

Wednesday, July 20, 2005

Senator John McCain, Chairman  
Senate Committee on Indian Affairs  
United States Senate  
836 Hart Office Building  
Washington, D.C. 20510  
FAX (202) 224-5429

Dear Senator McCain:

We are writing to you and members of the Committee on Indian Affairs to express our opposition to the proposed amendment to add the words "or was" to the definition of Native American in the Native American Graves Protection and Repatriation Act (NAGPRA). Our interest in this issue is based on more than 50 years of cumulative service as professors of anthropology, and more than 30 years devoted to research on the ancient prehistory of the New World.

To add these two words "or was" to NAGPRA's definition of Native Americans presumes that any and all prehistoric human remains recovered in North America, regardless of their antiquity, are direct ancestors of living Native Americans and therefore should be subject to repatriation under NAGPPRA rules. No provisions are proposed which would require scientific verification that newly discovered remains are representative of this lineage.

The presumption that all prehistoric biological and cultural remains represent evidence of Native American inhabitants appeared at one time to be compatible with the popular view that the first inhabitants to enter the New World arrived around 11000 to 12000 years ago from Northeast Asia by way of a presumably passable land bridge which connected Northeast Asia and North America at that time. Living Native American's strong biological similarities to Northeast Asians documents that they recently shared a common ancestor, and that their arrival in the New World was a recent event. Regarded as specialists in hunting mega fauna of the last Ice Age, the colonists, originating in Northeast Asia, were thought to have spread throughout the Americas in less than 1000 years. Adding the words "or was" to the NAGPRA definition of Native American would canonize this view, and would preclude the possibility of verifying the alternative view that Native Americans were not the only colonizers of the New World, nor the first colonizer.

Mounting evidence over a wide variety of research avenues has developed which challenges the traditional interpretation of North American early prehistory. Studies of ancient human remains, whose discoveries have been accidental and unanticipated, have documented their distinctiveness from living Native Americans and the Northeast Asian ancestors, and their closer similarities to peoples of central and southern Asia, and peoples of the south Pacific rim. Additionally, there has been a steady accumulation of evidence that the earliest peoples in the New World arrived earlier than previously believed, and that the peopling of the Americas involved different groups of peoples entering the New World at different times and by different pathways.

Since such evidence about the origins and history of the peoples who have populated the New World is recent, studies are still in the preliminary stages, and questions are arising at a faster rate than are answers. What is clear, however, is that there is substantial, verifiable evidence that the peopling of the New World was far more complex than previously thought. When we view the colonization of the Americas during historic times this complexity of process is readily apparent. Our heritage has been enriched as North America became the homeland for peoples from many regions of the world. We are coming to understand that human kind's settlement throughout other regions of the world has followed complex pathways, and it is becoming apparent that peopling of the New World during prehistoric times was also complex.

Amending NAGPRA to redefine the meaning of Native American to include all present and past indigenous peoples of North America is not consistent with known evidence and would preclude the possibility of establishing a true understanding of the peopling of the Americas. This amendment would deny the role that other peoples may have played in the colonization of the last continent to become home to humankind.

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