

Committee: Education & Culture  
Date: 05-05-08 Committee Date: 05-13-08

Author: \_\_\_\_\_  
Sponsor: Councilor Cara Cowan Watts

**RESOLUTION NO. 46-08**

## **COUNCIL OF THE CHEROKEE NATION**

### **A RESOLUTION IN SUPPORT OF THE NATIVE AMERICAN GRAVES AND REPATRIATION ACT (NAGPRA) PROGRAM AT THE UNIVERSITY OF CALIFORNIA AT BERKLEY**

**WHEREAS**, the Cherokee Nation since time immemorial has exercised the sovereign rights of self-government in behalf of the Cherokee people;

**WHEREAS**, the Cherokee Nation is a federally recognized Indian Nation with a historic and continual government to government relationship with the United States of America;

**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;

**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;

**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;

**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;

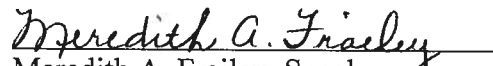
**WHEREAS**, Section C of NAGPRA states: "Museum means any institution, including institutions of higher learning – colleges, universities etc. or state or local government agencies that possess or has control over Native American collections (human remains or cultural items) and receives funds through 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";

**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.


**BE IT RESOLVED BY THE CHEROKEE NATION**, that the Tribal Council 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.

### CERTIFICATION

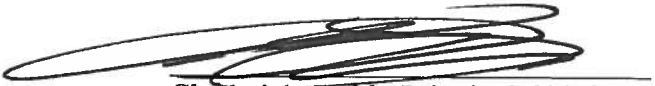
The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the 16<sup>th</sup> day of June, 2008, having 17 members present, constituting a quorum, by the vote of 17 yea; 0 nay; 0 abstaining.

  
Meredith A. Frailey, Speaker  
Council of the Cherokee Nation


**ATTEST:**

  
Don Garvin, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 23rd day of June, 2008.

  
Chadwick Smith, Principal Chief  
Cherokee Nation

**ATTEST:**

  
Melanie Knight, Secretary of State  
Cherokee Nation