



# HO-CHUNK NATION LEGISLATURE

*Governing Body of the Ho-Chunk Nation*

## HO-CHUNK NATION LEGISLATURE REQUEST FOR THE UNIVERSITY OF CALIFORNIA TO COMPLY WITH NAGPRA AND OTHER FEDERAL REQUIREMENTS RESOLUTION 1-28-08 I

- 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(a) of the Ho-Chunk Nation Constitution ("Constitution") grants the Ho-Chunk Nation Legislature ("Legislature") the power to make laws, including codes, ordinances, resolutions, and statutes; 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 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) and similar relevant legal directives require the University of California at Berkeley (Phoebe Hearst Museum) to protect American Indian skeletal remains and artifacts from potential harm; and
- WHEREAS,** these legal directives also require the University of California at Berkeley to involve American Indians in every step of the identification, management, care and repatriation of skeletal remains and cultural artifacts believed to be American Indian in origin; and
- WHEREAS,** the NAGPRA defines a museum as "any institution or State or local government agency (including any institution of higher learning) that receives Federal funds and has possession of, or control over, Native American cultural items."; and
- WHEREAS,** the NAGPRA requires that a museum, such as the University of California at Berkeley Phoebe Hearst Museum, must follow the requirements of NAGPRA; and
- WHEREAS,** Section 5 of NAGPRA 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."
- WHEREAS,** the chancellor of the University of California at Berkeley has, without proper consultation with appropriate American Indian tribes, decided to discontinue a tribally approved NAGPRA unit dedicated to discharging University responsibilities to tribes under Federal NAGPRA laws and regulations; and

### Executive Offices

W9814 Airport Road P.O. Box 667 Black River Falls, WI 54615  
(715) 284-9343 Fax (715) 284-3172 (800) 294-9343

**WHEREAS,** the Chancellor has moved to place the NAGPRA program under 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,** Tribal NAGPRA committees (Great Basin Intertribal NAGPRA and Wisconsin Intertribal Repatriations Committee) 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

**NOW THEREFORE BE IT RESOLVED,** that the Ho-Chunk Nation Legislature, pursuant to its Constitutional authority, strongly urges the University of California, to take immediate action in order to comply with 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) and similar relevant legal directives that are in place to protect Native American collections of human remains along with any associated funerary objects that are housed within facilities under its authority.

**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