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With your announcement of stepping down as Harvard University President we know the University will soon transition to a new president. We Native American alumni of Harvard Law School, and the other Harvard programs, welcome whomever may lead this new era for Harvard and offer our support to making the University a welcoming institution that teaches and learns from all people. To us, the transition signals potential; time for Harvard to finally right past, and ongoing, wrongs perpetuated against Indigenous peoples and, most disturbingly, our Ancestors. However, we believe action must commence now on reconciliation with Indigenous peoples. As the current President we believe you must join with us now in initiating this new era of correcting past wrongs.

The *Harvard Steering Committee on Human Remains in University Museum Collections* released its Report on September 15, 2022. It begins by noting “We must begin to confront the reality of a past in which academic curiosity and opportunity overwhelmed humanity.” It goes on to note that the University has some 15 slave remains, and over 6,000 remains from Indigenous peoples of the United States. Despite this, the University’s Report glaringly failed to recognize the unique opportunity to seek reconciliation with its Indigenous community. *Harvard still has nearly 6,500 of our Ancestors remains.* Besides our Ancestors, there may also be many Indigenous peoples remains from outside the United States, primarily from central America. We *need* the Harvard administration, now, finally, immediately to respect the human rights of living Native Americans and of our Ancestors’ remains.

As Native American Harvard alumni, the University’s holding of thousands of our ancestors, more than 30 years after Congress’ passage in 1990 of the *Native American Graves Protection and Repatriation Act (NAGPRA)* is incomprehensible.

Frustration, anger, despair, hurt, outrage only partly express Native American and fellow concerned alumni feelings about Harvard’s continued abuse of our people’s remains. The Committee Report’s treatment of Native American remains felt like an afterthought. Our anger transcends being a contest between people who were wronged. However, without input from those who were wronged, understanding how each peoples’ situation differs cannot occur. The University must correct and account for its transgressions to each group in a proper manner. Native American Harvard Law School and other Harvard alumni serve in leadership positions throughout Indian Country, in tribal roles as judges, lawyers, consultants, as officials in the current federal administration, and within United Nations Indigenous human rights offices. Yet none were asked for input or consultation regarding this Harvard report. No real input was sought from current Harvard Native students. If such had been sought, the Report surely would have noted the current, ongoing trauma experienced by students who feel unable to enter the Peabody Museum, the unease they feel simply walking past the Museum because of cultural and Ancestor restrictions due to housing so many stolen tribal Ancestors.

The University's Report comes on the heels of the Federal Government's release of its *Federal Indian Boarding School Initiative Investigative Report* in May of this year. The Boarding School Report notes the active, conscious, suppression of indigenous languages, cultures, and religions over the last 150 years by the federal government, with assistance and cooperation from many educational institutions. Harvard's Report totally fails to realize how trauma from federally created boarding schools' stealing our youth from their tribal home and being sent away, many to die and lie in unmarked graves mimics and is part of the trauma related to the University's holding so many of our stolen Ancestors. Knowing the University we attended, for such an important part of our lives, continues to treat our Ancestors no differently than the boarding schools which stole our people defies emotional description. This failure would not have occurred if the Harvard Committee had simply reached out to any of the so many extraordinary, tribally connected Harvard alumni.

The United Nations *Declaration on the Rights of Indigenous Peoples* of 2007 (*Declaration*) recognizes the right of all Indigenous Peoples globally to have their human remains repatriated. The *Declaration* also recognizes that States should only take actions after getting free, prior informed consent. This procedural model would work well for the University to have adopted at the start of its work, not, perhaps, sometime in the future after concluding the University wide Committee work. The Harvard and Boarding School reports, with clear failures to comply with *NAGPRA* and the *Declaration* directives, create a visceral impact upon us. Know that Native Alumni have shared this news amongst ourselves, and we grieve for the Ancestors locked in boxes somewhere within the confines of Harvard University. It is a strange realization that our *alma mater* has more tribal citizens' remains in storage than many of our tribes have living populations.

The Report provided an opportunity for the University to seek reconciliation with Native communities and alumni. It could have been a learning moment, to understand Indigenous perspectives, how our relations, whether living or deceased, are part of us. The Report failed. It simply refers one to the Peabody for *NAGPRA* compliance, not realizing the University has obligations. Nor does the Report provide any concrete offerings as to change or commitments to improve its dismal record of *NAGPRA* compliance. No suggestions of alumni outreach or committees, no proposed conferences or teaching suggestions, no recognition of the vacant tribally endowed chair at Harvard Law School. No timelines for change or implementation. Simply a suggestion of a park for reflection. The Report should have stated clearly and prominently the University should not conduct *any* destructive analysis on ancestors from *any* Indigenous Peoples unless consent given by the community.

Repatriation of these Ancestors must be prioritized *now*; they must be returned to their proper people, to their homes. Harvard must engage with its Native alumni and students on this important ongoing wrong. The time for patience has run. Harvard is a national and global leader in so many fields. Do not let Harvard be a leader in continuing moral and human rights abuse of Indigenous Peoples. We are ready to help the University take expedited, if already delayed, action. *NAGPRA* compliance is the law. We offer aid in reconciliation, in healing and reaching out to Native tribes and peoples throughout the country but also within the University. We await the news of Harvard acting on returning our thousands of ancestors it continues to hold contrary

to legal and moral right; that it will dedicate the resources and place the priority on returning them to the appropriate places and relatives. Not sometime, not soon, but now.

*Signed, Harvard University alumni and students:*

Lawrence R. Baca, (Pawnee), Former Deputy Director, Office of Tribal Justice, USDOJ, Past national president National Native American Bar Association, Past national president Federal Bar Association, HLS '76;

James Anaya, University of Colorado Law School University Distinguished Professor, 2018-present; Nicholas Doman Professor of International Law, 2021-present; Dean, 2016-2021; United Nations Special Rapporteur on the Rights of Indigenous Peoples 2008 – 2014, HLS '83;

Gregory Bigler, (Euclidean / Muscogee (Creek) Nation); Chief District Judge Sac and Fox Nation, District Judge Muscogee (Creek) Nation (ret.); S. Crt. Justice Mashantucket Pequot; Attorney General Kickapoo Tribe of Oklahoma; HLS '85;

Gloria Valencia-Weber, Emerita Professor University of New Mexico School of Law, HLS '86;

Mark Van Norman, (Lakota), past Director, Office of Tribal Justice, U.S. DOJ; past Director, National Indian Gaming Association; HLS '86;

Steven Paul McSloy, HLS '88;

Robert Odawi Porter (Seneca), former President of the Seneca Nation of Indians, HLS '89;

Heather Kendall-Miller, (Curyung Tribe, Dena'ina Athabaskan), HLS '91;

John B. Tiger, (Delaware / Euclidean), H.G.S.E. '91;

Angela R. Riley, (Citizen Potawatomi Nation), Professor of Law & American Indian Studies, Special Advisor to the Chancellor on Native American and Indigenous Affairs Director, Native Nations Law & Policy Center UCLA School of Law, [HLS '98](#);

Kristen Carpenter, University of Colorado Law School Council Tree Professor of Law, Director of the American Indian Law Program; Member from North America - United Nations Expert Mechanism on the Rights of Indigenous Peoples (2017-2021); HLS '98;

Wenona Singel, (Little Traverse Bay Bands of Odawa Indians), Associate Professor, Michigan State University College of Law and Director, Indigenous Law & Policy Center, Harvard College '95, HLS '99;

Nicole Adams, (Colville), HGSE '97;

Heather Whiteman Runs Him, (Apsaalooke/Crow Tribe) HLS '02;

Elizabeth Hidalgo Reese, (Nambé Pueblo), HLS '16;

Aharon Kaslow, (direct descendant of Ione Band of Miwok Indians, Nissenan/Maidu, Pit River), HLS '17;

Esther Labrado, (North Fork Mono), HLS '17;

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Native American Law Students Association, HLS Candidates '23, '24 and '25, (by unanimous agreement.)

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