

SOCIETY FOR AMERICAN ARCHAEOLOGY

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TESTIMONY

on

THE NATIVE AMERICAN CULTURAL PRESERVATION ACT (S. 187)

before the

SENATE SELECT COMMITTEE ON INDIAN AFFAIRS

February 20, 1987

Mr. Chairman and Distinguished Committee Members:

My name is Leslie E. Wildesen. I personally have been involved with both Indians and archaeology for over 20 years: my first field project was funded through the American Indian Historical Society, in the San Francisco bay area, in 1967. It consisted of salvaging human remains and artifacts from a prehistoric Ohlone cemetery slated for destruction by a shopping center. Since then, I have worked with Ohlone, Paiute-Shoshone, Lummi, Umatilla, Klamath, Tshimsian, Coos, Cheyenne, Southern Ute, and Sioux people on a number of similar issues.

I am here this morning on behalf of the Society for American Archaeology, the oldest and largest organization in the United States that focuses on the archaeology of the Americas. The Society was founded in the 1930's as a forum for integrating the views and interests of professional archaeologists with all those interested in the ways of life on this continent before its occupation by Europeans.

Over the past decade, I have watched the Society, as a group of dedicated professionals, struggle with the value conflicts inherent in the scholarly study of native peoples by immigrant peoples. I have arranged for, and attended, meetings of the Society's Executive Committee with representatives of pan-Indian organizations. I have watched members of the Society debate various points of view about the ethics of responsibility to their clients, and to the public at large, and to scholarship in general, and to the future of humanity, and have participated in developing policies that articulate the desires and beliefs of these members.

This morning I would like to focus on a series of consensus points, developed over the past few years in discussions among Society members, and between Society members and officers and other interested parties: Indians, lawyers, ethnologists, physical anthropologists, and museum professionals. I suppose you could call this a list of "things the Society supports", as worked out and negotiated among all those parties.

This list contains many of the same things this bill seems to be about: equity, dialog, dispute resolution, protection of heritage, consultation, training, and technical assistance.

Let me elaborate a bit.

First, the Society for American Archaeology supports the preservation of our human heritage for future generations. Archaeologists know that this heritage cannot always be preserved in place, in the ground where it has lain for millennia, so we support the scientific study of the evidence of that heritage, and the preservation of that evidence in books and museums. Many archaeologists believe passionately in academic freedom, the opportunity to conduct research of their own choosing, to follow their research wherever it leads, to share their insights and discoveries with their colleagues at meetings and in journals, and to share with the public their sense of wonder and newly-understood knowledge revealed by their studies.

Secondly, the Society for American Archaeology supports increased participation, education, and interpretation of, for, and by, Indians of the native American heritage of this nation. Why should foreign scholars do all the work? Where are the native scholars, to foster pride in their material history, to explain to the newcomers about the last 12,000 years of history, to pass that knowledge and pride along to the next generations, Indian and non-Indian alike?

The Society also has gone on record in support of local-level solutions to local-level issues. Perhaps a clearer term is "specific" solutions to specific problems. For no matter how universal a "problem" may be, it still boils down to a specific dispute, or issue. Archaeologists and Indians in this country have an excellent track record of working one-on-one to resolve these issues as they arise. 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.

The Society supports equity and dignity for all groups and individuals. That's one of the reasons for archaeology: to elucidate the past so that we might all benefit in the future. The study of prehistoric agriculture in the American southwest, for example, has shown that modern water allocations are based on unusually abundant supplies, during a sequence of unusually wet

years. This knowledge can help in the design of water projects that benefit both the Indian and non-Indian farmers in the area today, and in the future.

Finally, the Society for American Archaeology supports continued cooperation and coordination among all the parties, both on an individual basis and in organized ways between groups. Many individual archaeologists and Indians have a long history of working together on difficult issues, relating to human remains, sacred artifacts, sacred geography, and archaeological scholarship. The Society would like to see such individual traditions expanded and continued, for the benefit of all.

As you might expect, there are also ideas the Society cannot support. The Society cannot support proposals for universal or 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. One of the most important facts that archaeology has shown about past human religious life is that traditions of how to deal with the newly dead vary widely across space, among cultural groups, and time within the same cultural group. Thus, 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.

In view of the Society's policy of support for specific, local approaches to dispute resolution, the Society cannot support the idea of national-level, legislated "solutions" such as that proposed in S. 187. We have some serious concerns about the lack of balance on the proposed Native American Museum Advisory Board, about the inequity of penalties, about the absence of appeal from decisions of the Board, and the proposal for prior censorship of research findings. But most importantly, we believe that a national board will solve no important problems for Indians, archaeologists, or museums.

In my conversations and experiences over 20 years in this field, it is clear to me that there are, indeed, a variety of "problems" to be solved: more money for Indian museums, more emphasis on preventing looting of archaeological resources, more coordination and communication, more sharing of information about particular Indian beliefs and practices, more protection for sacred objects and landscapes, and more enforcement of existing legislation, such as the American Indian Religious Freedom Act (AIRFA) and the Archaeological Resources Protection Act (ARPA). The present bill will solve none of those problems.

We believe that it might be unwise to open ARPA up for amendment at this time, but if the Committee decides to move forward, we suggest some changes that would strengthen the ability to protect sites and convict violators. For example, now any fines that are collected go to the general treasury. We suggest that these fines go into a special fund, to help the

agency restore the site that was damaged. To make it easier to gain convictions, we suggest defining any excavation into a site as a felony offense, thus avoiding the problem of calculating the "scientific cost" of the damage. Dollars and cents cannot adequately measure the loss of an irreplaceable heritage.

It must be clear that the Society for American Archaeology cannot support S. 187, although it contains some ideas we could enthusiastically support in another form. We would be happy to work with the Committee to further develop some of these concepts, or to propose specific language, should that be desired.

Mr. Chairman, the Society may wish to submit more detailed testimony for the hearing record; will the record be open for 30 days?

I would be happy to respond to any questions you might have.