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IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF OREGON

ROBSON BONNICHSEN, C. LORING BRACE,)	Civil No. 96-1481 JE
GEORGE W. GILL, C. VANCE HAYNES, JR.,)	
RICHARD L. JANTZ, DOUGLAS W. OWSLEY,)	
DENNIS J. STANFORD and D. GENTRY STEELE,)	DECLARATION OF ARMAND
)	MINTHORN IN SUPPORT OF
Plaintiffs,)	TRIBES' MOTION FOR
)	INTERVENTION
vs.)	
)	
UNITED STATES OF AMERICA DEPARTMENT)	
OF THE ARMY, U.S. ARMY CORPS OF)	
ENGINEERS, BARTHOLOMEW B. BOHN II,)	
DONALD R. CURTIS and LEE TURNER,)	
Defendants,)	
)	
CONFEDERATED TRIBES OF THE COLVILLE)	
RESERVATION, NEZ PERCE TRIBE,)	
CONFEDERATED TRIBES OF THE UMATILLA)	
INDIAN RESERVATION, CONFEDERATED)	
TRIBES AND BANDS OF THE YAKAMA NATION)	
)	
Defendant-Intervenor-Applicants)	
)	

I, Armand Minthorn, state and declare as follows:

1. I am an enrolled member of the Confederated Tribes of the Umatilla Indian Reservation ("CTUIR"). I am a member of the Board of Trustees for the CTUIR and I currently serve as Chair of the Cultural Resources Commission which has been delegated authority by the Board of Trustees to provide policy direction for CTUIR on cultural resources issues. I am regarded by the community as a traditional religious leader who practices the cultural beliefs handed down from my ancestors.
2. The Tribes have a continuing religious and cultural interest in the ancient remains. We are very concerned about what may happen during this new phase of the "Kennewick Man" case. We know some studies will happen. However, we are very concerned that the studies proposed as part of the plaintiffs' study plan will subject the fragile remains to multiple physical handling and potentially destructive drilling. Any further loss, through erosion or otherwise, of the remains is unacceptable to the Tribes. Indian ancestral remains are sacred. While the destruction of such remains does not lessen the remains' sacredness, the further manipulation and potential loss of the integrity of the remains of our ancestor deeply affects us as Indian people.
3. The Tribes also have a cultural and religious connection with the burial site. The burial site may contain more Indian burials and more artifacts associated with the Ancient One. Near the burial site is a traditional pathway and associated ancient gathering site.
4. Just because these remains are not "Native American" as defined by Congress in NAGPRA and, therefore, do not qualify for NAGPRA's special protections, does not affect our relationship with the remains. The remains are of an Indian ancestor. We know this to be the case from our oral traditions and our beliefs. Our language, our songs, and our traditional ways tell and remind us how, where, and when our ancestors lived. Our ancestral remains encase

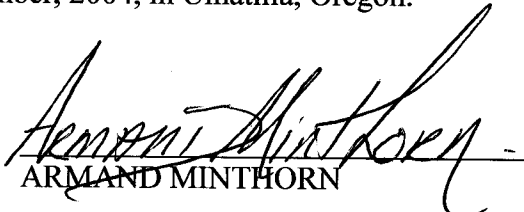
traditional, religious, and cultural significance. Because of these combined components, our ancestral remains are sacred.

5. The Tribes have not been consulted concerning the United States' response to the plaintiffs' study plans. Since the Ninth Circuit's decision, neither the United States Department of Justice, Army Corps of Engineers, nor the Department of the Interior have communicated formally with us on the disposition of the remains or the case. From our conversations with the United States, they don't even intend upon continued service in this litigation. We are not even being treated as "interested parties" under ARPA. Government-to-government consultation is not occurring. The only way that the Tribes will have any meaningful input concerning the scope of the studies to be performed is through continued participation in this case.

6. Sacred human remains are not artifacts. They are what they are – sacred – and they are our ancestral remains, and they need to be treated as such. The right to know through study sounds great. But, one has to balance respect for the dead and respect for the Tribes' religious beliefs, with the abstract possibility that at some point in the future someone might learn something which may lead to academic fame.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this 8 day of September, 2004, in Umatilla, Oregon.


ARMAND MINTHORN