

**Testimony of Russell Begaye
President
Navajo Nation**

Before the United States Senate Committee on Indian Affairs

**Oversight Field Hearing:
*The Theft, Illegal Possession, Sale, Transfer and Export of Tribal Cultural Items***

Tuesday, October 18, 2016
Indian Pueblo Cultural Center
2401 12th Street NW
Albuquerque, NM 87104

Good morning Chairman Udall and members of the committee.

My name is Russell Begaye. I am president of the Navajo Nation. I want to thank the Committee, Chairman Barrasso, Senator McCain, and Senator Udall for holding this field hearing on an important matter that affects all of Indian Country.

The Navajo Nation has been entrusted with the protection of funerary objects, sacred objects and objects of cultural patrimony since the beginning of time. As president of the Navajo Nation, I take this responsibility very seriously.

This is not just my responsibility as president of the Navajo Nation. I am humbled to share the sacred responsibility with our past leaders, our cultural teachers, and the medicine people who lead our ceremonies and our sacred prayers. We believe that through their practice and use of some of our sacred objects, they restore balance, health, and spirituality and bring us together as a community. These objects are also central to the identity of the Navajo people. They are critical to our future as a people. They are as important as our language, as important as the four sacred Navajo mountains and as important as this land that we have lived on since time immemorial.

Past leaders and traditional healers have worked tirelessly behind the scenes for decades for the return of our cultural patrimony. They have raised awareness of the importance of these issues to the world. We have a responsibility to them to continue the protection of our identity.

The United States government, Native American cultural and political leaders and the academic world have introduced many pieces of landmark legislation in the past hundred years to provide protections for not only the benefit of the Navajo Nation, but for Indian Country as a whole. We are thankful for these efforts. From time to time, we must revisit these cultural protection laws based on current world events, changing technological times and add protections that were unseen at the time these laws were enacted.

We are here to improve upon the body of cultural resource protection law, domestically and internationally.

As president of the Navajo Nation, I am in full support of federal and legislative measures that address the illegal sale and trafficking of Native American cultural patrimony. We thank lawmakers and administration officials for their leadership and support on these matters. We look forward to the Government Accountability Office's report on how the federal government currently investigates the theft and sale of tribal items and what reforms can be made to further prevent this practice in the future that will begin in early 2017.

Before cultural resource protection laws were enacted, thousands of objects of cultural patrimony were taken, stolen and sold by people who had no right to sell them to European traders, collectors, museums and academic institutions. We recognize that the Western European concept of art, archeology, anthropology and government encompasses a view of cultural patrimony as objects to be studied and admired for intellectual gain. There are professors who have spent their entire careers studying us and entire departments devoted toward teaching other students about us.

However, these objects of cultural patrimony are not like the Western European concept of icons and statuary that are found in your churches, displayed in your museums or sold at auction or traded on the black market. These sacred objects are not to be studied, hung on walls to be admired or cataloged and placed in storage bins in annexes across the world. They were and are constructed to maintain our sacredness and the wholeness of our people. Without them, we are not a whole people. We believe this contributes to the societal problems that we have experienced and endured since they left the four sacred mountains. The levels of our current societal ills were never seen until these cultural objects have left our presence. With each return of cultural items that belong to the Navajo people, we believe they restore our balance. They restore our harmony.

In addition, museum curators, scientists and collectors do not have the inherent knowledge to care for them in a sacred way. Only medicine people know how to care for these objects in a sacred way and to use them in the way they were meant to be used, in our ceremonies to help restore balance and heal our people. In some cases, they are returned to nature within our four sacred mountains in a way known only to our medicine people.

It is unfortunate that we as a sovereign tribal nation face difficulty in utilizing current U.S. laws to protect our sacred objects and remains within the jurisdiction of international states. As such, we request Congress and the federal government to join together diplomatically and through passage of legislation to enhance protection and repatriation of our human remains, funerary objects, sacred objects and objects of cultural patrimony. These laws must have timelines, unambiguous definitions, defined roles and teeth to enforce their compliance.

The Navajo Nation has firsthand experience in repatriation of our sacred Navajo masks from an auction house in Paris France. While we were successful in the return of these living and breathing beings, it was a difficult endeavor mainly because France does not provide the legal protections and repatriation for these objects. The French people and their government also did not understand our view that these objects are sacred and were not created to hang on walls or in museums as art. France equates our interest in return of these objects as a religious issue,

however they do not also take it into consideration that they are part of the identity of our people to exist. Other nations likely take a similar view. As such, we must educate all about these issues – not just the French people but also the European Union and other nations harboring our sacred objects and objects of cultural patrimony.

Our sacred artifacts and cultural items are an important part of the Navajo culture and beliefs. They provide us a sense of who we are and provide us sustenance for our physical, emotional and spiritual well being. This is why we consider these important in protecting and we will continue to work to protect these items and their rightful return to us.

We commend the House and Senate for passing the PROTECT Patrimony Resolution, H. Con. Res. 122. We look forward to the House passing the amended concurrent resolution that will ultimately send a powerful international message by our lawmakers about the importance of protecting Native American cultural patrimony.

We look forward to working with Congress and the administration to enact current measures including the Safeguard Tribal Objects of Patrimony Act, S 3127, a bill to prohibit the exporting of sacred Native American items and increase penalties for stealing and illegally trafficking tribal cultural patrimony.

By passing these cultural protection laws, Congress will take another step in making history in its endeavor to make the Navajo Nation and all tribes across the country whole after experiencing the erosion of their cultural identities. Congress has the opportunity to contribute to our hózhó, the beauty way of our life. We urge you to take advantage of this opportunity. The Navajo Nation and Indian Country are grateful for your service and long-term vision and wisdom on this matter. Thank you.