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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

ROBSON BONNICHSEN, et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Civil No. 96-1481-JE

EXPEDITED REQUEST

**JOINT STIPULATED MOTION
TO GRANT ACCESS TO
CONDUCT TRIBAL CEREMONY**

LOCAL RULE 7.1 CERTIFICATION

The undersigned counsel for Federal Defendants (hereinafter “United States”) and Plaintiffs have discussed a request to allow access to the Kennewick collection at the Burke Museum to conduct a tribal ceremony. All parties in the above entitled matter have agreed to recommend approval to allow access and submit the request for Court approval.

MOTION

Following conversations within the Ninth Circuit mediation in Bonnichsen v. United States, members of the Wanapum Band, the Confederated Tribes of the Colville Reservation, the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, and the Confederated Tribes & Bands of the Yakama Nation (“Tribes”) asked the U.S. Army Corps of Engineers, Northwestern Division (“Corps”) for access to the Kennewick collection for a ceremony during the next biannual conservation assessment.

Upon evaluation of the request, the Corps determined that with a number of terms and conditions, the request is not contrary to the Corps’ responsibility to protect and preserve the condition of the collection and would not violate the applicable curation regulations. See Devon Lehman McCune letter dated June 12, 2006, attached as Exhibit 1. Since the request was not contrary to the applicable rules and regulations, the Corps agreed to forward the tribal request (subject to terms and conditions) for such a ceremony to the Court for consideration provided that counsel for the Plaintiffs had no objections to granting the access requested by the Tribes. In addition, the Corps’

agreement to forward the tribal request was contingent upon this Court's approval to grant access. The Plaintiffs have indicated that they do not have an objection to the tribal request with the terms and conditions approved by the Corps. See Alan Schneider letter dated June 13, 2006, attached as Exhibit 2.

Based upon the above, the parties hereby move the Court to consider granting the tribal request for access to the remains to conduct a ceremony subject to the terms and conditions outlined in Exhibit 1. If granted, the ceremony would be conducted during the Bi-annual assessment which is scheduled to take place between June 21 and 23, 2006.

Dated this 14th day of June, 2006.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I have made service of the foregoing **Joint Stipulated Motion to Grant Access to Conduct Tribal Ceremony**, on the parties herein, by causing to be deposited in the United States mail on June 14, 2006, a true copy thereof, enclosed in envelopes with postage thereon prepaid, addressed to:

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