

Revisiting and Reinvigorating: Examining NAGPRA's Shortcomings and the Renewed Push for Repatriation

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Abstract

This presentation discusses the ongoing challenges and renewed efforts to comply with the Native American Graves Protection and Repatriation Act (NAGPRA), highlighting the complexities involved in the repatriation of Native American human remains and cultural items. Even with its establishment, compliance has been inconsistent, primarily due to ambiguities in the original legislation. This study critically analyzes the persistent areas of non-compliance with NAGPRA over the past 35 years, while also evaluating the implications of recently enacted regulatory changes. The issue is examined through three approaches: 1) a historical overview of the law, 2) literature analysis of historical problems that have contributed to the delays of repatriation, and 3) a case study of The Henry Ford (THF) to closely examine factors contributing to past noncompliance and steps toward improved compliance. The case study explores the institution's early collecting motivations and practices, its unstructured recordkeeping history, and how the museum's original mission influenced its approach to NAGPRA compliance. Recent strides towards accountability, such as comprehensive inventories, improved consultations, and language decolonization, are also discussed. The larger implications of the case study highlight a shift in NAGPRA compliance, emphasizing the importance of working in the spirit of the law and transitioning from viewing cultural objects as possessions to embracing responsible stewardship. This case study will assist other cultural institutions in thinking through the legal and ethical issues raised by the recently strengthened NAGPRA.

About the author:

Briana Gutierrez-Kemmerling is a recent graduate with a Master of Science in Information from the University of Michigan School of Information, specializing in Digital Archives, Library Science, and Preservation. She also holds a Graduate Certificate in Museum Studies and is currently the NAGPRA Assistant Cataloger at The Henry Ford. Her work focuses on ethical collections stewardship, repatriation and digital data sovereignty. She has experience in provenance research, collections management, digital archives, and culturally sensitive description practices through roles at The Henry Ford and community-based projects in Detroit, MI. Her graduate research explored archival decolonization, decolonizing research methods and institutional non-compliance with the Native American Graves Protection and Repatriation Act (NAGPRA). Her passion for preserving cultural heritage drives her commitment to collaborative repatriation efforts and responsible stewardship.