

Ten and one-half years ago, on November 16, 1990, President George Bush signed the Native American Graves Protection and Repatriation statute that had been passed by a Democratic Congress. Repatriation represents the enduring strength of American Indian Peoples and is a legal commitment to the survival of their cultural identity. Throughout our history, the subjugation and denial of sovereignty to Native Peoples has controlled academic and federal policies of the United States. Native ancestral remains have been viewed as archaeological resources, while sacred objects were turned into items of national patrimony. The 1989 National Museum of the American Indian (NMAI) Act and the 1990 Native American Graves Protection and Repatriation Act (NAGPRA) were the first federal statutes addressing the legal rights of the First Peoples and halted this American tragedy.

C. Timothy McKeown, NAGPRA Program Leader at the National Park

The American Indian Ritual Object Repatriation Foundation is a not-for-profit intercultural partnership. The Foundation is committed to assisting in the return of sacred ritual material to American Indian nations and to educating the public about the importance of repatriation.

One Hundred First Congress of the United States of America

AT THE SECOND SESSION

Began and held at the City of Washington on Tuesday, the twenty-third day of January, one thousand nine hundred and ninety

An Act

To provide for the protection of Native American graves, and for other purposes.

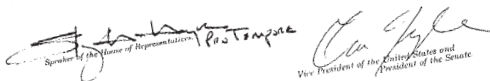
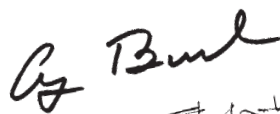
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Graves Protection and Repatriation Act".

APPROVED

NOV 16 1990



*Native American Graves Protection and Repatriation Act
signed into law on November 16, 1990 by President George Bush*

Service, stated that repatriation laws "reflect the guarantee of equal protection under the law imagined by America's founding fathers and codified in the Constitution of the United States." This legal recognition of American Indian sovereignty has been ignored since President Andrew Jackson moved Indian policy from the Executive Offices of Foreign Affairs to Congressional oversight. NAGPRA now acknowledges Native Nations as experts of their own culture, and oral tradition has equal weight with historic archaeology and anthropological notes.

One contentious issue dealing with Native remains is the treatment of the Ancient One, or Kennewick Man. Although NAGPRA was enact-

ed as human rights legislation designed to remedy the unequal treatment of American Indian ancestral remains and sacred objects, it also seeks to balance the claims of scientists with the rights of Native Peoples. There are those anthropologists and archaeologists who have objections to aspects of the law and are attempting to circumvent NAGPRA by asserting that no cultural affiliation can be made with contemporary Native Peoples. These actions require the need for a continuous fight for the human rights of Native Peoples.

At this moment, a select group of politicians support the Hastings Amendment (H.R. 2893), which would weaken NAGPRA as it stands.

If passed, Native ancestral remains and sacred objects would, once again, be treated as archaeological and scientific resources, dismantling the human rights legislation in the current law. This attack on NAGPRA is potentially disastrous.

Federal repatriation legislation does not include the private sector. Non-federally funded art dealers and auction houses are not bound by NAGPRA. The American Indian Ritual Object Repatriation Foundation, founded in 1992, addresses this issue. Since its creation, the Foundation has worked to educate private collectors and the public about the distinction between art appropriate for sale and ceremonial objects of living cultures. The

Welcome

I would like to extend a warm welcome to Pilar M. Montalvo who has joined us as Repatriation Coordinator. Pilar's background provides her with the knowledge and sensitivity to work successfully for the Repatriation Foundation with Native Nations, museums, and the private sector.

Pilar is currently working on her Ph.D. in Social Anthropology at Harvard University. We have discussed this particular discipline at length and I feel Pilar represents a new generation of anthropologists. As an activist, I believe Pilar is committed to bringing repatriation and inter-cultural understanding and the education of their importance to new levels.

Pilar has worked as a Research Assistant at the Smithsonian Institution Archives and as a Researcher in the National Museum of Natural History in Washington, D.C., and the NMAI Bronx facility. These positions have familiarized her with the breadth and depth of Native and non-Native history and the challenges facing the return of highly sensitive material.

I would also like to welcome Stephanie Morillo as our full-time Outreach Coordinator. Stephanie has been in this position since May 2000. She is graduating from Fordham University with a major in Art History.

Please join me in welcoming Pilar and Stephanie, and feel free to call them at the Repatriation Foundation office, 212-980-9441 or by e-mail at montalvo@repatriationfoundation.org and morillo@repatriationfoundation.org.

Elizabeth A. Sackler, Ph.D.
President

Foundation Auction Brings Together Repatriation Supporters



*Keynote speaker N. Scott Momaday,
Repatriation Foundation Advisory
Committee Member*

RETROSPECT

☼ On March 20th, President Elizabeth Sackler attended a dinner and lecture by Ward Churchill, Native American activist and author of *A Little Matter of Genocide: Holocaust and Denial in the Americas, 1492 to the Present*, at Manhattanville College. The Westchester Holocaust Commission hosted the event.

☼ Repatriation Coordinator Pilar Montalvo represented the Foundation at the 10th Annual Keepers of the Treasures Conference in Tucson, April 17-20. The theme

for this year's conference was "Strengthening Our Languages."

☼ Repatriation Coordinator Pilar Montalvo participated in the panel "Cultural Resource and Graves Protection – the Shortcomings of NAGPRA" at the Seventh Generation Fund Conference, "The Sacred Earth Conference: Building Alliances to Protect Sacred Lands" in Seattle, April 20-22. Her presentation focused on the work of the Repatriation Foundation and issues facing Native American repatriation in the private sector.

On the evening of November 8, 2000, well over one hundred friends and supporters of the Repatriation Foundation gathered at the RamScale Gallery in New York City for a fundraising benefit auction. Foundation President Elizabeth Sackler hosted the event and N. Scott Momaday (Kiowa), Pulitzer Prize winning author and Repatriation Foundation Advisory Committee Member, was the keynote speaker. The audience also had the opportunity to hear from other distinguished speakers including Repatriation Foundation Trustee Oren Lyons (Onondaga), Advisory Committee Member Dagmar Thorpe (Sac & Fox), and President of the Institute of American Indian Arts Della Warrior (Otoe-Missouria).

The live and silent auction featured unique contemporary works donated by both Native and non-Native artists and collectors. The event offered the opportunity for the

Website Reminder

Just a reminder to check out the Repatriation Foundation website at www.repatriationfoundation.org. Stay up to date with special announcements on the "What's New" page, read back issues of *News & Notes*, or follow links to related sites. Our website is a great research tool for those interested in learning about American Indian repatriation efforts in the United States.

Repatriation Foundation and its community of supporters to meet and exchange ideas.

We extend thanks to the event's auctioneer, Paul Provost of Christies, Inc., and to the following artists and donors who contributed: Dennis Bird (San Juan/Santo Domingo), Gabrielle Carlson, Judy Chicago, Dale Chihuly, Neal Chaos Schauf who donated an Edward Curtis contemporary photogravure, Vine Deloria, Jr., Esq. (Standing Rock Sioux), Lisa Schachner who donated a drawing by Mark di Suvero, Christine Eustice (Zuni/Cochiti), Barbara Hester, Philip Honani (Hopi), Faith Hubley, G. Peter Jemison (Seneca), Franc Menusan (Creek/Metis), Dan Namingha (Hopi), Humberto Ortega de Villasenor, Victor Trasoff who donated a wood engraving by Georges Rouault, Pavlos Samios, Fritz Scholder (Mission), Robert Tenorio (Santo Domingo), and Lonnie Vigil (Nambe).

Special thanks to Gail and Murray Bruce for graciously providing their beautiful gallery, RamScale, to hold the event.

Thank You Danielle

Danielle Archibald has been an Outreach Assistant at the Repatriation Foundation since May of 2000. She is leaving us after her graduation from Fordham University on May 19.

Danielle's major in Art History enhanced her knowledge of the art market and sensitivity to American Indian repatriation concerns.

The Board of Trustees, Advisory Committee, and staff of the Repatriation Foundation extend thanks to Danielle and wish her well in all of her future endeavors.

Perspectives

By Jack Trope, Esq.
Repatriation Foundation, Board of Trustees

The Native American Graves Protection and Repatriation Act (NAGPRA) was legislation addressing repatriation issues for American Indians and Native Hawaiians in the context of museums located in the United States as well as agencies of the United States federal government. It did not purport to address issues of human remains and cultural patrimony located overseas, nor, by its terms, did it apply to indigenous peoples located outside of the United States.

Yet, the philosophical basis underlying NAGPRA has had a power that has extended far beyond the legal parameters of the legislation. It has caused a rethinking of issues of repatriation in other parts of the world.

The most recent example is a repatriation of 49 iwi kapuna (ancestral skeletal remains) to the Native Hawaiian organization — Hui Malama I Na Kupuna O Hawai'i Nei — by the University of Edinburgh. While the vigorous efforts of the Hawaiians were certainly the prime catalyst for the repatriation, it is reflective of the fact that the principles of NAGPRA have started to take hold in places far from Washington D.C. For example, in 1999, the World Archaeological Congress held a conference in South Africa and invited a number of repatriation and NAGPRA experts from the United States to make presentations to their assembly.

Those of us who worked on NAGPRA had always hoped and envisioned that the legal requirements of NAGPRA (which were a compromise) would be only the starting point — that the underlying principles of NAGPRA based upon the basic human rights of indigenous peoples would become the norm, rather than the exception. Certainly, there continue to be those who resist NAGPRA's philosophy and there continue to be the divisions between Native Americans and some archaeologists and museums over contentious issues such as the treatment of remains whose cultural affiliation cannot be determined. These continuing challenges should not prevent us, however, from recognizing that progress in changing attitudes has been made — both in this country and in other parts of the world.

Learn More — Help Us Continue Our Work!

Order your copy of *Mending the Circle: A Native American Repatriation Guide*. This definitive guide includes articles on NAGPRA, the Smithsonian Institution's repatriation policy, and strategies for the private sector.

_____ # *Mending the Circle* (includes Supplement I) @ \$40 each. Total _____
(inc. S&H in US. For international rates, call.)

_____ YES, I would like to help the continuing efforts of the Repatriation Foundation. I am enclosing my check made payable to AIRORF.
(All contributions are tax deductible).

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Repatriation, continued from page 1

Repatriation Foundation has been a conduit for the return of more than a dozen sacred objects and facilitated more than fifteen returns. *Mending the Circle*, published in 1996 by the Repatriation Foundation, is the definitive guide to Native American repatriation and is used at hundreds of universities, museums, and institutions across the country.

American Indian communities must now determine how they want to handle the return of their ancestral remains and sacred objects. For example, while in many instances reburial is the primary option for the treatment of returned Native remains, the Monacan Nation chose a decidedly different route. Although remains of hundreds of Monacans have been reburied, tribal members decided to have facial reconstructions completed on two sets of remains, a man and woman, prior to reburial, thereby allowing them to see their ancestors. The reconstructions are currently on display at the Monacan Ancestral Museum in Amherst, Virginia, and have been met with strong support by the Monacan People¹. Meanwhile, the Zuni Pueblo do not want their ancestral remains returned, but will maintain oversight as they are left in trust in

museums. These examples represent how Native American Nations are determining policies for their individual communities and spiritual lives. A decade after NAGPRA and at the beginning of the new millennium, American Indians have clearly survived Columbus.

¹ Rose, Mark. "Facing the Past," *Archaeology*. September/October 2000. 58-61.

In Print

Treaty of Canandaigua 1794: 200 Years of Treaty Relations Between the Iroquois Confederacy and the United States. Edited by G. Peter Jemison and Anna M. Schein. Santa Fe: Clear Light Publishers, 2000. Tells the story of the Six Nations and land claim issues with the United States over the 200-year period following the American Revolution.

A Little Matter of Genocide: Holocaust and Denial in the Americas, 1492 to the Present. Ward Churchill. San Francisco: City Light Books, 1997. Explores the history of holocaust and denial in this hemisphere, beginning with the arrival of Columbus and continuing on into the present.

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Staff: Pilar Montalvo, Repatriation Coordinator, Danielle Archibald and Stephanie Morillo, Outreach Assistants.

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