

The CHAIRMAN. Thank you very much, gentlemen.

Our next witnesses, Dr. Leslie Wildesen and Dr. Mark Leone of the Society for American Archaeology.

Welcome, gentlemen.

**STATEMENT OF MARK LEONE, CHAIRMAN, GOVERNMENT AFFAIRS COMMITTEE, SOCIETY FOR AMERICAN ARCHAEOLOGY, WASHINGTON, DC**

Mr. LEONE. Thank you very much. My name, Mr. Chairman and members of the committee, is Mark Leone. I am the chairman of the Government Affairs Committee of the Society for American Archaeology. Philip Speser is our Washington representative and accompanies me today.

Our testimony was prepared by Dr. Wildesen. Her plane leaves National Airport at 1 o'clock, so she had to leave. And I will run through that testimony for you all.

I would like to say, first of all, that we do appreciate being invited to the committee today, and we want to thank the staff we have worked with over the last number of months.

The Society for American Archaeology is the largest archaeological society in the United States that represents prehistoric and historical archaeologists. We have been concerned with this issue for a long time. We are concerned with it at the level of the field—that is to say, archaeological practice throughout the United States—and we are concerned with it in terms of policy. At the level of our meetings and our publications, this is an issue; that is to say, the relationship of our discipline, which is usually anthropology, to the remains of Native Americans and Native Hawaiians. This is not a new issue to us, and it is an extremely difficult issue because, as so many people already this morning have shown, it has various meanings for various people in various areas.

This morning has been illuminating for us, listening to the tribal leaders and listening to areas—people with areas of other expertise. What I would like to do with regard to this bill is to say that our fundamental agreement is with Senator Melcher's introductory remarks at the end of the last Congress where, in introducing the bill, he suggested that its purpose is education, dialog, and discussion among interested parties. The society fully supports that; that's essential. It's been essential, and it will remain essential. We also believe that, out of a longstanding dialog—and this is the society's chief point—the dialog and the discussions are going to be most fruitfully held at the local level. So in principle, we would prefer that there not be Federal legislation on this matter. We would prefer—not necessarily a board, but enhanced possibilities for discussions between Native Americans, archaeologists, museum professionals, and all other concerned parties so that solutions are possible at the local level among specific peoples which will serve everyone's interests.

We recognize further that when one reads the bill, the issue is equity and self-determination for people whom archaeologists normally treat as subjects or objects. And we fully support the need for greater self-determination. That's a central issue, and we do not deny that; we support that. The question is, then, how?

So of the points within the bill that we do agree with—training, training in archaeology, training in the curation of museum facilities—we would even go further in recommending that museums containing archaeological collections and collections that are ethnographic that pertain to sacred objects be encouraged to expand their acquisition and deaccessioning policies. There are a number of areas that we can agree with. However, we are opposed to a committee whose membership, as the bill specifies, would be unequally weighted between Native Americans and—I don't want to say the scientific community, but the "other" communities that have an interest in these materials, some of them scientists, some of them curators, some of them people in disciplines which are not sciences, like historical disciplines or history.

So we question the ultimate authority, or whether it's wise to have the ultimate authority to make the decision in the board, the Native American board. The provisions about academic freedom are troublesome to us, as well. So we have some qualifications that inhibit our feelings about the bill at this particular point. We do feel very, very strongly the need for continued dialog, continued discussion. We would be happy to continue to work with members of the committee and staff to explore the possibilities for keeping what is basically a grassroots problem at the grassroots, but to have it solved equitably.

Thank you.

[Prepared statement of Ms. Wildesen appears in the appendix.]

The CHAIRMAN. Thank you very much, sir.

One of the early witnesses cited specific cases, and I will try to rephrase these cases.

Two warrior chiefs, supposedly for crimes committed against the United States, were hanged—

Mr. LEONE. Yes.

The CHAIRMAN. Their skeletal remains, via the U.S. Army, found their way to the Smithsonian, so they are now found in boxes or on shelves at the warehouse.

These skeletal remains have been duly identified, and they have been named. Who should have title to this? The tribe, or Smithsonian?

Mr. LEONE. I think there are two answers, Senator. The society doesn't have a position on something like that; that's a Smithsonian issue, but that's passing the buck.

The second issue is, there ought to be a negotiation between the institutions and the people who have a legitimate claim. I'm not entirely sure I agree that it's going to be reasonable to challenge the legal basis for the museums' holdings, but it is entirely reasonable for people, on the basis of kinship—broadly or narrowly defined—to make claims to materials they think are theirs; and then, for the people in the institutions to come to an agreement as to whether or not these things should come back.

Now, as you know, the Smithsonian does indeed have a policy for skeletal remains so that some may be returned—

The CHAIRMAN. There are skeletal remains of over 18,000 Indians there.

Mr. LEONE. Yes.

The CHAIRMAN. Now, these skeletal remains, the two that I speak of have been identified. There's no question about that.

Mr. LEONE. Yes.

The CHAIRMAN. As an archaeologist or anthropologist, what purpose would the Smithsonian have in insisting on maintaining possession of these two skeletal remains?

Mr. LEONE. The justification for large collections, Senator, lies in their coherence.

The CHAIRMAN. In their——

Mr. LEONE. Coherence. In other words, skeletal series, or materials in large numbers that are alike, do provide the basis for scientific experiments—let us say, for chemical composition. Dr. King has already mentioned nutritional studies, and I will mention studies about pollution. As you know, pollution is a very serious problem, but there is no ground for measuring pollution against. Skeletal collections of long series do provide the basis for establishing, at a particular time in the past, what the chemical composition is. The chemicals are, of course, a product of the environment; and as a consequence of measuring them—and it can be measured proportionately—one can have a foundation for measuring changes in chemical distribution in human bodies today. That, of course, this is usually thought to be beneficial.

Now, I recognize that some people would not agree with that, and I'm not going to disparage that position. But the point of having large collections is to do scientific studies on large numbers of things, but those things have to be coherent.

With regard to the two skulls, the two skeletal fragments that you are talking about, so far as I could tell they should be given back with all due dispatch. I can't defend holding those because I don't know anything about them.

The CHAIRMAN. But you are defending the holding of 18,000?

Mr. LEONE. In principle.

The CHAIRMAN. Then if that's the case, why don't we have museums with 18,000 Chinese skeletal remains, 18,000 Japanese skeletal remains, 18,000 Caucasian skeletal remains? Do we have any museum around here that maintains a collection of 18,000 Caucasian skeletal remains of the last 200 years? Do we?

Mr. LEONE. I beg your pardon? Do we have—I've never heard of such a thing.

There is no question that you can construct that question to be a racist statement, and no doubt——

The CHAIRMAN. Isn't this a racist situation?

Mr. LEONE. If we define it as a racist situation, we have to define changing that as more important than whatever the scientific potential and the educational potential of the collection is.

The CHAIRMAN. Is there a scientific or educational potential associated with maintaining 18,000 skeletal remains?

Mr. LEONE. I think it is something that is such a tremendous problem that the only way we can address it is by opening the issue up, having a lot of people evaluate the importance of the collection or their unimportance, and then solving the problem.

Mr. SPESER. If I could just add one note, Senator, there are also, in the Smithsonian and other museums, collections of whites, blacks, Jews—which is my background—and other races.

The CHAIRMAN. 18,000 of them?

Mr. SPESER. In terms of absolute numbers, I couldn't tell you. The issues that you're dealing with, however, from an archaeological perspective are not unique to Native Americans in the sense that the interaction between the scientist and the peoples who you're studying applies regardless of where the kinship comes from or who the ancestors are today. It's a problem that goes across the whole field that is not unique to Native Americans from an archaeological perspective. Now, I'm not justifying 18,000 versus 10,000 versus 5,000 in terms of absolute numbers; that's a question for the experts, as Dr. Leone has indicated. The question of baseline collections applies regardless of the race or the origin of the people.

The CHAIRMAN. I will ask the Smithsonian—but how many Caucasian skeletal remains do we have in the Smithsonian?

Mr. SPESER. I would have to defer to the Smithsonian on the absolute number there. I know that there is a collection of Caucasians; there is a collection of blacks and of other peoples, as well. That's all that I can say for sure.

Mr. LEONE. If I can, Senator, historical archaeology deals in this country with remains from the contact period on, or colonial archaeology. There are relatively large collections of Caucasians, principally English but also Spanish, which have been dug up and studied.

Now, normally, they are put back into the ground, but that's a relatively new practice.

The CHAIRMAN. Normally they are put back into the ground?

Mr. LEONE. Yes; they aren't always, but normally they are.

The CHAIRMAN. I don't suppose they were acquired by systematic digging-up of cemeteries?

Mr. LEONE. Yes; they were. I think it began to be clear in the last statement that archaeology, certainly in the last 20 years, has been concerned with cemeteries and burial grounds beyond those of Native Americans. Lots of them have been dug up.

The CHAIRMAN. Even while the bodies were warm? We're not talking about digging up a burial ground in the Olduvai Valley.

Mr. LEONE. In what?

The CHAIRMAN. In some African valley.

Mr. LEONE. No, no, no. I'm talking about the American Southeast, for example. Obviously, nobody is going to go into a recent cemetery unless the thing is going to be disturbed by a highway.

The CHAIRMAN. I thank you very much. Your testimony has been enlightening.

Mr. LEONE. You're entirely welcome, Senator.

The CHAIRMAN. Senator Melcher.

Senator MELCHER. Doctors, I first want to assert this disclaimer. None of my questions or remarks are to be construed or understood to be anything but in support of archaeology as a profession and a science, because I do support it.

I just wonder, though, on this question of not having the bill pass, no Federal law enacted, and then your recommendations that it be left to a local and State level for resolution, whatever problem might exist. I would adhere to that, except not as far as you would go. The bill sets out the procedures to those matters that can be resolved at local level and State level; we certainly want them re-

solved there. The board that is set up in the bill would only hear those matters unresolved at the local level. Where a decision had to be made, then the burden of the proof is on the Native American family or band or tribe to establish that proof. And, of course, we envision that the board, as the final arbiter, sets up the procedures of how that proof is demonstrated. So we'd need your help on that, on how the board would establish that.

Well, the point that the society is testifying to on—I think it's the second page of testimony prepared for Ms. Wildesen—is that “solutions have been developed in Idaho, Oregon, Washington, Iowa, Massachusetts, California, Oklahoma, Alaska, Louisiana, New Mexico, South Dakota, Colorado, Utah—everywhere people have treated each other with dignity and honestly sought a resolution to the specific issue.”

We very much recognize that, but then we get to the point of where we're at today, and a lot of it seems to be national. For instance, South Dakota, under their State law, has a procedure that in some instances is very satisfactory, and we know nothing wrong with it. But the bones of the Sioux may not be in South Dakota. That's the problem.

Mr. LEONE. Yes.

Senator MELCHER. That's the problem. The bones of the Sioux may be here, or in Cody, WY, or in innumerable places. That's our problem. How else do we resolve that without addressing it as a national concern?

Mr. LEONE. Yes; that's a perfectly legitimate question. It is a problem. One might ask for strengthened policies about acquisition and deaccessioning for these institutions, for example. In other words, demand that the institutions define with great precision what they own and how they would be willing to allow putative owners to have the materials back.

Senator MELCHER. Yes; that's what we thought. That's precisely what we thought we were addressing in the bill, and I believe the language does that.

Mr. LEONE. I hate to be straightforward this way, Senator, but we don't agree with that.

Senator MELCHER. You don't agree with that?

Mr. LEONE. No; we don't. In other words, the way the board is set up there are an unequal number of people distributed on the board; in other words, it's a foregone conclusion, if you look at the numbers of the board, that there are more Native Americans than there is of anybody else. As I remember, there is no museum professional on the board. I may be wrong on that one, but the numbers—it cannot be a discussion and a dialog. It may, in many cases, be a foregone conclusion. What I found so convincing, as well as moving, in this morning's testimony is that it is quite possible for some groups to say that they want everything back, and that's an entirely legitimate claim from within their tradition.

Now, there are museums that have very large numbers of north-west coast items. And we have just heard that some of the primary art objects in American museums are sacred objects, lots of them.

Now, where are those going to go after a committee, whose majority is Native Americans, has made a decision that those things have to leave the museums they sit in now? I want to say that this

is not particularly an archaeological problem; those are not archaeological objects, but some of this stuff is archaeological.

Mr. SPESER. If I could just add one point, Senator, I think one of the things that concerns us—and again, the society has taken part in dialog—I want to emphasize that nobody that I am familiar with in the years that I have been affiliated with the society has ever dug up a warm, fleshed body. Archaeologists don't do that kind of thing. What happened in the past was not done by archaeologists but by soldiers and so on. So it's important to be aware of that.

We agonize over the issue as much as we know you gentlemen are agonizing over it; but nonetheless, when you look at what the bill does, we have heard witnesses this morning testify that there would be disputes, sometimes, even within individual tribes over what is sacred and what is not.

If for some reason the board made a totally unreasonable and erroneous decision, the normal procedures of the Administrative Procedures Act would not apply. There could be no appeal to the courts, for example, and it is aspects like that that make it very difficult for the society to work to craft the bill into a better vehicle, even though there are parts—like on the training side, and so on—that we would support quite vigorously and have in the past.

Senator MELCHER. Well, let me say this. First of all, that's exactly what we want out of the hearing, is advice and counsel; and I gather that the Society of Archaeology would favor—and I think understandably, and I personally feel that it's a correct point—that if the board is going to have a majority of Native Americans, it might be weighted, just saying yes to every application. So that would seem to say, put some good people from the museums on the board and have a majority other than Native Americans. I think those are good points.

But this question on the next page, "today the definition of what is 'proper' to do to honor a deceased friend or relative is different depending on whether you are Cheyenne or Hopi or Nez Perce, Orthodox Jew or Buddhist or Catholic, Chinese or Nigerian or Spanish." We recognize that. But that isn't what that board would deal with. They would deal with specifics, and only those that couldn't be resolved elsewhere, where a decision had to be made.

Mr. LEONE. If I may interrupt, Senator, I believe a member of the committee asked or pointed out that what people wanted were materials that were 100 or 150 years old. Now, that changes the nature of this bill, fundamentally; because as the bill is written it applies to all known skeletal materials, or it could, from the western hemisphere, going back 12,000 years. Let's say that's the rough of it. And if it was felt that the vast majority of the remains that were of concern were 100 years old, or there were an age limit on that, that would certainly relieve us a lot. I don't know that it would turn us around with regard to the bill; but as long as the entire population, skeletal population, prehistoric population is not challenged, that's a different matter. And we certainly agree that materials which are illegally or illegitimately acquired are in a different category.

Senator MELCHER. Let's assume that both of you are sitting on the board—

Mr. LEONE. Yes.

Senator MELCHER. And the board is trying to ascertain whether a claim was valid. Where would that claim come from? From the tribe or band?

Mr. LEONE. I gather it could come from—yes, even an individual.

Senator MELCHER. Wouldn't you envision they'd have to prove that what they're asking to be returned would be based on fact?

Mr. SPESER. I think part of the problem that we're facing in this, Senator, is that we are dealing with a—even in the few witnesses you've had today—multiplicity of world views. What one group may view as fact or important may be different from another group. It's hard for us, as people who study this, to say that because we think these are facts, everybody else out there obviously must view the world the same way. We have studied this stuff enough to know you can't do that.

Mr. LEONE. I think, if I could continue to answer, Senator Melcher, people's definition of kinship legitimately varies. The one that you commonly find in our own society is a very narrow definition of who is related to whom; it used to be much broader, even in the early 19th century. Among lots of Native American groups, kinship has no limits. It includes lots and lots and lots of people.

Senator MELCHER. I guess you're making the case not to put archaeologists on the board, but I'm asking, do you then—if not scientific people—

Mr. LEONE. Well, I'm certainly going to regret myself.

Senator MELCHER. As a judgment, what do you think that board would function for, if not to ascertain if the claim had some validity and the burden of proof was on the person making the claim? I wonder if you've had legal counsel look at the bill?

Mr. SPESER. I am a lawyer, sir.

Senator MELCHER. You're not aware of whether you have or not?

Mr. SPESER. I am a lawyer, personally.

Senator MELCHER. You are a lawyer personally, and also an archaeologist?

Mr. SPESER. I am a political scientist by training, and a philosopher. I work with the society.

Senator MELCHER. All right. And you looked at the bill?

Mr. SPESER. I looked at the bill.

Senator MELCHER. You seemed to interpret it different than I. I wonder why that is?

Mr. SPESER. I'm not sure, sir.

Senator MELCHER. Maybe it's because I'm not a lawyer.

Mr. SPESER. That could be.

Senator MELCHER. Or maybe it's because I'm in the business of writing the law rather than interpreting the law. Could that be?

Mr. SPESER. That could be, sir. And if we—

Senator MELCHER. But we would like your guidance, as a lawyer, on how you would like to phrase this so that the board itself could ascertain what the facts are.

Mr. SPESER. That's very generous, Senator.

Senator MELCHER. Would you be comfortable with that as an archaeologist?

Mr. SPESER. Absolutely. Certainly.

Senator MELCHER. Now, this question, then was earlier asked, and I won't repeat it except in this way. There's always some

advice here. We don't understand why the board isn't balanced against the Native Americans—on page 5, if you—on page 5, if you read (B), (C), (D), (E), (F), (G), (H) and (I), it seems to be a preponderance of non-Native Americans. I draw that to your attention.

Mr. LEONE. Thank you.

Mr. SPESER. Yes; I believe that—I'd have to have the bill in front of me again, but I believe there are two factors that we were looking at the time, sir. One is the overall composition of the board; the other is who votes.

Senator EVANS. Mr. Chairman, there appears to be an error in the bill since there are 15 voting members rather than 17. But of those 15, 6 are Native Americans; 1 is Native Hawaiian; and 8 are non-Native Americans. So a preponderance of the committee membership are non-Native Americans. I would guess that the concern over the board's tilt probably ought to come from Native Americans rather than the non-Native Americans.

Mr. LEONE. If I have misread it, then I apologize.

Mr. SPESER. Yes; if we've misread it, then that's all there is to that.

Senator EVANS. OK.

Senator MELCHER. The last point just goes along with what the chairman asked about. Do you have knowledge of other museums that might hold similar remains, skeletal remains, of other races? I only want to point at that how we got into this as a Nation seemed to be primarily not from archaeologists but from official action of the U.S. Government through its own directions to the Army. And we really got in the business of collecting large quantities of skeletal remains of Native Americans. But I'm advised that the problem doesn't stop here at our borders; that we find skeletal remains of Native Americans in Europe in museums in some quantity. What we're seeking to do in this bill, of course, is to address our own problems here, in our own country, and we're not seeking by this language to extend that authority beyond our shores.

Thank you both very much.

Mr. LEONE. Thank you.

Mr. SPESER. Thank you.

The CHAIRMAN. Senator Evans?

Senator EVANS. Thank you, Mr. Chairman.

I might just also point out that on the board, as I read it, there are eight non-Native Americans, six Native Americans, and one Native Hawaiian. But there are two individuals appointed by the President who represent the sciences of archaeology and anthropology, and two individuals appointed by the President who are significantly interested and experienced in the matters which the board is likely to consider and provide representation for museums and universities. So there is significant potential representation, it seems to me, for both science and the museum management.

But let me get to the more fundamental question. In one paragraph of your statement you deal with the question of, as you call it, indiscriminate reburial of all human remains, at least in part for the simple historical reason that many human remains, Indian and non-Indian, were never buried in the first place. And certainly, it is true that each cultural and religious group has different views of human remains and what should be done with them. Some reli-



gions do not believe in cremation; others do. Some, perhaps, do not bury in the normal sense of the word, that is interment in the ground. Some place their remains above ground and elevated. But whatever they do and however they do it, and whatever changes there may have occurred in the intervening period, we get back to the question I asked earlier on sacred objects. Which view should prevail? Should it be the views of what ought to happen to remains, or whether they were viewed as sacred or whether religion at the time said that the spirit and all that is important leaves the body at the time of death and the human remains are not important? Should it be the views as they existed then, as nearly as we can determine them, or the views of descendants as they are held now that should determine what happens?

Mr. LEONE. Ultimately, I suspect the only position one could defend is that the opinion of the living is what's significant. That's going to vary from time to time with what might have been. It's almost impossible to know with certainty what happened; that is the fundamental paradox inside our problem, inside archaeology.

Our feeling—our position is that there are legitimate points on both sides, or on several sides. While that would probably be the attitude toward members of the board set up, it's the attitude of the society that a plurality of opinions does exist and it's going to continue to exist. There is no way of establishing a series of national guidelines except to say that people must talk. In order for them to talk reasonably, they have to know what they're talking about, both in terms of the artifacts and the skeletal remains. That's why we prefer that it happen at the level of where the problem comes from. That may be at the State, the local, the county level and so on and so forth.

I know that leads, Senator, to the problem of the large national institutions. I can't address that.

Senator EVANS. You mentioned the necessity to respond to the plurality of opinions, and certainly that's the history of most societies over most of our recorded history. I think that we believe in this country that one of the unique parts of our society is the constitutional protection of minority rights, not just majority or plurality opinions. That is what we have to deal with, as well as the current view of people.

You say that it should be the current view rather than the traditional, or the view that existed at the time of any happening. Presumably out of that you would say that if society at some time in the future—all society, you know; our own Caucasian society in this country came to the belief that human remains were of no consequence, that really the spirit had left; that human remains and the burial grounds, which were much more profitably used for other things—then if that's the opinion at the time, then we should just tear up and ignore the graveyards and use them for other purposes?

Mr. LEONE. We have seen societies that do that.

Mr. SPESER. I think, Senator, if I can just point out, the society has been active with respect to the Office of Surface Mining in the drafting of new regulations to protect archaeological and ethnological remains. One of the issues there was trying to provide better protection for cemeteries. It is part of the ethics of the society that

we try, whenever possible, to leave archaeological materials alone until they are needed for a precise reason to study them, but not to wantonly disturb them. It is also part of the ethics of our members in general that they think that that is a good policy for other reasons. If the whole country felt differently and passed different laws, it might be tragic from our estimation; but that's a kind of hypothetical downstream and who knows what would happen?

Senator EVANS. We find regularly in this business of making laws, as Senator Melcher pointed out, that we pass laws that are ultimately declared by the courts as to be beyond our jurisdiction. They are unconstitutional in their nature, so the laws aren't the ultimate protection that we try to devise for ourselves.

Turn for a moment to the religious artifacts. Do you believe, also, that in the case of religious artifacts it should be today's view of what is or isn't a religious artifact? If we get to the point where we're talking about returning those to the descendants of tribes or, for that matter, non-Indian groups or units that have continuing religious practices. Which should determine? The time it was made, or the time of our view today?

Mr. LEONE. I don't even believe that it is a question with an answer, Senator Evans. Ultimately, if it were made a matter of determining what the object was long ago, it would probably be weighted in favor of an anthropologist or archaeologist who would probably have greater access to proving the original meaning.

Given the total legitimacy of the issue, it probably should be a discussion between people who are living, over what they think.

Mr. SPESER. What happens now, sir, in the case of excavation, there is very little excavation that goes on without a consultation process, as you heard earlier. So we are predisposed to say, you talk to the people who are living, because we're primarily in that side of things, not in the curation side of things.

Senator EVANS. All right. Or in the business of talking to the dead. If you discover how to do that, pass it along.

But we're talking now, at least in terms of this potential bill and carrying out its provisions, of a number of objects which may or may not be sacred in nature which are now held in museum collections and which are, under the bill, potentially to be returned to the tribes that considered them religious objects. A difficulty that I have is how do you determine? Even if you're able to determine that yes, it was a religious object in 1820 or the time that this object was created; no, the tribe today does not, in its practice of religion, feel that that is a religious object—is it, for purposes of this bill, a religious object or isn't it?

Mr. SPESER. There are no easy answers, unfortunately, because again it comes back to that aspect that we are dealing with the religious cultural world views of people, and those change over time. They've changed—I can look at the history of my own family and see that they've changed. My grandfather was bar mitzvahed; my father went to a synagogue that was reformed, and he had to fight to get him bar mitzvahed. Then I was bar mitzvahed, and there was change. It's sort of presumptuous for us, as archaeologists, to tell other people what their beliefs should be.

Senator EVANS. OK. That's a good answer. Thank you very much.

The CHAIRMAN. Thank you sir. Thank you very much.

Mr. LEONE. Thank you very much.

The CHAIRMAN. Our final witness is Dr. Robert Adams, the secretary of the Smithsonian.

Mr. Secretary, welcome to the committee, sir.

**STATEMENT OF ROBERT McC. ADAMS, SECRETARY,  
SMITHSONIAN INSTITUTION, WASHINGTON, DC**

Mr. ADAMS. Thank you, Mr. Chairman. I have a formal statement that I believe has already been submitted, and I hope you will include it in the record.

The CHAIRMAN. Without objection, your prepared statement will be inserted in the record immediately following your oral presentation.

Mr. ADAMS. I don't think I would like to use the brief time I can take, after a session that has gone on already for some hours, simply to synopsise the position that's taken formally on behalf of the Smithsonian. I would prefer, instead, to touch on some of the many important issues that have come up here during the morning, and perhaps to dispel some confusion. But I would like to begin by saying that I particularly welcome the statement by Senator Melcher that he regards the bill as one that is subject to a good deal of further negotiation as to its contents, and I would hope that not only I, on behalf of the Smithsonian, but that others would be in contact with him and talking further about what the proper shaping of this bill might be.

I think we heard from a number of the Indian representatives this morning, really very eloquent testimony on the importance that their communities attach to the sense of continuity with the past that is represented by skeletal materials, by sacred objects, and that in some sense, at a time when many Indian communities are floundering for a new direction, this is of perhaps exceptional importance. I would also say that the point was made this morning that some of the elders in these tribes are approaching the point when they will no longer be with us, and therefore there is pressure of time. It occurs to me now—it didn't occur to me earlier—that the issue of pressure of time to move this process along was in the minds of those who were responsible for drafting this bill, and I think that's an important consideration and one that we need to keep very much in mind.

Let me begin by saying a few words about the Smithsonian collections. I cannot give you absolute numbers, because our records do not permit that, but I will give you proper orders of magnitudes. Reference has been made to some 18,000 North American Indian skeletons in the Smithsonian collections. Working with that number, our best estimate would be that some 3,500 represent periods since the time of the coming of Columbus. Of that number, some 700 or 800 probably represent the period of the last 150 years. Of that 700 or 800, 45 roughly—by our best count at the moment—are individuals whom we think can be named. Those are all individuals whose skeletons or whose partial skeletons were turned over to the Smithsonian by the Army Medical Museum many years ago.