

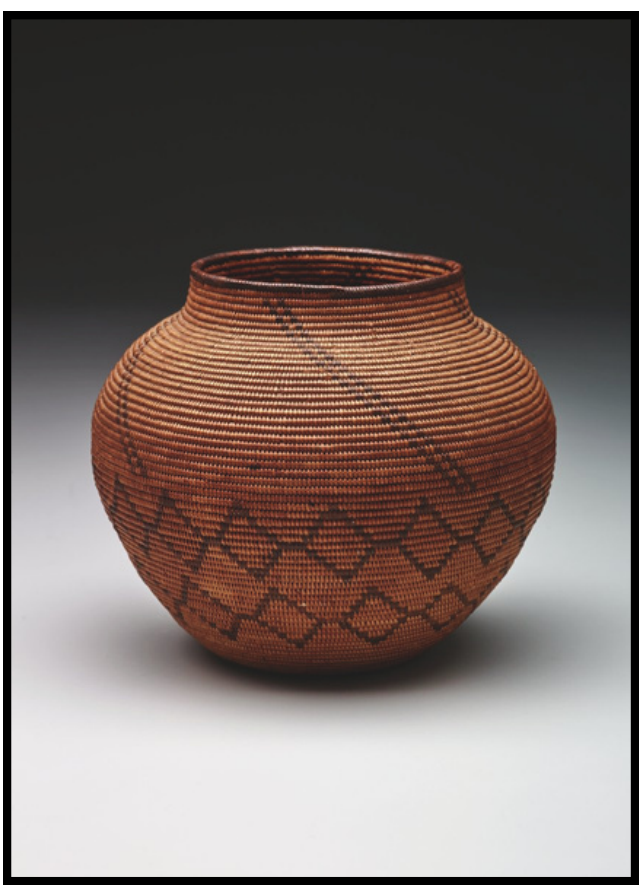


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# The Role of NAGPRA in Art Museums

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## Introduction

**Policy in Action:** NAGPRA or the Native American Graves Protection and Repatriation Act (1990) dictates that all federal institutions, such as museums, must return all human remains and cultural artifacts to federally-recognized tribes that make a claim. They also must create an inventory/summary of all cultural items in their collection that is readily available and be able to communicate with indigenous representatives.

In December of 2023, the Department of the Interior enacted a Final Rule for NAGPRA that went into effect January 12, 2024. Some of the new regulations include:

- step-by step instructions to “clarify” and “improve” repatriation procedures
- a strict deadline of **January 10, 2029** for new inventories of indigenous items in museums/federal institutions
- a **6 month** turn-around time for summaries to be completed after acquiring cultural objects
- initiating consultation with associated indigenous representatives **30 days** after a summary is completed (Interior Department, 2023).

## Research Question

**Relevant Issues with NAGPRA:** The recent updates to NAGPRA reveal the ongoing problems that indigenous individuals and scholars find within the legislation. Prior to these changes, many people were concerned about a lack of communication between indigenous groups and museums, as well as the passive position taken by the federal institution as they waited for indigenous claims (Hemenway, 2013, 2010). Others criticized the vagueness of the policy as a reason for the lengthy procedures and some wrote about the preservation methods used that would harm the object when removed from these protected facilities when being repatriated (Neller et. al, 2013; Hemenway, 2010).

**Visible Effect:** For many concerned about the implications of NAGPRA, there has been an increased desire to witness these repatriation efforts, but it can be difficult to see these changes. Similarly, museum visitors that are unaware of NAGPRA as a policy may still wonder about museum ethics concerning indigenous cultural objects and the representation of indigenous culture in museums, and NAGPRA allows them to gain knowledge in a respectful manner (Capone, 2013).

**The Research Question(s):** How are art museums/federal institutions actually responding to NAGPRA and what are their relationships with indigenous representatives? How do museum visitors perceive these representations of indigenous art? What are the complex connections between museum officials, museum visitors, and indigenous groups?

Using qualitative research methods, these questions were explored.

## Online Surveys



## Interviews

Interviews were conducted with curators of indigenous art collections.

**Examples of Repatriation:** One local curator described an exchange in 2015 between the institution and the Hopi tribe, which had requested around a dozen ritually significant items to be returned to them. The situation became very lengthy after there was concern over removing the organic materials that had been treated with forms of arsenic or other toxic materials for preservation. The Hopi were unsure about taking the items with the coating still on them, but eventually, they reached a mutual agreement.

**New NAGPRA Legislation:** Much of our conversation revolved around the recent Final Rule implemented in January of 2024. In general, art museums want to be as collaborative with indigenous groups as possible, so they are working quickly to create new summaries for the items in their collections while also speaking to tribal representatives and determining the status of the cultural artifacts they possess. One institution is placing signage near items that could potentially be affected by the new regulations and creating methods of communicating with visitors that are interested in gathering more information about these changes or that have questions.

**Museums as Institutions and Businesses:** A commonality found in these interviews revolved around the business-models that museums work around, meaning that the curators rarely have time to conduct research on their personal interests but rather must serve the interests of the institution. Organizing catalogues or researching on items in their respective collections is a task given by the museum. Often times, curators don’t have the luxury of researching individual items that they find personally interesting because there isn’t enough time alongside their other work.



Sioux Pipe Bowl



Hopi Palhikmana Doll

## Conclusions

**Online Surveys:** Despite most of the survey-takers not being initially aware of the existence of NAGPRA as a policy, many participants had very strong opinions regarding museum ethics and the presence of indigenous items in institutions. While it wasn’t required, a majority of individuals chose to write the explanations for their slider responses (1-10), and 13 out of 23 participants communicated their thoughts about what could be changed in local indigenous collections. These surveys reveal an increased awareness from museum visitors concerning indigenous representation, repatriation, and museum ethics in general.

**Interviews:** The interviews confirmed previous scholarly arguments about the implications within NAGPRA, such as lengthy communications and preservation techniques, but also exhibited how museums and museum officials are working constantly with NAGPRA legislation and indigenous representatives to generate a collaborative relationship. These institutions are already corresponding with the new Final Rule, even going beyond the qualifications in the document. The business-models that museums operate under create a hindrance at times that could damage transparency between the museums and visitors.

**Overall Conclusions:** Because of the increased awareness of museum ethics in museum visitors and the growing politics of indigenous culture in institutions, an intricate relationship is created between **museum official**, **museum visitor**, and **indigenous group** where there is an emphasis on the visitor’s cognizance of indigenous collections and the ethics behind them. Museums must address the concerns of visitors as well if they wish to maintain business, and recent changes to NAGPRA policy hope to improve communication. This research also demonstrates the need for the conversation to be applied beyond just natural history museums and into the art space, where historically this critical analysis has been left out and ensuring that **all** indigenous items are accounted for.