

## HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

### HO-CHUNK NATION LEGISLATURE IN SUPPORT OF THE NATIVE AMERICAN NAGPRA COALITION RESOLUTION 1-28-08 H

- WHEREAS,** on November 1, 1994, the Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Tribe; and
- WHEREAS,** the Ho-Chunk Nation ("Nation") is a federally recognized Indian Tribe, organized pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS,** Article V, Section 2(i) of the Ho-Chunk Nation Constitution ("Constitution") grants the Ho-Chunk Nation Legislature ("Legislature") the power to negotiate and enter into treaties, compacts, and agreements with other governments, organizations, or individuals; and
- WHEREAS,** Article V, Section 2(r) of the Constitution grants the Legislature the power to protect and foster Ho-Chunk religious freedom, culture, language, and traditions; and
- WHEREAS,** the exclusion of American Indians from the crucial processes affecting their ancestor's skeletal remains and sacred objects is a historic tragedy that should be avoided at all costs; and
- WHEREAS,** the United States government has recognized this tragedy by enacting the National Historic Preservation Act (NHPA), the Archaeological Resources Protection Act (ARPA), the Native American Graves Protection and Repatriation Act (NAGPRA), Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) which serve to protect American Indian skeletal remains and artifacts from potential harm; and
- WHEREAS,** these laws and legal directives are enacted to involve American Indians in every step of the identification, management, care and repatriation of skeletal remains and cultural artifacts; and
- WHEREAS,** the Chancellor of the University of California at Berkeley has, without proper consultation with appropriate Native American Indian tribes, discontinued a tribally approved NAGPRA unit dedicated to discharging University responsibilities to tribes under Federal laws and regulations; and
- WHEREAS,** the Chancellor has also moved to place the NAGPRA program of the University within other activities of the Phoebe Hearst Museum of Anthropology; and
- WHEREAS,** these actions diminish tribal participation and influence in the existing NAGPRA unit, which seriously threatens tribal relations already strained within the areas of repatriation and formal tribal consultation; and

#### **Executive Offices**

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**WHEREAS,** the University is non-compliant with Section 5 of NAGPRA which states, "(a) 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. (b) 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."; and

**WHEREAS,** the Nation takes great offense to the fact that the University of California at Berkeley condones placing superficial scientific values above the intrinsic moral values associated with Native American ancestors and sacred cultural properties; and

**WHEREAS,** the Nation also takes great offense that the University of California at Berkeley allows the handling of American Indian skeletal remains and artifacts by those who are inadequately trained in the care and preservation of such sacred items according to tribal customs and traditions; and

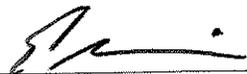
**WHEREAS,** the Great Basin Intertribal NAGPRA Coalition (30 tribes) is opposed to the actions by the University of California at Berkeley and is actively representing tribal interests in seeking the University to restore its NAGPRA program.

**NOW THEREFORE BE IT RESOLVED,** that the Legislature, pursuant to its Constitutional authority, declares that the NATION hereby acknowledges and supports the efforts of the Great Basin Intertribal NAGPRA Coalition in their efforts to reestablish the NAGPRA program that was formally in place.

**BE IT FURTHER RESOLVED** that the Legislature, pursuant to its Constitutional authority, further supports the NAGPRA Coalition in its efforts to reintroduce qualified personnel in areas that are traditionally and culturally sensitive to the needs of Native Americans associated with and required by NAGPRA.

**CERTIFICATION**

I, the undersigned as Tribal Secretary of the Ho Chunk Nation, hereby certify that the Legislature of the Ho Chunk Nation, composed of **11 members** of whom **9** constituting a quorum were present at a meeting duly called and convened and held on the **28th day of January, 2008**, that the foregoing resolution was adopted at said meeting by and affirmative vote of **8 members, 0 opposed, 1 abstaining**, pursuant to the authority of Article V, section 2 (a) and (x) of the Constitution of the Ho Chunk Nation approved by the Secretary of the Interior on November 1, 1994 and that said resolution has not been rescinded or amended in any way. I further certify that this is a verified copy of said resolution.

  
Elliott Garvin, Tribal Secretary

1-28-08  
Date