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*Respecting Indigenous Humanity:  
The Academic Treatment of Indigenous Human Remains and Cultural Artifacts*

**ABSTRACT:** *This essay explores the academic treatment of Indigenous Americans' human remains and cultural artifacts, including burial objects, in light of the Native American Graves Protection and Repatriation Act (NAGPRA), a U.S. federal law passed in 1990. The author pays special attention to the "significant cultural pain" that the maltreatment of human remains and cultural artifacts has caused Indigenous communities, as well as how museums and academics have changed their practices in order to give Indigenous communities the respect they deserve.*

**KEYWORDS:** *modern history; Indigenous Americans; Native Americans; United States of America (USA); colonialism; human remains; cultural artifacts; burial objects; Native American Graves Protection and Repatriation Act (NAGPRA); academic community*

*Introduction*

Throughout the history of the United States, archaeologists, archivists, museum curators, historians, anthropologists, and other academics have not always treated Indigenous American cultural artifacts and the human remains of deceased Indigenous individuals with the respect they are due.<sup>1</sup> However, much progress has been made in this regard due to changing attitudes among members of the academic community and the public, as well as the passage of U.S. federal laws that address the handling of these cultural artifacts and human remains, chiefly among them the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990. This essay explores how Indigenous American cultural artifacts and human remains are collected, handled, and displayed, and it examines how they should, in fact, be handled and displayed in a manner that is respectful to each tribe.

The inconsistency with which academics, especially archaeologists and archivists, have treated Indigenous American human remains and other cultural artifacts has caused Native Americans—who place considerable religious, cultural, and personal importance on their deceased ancestors' resting places—a great deal of pain.<sup>2</sup> This pain has been further augmented by the fact that archaeologists in the past did not obtain these human remains and cultural artifacts with the Indigenous people's consent. For example, many of the victims of the 1860 Indian Island massacre of members of the Wiyot Tribe in Humboldt County, California, "had their eternal rest disturbed when their graves were dug up and their skeletons and the cultural artifacts buried with them placed in a museum."<sup>3</sup> The historical maltreatment of Indigenous graves sharply contrasts with the practices stipulated by NAGPRA. Therefore,

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<sup>1</sup> The collective term "academics" is used in this essay to denote all those potentially or actually involved in the handling of American Indigenous human remains and cultural artifacts for the purpose of scientific study and public educational display. This includes (but is not limited to) archaeologists, archivists, museum curators, historians, anthropologists, and other scholars.

<sup>2</sup> National Park Service, "Native American Graves Protection and Repatriation Act of 1990," [online](#).

<sup>3</sup> "'They are going to be at peace': California university returns remains of massacred Wiyot Tribe members," *The Guardian*, January 28, 2023, [online](#).

it is vital that academics treat human remains and cultural artifacts in a way that is sensitive, and that they repatriate them either to the lineal descendants of the deceased or to their tribe in accordance with the latter's wishes.

NAGPRA has helped to increase the respectful treatment of human remains and cultural artifacts by academics. NAGPRA requires all federal agencies and organizations in the United States that receive government funding to consult Indigenous American tribal authorities and the lineal descendants of deceased individuals with regard to the handling of these deceased individuals' human remains and cultural artifacts; to protect human remains and cultural artifacts that may be removed from federal or tribal lands; to identify and report them; and to give notice before repatriating or transferring them. Indigenous tribes and the descendants of deceased individuals, who become aware that the human remains or cultural artifacts of their ancestors are in the possession of organizations or individuals subject to NAGPRA, can submit requests to the federal government for the repatriation of these human remains or cultural artifacts.<sup>4</sup> NAGPRA aims to ensure that the human remains and cultural artifacts in question are treated in accordance with the wishes of the respective Indigenous tribes and descendants of the deceased individuals, regardless of whether the latter want them displayed, repatriated, or kept in archival storage.

### 1. *Shifting Views*

According to the National Park Service, "[f]ollowing Native American civil rights movements in the late 1960s, Congress passed the American Indian Religious Freedom Act [...] in 1978 to protect Native peoples' basic civil liberties, including practice of their religions and sacred ceremonies."<sup>5</sup> This 1978 legislation ensured that Indigenous tribes would be free to carry out their religious practices, for example, by allowing them to possess cultural items, such as eagle feathers, for their religious ceremonies—items that non-Indigenous Americans, who did not engage in these practices, were not allowed to possess.<sup>6</sup> "NAGPRA provided a next step in recognizing basic civil liberties."<sup>7</sup> Through this 1990 legislation, "Congress acknowledged that human remains and other cultural items in holdings or collections or removed from federal or tribal lands belong to lineal descendants, Indian Tribes, and Native Hawaiian organizations."<sup>8</sup>

NAGPRA signified a major shift. Prior to its passage, Indigenous human remains and cultural artifacts were considered scientific curiosities, and academics routinely collected, studied, stored, and showed them with little, if any, consideration of or respect for the wishes of the

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<sup>4</sup> U.S. Department of the Interior: Indian Affairs, "Native American Graves Protection and Repatriation Act: Returning the remains of Native American ancestors, their funerary belongings, sacred objects, and objects of cultural patrimony to their descendants," [online](#).

<sup>5</sup> National Park Service, "Native American Graves Protection and Repatriation Act of 1990."

<sup>6</sup> See Elizabeth P. Pauls, "The outplacement and adoption of Indigenous children," Native American, Developments in the late 20th and early 21st centuries, *Britannica*, December 6, 2025, [online](#).

<sup>7</sup> National Park Service, "Native American Graves Protection and Repatriation Act of 1990."

<sup>8</sup> National Park Service, "Native American Graves Protection and Repatriation Act of 1990."

respective tribes and lineal descendants, because there was no law requiring them to do so.<sup>9</sup> For example, archaeological expeditions targeted Indigenous gravesites, and any discovered human remains and cultural artifacts were “scientifically examined, curated, and put on display in exhibits.”<sup>10</sup> This deeply offended many Indigenous people. According to the American legal scholar Julia A. Cryne, “all cultures value the importance of funerary rites for the dead, and treating human remains as clinically detached ‘specimens’ is sacrilegious—offensive both to the individual and family, as well as to the broader culture among many Native Americans.”<sup>11</sup> The maltreatment of human remains and related cultural artifacts was particularly painful to many Indigenous people due to the level of respect that they were accustomed to giving to their deceased, and it became even greater when the deceased in question were one’s lineal ancestors.

NAGPRA helped to put an end to these abhorrent archaeological practices by requiring academics to consult with the tribes whose human remains and cultural artifacts they were handling, and to repatriate them to the descendants when requested. In addition to writing into law a clear list of definitions pertaining to Indigenous human remains and cultural objects (§3001), NAGPRA established an unequivocal hierarchy of ownership for these human remains and cultural objects (§3002, starting with the lineal descendants of the deceased); it obligated federal agencies and museums to inventory their respective collections (§3003) and summarize any “unassociated funerary objects, sacred objects, or objects of cultural patrimony” (§3004); it outlined the repatriation process for “Native American human remains and cultural objects possessed or controlled by federal agencies and museums” (§3005); it charged the U.S. Secretary of the Interior with the creation of a committee to review the law’s implementation (§3006); it made provisions for penalties in cases of non-compliance (§3007); and it envisioned the availability of “grants to Indian tribes and Native Hawaiian organizations for the purpose of assisting such tribes and organizations in the repatriation of Native American cultural items” as well as grants to museums to assist them with compiling the inventories required under the new law (§3008, followed by administrative stipulations in §3009–§3013).<sup>12</sup>

Some may argue that NAGPRA’s 1990 passage did not significantly increase the respectful treatment of Indigenous human remains and cultural artifacts, or safeguard the latter from improper treatment by academics. However, such an assertion would be incorrect, as NAGPRA rendered previously legal actions concerning Indigenous human remains and cultural artifacts effectively illegal; this included the obtaining of human remains and cultural artifacts from Indigenous graves without the consent of the deceased individual’s lineal descendants or tribal leaders. The prohibition of such actions intended to protect Indigenous people from being caused further “significant cultural pain.”<sup>13</sup> In addition to this, NAGPRA

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<sup>9</sup> Julia A. Cryne, “NAGPRA Revisited: A Twenty-Year Review of Repatriation Efforts,” *American Indian Law Review* 34, no. 1 (2009): 99–122, [online](#).

<sup>10</sup> National Park Service, “Native American Graves Protection and Repatriation Act of 1990.”

<sup>11</sup> Cryne, “NAGPRA Revisited,” 100.

<sup>12</sup> 25 USC [United States Code] Ch. 32, “Native American Graves Protection and Repatriation,” [online](#).

<sup>13</sup> National Park Service, “Native American Graves Protection and Repatriation Act of 1990.”

required the repatriation of the human remains of deceased Indigenous individuals and their cultural artifacts to those tribes that these individuals had belonged to when they were living, or to their lineal descendants.<sup>14</sup> This requirement helped to rectify much of the harm that had been caused by separating Indigenous human remains and cultural objects from their tribes and lineal descendants. According to Kurt Riley, the Governor of the Pueblo of Acoma in New Mexico, “these items of cultural patrimony [...] aren’t items of art. They have life. When we see them being sold, it’s like they are taking a piece of our family.”<sup>15</sup> Thus, NAGPRA was a wake-up call for academics to confront the significant cultural pain their community had inflicted upon Indigenous Americans, challenging them to go above and beyond in their efforts to engage in an open and respectful dialogue with Indigenous groups and individuals, and to respect Indigenous wishes when collecting, handling, or displaying Native American human remains and cultural artifacts.

## 2. Updates in the Twenty-First Century

Even after NAGPRA’s 1990 passage, academics still had—and have—a lot of work to do to treat Indigenous American human remains and cultural artifacts with the utmost respect. To facilitate this, the U.S. Department of the Interior (DOI) under the leadership of then Secretary Deb Haaland, a member of New Mexico’s Laguna Pueblo tribe, made a number of changes in 2023 to strengthen NAGPRA. According to the DOI, these “revised regulations streamline requirements for museums and federal agencies to inventory and identify Native American human remains and cultural items in their collections.”<sup>16</sup> Museums, federal agencies, as well as other groups and individuals in possession of Indigenous American human remains and cultural objects now had to obtain consent from descendants or tribes before displaying any such human remains or related cultural items. This eliminated the designation of “culturally unidentifiable human remains” and required “deference to Indigenous Knowledge” concerning these matters.<sup>17</sup> All entities subject to NAGPRA were required by law to comply with the DOI’s 2023 updates within five years of their passage. These updates are important to consider when analyzing how academics collect, handle, and display Indigenous human remains and cultural artifacts because they constitute the current legal benchmark.

In fact, some museums have already changed their respective practices. According to a 2024 article authored by Julia Jacobs and Zachary Small in *The New York Times*, the American Museum of Natural History in New York is closing two major halls dedicated to Indigenous American cultural artifacts; the Field Museum in Chicago and the Cleveland Museum of Art have covered some of their display cases; Harvard University’s Peabody Museum of Archaeology and Ethnology is removing all funerary objects from public view; and New York’s Metropolitan Museum of Art is taking approximately 20 items out of its musical instruments

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<sup>14</sup> 25 USC [United States Code] Ch. 32.

<sup>15</sup> Quoted in U.S. Government Accountability Office, “Native American Issues: Federal Agency Efforts and Challenges Repatriating Cultural Items,” February 2, 2022, [online](#).

<sup>16</sup> U.S. Department of the Interior, “Interior Department Announces Final Rule for Implementation of the Native American Graves Protection and Repatriation Act,” December 6, 2023, [online](#).

<sup>17</sup> U.S. Department of the Interior, “Interior Department Announces Final Rule.”

exhibition to comply with the DOI's 2023 updates to NAGPRA.<sup>18</sup> As of early 2024, the Denver Art Museum (DAM) has "no specific concerns regarding the current display of items in the DAM's galleries," but DAM's staff members have taken part in a training conference and webinar pertaining to the DOI's updates.<sup>19</sup> The fact that several prominent museums have changed their displays, practices, or professional development opportunities based on the DOI's updates illustrates how NAGPRA compels academics to treat Indigenous human remains and cultural artifacts with respect, thereby reversing the repugnant historical practices mentioned above. The concept of "deference to Indigenous Knowledge," as required by the DOI's updates, should be widely applied to the collecting, handling, and exhibiting of Indigenous cultural artifacts to ensure that they are treated in a manner that is respectful to Indigenous people.

### 3. Compliance with NAGPRA

Prior to the DOI's updates, NAGPRA—while already an effective way of protecting Indigenous Americans—had issues with transparency, particularly pertaining to so-called "culturally unidentifiable human remains." A 2022 report by the U.S. Government Accountability Office (GAO) noted that there were over 116,000 Native American human remains with no cultural affiliation.<sup>20</sup> However, according to GAO's related testimony to the U.S. Senate's Committee on Indian Affairs, "cultural affiliation studies and in-depth consultations could resolve the rights to many of these individuals."<sup>21</sup> While academics have made progress in this regard, they must make a greater effort to treat these human remains with respect by conducting the GAO-suggested "cultural affiliation studies and in-depth consultations." Federal agencies, including academic ones (such as museums that employ a wide range of academics), are required to comply with NAGPRA; yet, according to the GAO, this has not always been achieved.<sup>22</sup> For example, these institutions have not always appropriately tracked their repatriation efforts. Thus, non-compliance with NAGPRA is an issue that needs to be addressed to protect Indigenous tribes from further harm inflicted upon them by members of the academic community.

According to the National Park Service's numbers for the 2022 fiscal year, "92% of culturally affiliated human remains have completed the NAGPRA process," a number that suggests significant—albeit far from perfect—progress since the law's passage 32 years earlier; meanwhile, only "31% of museums subject to NAGPRA have resolved all Native American human remains under their control," a less than stellar record, which may, however, reflect

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<sup>18</sup> Julia Jacobs and Zachary Small, "Leading Museums Remove Native Displays Amid New Federal Rules," *The New York Times*, January 26, 2024, [online](#).

<sup>19</sup> John Lukavic and Dakota Hoska, "DAM & New NAGPRA Guidelines," *Denver Art Museum*, January 18, 2024, [online](#).

<sup>20</sup> U.S. Government Accountability Office, "Native American Issues."

<sup>21</sup> U.S. Government Accountability Office, "Testimony Before the Committee on Indian Affairs, U.S. Senate: Native American Issues: Federal Agency Efforts and Challenges Repatriating Cultural Items," February 2, 2022, [online](#).

<sup>22</sup> U.S. Government Accountability Office, "Native American Issues."

the fact that these institutions are notoriously understaffed and underfunded.<sup>23</sup> Yet it is crucial that all museums, as well as other entities that possess a deceased Indigenous person's human remains or other cultural objects, fully comply with NAGPRA to avoid causing Indigenous Americans further grave offense and the aforementioned "significant cultural pain."<sup>24</sup> Some may argue that academics have already done all they can. However, many Indigenous Americans would disagree, and according to the GAO, federal agencies, including museums, could take steps to "better protect Native American cultural items, and take additional actions to facilitate consultation with tribes on infrastructure projects, which may affect tribes' cultural resources, such as sacred sites and burial sites."<sup>25</sup>

Much of the required NAGPRA compliance must be carried out by academics. For starters, academics could treat Indigenous human remains in a more respectful manner by taking steps to resolve the tribal status of "culturally unidentifiable" deceased individuals through the GAO-suggested "cultural affiliation studies and in-depth consultations."<sup>26</sup> Moreover, the GAO report states that federal agencies must consult with tribes and tribal organizations. For example, historians employed as curators in federal agency museums should discuss with the leaders of a tribe that wants a cultural object belonging to them displayed in order to determine how the item could be displayed in the most respectful manner possible. In order to cause Indigenous Americans the least amount of cultural pain possible, academics—especially non-Indigenous academics—engaged in museum work should build relationships that enable them to seek guidance from and listen to tribal leaders before they make decisions concerning Indigenous human remains and cultural artifacts.<sup>27</sup>

In addition to exercising discernment with regard to "what" to exhibit, which should always be predicated on guidance from Indigenous stakeholders and contingent upon the requisite permissions having been obtained from those identified as owners under NAGPRA, museums should take great care "how" they design exhibits and "how" they explain cultural artifacts, involving Indigenous people at every step of the curation process. Writing for the Museums Association of Saskatchewan, Cultural Studies scholar Laura Phillips has suggested that, when "planning an exhibit that includes cultural objects or content relevant to their [i.e., the Indigenous] culture," historians should first reach out to the relevant Indigenous communities,<sup>28</sup> thereby ensuring that such activities do not cause the communities and their members any further cultural pain. Continual conversations and meaningful collaborations between academics and Indigenous people, grounded in mutual respect, are essential. They are especially crucial when historians wish to display cultural artifacts that are religious or otherwise sensitive. In such cases, curators should incorporate contemporary cultural items

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<sup>23</sup> National Park Service, "Native American Graves Protection and Repatriation Act of 1990."

<sup>24</sup> National Park Service, "Native American Graves Protection and Repatriation Act of 1990."

<sup>25</sup> U.S. Government Accountability Office, "Native American Issues."

<sup>26</sup> U.S. Government Accountability Office, "Native American Issues."

<sup>27</sup> Laura Phillips, "Responsible Exhibition & Interpretation of Indigenous Artifacts," *Museums Association of Saskatchewan*, December 2017, [online](#).

<sup>28</sup> Phillips, "Responsible Exhibition & Interpretation."

in order to showcase to museum visitors that Indigenous religious practices are not relics of the past but, rather, still practiced by many today.<sup>29</sup>

### *Conclusion*

The Native American Graves Protection and Repatriation Act (NAGPRA), a milestone U.S. federal law passed in 1990, has greatly improved academics' treatment of Indigenous human remains and cultural artifacts. That said, much work remains to be done. In order to mitigate and eventually minimize the "significant cultural pain" they have historically inflicted upon Indigenous people, academics must maintain an open dialogue with members of Native American communities. Such a dialogue is "essential and non-negotiable."<sup>30</sup> In addition, academics must seek and heed the input of Indigenous stakeholders with regard to collecting, handling, storing, and—when agreed upon and permissible—exhibiting Indigenous human remains and cultural artifacts. Only then can academics hope to comply with both the spirit and the letter of NAGPRA and its subsequent updates, and only then will Indigenous human remains and cultural artifacts receive the respect they are due.

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<sup>29</sup> Phillips, "Responsible Exhibition & Interpretation."

<sup>30</sup> Phillips, "Responsible Exhibition & Interpretation."