

**Comments on "Has NAGPRA Helped or Hindered Relationships
Between Native Americans and Anthropologists?" by Michael J. Evans and Richard W.
Stoffle¹**

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The article on the administration of NAGPRA by Michael J. Evans and Richard W. is based on an underlying basic assumption: that consultation between those with the responsibility to carry out the provisions of NAGPRA, and the affected Native American tribes, will result in an amicable agreement acceptable to all parties. In my opinion this assumption is fundamentally flawed. The differences between the parties include:

1. Definition of those items deemed sacred;
2. The proper disposition of those objects;
3. The degree of relationship (real or imagined) between a contemporary tribe and objects obtained through archaeological excavation;
4. The threat to the continued integrity of museum collections.

Given these significant differences between the concerns of the parties involved, the assumption that consultation will resolve all the differences seems naive.

An additional concern (not expressed by Evans and Stoffle) is the nature of Congressional Intent in the passage of NAGPRA. As they state, the law was passed in order to meet the "need to address past mistakes," and "to be sensitive to Indian perceptions." However, we must ask -- did Congress recognize that the inclusion of funerary offerings, either associated or non-associated, means that 60 to 70 percent of all museum archaeological collections are vulnerable to repatriation? Further, the concept that *anything* may be sacred must pose a nightmare to museum curators. I believe that Congress intended repatriation to include human remains and a relatively limited number of ceremonial objects. Otherwise, we must assume that congress intended to gut museum collections nationwide.

If my assumption concerning the limited intent of Congress is correct, then it follows logically why limited funding has been provided for the inventory,

cataloguing, travel and per diem needs necessary for repatriation.

In conclusion, Evans and Stoffle state that "NAGPRA has changed the relationships between the Native Americans and anthropologists." They further stat that "new and more positive relationships have emerged."

I cannot agree with their assessment. In my opinion NAGPRA has only highlighted the differences between the parties involved.

Notes

1. The article first appeared in Volume 17, Number 1 of the High Plains Applied Anthropologist.

2. James J. Hester is a professor emeritus at the University of Colorado, Boulder.