



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #DEN-07-033

TITLE: Support for NAGPRA at the University of California - Berkeley

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, the Chancellor of the University of California at Berkeley has, without properly consulting with appropriate American Indian tribes, decided to discontinue the tribally approved NAGPRA unit dedicated to discharging University responsibilities to tribes under federal NAGPRA laws and regulations and has moved to place the NAGPRA program within other activities of the Phoebe Hearst Museum of Anthropology, thereby diminishing tribal participation and influence in the existing NAGPRA unit; and

WHEREAS, the needs of scientists and the scientific values of the Phoebe Hearst Museum of Anthropology's collection of skeletal material and other sacred objects must be subordinate to the religious freedom and human rights of American Indians whose ancestors and sacred cultural properties are housed in said collections; and

WHEREAS, The Great Basin Intertribal NAGPRA Coalition (30 tribes) and other tribes have vigorously opposed this action by the University of California at Berkeley; and

WHEREAS, as much as fifty percent (minimum of 5,675 biological individuals (50%) and 69,028 Associated Funerary Objects) of the Phoebe Hearst Museum of Anthropology's collections have been incorrectly declared to be culturally unaffiliated and thus not subject to tribal repatriation and NAGPRA requirements; and

WHEREAS, the decision by the Chancellor of the University of California at Berkeley places sacred American Indian skeletal remains and artifacts into the hands of University employees who are inadequately trained in the care and preservation of such sacred items according to tribal customs and traditions; and

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WHEREAS, the NCAI quotes Section C of NAGPRA; Museum means any institution, including institutions of higher learning – colleges, universities etc. or state or local government agencies that possess or has control over Native American collections (human remains or cultural items) and receives funds through grant, loan, contract or other arrangement by which Federal money or assistance is given to a museum for any purpose, are bound by the stipulations of NAGPRA; and

WHEREAS, Section 5 of NAGPRA says, “In general” each Federal agency and each museum which has possession or control over holdings or collections of Native American human remains and associated funerary objects shall compile an inventory of such items and, to the extent possible based on information possessed by such museum or federal agency, identify the geographical and cultural affiliation of such item. Requirements (1) the inventories and identification required under subsection (a) shall be (A) completed in consultation with tribal governments and Native Hawaiian organization officials and traditional religious leaders.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby strongly recommend that appropriate authorities immediately undertake a formal investigation of the Phoebe Hearst Museum of Anthropology of the University of California at Berkeley, to determine what provisions of NAGPRA and related federal requirements have been overlooked by the actions and inactions of the Phoebe Hearst Museum and the University of California, Berkeley; and

BE IT FURTHER RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

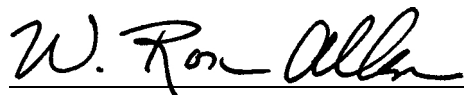
CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2007 Annual Session of the National Congress of American Indians, held at the Hyatt Regency Denver at the Colorado Convention Center in Denver, Colorado on November 11-16, 2007, with a quorum present.



 President

ATTEST:



 Recording Secretary