



SOCIETY FOR AMERICAN ARCHAEOLOGY

**Testimony of the Society for American Archaeology
Before the Senate Committee on Indian Affairs
Concerning implementation of the American Indian Religious Freedom Act
July 14, 2004**

The Society for American Archaeology appreciates this opportunity to submit testimony to the Senate Committee on Indian Affairs on the subject of implementation of the American Indian Religious Freedom Act of 1978 (AIRFA) and expresses its appreciation to the Committee for holding this important hearing.

SAA is an international organization that, since its founding in 1934, has been dedicated to the research, interpretation, and protection of the archaeological heritage of the Americas. With more than 6,900 members, the Society represents professional archaeologists in colleges and universities, museums, government agencies, and the private sector. SAA has members in all 50 states as well as many other nations around the world.

Prior to the enactment of AIRFA, the constitutional right of Native Americans to exercise their freedom of religion was severely circumscribed. This injustice was part of a set of cultural policies pursued by the federal government and many state governments from the mid-19th Century through the first half of the 20th Century. The goal of these policies was to actively subjugate Native American cultures and ways of life. In addition to religious intolerance, these policies also included prohibitions on the use of Native languages, and forced “adoptions” of Native children by non-Native families. Although these practices were halted, the damage done to Native cultures is still very evident.

The enactment of AIRFA was an important step taken by Congress to try to rectify the past injustice of government-sponsored religious discrimination. The Act made it the official policy of the federal government to protect Native Americans’ freedom of worship by allowing access to the sites and possession of the objects sacred to the various Tribes and necessary for those Tribes to carry out the expression of their religious beliefs.

Since the passage of AIRFA, there have been a number of additional efforts to address these historical inequities at the national level. Revision of the regulations implementing the Archeological Resources Protection Act (ARPA) and adoption of sentencing guidelines for violations of the Act have greatly strengthened penalties for those caught looting ancestral sites on public and tribal lands. The 1992 amendments to the National Historic Preservation Act (NHPA) greatly increased the ability of tribes to

protect historic cultural and sacred sites on their own lands and to be consulted about agency decision-making affecting such sites on the public lands.

In 1990, President George H.W. Bush signed the Native American Graves Protection and Repatriation Act (NAGPRA), which among other provisions, mandates the repatriation to tribes of sacred objects and objects of cultural patrimony needed for traditional religious practices. In 1996, President Clinton signed Executive Order 13007, which required federal agencies to take a more active role in the protection of Native American religious freedom by delineating a specific set of procedures that agencies must take in order to ensure the physical integrity of Indian sacred sites, as well as Native Americans' access to such sites.

SAA actively participated in the development of the ARPA regulations and NHPA amendments as well as in the development and passage of NAGPRA, and we strongly support better and more proactive implementation of AIRFA and EO13007.