

Seneca Nation of Indians

President - Rickey L. Armstrong, Sr.
Clerk - Bethany Johnson

**90 OHI:YO' WAY
ALLEGANY TERRITORY
SENECA NATION
SALAMANCA, NY 14779**

**Tel. (716) 945-1790
FAX (716) 945-1565**



Treasurer - Matthew B. Pagels

**12837 ROUTE 438
CATTARAUGUS TERRITORY
SENECA NATION
IRVING, NY 14081**

**Tel. (716) 532-4900
FAX (716) 532-9132**

AT THE REGULAR SESSION OF COUNCIL OF THE
SENECA NATION OF INDIANS HELD ON
JANUARY 14, 2023 AT THE SENECA ALLEGANY
ADMINISTRATION BUILDING ON THE
ALLEGANY TERRITORY, SALAMANCA, NEW
YORK, 14779.

CN: R-01-14-23-20

EXECUTIVES PRESENT:

PRESIDENT	-	RICKEY L. ARMSTRONG, SR.
CLERK	-	BETHANY A. JOHNSON
TREASURER	-	MATTHEW B. PAGELS

TO APPROVE STATEMENT DENOUNCING NEW YORK STATE GOVERNOR KATHY HOCHUL'S
VETO OF THE "UNMARKED BURIAL SITE PROTECTION ACT"

MOTION: by J. Conrad Seneca, seconded by Odie Porter, that the Seneca Nation Council accepts the following resolution:

WHEREAS, from time immemorial up to the present day, the Seneca people have lived, raised their children, and been laid to rest in the ancestral lands of the Seneca Nation; and

WHEREAS, Seneca culture and tradition places great emphasis on respecting the final resting place and remains of our ancestors, wherever they may be found; and

WHEREAS, the locations of all Seneca burials is unknown, and likely unknowable, as a direct result of forced relocation from our historic domain to our present territories; and

WHEREAS, the Seneca Nation has a moral and ethical obligation to protect our ancestors' final resting places from desecration by unscrupulous developers, vandals, and looters alike; and

WHEREAS, the Seneca Nation's ability to protect those most sacred burial sites is limited by the geographic reach of the Seneca Nation's sovereign authority; and

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- WHEREAS,** Article 11 of the United Nations Declaration on the Rights of Indigenous Peoples ("UNDRIP") recognizes the right of Native Nations to "practice and revitalize their cultural traditions and customs" which includes "the right to maintain, protect and develop the past, present, and future manifestations of their cultures, such as archaeological and historical sites" and items of cultural significance; and
- WHEREAS,** Article 12 of the UNDRIP further provides that states have a duty to "seek to enable access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent, and effective mechanisms developed in conjunction with indigenous peoples concerned[;]" and
- WHEREAS,** the State of New York is one of only a few states that does not protect unmarked burial sites and funerary objects from desecration; and
- WHEREAS,** much effort has been made by Native Nations and Native people in the State of New York to protect all human remains and funerary objects from desecration and destruction; and
- WHEREAS,** in late May and early June of 2022, both houses of the New York State Legislature unanimously passed the Unmarked Burial Site Protection Act (the "Act"); and
- WHEREAS,** the Act would have required the "cessation of all ground disturbing activities upon the discovery of a burial ground, human remains or funerary objects" and would have further required a determination of whether the remains were of Native American origin and if so, then such remains would have to be returned to the Native Nation from which they likely originated; and
- WHEREAS,** Governor Kathy Hochul used her veto power to stop the Act from becoming New York State law under the justification of protecting private property rights; and
- WHEREAS,** Governor Hochul's veto of the Act evinces a pattern of disrespect for the rights of Native Nations and Native people; and
- WHEREAS,** the Seneca Nation must formally voice its objection to Governor Hochul's veto.
- NOW, THEREFORE, BE IT RESOLVED,** that the Seneca Nation denounces Governor Hochul's veto of the Unmarked Burial Site Protection Act as it demonstrates an utter disregard for the fundamental rights of Native Nations, Native people, and all New Yorkers; and
- BE IT FURTHER RESOLVED,** that the President is hereby authorized to submit a Resolution to the National Congress of American Indians ("NCAI") and the United South and East Tribes ("USET") for their consideration and support.

ALL IN FAVOR

MOTION CARRIED

TO APPROVE STATEMENT DENOUNCING NEW YORK STATE GOVERNOR KATHY HOCHUL'S
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CERTIFICATION

I hereby certify the foregoing extract is a true and correct copy from the minutes of the Regular Session of Council of the Seneca Nation of Indians held on January 14, 2023 on the Allegany Territory, original of which is on file in the Clerk's Office of the Seneca Nation of Indians.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the seal to be affixed at the Seneca Allegany Administration Building, on the Allegany Territory, on the 16th day of January, 2023.

ATTEST:

{ S E A L }


BETHANY JOHNSON, CLERK
SENECA NATION OF INDIANS