



SOCIETY FOR AMERICAN ARCHAEOLOGY

Repatriation Task Force  
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February 10, 1995

Ms. Tessie Naranjo, Chair  
NAGPRA Review Committee  
P.O. Box 1807  
Española, NM 87532

RE: NAGPRA Review Committee consideration of unaffiliated and unclaimed remains and cultural items

Dear Ms. Naranjo:

I write this letter on behalf of the Society for American Archaeology's Task Force on Repatriation. As you are aware, the SAA's Task Force has participated in many discussions concerning NAGPRA, and was an active participant in helping to draft the legislation. We are aware that the NAGPRA Committee has been attempting to develop recommendations on the issue of unaffiliated and unclaimed remains, and I write this letter to inform you of our activities on this issue to date, and to share our suggestions for the Committee's consideration.

The SAA's Repatriation Task Force has conducted a number of activities to help make the Society's members aware of NAGPRA and the proposed regulations. We have published informational articles and interviews with Frank McManamon, we have held open forums at our national and regional meetings, and we have requested and received comments from members. In an attempt to continue this "dialogue" with our members, we requested input on the members' perspectives and thoughts on unaffiliated and unclaimed remains and cultural items. We frankly expected to hear only from a few people; we were surprised at the number of responses we received, by letter, by electronic mail, by phone, and in person. People have many opinions on this issue, and those opinions are diverse.

However, the most prevalent and consistent comment we have received is a request to defer discussion of unaffiliated and unclaimed remains and cultural items until after the November 1995 NAGPRA deadline for inventories of human remains. Most museums, universities, and other institutions are struggling to meet the November deadline and establish dialogues with tribes. They are frustrated in this work by lack of money and support, as well as the lack of regulations. To have no regulations in place five years after the law was passed is a difficult situation, at best. Most institutions of which we are aware are acting in good faith, and are trying their best to meet the required deadlines. However, to add a discussion of unaffiliated and unclaimed remains and cultural items to their plates at this time is more than they can handle. More significantly, a number of institutions have commented that they think that they will be better able to address and discuss unclaimed and unaffiliated items once they have actually gone through the repatriation process with their other materials.

Although we are aware that the NAGPRA Committee is only discussing the issue at this point, we are concerned that: 1) the Committee is not necessarily hearing from all sides on the issue because many museums and tribes are busy with the process of repatriation; and 2) the Committee is not taking

advantage of what tribes and museums may be learning from the repatriation process. We therefore respectfully recommend that the NAGPRA Committee defer consideration of unaffiliated and unclaimed remains and items until regulations are in place and the November 1995 deadline has passed.

Prior to the November deadline, however, there are a number of issues that the Committee could explore that would be useful to both museums and tribes. In particular, one of the most useful things that the Committee could do is to help refine the basic process of repatriation of affiliated remains, beyond the proposed regulations. Specifically, the Committee could attempt to provide guidance on reasonable consultation processes — what are reasonable expectations that tribes can have of museums, and vice versa, and how might one go about establishing affiliation. The Committee might consider requesting that tribes and museums share with the Committee what they have learned from the repatriation process thus far. As soon as the SAA's Task Force has collated the results of our own surveys, I will be sure to transmit the results to you.

Please feel free to call or write if you have questions or wish additional information from me. Thank you for the opportunity to convey the suggestions and comments of the SAA Repatriation Task Force to you and the NAGPRA Review Committee.

Sincerely,

A handwritten signature in cursive script that reads "Lynne Goldstein".

Lynne Goldstein  
Chair,  
SAA Repatriation Task Force

cc: SAA Repatriation Task Force  
Frank McManamon