



**RESOLUTION OF THE  
WHITE MOUNTAIN APACHE TRIBE OF THE  
FORT APACHE INDIAN RESERVATION**

**(Authorizing NAGPRA Claim against the Field Museum)**

- WHEREAS,** on May 20, 2002, the Tribe, by and through the Director of Cultural Affairs, did submit a claim to the Field Museum of Chicago for the repatriation of 33 objects of cultural patrimony belonging to the Tribe, pursuant to the Native American Graves Protection and Repatriation Act (25 U.S.C. § 3001, *et seq.*, hereinafter "NAGPRA"); and
- WHEREAS,** the Tribe's claim has received support from the Western Apache NAGPRA Working Group, recognized by Resolution No. 04-2006-108 as an association which may represent the interests of the Tribe in establishing Apache cultural affiliation under and other issues related to NAGPRA; and
- WHEREAS,** since 2002, the Tribe's representatives have sought to negotiate with the Field Museum for the repatriation of the objects, culminating in a meeting with representatives from the Field Museum in Juneau, Alaska, on May 30, 2006, at a NAGPRA Review Committee meeting; and
- WHEREAS,** a hearing on the Tribe's claim was conducted by the NAGPRA Review Committee on November 3-4, 2006, in Denver, Colorado, in which it was apparent that the Committee agreed with the Tribe's claim; and
- WHEREAS,** subsequent to the NAGPRA Review Committee hearing of November 3, 2006, Ramon Riley, the Tribe's Cultural Affairs Director, sent a letter to the Field Museum dated November 17, 2006, seeking repatriation of the claimed items, but to date, the Field Museum has not responded; and
- WHEREAS,** the NAGPRA Review Committee published its Findings and Recommendations in the Federal Register on February 7, 2007, at 72 Fed. Reg. 5738 (2007), wherein the Committee determined that the items claimed by the Tribe were items of cultural patrimony and should be repatriated by the Field Museum, because the Field Museum had no right of possession to the claimed items; and
- WHEREAS,** the facts behind the Tribe's claim include: (1) the Tribe's claim was filed with the Field Museum on May 20, 2002; (2) the Museum has made no effort whatsoever to repatriate the items since the Committee's hearing of November 3-4, 2006; (3)

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the Museum has failed to respond to Mr. Riley's letter seeking the items' repatriation; and (4) the NAGPRA Review Committee has now formally concurred with the Tribe's claim for repatriation through its Findings, yet the Field Museum remains silent on the claim; and

**WHEREAS,** based on these facts, the Museum stands in violation of NAGPRA by failing to "expeditiously return such objects, pursuant to 25 U.S.C. § 3005(a)(2); and

**WHEREAS,** in remedy, the Tribe has the options of referring the matter to the Secretary for civil penalties, or federal District Court, and can pursue both simultaneously pursuant to 43 C.F.R. 10.12(b)(1) and 25 U.S.C. § 3005; and

**WHEREAS,** the Tribal Council finds that items in the possession of the Field Museum should be repatriated as items of cultural patrimony and as sacred objects; and

**WHEREAS,** the Tribal Council further finds that the issues raised by the Field Museum's refusal to return the Tribe's items of cultural patrimony are of great and equal concern to the White Mountain Apache Tribe and the continuance of Apache culture and spiritual beliefs; and

**WHEREAS,** the Tribal Council further finds that all necessary and appropriate measures need to be undertaken by the Tribe's Legal Department in order to secure the repatriation of the items described herein, and that such action is in the best interest of the Tribe, its cultural heritage, beliefs and practices.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that:

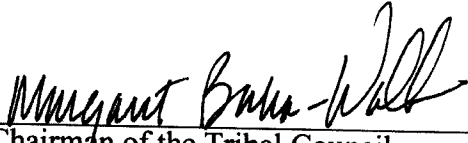
1. The White Mountain Apache Tribe hereby demands the return of the 33 items of cultural patrimony that are also sacred objects, which remain in the possession of the Field Museum, and that the return be pursuant to the Native American Graves Protection and Repatriation Act.
2. The Legal Department is hereby directed to undertake any and all necessary action to secure the repatriation of the 33 objects of cultural patrimony, as submitted in the Tribe's claim to the Field Museum of Chicago on May 20, 2002, pursuant to NAGPRA.
3. The Legal Department is further directed to coordinate with the Tribe's Cultural Affairs Director, attorneys for the Western Apache Tribes, the Western Apache NAGPRA Working Group and any other legal resources as may be appropriate and required, and report to the Tribal Council on the progress of any and all legal claims filed on behalf of the Tribe.

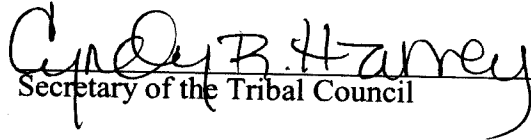
The foregoing resolution was on **APRIL 30, 2007** duly adopted by a vote of **NINE** for and **ZERO** against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (d), (f), (t) and (u) of the Constitution of the Tribe, ratified

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by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

**ACTING**

  
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Chairman of the Tribal Council

  
\_\_\_\_\_  
Secretary of the Tribal Council