

REPATRIATION:



- RETURN OF HUMAN REMAINS AND CERTAIN ITEMS TO NATIVE AMERICANS OR OTHER DESCENDANTS
- PROVIDES PROTECTION FOR UNMARKED HUMAN BURIAL SITES
- PROVIDES PROCESS FOR ACCIDENTAL DISCOVERY OF HUMAN REMAINS

- ▶ Dave Williams, Nebraska State Archeologist
 - ▶ 402-219-2759
 - ▶ dave.williams@nebraska.gov
- ▶ Nebraska NAGPRA Circle (AUGUST 2 next Friday!!)
 - ▶ A suggestion that NMA host a panel discussion at the next annual meeting.
- ▶ Revised Regulations (January 2024). 43CFR10
 - ▶ Society for American Archaeology
 - ▶ www.saa.org search for NAGPRA Fact Sheet

HISTORY NEBRASKA REPATRIATION

- ❑ 1990-1991: 550 Pawnee and ancestral individuals
- ❑ 1995: 100 Pawnee and ancestral individuals
- ❑ 1999: 25 Oto, Ioway, Missouri, Kansa ancestors
- ❑ 2000-2017: 50 unaffiliated individuals
- ❑ 2017: 10 Ponca individuals
- ❑ 2018: 3 Cheyenne individuals
- ❑ 2019 : 132 unaffiliated individuals
- ❑ 2020-2022: 600 unaffiliated individuals
- ❑ TOTAL : ABOUT 1400 individuals and 80,000 objects

Tribe(s)	Minimum Number of Individuals	Funerary Objects
<i>Completed Repatriations</i>		
<i>Pawnee</i>	606	65,899
<i>Pawnee, Wichita, Arikara</i>	105	87
<i>Lakota</i>	1	1
<i>Otoe-Missouria, Iowa, Kansa</i>	62	4545
<i>Ponca</i>	10	305
<i>Cheyenne</i>	2	636
<i>37 Jointly Affiliated Central Plains Tribes</i>	608	6801
<i>Subtotal</i>	1394	78,274
<i>Pending Transfers</i>		
<i>Point Hope Alaska</i>	1	0
<i>37 Jointly Affiliated Central Plains Tribes</i>	30	140
<i>Omaha</i>	4	62
<i>Lakota</i>	1	1
<i>Pawnee, Wichita, Arikara</i>	2	0
<i>Unknown</i>	9	42
<i>Subtotal</i>	47	245
Total	1441	78,519

LAWS

- ◎ Native American Graves Protection and Repatriation Act (NAGPRA)
- ◎ Nebraska Unmarked Human Burial Sites and Skeletal Remains Protection Act

NEBRASKA LAW

- ▶ Similar to NAGPRA but applies if there is no federal funding but there is State funding.
- ▶ Deals with all human remains and burials sites, not just Indigenous.
- ▶ Also, is the primary process for dealing with inadvertent discoveries - covered later in this talk

CONSULTATION



NEBRASKA TRIBAL CONSULTATION

- OMAHA
- PAWNEE
- OTO-MISSOURIA
- IOWAY
- CHEYENNE
- LAKOTA
- APACHE

37 TRIBES WITH NEBRASKA TIES

The following tribes have some past or present connection to Nebraska based on oral traditions, ethnohistory, and archeology:

Apache Tribe of Oklahoma

Arapaho Tribe of the Wind River
Reservation, Wyoming

Assiniboine and Sioux Tribes of the Fort Peck
Indian Reservation, Montana

Cheyenne and Arapaho Tribes of Oklahoma

Cheyenne River Sioux Tribe of the Cheyenne River
Reservation, South Dakota

Comanche Nation, Oklahoma

Crow Creek Sioux Tribe of the Crow Creek
Reservation, South Dakota

Crow Tribe of Montana

Delaware Tribe of Indians

Delaware Nation, Oklahoma

Iowa Tribe of Kansas and Nebraska

Iowa Tribe of Oklahoma

Kaw Nation, Oklahoma

Kickapoo Tribe in Kansas

Kickapoo Tribe of Oklahoma

Kiowa Indian Tribe of Oklahoma

Lower Brule Sioux Tribe of the Lower Brule
Reservation, South Dakota

Northern Cheyenne Tribe of the Northern
Cheyenne Indian Reservation, Montana

Oglala Sioux Tribe, South Dakota

Omaha Tribe of Nebraska

Otoe-Missouri Tribe of Indians, Oklahoma

Pawnee Nation of Oklahoma

Ponca Tribe of Nebraska

Ponca Tribe of Indians of Oklahoma

Prairie Band of Potawattamie of Kansas

Rosebud Sioux Tribe of the Rosebud Indian
Reservation, South Dakota

Sac and Fox Nation of Missouri in Kansas
and Nebraska

Sac and Fox Nation, Oklahoma

Sac and Fox Tribe of the Mississippi in Iowa

Santee Sioux Nation, Nebraska

Sisseton-Wahpeton Sioux Oyate of the Lake
Traverse Reservation, South Dakota

Spirit Lake Sioux Tribe of North Dakota

Standing Rock Sioux Tribe of North and
South Dakota

Three Affiliated Tribes of the Fort Berthold
Reservation of North Dakota

Wichita and Affiliated Tribes

Winnebago Tribe of Nebraska

Yankton Sioux Tribe of South Dakota

ITEMS THAT CAN BE REPATRIATED

□ 'CULTURAL ITEMS' IN THE REGULATIONS

- ⦿ Human Remains
- ⦿ Funerary Objects (intentionally placed as part of the mortuary ritual)
- ⦿ Sacred Items
- ⦿ Items of Cultural Patrimony

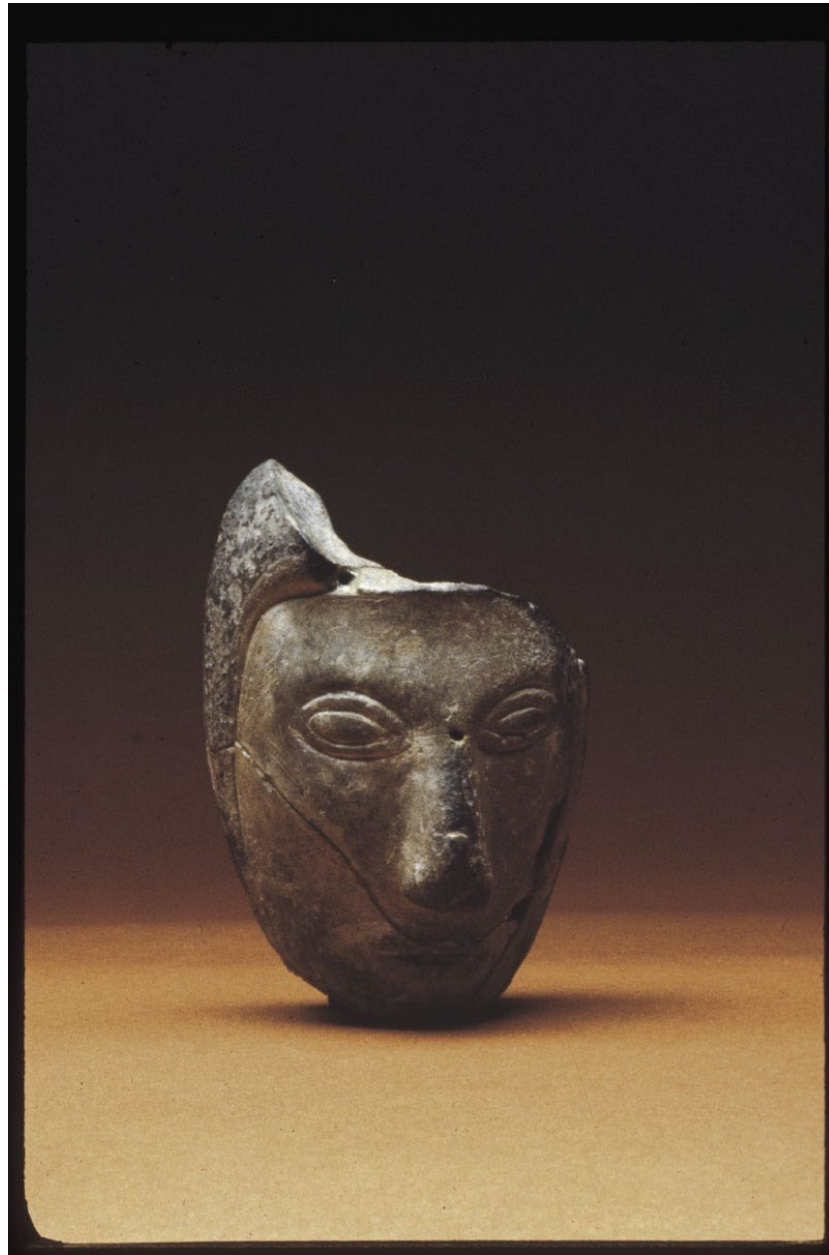
Duty of Care for Cultural Items and Human Remains

- Storage, treatment, handling incorporating Native American traditional knowledge
- Obtain consent prior to exhibition or research

SACRED OBJECTS

- ▶ Native American ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religion for **present-day** adherents.











Nebraska State Historical Society



Nebraska State Historical Society





Omaha Bundle Case

- ❑ Tribe and an individual disagreed over claim for a family bundle.
- ❑ It was proven to be a family bundle and returned to the family.

OBJECTS OF CULTURAL PATRIMONY

- ▶ Items having on-going cultural, traditional, or historical value to a Native group (not individual). These items must have been considered inalienable by the tribe at the time of separation.

CULTURAL AFFILIATION DETERMINATION

- ◎ Native American Traditional Knowledge
- ◎ Archeological Information
- ◎ Physical Anthropology

“CULTURALLY UNAFFILIATED” NOT IN PROCESS

- SHARED GROUP
IDENTITY
- GEOGRAPHY

DEFERENCE TO NATIVE AMERICAN TRADITIONAL KNOWLEDGE

- Expert opinion
- Knowledge
- Philosophies
- Beliefs
- Traditions
- Skills



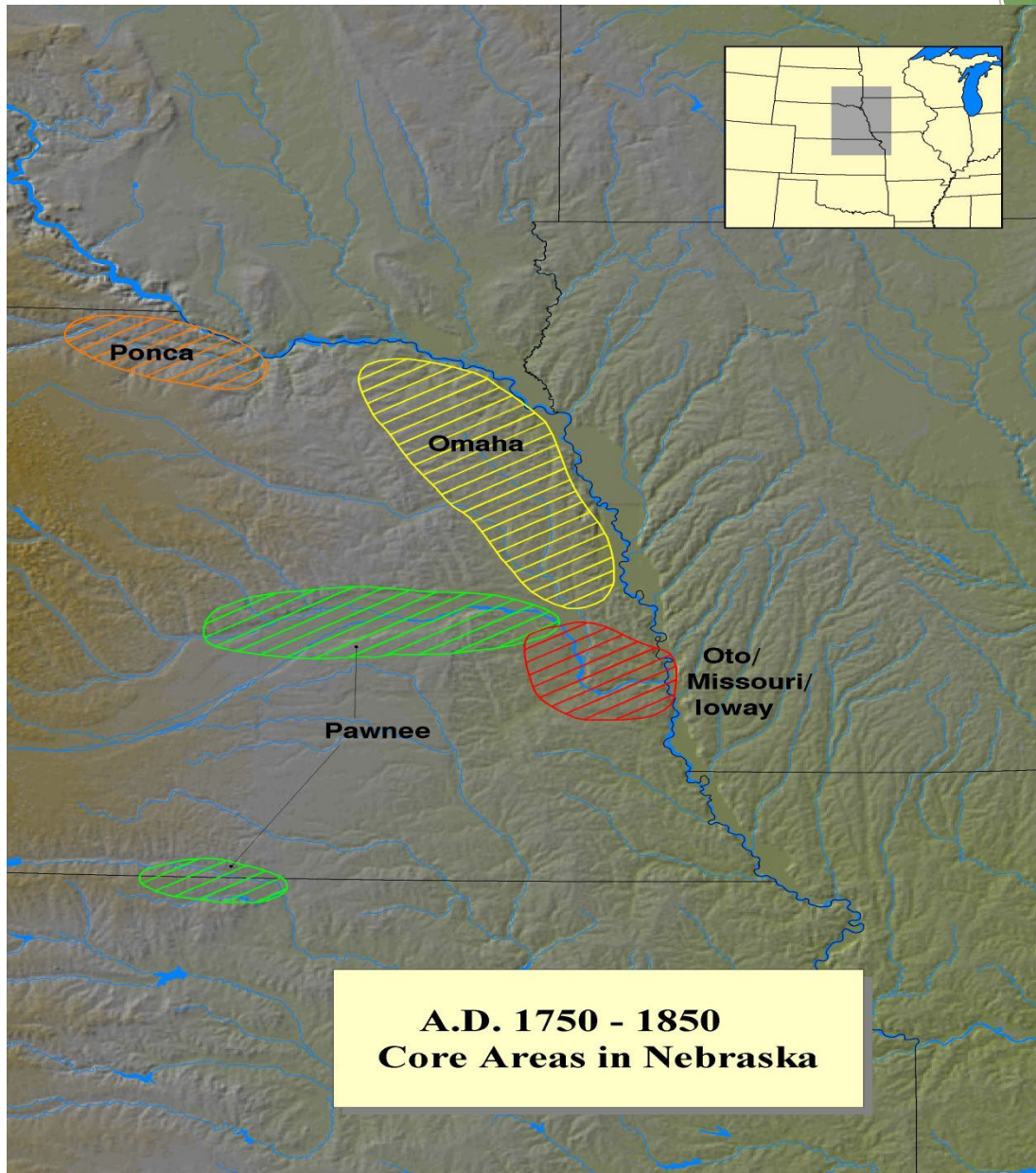






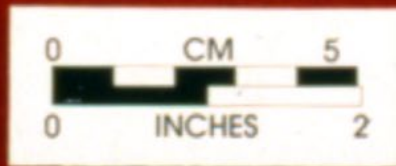
ARCHEOLOGICAL INFORMATION

- ▶ Burial Customs
- ▶ Associated Artifacts
- ▶ Dating
- ▶ Location

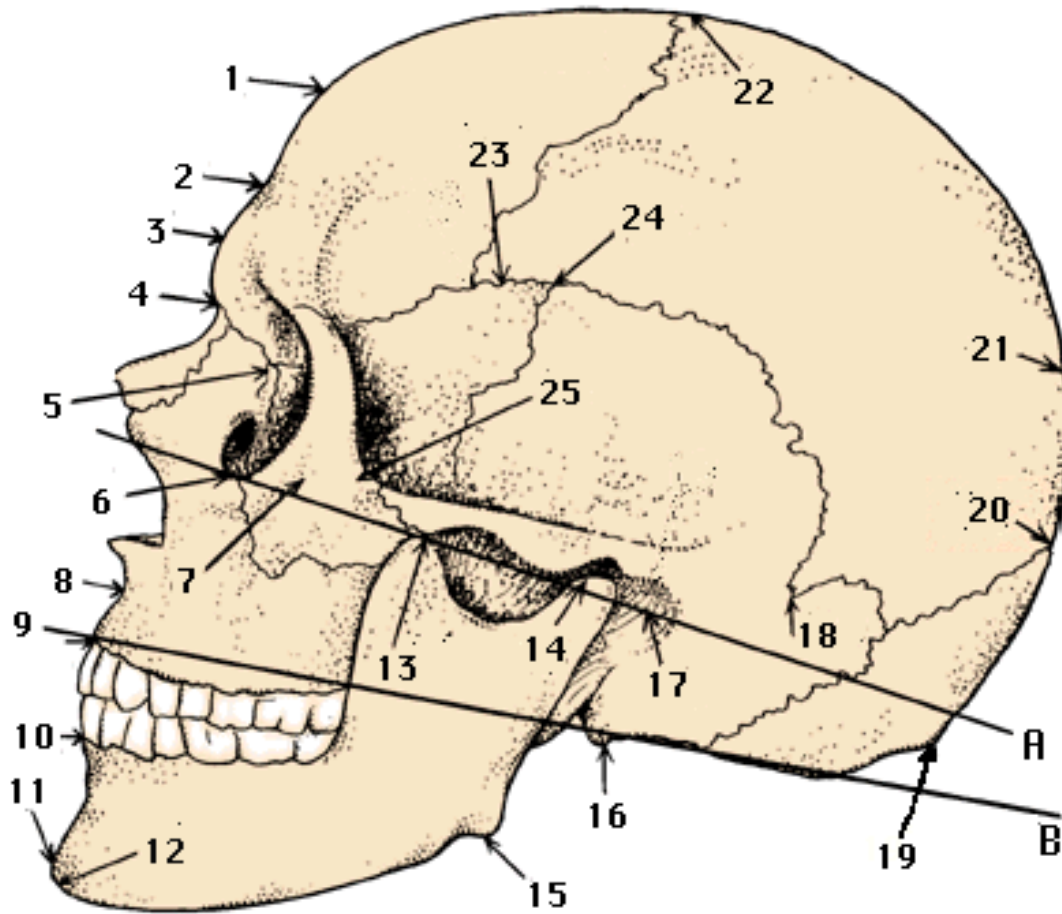


**A.D. 1750 - 1850
Core Areas in Nebraska**





CRANIOMETRICS



WHAT ABOUT DNA?

The background features abstract, overlapping geometric shapes in various shades of green, ranging from light lime to dark forest green. These shapes are primarily located on the right side of the frame, creating a modern, layered effect. The rest of the background is plain white.

ACCIDENTAL DISCOVERY



THE PROCESS

- ▶ Is the Discovery on Federal or Non-Federal Land?
- ▶ Contact Law Enforcement
- ▶ Contact State Archeology Office (non-federal land) or Federal Agency (federal land)—Follow NAGPRA Process if on Federal or Tribal Land
- ▶ Attempt to Preserve Remains in Place
- ▶ If not, Excavate Remains
- ▶ Determine Cultural Affiliation and Consult with Descendant Tribe/Family
- ▶ Unaffiliated non-Indigenous Remains Reburied in County Cemetery

A Case Study Example: The Macy South Highway Project

- ◎ Discovery of Unmarked Cemetery by Tribal Members
- ◎ NAGPRA - on tribal land
- ◎ Consultation with: Federal Highway, Department of Roads, Omaha Tribe, Family Descendants, Bureau of Indian Affairs, and Nebraska State Historical Society
- ◎ Excavation and Reburial of Remains.





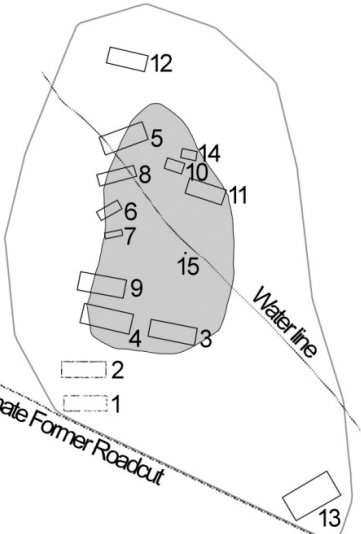
● ROW 167+00

New Right-of-Way

● ROW 166+00

- Graves
- ▭ Precise Grave Orientation Unknown
- ▭ Surface Scatter
- Right-of-Way Marker
- Site Boundary

0 4 meters



Approximate Former Roadcut

● ROW 165+00

WHAT ABOUT REMAINS FOUND
AMONG SOMEONE'S
POSSESSIONS WHEN THEY
PASS?

QUESTIONS?, DISCUSSION