NAGPRA as a Paradigm: The Historical Context and Meaning of the Native American Graves Protection and Repatriation Act in 2011

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The American Indian repatriation movement is about civil rights, and NAGPRA is its fruit.
Steve Russell[1]

On November 16, 1990, the United States Congress passed the most significant legislation pertaining to Native American cultural identity since the Indian Citizenship Act of 1924. Only after years of debate and discussion between politicians, museum officials, and the scientific community, did Congress adopt bills and regulations that helped pave the way for the landmark Native American Graves Protection and Repatriation Act (NAGPRA) of 1990.[2] This pivotal NAGRPA statute "address[ed] the rights of Native Americans to certain human remains, funerary objects, sacred objects, and objects of cultural patrimony with which they are affiliated."[3] The passage of NAGPRA set a major precedent in American legislation regarding Native American cultures and traditions, both in ancient and modern times; twenty years later, the act continues to allow the historically neglected peoples to voice and legitimize their past and customs in an Anglo-American dominated society. Now more than ever, the issues described in this law prove necessary for the continuing cultural autonomy and preservation of once abundant communities.

Since the enacting of NAGPRA, tribal members and scholars of diverse backgrounds and academic fields have contributed substantial amounts of literature concerning the law. While these intellectuals within various disciplines interpret and debate different aspects of NAGPRA, the topic generally becomes entangled within the greater context of Native American studies. Although the act passed in 1990, in the 1969

This paper originally formed chapter 5 of my thesis "Silent History: Reclaiming Palestinian Cultural Patrimony and History and Using NAGPRA as a Paradigm"

[1] Steve Russell"Law and Bones: Religion, Science, and the Discourse of Empire," *Radical History Review* 99 (Fall 2007): 218.

[2] Jack F. Trope and Walter R. Echo-Hawk, "The Native American Graves Protection and Repatriation Act: Background and Legislative History," in *Repatriation Reader: Who Owns American Indian Remains, ed. Devon Mihesuah* (Lincoln: University of Nebraska Press, 2000), 140.

[3] Marie C. Malaro, *A Legal Primer on Managing Museum Collections, 2nd ed.* (Washington D.C.: Smithsonian Books, 1998), 40. NAGPRA also extends protection to burial sites on Federal and public lands. In addition, the legislation protects Native Hawaiian cultural interests, but for the purposes of this paper, the author will concentrate on the historical context regarding Native American Indians, and how NAGPRA has affected their relationship with scholarly and scientific communities.

classic *Custer Died for Your Sins: An Indian Manifesto*, leading historian and member of the Standing Rock Sioux tribe Vine Deloria, Jr. scrutinizes key issues that ultimately spawned the debate on Native American cultural identity and the need to reclaim it.[4] In the groundbreaking *Grave Injustice: The American Indian Repatriation Movement and NAGPRA*, acclaimed anthropologist Kathleen S. Fine-Dare concentrates on the historical record and motivation of Europeans and Anglo-Americans to accumulate Native American sacred items and remains, as well as the ongoing campaign to return these culturally significant objects to their respectful owners.[5] As the debate wages on, several historians, anthropologists, archaeologists, and attorneys continue to present authoritative arguments in many respectable journals and other academic mediums.[6]

Brief History of U.S. and Native American Relations

Over the course of five hundred years following European contact in the Americas, the period since the nineteenth century has proven the most detrimental to the overall calculated demise of Native American culture. With the inception of the Manifest Destiny ideology and divine right rule of a young federal government, Anglo-Americans coveted the vast territories historically inhabited by tribal communities. When white Europeans and Anglo-Americans began their encroachment campaign on Native American lands, fierce conflicts naturally ensued. By the end of the early Indian wars, defeated tribes, with few other options for survival, signed treaties with the American government; this stage in Native American-U.S. relations inevitably led to illegitimate seizures of tribal lands.

The Indian Removal Act of 1830 ultimately created a domino effect that resonated into the present time. The law essentially expelled Native tribes living east of the Mississippi River, thus forcing them to infringe on others indigenous ancestral territories in the west.[7] Furthermore, due to the influx of relocating eastern bands, the U.S. government confiscated the ownership rights of the Native Americans inhabiting the areas where the displaced tribes assumed residence.[8] Because of the duplicitous nature and subsequent agreements that followed the Indian Removal Act, the federal

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[4] Vine Deloria, Jr., *Custer Died for Your Sins: An Indian Manifesto* (Norman: University of Oklahoma Press, 1988), xii. Deloria is also author of several influential books and articles, including *God is Red* (Norman: University of Oklahoma Press, 1983) and *The Indian Reorganization Act: Congress and Bills* (Norman: University of Oklahoma Press, 2002).

[5] Kathleen S. Fine-Dare, *Grave Injustice: The American Indian Repatriation Movement and NAGPRA* (Board of Regents of the University of Nebraska, 2002).

[6] For further discussions on various aspects of NAGPRA, see: Susan B. Bruning "Complex Legal Legacies: The Native American Graves Protection and Repatriation Act: Scientific Study and Kennewick Man," *American Antiquity* (71.3 (2006): 501-521; Walter R. Echo-Hawk, *Battlefields and Burial Grounds: The Indian Struggle to Protect Ancestral Graves in the United States* (Minneapolis: Learner, 1994); Devon A. Mihesuah, *Natives and Academics: Researching and Writing about American Indians* (Lincoln: University of Nebraksa Press, 1998); and Jerome C. Rose, Thomas J. Green, et al., "NAGPRA Is Forever: Osteology and the Repatriation of Skeletons," *Annual Review of Anthropology* (Annual Reviews) 25 (1996): 81-103.

[7] Alban W. Hoopes, *Indian Affairs and Their Administration, with Special Reference to the Far West: 1849-1860* (Philadelphia: University of Pennsylvania Press, 1932), 7.

[8] Hoopes, *Indian Affairs and Their Administration*, 8.

government acquired more and more Native lands, thereby forcing hundreds of thousands aboriginal communities to dense and confining locations.[9]

By the mid-nineteenth century, diseases such as smallpox and cholera decimated indigenous populations, and the living standards of reservation life only exacerbated the rampant despair. As more tribes acquiesced to a sedentary lifestyle, the U.S. government "placed Native Americans in a state of coerced dependency."[10] This era in Native American history marked the federal administration's first attempt of assimilating the Indians of this nation. By 1871, under President Ulysses S. Grant, the U.S. Calvary undertook assignments of slaying thousands of buffalo, the sustenance of nomadic Plains tribes, in an effort to coerce the bands to accept reservation life.[11] However, the passage of the General Allotment Act (GAA)[12] in 1887 solidified the U.S. government's endeavor to acculturate Natives.[13] Under the GAA, the federal government sought to end tribal autonomy, remove reservation borders, and require the forced assimilation of the indigenous groups into Anglo-American society. In addition to this statute, white officials, missionaries, and other "do-gooders" began establishing reservation schools in order to indoctrinate young Native American children in the "proper" and "civilized" way of life.[14] Nevertheless, these schools were anything but proper and civilized; the policies that dictated the essence of existence for Native Americans left a once autonomous people in near desolate ruin.

The twentieth century marked yet another new reality for American Indians. In 1924, the United States government extended citizenship rights to all indigenous peoples.[15] Nevertheless, Native Americans enjoyed little of the rights and privileges granted to them. However, in 1934, Congress passed the Indian Reorganization Act (IRA) with intentions to "conserve and develop Indian lands and resources; extend to Indians the right to form business and other organizations; establish a credit system for Indians; grant certain rights of home rule to Indians; provide for vocational education for Indians; and for other purposes."[16] Conversely, author Steven Pevar maintains the act intended "to rehabilitate the Indian's economic life and to give a chance to develop the initiative destroyed by a century of oppression and paternalism."[17] This new legislation, in effect, abolished the policies of the GAA. In addition, the IRA sought to reestablish limited tribal governments and some indigenous sovereignty.[18] Provisions in the act also compensated certain tribes for their previously owned land, and civic improvements

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[9] For a detailed listing of eighteenth and nineteenth century treaties between the United States and federally recognized as well as unrecognized Native American tribes, see http://digital.library.okstate.edu/kappler/Vol2/Toc.htm.

[10] Stephen L. Pevar, *The Rights of Indians and Tribes: The Authoritative ACLU Guide to Indian and Tribal Rights,* 3rd ed. (New York: New York University Press, 2002), 7.

[11] Greg O'Brien, *The Timeline of Native Americans: The Ultimate Guide to North America's Indigenous Peoples* (San Diego: Thunder Bay Press, 2008), 175.

[12] Commonly known as the Dawes Act, named after U.S. Senator Henry Dawes (1816-1903).

[13] O'Brien, *The Timeline of Native Americans,* 175.

[14] Pevar, *The Rights of Indians and Tribes,* 8.

[15] Indian Citizenship Act of 1924 (Snyder Act), 43 Stat. 253, ante 420.

[16] Indian Reorganization Act of 1934 (Wheeler-Howard Act), 48 Stat. 984-25 U.S.C. § 461 *et seq*.

[17] Pevar, *The Rights of Indians and Tribes,* 10.

[18] Indian Reorganization Act of 1934.

considerably increased the quality of life for many Native Americans.[19] However, in 1953 the Eisenhower administration reversed the previous policies and implemented a new course of action to terminate the dependency of aboriginal communities on the United States government.

From the beginning of President Dwight D. Eisenhower's administration until the height of the Civil Rights era, the federal government attempted once again to force Native Americans to assimilate to the ways of Anglo-American society. As Sharon O'Brien writes in *American Indian Policy in the Twentieth Century*, this effort " involved the unilateral termination of the United States' relationship with the tribes, with the ultimate goals of assimilating all Indian people by breaking down cultural and tribal bonds. By 1961, Congress had terminated its relationship with 109 bands and tribes."[20] Some argued that at the heart of this new strategy lay the government's true aims of acquiring natural resources on Indian land. Consequently, the Eisenhower administration terminated tribes that owned the most reserves. Furthermore, over the course of this policy, Native Americans lost 2.5 million acres of their land and approximately 12,000 indigenous peoples lost protected federally recognized standing.[21]

In the midst of ethnic nationalism in the 1960s and in response to the continued attempts of assimilation, termination, and the generally deteriorating status of Native Americans' welfare, Clyde Bellecourt, Eddie Benton Banai, George Mitchell, and Dennis Banks founded the American Indian Movement (AIM) in 1968. As the precursor of the Red Power Movement of the 1970s, AIM called on all aboriginal peoples to defend their cultural identity and rights. In addition to its much-publicized radical activism, AIM served several functions as a community organization for an increasingly energized base.[22] As the turbulent sixties ended, Native American leaders of the seventies and eighties sought new ways to legitimize their claims of a history of injustices perpetrated by Anglo-American society. By 1971, Native Americans began lobbying local and state governments; by 1987, Congress assumed responsibility for righting historical wrongs.

Similarities Between Native Americans and Palestinians

Within the last fifteen years, the historical narratives and experiences of Native Americans and Palestinians have become a prevalent theme for addressing issues of exclusion, dispossession, and colonization of indigenous communities. While Native Americans were the ancient peoples of the Americas and the Palestinians one of the earliest indigenous groups of their region, their history, culture, traditions, and relationship to the land made no difference to the newcomers seeking to establish a "New

[19] Pevar, *The Rights of Indians and Tribes*, 11.

[20] Sharon O'Brien, "Federal Indian Policies and the International Protection of Human Rights," in *American Indian Policy in the Twentieth Century*, ed. Vine Deloria, Jr. (Norman: University of Oklahoma Press, 1985), 44.

[21] "History and Culture, Termination Policy 1953-1968," National Relief Charities, http://www.nrc programs.org/site/PageServer/PageServer?pagename=airc_hist_terminationpolicy.

[22] Peter Matthiessen, *In the Spirit of Crazy Horse: The History of Leonard Peltier and the FBI's War on the American Indian Movement* (New York: Penguin Books, 1991), 34, 36.

World" or to become the benefactors of the Land of milk and honey. The myopic disregard of by the new settlers rested in Manifest Destiny and Zionism.[23]

Among the contradictory justifications for Western and Western-inspired colonization, these notions served as typical: the land was uninhabited, the natives did not have a united, singular identity, and they neither owned the land nor utilized the resources properly.[24] In comparing the histories of Native American and Palestinian experiences, Norman Finkelstein recites President Theodore Roosevelt's attitude towards American expansionist activities of the nineteenth century:

> Many of the best backwoodsmen were Bible-readers, but they were brought up in a creed that made much of the Old Testament… They looked at their foes as the Hebrew prophets looked at the enemies of Israel. What were the abominations because of which the Canaanites were destroyed before Joshua, compared with the abominations of the red savages whose lands they, another chosen people, should in turn inherit?...They believed that they were but obeying His commandment as they strove mightily to bring about the day when the heathen should have perished out of the land… There was many a stern frontier zealot who deemed all the red men, good and bad, corn ripe for the reaping.[25]

More recently, a delegation of Native Americans from the Lakota Sioux tribe and Palestinians participated in a cultural exchange to understand the other's circumstances of desperation. When asked about her experiences in the West Bank and Gaza, Ardis Iron Cloud stated, "She felt like she was visiting relatives," and Palestinians, led by Zoughbi Zoughbi, director of Wi'am Palestinian Conflict Resolution, expressed similar sentiments when they visited the Pine Ridge reservation.[26] The delegation leaders also recognized both communities were

> native to their [respected] lands; colonized by others; told there was a way to live peacefully together [with their occupiers]; then violently uprooted from their ancestral lands; then forced onto reservations; then slowly lost even that land to settlers; only to end up being told by the colonizer *they* (emphasis mine) were the obstacles to peace.[27]

In their final analysis, Zoughbi simply asked, "Does history repeat itself?"[28]

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[23] See Exodus 3:8.

[24] Gelvin, *The Israel- Palestine Conflict*; Theodore Roosevelt, "The Winning of the West."

[25] Theodore Roosevelt, *The Winning of the West*, quoted by Norman Finkelstein in, "Background of the Visit," *The Link* 32.5 (December 1999): 7, published by Americans for Middle East Understanding, Inc.

[26] Zoughbi Zoughbi, "The Visit," *The Link* 32 no. 5 (December 1999): 2, published by Americans for Middle East Understanding, Inc.

[27] Zoughbi, "The Visit," 11.

[28] Zoughbi, "The Visit," 11. For further comparisons, see L. Janelle Dance, "Struggles of the Disenfranchised: Commonalities Among Native Americans, Black Americans, and Palestinians," a working paper presented at Al-Hewar Center in Washington D.C., on September 30, 2009, Mahmoud Darwish, and Ben White, "Dispossession, Soil, and Identity in Palestinian and Native American Literature."

Beginnings of the NAGPRA Movement

Although American legislators passed the Antiquities Act in 1906[29] to address the preservation of historic lands and archaeological sites on federal lands, the first bills regarding ancestral Native American culture and identity only became an issue in the early 1970s.

As the international community implemented guidelines to preserve and protect the intrinsic value of cultural artifacts, the United States slowly began addressing the concerns of its Native American communities and their claims for equal cultural security. In 1971, Iowa highway construction workers found remains of twenty-six Anglo-Americans and one Native American woman and baby. As usual, officials reburied the white remains in a local cemetery, while the state archaeology department collected the Indian remains and funerary objects for study and analysis.[30] When district engineer John Pearson informed his wife Maria Pearson[31] of the occurrence, she promptly started lobbying the Iowa legislature, Governor Robert D. Ray, and State Archaeologist Marshall McKusick. After months of endlessly pursuing a proper and traditional burial, Pearson successfully negotiated a reburial for her native ancestors. Subsequently, in 1976 Iowa passed the country's first Native American legislation aimed at protecting Indian graves and repatriating remains; in addition, the state created four cemeteries dedicated for their reburial.[32] Ultimately, through peaceful means and legal action, Maria Pearson's spirit and tenacity became the catalyst of the NAGPRA movement.

The Passing and Implementation of NAGPRA

After years of congressional hearings and debate, Congress passed NAGPRA on November 19, 1990.[33] This statute allows all federally recognized Native American tribes to reclaim their respected ancestral remains as well as other cultural patrimonial objects from all museums, universities, and other federal agencies (with the exception of the Smithsonian Institution) that receive government funds.[34] The law proved significant because it returned control of cultural autonomy to Native Americans to determine their historical representation and interpretation in an Anglo-American dominated society. Furthermore, by requiring institutions that receive federal funding to abide by the law, indigenous peoples now have intimate encounters with their ancestor's ancient possessions.[35] In addition, for the mutual benefit to tribal communities and institutions, the act explicitly defines cultural items, such as human remains, associated and

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[29] American Antiquities Act of 1906, 16 USC 431-433.

[30] Ames Historical Society, http://www.ameshistoricalsociety.org/exhibits/pearson2.htm. This controversy became known as the *Glenwood Incident.*

[31] Tribal member of the Yankto Sioux tribe.

[32] http://www.ameshistoricalsociety.org/exhibits/pearson2.htm. Also, see Protection of Ancient Burials in Iowa, http://www.uiowa.edu/~osa/burials/generalinfo.pdf.

[33] Native American Graves Protection and Repatriation Act, Public Law 101-601; 25 U.S.C. 3001 *et seq*, http://www.nps.gov/history/local-law/FHPL_NAGPRA.pdf, 166.

[34] Native American Graves Protection and Repatriation Act, 166.

[35] For detailed accounts and personal stories of repatriated objects, see Andrew Gulliford, *Sacred Objects and Sacred Places: Preserving Tribal Traditions* (Boulder: University Press of Colorado, 2000), 52-66.

unassociated funerary objects, and sacred objects.[36] Although the law gives definitions of traditional objects, Anglo-American interpretations and objections have often led to dispute between the two cultures.

In the aftermath of congressional repatriation debates and NAGPRA's ratification, many in the scientific and museum professional communities negatively responded to its passage. As Michael F. Brown states, "the scientific field became convinced emotions had drowned our serious discussion of the scientific value of human remains that might eventually offer up genetic information crucial to the future health of Native Americans."[37] However, not all scientists concerned themselves or their research with Native American health issues. Acclaimed anthropology professor emeritus Clement Meighan articulated,

> repatriation is a loaded and improper term because it implies that you're giving something back to people who own it. They don't own it, and never did…fifty years from now, people will look back on this situation and wonder how we could have been so short-sighted as to consign a research area to the jurisdiction of political and religious restrictions…[38]

Such sentiments echoed throughout other scholarly communities and the museum professional field.

Despite the ill feelings, museums and their staffers reluctantly accepted the repatriation legislation, but not without raising key concerns. As museum legal expert Marie C. Malaro noted, the issue of "standing" raised the most apprehension to the statute. The scholar explained the hesitation aroused from the "Anglo-American legal tradition… [where] the plaintiff must establish a direct, personal stake in the controversy before the court will adjudicate the claim."[39] Simply stated, this meant the courts sought to ensure the correct parties in dispute received a fairing hearing and ruling. For museums, the "standing" issue proved more difficult to maintain. For instance, if a museum or institution repatriated objects or remains to the wrong tribe, they still held liability to the tribe with actual "standing" to reclaim the identified materials. Additionally, claims for human remains further complicated the matter of legal standing—in situations where tribes could not prove direct lineal descent, it virtually created a quagmire for museums to distinguish which tribe held a historical or blood relationship with the remains. Moreover, the fact that laws in the Anglo-American justice

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[36]"'Cultural items' means human remains and—'associated funerary objects' which shall mean 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, and both the human remains and associated funerary objects are presently in the possession or control of a Federal agency or museum… 'unassociated funerary objects…' are reasonably believed to have been placed with individual remains either at the time of death or later, where the remains are not in the possession or control of the Federal agency or museum and the objects can be identified by a preponderance of The evidence as related to specific individuals or families or to known human remains… 'sacred objects…' mean specific objects which are needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present day adherents," Native American Graves Protection and Repatriation Act, 167.

[37] Michael F. Brown, *Who Owns Native Culture?* (Cambridge: Harvard University Press, 2004), 17.

[38] Gulliford, *Sacred Objects and Sacred Places,* 27.

[39] Malaro, *A Legal Primer on Managing Collections,* 112-13.

system indicated no legal precedent regarding the issue of Native standing to reclaim human remains, further exacerbated museums' concerns.

Though museums and other cultural repositories worried about Anglo-American issues such as "standing" and precedence, Native American groups seeking to obtain their ancestors' remains and sacred objects faced several legal obstacles. The responsibility of providing evidence and the burden of proof rested with the tribes, as well as fighting the courts against statutes of limitations. According to Malaro, committed observance to these standards consistently thwarted Native American claims because historically and culturally they relied more on oral traditions of their past and not the written record. Although the use of oral traditions and other customs appeared as a major obstacle for tribes making claims, they made strong cultural appeals for their use in Anglo-American courts; tribal members addressed the indigenous perspective of what "sacred" meant, which differed greatly from the Anglo definition, and they stressed the notions of communal ownership and the very basic principles of human dignity.[40] Ultimately, the legal concerns between the two cultures epitomized the need for a working, mutual relationship with respect for caring and preserving traditional Native identities.

As a stipulation of NAGPRA, museums and other federally funded institutions began creating summaries and inventories of their entire Native collections, including associated and unassociated funerary objects, sacred objects, objects of cultural patrimony, and human remains; thus began an effective partnership with indigenous communities. Although both processes complemented one another, summaries served two purposes, to "provide information to lineal descendants or Indian tribes" seeking claims, and to "estimate the number of objects in the collection… [as well] as describe the kinds of objects."[41] In addition, the law required museums and institutions to comply no later than November 16, 1991, exactly two years from NAGPRA's passage. Inventories, on the other hand, involved direct consultation with affiliated tribes and its members, thereby involving Native Americans in the repatriation process. Furthermore, the law described the reason of consultation as, "the purpose to share information with the consulting parties and to obtain information that can be used by the museums or Federal agency to determine cultural affiliation."[42] The law required all inventories to be completed by November 16, 1995, and copies distributed to tribes making repatriation claims. However, in 2005, the U.S. Senate Committee on Indian Affairs sought to broaden the definition of cultural affiliation to include "certain human remains regardless of whether a connection can be established between those remains and a presently existing tribe." The proposal was met with ardent objections from the museum and scientific communities.[43]

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[40] Malaro, *A Legal Primer on Managing Collections,* 114.

[41] NAGPRA Summary and Inventory Overview, http://www.nps.gov/history/nagpra/TRAINING/Summaries_and_Inventories.pdf.

[42] NAGPRA Summary and Inventory Overview.

[43] Senate Committee on Indian Affairs, *Native American Graves Protection and Repatriation Act: Oversight Hearing on Amendment to the Native American Graves Protection and Repatriation Act*, 109th Cong., 1st sess., 2005, 1, 55, 61, 63, 67, et.al.

In order to ensure that organizations and agencies abided by the proper procedures and guidelines, the legislation called for the establishment of a review committee to oversee the repatriation process. Responsibilities of the review committee included supervising the cataloging and recognition process, allowing access of information to tribes, making recommendations, and creating an inventory of "cultural unidentifiable human remains that are in the possession or control of each Federal agency and museum."[44] However, the role of mediator served as the most important function for the review committee. Although the process of repatriation appeared very bureaucratic and demanding, the efforts of cultural civility by Anglo-American professionals in preserving Native autonomy reached a new climax.

Despite a renewed sense of cultural, legal, and moral responsibility, Anglo-American scientists and archaeologists still held reservations regarding the application of NAGPRA. The ongoing case of Kennewick brought these issues to the front of the debate.[45] In 1996, two individuals in Kennewick, Washington discovered the earliest human remains found in North America, thus sparking a controversy as to what to do with the skeleton. Almost immediately, local tribes began making cultural affiliation claims and calling for the return and reburial of their ancient ancestor. One major point of contention rested with the classification of Kennewick Man: Was he indeed Native American? After several federal hearings and court cases, the limited scope of NAGPRA and the unprecedented find of the ancient remains continue to create disputes over the practicality and use of the legislation. As Susan B. Bruning states,

> After almost a decade of litigation over NAGPRA's role in allocating control of Kennewick Man, the statute's role in governing the scientific study of ancient human remains has yet to be clarified… The cacophony of legal wrangling has fueled widespread debates over NAGPRA's reach in determining cultural identity, the expansion of tribal rights to exercise control over ancient remains and objects, and the appropriate parameters of scientific inquiry into the human past when that inquiry conflicts with the beliefs and interests of present-day groups.[46]

Although numerous scientists and scholars argue over various functions of the law, most conclude that the value of the legislation has greater positive consequences in establishing Native American relationships with respected scientific and professional communities.[47]

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[44] Native American Graves Protection and Repatriation Act, Public Law 101-601; 25 U.S.C. 3001 *et seq*, 177-79.

[45] Susan B. Bruning, "Complex Legal Legacies: The Native American Graves Protection and Repatriation Act, Scientific Study, and Kennewick Man," *American Antiquity* 71(July 2006): 501.

[46] Bruning, "Complex Legal Legacies," 504, 509

[47] For detailed studies of NAGPRA from an anthropological and archaeological perspective, see: T.J. Ferguson, "Native Americans and the Practice of Archaeology," *Annual Review of Anthropology* 25 (1996): 63-79, and Steve Russell, "Law and Bones: Religion, Science, and the Discourse of Empire," *Radical History Review* 99 (Fall 2007): 214-226.

No singular of piece of legislation or its amendments can solve all the historical wrongs perpetrated against a community. However, the unique precedence of NAGPRA has enabled Native American tribes to reclaim their cultural autonomy in an Anglo-American dominated society. The statute now allows for interdisciplinary cooperation between many academic and professional fields, and indigenous populations. More importantly, the law exhibits the long overdue respect for aboriginal communities' ancient cultures and traditions. Although NAGPRA cannot address every issue regarding American Indian identity, it is a new chapter in Anglo-American and Native American relations; the statute could serve well as an international paradigm for countries seeking to establish better ties with their respected indigenous peoples.