



United South and Eastern Tribes, Inc.

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USET Resolution No. 2016:042

REQUEST FOR THE ANCIENT ONE TO BE RETURNED TO THE CLAIMANT TRIBAL NATIONS FOR PROPER REBURIAL

- WHEREAS,** United South and Eastern Tribes SPF (USET SPF) is an intertribal organization comprised of twenty-six (26) 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,** USET SPF Tribal Nations are dedicated to enhancing the development of federally recognized Tribal Nations, to improving the capabilities of Tribal governments, and to assisting the USET SPF member Tribal Nations in dealing effectively with public policy issues and in serving the broad needs of Indian people; and
- WHEREAS,** the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of USET SPF; and
- WHEREAS,** in July 1996, the skeletal remains of a human being were discovered on lands owned by the Army Corps of Engineers in the Columbia River near Kennewick, Washington; and
- WHEREAS,** archeologists who have studied the remains, often referred to as the Kennewick Man – but referred to by the Indian people of the region as the Ancient One – and determined that they are approximately 9,000 years old; and
- WHEREAS,** six years earlier in 1990, the Congress enacted the Native American Graves Protection and Repatriation Act (NAGPRA) to remedy the unfortunate practices of the non-Indian society toward the remains of Indian people and disregard of the cultural and religious beliefs of Native American people about the treatment of their long-deceased ancestors; and
- WHEREAS,** when the Ancient One was found, the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Colville Reservation, the Nez Perce Tribe and the Wanapum Tribe (“claimant Tribal Nations”) requested that the Ancient One be repatriated pursuant to the provisions of NAGPRA, so that he could be properly buried pursuant to the strongly-held beliefs and customs of those Tribal Nations; and
- WHEREAS,** after what the Department of the Interior (DOI) in 2000 termed a “thorough process of scientific examinations and investigations... involving world-class experts,” the DOI determined that the remains were culturally-affiliated with the claimant Tribal Nations and resolved to return those remains to said Tribal Nations; and

- WHEREAS,** other scientists, determined to study the remains and knowing that to do so would require a determination that NAGPRA didn't apply, made the argument that the remains were not American Indian, and challenged the DOI's findings in Federal District Court; and
- WHEREAS,** those scientists prevailed in court and have now been studying the Ancient One for 20 years, including destructive analysis of skeletal parts and, in doing so, causing great concern to many Indian people who believe that that his spirit cannot rest until he is buried in a culturally-appropriate manner; and
- WHEREAS,** more recent studies, including one by Dr. James Chatters the anthropologist, archaeologist, and paleontologist who first studied the Ancient One when he was initially exhumed, have now concluded that the Kennewick Man is ancestral to contemporary Indian tribes; and
- WHEREAS,** on June 18, 2015, Dr. Eske Willerslev, the world renowned director for GeoGenetics, at the University of Copenhagen in Denmark, released his long-awaited study of DNA sampling of bones of the Ancient One and concluded they do indeed come from a Native of North America and were most closely related to Tribal Nations of the Upper Columbia Plateau region - information that the Federal Magistrate Judge in Oregon did not have available when he issued his unfortunate NAGPRA-related ruling in 2002; and
- WHEREAS,** the Tribal Nations of the Northwest have repeatedly called for the return of the Ancient One so that he can be repatriated and shown the respect his remains deserve, and
- WHEREAS,** representatives of the claimant Tribal Nations of the Columbia River Plateau have been meeting regularly and agreed on a location for burial when the Ancient One is repatriated; and
- WHEREAS,** going through a lengthy, time-consuming and expensive NAGPRA process again with potentially further litigation serves no one other than attorneys and could well lead to another decade of delay, angst, and expenses; and
- WHEREAS,** the regional leadership of the Army Corps of Engineers who have the responsibility for managing the remains of the Ancient One, as they are now housed in the Burke Museum in Seattle, have indicated that they do not want to continue carrying those expenses and, if so authorized, would be pleased to return the Ancient One to the claimant Tribal Nations; and
- WHEREAS,** the claimant Tribal Nations requested the introduction of legislation or the securing of an amendment to other legislation that would direct the Army Corps of Engineers to return of Ancient One to the claimant Tribal Nations or to the state of Washington's Historic Preservation Office, which was subsequently introduced as the "Bring the Ancient One Home Act of 2015" (S. 1979 and H.R. 4131) by Senator Murray and Representative Heck, respectively; and
- WHEREAS,** the provisions of the "Bring the Ancient One Home Act" were included in the Water Resources Development Act of 2016 (S. 2848) that was approved on April 25, 2016, by the Senate Environment and Public Works Committee; and

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WHEREAS, on April 26, 2016, the Northwestern Division of the Army Corps of Engineers issued its Native American determination for the Ancient One, in which Division Commander Spellmon affirmed that, “Kennewick Man is Native American and subject to the processes and procedures outlined in the Native American Graves Protection and Repatriation Act;” ; 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

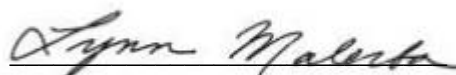
RESOLVED USET SPF urges that the Ancient One be returned to the claimant Tribal Nations for reburial, whether that repatriation is accomplished through an Act of Congress or through agency action.

CERTIFICATION

This resolution was duly passed at the USET Sovereignty Protection Fund Semi-Annual Meeting, at which a quorum was present, in Atmore, AL, May 18, 2016.



Brian Patterson, President
United South and Eastern Tribes
Sovereignty Protection Fund



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

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