

# NAGRPA ALERT!

## Proposed Amendment Imperils Study of Ancient Human Remains

- **THE PLAY.** Senator Ben Nighthorse Campbell, Colorado, has sponsored a bill (S-2843) in Congress that seeks to amend the Native American Graves Protection and Repatriation Act (NAGRPA). If enacted the proposed legislation would dramatically impact efforts to preserve human remains found on federal land and to study them to learn about America's past.
- **HIDING THE PLAY.** The proposed amendment hidden in Section 14 of the bill states: "Section 2(9) of Public Law 101-601 (25 U.S.C. 3001 (9) is amended by inserting 'or was' after 'is'." Although supporters of the bill would like us to believe that the "correction" made by these few words are "non-controversial," they are anything but that.
- **WHAT THE BILL WOULD DO.** The purpose of Section 14 of the bill is to overturn the court decisions in the Kennewick Man lawsuit by changing NAGRPA's definition of the term Native American. By inserting the words 'or was' the amended definition would now include all human remains that pre-date European contact (1492), even if the remains are not from Native Americans. It presumes that any remains found this century, even if 50,000 years old, are somehow related to modern American Indians and should be placed off limits to scientific study (and buried if tribal groups so wish).
- **UPSETTING THE BALANCE OF POWER.** NAGRPA was supposed to balance the interests of Native American's and the scientific community. Senate Bill 2843 would upset that balance. It would allow tribal groups to claim exclusive ownership of all prehistoric human remains found on federal land even if those remains have no relationship to any living American Indians. During the Kennewick Man Lawsuit, four western tribes claimed the 9300 year-old skeleton as their ancestor, and their claim was supported by the Secretary of Interior, the National Park Service, and the Army Corps of Engineers. Both the Portland District Court and Ninth Circuit Court of Appeals found that there was no credible evidence to show that the skeleton was related to the claiming tribes or any other living American Indians, and consequently could not be deemed Native American for the purposes of NAGRPA. If Senate Bill 2843 is passed, the Kennewick skeleton would now be regarded as Native American. As a result, it would be subject to "repatriation" and disposition (i.e. burial) under NAGRPA. Efforts to study the skeleton might be denied, since both the tribes and the Department of the Interior assert that NAGRPA prohibits study for research purposes.
- **WHAT YOU CAN DO.** SB 2843 has the potential to cripple the field of physical anthropology and studies concerning the peopling of the Americas. All American's own this country's past and should share equally in what we can learn about our common human heritage. **Call and write your senator and house representatives now!** Passage of this bill is eminent and could occur within a matter of days. Although the Society for American Archaeology represents itself as a supporter of scientific study, its leadership has gone on record in support of SB 2843, an anti-science measure. The only way to stop this bill is through a grass root movement. Call and write now before SB 2843 becomes law! Address information for Senators and Representatives and additional information on SB 2843 can be found at <http://www.friendsofpast.org>. Telephone calls and faxes are the most effective.