



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #TUL-05-117

TITLE: To Protect the Cedar Mountain/Shell Mound Site on the Tennessee River

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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, the Tennessee Valley Authority is an independent agency of the United States government with trust responsibilities for the preservation of human remains and cultural artifacts on the properties which it administers on behalf of the citizens of the United States within the guidelines of federal law and policy, and

WHEREAS, the Tennessee Valley Authority did, on August 28, 2005, in Nashville, Tennessee, declare the "Cedar Mountain/Shell Mound" site to the "surplus property"; and

WHEREAS, numerous press releases in the Chattanooga, Tennessee, area have publicized the interest of a private developer in obtaining the "Cedar Mountain/Shell Mound" site for development; and

WHEREAS, there is no question that the "Cedar Mountain/Shell Mound" site contains human remains and cultural artifacts of prehistoric Muskogean origin (most probably including but not limited to Yuchi, Quassarte/Coushatta, Tuskegee, Tamathli and Coosa), as well as possible human remains and cultural artifacts of historic Cherokee origin; and

WHEREAS, the elements of the Muscogee (Creek) Nation and Cherokee Nation associated with this site were among the peoples forcibly removed to the Indian Territory (now Oklahoma) in the 1830's, and were not among portions of those Nations which escaped removal and remained in the East; and

WHEREAS, the Tennessee Valley Authority has declined to enter into a Memorandum of Agreement which is authorized representatives negotiated with authorized representatives of federally recognized tribal governments and, instead, has

entered into a Memorandum of Agreement with the State of Tennessee which it says “addresses tribal interests” but which does not contain the provisions previously negotiated with authorized representatives of federally recognized tribal governments.

NOW THEREFORE BE IT RESOLVED, that the NCAI is opposed to the declaration of the “Cedar Mountain/Shell Mound” site as surplus property, as the human remains and cultural resources on that site are not surplus to the cultures and peoples of the federally recognized tribal governments with known prehistoric and historic occupation of the site; and

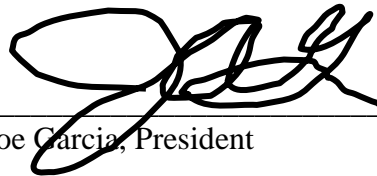
BE IT FURTHER RESOLVED, that the NCAI is opposed to the unilateral and legally insupportable decision of the Tennessee Valley Authority to dispense provisions of a negotiated memorandum of agreement with the State of Tennessee which does not and cannot represent the interests of federally recognized tribal governments and their members; and

BE IT FURTHER RESOLVED, requests an official review by the State of Tennessee, with a significant number of reviewing members selected by affected federally recognized tribal governments (most likely Muscogee [Creek], Cherokee, Chickasaw and Shawnee) and including traditional religious leaders, of its unwritten policy of conferring with self-identified native people, isolated and non-tribal descendants of native nations, and ‘state-recognized’ tribal organizations instead of a government-to-government relationship with federally recognized tribal governments and their member traditional religious leaders; and

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

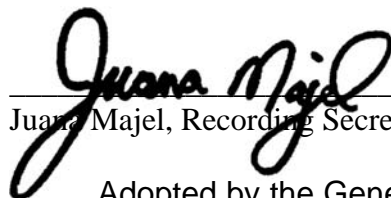
CERTIFICATION

The foregoing resolution was adopted at the 2005 Annual Session of the National Congress of American Indians, held at the 62nd Annual Convention in Tulsa, Oklahoma on November 4, 2005 with a quorum present.



Joe Garcia, President

ATTEST:



Juana Majel, Recording Secretary

Adopted by the General Assembly during the 2005 Annual Session of the National Congress of American Indians held from October 30, 2005 to November 4, 2005 at the Convention Center in Tulsa, Oklahoma.