, University of Utah*, collections.lib.utah.edu/details?id=727828.

This source is an academic journal from the University of Utah, but I only used one paragraph, which shows the historical background of NAGPRA. According to the journal, the American Indians Religious Freedom Act of 1978 established a government system where sacred native sites are protected. Then, in 1990, NAGPRA was passed to introduce mandatory repatriation of remains. In 1992, an amendment was added that made government agencies respect the physical integrity of the site. This source is accurate because it is an academic paper published in a journal after being peer-reviewed for accuracy.

"Return to the Earth | Religions for Peace USA." *Religions for Peace USA*,

rfpusa.org/what-we-do/return-to-the-earth/. Accessed 10 Sep. 2024.

This source is the title web page for the Return to the Earth project, which seems to follow similar goals as the new draft proposal for NAGPRA. From this site, we can gather that in 1864, Cheyenne Peace Chiefs were massacred, and the skulls of those people were shipped back to Washington, DC, for scientific study. The NAGPRA process has been slow and underfunded. I will use this source mainly for background information and quotes.

Romboy, Dennis. "Inca Skull Offered on eBay." *Deseret News*, 11 Nov. 2003,

www.deseret.com/2003/11/11/19795135/inca-skull-offered-on-ebay/.

This source is a news article from the Deseret News in 2003. It tells how an Incan skull was somehow offered on eBay, which could have violated NAGPRA. The dilemma is that the Incas were not located in the United States historically, so it might not apply. I will use this to consider the limitations of NAGPRA and whether it should be adopted by the world at

large.

“Tolkotin Cremation – .” *SevenPonds Blog*,

blog.sevenponds.com/wp-content/uploads/2014/02/tolkotin-cremation.jpg. Accessed 20

Feb. 2025.

This source is a photograph of a cremation that occurred after remains were successfully repatriated to a Native American tribe. We used this image as a decoration in our wrap-up and conclusion pages.

"Tribes Lay Remains of Kennewick Man to Rest." *The Spokesman-Review*, 20 Feb. 2017,

www.spokesman.com/stories/2017/feb/20/tribes-lay-remains-of-kennewick-man-to-rest/.

This recent news article by the spokesman-review tells us about the Kennewick Man story.

According to this article, the Kennewick Man is the oldest and most complete human skeleton ever found. Natives immediately filed NAGPRA claims, but a judge ruled against it because of the shape of the skull. However, DNA analysis has shown that it more closely relates to natives than any other ethnic group. I will use this as the central point in the Kennewick Man story, which is one of history's most significant NAGPRA claims.

Voa News. "24,000 Year-Old Skeleton Reveals Clues about Native American Origins."

Voice of America, 21 Nov. 2013,

www.voanews.com/a/ancient-year-old-skeleton-native-american/1794991.html.

Voa News wrote this newspaper article about Kennewick Man and his discovery, as well as how the DNA testing done on him has opened up new scientific discoveries on the origins of the Native American people. We mostly only used this source for its image, which was a vital part of our website page dedicated to Kennewick Man. This source is reliable because it had a photo of Kennewick Man's remains.

Weiss, Elizabeth. "The New Archaeology Wars: How Cancel Culture and Identity Politics

Have Corrupted Science." *Skeptic (Altadena, CA)*, vol. 29, 2024, p. 18+. *Gale Academic*

OneFile,

link.gale.com/apps/doc/A802481814/AONE?u=onlinelibrary&sid=bookmark-AONE&xid=4

ae5f258.

This source is an article written by Elizabeth Weiss, a professor and the author of a controversial book against repatriation. This source says that she was discriminated against

and that repatriation is not good because it interferes with science. I will use this on my website for a counter-perspective section.

Whitling, Lezlee E. "Utes at Odds over Chief's Remains." *Deseret News*, 15 Nov. 2004, www.deseret.com/2004/11/15/19861505/utes-at-odds-over-chief-s-remains/.

This source was a newspaper article from the Utah-based Deseret News. According to the article, there was a proposal to move the body of a Ute chief to a native American museum in Colorado to be with his wife's body. According to NAGPRA, this should be left up to the descendants. I will use this source for some excellent quotes about the act's purpose.

Wolfter, Teegan, and The Editors of Encyclopedia Britannica. "Native American Graves Protection and Repatriation Act." *Encyclopedia Britannica*, Encyclopædia Britannica, Inc., 30

Apr. 2024,

www.britannica.com/topic/Native-American-Graves-Protection-and-Repatriation-Act.

This source is an encyclopedia entry from the Encyclopedia Britannica about NAGPRA. It gives all the primary information about the act and its applications to human rights. It also provides excellent background knowledge about the Antiquities Act, which we did not

previously research, and can help us out. The source is reliable because it is from a world-renowned encyclopedia and is well-researched and vetted by experts.

Process Paper

In the process of brainstorming, I asked my Uncle Bobby, who is an archeologist, what he thought. As it turns out, my Aunt Liz works for the NAGPRA organization here in Utah! The next time she came over, she told me all about Kennewick Man and NAGPRA. When I started researching it, I found more evidence that it was the perfect fit for the theme and would be fun to study!

NAGPRA relates to the theme because before it came along, Natives had absolutely no right to claim their dead or their artifacts. Archeologists could send the remains to various museums and labs. NAGPRA single-handedly gave Natives grave rights, while giving museum workers the responsibility to inventory remains and accept claims made under NAGPRA.

We researched by scouring online libraries and databases such as Utah Online Library, Gale Online Library, and the University of Utah Online Library. In addition, the NAGPRA website itself gave some helpful information. I interviewed my previously mentioned Aunt Liz, who gave me more insight into the story of Kennewick Man. However, I could not record it; we could only use it as a starting base to conduct our research.

As soon as we started creating our website, we noticed the website builder was incredibly hard to use. The spacing of columns never aligned perfectly, and even though we

read the website builder guide multiple times, it never clicked until I found the easy layout flexbox. That saved our project, as the buttons never lined up, and we could only put things across from each other horizontally. Colton did most of the formatting and added information and images to the site, and Maddox did most of the website design. After regionals, Maddox went on a vacation and worked on it while waiting for his layover, while Colton worked on it on the car ride to southern Utah.

After the regional competition, our judges gave us feedback, telling us we had many grammatical errors and needed to incorporate multiple perspectives more. After spending a night or two, we fixed our grammar mistakes and added multiple perspectives throughout the website.

Also, Colton created a custom ChatGPT bot to interview us as if real interviewers were interviewing us. The bot then gave us a verdict based on it and our project, helping us prepare for the NHD interview.

Researching NAGPRA, it has become clear that self-interests have become significantly inflated. The way archeologists viewed the act was that they thought giving back the remains would stand in the way of scientific discovery. They were so engaged in their interests of discovery that they did not give back remains that rightfully were supposed to be in the Native Americans' hands.

NAGPRA matters in history because it is the first federal government document from the United States of America explicitly letting Native tribes have control over the

remains of their ancestors and requesting their return from museums to the tribes, where they belong.