



## United South and Eastern Tribes, Inc.

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### **USET Resolution No. 2012:028**

## **OPPOSITION TO MASSACHUSETTS BILL S. 2053 ENTITLED “AN ACT RELATIVE TO CERTAIN PROJECTS REFERRED TO THE MASSACHUSETTS HISTORICAL COMMISSION FOR CONSULTATION”**

- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of twenty-six (26) federally recognized Tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member Tribe, as the Board of Directors comprises delegates from the member Tribes' leadership; and
- WHEREAS,** the USET Board of Directors is deeply concerned with Massachusetts Bill S.2053 (S. 2053) entitled “An Act relative to certain projects referred to the Massachusetts Historical Commission for Consultation” that, in part, states that “[i]f a determination of adverse effect has been made on any property, site or structure not listed in the state register of historic places, the state body undertaking the project or the private entity proposing the project shall consider, but need not adopt, the commission’s recommendations to eliminate, minimize or mitigate any adverse effects,” which would have the effect of removing current regulatory protections from certain lands in Massachusetts; undermining the effectiveness of the Tribes historic preservation efforts and potentially impacting consultation under Sec 106 NHPA 36 Part 800; and
- WHEREAS,** on January 24, 2012, Cedric Cromwell, Tribal Council Chairman of the Mashpee Wampanoag Tribe (the Tribe), and Bettina Washington, Tribal Historic Preservation Officer and Staff of the Wampanoag Tribe of Gay Head Aquinnah, USET member Tribes, submitted testimony strongly opposing S.2053; and
- WHEREAS,** Chairman Cromwell’s testimony pointed out that S.2053 was drafted with the intent to exempt a specific piece of property known as Peace Haven from the protections of law that currently apply equally across Massachusetts; and
- WHEREAS,** many Wampanoag ancestors are buried at Peace Haven because the site was a large encampment, an area of great historical, cultural, archeological and spiritual significance. Such sites are of enormous personal and spiritual significance to the Tribes and the Wampanoag Nation, who attach cultural and spiritual significance to Peace Haven; and
- WHEREAS,** for hundreds of years the graves and sacred sites and archeological evidence of our ancestors, The Native Peoples of these lands, have been desecrated and or destroyed; and
- WHEREAS,** the federal government and some state governments have rightfully enacted laws and regulations that would protect and preserve the final resting places of our ancestors and our places and objects of spiritual or cultural significance; and

**WHEREAS,** the USET Board of Directors recognizes that both Federal, under the Native American Graves Protection and Repatriation Act of 1990, 25 U.S.C. 3001 et seq., as amended, and Massachusetts law, under the Massachusetts Unmarked Burial Law, Mass. G.L. Chapter 7, §38A, express clear policies that Native American human remains, funerary objects, sacred objects and objects of cultural patrimony are of extreme importance and should be protected; and

**WHEREAS,** this action will potentially open the door for the desecration and destruction of our sacred places and further the erosion of tribal rights to protect and preserve these places and objects of significant cultural and spiritual importance; and

**WHEREAS,** this action may also lead to limiting the authority of the State Historic Preservation Office to effectively hold accountable the project proponents from breaking these protectionary laws; therefore, be it

**RESOLVED** the USET Board of Directors fully and actively opposes S.2053, specifically where, if implemented, would affect and impact sites that are historically, archeologically and spiritually important to the Tribe, in particular human remains, funerary objects, sacred objects and objects of cultural patrimony; and, be it further

**RESOLVED** the USET Board of Directors calls upon the Massachusetts General Court and the Massachusetts Joint Committee on State Administration and Regulatory Oversight to reject any attempt to undermine the spirit and intent of the protection of law for human remains, funerary objects, sacred objects and objects of cultural patrimony, which are essential elements of the historical and cultural identity of Massachusetts.

#### CERTIFICATION

This resolution was duly passed at the USET Impact Week Meeting, at which a quorum was present, in Arlington, VA, on Thursday, February 16, 2012.



Brian Patterson, President  
United South and Eastern Tribes, Inc.



Brenda Lintinger, Secretary  
United South and Eastern Tribes, Inc.

*“Because there is strength in Unity”*