



HAUDENOSAUNEE

MOHAWK - ONEIDA - ONONDAGA - CAYUGA - SENECA - TUSCARORA
ONONDAGA NATION - VIA BOX 319-B NEDROW NEW YORK 13120

TESTIMONY OF CHIEF VINCENT JOHNSTON AND CHIEF OREN LYONS
OF THE ONONDAGA NATION, FIREKEEPERS OF THE HAUDENOSAUNEE
ON S. 187- THE NATIVE AMERICAN MUSEUM CLAIMS COMMISSION ACT
JULY 29, 1988

Mr. Chairman and distinguished Committee members, the Onondaga Nation Firekeepers represented today by Chiefs Vincent Johnston and Oren Lyons, welcome the opportunity to comment on the proposed amendment by Senator Melcher to S. 187.

We agree the bill should be amended and made into a law that will protect the sovereignty, dignity and group rights of Native American Nations, tribes, societies, and peoples as defined in your amendment.

We are familiar with the arguments brought forth by the government institutions and agencies, universities and colleges, museums, historical societies and associations, archaeological and anthropological societies and associations, and private collectors and auction houses all demanding in the name of education, health, science and sometimes commerce the right to the national cultural treasure, patrimony and very bones of Native American Nations and people.

They state quite clearly without apology that they have rights to our dead over claims that we make on the national behalf. So the question is one of human, religious, legal and group rights of Native Americans people versus the educational and scientific interests of the people of the United States.

We submit that the legal, moral, ethical and religious rights and issues to be addressed over-ride the educational and scientific interests presented by the aforementioned groups.

The current collection of Native American human remains in the Smithsonian Institution numbering some 18,000 separate beings is the direct result of a mid-nineteenth century Federal policy that reflected the racist attitude of the times. That is a dismal reality of American history, but what is even more appalling is that today, July 19, 1988, those Native American skeletal remains are still being held against the will of the Native American people. In our opinion, there cannot be scientific and educational reasons enough to override the moral, ethical and spiritual rights of the indigenous peoples of these lands to these bodies of their ancestors. It should be repugnant to the American public to continue these vestiges of racism in their public institutions.

The Board of Regents of the Smithsonian Institution are headed by William H. Rehnquist, the Chief Justice of the United States and George Bush, Vice President of the United States, with three esteemed members of the Senate and three esteemed members of the House, plus nine citizens members. Are we to assume that the refusal to return Native American bones back to their mother earth is the policy of this Board of Regents? Where we come from leadership is responsible for actions and activities of organizations they represent. We should be profoundly interested in Board of Regents comments on this subject.

The legal issue of repatriation must be addressed. Repatriation revolves around the status of title. Law favors title. Title is absolute ownership the world over. Native American have the law on their side. They have title to their national cultural treasures and cultural patrimony involving the graves and bones of their ancestors. There can be no legal argument against this title. Museums, institutions and associations cannot hold title to native Nation's cultural treasures and patrimony. They simply do not have equal weight.

We note that your amendment stresses negations prior to the exercise of law. We have gone through this process once successfully, most other times not successfully. One of the primary reason for our frustration is the qualifying stipulations to the repatriation of sacred objects and artifacts often imposed upon us. If the objects and sacred articles belong to the Native Americans, than the organizations cannot holding them have no rights to put any qualifications on their return. Law does not allow the possessor of stolen goods to stipulate conditions of their return.

Mr. Chairman, it is our opinion that the current policy of the Smithsonian Institution and other museums concerning the repatriation of skeletal remains is unreasonable, caprices, and denigrating to the Native Americans.

We believe the policy to be unreasonable and self-serving in demanding that Indian Nations supply proof of identification of remains in their possession for as long as 150 years. They side step the issue of title and obfuscate the principal of ownership by raising conditions that are not relevant to the fact they possess skeletal remains of another race of people.

Mr. Chairman, there is a strong need for the law that you recommend, we need this law now. The need for regulation in this sensitive field is long overdue and we commend your efforts in this direction. Our Nations have suffered every hardship that humanity can endure. We have been dispossessed of our land rights, we have been forcibly removed from our homeland, we have been slaughtered in our beds. We have been stripped of our languages and cultures, we have had our children taken from us and made strangers to us. And still today the very bones of our ancestors are kept from us, many locked away in simple green cardboard containers stacked one upon the other.

We ask again is this the policy of the Vice President of the United States and the Chief Justice of the Supreme Court? We refuse to be rationalized out of existence by the contrivances of archeological and anthropological organizations, and demand that the rights of the original peoples of this great land be recognized. We are not discussing the possession of property, we are discussing the survival of our Nations and heritage of our children, the soul of our people.

Mr. Chairman, we have been specific recommendations on this bill, S. 187.

--Under findings, Section 2(d), American public law has not respected our burial grounds.

--Under definitions, Section 3(d), the definition of a "Native Hawaiian" should be re-examined with consultation of Native Hawaiians.

--Under Native American Museum Claims Commission Section 4(b), we recommend the Commission be comprised of at least seven members, four of whom should be Native American. Because of the complex problems and vast areas to be served we think that three members would soon be swamped with problems, making the Commission ineffective. Four Native Americans would be a minimum number needed to meet the demands of such a commission and most importantly place them in the majority. For too long, Indians have been in the "minority" when making decisions that directly impact them.

--Under Resolutions Section 9(a), the Office of Hawaiian Affairs may be too far removed from traditional Kapunas. Claims should be made by the Hawaiian Natives.

--In Section 17 on the 4th line, "no party" should be changed to "the parties involved" to insure that an outside "party" unrelated to the particular situation cannot suddenly appear to intrude and upset the claims resolution process.

A general comment is that in any negotiation, the Native American component have the right to establish criteria according to their beliefs and cultural integrity.