



NATHPO

NATIONAL ASSOCIATION OF TRIBAL HISTORIC PRESERVATION OFFICERS

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GAO FINDS THAT SMITHSONIAN INSTITUTION MAY STILL TAKE SEVERAL MORE DECADES TO REPATRIATE NATIVE AMERICAN REMAINS AND OBJECTS

WASHINGTON—June 10, 2011: The Smithsonian Institution’s process to repatriate thousands of Native American human remains and funerary objects in its collections is lengthy and resource intensive and it may take several more decades to return items to tribes under its current system, according to the U.S. Government Accountability Office (GAO).

This GAO report is the second of a two-part, three-year effort to examine how publicly funded institutions are complying with the two federal laws that direct repatriation to Native Americans. Last year the GAO examined the repatriation work of eight key Federal agencies and the 1990 Native American Graves Protection and Repatriation Act (NAGPRA).

According to the GAO report, ***Smithsonian Institution: Much Work Still Needed to Identify and Repatriate Indian Human Remains and Objects***, examiners suggested that Congress should consider ways to expedite the repatriation process and that the Board of Regent’s consider four administrative changes.

In 1989, Congress passed a law that created a repatriation process for the Smithsonian Institution; two of the institution’s 19 galleries and museums hold important collections of Native American human remains and sacred objects. The law also created the National Museum of the American Indian. Though not certain of the exact number, the Smithsonian states it has about 20,000 catalog records of Native American human remains plus many more catalog records of cultural objects held at the National Museum of Natural History and the American Indian museum. Only a quarter of these have been repatriated to the rightful Native Indian owners, according to the GAO report released in May.

In addition to not regularly reporting to Congress, federal auditors said the repatriation process is lengthy and resource intensive. Both museums use a two-step repatriation process that starts with a printout from an electronic catalogue system that lists human remains and cultural objects that is sent to the tribe. The Indian tribe is then required to file a claim to either museum

indicating their interest. Only then does the museum begin a lengthy process of using the “best available information” to build a case report that may or may not recommend repatriation. This process requires an Indian tribe to review thousands of electronic records, which, many times do not contain all relevant information.

When the Smithsonian did repatriate remains and objects, the GAO discovered it took a median of nearly three years for an item to be returned by the Natural History museum and a median of 1.5 years at the American Indian museum. One tribe waited more than 18 years.

“The GAO has confirmed twice now that the two federal laws enacted for the benefit of Native American lineal descendants and communities are not working. The amount of work that needs to be done by Indian country is overwhelming, whether at the Smithsonian or at a federal agency repository,” said Reno Keoni Franklin, chairman of the National Association of Tribal Historic Preservation Officers (NATHPO). “Unless changes are made, the burden has been shifted to the Indian tribes and most simply do not have the resources to conduct this important work.”

NATHPO supports the GAO’s recommendations that Congress seek to expedite the Smithsonian’s repatriation process and that the Board of Regent’s take actions to expand the oversight and reporting role of the Smithsonian’s Repatriation Committee, establish an administrative appeals process, and develop a policy for the disposition of culturally unidentifiable remains and cultural items. In addition, NATHPO calls for Congress to ensure that the Smithsonian will:

1. Improve the records management for both the Natural History and American Indian museums so that both museums have an accurate count of Native American remains and cultural objects in their collections (The GAO report stated that the Smithsonian cannot provide a reliable estimate of the number of funerary objects in its collection);
2. Promulgate regulations on the Review Committee, as required by Pub. L. 101-185, to further define and clarify the advisory committee’s responsibilities and to seek public comment and conduct tribal consultation;
3. Implement a single and consistent Smithsonian-wide repatriation process, rather than allowing for two different repatriation approaches and processes;

4. Fully engage Indian country in the repatriation process using all available Smithsonian resources, rather than looking at the remaining repatriation work merely as a workload issue;
5. Ensure greater openness and transparency on such basic issues as to publicly post the National Museum of the American Indian's board of trustees and repatriation committee members and to publish public notices prior to the repatriation of Native American human remains and funerary objects.

NATHPO also calls on Congress to request a GAO examination of the repatriation work being conducted by the approximately 450 museums that hold over 110,000 Native Americans.

Last year, the GAO audited eight key agencies, including the Bureau of Indian Affairs, Bureau of Land Management and the National Park Service, and issued, ***NAGPRA: After Almost 20 Years, Key Federal Agencies Still Have Not Fully Complied with the Act.*** In 2008, NATHPO, in partnership with the Makah Tribe, conducted an independent audit of NAGPRA, which led to the 2010 GAO report. The GAO began its work on NAGPRA in 2009 based on a joint request by then Sen. Byron Dorgan (D-ND) and Rep. Nick Rahall (D-WV). The U.S. Senate Committee on Indian Affairs will conduct a hearing June 16 on the policy goals of NAGPRA and the Smithsonian.

The GAO Smithsonian report (GAO-11-515) and the GAO Key Federal Agencies report (GAO-10-768) may be found on the NATHPO website and at www.gao.gov. To read the Makah-NATHPO NAGPRA report and for more information about NATHPO, go to www.nathpo.org.

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