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Fort Union National Monument
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**Executive Summary of
Request for NAGPRA Review Committee Recommendation Regarding the Disposition of
Culturally Unidentifiable Human Remains from Fort Union National Monument**

Purpose

This is an executive summary of Fort Union National Monument's request for a recommendation from the Native American Graves Protection and Repatriation Act (NAGPRA) Review Committee in support of the proposed disposition, under the authority NAGPRA, of four individuals in the custody of the monument. The Superintendent of Fort Union proposes to repatriate the remains of these four individuals and associated funerary objects to the Jicarilla Apache Nation, New Mexico and the Ute Mountain Ute Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah. Reinterment at Fort Union will follow. These actions are at the request of the tribes after extensive consultation and research.

Background

In the spring of 1958, the remains of four individuals were discovered during the construction of park housing at Fort Union National Monument in northeastern New Mexico. The skeletal remains of the four individuals and the associated funerary objects were excavated and have been maintained as part of Fort Union National Monument's museum collection. The remains underwent non-invasive osteological examinations in 1959, 1995, and 2005 to determine biological ancestry. The three studies were inconsistent with regard to methodology and determinations. The four men were determined to be of Native American or mixed Native American ancestry in these studies, except for the 2005 study where one of the individuals was determined to be of European ancestry. More information about the osteological examinations is available in the attached report titled, "Cultural Affiliation at Fort Union National Monument, New Mexico" (2006).

In 1995 Fort Union NM was unable to determine cultural affiliation for these individuals and they were classified as culturally unidentifiable. In 2001 the Monument initiated a project to revisit the affiliation issue. In accordance with NAGPRA's requirements, Fort Union NM examined multiple lines of evidence to assess the cultural affiliation of the four individuals. In addition to the biological data provided by the osteological examinations, the cultural affiliation study completed in 2005 examined geographical, archeological, historical evidence, and expert opinion.

In follow-up to the initial consultation efforts undertaken in 1995, two tribal consultation meetings were held in 2006 to re-assess cultural affiliation and inform the NAGPRA process. Using existing knowledge and information contained within the cultural affiliation report as guides, Fort Union NM took an inclusive approach to consultation by inviting nineteen potentially affiliated tribes to participate. A list of the invited and participating tribes is attached. No definitive information about cultural affiliation resulted from the consultations. Thus, in accordance with NAGPRA, the human remains continue to be listed as culturally unidentifiable.

During the May consultation meeting the participating tribes stated that all four individuals should be identified as Native American under NAGPRA based upon all of the available evidence and out of respect for the four individuals. Fort Union National Monument supports the determination that all four

individuals are of Native American ancestry based upon the preponderance of all available evidence and as a result of consultation with the potentially affiliated tribes.

Representatives of the Jicarilla Apache Nation, New Mexico and Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah came forward during the May 2006 meeting to request repatriation on behalf of all of the potentially affiliated tribes. The representatives also invited other tribes to participate as co-claimants. The co-claim is based upon the tribes' aboriginal and historical occupation of what is now Northeastern New Mexico around Fort Union National Monument where the human remains and associated funerary objects were discovered.

Fort Union National Monument supports the co-claim on the basis of information gathered through tribal consultation and the following evidence, which is described in more detail in the attached 2006 affiliation report.

- The individuals were found within the area recognized by the Indian Claims Commission as being part of the Jicarilla Apache Nation's aboriginal territory.
- Military records indicate the presence of Navajos, Comanches, Kiowas, Cheyennes, Utes, and Apaches (Jicarilla and Mescalero) in the Fort Union area during the same time period.
- Newspaper accounts of the time indicate the presence of Navajo, multiple bands of Utes, and Jicarilla and Mescalero Apache.
- Fort Union's Ethnographic Overview and Assessment notes that the most frequent tribal interactions were with the Navajo, Kiowa, Comanche, Jicarilla Apache, and Ute.

Other evidence, including expert opinion and published government records of the times, indicates the presence of these tribes in this area.

A second tribal consultation meeting was held in July 2006 at Fort Union. In consultation with the Ute Mountain Ute Tribe and Jicarilla Apache Nation, a potential reburial location was identified within the boundary of Fort Union National Monument during the meeting.

Proposed Action by Fort Union NM

Fort Union National Monument respectfully requests a recommendation from the Review Committee that the monument move forward with the NAGPRA process relating to these four sets of human remains and funerary objects as described above. If the NAGPRA Review Committee recommends proceeding, and the Secretary of Interior concurs, repatriation and disposition as outlined in this executive summary is expected to take place between December 2006 and April 2007. The repatriation requests from the co-claimant tribes are attached for reference.