

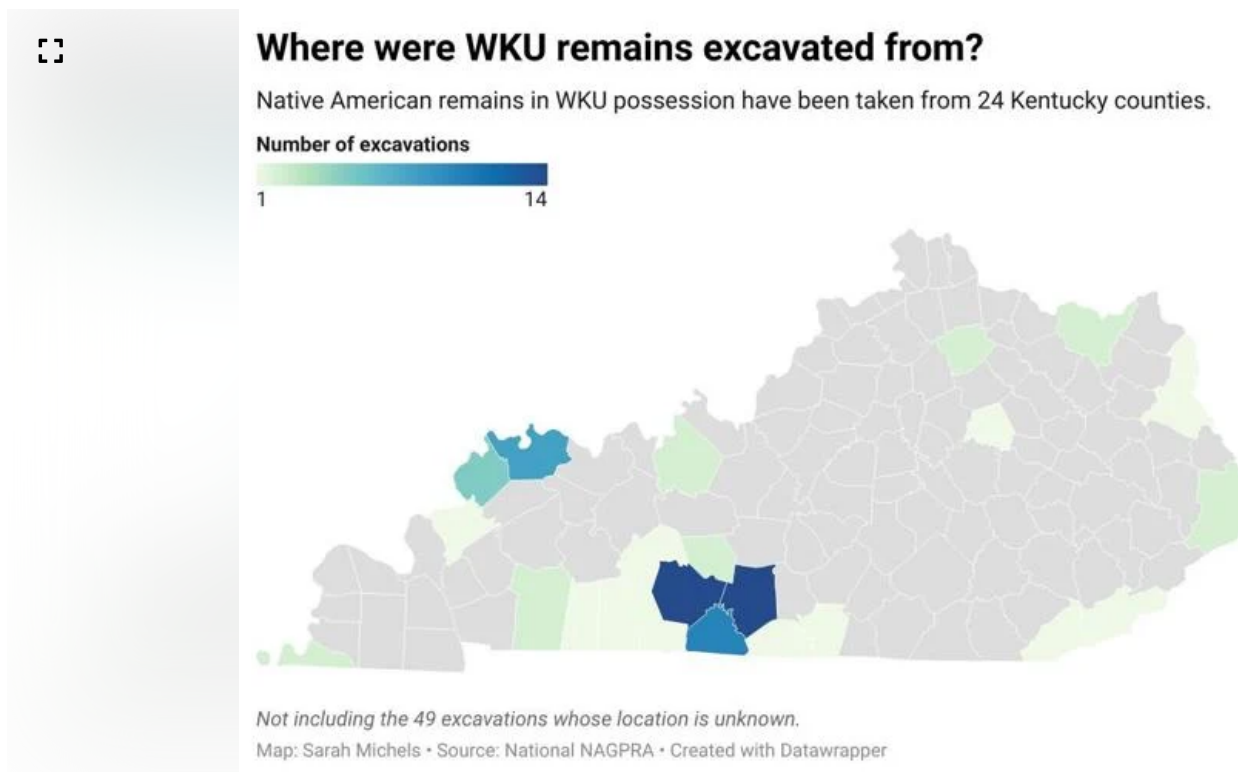
https://www.bgdailynews.com/news/wku-holding-353-native-american-remains-working-toward-repatriation/article_0343ac2f-79f3-5a7d-9a55-020b3dc80e12.html

SPECIAL REPORT

WKU holding 353 Native American remains, working toward repatriation

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The majority of known excavation sites are in the south central Kentucky region, according to data from the National NAGPRA In: Created with Datawrapper

According to a ProPublica investigation, Western Kentucky University has the 57th largest collection of unrepatriated Native American remains in the country.

WKU is in possession of 353 remains that have not been culturally appropriated, or assigned to the present-day, federally recognized tribal nation to which they belong.

The Kentucky Museum is holding 31 unaffiliated remains, while the Department of Folk Studies and Anthropology has the other 322.

In a statement, WKU said it is committed to adhering to the Native American Graves Protection and Repatriation Act, a 1990 law that requires institutions and museums holding Native American human remains to work to repatriate them to the appropriate tribal nation.

“At its core, NAGPRA is human rights legislation,” said Kelly Hyberger, Native American collections specialist at The Filson Historical Society.

“For hundreds of years, individuals desecrated indigenous burial sites and took indigenous bodies and funerary objects as well as cultural items into universities, museums and cultural centers, for research, study and exhibition.”

Most of the time, this was done without the consent of the individuals’ descendant communities, Hyberger added.

Just as people have the right to determine how their dead are cared for in cemeteries today, she said that descendant indigenous communities have a right to reclaim their ancestral remains.

“NAGPRA is about correcting that colonial injustice and acknowledging and restoring those rights,” she said. “Those are inherent rights that they’ve always had, they just haven’t been honored and protected.”

The repatriation process begins when institutions realize they are holding ancestral remains and/or funerary and cultural objects found in context with those remains.

Institutions should immediately make contact with any tribal nation it believes could be a descendant community, based on any geographical, archaeological or research data it may have, Hyberger said.

“The process should work in a way where you are very open and transparent, sharing the information that you have, sharing the research, archaeological data, anthropological information, geographic information that you have, with the tribal nations,” she said.

She added that it’s good to cast a wide net. In Kentucky, many tribal nations trace their ties to different parts of the state at different time periods.

After making contact, institutions should compile already existing research information that might help to make a connection, or cultural affiliation, between the ancestral remains and the correct tribal nation.

This doesn’t mean conducting more research, Hyberger said.

“You should not be testing them, doing DNA or anything like that,” she said.

Evidence supporting cultural affiliation can include archaeological data from the excavation site, land treaties and geographical information that shows which tribal nations lived in a certain place at a specific time and oral traditions of the tribal nations.

Weighing oral tradition evidence just as highly as academic research is important because it gives tribal nations some decision-making authority, which acknowledges their indigenous sovereignty and self-determination, Hyberger said.

According to National NAGPRA Inventory data, WKU's 353 remains were part of 126 excavations between the 1920s and 80s. Exactly half of these excavations were conducted by Dr. Jack Schock, a former WKU anthropology professor.

There is a known excavation site location for 74 of the 126 cases, an excavation date in 83 cases and an estimated age or culture of the remains in 45 cases. About 20 cases have no identifying information at all, according to the reported data.

Once tribal nations are consulted and cultural affiliation is determined, institutions submit documentation to the National NAGPRA Program office.

After 30 days to allow tribal nations excluded from consultation to make a claim, institutions can make a physical transfer to the affiliated tribal nation.

NAGPRA was passed into law in 1990 and applies to any institution that has received federal loans. But ProPublica reported that as of December 2022, 52% of reported Native American remains had not been repatriated.

What's the hold up?

According to the Federal Register, WKU has already made two remains and one funerary object available for return – the former in June 2019 and the latter in March 2021, leaving 353 remaining remains and over 900 funerary objects.

Representatives from the Kentucky Museum and the Department of Folk Studies and Anthropology declined an interview for this story, but issued a statement to the Daily News detailing their progress.

WKU personnel are working with the National NAGPRA Program Office and tribal nations to return the remains in their possession to the appropriate tribal nation, according to the statement.

In 2021, the Kentucky Museum updated and refiled its inventories, and subsequently invited 85 federally recognized tribal nations to consult on the repatriation of human remains, sacred objects and unassociated funerary objects.

The museum is still waiting for most of the tribal nations' responses, but plans to work with all that request a formal consultation, the statement reads.

The Department of Folk Studies and Anthropology is in the process of updating its inventory, after which it will also extend invitations for consultation to the appropriate tribal nations.

“The university is confident that through this thorough and deliberate process, these remains will be repatriated in accordance with federal regulations to the appropriate tribal groups,” the statement says.

Hyberger said that she can’t speak to WKU specifically, but there are a few common obstacles institutions face.

One, it’s possible under NAGPRA to list remains as “culturally unidentifiable,” meaning that institutions don’t believe there is enough evidence to establish a connection to any tribal nation.

This can be a cop-out, Hyberger said. Institutions can make cultural affiliation as simple or as complicated as they want, she said.

For example, institutions can determine a cultural affiliation entirely based on geography. If remains were taken from Butler County, and an institution knows of several tribal nations who lived there once, they can invite them all to the table and let the tribal nations make a determination.

Two is a lack of funding and prioritization. Many institutions lack a dedicated NAGPRA staff person, but to do the job justice requires a significant portion of an employee’s weekly work hours, she said.

NAGPRA is “inward-facing social work,” which doesn’t exactly bring in revenue, she said.

“A lot of times, I think institutions don’t see the ways in which NAGPRA compliance will benefit their program,” she said. “They’re not getting an exhibit out of it, they’re not getting research out of it, they’re not getting publications. ... It gets put down on a list in favor of those things that produce public-facing outputs.”

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