

MINUTES
NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION
REVIEW COMMITTEE
SEVENTH MEETING: MAY 12-14, 1994
RAPID CITY, SOUTH DAKOTA

The seventh meeting of the Native American Graves Protection and Repatriation Review Committee was called to order at 8:55am, Thursday, May 12, 1994 by Ms. Tessie Naranjo, committee chair. The committee meeting was held at the Rushmore Plaza Civic Center in Rapid City, SD. The following committee members, staff, and others were in attendance:

Members of the committee:

- Ms. Rachel Craig
- Mr. Jonathan Haas
- Mr. Dan Monroe
- Ms. Tessie Naranjo, chair
- Mr. Martin Sullivan
- Mr. William Tallbull
- Mr. Philip Walker

National Park Service staff present:

- Mr. Francis McManamon, Departmental Consulting Archeologist
- Mr. Hugh (Sam) Ball, Archeologist

The following others were in attendance during some or all of the proceedings:

- Ms. Geraldine Arcoren, Rosebud Sioux Tribe, SD
- Ms. Donna Augustine, Aroostook Band of Micmac, ME
- Mr. Dave Bald Eagle, Cheyenne River Sioux Tribe, SD
- Ms. Barbara Ball, Reston, VA
- Ms. Sandra Barnum, US Army Corps of Engineers, Omaha, NE
- Mr. Everett Black Thunder, Flandreau, SD
- Ms. Renee Boen, South Dakota Archaeological Research Center, Rapid City, SD
- Ms. Alta Bruce, Turtle Mountain Band of Chippewa, ND
- Mr. Thomas Bullhead, North Dakota Intertribal Reinternment Committee & Standing Rock Sioux Tribe, ND
- Ms. Viola Burnette, Mission, SD
- Mr. Michael Burney, Burney & Associates, Inc., Boulder, CO
- Ms. JoAnn Conroy, Diverse Development, Custer, SD
- Ms. Shirley Crane, Lower Brule Sioux Tribe, SD
- Mr. Francis Cree, North Dakota Intertribal Reinternment Committee & Turtle Mountain Band of Chippewa, ND
- Mr. Chuck Davis, Rapid City, SD
- Mr. Frank Delasquale, Belcourt, ND
- Mr. Victor Douville, Rosebud Sioux Tribe, SD
- Mr. John Estes, Lower Brule Sioux Tribe, SD

Mr. Fremont Falli, Rosebud Sioux Tribe, SD
Ms. Jane Martin Lone Fight, North Dakota Intertribal Reinterment Committee & Turtle Mountain Band of Chippewa, ND
Mr. J. Fiske, South Dakota State Historical Society, Pierre, SD
Mr. Virgil Flute, Lower Brule Sioux Tribe, SD
Ms. Deanna Francis, Passamadquoddy Tribe, ME
Ms. Myra Giesen, Kansas-Nebraska Area Office, Bureau of Reclamation
Mr. George Goggeye, Leech Lake Band of Chippewa, MN
Mr. DeWayne Goodface, Lower Brule Sioux Tribe, SD
Mr. Cedric Goodhouse, Standing Rock Sioux Tribe, ND
Mr. Robert Gough, Public Defender, Rosebud Sioux Tribe, SD
Mr. Richard Grass, Rapid City, SD
Mr. Terry Gray, Rosebud Sioux Tribe, SD
Mr. James Haug, State Archeologist, Rapid City, SD
Mr. Raymond Houle, Dunseith, SD
Mr. George Ironshield, North Dakota Intertribal Reinternment Committee & Standing Rock Sioux, SD
Mr. Michael Jandreau, Chairman, Lower Brule Sioux Tribe, SD
Mr. Albert Jones, Flandreau Santee Sioux Tribe, SD
Mr. Gordon Jones, Jr., Flandreau Santee Sioux Tribe, SD
Mr. Scott Jones, Lower Brule Sioux Tribe, SD
Mr. William Kindle, Chairperson, Rosebud Sioux Tribe, SD
Mr. Gordon Kitte, Santee Sioux Tribe, NE
Ms. Rose Kluth, Leech Lake Band of Chippewa, MN
Ms. Marcella LeBeau, Cheyenne River Sioux Tribe, SD
Mr. Sebastian LeBeau, Cheyenne River Sioux Tribe, SD
Mr. Paul Little, North Dakota Intertribal Reinternment Committee & Devil's Lake Sioux Tribe, ND
Ms. Rosalie Little Thunder, Rapid City, SD
Mr. Roy Lone Wolf Martin, Turtle Island First Americans, Rapid City, SD
Mr. Rusty Lone Wolf Martin, Turtle Island First Americans, Rapid City, SD
Mr. Ruben McCloskey, United Sioux Tribes, Pierre, SD
Mr. Carl McKenzie, Rosebud Sioux Tribe, Rapid City, SD
Mr. Carson Murphy, BIA Aberdeen Area Office, Aberdeen, SD
Mr. Darrell Newell, Passamaquoddy Tribe, ME
Ms. Celane Not Help Him, Mni Sose, Oglala Sioux Tribe, SD
Ms. Marie Not Help Him, Mni Sose, Oglala Sioux Tribe, SD
Ms. Maggie Paul, Passamaquoddy Tribe, ME
Mr. Randy Ross, Rapid City, SD
Mr. Clarence Skye, United Sioux Tribes Development Corp., Pierre, SD
Mr. Terry Steinacher, Nebraska SHPO, Fort Robinson Museum, Crawford, NE
Mr. Ted Thin Elk, Mission, SD
Ms. Arlene Thompson, Cheyenne River Sioux Tribe, SD
Mr. Ben Thompson, Lower Brule Sioux Tribe, SD
Mr. Ray Uses the Knife, Minnecou Itazipco, Cheyenne River Sioux Tribe, SD
Mr. David Vader, Native American Coordinator, US Army Corp. of Engineers, Omaha, NE

Mr. Carey Vicenti, Jicarilla Apache Tribe, NM
Ms. Denise Vigue, Oneida Tribe of Wisconsin
Mr. Chris Wohl, Nez Perce Tribe, ID
Ms. Pemina Yellow Bird, North Dakota Intertribal Reinternment Committee & Three
Affiliated Tribes, ND
Ms. Judy Youngbear, Three Affiliated Tribes, ND
Mr. Terry Zontek, Bureau of Reclamation, Billings, MT

The committee and staff introduced themselves, and Ms. Naranjo confirmed there was a quorum present. Mr. Francis Cree of the Turtle Mountain Band of Chippewa was invited to provide an invocation for the meeting. Mr. Michael Jandreau, chairman of the hosting Lower Brule Sioux Tribe, welcomed everyone and thanked them for coming.

Review of the Meeting Agenda

Mr. McManamon began the meeting by reviewing the committee's responsibilities under the act, including including monitoring implementation, providing recommendations on regulations, assisting in the resolution of disputes, and compiling a list and making recommendations regarding the disposition of culturally unidentifiable human remains in museum and Federal agency collections. He commented that he was pleased to see so many members of the public at the meeting and thanked Mr. Jandreau and the Lower Brule Tribe for their assistance in the preparations of the committee meeting. Mr. McManamon explained that the agenda had been arranged to provide the public with considerable amounts of time to address the committee. He closed by reminding everyone that the statute "presents everyone -- tribal people, scientists, and museum people -- with great opportunities and great challenges. I hope that it allows us to appreciate each other's perspective, knowledge, and through those, gain a more complete understanding of the past."

Implementation Update

Mr. McManamon briefed the committee on the status of efforts to implement the statute.

The statute requires museums and Federal agencies to provide copies of summaries of their collections that may include unassociated funerary objects, sacred objects, and objects of cultural patrimony to all culturally affiliated Indian tribes, Alaska Native villages and corporations, and Native Hawaiian organizations by November 16, 1993. A supplemental guidance memorandum had also requested copies be sent to the National Park Service. Mr. McManamon provided a listing of the more than 600 institutions that had submitted copies of their summaries to the National Park Service.

After reviewing the list, Mr. Haas and Mr. Monroe commented that they felt there are many institutions which are not on the list, most notably universities and colleges, and smaller historical societies. Mr. Walker suggested that some colleges with small collections may be unaware of the statutory requirements. He was also concerned that some high schools may also have human remains and suggested the committee or the National Park Service begin communicating with secondary schools. Mr. Tallbull expressed his concern that Federal employees may have accumulated collections from federal lands for their private use. Mr. McManamon responded that Federal employees are prohibited from such activities. Mr. Haas asked if it might be possible to send form letters reminding

university departments of anthropology of the statutory requirements. Mr. Monroe suggested that the American Association of Museums would be willing to take an active role in getting word out regarding the statute, but thought that the summary list did include most of the major collections. Mr. McManamon agreed to work with Ms. Naranjo in developing such a reminder letter. Mr. Sebastian LeBeau, NAGPRA Coordinator of the Cheyenne River Sioux Tribe, supported the idea of sending out a letter reminding anthropology departments of their responsibilities under the statute.

Ms. Myra Griesen of the Bureau of Reclamation inquired if a recent survey distributed by the National Park Service could be used to identify collections from Federal land that are currently being curated in non-Federal repositories. Mr. McManamon explained that the museum property survey was being conducted by another division of the National Park Service to identify all Federal collections that are currently in non-Federal repositories. Once completed, the survey would be useful in identifying each Federal agency's responsibilities regarding curation and repatriation.

Mr. McManamon reported that the NAGPRA module of the National Archeological Data Base (NADB) was currently operational. The data base, accessible through the Center for Applied Spatial Technologies at the University of Arkansas, provides online access to the statute, committee reports, proposed regulations, and all Federal Register notices. Mr. Walker and Mr. Haas requested that announcements of meetings and information regarding NADB also be provided to relevant bulletin boards on the internet. Mr. McManamon agreed.

Mr. McManamon reported that approximately \$2.3 million was currently available as grants to assist Indian tribes and museums in implementing the statute. One hundred and six applications had been received from Indian tribes with 110 applications coming from museums. The total amount requested totaled over \$23 million. Awards were expected to be announced July 1, 1995. Mr. Monroe asked Mr. McManamon to outline the criteria being used to evaluate the applications. Mr. McManamon explained that, given the limited amount of funding and the large demand, special consideration would be given to creative projects that exemplified that type of dialogue between museums and Indian tribes required by the statute. All applicants also needed to have completed their summaries and currently be in compliance with provisions of the statute. Mr. Walker asked if award amounts would be based on the amount requested or if smaller amounts would be awarded to partially fund more proposals. Mr. McManamon explained that while requested amounts would be reduced if the proposal included ineligible activities, such as consultation and repatriation with the Smithsonian (since that institution is explicitly exempted from provisions of the statute), the requested amounts would not be arbitrarily cut simply to increase the number of awards. Mr. Walker asked how the grant monies would be divided between museum and tribal awards. Mr. McManamon replied that while a final decision was yet to be made, he anticipated a 50-50 split between tribal and museum awards.

Mr. McManamon reviewed the steps that had been taken to develop and promulgate final regulations implementing the statute. The National Park Service had initially distributed a memorandum outlining the Department of the Interior's understanding of the requirements, effected parties, and necessary procedures. A draft of the memorandum had been circulated widely among national Native American, scientific, and museum organizations. The finalized memorandum had served as the basis for what became the proposed regulations. A working group of Federal agency officials was then convened to draft specific regulatory text. The committee received the result of the working group's efforts at their first meeting in May, 1992, and worked diligently to refine the text prior to their publication as a

proposed rule in the *Federal Register* on May 28, 1993. Eighty two written comments were received during the public comment period that, along with comments from the committee, will serve to revise the proposed regulations. The staff is currently writing the preamble addressing all comments received. Mr. McManamon explained that once the final regulations were drafted, the text would be transmitted to the Department of the Interior for internal review. He indicated that he and the staff would be briefing various Departmental officials regarding the final regulations and promised to immediately inform the committee if any problems arose during the review process.

Mr. McManamon reminded the committee that the final regulations would include a number of sections that had been reserved. Draft versions of two of those sections -- those dealing with civil penalties and the sample inventory -- were on the agenda for discussion. The committee had also asked for public recommendations regarding two additional reserved sections -- those dealing with the disposition of unclaimed human remains and cultural items excavated or discovered on Federal or tribal land, and the disposition of culturally unidentifiable human remains in museum and Federal agency collections. Mr. McManamon explained that once developed, these sections would be published as proposed regulations for public comment.

Mr. McManamon also described some of the training activities in which he and the staff were involved. A number of workshops had been organized in conjunction with the annual meetings of National Native American, scientific, and museum organizations. An intensive, three day course on implementing the statute had also been developed with the University of Nevada-Reno. Ms. Naranjo commented that Indian tribes in the Southwest were anxious to participate in training opportunities. Mr. Sullivan described a workshop organized by the Arizona Intertribal Council which included tribal, museum, and Federal agency representatives. He felt that consultation had been greatly facilitated by this opportunity to sit down with all the involved parties. Ms. Craig explained that at least three different types of training were required: one of the type currently being provided by the National Park Service directed at developing the skills needed to bring home each Indian tribes' ancestors; a second designed to assist elders in identifying sacred objects and objects of cultural patrimony; and a third on developing strategies for Indian tribe, museums, and Federal agencies to work together. Mr. Tallbull emphasized that special training was particularly needed for those traditional elders wary of working with written legal documents. Mr. Monroe suggested that training include both tribal and museum representatives to encourage dialogue.

Civil Penalties

Ms. Naranjo asked Mr. McManamon to provide the committee with an overview of the draft regulatory section dealing with civil penalties. Mr. McManamon explained that the statute authorizes the Secretary of the Interior to assess civil penalties against any museum receiving Federal funds that fails to comply with provisions of the act. However, assessment of civil penalties under these provisions requires promulgation of regulations outlining procedures to ensure due process. An earlier draft of this section had been discussed by the committee at their Phoenix meeting. The current draft reflected the recommendations of the committee at that time. The basis for both drafts was the procedures already established to ensure due process in civil penalties cases under provisions of the Archaeological Resources Protection Act. Mr. McManamon emphasized the importance of finalizing the civil penalty section to provide an effective way of dealing with cases of non-compliance. The draft consisted of 18 subsection, lettered (a) through (r), outlining what constitutes noncompliance

[subsection (a)], the processes for notification, assessment, hearing, and appeal [subsection (b) through (q)], and criteria for determining the penalty amount [subsection (r)].

Regarding the definition of what constitutes non-compliance, Mr. Vicenti suggested that the civil penalties should be directed at cases of gross neglect and willfull non-compliance. He cautioned the committee against writing regulations that attempt to meet every possible contingency, warning that "people can be quite devious in finding ways around the law." Mr. Sullivan stressed that any museum that failed to complete its summaries or inventories, did not respond to inquires from Indian tribes, or did not provide access to documentation should be considered to be in non-compliance. The trigger should be when the Indian tribe and the museum reach an impasse in the consultation process.

Mr. McManamon explained the process for notification, assessment, hearing, and appeal of any civil penalty. Any person may bring an allegation of non-compliance to the attention of the Secretary of the Interior by contacting the Director of the National Park Service. The Director will then assign staff to document the complaint and conduct an investigation. After an allegation has been substantiated, the Secretary will serve a notice of failure to comply upon the museum, with informational copies to all other effected parties. The museum will then have 45 days in which to respond -- either by paying the assessed penalty, filing a petition for relief, or beginning discussions with the Secretary.

Mr. Vicenti addressed the issue of into which fund collected fines should go. The suggestion of the committee had been for those fines to be put into the tribal grants fund. He reminded the committee that one canon of statutory construction holds ambiguous statutory language should be read in favor of the tribes in any law which applies to Indian tribes. Following this canon, Mr. Vicenti stated the regulations could be written to use penalty monies for the benefit of tribal NAGPRA activities. Mr. McManamon concurred with Mr. Vicenti's assessment and agreed to include the committee's recommendation to the civil penalties regulations. Mr. Monroe asked when the committee would know whether or not the language would be included. Mr. McManamon said the committee could put the language into the current draft, or wait until a definitive answer from the Solicitor's office on the matter and then be able to insert the destination for penalty monies.

Mr. McManamon explained that in the current draft civil penalty amounts were to be calculated as .05% of the non-complying museum's annual budget up to a maximum of \$5,000, plus a daily penalty of \$100 until compliance is achieved. The penalty amount is doubled for subsequent failures to comply by the same museum. The Secretary may take mitigating circumstances into consideration when determining the penalty amount. Mr. Sullivan endorsed the approach, explaining that he thought it imperative that the regulations avoid "awkward trap in the language of the law which talks about the commercial value of the objects. The remains of dead people shouldn't have any commercial value," he continued, "and we don't want the market value of sacred objects to be a part of the discussion." Ms. Naranjo asked the committee if the .05% penalty amount was still the number they wanted to recommend. Mr. Sullivan, Mr. Monroe, and Mr. Haas discussed whether or not the \$5000 limit on the .05% penalty was too low. Mr. Monroe stated that although the purpose of the NAGPRA civil penalties was not "to generate huge fines, we want something that is enough to get people's attention." This amount is significant enough for an institution of any size to pay attention. Mr. Albert Jones, general counsel to the Flandreau Santee Sioux Tribe, expressed his concern these penalties would amount to a slap on the hand most museums. Mr. McManamon asked what amount Mr. Jones felt would be an adequate initial fine. Mr. Jones said a minimum of \$50,000 would be "a threat enough to

promote and efficient administration of the NAGPRA law by museums and institutions." Mr. Monroe calculated the current fine schedule using the \$5,000 limit would amount to \$36,000 per year for continuing non-compliance, not including attorney's fees. Mr. Monroe felt this amount would make institutions realize "it's just not viable to continue to be out of compliance." Mr. McManamon agreed, but suggested the committee consider the deterrent effect of a larger flat fee may have over the current draft penalty schedule. Mr. McManamon explained the ARPA criminal penalty, when the damage and destruction of an archeological site exceeds \$500, the fine can run up to \$20,000. Mr. McManamon said for subsequent violations the fines may not exceed \$100,000. He stated that ARPA had problems with successful enforcement and difficulty obtaining those levels of fines due to the proofs necessary for the maximum fines, which have now been remedied through amendments to ARPA. Mr. Haas said "the Archeological Resource Protection Act, that is...meant to penalize someone for what they have done...I think what we're trying to accomplish is to get something done...try to figure out how to get them to do something." Mr. Monroe agreed that compliance was the goal of this section, and said in his opinion the current schedule would make continuing non-compliance very unattractive to institutions.

Mr. Vicenti suggested inserting the phrase "economic and non-economic damages may be determined by application of usual civil case damage principles" in the penalty amount subsection, explaining that the phrase would allow the Secretary to include tribal costs incurred during the penalty process in the assessment. Ms. Pemina Yellowbird of the North Dakota Intertribal Reinternment committee said she would like to see tribes bringing action able to recover their costs in all cases. Ms. YellowBird said she wanted to ensure this action would not be entirely discretionary. Mr. Vicenti reiterated the inclusion of this language would put three elements into the penalties process. Mr. Monroe stated the current penalty schedule would most likely encourage museums to abide by the dispute resolution function of the committee.

Mr. Vicenti suggested the committee consider an additional paragraph under the penalty amount subsection to facilitate the inclusion of economic and non-economic damages. The new paragraph allowed the Secretary to take into consideration: 1) civil case damage principles, including, but not limited to, an award of attorney's fees and expert witnesses; 2) the negative impact suffered by the aggrieved party or parties relative to the ability to bear such costs; 3) the extent to which the non-compliant museum has failed to make attempts to negotiate a settled, reasonable disposition of particular human remains or cultural items; 4) the importance of the items to the performance of traditional practices by the aggrieved party or parties; and 5) bad faith associated with the museum's noncompliance. Mr. Monroe said he would like to see a single option to replace both the negotiation (number 3) and bad faith options (number 5). Mr. Vicenti responded that he was trying to encourage negotiated settlements as the first option before litigation as part of the NAGPRA process to settle issues of noncompliance.

[Enter the part about what they actually decided].

Mr. Haas and Mr. Walker noted that the draft text specified that civil penalties could only be brought against museums, not against Federal agencies that failed to comply. Mr. McManamon explained the draft reflects the statutory language and the fact that there already are ample mechanisms to force Federal agencies to comply with the law. This particular statutory provision was to provide a way to force museums to do so as well. Mr. Sullivan asked if charges of Federal agency noncompliance might

be brought to the committee. Mr. McManamon thought that such an issue might come before the committee as a dispute. Mr. Haas suggested the committee provide guidance regarding the steps for reporting Federal agency non-compliance. Mr. Sullivan and Mr. Walker suggested that the preamble of the proposed civil penalty regulations might be used to explain these mechanisms. Mr. Monroe asked if the committee could make a finding in a dispute between an Indian tribe and a federal agency. Mr. Haas thought issuance of such a finding might be appropriate, and said a finding would be a "public notice" for beginning a federal non-compliance case.

Mr. Haas asked Mr. Vicenti to clarify the relationship between the provisions authorizing the assessment of civil penalties and those identifying the Federal Courts as the appropriate venue for litigation. Mr. Vicenti responded that either method was available to Indian tribes to ensure a museum's good faith compliance with the statute. However, he pointed that out that higher the potential civil penalty assessment, the more likely the parties are to turn to the courts. The statute was crafted to strike a balance between interests and to stand up to Constitutional tests.

Mr. Haas asked for clarification between the civil penalty provisions and the committee's dispute resolutions process. Mr. McManamon responded that a dispute brought before the committee might also involve acquisitions of non-compliance. Mr. Walker recommended that the civil penalty section should make a clear distinction between a dispute and an acquisition of non-compliance. Mr. Monroe added that he wanted to ensure that "just because a museum fails to agree with the committee does not mean that it is out of compliance." Mr. McManamon agreed that there should be a clear distinction between a difference of opinion between parties and a failure to comply.

Sample Inventory

Ms. Naranjo asked Mr. McManamon to outline the status of the sample inventory. Mr. McManamon explained that the committee had recommended that such a document be prepared to help museums and Federal agencies prepare inventories for the November 16, 1995 deadline. The sample inventory includes two sections, one describing human remains and associated funerary objects that are culturally affiliated with a particular Indian tribe, and a second of culturally unidentifiable human remains. Appendix B of the regulations was reserved for the sample inventory. The committee had reviewed an earlier version at its meeting in Phoenix. The current draft includes the changes recommended at the earlier meeting.

Mr. Sullivan noted that the current draft incorporated the committee's earlier suggestions and better addressed "evidence from the tribal communities' perspective". He suggested that the names used in the examples -- Able, Baker, Charlie, Foxtrot -- be changes to ones with less of a military overtone. Ms. Naranjo concurred. Mr. Walker expressed his concern that no space was provided for multiple cultural affiliations. Mr. Walker also recommended that examples include citations for additional published information. Mr. Haas explained that the Field Museum includes citations to published materials for culturally unidentifiable human remains. Citations for culturally affiliated human remains and associated funerary objects are only included if the appropriate Indian tribe does not object. Mr. McManamon stated that he felt having a comprehensive bibliography was not point. If published site reports can assist in determining the cultural affiliation, they should be included. Mr. Walker concurred that citations could be particularly important for culturally unidentifiable human remains.

Mr. Monroe raised the issue of *Federal Register* notification. He also wondered if repatriation might take place without a full inventory. Mr. McManamon explained that the statute requires the completion of inventory and publication of a notice in the *Federal Register* to ensure that all potentially interested parties knew that the repatriation was scheduled to take place. The committee had recommended that the notice requirements be extended to include unassociated funerary objects, sacred objects, and objects of cultural patrimony. Mr. Monroe explained that he is in favor of the notice requirements because of the potential damage to Indian tribes if no notice is required. Ms. Yellow Bird outlined how the Memorandum of Understanding between the North Dakota Intertribal Reinterment Committee and the US Army Corps of Engineers office in Omaha, NE, included provisions for notification of any Indian tribe that might be culturally affiliated with human remains or cultural items. Each potentially culturally affiliated Indian tribe was notified by letter with an attached inventory and given an opportunity to become involved. Mr. Haas stated his understanding that the notification was intended to ensure that all culturally affiliated Indian tribes know about planned repatriations before they take place.

Disposition of Culturally Unidentified or Unclaimed Human Remains

Ms. Naranjo asked Mr. McManamon to introduce the discussion regarding the disposition of culturally unidentifiable human remains in museum or Federal agency collections. Mr. McManamon explained that section 8 (c)(5) of the statute required the committee to compile "an inventory of culturally unidentifiable human remains that are in the possession or control of each Federal agency and museum and recommend ... specific actions for developing a process for disposition of such remains." Section 10.11 of the regulations has been reserved for this process. Mr. McManamon explained that testimony had been solicited at several of the previous meeting on this topic and a number of individuals had been asked to make presentations to the committee at the present meeting.

Mr. Jim Haug, the South Dakota State Archeologist, explained the history of reburial in South Dakota. Discussions were initiated between state officials and the various Indian tribe representatives in the 1980s. The first repatriation was in 1986. He described how a state law and regulations were developed mandating the reburial of all human remains in the possession of the state. Another state law was later passed that established criminal penalties for excavating or destroying graves or human remains and provided procedures for their repatriation or reinterment. Mr. Haug noted that museums in the state have contacted with the South Dakota Archaeological Research Center (SDARC) for disposition of human remains under the state statute. The majority of the human remains being dealt with by SDARC are culturally unidentifiable. The mandatory reburial of culturally unidentifiable human remains covered by the state law has been effective, according to Mr. Haug, because it "ensures that the individuals are removed from the public eye and are rendered inaccessible." He said the state's policy is to keep postmortem examination to a minimum, and where the identity or cultural affiliation is known, "little or no postmortem beyond the confirmation of the historical or archeological data is necessary." Mr. Haug noted that the state's policy does not allow for any new methods of research to take place. Mr. Sullivan asked about the relationship between the South Dakota statute and NAGPRA. Mr. Haug responded that while the state statute stipulates that state take responsibility for the reburial of culturally unidentifiable human remains in consultation with Indian tribes in the state, repatriation to those Indian tribes is also an option. Mr. Haas asked if the state statute applies to

private as well as state land. Mr. Haug replied that it applied to both private and state lands. Mr. McManamon asked if the state statute protects burials in situ. Mr. Haug responded that the state law makes it a felony to disturb a burial. Mr. Haug also emphasized the importance of the data gained from studying culturally unidentifiable human remains.

Mr. Haas responded that there are certain kinds of questions that can be addressed using information derived from human remains -- such as patterns of malnutrition, child and infant mortality, and changes once domesticated crops become utilized. He admitted that the scientific community has not been able to clearly articulate this information to the public at large and specifically to Indian communities. He did not feel such scientific value outweighs the sanctity of the remains. Mr. Sullivan asked Mr. Haug how much scientific knowledge can be gained from culturally unidentifiable human remains. Mr. Haug responded that most culturally unidentifiable human remains are fragmentary and impossible to trace to present-day communities.

Mr. Tallbull commented on the difference in treatment between Indian and non-Indian human remains. He asked everyone to consider the situation of American servicemen's remains in Vietnam. Would the American people allow Vietnamese scientists five years to examine and study American remains?

Mr. Thomas Bullhead, of the North Dakota Intertribal Reinternment Committee, explained that one of the most difficult things for Indian people to do is to go in front of the non-Indians and attempt to talk about things that should not be discussed in public. He spoke about the disturbed human remains now in museum and Federal agency collections and how people were frightened of them and what they can do. He explained that tribal communities know that the resolution of repatriation issues is critical to curing the sicknesses afflicting them. He thanked Mr. George Iron Shield for providing guidance in dealing with these difficult issues.

Mr. William Tallbull explained that the Cheyenne tribe has lived in many different areas of the country, from the eastern seaboard into Northern Ontario and west through Montana. "On the way," he said, "many people have died. They must have buried them anywhere they were. Where the graves are, the spirits are there. Where the remains are, the spirits are there. There is a part of life that we have talked of very little, because most people don't understand what we're talking about. We talk about people coming home. When the people came home from the museum and are buried at home, they all go and visit every house. This is where the joy comes in. They are home. They are here. They walk around through the village and become part of us again. That's all we are asking."

Mr. Carey Vicenti said that although he had many discussions with his own tribal leadership, medicine people, and clan leaders to develop ideas on how his people saw the issue, he had not heard anything from the scientific community justifying the importance of maintaining such collections. This lack of communication disturbed him because, without it, "we don't know what's at stake. As Indian people, we have no idea what it is scientists are trying to do with remains that are in their possession..." He stated that he did not think the scientific community had submitted overriding evidence that its wish to retain culturally unidentifiable human remains outweighs the rights of the closest decedents. He also requested the committee to remember that since NAGPRA is classified as "Indian law," any ambiguity must be interpreted to the benefit of the Indian tribes. He recommended a careful process in developing any regulatory section dealing with the disposition of culturally unidentifiable human remains. Time should be taken to find "a better way." He emphasized that the committee's

recommendations should reflect the equal protection and recognition of human rights afforded all U.S. citizens and promised to Indian tribes by treaty.

Mr. Robert Gough, attorney for the Rosebud Sioux Tribe, recommended that, in order to fulfil the United State's trust responsibility to Indian tribes, the regulations on the disposition of culturally unidentifiable human remains must "comply with the language of the remedial statute to be liberally construed to suppress (or remedy) the evil and advance provisions liberally construed in favor of Indians and interpreted to the benefit of the Indians. Courts have recognized a quasi-property right vested in the nearest relatives of the deceased rising out of the duty to bury the dead. It's the right that every mainstream American takes for granted. For Native American people, to assure that their dead remained buried requires a Federal statute." Following this principle of construction, Mr. Gough continued, "the closest decedents of even culturally unidentified remains are the present-day tribes who therefore have a responsibility to rebury these human remains." He stated this responsibility has always been reserved to the tribes, that "no treaty grants or surrenders to the United States the graves, the human remains, or grave goods of ancestors." Mr. Gough supported the inclusion of geographic association with aboriginal lands as a primary consideration for tribal notification and in making determinations of disposition for culturally unidentified human remains. Mr. Gough was concerned that focussing on establishing associations and cultural affiliations with present day tribes as a prerequisite for repatriation would ignore the spirit, intent, and equities of the law, and result in far fewer remains and objects being repatriated. Mr. Gough spoke in favor of consultations as part of the decision to repatriate culturally unidentified human remains. Mr. Gough said that numerous Indian tribes have gone on the record as accepting trust responsibilities for all culturally unidentified human remains, and that "while the degree of relationship of these tribes to the disinterred or unburied human remains may vary, they are of prior and superior right to that of Federal agencies, museum, or other institutions which presently holds these remains."

Mr. David Vader, Native American Coordinator for the Omaha District Corps of Engineers, outlined the Omaha District's process for consulting with the Indian tribes regarding final disposition of Native human remains excavated or discovered on Corps projects. He explained that the Omaha District has developed a memorandum of agreement (MOA) regarding excavations and discoveries on Corps lands. The MOA states that the Corps of Engineers does not own human remains and recognizes priority of reburial. Mr. Vader stated that under the MOA, agreements, human remains are returned to Indian tribes in the region or known to have historically occupied the region "unless there was overwhelming evidence that remains were non-Indian." The MOA specifically uses the aboriginal territory as decided in the U.S. Court of Claims to identify the proper recipients for Native American human remains. He sees the current consultation process as very complete and thorough. Mr. Vader concluded by saying that the Omaha District was committed to reburial and would like to continue with repatriations "as fast as we possibly can."

Mr. Carson Murdy, archeologist for the Aberdeen Office of the Bureau of Indian Affairs, explained the distinction between "acquisition of scientific knowledge" and "the application of scientific knowledge to practical problems." He explained that the application of scientific knowledge to any given practical problem occurs "when a certain scientist determines that there is a problem of some urgency to be solved... and applies a certain portion of that [data, analysis, and theory]...to come up with a satisfactory solution." Mr. Murdy stated that the study of archeological collections "is the scientific process of building up a reservoir of data and knowledge on the human condition." He said he felt the

real damage to tribal communities' heritage was being done through "geomorphological processes of wave action and the depredation of relic hunters." He pointed out that through analysis of recovered human remains of the Arikara, unusually high incidence of middle ear infections and disease were discovered in the population. The present-day Arikara community was surveyed, and the same high incidence was found, and "a concerted effort has been made to treat and help alleviate this problem in the modern population." Mr. Murdy said that although the methodology and technology to be able to closer affiliate partial human remains and culturally unaffiliated human remains is still under development, there may be a time when science can do that, and he supported maintaining those collections until such a process is available. Noting the difference between tribal communities' view of human remains and Mr. Murdy's reference to human remains as "pools of data," Mr. Monroe asked Mr. Murdy how one should go about reconciling and/or "advancing dialogue between those ways in which people understand, believe, feel, [and] perceive human remains?" Mr. Murdy responded that viewing human remains as data sets "is essential to the scientific process," but did not think this would be "an impasse to cooperation." Mr. Haas stated he did not think the scientific community had not sufficiently addressed the question of what may be lost under repatriation.

Correspondence from Hui Malama I 'Na Kupuna 'O Hawai'i Nei

Mr. Monroe summarized a request for guidance from Hui Malama I Na Kupuna 'O Hawai'i Nei, a nonprofit, Native Hawaiian organization incorporated under the laws of the State of Hawaii for the purpose of providing guidance and expertise in decisions dealing with Native Hawaiian cultural issues, particularly burial issues. Hui Malama asked the committee for guidance on whether a museum or Federal agency might undertake additional scientific studies of human remains once the cultural affiliation of those remains had been determined.

Mr. McManamon explained that the question was precipitated by a situation in Hawaii in which the United States Marine Corps excavated approximately 1,500 human remains and numerous associated funerary objects from the Mokapu Peninsula on Oahu. The human remains and associated funerary objects are being curated by a private museum. Hui Malama has made several requests that no studies outside those specifically required to comply with the statutory requirements be conducted. There seems to be general agreement between the Marine Corps, the curating museum, and Hui Malama that the human remains and associated funerary objects are Hawaiian.

Mr. Monroe stated that he thought that Hui Malama was asking the committee for a general opinion regarding the authorities for additional scientific study, and not a finding for a specific situation. Can a museum or Federal agency conduct additional scientific research on human remains once cultural affiliation has been determined? He explained that he could not see any justification for additional studies contrary to the explicit wishes of the culturally affiliated tribe or Native Hawaiian organization. The only exception that he could see would be if the study was of major benefit to the United States as authorized under section 7 (b) of the statute. Mr. Haas commented that the "major benefit" exemption only applied if the human remains or cultural items were "indispensable for completion of a specific scientific study, the outcome of which would be of major benefit to the United States." Mr. Sullivan explained that it seemed clear to him that the statute offered no basis for further research if the cultural affiliations of the human remains and associated human remains could be determined.

The committee concurred. The committee declined to discuss whether any other statute might be used to authorize additional scientific research.

Future Activities

Mr. McManamon raised the issue of the committee's next meeting. Mr. Monroe suggested having the next meetings in the New York and the Pacific northwest. Ms. Francis and Ms. Vigue agreed that a meeting in the Northeast would be appropriate. Ms. Naranjo stated that the committee needs to go to as many different areas as possible in order to hear from as many tribal communities as possible. Mr. Haas asked Mr. McManamon if it would be possible to have two more meetings before the end of the calendar year. Mr. McManamon agreed to look into it. Mr. Monroe explained that two more meetings would allow the committee to hear discussion on an expanded tribal contact list for NAGPRA purposes. The committee agreed that the next meeting would take place in the Northeast in late August to early September. Mr. Haas stated that it was important to bring more voices before the committee. Mr. Monroe suggested that upcoming committee meetings include hearing testimony from representatives of both the tribal and scientific communities.

Mr. McManamon outlined the status of the various regulatory sections that had been previously reserved. The sections on civil penalties and the sample inventory would be published as proposed regulations for public review and comment as soon as possible. The committee would then be able to review the comments and a revised draft before final publication. Text for the remaining three reserved sections -- dealing with the disposition of culturally unidentifiable human remains in museum and Federal agency collections; the disposition of unclaimed human remains and cultural items from Federal and tribal lands; and future applicability of the statute -- could be developed for the committee's review at an upcoming meeting. Ms. Naranjo recommended that discussion of the latter sections be put on the agenda for the next meeting.

Public Comment

Ms. Rose Kluth, archeologist for the Leech Lake Band of Chippewa, informed the committee that many of the summaries received by the tribe indicated that museums and Federal agencies were deciding what objects fit the categories of unassociated funerary objects, sacred objects, and objects of cultural patrimony. These summaries did not provide information on the whole collection. She thought that a number of museums and Federal agencies may have not sent summaries at all because they could not readily identify something that fit one of the categories. Ms. Kluth also disagreed with several of the presentations previously heard by the committee regarding the benefit to tribal communities of studies of human remains. She asked that the next draft of the regulations be sent to each tribal chair and NAGPRA representative, and that the comment period be longer than thirty days. Ms. Kluth also stated her support for increasing the amount of NAGPRA grant funding.

Mr. Thomas Bullhead talked about the magnitude of the repatriation effort and the importance of bringing relatives home. "We all come here in a good way," he said, referring to the presence of members of the North Dakota Intertribal Reinterment Committee at the committee's meeting, "and we want to leave in a good way." He spoke about the strength of the *cannupa*, the pipe, and his respect

for it. Finally, he explained the importance of the three songs -- the flag song, honor song, and veteran's song -- members of the North Dakota Intertribal Reinterment Committee had sung to honor the committee.

Mr. George Ironshield of the North Dakota Intertribal Reinterment Committee explained that through the *cannupa* everyone become relatives. For Lakota people, he explained, everything is sacred, "even little stones, pebbles, and rocks that people don't pay much attention to." He cautioned everyone against viewing NAGPRA grants as a bone thrown to hungry dogs.

Mr. Scott Jones, public relations officer of the Lower Brule Sioux Tribe, objected to competitive grant process "pitting one tribe against another.

Mr. Sebastian LeBeau, Cultural Preservation Officer of the Cheyenne River Sioux Tribe, requested Mr. Haug cite examples of how "you can tell a Lakota skeleton from a Crow skeleton from an Apache skeleton. If the technology exists, bring it out." He stated that the Lakota people object to museums or Federal agencies retaining human remains waiting for "some great advance in genetics."

Mr. Terry Gray, NAGPRA representative of the Rosebud Sioux, pointed out that the 1992 amendments to the National Historic Preservation Act recognizes tribal values and authorizes tribes and Alaskan Native groups "to assume all or any part of functions of the State historic preservation officer with respect to tribal lands." He asked the committee to take into consideration the cultural resource management duties tribal governments are now assuming, and allow unidentified and unaffiliated human remains to be repatriated under cultural resource management responsibilities. Mr. Gray suggested that the committee include official presentations from tribal elders on the agenda to help understand the tribal views and better bridge the gap between the non-Indian and Indian point of view.

Mr. Paul Little, Cultural Heritage Director of the Devil's Lake Sioux Tribe, stated that tribal elders have ways of determining the cultural affiliation of culturally unidentifiable human remains. He explained the it comes as no surprise that there are graves in various places, "because our people traveled all over. We know who they are. There is no problem in us taking care of our people. They don't belong to you. They don't belong to us. But we are here to take care of them." Mr. Little said he was thankful for the committee listening and being educated about different ways.

Ms. Jane Martin-Lone Fight, of the Turtle Mountain Chippewa and the North Dakota Intertribal Reinterment Committee, spoke about her concerns that publishing inventories of human remains in the Federal Register was being used by Federal agencies as an excuse not to repatriate. Ms. Martin Lone Fight said that the Turtle Mountain Chippewa and the North Dakota Intertribal Reinterment Committee oppose the requirement. Mr. McManamon explained that section 5 (d)(3) of the statute requires publication of a notice in the *Federal Register*. The Archeological Assistance Division of the National Park Service regularly provided assistance to museums and Federal agencies in drafting and expediently publishing the notices. Ms. Martin-Lone Fight asked if a Federal agency was required to publish such a notice if it was working in good faith with the appropriate Indian tribes. Mr. McManamon explained that it is the statute itself that requires publication in the *Federal Register* notice. The notice is required to ensure that all parties that might be interested know the repatriation is about to take place.

Ms. Deanna Francis, representative of the Passamaquoddy Tribe, explained to the committee how her people are able to identify some remains. She talked about the remains of two individuals brought back from the Maine State Museum. Tribal representatives asked the two "identify yourselves. They did. One was an elderly woman. The other was a young woman who was very scared. We got the paperwork some days later from the museum. The young woman had an unhealed trauma in her chest...according to the archeological data, she had been killed." Ms. Francis stated "There are no unclaimed human remains. All human remains will be claimed."

Ms. Pemina Yellowbird of the North Dakota Intertribal Reinterment committee (NDIRC), explained that the tribal governments represented by the NDIRC would like to see a copy of the final regulations before they are published in the *Federal Register*. The NDIRC does not want a situation where tribes are "forced to live with a set of regulations that do not protect our interests, and do not adequately and even clearly reflect the intent, the letter, or the spirit of the law." Ms. Yellowbird said the regulations' preamble was problematic for the tribes because they have not seen the text or had the opportunity to comment on it. Ms. Yellowbird requested another public comment period and public hearings on the regulations before final regulations are published. Ms. Yellowbird said she does not think it right that very ancient remains be listed as culturally unidentifiable. She questioned the value to science of such culturally unidentifiable human remains. "All these remains are our relatives," she said. "We will take care of them." Only archeologists benefit from keeping these human remains. Indian communities must bare the trauma and damage from this situation. Ms. Yellowbird explained that the strong emotions evident at the meeting came from the fact that these were their relatives being discussed. "I will not compromise my relatives by scientific study or being held in collections." Ms. Yellowbird read a draft proposal regarding the disposition of culturally unidentifiable human remains. She suggested that such remains should be repatriated by the consensus of the present-day Indian tribes from each region. The closest national park or other parcel of Federal land should provide four sites as potential locations for reinterment.

Ms. Naranjo spoke about the differences of tribal communities' wishes concerning reburial. While she understands the need for reburial, Ms. Naranjo pointed out that for the Pueblos, "we're most interested in the spirit of the remains, not necessarily the material portion of that remain...I would not want to see any Pueblo person be interred up in North Dakota or South Dakota area. I would rather have it stay where it's at rather than it being moved." Ms. Naranjo said a plan for culturally unaffiliated remains should be developed region by region. Ms. Naranjo stated she continues to see the regulatory language as being an impediment to understanding the regulations, especially for tribal people. She said what the committee has done "is to try to create situations so that we, as Indian communities, would be able to participate in the process." Ms. Naranjo explained that in her traditions, the world and what happens exists in balance, and she was not going to "close myself...to consideration of scientific analysis in some situations." She thanked all the speakers and said she would continue to balance all the statements the committee hears.

Mr. Francis Cree, a member of the North Dakota Intertribal Reinternment committee (NDIRC), stated that the focus was on the spirits and respect of [human] remains. He asked that the committee remember the great discrimination and continuing destruction of Native graves. Mr. Cree said he has been working on different kinds of claims with the U.S. government for 30 years, always with his hands tied behind his back. Mr. Cree stated the same thing was happening at the meeting. He said he wanted to bring this before the committee and thanked them for hearing him.

Mr. Raymond Uses the Knife, Cheyenne River council member and chairman of the CRST Cultural Affairs committee, addressed the committee on the subject of tribal human remains and objects in the possession of museums not receiving federal funds. He said he fears these objects will be sold on the international market because there is no way to bring such institutions in under NAGPRA compliance. Mr. Uses the Knife asked the committee how his tribe should handle institutions that claim they do not have to comply with NAGPRA. Mr. Sullivan suggested Mr. Uses the Knife contact the American Indian Ritual Repatriation Foundation in New York City. Mr. Uses the Knife thanked him, and said he was already talking with that organization. Mr. Uses the Knife explained that many personal items of the Minnicoujou Lakota killed at Wounded Knee were being found in many private institutions; and "the sincerity of my reason for being here is that those types of things that have [been] done in the past, the pain and the hurt that was inflicted upon the people still remain today...we still feel that pain and the horror that happened to us 103 years ago...anybody keeping things like that is totally, totally ridiculous."

Ms. Marcella LeBeau, Cheyenne River Sioux tribal council member, thanked the committee for coming to Rapid City. She also expressed concern over private institutions and non-tribal individuals possessing human remains and sacred things. Ms. LeBeau explained a little about the racism her community lived through, and why people were so distrustful. Ms. LeBeau said that she felt something good would come out of being there as a group, and thanked the committee for listening.

Mr. William Tallbull, Review committee member, spoke of his concerns in visiting museums and not knowing what was in the collections. He spoke of a visit of some elders to a museum one time; "...they didn't realize that the museum had human remains, medicine bundles in the basement. We were treading over human bodies, medicine bundles. A desecration that we did there, by treading over the top of them, caused an accident to happen outside immediately after the old folks left...As we all know as Indian people, whenever there's an accident, there's a reason for it...once with another load of people, a similar situation happened...when I went to a Chicago museum, I had to stop at the door and ask if it was safe to go in there...I was told by the curator that people came and did the blessings so that people wouldn't be going where they shouldn't go. This is how we view the museum, very careful...we have 45 medicine bundles that [are] close to home, that we cannot touch...somehow they were acquired, and they're in the basement, and we refuse to go over there. That's been some of the things that I have walked in on, not knowing what they have...I was visiting a museum where I ran across my grandfather's two medicine rattles. It was a very emotional time for me to find these. I don't know how the museum got ahold of them, but apparently it was grave robbery material...so, when it comes to acquiring things, from people, I'm wondering if there are stolen items...I'm wondering, if there could be something where the museum wouldn't be taking stolen property all the time, if there was something that would get information...from medicine bundles. Especially if we got a man bringing in a medicine bundle. You know that young man does not own the bundle, yet they go ahead and take it. I find that a problem." Mr. Tallbull stated he was very concerned with especially

the spiritual health of the people; "and, it makes me wonder why this country continues to deny us religious freedom. We've been denied our pursuit of spiritual health...the people that sit here and talk about scientific study...I don't think they know anything about spiritual health."

Mr. Tim Mentz, Standing Rock Sioux Cultural committee member, spoke to the committee on his concerns regarding a deadline the Nebraska State Historical Society (NSHS) was attempting to impose on his tribe for submitting a claim to unprovenanced human remains and unassociated funerary objects which the Pawnee Tribe was requesting for repatriation. Mr. McManamon responded that such a deadline does not conform to the NAGPRA statute. Mr. Mentz agreed that this was his understanding as well, but the NSHS was still insisting that if no claim was made by a date, the tribe had waived the right to such a claim. Mr. Mentz requested the Park Service and the committee keep looking at the trust responsibility in administering NAGPRA.

Mr. Victor Douville, member of the Rosebud Sioux Consultation committee, addressed the committee concerning the lack of direct input from the Rosebud Sioux Tribe in the passage of NAGPRA. He said that rumors going around say that what has already been drafted will become law, and that "the Secretary [of the Interior] will begin to assert his paternalism." Mr. Douville said that during the Review committee meeting, he has seen this is not the case, and agrees with the direction the committee is taking. He supported having the tribes be the ultimate authority in decisions about repatriation, rather than having the tribes be dictated to by Federal agencies and museums. Mr. Douville requested that more funds be made available to assist tribes for NAGPRA activities. Mr. Douville invited the committee to have a presentation made by his department to develop a better understanding of his people. He thanked the committee for the opportunity to speak.

Mr. George Goggleye, representative from the Leech Lake Chippewa, said he resented the "paternalistic attitude" of the scientific presentations on Culturally Unidentified human remains. He asked the committee to let tribal communities decide the issue their own way. Mr. Goggleye stated there had to be consultation with the tribes "because you don't know what a funeral object is to us." Mr. Goggleye thanked the committee for listening to him.

Ms. Donna Augustine, representative of the Micmac, said that although some in the scientific community may feel hurt or offended by the comments of the native people, she asked that they understand how hurt and offended the native people are that their ancestors are in collections. Ms. Augustine stated that there is a fundamental difference that the scientific community does not understand, and is also not appropriate to talk about in public. Ms. Augustine said that she did not know how the scientific community could disturb or handle tribal ancestors, that perhaps they don't know the harm they are doing. Ms. Augustine wanted the representatives of the scientific community to understand that these human remains, "they're not just remains, they're not bone to be studied, you're dealing with spirits as you touch those remains."

Mr. Carl McKenzie, Rosebud Sioux Tribe, asked the committee to consider closer consultation with the tribes and allowing them to translate the regulations into their own language before sending the regulations out as final.

Mr. Richard Grass expressed his frustration that tribal communities were having to go through this process, and that his people's rights were still being sacrificed "to cover up the fraud of the United

States." Mr. Grass expressed his appreciation for the committee, and asked that his people be brought back for reburial.

Mr. Cedric Goodhouse, of the Standing Rock Sioux Tribe, commented that he was glad Mr. Murdy made his presentation, because Mr. Goodhouse felt those arguments reminded everyone why NAGPRA had to be enacted in the first place.

Mr. Sebastian LeBeau, NAGPRA representative of the Cheyenne River Sioux Tribe, thanked the committee for coming and listening to the concerns of people in the Plains area. Mr. LeBeau said the regulations should always favor the Indian perspective regarding repatriation, and the fines under civil penalties should go immediately to the aggrieved tribe. Mr. LeBeau emphasized that a Federal Register notice should "never, ever hinder or impede the repatriation process." Mr. LeBeau also requested that the need for NAGPRA compliance be made clear to universities and colleges, whether their collections were "historic" or "pre-contact."

Mr. Darrell Newell, representative of the Passamaquoddy Tribe, requested that culturally unidentified inventories also be sent to tribes in the region those remains came from. Mr. Newell was concerned that "inventories and summaries that we are receiving are incomplete or nonexistent based on predetermined...basis [of] exclusively scientific data and not other considerations..." Mr. Newell asked that the understanding of non-experts, everyday people who will be affected be taken into consideration during the writing of regulations.

Mr. Dave Bald Eagle, Cheyenne River Sioux, addressed the committee, and said he appreciated the beginning of the repatriations. Mr. Bald Eagle said he would continue speaking to people around the world about peace, unity, friendship, and better relationships in the world. Mr. Bald Eagle thanked the committee for coming and wished them all a safe journey home.

Mr. Everett Black Thunder, Sisseton-Wahpeton Sioux, commented to the committee that tribal people should have more input for the regulations, and he saw them now as very museum-friendly. Mr. Black Thunder supported Mr. Little's suggestion that tribal elders be invited to the committee meetings for educating the committee about the tribes in different regions.

Ms. Rachel Craig, Review committee member, addressed the meeting and said she appreciated hearing everyone's comments. She said that in her home area in Alaska, the land is known by who traveled in it, and place names are taken from the people buried there. Ms. Craig told the meeting, "it was my job to do a survey of these cemetery sites and historical places...I took the ancestors' names of those people who were buried there...so all of these people that are buried out in the country singly are known to us...whose family they are." Ms. Craig said she was so happy to hear the tribes in the Plains had as much concern for their ancestors and were willing to claim them all as her own community. She explained the difficulties she had faced in being chosen to represent diverse Native people in Alaska on the committee, and how the committee had to develop a base for their decisions. Ms. Craig thanked everyone for listening.

The meeting was closed at 5:25 p.m. on Saturday, May 14, 1994.

Approved:

 /s/ Tessie Naranjo
Tessie Naranjo, Chair
Native American Graves Protection
and Repatriation Committee

 August 18, 1995
Date