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Reflections on Native American Cultural Rights and Resources

W. ROGER BUFFALOHEAD

The carriers of cultural tradition have been the unsung heroes and heroines of Native American history. Seldom in the historical spotlight, these ordinary community members somehow managed to pass cultural traditions to the next generation, despite the political and cultural oppression surrounding their lives. We rarely read about their extraordinary accomplishments, and we know little about their motivation except that they were powerfully moved by their cultural experience to keep what they could of it alive. What survives of native heritage we owe to them—the "cultural sovereignty activists"—who believed that the death of the culture also meant the death of the people. Without their efforts, much of what is happening today to preserve and develop native culture and win respect for and protection of native cultural rights and resources would not be possible.

In the past, United States policies with respect to Indian cultural rights and resources reflected the interests and assumptions of the larger society. These policies fluctuated between deliberate attempts to destroy Indian culture and efforts to use Indian language and culture as a foundation for eventual assimilation into American life. Accepting the widespread belief in the nineteenth and early twentieth centuries that Indian culture was destined to disappear from the American scene, museum professionals, academics, government officials, and many Americans assumed that Indians possessed few, if any, cultural rights that needed to be

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recognized or respected. Similarly, Indian cultural resources were viewed as part of the public domain, for scientific study and educational purposes. As a result, collections of Indian human remains, funerary objects, sacred materials, and other cultural items came into the possession of cultural, educational, and governmental institutions, often without the knowledge or consent of native communities. However much these practices resulted in the preservation of Indian culture that might otherwise have been lost, another reality intervened—that Indian cultures changed over time rather than disappearing, and Indian tribes survived into the present century as legal and political entities with a legitimate interest in native cultural rights and resources.

In the last twenty-five years or so, Native Americans have made significant progress at the national and local level in reasserting their cultural rights and winning protection for their cultural resources. The Indian repatriation movement deserves much of the credit for bringing about long-overdue changes in national attitudes and policies towards native heritage. In place now are the National Museum of the American Indian Act of 1989 and the Native American Graves Protection and Repatriation Act of 1990, as well as a host of state laws extending various kinds of protection to Indian graves.

The establishment of the National Museum of the American Indian on the mall in Washington, D. C., along with a satellite museum in New York City, means that Indian heritage has finally joined the family of world cultures as an equal member. Although still in the planning and development stage, the museum will showcase native ideas, contributions, and cultural diversity. It also will provide educational and cultural programs designed to share the native heritage with the public, both nationally and worldwide.

In a similar manner, the recent federal repatriation legislation is an acknowledgment that Indian nations and tribes possess political and cultural rights that the larger society must respect and consider in order to reconcile the past and safeguard the present and future. The Native American Graves Protection and Repatriation Act, along with the repatriation agreement with the Smithsonian Institution, establishes policies and procedures to govern the return of Indian human remains, funerary objects, and sacred materials and to strengthen and broaden the scope of existing laws protecting Indian cultural resources. Again, although the outcomes of these initiatives are yet to be realized, the promise of

cultural equity for American Indians has never been greater. Equally important, the notion that Indian culture eventually will disappear seems to be fading gradually from American thought.

The Native American struggle for cultural equity in the United States, however, now faces an even greater challenge. Although most Americans believe that Indians have the same religious freedoms as other Americans, this is not always the case. As a result of previous land policies and the seeming inability of the larger society to comprehend the nature of Indian religions, there are several major constraints surrounding Indian religious freedom that still need to be resolved.

Among the most important of these Indian religious freedom issues are the return of sacred land and sites essential to the functioning of Indian religious beliefs and practices; Indian access to and use of flora and fauna protected by federal law and international agreements; and, because of a recent Supreme Court decision that threatens Indian religious freedom, equal protection for the religious beliefs and practices of the Native American Church. These issues are too complex to be discussed here, but, until they are resolved, the promise of cultural equity for American Indians will remain only a promise. Currently, legislative remedies for these problems are being pursued by native groups and other Americans who support their quest for religious freedom.

If cultural equity for Indians poses a challenge for the nation, cultural integrity is an equally difficult challenge facing Indian communities. Because of growing public interest in Native American culture and because of changes over time in Indian societies, cultural issues have become controversial throughout Indian Country. These issues range from "ethnic fraud"—Indian impostors in all walks of life—to the hucksterism of native culture for profit, to growing tensions between traditional and contemporary-oriented community members over the direction of Indian political, economic, and social life. In the resolution of these issues, Indian nations and tribes should be the final arbiters of cultural authenticity and, according to their own needs, should determine cultural directions for the growth and development of their communities. Anything short of self-determination cannot be described as cultural integrity or cultural sovereignty.

A combination of factors accounts for the astonishing success of Native Americans in changing national policies towards their cultural rights and resources. After nearly five hundred years of cultural misunderstanding, Indians are saying enough is enough.

In the larger society, there is a growing awareness and acceptance of cultural diversity and its significance in American political, economic, and social life. Perhaps American Indians and American society can achieve cultural coexistence and transcend the past with mutual respect, understanding, and enrichment.