

# How to Repatriate: A Guide for Tribal Nations and Individuals

by

The NMNH Repatriation Review Committee

Federal law requires the National Museum of Natural History to take an inventory of its collection in order to identify specific types of objects that the Museum must offer to return or “repatriate” to the Native communities that they originally came from. See Repatriation Office [Guidelines and Procedures for Repatriation pdf](#).

## What Types of Objects Can Be Repatriated?

- **The Remains of a Named Individual** – The body or body part of a deceased Native person, whose name is known, along with any funerary objects.
- **Culturally Affiliated Human Remains** – The body or body part of a deceased person, if the majority of evidence suggests that this person shared a group identity with a modern, federally recognized Native American Tribe, federally recognized Native Alaskan Village, or Native Hawaiian organization.
- **Culturally Affiliated Funerary Objects** – Objects placed with human remains during or after burial, if this person shared a group identity with a modern, a modern federally recognized Native American Tribe, federally recognized Native Alaskan Village, or Native Hawaiian organization.
- **Sacred Objects** Specific ceremonial objects needed by traditional Native American religious leaders for the on-going practice of a traditional Native American religion today.
- **Objects of Cultural Patrimony** - Objects that have continuing historical, traditional, or cultural importance, which are central to a Native American community, and which cannot be the property of an individual, but belong to the community as a whole.
- **Objects Acquired Illegally** - Objects that the Museum does not have the legal right to possess.

## Who Can Repatriate?

- **Lineal Descendants** – Someone who is a direct descendant of a named, deceased individual can repatriate the remains of their family member
- **Federally Recognized Tribes**
- **Federally Recognized Native Alaskan Villages**
- **Native Hawaiian Organizations**
- **Non-federally recognized Tribal Groups** – According to Museum policy, non-federally recognized Tribal communities can repatriate only with the support of a federally recognized group.

## What Is the Process?

1. **Consultation** - The Repatriation Review Committee recommends that an individual or community interested in making a repatriation claim begin by contacting the NMNH Repatriation Office at (202) 633-1889 and see other [staff contact information](#). The Repatriation Office can provide details about the collections to the community so that it can act upon the most complete information possible.
2. **Community Research** - The Repatriation Review Committee Recommends that representatives from a community interested in making a repatriation claim gather relevant information within their own community. Native communities often have information that the Museum does not possess, which could help establish the cultural link between objects in the collection and living people that the Museum requires in order for a repatriation to take place. Relevant evidence includes but is not limited to geographical, kinship, biological, archaeological, anthropological, linguistic, folkloric, oral traditional, and historical
3. **Visit the Collections** - The Repatriation Review Committee Recommends that representatives from a community interested in making a repatriation claim visit the Museum's collections in person. Visiting the collections in person may help locate additional objects, and might help turn up additional information that could establish cultural affiliation. The NMNH will provide travel and accommodations for two community members to visit the collections for two days.
4. **File A Claim** – Native American, Alaskan and Hawaiian representatives (Chiefs, THPOs, NAGPRA Coordinators) can submit a repatriation claim on behalf of their communities for a specific object, or for all objects of a particular type (example- all Choctaw human remains) The repatriation claim should be written on Tribal letterhead and addressed to:

Repatriation Office  
National Museum of Natural History  
10<sup>th</sup> Constitution Avenue NW  
MRC 138 P.O. Box 37012  
Washington D.C. 20013-7012

Lineal descendants should also submit a repatriation claim in writing, along with evidence that they are descended from a named individual, whose remains are in the collection.

## What Happens Next?

After the NMNH Repatriation Office receives a repatriation claim, it conducts detailed research to obtain as much relevant information as possible about the cultural affiliation of the objects that have been claimed.

The Repatriation Review Committee encourages communities to be actively involved in this process and to contribute as much of their own information as they are able, keeping

in mind that this information may be published in a report. The law does not require that absolute proof of cultural affiliation to be established before a repatriation takes place. Rather, it requires preponderance of the evidence, a legal standard based on the greater weight of more convincing evidence and its probable truth or accuracy, not on the amount of evidence (see [43 C.F.R. Part 10, Section 10.2\(e\).3](#)).

The Repatriation Office will compile information about cultural affiliation together into a draft report. Based upon the available evidence, the report will make a recommendation on whether or not to repatriate all, some, or none of the objects that have been claimed.

This report is reviewed by Smithsonian staff, and the Repatriation Review Committee. Ultimately the Director of the National Museum of Natural History makes the decision on whether or not to repatriate remains and objects that have been claimed.

## **Things to Be Aware Of**

- **Publication** – Draft repatriation reports, containing all information used to make cultural affiliation determinations (including descriptions of burials, sacred objects, and clan history) will be put into a final report that is available to the public.
- **Documentation** – Human remains and other objects that the Museum offers to repatriate will be photographed and X-rayed. These images will be permanently retained by the Museum.

## **Repatriation**

If the Repatriation Office and Secretary of the Smithsonian agree that objects should be repatriated, they will be offered for return to the community that they are found to be culturally affiliated.

## **Travel**

The Repatriation Review Committee will cover travel costs for two community representatives for two days in Washington D.C. to prepare objects for repatriation.

## **Shipping**

The Museum can pack and ship remains and objects to the community repatriating them.

## **Dispute Resolution**

The Repatriation Review Committee is responsible for working to resolve disputes that arise over repatriation claims. The Repatriation Review Committee members can be contacted at this [webpage](#).

## **How to Appeal a Decision**

Upon request, the Repatriation Review Committee will also review a repatriation decision and make a recommendation to the Undersecretary for Science of the Smithsonian.

If a community appeals a repatriation decision, a second decision will be issued by the Under Secretary for Science taking the Repatriation Review Committee's recommendations into account. This decision may be further appealed to the Secretary of the Smithsonian for review and final decision.

## **Alternatives to Repatriation**

If the Museum offers to repatriate object to a community, the community is not obligated to accept them immediately, or at all. Alternatives may be worked out with the Museum that include long-term loans, secured storage, or a decision to allow human remains or objects to be retained by the Museum under the joint care of the institution and the Native community [Traditional Care Policy Statement](#).