ADDITIONAL STATEMENT OF KEITH W. KINTIGH,
PRESIDENT OF THE SOCIETY FOR AMERICAN ARCHAEOLOGY
For Insertion in the Printed Record of the July 25, 2000
Senate Committee on Indian Affairs Hearing on NAGPRA
August 17, 2000

At the July 25, 2000 hearing, Senator Inouye asked a question of Martin Sullivan concerning the position of the Society for American Archaeology (SAA) on NAGPRA. As I recall, the Senator noted that the Society had opposed the passage of NAGPRA and inquired as to the Society's current position. Dr. Sullivan responded that he was not in a position to speak for SAA.

I would like to take this opportunity to respond to the Senator's query. In 1990, I chaired the Society for American Archaeology's Task Force on Reburial and presented oral testimony at hearings held by the House Interior Committee and the Senate Select Committee on Indian Affairs. Since that time, I have continuously been a member of the relevant SAA committee (now the Committee on Repatriation) and am quite familiar with SAA's history on this issue.

A review of the record will show that the Society for American Archaeology never opposed NAGPRA. Indeed SAA worked toward its passage and it continues to strongly support the Act. Starting very early in the legislative process, the Society worked constructively with the staff of both committees in crafting the language in NAGPRA.

The opening sentence of my oral statement to the Senate Select Committee (from the printed record of the May 14, 1990 hearing, p. 68) was: "Mr. Chairman, the Society for American Archaeology is grateful for this opportunity to express our general support for the draft substitute of S.1980 [the then-current draft] and to raise a few concerns." If you will review our testimony, I think that you will find that it was quite positive and constructive. Our testimony strongly endorsed many of the key aspects of NAGPRA and suggested expanding provisions

concerning unauthorized excavation of Native American graves to all lands of the United States [in that draft, as in NAGPRA, these provisions apply only to Federal or Indian lands].

Subsequent to that hearing, representatives of SAA, the Native American Rights Fund (NARF), and the Association on American Indian Affairs (AAIA) met at the Native American Rights Fund's Washington office. The result was a five page memo dated September 12, 1990 from SAA, NARF, AAIA, and the National Congress of American Indians (NCAI) to the Senate Select Committee on Indian Affairs that provided unanimous recommendations for changes to the then-current draft legislation, NAGPRA. Many of these suggestions, including a revised definition of cultural affiliation, were incorporated in NAGPRA.

On October 12, 1990 SAA co-signed a letter with NARF, AAIA, and NCAI endorsing the House bill, HR 5237. A November 2, 1990 letter urging President Bush to sign the bill was signed by SAA and these same Native American organizations along with the American Anthropological Association, the American Association of Physical Anthropologists, the Archaeological Institute of America, the National Conference of State Historic Preservation Officers, the National Trust for Historic Preservation, Preservation Action, the Society for Historical Archaeology, and the Society of Professional Archaeologists.

Since its passage, SAA has consistently worked toward the effective implementation of NAGPRA and has urged its members to fully comply with the letter and spirit of the law. Shortly after the law's passage, my report to SAA's membership said "Most of the decisions will be made not by a judge in a courtroom, but by museum processionals, Indians, and archaeologists around a table. From almost any perspective, the outcome will be better if all these constituencies can accept the law's compromise, genuinely respect the views of other interested parties, and work

cooperatively toward the resolution of differences." While there are exceptions, I think that the archaeological community has been and is generally supportive of NAGPRA.

Finally, I would note that the Society's official position on repatriation, established in 1986, is consistent with NAGPRA. The "SAA Statement on the Treatment of Human Remains" recognizes archaeologists' obligations both to the archaeological record *and* to the sensitivities of living people. It views both scientific and traditional interests in the past as legitimate and argues that they must be weighed, on a case by case basis, in order to determine appropriate disposition of human remains. In this formulation, scientific value is weighted by the potential to yield scientific information, and traditional interests are weighed by their closeness of relationship to the remains.

Thank you for this opportunity to clarify the record.