

CULTURAL PROTECTION AND REVITALIZATION

Key Points:

- The federal government should require its employees to attend a mandatory training on how to work effectively with tribal governments, and develop a comprehensive training on sacred places protection with the assistance of Native subject matter experts.
- Federal agencies must continue to support tribes and their efforts to repatriate cultural items and ancestors from museums, universities, and private collections domestically and abroad.

Federal Protection of Sacred Places:

The federal government should identify existing confidentiality standards regarding tribal sacred places, and develop actual policies and guidance to address their lack of effectiveness. To protect and ensure the confidentiality of culturally sensitive information, the federal government should develop guidance for staff to protect sacred places without requiring specific information; develop detailed guidance on applicable disclosure laws and exceptions; direct staff to explain such laws prior to collecting information; and develop an overarching policy of a presumption to protect the confidentiality of information. Additionally, Executive Order 13007 “Indian Sacred Sites” should be revised to replace the mentions of “Where appropriate,” with language stating “to the maximum extent” in the sentence referring to confidentiality. This was initially recommended by the U.S. Department of Agriculture (USDA) Office of Tribal Relations and U.S. Forest Service Draft Report to the Secretary of Agriculture USDA Policy and Procedures Review and Recommendations: Indian Sacred Sites in 2011.

Repatriation of Cultural Items and Ancestors:

Every tribe has certain protocols for the burial of sacred ceremonial items and ancestors. However, many of these sacred items and the remains of ancestors continue to be held in repositories around the world. The federal government must assist tribes in the repatriation of these items to ensure that these items and ancestors receive the proper cultural care and ceremonies for returning home. The Native American Graves and Repatriation Act (NAGPRA) must receive increased funding to address the severe backlog of tribal requests to repatriate items from museums, universities, and private repositories. Also, the Department of the Interior, Bureau of Indian Affairs, and the National Park Service must move forward immediately with the issuance of a final rule on 43 CFR § 10.7 regulations. Adoption of Section 10.7 of the NAGPRA regulations would implement the provisions of NAGPRA regarding disposition of unclaimed Native American human remains and other cultural items discovered and collected on federal lands since November 16, 1990.

Removal of “Indian” Themed Mascots, Logos, and Names:

The Secretary of Education should eliminate race-based “Native” logos, mascots, and names from state educational institutions, especially those receiving federal funds. The Secretary of Education should also issue guidance to schools regarding the history of these mascots, logos, and names, and how these practices have led to bullying Native students. Additionally, in coordination with other federal entities, the Secretary of Education should conduct further listening sessions to gather information on the use of “Native” themed mascots, logos, and names. The information collected from these listening sessions should be compiled in a draft conclusion and recommendations document and shared with tribes for further input.

An Executive Order should also be issued to ban the display of racist paraphernalia in the federal workplace. The racist and denigrating name and logo of the Washington NFL team – and other sports franchises that denigrate Native peoples – have no place in federal government agencies and personnel activities including displays on walls or wearing of paraphernalia and clothing by federal agency employees or contractors. The American Indian and Alaska Native employees in federal service should not have to confront racist and offensive images in the workplace. As the nation’s largest employer, a ban on racist sports images in the workplace by the federal government would set an example for other employers to follow. In particular, the Departments of Justice and Education share the important responsibility of ensuring that students are protected from discrimination, harassment, and bullying in our nation’s schools. For Native youth, racist sports images can create a hostile environment that negatively impacts their self-esteem.

World Conference on Indigenous Peoples: On September 22-23, 2014, the United Nations (UN) hosted the World Conference on Indigenous Peoples (WCIP). The WCIP included over 1,000 indigenous representatives from all over the world, as well as all 193 UN member countries. The purpose of the WCIP was for members of the UN and indigenous peoples to discuss implementation of the Declaration on the Rights of Indigenous Peoples.

Tribal governments were advocating for four key priorities to be addressed at the World Conference: (1) establishing an appropriate status for Indigenous governments at the UN; (2) creating a UN mechanism to monitor and promote implementation of the Declaration; (3) adopting measures to prevent violence against Indigenous women and children; and (4) protecting sacred places and objects.

During the opening session of the WCIP, the UN General Assembly adopted an Outcome Document that provides for concrete and action-oriented measures to implement and achieve the objectives of the United Nations Declaration on the Rights of Indigenous Peoples. The Outcome Document addresses all four tribal priorities in one form or another.