

United States Senate
Committee on Indian Affairs

Oversight Hearings On

The Native American Graves Protection and Repatriation Act

Testimony By

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and

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I believe that Congress took a very bold and courageous step in enacting the Native American Graves Protection and Repatriation Act. I realize that a few interest groups opposed its enactment and continue to assert that this law challenges the very basic precepts of science and the values the larger society. However, from the Indian perspective, I think that the Act moves towards rectifying some of the injustices perpetuated against the indigenous people of this continent. I thank this Committee for its resoluteness and its efforts to ensure the full implementation of this law.

My objective today is to share with you in a small way the initial benefits we have found in implementing NAGPRA and to outline one of our most immediate concerns. In my humble view, the Repatriation Act holds great promise, not only for the Native community, but to the contributions of knowledge it offers to the greater public.

However, before I begin, I am compelled by our cultural protocols to advise you who I am in our society. For the record, my name is Rosita Worl. Within the Tlingit community, I am also known as Yeidiklats'ok of the Eagle Chilkat moiety. I

am a member of the Thunderbird Clan from the House Lowered from the Sun in Klukwan. I serve as President of the Sealaska Heritage Foundation and as a professor of anthropology at the University of Alaska Southeast. I am also a member of the Board of Directors of the Alaska Federation of Natives and Sealaska Corporation.

Sealaska Corporation was created by Congress to implement the settlement of the aboriginal land claims in Southeast Alaska. It is a federally-recognized tribe for the special statutory purposes of NAGPRA. The Sealaska Heritage Foundation addresses the cultural and educational issues of the 30,000 Indians of Southeast Alaska on behalf of Sealaska Corporation.

Sealaska was most pleased to host the NAGPRA Review Committee members and participants in its April meeting in Juneau and to observe and participate in its Committee meetings. I commend the Committee and NAGPRA staff for holding its meetings throughout the country where Native Americans, who have great interest in the success of repatriation, reside.

I realize that this Committee has more often heard of the problems associated with

NAGPRA. I would like to provide a glimpse of its benefits.

Recently, I was invited to a gravesite ceremony of a Tlingit who had been reinterred after his repatriation. We could sense his spirit and the spiritual forces, which abounded in the area which we have known as our homeland for thousands of years.

We Tlingit believe that the spirits of our ancestors remain simultaneously with their human remains and in the land behind the forest. Our ancestors return to us to speak of their needs and wants. We attempt to respond to them in our ceremonies. In the present period, and under the current circumstances or the removal of our ancestors from their home, we are now additionally obligated to seek the return of our ancestors' remains and restoration of their spirits to their homeland.

In this particular case, the return and the spiritual restoration of our one of our ancestors was achieved under NAGPRA. However, a collaborative effort between the Tlingit and the National Museum of Natural History continues that will yield multiple benefits that otherwise might not have occurred. A project is underway to record clan histories, migrations, and unexpectedly, additional information in the field of ethnobotany. This information has been traditionally transmitted through

oral traditions, but we now have the occasion to record this information and ensure its preservation and transmission to future generations who may not have the same opportunities to learn through oral traditions. NAGPRA, in this case, facilitated the acquisition and preservation of knowledge that was previously known only in the minds of a few elders and clan leaders.

I have also been privileged to be involved in the repatriation of clan objects to their homeland. Although I know that some members of the larger society may not understand nor accept our beliefs, we know that the spirits of our ancestors---some of whom may be creatures of the land, sea and air---reside with our clan objects and crests. We believe that the spirits of our ancestors, who used these objects in their life, are also associated with the objects.

I wish that members of this committee could see the joy, but sometimes laced with tears of sadness that overcomes our people in the return of our ancestral spirits and the few objects that have been returned and repatriated. Perhaps it may be that someday you will be able to attend one of our ceremonies to which you will always be welcome, but nevertheless, for now I invite you to share in our happiness and in our hopes for the future that you, through the enactment and implementation of

NAGPRA, have made possible.

I must now address a major problem that we have perceived in the Native community. With the permission of Albert Kookesh, Chairperson of the Alaska Federation of Natives, I share with you an issue that he has raised with the Alaskan Congressional Delegation.

The Native American and Hawaiian Community has repeatedly voiced its concerns that the responsibility of implementing NAGPRA has been delegated to the National Park Service Consulting Archaeology Office by the Secretary of Interior. We have come to the conclusion that the Consulting Archaeology Office is reluctant to comply with the objectives of NAGPRA, and in the past we have noted specific instances to substantiate our assertion.

For the record, I would like to cite one of those cases in which the Park Service has failed to promulgate action to ensure compliance with NAGPRA. The United States Attorney for the District of Colorado investigated the failure of the Taylor Museum for Southwestern Studies of the Colorado Spring Art Center to prepare a written summary of Native American cultural items in its collection as of November 16,

1990 and then to provide this summary to the DOI Consulting Archaeologist by November 16, 1993. The U.S. Attorney's office further investigated the Taylor Museum's sale of a Tlingit Raven Rattle from its collection on November 18, 1993 to a private collector.

My understanding is that the Attorney General's office thought that the Taylor Museum might be criminally liable. However, instead of pursuing criminal sanction against the museum, the AG's recommended to the Secretary of Interior to consider assessing the museum a civil penalty for its failures to comply with NAGPRA. I am also of the understanding that the private collector was to be prosecuted for illegally trafficking in Native American cultural items subject to NAGPRA.

We have inquired about the disposition of this case as recently as last April in the NAGPRA Committee meeting in Juneau. The NAGPRA office has yet to advise of any action. We can only be left with the impression that the NPS Consulting Archaeology Office has a fundamental conflict of interest in implementing NAGPRA and is adverse to its implementation.

During the course of the April NAGPRA Committee meeting in Alaska, the conflict

of interest issue again emerged as a major concern, not only by the Native American participants, but this time by the Committee itself. The NAGPRA Committee adopted a recommendation to transfer the NAGPRA Office from the National Park Service to Office of the Secretariat of the Department of the Interior. I understand that concern over the conflict of issue was heightened by the refusal of the Park Service to consider a specific NAGPRA Committee recommendation without even the slightest hint of discussion with the Committee.

Without getting into the specifics of the recommendation offered by the NAGPRA Committee, we believe that the standing of the NAGPRA Committee has been seriously undermined and that action must be taken to restore confidence in the NAGPRA process. We wholeheartedly support the NAGPRA Committee's recommendation that the NAGPRA office be transferred to the Office of the Secretariat of the DOI.

A continuing problem is inadequate funding to implement NAGPRA. Repatriation holds great promise, but the intent of NAGPRA will not be fulfilled without sufficient funding. We in Alaska have supported the NAGPRA Committee's recommendations to Congress to appropriate a minimum of \$5 million to reduce the

backlogs and improve the implementation of the Act. We think this is a modest request for a national program of great significance.

Our tribal institutions must meet the basic and immediate needs of our tribal members in addition to addressing a myriad of political and economic issues continuously threatening our communities and our rights. More often, repatriation, understandably, takes a secondary priority to housing, education, and the basic physical welfare of our members. Although we continue to attempt to find other funds, we are currently dependent on Congressional funding. This year, the Central Council of Tlingit and Haida Indians of Alaska, which has taken the lead in implementing NAGPRA, did not receive funding.

In a recent region-wide clan meeting, our clan leaders directed that we dedicate ourselves to restoring social and spiritual harmony and balance in our communities. We have adopted this directive as our New Millennium objective to ensure our cultural survival as Tlingit, Haida, and Tsimshian Indians. Honorable Senators, we know that the return of our ancestors and our clan objects, that are sacred in our world, are essential to achieve balance and harmony, and we dedicate ourselves to this objective. We implore this Senate Committee to ensure full implementation of NAGPRA, and we are forever gratified for the support you have demonstrated.

Goonulcheesh.