



# USET

SOVEREIGNTY PROTECTION FUND

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## USET SPF Resolution No. 2019 SPF:001

### **SMITHSONIAN NATIONAL MUSEUM OF NATURAL HISTORY REPATRIATION POLICY**

- WHEREAS,** United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) is an intertribal organization comprised of twenty-seven (27) federally recognized Tribal Nations; and
- WHEREAS,** the actions taken by the USET SPF Board of Directors officially represent the intentions of each member Tribal Nation, as the Board of Directors comprises delegates from the member Tribal Nations' leadership; and
- WHEREAS,** the Smithsonian Institution, National Museum of Natural History (NMNH) and National Museum of the American Indian (NMAI) are required by Federal statute to consult with Tribal Nations regarding human remains and funerary objects held in their possession; and
- WHEREAS,** the NMNH is subject to the repatriation provisions of the National Museum of the American Indian (NMAI) Act, as amended, 20 USC § 80q; and
- WHEREAS** the NMNH must, to the greatest extent practicable, apply, with respect to such human remains and funerary objects, the principles and procedures set forth in sections 80q-9 and 80q-10 of the NMAI Act with respect to the Native American human remains and Native American funerary objects in the possession of the Smithsonian Institution; and
- WHEREAS,** the NMAI Act requires the Smithsonian Institution to repatriate Native American ancestors to modern day Tribal Nations; and
- WHEREAS,** the NMNH does not provide any policy guidance for culturally unidentifiable human remains, even in cases where the NMNH has failed to appropriately document the provenance of their collections; and
- WHEREAS,** the NMNH Repatriation Policy fails to meet the spirit of the NMAI Act by imposing an undue burden of proof of cultural affiliation on claiming Tribal Nations, by failing to ensure a fair and objective consideration and assessment of all evidence, and by enacting a rigid dispute resolution policy that is not required by the NMAI Act (20 USC § 80q-10(3)); and
- WHEREAS,** In December 2010, the United States recognized the rights of its First Peoples through its support of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), whose provisions and principles support and promote the purposes of this resolution; therefore, be it
- RESOLVED** the USET SPF Board of Directors call upon the Smithsonian National Museum of Natural History to revise its repatriation policy to include provisions for the repatriation of culturally unidentifiable human remains; and be it further
- RESOLVED** the USET SPF Board of Directors urges the National Museum of Natural History to adapt its repatriation policy to consider similar lines of evidence as accepted by the National Museum

of the American Indian Repatriation Policy and the Native American Graves Protection and Repatriation Act including but not limited to a Tribal Nation's relationship to the ancestral, historic, or aboriginal territories from where the human remains were collected; and be it further

**RESOLVED** the USET SPF Board of Directors urges the National Museum of Natural History to revise its dispute resolution process to work with Tribal Nations more respectfully and engage in meaningful consultation to resolve the disposition of our ancestors.

### CERTIFICATION

This resolution was duly passed at the USET SPF Annual Meeting held on the Sovereign Territory of the Seneca Nation of Indians, at which a quorum was present on October 11, 2018.



Chief Kirk E. Francis, Sr., President  
United South and Eastern Tribes  
Sovereignty Protection Fund



Chief Lynn Malerba, Secretary  
United South and Eastern Tribes  
Sovereignty Protection Fund

*Because there is Strength in Unity*