



## Affiliated Tribes of Northwest Indians

### 2007 Annual Conference Ocean Shores, Washington

#### RESOLUTION #07 – 53

#### "SUPPORTING AMENDING NAGPRA DEFINITION OF 'NATIVE AMERICAN'"

### PREAMBLE

We, the members of the Affiliated Tribes of Northwest 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 rights secured under Indian Treaties and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution:

**WHEREAS**, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

**WHEREAS**, the Affiliated Tribes of Northwest Indians is a regional organization comprised of American Indians in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

**WHEREAS**, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of Affiliated Tribes of Northwest Indians; and

**WHEREAS**, the Native American Graves Protection and Repatriation Act (NAGPRA) was enacted in 1990, in order to benefit tribes by recognizing in law our basic human rights to protect their ancestors in our usual and accustomed ways; and

**WHEREAS**, the Ninth Circuit Court of Appeals' decision in *Bonnichsen v. United States*, which addressed the repatriation of *Techaminsh Oytpamanatityt* (aka the "Ancient One" or "Kennewick Man"), has created many problems throughout Indian Country with respect to the way that others now want to implement NAGPRA; and

**WHEREAS**, in the 108th Congress, Senator Ben Nighthorse Campbell introduced S. 2843, an amendment to NAGPRA to resolve one of the problems created by the *Bonnichsen* litigation,

adding the words "or was" to the definition of "Native American", but only limited action was taken on the bill; and

**WHEREAS**, in the 109th Congress, Senator John McCain introduced S. 536, the Native American Omnibus Act of 2005, with an amendment to NAGPRA, similar to the amendment previously introduced by Senator Campbell, but this bill also did not pass; and

**WHEREAS**, these amendments to NAGPRA would have added the words "or was" to the definition of Native American, as well as the words "any geographic area that is now located within the boundaries of", so that the new definition would read:

"Native American" means of, or relating to, a tribe, people, or culture that is *or was* indigenous to *any geographic area that is now located within the boundaries of* the United States; and

**WHEREAS**, this change to the definition of "Native American" in NAGPRA would address the problems created by judicial interpretation of NAGPRA in one circuit and would restore to NAGPRA the congressional intent behind the legislation, the understandings of Native Americans in agreeing to the legislation, and the spirit of the law; and

**WHEREAS**, ATNI enacted Resolution No. 05-60 at its 2005 Annual Conference that supported the amendment to NAGPRA described above; now

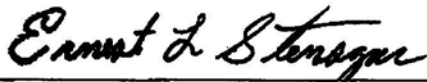
**THEREFORE BE IT RESOLVED**, that ATNI reaffirms its support for an amendment to NAGPRA to insert the words "or was" to the definition of Native American as well as the words "any geographic area that is now located within the boundaries of" so that the new definition would read:

"Native American" means of, or relating to, a tribe, people, or culture that is *or was* indigenous to *any geographic area that is now located within the boundaries of* the United States; and

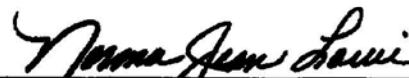
**BE IT FURTHER RESOLVED**, that ATNI supports and respectfully requests the introduction and swift passage of the above mentioned amendment to NAGPRA in the U.S. House of Representatives and the U.S. Senate.

**CERTIFICATION**

The foregoing resolution was adopted at the 2007 Annual Conference of the Affiliated Tribes of Northwest Indians, held at the Quinault Beach Resort and Casino, Ocean Shores, Washington on September 20, 2007 with a quorum present.



Ernest L. Stensgar, President



Norma Jean Louie, Secretary