



United South and Eastern Tribes, Inc.

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USET Resolution No. 2013:014

SUPPORTING THE DEVELOPMENT OF POLICIES/PROCEDURES IN STATES THAT DO NOT CURRENTLY WORK WITH NATIVE AMERICAN TRIBES TO PROTECT NATIVE REMAINS AND BURIAL GROUNDS

- 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 Seneca Nation of Indians (Nation), a federally-recognized, self-governing Indian Tribe, is located within its aboriginal territory in Western New York; and
- WHEREAS,** in the mid- to late 18th century, a confederation of Iroquois Indian bands, including the Seneca, relocated west from throughout the Northeast, to escape encroachment by the colonists; and
- WHEREAS,** during the American Civil War, much of the Northeast Indian Territory became a battleground, with some Senecas fleeing to Kansas for safety and many Senecas remaining on their original territories protected by treaties signed by the Chiefs and the United States government preserving Seneca rights and privileges on aboriginal lands; and
- WHEREAS,** in 2010, during construction of a new state building in Logan, WV, human remains were found and identified as Seneca; and
- WHEREAS,** archaeological investigations were conducted twice during the project and found the location to be a late prehistoric village and burial ground; and
- WHEREAS,** the state merely required construction to be halted while the remains were removed and identified, at which point construction resumed; and
- WHEREAS,** what was initially believed by the state to be just a few small burial pits resulted in the discovery of more than 41 burials; and
- WHEREAS,** because this was a state-funded construction project, it did not require federal permits and the Native American Graves Protection and Repatriation Act (NAGPRA), which provides a process to return certain Native American cultural items including human remains, funerary objects, sacred objects, or objects of cultural patrimony to their lineal descendants, did not apply; and
- WHEREAS,** West Virginia has a policy governing the protection of human and skeletal remains but does not have any policy or procedure for the handling and treatment of Native remains. As a result, each remain was extracted instead of halting the construction project permanently due to the discovery of a burial ground; and

- WHEREAS,** while many states prohibit destroying, altering, or impairing a cemetery or burial ground other states require consultation with a Native American Tribe or inclusion on the state's Native American or Heritage Commission or Advisory Council; and
- WHEREAS,** the Seneca Nation of Indians is a USET member; therefore, be it
- RESOLVED** the USET Board of Directors fully and actively supports the Seneca Nation's efforts to work with the state of West Virginia to protect Native remains and burial grounds; and, be it further
- RESOLVED** the USET Board of Directors strongly encourages the state of West Virginia to use this experience as an opportunity to implement policies and procedures to handle the treatment of Native American remains and to establish a Commission or Advisory Council that includes Native Americans and consults with Native American Tribes.

CERTIFICATION

This resolution was duly passed at the USET Impact Week Meeting, at which a quorum was present, in Arlington, VA, on Thursday, February 7, 2013.



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



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

“Because there is strength in Unity”