

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF OREGON**

BONNICHSEN, et al.,	)	CV 96-1481-JE
	)	
Plaintiffs,	)	
	)	
v.	)	Affidavit of Robert L. Kelly
	)	in Support of <i>Amicus Curiae</i>
	)	SAA's Memorandum of Law
	)	
UNITED STATES, et al.,	)	
	)	
Defendants.	)	
	)	

**Affidavit of Robert L. Kelly, President of**  
**Amicus Curiae Society for American Archaeology**

I am President of the Society for American Archaeology ("SAA"). SAA has over 6600 members and is the largest society of archaeologists and others concerned with the advancement of archaeology in the United States, while respecting the principle and practice of repatriation in appropriate cases. My professional position is Professor of Anthropology, University of Wyoming, Laramie, Wyoming 82071.

SAA was and remains a strong supporter of NAGPRA and of the purposes for which it was developed. SAA was the principal representative of the archaeological community involved in the negotiations with representatives of Native Americans, Museums, representatives of Congress and others that led to the drafting and enactment of NAGPRA.

For the reasons set forth in the attached Memorandum of Law and Review of Secretary Babbitt's Determination of Cultural Affiliation for Kennewick Man, SAA believes that this case is of critical importance to the development of a balanced approach to application of NAGPRA consistent with the statute itself and the careful and reasoned balance it represents between the interests of science and of Native American groups concerned with repatriation.

SAA has a Committee on Repatriation whose function is to monitor the implementation of NAGPRA and to provide SAA's input to Congress, the Department of Interior and other interested parties concerned with NAGPRA implementation. Within the Committee on Repatriation, SAA has a Subcommittee on Cultural Affiliation whose function includes monitoring the interpretation and application of the NAGPRA cultural affiliation standard.

Recognizing the importance of this case, the Subcommittee on Cultural Affiliation of the SAA Committee on Repatriation conducted a review of the determination of cultural affiliation for Kennewick Man by

Secretary Babbitt and prepared the attached Report, which is submitted as Exhibit 1 to this affidavit. The Report has been reviewed and approved by the Board of Directors of SAA.

The definition of "cultural affiliation" that appears in NAGPRA as enacted was suggested, verbatim, in a September 12, 1990 joint memo (submitted as Exhibit 2 to this affidavit) to the Senate Select Committee on Indian Affairs from the SAA, the Native American Rights Fund (NARF), the Association on American Indian Affairs (AAIA), and the National Congress of American Indians (NCAI), based on a meeting in NARF's Washington headquarters between SAA representatives and representatives of NARF and AAIA.

Robert L. Kelly  
Robert L. Kelly, Ph.D.

Dated: May 30, 2001

SUBSCRIBED and SWORN before me this 30th day of May.

P. Weems  
Notary Public

My Commission Expires: 01-20-05

