

## **Testimony of Armand Minthorn for the Confederated Tribes of the Umatilla Indian Reservation**

Good morning Chairman Campbell, Vice-Chairman Inouye and distinguished members of the Senate Committee on Indian Affairs. I am Armand Minthorn, member of the Board of Trustees for the Confederated Tribes of the Umatilla Indian Reservation. We appreciate the opportunity to testify on the oversight of NAGPRA today.

Today you have heard, and will continue to hear problems in the implementation of NAGPRA, funding requirement, regulations and agency compliance. First I would like to discuss the great strides NAGPRA has made toward assisting Native peoples make decisions that effect the daily lives of our tribal members. Next, I will discuss the problems my tribe has encountered in implementation.

I am not here today simply to point out the difficulties in implementing NAGPRA. I am also here to note the accomplishments NAGPRA has made. NAGPRA has had the effect of recognizing the significance of tribal beliefs, not just to individual tribal members, but to the nation as a whole. NAGPRA allowed over 500 distinct tribal cultures to retain the rights to their life-ways, a life-way which had been taken away by the U.S. government through policies and practices over 2 centuries. Under NAGPRA tribes not only protect the remains of our ancestors, but that by helping our ancestors, we improve the well being of our communities.

Prior to the enactment of NAGPRA, there was no process, no way tribes could protect their ancestors held by museums and agencies, and tribes were powerless to take care of our ancestors. This conduct continued even over the objections of tribes. This ignored the basic human right that tribes must have a voice in the treatment of their ancestors. NAGPRA ended this and finally established that any system which overlooked this most basic premise of human rights should not be tolerated in a society which values religious freedom and honors individual rights. Upon the enactment of NAGPRA, Senator Inouye stated that the past practices towards Indian graves flagrantly violated the civil rights of America's first citizens. This was a powerful statement. NAGPRA is civil rights legislation, returning rights to the tribes which have been taken away since earliest days of this republic

The National Park Service has been charged with implementing NAGPRA, and has instituted programs which have helped tribes implement NAGPRA including grants to tribes and museums. Grants allow tribes to effectively consult with museums and federal agencies and pursue repatriation rather than merely being observers to the process. This consultation under NAGPRA, the formal process of negotiation, cooperation and policy-level decision-making between sovereigns is a bilateral decision-making process which insures effective implementation of NAGPRA. These grants represent a powerful tool for tribes to identify the museums which have NAGPRA items and actively seek repatriation.

Today, even with the important first step NAGPRA has made in recognizing the basic human rights of tribes to rebury their ancestors, problems exist with the implementation of NAGPRA. There have been complaints by the tribes that the NPS is under funded, under staffed, and is currently unable to bringing dozens of agencies and hundreds of museums into compliance with a law such as NAGPRA. Congress can assist the NPS solve this problem by increasing

funding for NAGPRA implementation, and specifically to NAGPRA grants.

There has been a great deal of public reaction to the implementation of NAGPRA, much of it negative towards the tribes. What is missing from the public debate on NAGPRA is the fundamental recognition that tribes have a right to insure their ancestors graves are protected. Congress faces many challenges. It should strongly resist any attempts to weaken the protections to Indian graves provided by NAGPRA, because any attempts to do so would defeat the purpose of NAGPRA and continue to erode tribal civil rights and human rights.