



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #MSP-15-037

### **TITLE: Support for the Return of the Ancient One (AKA Kennewick Man) to the Claimant Tribes**

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**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**, in July of 1996 the skeletal remains of a human being were discovered on lands owned by the Army Corps of Engineers in the Columbia River near Kennewick, Washington; and

**WHEREAS**, archeologists who have studied the remains often referred to as the Kennewick Man – but referred to by the Indian people of the region as the Ancient One – determined that they are approximately 9,000 years old; and

**WHEREAS**, six years earlier, in 1990, Congress enacted the Native American Graves Protection and Repatriation Act (“NAGPRA”) (PL 101-601), to remedy the unfortunate practices that disregarded the cultural and religious beliefs of Native Americans and the disrespectful treatment of their long deceased ancestors; and

**WHEREAS**, when the Ancient One was found, the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Colville Reservation, the Nez Perce Tribe and the Wanapum Tribe (“Claimants”) requested that the Ancient One be repatriated pursuant to the provisions of NAGPRA so that he could be properly buried pursuant to the strongly held beliefs and customs of those tribes; and

**WHEREAS**, the Department of the Interior (“DOI”) stated in 2000, that after a “thorough process of scientific examinations and investigations... involving world-class experts” they determined that the remains were culturally affiliated with the claimant tribes and resolved to return those remains to said tribes; and

**WHEREAS**, other scientists determined to study the remains and knowing that to do so would require a determination that NAGPRA didn't apply, and said scientists made the argument that the remains were not Indian and challenged the DOI's findings in Federal District court; and

**WHEREAS**, those scientists prevailed in court and have now been studying the Ancient One for almost 20 years, including destructive analysis of skeletal parts and in doing so causing great concern to many Indian people who believe that his spirit cannot rest until he is buried in a culturally appropriate manner; and

**WHEREAS**, more recent studies, including one by Dr. James Chatters the anthropologist, archaeologist, and paleontologist who first studied the Ancient One when he was initially dug up, have now concluded that the Kennewick Man is ancestral to contemporary Indian tribes; and

**WHEREAS**, on June 18, 2015, Dr. Eske Willerslev, the world renowned director for GeoGenetics, at the University of Copenhagen in Denmark released his long awaited study of DNA sampling of bones of the Ancient One and concluded they do indeed come from a Native American of North America and were most closely related to tribes of the Upper Columbia Plateau region, which was information that the Federal Magistrate Judge in Oregon did not have available when he issued his unfortunate NAGPRA related ruling in 2002; and

**WHEREAS**, the Indian tribes of the northwest have repeatedly called for the return of the Ancient One so that he can be repatriated and shown the respect his remains deserve; and

**WHEREAS**, representatives of the Claimant tribes of Columbia River Plateau have been meeting regularly and agreed on a location for burial when the Ancient One is repatriated; and

**WHEREAS**, going through a lengthy, time consuming and expensive NAGPRA process again with potentially further litigation would lead to another decade of delay, angst, and expenses; and

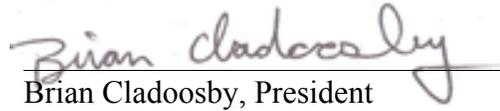
**WHEREAS**, the regional leadership of the Army Corps of Engineers who have the responsibility for managing the remains of the Ancient One as they are now housed in the Burke Museum in Seattle, have indicated that they do not want to continue carrying those expenses and if so authorized, would be pleased to return the Ancient One to the Claimant tribes.

**NOW THEREFORE BE IT RESOLVED**, that the Indian tribes of the Northwest, working through the NCAI, do hereby call on Senators Patty Murray and Maria Cantwell to introduce legislation or secure an amendment to related legislation that will direct the Army Corps of Engineers to return the Ancient One to the Claimant tribes or to the State of Washington's Historic Preservation Office so that he can be repatriated, treated in the respectful fashion that these remains deserve, and properly buried pursuant to long standing Indian practices; 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 2015 Midyear Session of the National Congress of American Indians, held at the St. Paul River Centre, St. Paul, MN, June 28 to July 1, 2015, with a quorum present.

  
Brian Cladoosby, President

**ATTEST:**

  
Aaron Payment, Recording Secretary