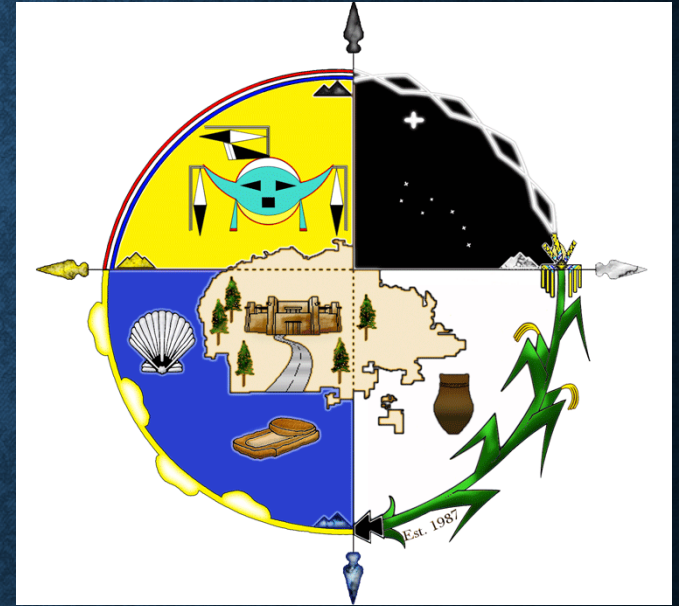


THE NATIVE AMERICAN GRAVE PROTECTION AND REPATRIATION ACT

[NAGPRA]

25 U.S.C. 3001



TIMOTHY BEGAY & ERIK STANFIELD

Navajo Nation Heritage and Historic Preservation

Department - Traditional Culture Program

PART 1.

**NATIVE AMERICAN GRAVES
PROTECTION AND REPATRIATION
ACT**

NAGPRA

NAGPRA WAS ENACTED IN 1990

To ensure the protection of Native American graves and the repatriation of human remains, funerary objects, sacred objects, and objects of cultural patrimony that are discovered on federal or tribal lands, or that are under the control of federal agencies and museums.

WHO MUST COMPLY WITH NAGPRA?

- All Federal and State Agencies 25 U.S.C. 3001 (2)(4)
- Museums and Institutions that utilize any form of Federal Funds. 25 U.S.C. 3001 (2)(8)
 - i.e. Universities, Colleges, Libraries, Art Museums, etc.
- The Smithsonian is exempt.



WHAT TYPES OF OBJECTS ARE PROTECTED?

- Human Remains
- Funerary objects
 - Associated & Unassociated funerary objects.
- Sacred Objects (Navajo Jish)
- Objects of Cultural patrimony

25 U.S.C. 3001 (2)(3)



WHO HAS STANDING TO MAKE A CLAIM?

(Who can repatriate under this law?)

- 1. Lineal descendant.**
- 2. Federally recognized Indian tribe.**
- 3. Native Hawaiian organization.**

Ownership 25 U.S.C. 3002

- Human remains excavation and discoveries.**

REPATRIATION

25 U.S.C. 3005

- Repatriation occurs by formal written notification from any of the parties that have standing to make a claim.
 - Submitted to the National NAGPRA Program under the National Park Service
- Pursuant to the Navajo Nation Cultural Resources Protection Act (CRPA), 19 N.N.C. §1001 et. seq.,
 - the Heritage and Historic Preservation Act (CRPA) is charged with overseeing the NAGPRA Process on behalf of the Navajo Nation

NAGPRA REQUIRES SUMMARIES FROM HOLDING INSTITUTIONS

25 U.S.C. 3004

Inventory 25 U.S.C. 3003

- Itemized list of human remains and Funeral objects.
- Navajo Nation received estimated around 1200 Inventories.

Summary 25 U.S.C. 3004 (a)

- Describes the scope of collection. Must be done in consultation with tribal government and traditional religious leaders.

Ohio University

Kennedy Museum of American Art
Ohio University
Athens, Ohio 45701-2979
614-593-1304
FAX: 614-593-1305

September 27, 1994

Richard Begay, Program Manager
Traditional Culture Program
P.O. Box 4950
Window Rock, Navajo Nation, AZ 86515

Dear Mr. Begay:

I am the curator of Native American Art at the Kennedy Museum of American Art. In compliance with NAGPRA, please find below a summary of holdings at the Kennedy Museum. Because the Kennedy Museum is a fine arts museum, we do not possess any Native American archeological or ethnographic material. The collection does have 104 sandpainting weavings. I would be happy to comply with a comprehensive list of these sandpainting weavings at your request.

SUMMARY:


over 500 Historic and contemporary Navajo Blankets

104 Sandpainting weavings

Traditional Navajo, Zuni and Hopi Jewelry

The Kennedy Museum would welcome a visit from you or your staff.

Sincerely,


John H. Gerber, Ph.D.
Curator, Native American Art

cc: Dr. C. Timothy McKeown, NAGPRA Program Leader



**THE NAVAJO NATION HAS COMPLETED
OVER 90 REPATRIATIONS— 1800+
SACRED OBJECTS.**



WHAT DOES THE NAVAJO NATION DO WITH REPATRIATED OBJECTS?



- Placement - Reuse
 - We strive to find *Hataa'tii's* who can once again use the objects.
- Retirement
 - If objects are too old or unidentifiable they are appropriately returned to the natural environment.
- Reburials of repatriated human remains
 - Joint repatriations with other Tribes.
 - Black Mase, Canyon de Chelly, &
 - Hall's Crossing

FINALLY, NAPGRA ADDRESSES TRAFFICKING 18 U.S.C. 1170

Whoever knowingly sells,
purchases, uses for profit, or
transports for sale or profit:

- Native American human remains without possession
- Native American cultural items obtained in violation of NAGPRA

- Penalties

- First offense is a MISDEMEANOR.
- Second offense is a FELONY



PART II.

NAVAJO NATION PROCESS

***HATAALII* ADVISORY COUNCIL (HAC)**

- In 1995, HPD brought together a group of traditional Navajo singers/historians to advise the Navajo Nation on repatriation per NAGPRA.
- HAC advised the Navajo Nation to solely repatriate sacred objects and objects of cultural patrimony.
 - Human remains and funerary objects are culturally very sensitive and there are currently no means to ethically and culturally handle them.



CONSULTATION REQUIRES INTIMATE KNOWLEDGE OF NAVAJO CULTURAL ITEMS



PROPERLY IDENTIFY NAVAJO CEREMONIAL PARAPHERNALIA – JISH

CEREMONIAL REPERTOIRE, OBJECT NAME, ETC



APACHE OR NAVAJO ?



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DISTINGUISH BETWEEN “AUTHENTIC” AND COMMERCIALY PRODUCED OBJECTS.

I.E., RATTLES, MASKS, PRAYER STICKS, DOLLS, ETC.

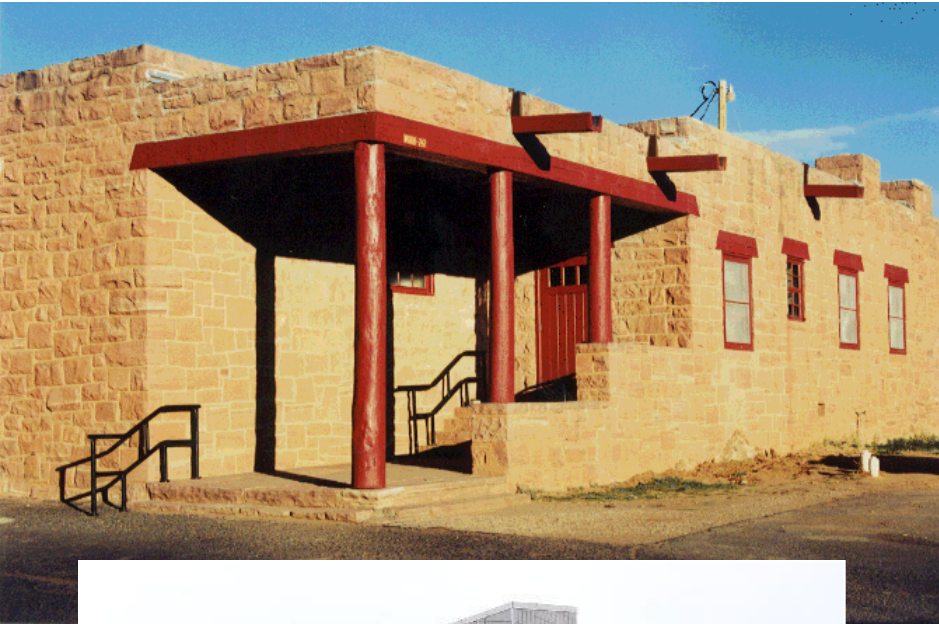


PESTICIDES USED TO CONTROL INFESTATIONS

- Curation:
 - Museums and institutions routinely applied hazardous chemicals to artifacts to protect them from infestation.
 - Objects constructed out of animal and plant products are the objects that receive pesticide application.
 - Navajo objects are almost entirely constructed of both products.
- Commonly used Pesticides:
 - Arsenic
 - Mercury
 - Moth Balls
 - Ethylene Oxide—Gas



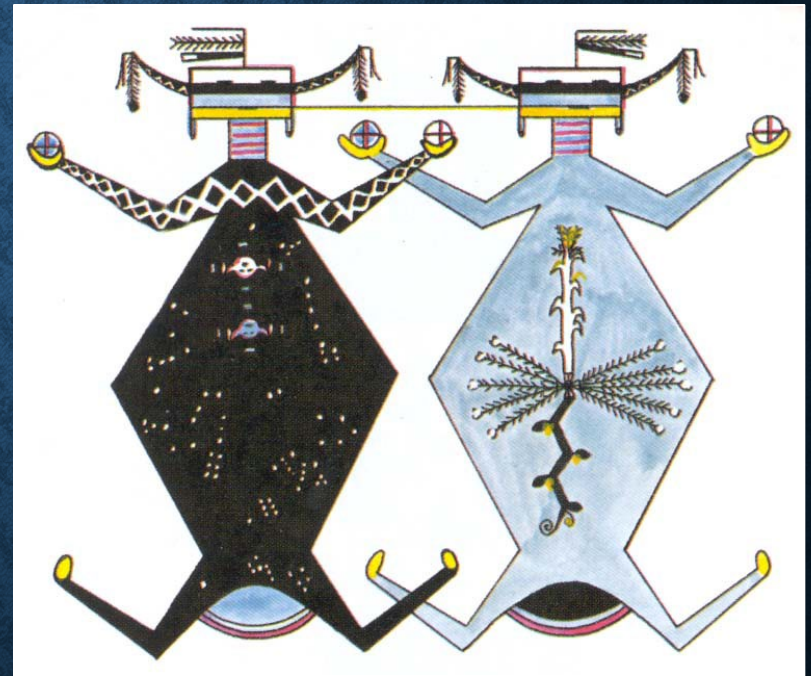
NAVAJO NATION SACRED OBJECT REPOSITORY



- Aside from NAGPRA, HPD is a repository for Navajo sacred objects for Navajo families who do not have the knowledge to care for these items.
- 49 donations to the Navajo Nation that include over 500 objects. 63 donations are from Navajo families.

LIVING CULTURE

- The Navajo Nation and its people rely on Federal and Navajo legislation, and its own cultural traditions to help protect and preserve our precious cultural and natural resources for future generations of Navajo people.



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Timothy Begay, NAGPRA Coordinator

- Heritage and Historic Preservation Department

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