



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #FTL-04-089

TITLE: Support National Tribal Meeting to Discuss NAGPRA

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, member tribes of the Affiliated Tribes of Northwest Indians (ATNI) have pursued repatriation and reburial of the Ancient One consistently since his remains were discovered on the Columbia River in July of 1996; and

WHEREAS, the Confederated Tribes of the Umatilla Indian Reservation, the Yakama Nation, the Nez Perce Tribe, the Colville Confederated Tribes and the Wanapum Band have coordinated their efforts in the administrative process as well as the litigation stages of the case, *Bonnichsen et. al. v. United States*, 96-1481JE; and

WHEREAS, member tribes of the ATNI authorized their legal counsel to appeal the Ancient One decision of August 30, 2002, because the decision was inconsistent with the Native American Graves Protection and Repatriation Act (NAGPRA) and because it created a loophole in the law which frustrated the Congressional intent behind the legislation; and

WHEREAS, member tribes of the ATNI appealed the Ancient One decision to the Ninth Circuit but were unsuccessful in overturning the District Court decision which was affirmed and remanded; and

WHEREAS, legal staff from the culturally affiliated Tribes – the Confederated Tribes of the Umatilla Indian Reservation, the Yakama Nation, the Nez Perce Tribe, the Colville Confederated Tribes and the Wanapum Band-have discussed options to participate in the litigation at the district court level and have concluded the intervention and, if necessary, appeal of the denial of intervention to the Ninth Circuit is the most effective option for addressing tribal rights and concerns in the litigation because the district court decided on August 17, 2004, “there is no basis for concluding the tribal claimants have a legally cognizable interest which entitles them to participate as parties in any further proceedings in this case;” and

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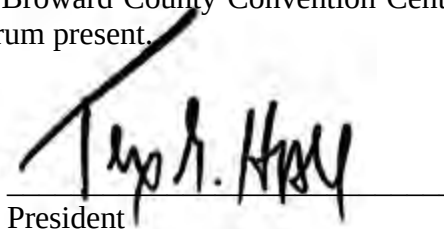
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WHEREAS, any legislative solution to the dilemma posed by the Ancient One case must be pursued with all tribes nationally, in a dialogue to address the problems of NAGPRA and those created by this litigation so that the culturally affiliated tribes are not inaccurately perceived as acting unilaterally.

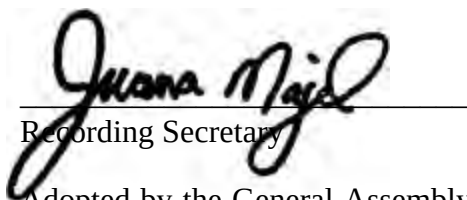
NOW THEREFORE BE IT RESOLVED, that the NCAI's Human, Religious, and Cultural Concerns Committee will work with the ATNI's Cultural Committee and other interested NCAI voting members to convene a national meeting of tribes to discuss the Native American Graves Protection and Repatriation Act.

CERTIFICATION

The foregoing resolution was adopted at the 61st Annual Session of the National Congress of American Indians, held at the Greater Fort Lauderdale/Broward County Convention Center, Fort Lauderdale, Florida on October 10-15, 2004 with a quorum present.


President

ATTEST:


Recording Secretary

Adopted by the General Assembly during the 2004 Annual Session of the National Congress of American Indians, held from October 10th to the 15th at the Greater Fort Lauderdale/Broward County Convention Center in Fort Lauderdale, Florida.