



USET

SOVEREIGNTY PROTECTION FUND

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Transmitted Electronically

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The Honorable Kathy Hochul
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Dear Governor Hochul,

On behalf of the United South and Eastern Tribes Sovereignty Protection Fund (USET SPF), we write to state our unequivocal support for the signing into law of [S5701](#) and [A06724](#), "The Unmarked Burial Site Protection Act." These bills have passed both chambers of the New York State Legislature and are currently awaiting your signature to become law.

USET Sovereignty Protection Fund (USET SPF) is a non-profit, inter-tribal organization advocating on behalf of thirty-three (33) federally recognized Tribal Nations from the Northeastern Woodlands to the Everglades and across the Gulf of Mexico.¹ USET SPF is dedicated to promoting, protecting, and advancing the inherent sovereign rights and authorities of Tribal Nations and in assisting its membership in dealing effectively with public policy issues.

USET SPF has long advocated for critical protections and the repatriation of our ancestors and their funerary items to their respective Tribal Nations. We have been informed that New York is one of three states that currently do not provide legal protections for Native American burial sites, ancestral remains, and funerary items unearthed on private lands. Without these legal protections, our ancestors and their culturally sensitive and significant funeral items have experienced desecration, destruction, removal, and theft without consequence.

Because of where we are located, USET SPF member Tribal Nations, such as the Shinnecock Nation, were the first to contend with 17th and 18th-century local colonial governments and distant European nations at the onset of colonization in North America. Over the centuries we faced colonial wars, disease, and forced assimilation policies that devastated our populations and led to tremendous land loss. In the

¹ USET SPF member Tribal Nations include: Alabama-Coushatta Tribe of Texas (TX), Catawba Indian Nation (SC), Cayuga Nation (NY), Chickahominy Indian Tribe (VA), Chickahominy Indian Tribe–Eastern Division (VA), Chitimacha Tribe of Louisiana (LA), Coushatta Tribe of Louisiana (LA), Eastern Band of Cherokee Indians (NC), Houlton Band of Maliseet Indians (ME), Jena Band of Choctaw Indians (LA), Mashantucket Pequot Indian Tribe (CT), Mashpee Wampanoag Tribe (MA), Miccosukee Tribe of Indians of Florida (FL), , Mi'kmaq Nation (ME), Mississippi Band of Choctaw Indians (MS), Mohegan Tribe of Indians of Connecticut (CT), Monacan Indian Nation (VA), Nansemond Indian Nation (VA), Narragansett Indian Tribe (RI), Oneida Indian Nation (NY), Pamunkey Indian Tribe (VA), Passamaquoddy Tribe at Indian Township (ME), Passamaquoddy Tribe at Pleasant Point (ME), Penobscot Indian Nation (ME), Poarch Band of Creek Indians (AL), Rappahannock Tribe (VA), Saint Regis Mohawk Tribe (NY), Seminole Tribe of Florida (FL), Seneca Nation of Indians (NY), Shinnecock Indian Nation (NY), Tunica-Biloxi Tribe of Louisiana (LA), Upper Mattaponi Indian Tribe (VA) and the Wampanoag Tribe of Gay Head (Aquinnah) (MA).

Because there is Strength in Unity

wake of these actions, a majority of USET SPF Tribal Nations today hold only a fraction of their homelands and some remain landless. Today, many of our ancestors in our region are buried in areas of our homelands that exist outside our current Tribal Nation jurisdictional boundaries. In addition, as a result of the colonization of North America, many of these lands are privately held by non-Natives.

The primary federal law Tribal Nations have relied upon for repatriation of our ancestors and funerary items is the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC 3001, et seq.). However, due to the limitations of NAGPRA, this federal law only applies to federal lands and institutions that receive federal funding. It does not provide critical protections and repatriation processes of our unearthed ancestors and funeral items on privately owned lands. Therefore, state governments must enact laws that guarantee legal protections when our ancestors and funerary items are unearthed on private lands.

The Unmarked Burial Site Protection Act would require the cessation of all ground disturbing activities on private lands upon the unearthing of a burial ground, ancestral remains, or funerary objects, and require reporting to a local coroner. If unearthed Native American ancestral remains are more than 50 years old, then the lineal descendants or culturally affiliated Tribal Nation shall be notified and given possession. This legislation would also establish a Native American Burial Site Review Committee to provide for notice and return of ancestral remains to Tribal Nations, and would also establish criminal penalties for the violation, disturbance, or failure to report the unearthing of Native American burial locations, ancestral remains, or funerary objects. This should not be viewed as an infringement on private rights to property. Rather, this bill simply provides long overdue protections for our ancestors, their burial locations, and their funerary items.

As a matter of cultural and religious significance, we are obligated to carry out our sacred duty to protect and ensure proper protocols are respected regarding our ancestors, their burial sites, and their funerary objects. Furthermore, the enactment of legal protections for our ancestors and their funerary items is long overdue. This is a matter of fundamental human rights, moral dignity, and justice. We urge you, Governor Hochul, to sign The Unmarked Burial Site Protection Act into law so that our ancestors, their burial sites, and their sensitive and culturally significant funerary items are granted the legal protections they deserve.

Sincerely,



Chief Kirk Francis
President



Kitcki A. Carroll
Executive Director