

**COMMENTS TO THE UNITED STATES SENATE  
COMMITTEE ON INDIAN AFFAIRS**

JULY 25, 2000

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The Chickasaw Nation

Good Morning! Thank you for the opportunity to address this important issue concerning Native people. My name is Jefferson Keel and I am the Lieutenant Governor of The Chickasaw Nation. I am honored to be selected to appear before this honorable committee. The Chickasaw Nation considers all graves and contents of the graves of our ancestors as sacred sites. We are aware of thousands of human remains, funerary objects, artifacts and other objects that have been determined to be of Chickasaw origin, that have been removed from the graves of our ancestors and still remain in the custody of repositories throughout the country. The Native American Graves Protection and Repatriation Act (NAGPRA) mandates that all institutions or agencies which receive federal assistance and who are in possession of these items to provide inventories of those items to tribes, and allows tribes to present claims to these items. Other federal laws and regulations require all federal agencies and agencies that receive federal funds to consult with Indian tribes on all issues concerning NAGPRA or actions that may affect Native American graves or sacred sites. Today, in spite of federal mandates, many states refuse to recognize the rights of Native American tribal governments to consult on important issues. State agencies often interpret the law to suit their individual needs, especially regarding construction projects, such as highway or urban

development projects. Our requests for consultations regarding the construction projects are often ignored or delayed until construction results in the discovery of human remains. When states are unwilling to consult with Indian tribes, the tribes must seek assistance through the National Park Service, a branch of the Fish and Wildlife service of the US Department of the Interior, which further delays or disrupts the consultation or negotiation process. The National Park Service is often slow to respond due to limited staff and the sheer number of requests, a lack of knowledge of tribal customs, and/or a lack of experience in dealing with Indian tribes. There are also pressures by the scientific community to conduct lengthy and unreasonable studies of our ancestors and artifacts. The Native American Graves Protection and Repatriation Review Committee is appointed by the Secretary of the Interior to settle disputes that arise when more than one tribe makes a claim for remains, artifacts, or any grave goods. The committee is also charged with the responsibility for actions to be taken on items that are considered to be “culturally unaffiliated,” or items that lack definite tribal identity due to the age of the item. NAGPRA defines cultural affiliation as “a relationship of shared group identity that can be reasonably traced historically or prehistorically between a present day Indian tribe or Native Hawaiian organization and an identifiable earlier group.” Many scientists and state officials seek to narrow this interpretation by demanding that present day federally recognized tribes prove a biological relationship to an earlier group. The statute provides that where cultural affiliation is not established in an inventory or summary, “the remains should be expeditiously returned where the requesting tribe can show cultural affiliation by a preponderance of evidence based on geographical, kinship,

biological, archaeological, anthropological, linguistic, folkloric, oral tradition, historical, or other relevant information or expert opinion.” The Chickasaw Nation feels that the determination of cultural affiliation of Native American human remains, funerary objects, artifacts, and objects of cultural patrimony should be accomplished by the affected tribes. Determination of cultural affiliation must be made in consultation with Native American tribal governments, Alaskan Native communities and Native Hawaiian organizations. We feel that regional committees of tribal representatives could better define and determine the affiliation of all of these remains, artifacts, and burial goods. The regional committees could then report their findings to the National Review Committee for finalization and report to Congress. We would prefer that the Secretary of the Interior transfer authority for the NAGPRA program from the National Park Service to the Secretariat of the Department of the Interior, and that the NAGPRA program be administered by staff having sufficient seniority, program knowledge, and experience implementing the statute. We request that Congress ensure that the re-delegation to the Secretariat of the Department of the Interior is completed in its deliberations regarding the 2001 budget for the Department of the Interior. Again, thank you for this opportunity to appear before this body today.