

**UCLA**

**American Indian Culture and Research Journal**

**Title**

Accomplishing NAGPRA: Perspectives on the Intent, Impact, and Future of the Native American Graves Protection and Repatriation Act. Edited by Sangita Chari and Jaime M. N. Lavallee.

**Permalink**

<https://escholarship.org/uc/item/46d5n4fk>

**Journal**

American Indian Culture and Research Journal , 39(1)

**ISSN**

0161-6463

**Author**

Broadrose, Brian

**Publication Date**

2015

**DOI**

10.17953

**Copyright Information**

This work is made available under the terms of a Creative Commons Attribution-NonCommercial License, available at <https://creativecommons.org/licenses/by-nc/4.0/>



**Accomplishing NAGPRA: Perspectives on the Intent, Impact, and Future of the Native American Graves Protection and Repatriation Act.** Edited by Sangita Chari and Jaime M. N. Lavallee. Corvallis: Oregon State University Press, 2013. 296 pages. \$24.95 paper.

In 1990 the Native American Graves Protection and Repatriation Act (NAGPRA) was signed into law, changing, perhaps indelibly, the centuries-old dynamic between “the studiers” and “the studied”—between anthropologists, museums, and institutions, and the American Indian ancestral bodies and objects that are held by these western-gaze businesses. NAGPRA mandates that museums, universities, and other federally funded institutions inventory their collections of deceased American Indians and Hawaiian Natives and certain kinds of their objects in order to: (1) determine if cultural relatedness to living Native peoples can be established; (2) consult with such descendant groups; and ultimately (3) repatriate ancestral remains as appropriate. Hyped by some as the end of anthropology and museum studies, or by others as basic and necessary human rights legislation, the various responses to NAGPRA provide a window through which to view this changing, though still patently unequal, relationship.

In this well-organized volume, editors Sangita Chari and Jaime M. N. Lavallee examine the workings of NAGPRA through the experiences of American Indian and Native Hawaiian authors, attorneys, museum personnel, and others, offering a thought-provoking, on-the-ground view of the conflicting ideologies and difficulties that accompany implementation of this law. Attorney Jack F. Trope, who played a pivotal role in the passage of the legislation, provides the crucial historical context of American Indian dispossession—a necessity, since works such as these must provide a steady counter to the still-prevalent discourse of avoidance often encountered in the business of studying Indians. This timely book gives a sense of the American Indian struggle for the basic rights afforded all others. It gives a sense of the inequities that still exist, as the basic human rights of American Indians must still be balanced, according to detractors, against the needs of those who have in fact profited from colonizing American Indian bodies and cultural patrimony.

Trope and others refer to NAGPRA as “human rights legislation.” Because the final version of the bill was a negotiated compromise, this is an idealized view. The Society for American Archaeology (SAA) and other comparable anthropological and museum organizations made it clear that they would block the passage of NAGPRA unless the compromised version contained a more limited definition of “cultural affiliation,” and the final bill absolves museums subject to repatriation of any past wrongdoing. Yet, as most of the authors in this volume point out, even with this amended wording the post-NAGPRA period is filled with noncompliance on the part of federally funded museums and institutions. How is it that basic human rights afforded to all other

groups in the United States, including control over ancestral remains and graves, can be compromised or negotiated?

The absurdity of some of the definitions and categories insisted upon by the SAA and their supporters cannot be overstated. American Indians must look and act like the anthropological version of their deceased ancestors, denying them the dynamic nature and adaptability of Euro-American cultures, denying them the ability to change. If power roles were reversed, as Clayton Dumont Jr. (Klamath) astutely points out, the definition of “cultural affiliation” in particular would deny any request to repatriate the remains of George Washington to conquered Euro-Americans. After all, Washington lived quite differently than today’s Euro-Americans; he had different clothing and technology, and different material cultural objects are buried with him. Dumont further states that resistance to NAGPRA and its compromises are attempts to maintain the pre-1990 status quo of ignoring Native peoples as distinct political entities, and that to counter these attempts, naturalized anthropological narratives must be contested. Such narratives are certainly repeated like litanies, and indeed, he correctly likens this scientific hubris to the “self-assured zeal of Christians” (241). Do anthropologists and museums serve the interest of the greater public and humankind, as members of the discipline repeatedly invoke, or, as Dumont claims, do they serve their own self-interests or those of American nationalism? The selfless scientist, dutifully serving humankind, is a cliché that discursively presents the anthropologist as martyr, and such impression-management appears to be the preferred response to NAGPRA from those who previously benefited from the dispossession of Native peoples and who risk losing their hegemony over all things Indian in the present. Dumont claims that those scientists opposed to NAGPRA appear to be mostly ignorant of their disciplinary history, but based on numerous unguarded backstage conversations at archaeology conferences, I would instead argue that the older generation of scientists knows full well what they are doing and what their discipline has done.

As noted by Shannon Keller O’Loughlin, since NAGPRA’s passage opponents of the legislation have manipulated discourse to construct themselves as victims left out of the post-1990 narrative, specifically the rhetoric of “balance of interests” (225). Behind this smokescreen is a stunning level of hypocrisy: this rhetoric pretends that prior to the law’s enactment, achieving a “balance” on narratives about American Indians, and not a monopoly, was a serious consideration. Now that the good-ol’-days of complete dominance are gone, one gets the sense that anthropologists and museums are struggling for relevance and to be taken seriously. By now, those self-avowed experts on human cultures certainly know traditional beliefs regarding the deceased. Testifying again to the folly of referring to NAGPRA in its compromised form as human rights legislation, Eric Hemingway indicates that he has learned his traditional beliefs will not be taken seriously; further, citing Rick Hill, O’Loughlin believes there is no point in repeating again and again traditional beliefs regarding the deceased (228). Subjecting indigenous knowledge to more anthropological consumption is undeniably another form of victimization and colonization.

As O’Loughlin points out, the most outspoken critics of NAGPRA tend to boycott gatherings such as NAGPRA symposia, claiming they are “unbalanced” and

biased in favor of repatriation. Nonetheless, this volume's sole voice of careful dissent to NAGPRA, the contribution of Patricia Capone of the Peabody Museum, provides many discursive subtleties. For instance, as do many anthropologists, she speaks glowingly of Arthur C. Parker as an example of a "moral archaeology" (120). Adopted by the Seneca at twenty-two and living most of his formative years in a suburb of New York City, Parker was an assimilationist who catered to the whims of anthropology and museums, amassing Native bodies and culture for his financial benefactors, who sold glimpses to the paying public and made sure that Parker became New York State museum director. Seeming to imply that Parker's Indian status and lack of qualms about pulling bodies from the dirt in opposition to Seneca community wishes somehow makes his acts acceptable and not objectionable to any other Natives, Capone asserts that the role of Parker and others "merits additional reflection in NAGPRA's aim to unravel injustice within contemporary perspective" (125).

In effect, Capone is suggesting that American Indians are as much to blame for their own dispossession as anthropologists, and that their role should now be scrutinized in the same way that museums are being scrutinized, much to her chagrin. While we should examine the role of assimilationists like Parker in helping the conquerors fill their museums with the booty of colonization, contra to what Capone indicates, let us closely examine the institutions' role in using "friendlies" to exploit traditional cultures. I would also suggest anthropologists and museums stop relying on the simplistic claim that "propped-up" assimilationists somehow represent or speak for traditional communities.

It is important to recognize the types of resistance American Indians encounter in their quest for equality, and the Native authors and non-Native allies in this volume effectively do so. The critical approach employed by some of the authors examines the language used to disempower American Indians, and I argue this must continue and expand. Consider the words of anthropologist Robson Bonnichsen, the litigant against the repatriation of the so-called Kennewick Man (the ancient one): "repatriation has taken on a life of its own and is about to put us out of business as a profession" (275). It is a "business," and that is why it is an exercise in futility to explain traditional Native views regarding their deceased. Numbers, not morality, drive anthropology and museums (it costs \$9 for an adult to visit the Peabody Museum). One cannot help but notice how Bonnichsen reifies "repatriation" as a living thing, like a Frankenstein monster that has come to life to attack the earnings of the "profession." This language effectively denies actual American Indians the agency they earned and deserve as the real stimulus behind NAGPRA. With such discursive subtleties of avoidance and denial, with such foot-dragging and noncompliance, "Accomplishing NAGPRA," the title of this book, seems premature.

*Brian Broadrose*

State University of New York, Orange County Community College