



# BOIS FORTE Reservation Tribal Council

Box 16 ♦ Nett Lake, MN 55772 ♦ 218-757-3261 ♦ FAX 218-757-3312

**Chairman**  
Kevin W. Leecy

**Secretary-Treasurer**  
David C. Morrison, Sr.

**Council Members**  
Ray Villebrun, Sr.  
Kevin A. Strong

**Executive Director**  
Barb Brodeen

November 7, 2005

John L. Nau, III  
Chairman  
Advisory Council on Historic Preservation  
1100 Pennsylvania Avenue N.W.  
Suite 809  
Washington, DC 20004

Re: Policy on Treatment of Human Remains

Dear Mr. Nau:

This is in response to your letter of September 9, 2005, inviting comments on the ACHP's consideration of a new policy on the treatment of human remains.

The Bois Forte Band supports the Council's consideration of a policy that recognizes the legal obligations of the United States and its agencies to Indian tribes (proposed Principle 4). In addition, the Band supports an updated policy which is consistent, and works in concert with, tribal laws.

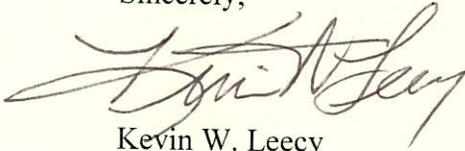
That being said, the Band also urges the Council to incorporate in the new policy specific requirements to ensure that there also be deference to tribal laws that prescribe an outcome when human remains are discovered within the territory of the tribe. For example, Principles 4 and 5 both contain language which reminds us that "Federal or State law may prescribe a certain outcome" but does not contemplate the possibility that tribal law may also prescribe a certain outcome. The Bois Forte Band is in the process of adopting laws in this area and I am confident that those laws will not subordinate the desire to treat human remains in a culturally sensitive manner to scientific study.

The policy being considered should also take special care to ensure that any required consultation with tribes be truly "meaningful." That could be accomplished by requiring agencies to identify tribes with an historic presence in the territory in question and to

document efforts to engage the tribe(s) in consultation. It would be particularly useful if federal agencies were required to create a record of consultation that includes an explanation of how tribal recommendations with respect to the treatment of the remains of tribal ancestors have been incorporated in an agency decision. Of course, if tribal recommendations have not been incorporated, then the agency's rationale or justification should be required.

The Bois Forte Band looks forward to participating in the consultation process it moves forward.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kevin W. Leecy". The signature is written in dark ink and is positioned above the printed name and title.

Kevin W. Leecy  
Chairman