

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRSThe meeting was called to order by REPRESENTATIVE ROBERT H. MILLER at
Chairperson1:30 a.m./p.m. on FEBRUARY 1, 1988 in room 526S of the Capitol.

All members were present except:

Representatives Barr, Aylward, Bryant, Sprague - E

Representatives Jenkins, Sifers, & Peterson

Committee staff present:

Mary Torrence, Revisor's Office

Mary Galligan, Research Department

Lynda Hutfles, Secretary

Conferees appearing before the committee:

Representative Betty Jo Charlton

Tom Witty, State Archeologist

Carol Coatney, Minneapolis, Ks.

Walter Echo-Hawk, Attorney for Native American Rights Fund

Alfred Johnson, Curator of the Anthropology Museum at KU

The meeting was called to order by Chairman Miller.

Representative Eckert made a motion, seconded by Representative Sughrue, to approve the minutes of the January 25 meeting. The motion carried.**HB 2704 - Unmarked Burial Sites Preservation**
BoardRepresentative Charlton explained the problem of historical human remains in Kansas and gave some background on the Salina Indian Burial Pit. See attachment A.

Tom Witty, State Archeologist, gave testimony in support of the bill as drafted. Concern came from native americans, but in the last 20 years he said they have been involved in non-american activities. There is no protection or care burial sites.

Legislation is needed to protect unmarked graves. This legislation is modeled after the Wisconsin bill. Wisconsin is still setting up rules and have a staff of two. Expense of the bill relates to the intensity. Office furniture, a clerk and two archeologists, plus travel and costs of having skeletal remains analyzed are part of the costs. A place for reinternment will also be required.

When asked if this was the low dollar, Mr. Witty said it depended on level and intensity of search. There would have to be travel and gas expenses. He said they could get by with existing staff, but would only be able to treat incoming reports. They would also have to have a place for reinternment.

Carol Coatney, Minneapolis, Kansas, gave testimony in support of the bill. See attachment B.Walter Echo-hawk, an attorney and member of the Pawnee Tribe of Oklahoma, explained the need for responsible legislation in this area. The Indian Burial Pit in Salina has been an embarrassment for many years. There is a loophole in existing Kansas statute, identified by the Attorney General, which has led to the deplorable situation in Salina. Kansas has a rich historical and prehistorical heritage that deserves protection. Equally important are deep religious feelings and respect for the dead held by the Kansas Indians both present day residents and former tribes of Kansas which are entitled to the same protections we accord to our own people under basic notions of decency. See attachment C.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Federal & State Affairs,
room 526S, Statehouse, at 1:30 a.m./p.m. on February 1, 1988, 19 .

Alfred Johnson, Curator of the Anthropology Museum at KU, gave testimony in support of the bill. The immediate concern is the Salina Indian Burial Pit. The long term goal is to establish a set of procedures for properly dealing with unmarked graves as they are encountered in the future. See attachment D.

Hearings were concluded.

Representative Walker made a motion, seconded by Representative Sughrue, to introduce as a committee a proposal which would change the requirement of being a U.S. citizen from 10 years to 5 years in order to obtain a liquor license. The motion carried.

The meeting was adjourned.

Betty Jo Charlton

MEMORANDUM

August 4, 1986

FROM: Kansas Legislative Research Department
Re: The Problem of Historical Human Remains in Kansas

Background -- The Salina Indian Burial Pit

The Salina Burial Pit is located approximately two miles northeast of Salina on a farm owned by Howard Price and members of his family. The 146 skeletons at the site, estimated to date from 1000-1500 AD, were originally excavated in 1936 by Guy and Mabel Whiteford, amateur archaeologists, who worked at the site for approximately five years. The Kansas State Historical Society purchased Mr. Whiteford's original field notes, maps, photographs, and some artifacts in 1971.

A building was erected over the site as the excavation was conducted and the Price family began operating the site as a tourist attraction. The wood frame structure surrounding the burial pit has a dirt floor, and is not heated, air conditioned, or insulated. A sales room and exhibit area through which the pit is accessed contains displays of some antiques and artifacts. Currently, the family estimates that 10,000 to 15,000 people a year pay \$1.75 each to view the skeletons that have been covered with shellac and are lying on earthen pedestals created by the excavation. The annual gross income from the site is estimated to be approximately \$20,000.

In 1983, the family approached the State Historical Society about selling part of the property. An application for purchase of the site was filed with the Kansas State Historic Sites Board of Review in February, 1984 by ten citizens as required by K.S.A. 75-2726. The Historical Society conducted a study of the site as requested by the Board.

The Historical Society's study acknowledges that two problems may interfere with further development of the site. The first is the location of the site near the floodplain of the Smoky Hill and Saline rivers. The second is concern expressed by Indian groups about the excavation and display of skeletal remains. One incident involving the site at Salina was cited by the Historical Society in its evaluation. An objection was lodged in 1972 by the central district of the American Lutheran Church which boycotted Salina as a conference site because of ". . .the exploitation involved in the display of skeletons and bones; and since this cemetery is kept open for purely commercial reasons;" The Board recommended to the Governor and the Legislature that the site be obtained by the state.

A preliminary appraisal set the value of the site at \$90,000. The 1985 Legislature appropriated that amount for the purchase of approximately 17 acres of the land on which the burial site is located. During the 1986 Session, the Legislature learned that the final appraised value of the land was \$92,000, making the FY 1986 appropriation inadequate. The Historical Society expended approximately \$2,300 of the original appropriation for the appraisal and survey, thus approximately \$5,000 additional

ATTACH A

would have been necessary to purchase the property at the appraised value. The unexpended funds were subsequently budgeted and reappropriated for expenditure during FY 1987 to operate five existing historic sites in the state.

The site's listing on the national register automatically places it on the state register in accordance with K.S.A. 75-2721. Under that law, the Historical Society has responsibility for adopting standards, consistent with federal standards, for the maintenance of historic properties on the register, but its responsibility does not extend to regulating the use of historic properties. Like the federal law, the Kansas law requires that the preservation of historic site properties must be considered during the planning and implementation of public projects.

The Price family continues to operate the site as a tourist attraction as it has since 1937. Because the land is privately owned, neither the state nor the federal government has any direct jurisdiction over how the family can use the land.

The current controversy about the site and the display of the skeletons began to surface in 1984 shortly after the State Historic Sites Board of Review recommended state acquisition, which led to the appropriation by the 1985 Legislature. Three events that occurred during the first half of FY 1986 resulted in the Society not acquiring the site: first, the Governor asked the Society not to expend the appropriated funds; second, the appraised value of the site was higher than expected and more than the balance of the appropriation; and third, at a symposium held in January, 1986 in Lawrence, the consensus of the participants appeared to be in opposition to the Historical Society's plan for development of the site.

The January 1986 symposium was held at Haskell Indian Junior College and the University of Kansas to provide a forum in which the issues surrounding this site and other issues concerning ancient sites could be discussed. Participants included archaeologists; cultural anthropologists; lawyers; state legislators; and members of the Iowa, Kickapoo, Prairie Band Pottawatomie, Sac and Fox, Arikara, Pawnee, and Wichita tribes. The discussion of the Salina site generated strong opposition to its continued commercial use. The State Archeologist indicated that the Historical Society's proposal for development of the site would be reevaluated. Subsequently, the Society's plan for development of the site to include the display of the remains was dropped.

Subsequent to the symposium, the Director of the State Historical Society requested an informal opinion from the Attorney General as to the applicability of K.S.A. 21-4115 to the Salina site. The statute creates the crime of desecrating a cemetery as a class A misdemeanor. The Attorney General responded as follows:

After careful research, I am unable to conclude that the public display of ancient human remains is a violation of K.S.A. 21-4115. . . .

The Attorney General presented two options for addressing the issue raised during discussion of the Salina site. The first is condemnation of the land which would make it state property. The second is passage of legislation that would ". . . apply to the discovery, public display and reinterment of ancient human remains."

Policy Questions

Neither the Kansas Legislature nor the state courts have directly addressed the issue of ancient Native American gravesites. The fact that the Salina Indian Burial Pit is on private property limits state authority over the site, and there are no federal laws which might be used to regulate its operations. The present statute concerning the desecration of a cemetery (K.S.A. 1985 Supp. 21-4115) and the statute concerning the desecration of a dead body (K.S.A. 21-4112) do not appear to provide the basis for criminal prosecution of the operators of the site and similar laws have never been used to close a site in any other state where ancient human remains are displayed.

The broad policy question that is posed by this situation is whether ancient human remains should be considered like any other human remains, and if such remains are considered differently than other remains, what factors should be considered in the treatment of those remains?

30 January 1988

My name is Carol Coatney, and I reside in Minneapolis, Kansas. About two years ago I read an article in the Salina Journal describing a meeting which had been held in Lawrence, Kansas, my home town, regarding ancient burial grounds and particularly the Salina Indian Burial Pit.

My mind went back to a summer in the 1930's when my parents and I stopped at the site on our way to Colorado.

As years have passed, the thoughts of the commercialization of such a site has become very objectionable to me.

I feel that had this been white settlers buried there, this display would never have been tolerated.

I am very happy to lend my support to the consideration and passage of HB 2705, and wish to commend all those who have participated in this long overdue endeavor. Thank you.

Carol Coatney

Carol Coatney
210 East Fifth
Minneapolis, Ks. 67467

Attach B

House Bill No. 2705⁴

WRITTEN STATEMENT OF WALTER R. ECHO-HAWK
IN SUPPORT OF THE KANSAS UNMARKED
HUMAN BURIAL AND SKELETAL REMAINS
PROTECTION ACT

Good afternoon. My name is Walter Echo-Hawk. I am an attorney employed by the Native American Rights Fund, located in Boulder, Colorado. I am appearing before this Committee as legal counsel for the Pawnee Tribe of Oklahoma in support of the Kansas Unmarked Human Burial and Skeletal Remains Protection Act, House Bill No. 2705.⁴

The Bill presently before the Committee addresses a matter of critical concern to past and present-day Kansas Indian tribes. The State of Kansas is rich in its Indian heritage--being the aboriginal homeland of many plains tribes, such as the Pawnee, Wichita, Arikara and Kansas Indian tribes. These previous native residents have bestowed a unique history on the State and left many valuable cultural and historic resources for the benefit of present and future generations, much of which has been preserved by the Kansas Historical Society. This is a living heritage that is further enriched by the present-day Kansas Indian tribes, such as the Sac & Fox Tribe of Kansas, Iowa Tribe, Kickapoo Tribe, and Prairie Band of Potawatomi Tribe.

One important and sensitive aspect of this heritage is the manner in which Indian burials in the State of Kansas should

be treated. When the original Kansas Tribes ceded their Kansas homelands to the United States and were removed to reservations in other states, they left behind their cemeteries and burial grounds--many of which are unmarked. The Bill before the Committee will bring those burials within the ambit of protection that is accorded for other cemeteries in Kansas.

For over 70,000 years, humanity has been burying its dead with varying degrees of ritual, reverence, and respect. The sanctity of the dead and their final resting places is deeply engrained in Western civilization and social mores. A large body of common law has developed around these beliefs and practices. In this country, cemeteries are strictly regulated by state law, common law rights of family members in their deceased are well recognized, and courts of equity do not hesitate to prevent wrongful interference with dead bodies according to prevailing standards of decency. Kansas Statutes which protect cemeteries and dead bodies embody these deeply held values. See K.S.A. §§ 21-4115, 21-4112. See also, City of Wichita v. Schwertner, 286 P.2d 266 (Kan. 1930); Gray v. Craig, 172 P. 1004 (Kan. 1918). However, the Kansas Attorney General issued an opinion in 1986 that these statutes do not apply to protect older, unmarked Indian burials. See, Robert Stephen Letter, Mar. 14, 1986 (Attach. 1).

The result of this "loophole" has allowed unregulated excavation and exhibition of unprotected Indian burials located within the State to the dismay of affected Indians. Unlicensed

and unregulated activity by pot hunters and so-called "amateur archaeologists" has caused irreparable damage to the state's historical heritage. Those same activities are correctly viewed as grave desecration and desecration of human bodies by affected American Indian descendants, which is compounded by feelings of unfairness when they see that K.S.A. 21-4115 and 21-4112 strictly prohibit this activity for more recent cemeteries with traditional markings (i.e., tombstones, monuments, etc.).

A clear example of the problem is illustrated by the "Indian Burial Pit," located near Salina, Kansas. The "Indian Burial Pit" is a privately-owned Indian cemetery containing about 146 persons. The owners unearthed the cemetery, removed most of the burial goods, and charge public admission to view the 146 bodies--who are most likely ancestors of the present-day Pawnee, Wichita or Arikara Indian Tribes. Even though this deplorable situation has been unanimously condemned by these Tribes, church groups, citizens and the Kansas scientific community, little can be done because the Kansas Attorney General has determined that there is a loophole in the law concerning the matter.

In response to public criticism of the "Indian Burial Pit," the University of Kansas and Haskell Indian Junior College hosted a seminar in January, 1986, to discuss related scientific, moral, religious and legal issues. After two days of discussions, the scientists, historians, legislators and tribal leaders agreed that the "Indian Burial Pit" should be remedied and that protection legislation was needed.

The impetus for that legislation was made greater when the Attorney General issued an opinion holding that existing law did not apply (Attach. 1). He concluded by stating:

. . . I will recommend that legislation be passed in Kansas, based on similar statutes in other states, which will specifically apply to the discovery, public display and reinterment of ancient human remains.

(Id.) A "writing committee" was formed, chaired by Dr. Al Johnson of the University of Kansas Museum of Anthropology, and composed of various scientific and tribal leaders.

The Kansas Unmarked Human Burial and Skeletal Remains Protection Act, House Bill No. 2705 is the product of two year's effort to address in a responsible manner a glaring loophole in Kansas law. The bill embodies the best of 11 similar statutes recently enacted by other states on the same subject,^{1/} and was specifically tailored for Kansas in consultation with the Attorney General's Office and the Revisor of Statutes Office. The Bill protects important scientific and education interests through procedures recommended by the Kansas State Historical Society, the State Archaeologist and the University of Kansas Museum of Anthropology. And, the Bill contains a public policy and set of protections fully supported by Kansas citizens most directly affected--the American Indian community.

^{1/} Those states are: Missouri (1987), Florida (1986), Idaho (1984), Massachusetts (1983), North Carolina (1981), Minnesota (1976), California (1976), Iowa (1975), Maine (1974), Wisconsin (1985), and Washington (1977).

I am attaching Resolutions strongly supporting the Bill that were duly enacted by the governing bodies of the various Kansas Indian Tribes and the three Tribes who are the probable descendants of those persons on public display at the "Indian Burial Pit." Those Tribes respectfully request that the Bill be enacted.

The need for responsible legislation in this area is apparent. The "Indian Burial Pit" has been an embarrassment for many years. There is a loophole in existing Kansas statutes identified by the Attorney General, which has led to this deplorable situation. Other states have addressed this issue in a responsible manner after similar problems were identified. Moreover, the federal government has recently updated its antiquity statutes for federal lands to better protect scientific and American Indian religious interests. See Archaeological Resources Protection Act of 1979, 16 U.S.C. §§ 470aa et seq.

Kansas has a rich historical and prehistorical heritage that deserves protection. Equally important are deep religious feelings and respect for the dead held by Kansas Indians, both present day residents and former tribes of Kansas, which are entitled to the same protections we accord to our own people under basic notions of decency.

For the above reasons, and on behalf of my client, the Pawnee Tribe of Oklahoma, I respectfully urge favorable consideration for the Bill.

Respectfully submitted,

Walter R. Echo-Hawk

ATTACHMENTS

1. Robert Stephen Letter, Mar. 14, 1986
2. Resolution, Pawnee Tribe
3. Resolution, Wichita and Affiliated Tribes
4. Resolution, Three Affiliated Tribes
5. Resolution, Sac & Fox Tribe
6. Resolution, Iowa Tribe of Kansas
7. Resolution, Prairie Band of Potawatomi



COPY

STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751

March 14, 1986

Joseph W. Snell
Executive Director
Kansas State Historical Society
120 West 10th Street
Topeka, Kansas 66612

Dear Mr. Snell:

Thank you for your letter dated February 20, 1986, regarding the public display of Indian skeletal remains at the Indian Burial Pit. I want you to know how much I deplore the activity which is occurring at the burial pit, and that I realize the display is offensive to native Americans and to many other people. Unfortunately, although I would like to help, I am extremely limited in any legal action which I can take to alleviate this problem. I reach this result because unlike several other states, Kansas has not enacted any legislation which specifically applies to the discovery, public display or reinterment of ancient human remains.

As you are probably aware, our criminal statutes must be strictly construed in their application, so as to carry out the specific intent of the legislature. After careful research, I am unable to conclude that the public display of ancient human remains is a violation of K.S.A. 21-4115. The statute applies to desecrating a cemetery; the owner has not destroyed or removed any of the remains, but has simply uncovered them so that they are exposed. Furthermore, I question whether the property can be defined as a cemetery, since the burial pit is located on private land, contains none of the traditional markings of a cemetery (i.e., tombstones, monuments, etc.), and has been operated as a tourist attraction for over 50 years. Finally, I am informed that the remains in question are so old (approximately 700 years) that a court could well find that the area has lost the character of a cemetery.

In my opinion, there are two options which may be considered. First, the state could institute a proceeding to condemn the land, in which case the property will be owned by the state and preserved by the Kansas State Historical Society. Second, I will recommend that legislation be passed in Kansas, based on similar statutes in other states, which will specifically apply to the discovery, public display and reinterment of ancient human remains.

In conclusion, it is my opinion that criminal prosecution of the owner of the Indian Burial Pit under K.S.A. 21-4115 is not legally feasible. However, as I have indicated in this letter, I am anxious to pursue one of the other aforementioned alternatives in order to stop its operation. Please feel free to contact me if you would like to set up a meeting regarding this matter.

Very truly yours,

ROBERT T. STEPHAN
Attorney General

RTS:BPA:jm
cc: Walter Echo-Hawk
Robbi Ferron
Representative Jane Aylward
Mr. Howard T. Hill



Pawnee Tribe of Oklahoma

P. O. Box 470
Pawnee, Oklahoma 74058
918/762-3624

RESOLUTION 87-43
August 28, 1987

R E S O L U T I O N

WHEREAS, The Pawnee Business Council is the supreme governing body of the Pawnee Tribe and is authorized to conduct business on behalf of the Pawnee Tribe in accordance with Article IV, Sections I and II of the Pawnee Tribal Constitution and By-Laws; and

WHEREAS, The Pawnee Business Council met in special session on August 28, 1987 at the Pawnee Tribal Administration Center Conference Room duly authorized with a quorum present; and

WHEREAS, The Pawnee Indian Tribe of Oklahoma is a federally recognized Indian tribe with an enrollment of 2,395 members, which carries out self-government activities; and

WHEREAS, The Pawnee Business Council is vitally interested in the proper care, treatment, protection and disposition of unmarked human burial sites and remains located within the State of Kansas, by virtue of its historic and pre-historic residence in and around Kansas; and

WHEREAS, The Pawnee Business Council has duly informed itself of the need for protective unmarked burial legislation in Kansas, having sent Council members to inspect the "Indian Burial Pit" located near Salina, Kansas, and to other fact-finding trips including symposia and meetings on the subject; and has participated in the efforts of the "writing committee" to explore legislative solutions; and

WHEREAS, Based upon its findings, the Pawnee Business Council strongly supports the closure of the "Indian Burial Pit" and the proper interment of the Indian persons displayed there, as well as a clear public policy giving adequate protection for unmarked human burials in order to prevent future American Indian grave desecrations and to protect all legitimate interests in the remains of Native Americans; and

WHEREAS, The Pawnee Business Council has carefully examined the provisions of the attached Bill (Kansas Unmarked Human Burial and Skeletal Remains Protection Act), and has caused a review of its provisions by legal counsel.


NOW THEREFORE BE IT RESOLVED: That the Pawnee Business Council approves and endorses the Bill (Kansas Unmarked Burial and Skeletal Remains Protection Act), and recommends and urges its introduction and passage by the Kansas Legislature.

C E R T I F I C A T I O N

I, Lawrence Goodfox, Jr., President of the Pawnee Business Council, do hereby certify that a special session of the Pawnee Business Council was held on the 28th day of August, 1987, and that the Pawnee Business Council is composed of eight members, of whom 8 were present; 0 were absent, comprising a quorum, and that the foregoing resolution was duly adopted by the affirmative vote of 7 for; 0 against; and 0 abstaining, and the said resolution has not been amended or rescinded.

Signed this 28th day of August, 1987.

ATTEST:


Cecil Rouwalk, Secretary-Treasurer
Pawnee Business Council


Lawrence Goodfox, Jr., President
Pawnee Business Council

Wichita And Affiliated Tribes

P.O. Box 729
Anadarko, Ok. 73005
Tel 405/247-2425

RESOLUTION

WT 88-05

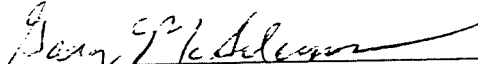
- WHEREAS, The Wichita & Affiliated Tribes (Waco, Keechi and Tawakonie) have a duly established Tribal Government recognized by the Secretary of Interior, and
- WHEREAS, The Executive Committee has been empowered to act in all manner of business on behalf of the Tribe, and
- WHEREAS, The Wichita Executive Committee has a strong governmental interest in the proper care and treatment of Wichita burial sites that are located within its historic homeland in the State of Kansas, and
- WHEREAS, Facts surrounding the "Indian Burial Pit" indicated the need for protective legislation, such as the proposed KANSAS UNMARKED HUMAN BURIAL AND SKELETAL REMAINS PROTECTION ACT, and
- WHEREAS, The Wichita Executive Committee strongly supports the public policy of said ACT as being necessary to correct the existing loophole in Kansas law and to prevent future grave desecration of tribal ancestors.
- NOW THEREFORE BE IT RESOLVED that the Wichita Executive Committee endorses early passage of said ACT by the Kansas Legislature.

CERTIFICATION

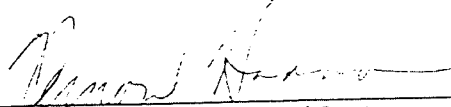
The foregoing Resolution was adopted at a meeting of the Wichita Executive Committee on November 5, 1987, in Anadarko, Oklahoma, by the following vote:
04 FOR, 00 AGAINST, 00 ABSTENTIONS, with a quorum being present.

ATTEST:

APPROVED:



Gary McAdams, Acting Secretary
Wichita & Affiliated Tribes



Vernon Haddon, President
Wichita & Affiliated Tribes

RESOLUTION OF THE GOVERNING BODY OF
THE THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD RESERVATION

- WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and
- WHEREAS, The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and
- WHEREAS, The Three Affiliated Tribes, through the Tribal Business Council Cultural Concerns Committee, had been informed during 1986 by members of the various Tribes residing in the State of Kansas that possible desecration/commercial exploitation of Indian remains had been taking place; and
- WHEREAS, primary concern centered around the exhibit of remains at the private site known as the "Salina Burial Pit", closing this site, and the prevention of similar, future occurrences; and
- WHEREAS, the Committee participated in research in this matter because of the historical residence of the Arikara Tribe in and around the State of Kansas; and
- WHEREAS, Members of the Committee and Westly Plenty Chief-Arikara Tribe traveled to inspect the site and provide input into discussion being held by the members of six Kansas Tribes, University of Kansas Officials, State of Kansas Officials, archaeologists & anthropologists, Native American Rights Fund Officials, and Haskell Indian Junior College representatives; and
- WHEREAS, due to the numerous meetings scheduled and the distance/travel facts involved, the Cultural Concerns Committee designated Mr. Chester Ellis (Arikara Tribal member residing in the area) as their Official Representative who would participate in the meetings and provide reports to the Three Affiliated Tribes on the "Writing Committee's" efforts to develop corrective legislation; and
- WHEREAS, Mr. Ellis has transmitted the Writing Committee's "Draft Kansas Unmarked Human Burial and Skeletal Remains Protection Act and Objectives" for review and comment prior to its submission to the Kansas State Legislature; and

WHEREAS, The Cultural Concerns Committee has reviewed the Draft Act and Objectives; and

WHEREAS, It has been noted that the Act should be effective in closing the "Salina Burial Pit" commercial operation and in preventing future desecrations through a number of key elements in its language such as:

- o Membership on the proposed "Unmarked Burial Sites Preservation Board" of four Tribal representatives of the resident Kansas Indian Tribes
- o State funding of implementation of the Act
- o Kansas Attorney General enforcement of prohibitions set forth under the Act
- o Penalties of up to \$5000 for violators and a fine for commercial operators of up to 2 times the gross value gained
- o A limitation upon the time which remains may be kept by the scientific community for study
- o Consultation on the appropriate means of reinterment
- o Development and maintenance of a Registry of unmarked burial sites to aid in enforcement of the Act

THEREFORE BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby approves the "Draft Kansas Unmarked Human Burial and Skeletal Remains Protection Act and Objectives" and recommends its submittal to the Kansas State Legislature for passage at the earliest possible date.

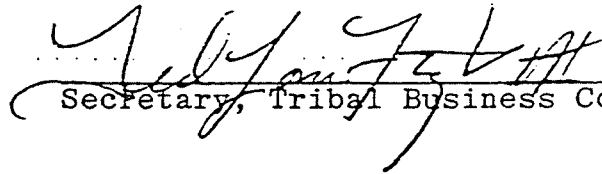
FURTHER RESOLVED, that the Tribal Business Council wishes to commend and thank Tribal Member Chester Ellis for his contribution in the development of the Draft Act and his exemplary representation of the interests of the Three Affiliated Tribes.

FURTHER RESOLVED, that the Tribal Business Council also wishes to extend its gratitude to the Members of the "Writing Committee", contributors to the Committee, State and University officials, and any supporting organizations.

C E R T I F I C A T I O N

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 5 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 1st day of May, 1987; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated the 1st day of May, 1987.


Secretary, Tribal Business Council

ATTEST:


Chairman, Tribal Business Council

SAC & FOX TRIBE OF MISSOURI

Reserve, Kansas 66434 (913) 742-7471

SAC AND FOX TRIBE OF MISSOURI
TRIBAL COUNCIL

RESOLUTION

NO. R-01-88

WHEREAS, The Sac and Fox Tribe of Missouri is organized in accordance with the Reorganization Act of June 19, 1934 (48 Stat. 984) and has a constitution as approved by the Secretary of the Interior on March 2, 1937, with the new tribal constitution approved by the Commissioner of Indian Affairs September 15, 1980 pursuant to the above statute, and

WHEREAS, The Sac and Fox Tribal Council has been given full authority by the Tribe to act in all matters of business for the Tribe, and

WHEREAS, The Sac and Fox Tribal Council met in session on September 4, 1987 at Reserve, Kansas, and

WHEREAS, The Sac and Fox Tribal Council has been informed that possible desecration/commercial exploitation of Indian remains had been taking place in the State of Kansas, and

WHEREAS, Primary concern centered around the exhibit of remains at the private site known as the "Salina Burial Pit", closing this site, and the prevention of similar future occurrences, and

WHEREAS, The Sac and Fox Tribe has received and reviewed the Writing Committee's "Draft Kansas Unmarked Human Burial and Skeletal Remains Protection Act and Objectives" prior to its submission to the Kansas State Legislature, and

NOW, THEREFORE BE IT RESOLVED, That the Sac and Fox Tribe of Missouri Tribal Council hereby approves the "Draft Kansas Unmarked Human Burial and Skeletal Remains Protection Act and Objectives" and recommends its submittal to the Kansas State Legislature for passage at the earliest possible date.

CERTIFICATION

The foregoing resolution was duly adopted this 4th day of September, 1987 in a Regular Meeting of the Sac and Fox Tribal Council at which 4 members of the Council were present, constituting a quorum, by a vote of 3 for, 0 against, 0 abstaining, the Chairperson abstaining.

ATTEST:

Neal Bahr
Neal Bahr, Secretary
Sac and Fox Tribe of Missouri


Nancy Keller
Nancy Keller, Chairperson
Sac and Fox Tribe of Missouri
Tribal Council

IOWA TRIBE OF KANSAS AND NEBRASKA
 EXECUTIVE COMMITTEE
 SEPTEMBER 16, 1987

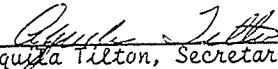
- WHEREAS, The Iowa Tribe Executive Committee being duly organized met in Regular Session this 16th day of September, 1987, and
- WHEREAS, The Iowa Executive Committee has authority to act for the Iowa Tribe under the present constitutional authority as provided in Sec. 2, Article IV - Governing Bodies, and
- WHEREAS, The Iowa Tribe of Kansas & Nebraska being organized and empowered by their Constitution and Bylaws (approved November 6, 1978), and
- WHEREAS, The Constitution and Bylaws of the Iowa Tribe of Kansas & Nebraska authorizes and empowers the Executive Committee to engage in activities on behalf of and in the interest of the welfare and benefits of the Iowa Tribe of Kansas and Nebraska and the enrolled members thereof, and
- WHEREAS, The Executive Committee has been informed during 1986 by members of various Tribes and news media that desecration/commercial exploitation of Indian remains has been taking place, and
- WHEREAS, A primary concern has been centered around the exhibit of human remains at the private site known as the "Salina Burial Pit", closing this site, and the prevention of similar, future occurrences, and
- WHEREAS, Mr. Chester Ellis has transmitted the writing committees "Draft Kansas Unmarked Human Burial and Skeletal Remains Protection Act and Objectives" for review and comment prior to its submission to the Kansas State Legislature, and
- WHEREAS, It has been noted that the Act should be effective in closing the "Salina Burial Pit" commercial operation and in preventing future desecrations through a number of key elements in its language such as:
- Membership on the proposed "Unmarked Burial Sites Preservation Board" of four Tribal representatives of the resident Kansas Indian Tribes
 - State funding of implementation of the Act
 - Kansas Attorney General enforcement of prohibitions set forth under the Act
 - Penalties of up to \$5000 for violators and a fine for commercial operators of up to 2 times the gross value gained
 - A limitation upon the time which remains may be kept by the scientific community for study
 - Consultation on the appropriate means of reinterment
 - Development and maintenance of a Registry of unmarked burial sites to aid in enforcement of the Act
- NOW THEREFORE BE IT RESOLVED, that the Executive Committee of the Iowa Tribe of Kansas & Nebraska hereby approves the "Draft Kansas Unmarked Human Burial and Skeletal Remains Protection Act and Objectives" and recommends its submittal to the Kansas State Legislature for passage at the earliest possible date, and
- FURTHER BE IT RESOLVED, that the Executive Committee of the Iowa Tribe of Kansas & Nebraska wishes to commend and thank Chester Ellis for his contribution in the development of the Draft Act, and
- FURTHER BE IT RESOLVED, that the Executive Committee of the Iowa Tribe of Kansas & Nebraska also wishes to extend its gratitude to the Members of the "Writing Committee", contributors to the Committee, State and University officials, and any supporting organizations.

C E R T I F I C A T I O N

The foregoing Resolution was duly adopted this date, September 16, 1987 in a Regular Session of the Executive Committee at which 5 members of the Committee were present, constituting a quorum by a vote of 4 for, 0 against. Chairman abstaining.


Leon Campbell, Chairman
Iowa Executive Committee

ATTEST


Aquila Tilton, Secretary
Iowa Executive Committee

PRAIRIE BAND OF POTAWATOMI INDIANS

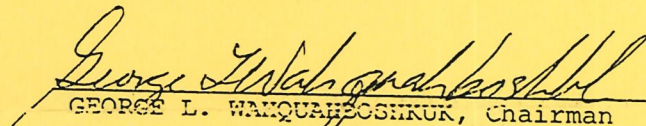
TRIBAL COUNCIL

RESOLUTION

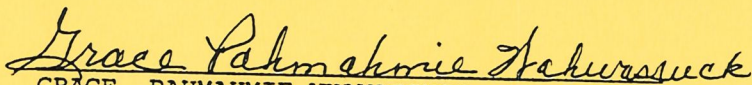
- WHEREAS, The Prairie Band of Potawatomi Indians is duly organized Tribe and has a Constitution and By-Laws as approved by the Secretary of the Interior on February 19, 1976, and amended on August 28, 1985, and
- WHEREAS, The Prairie Band Potawatomi Tribal Council met in a special session on the Potawatomi Reservation, Mayetta, Kansas, August 26, 1987, and
- WHEREAS, The Prairie Band Potawatomi Tribal Council primary concern centered around the exhibit of remains at the private site known as the "Salina Burial Pit", closing this site, and the prevention of similar, future occurrences; and
- WHEREAS, Members of the committee traveled to inspect the site and provide input into discussions being held by the members of the Kansas Tribes, University of Kansas Officials, State of Kansas Officials, Archaeologists and Anthropologists, Native American Rights Fund Officials, and Haskell Indian Junior College representatives; and
- WHEREAS, Due to the numerous meetings scheduled and the distance/ travel facts involved, the Cultural Concerns Committee designated Mr. Chester Ellis as their official representative who would participate in the meetings and provide reports to the Three Affiliated Tribes on the "Writing Committee's" efforts to develop corrective legislation; and
- WHEREAS, Mr. Ellis has transmitted the Writing Committee's Draft Kansas Unmarked Human Burial and Sketetal Remains Protection Act and Objectives" for review and comment prior to its submission to the Kansas State Legislature; and
- WHEREAS, The Cultural Concerns Committee has reviewed the Draft Act and Objectives; and
- WHEREAS, It has been noted that the Act should be effective in closing the "Salina Burial Pit" commercial operation and in preventing future desecrations through a number of key elements, and
- THEREFORE BE IT RESOLVED, that the Prairie Band Potawatomi Tribal Council hereby approves the "Draft Kansas Unmarked Human Burial and Skeletal Remains Protection Act and Objectives" and recommends its submittal to the Kansas State Legislature for passage at the earliest possible date.
- FURTHER RESOLVED, The the Tribal Council also wishes to extend its gratitude to the Members of the "Writing Committee". contributors to the Committee, State and university officials, and any supporting organizations.

C E R T I F I C A T I O N

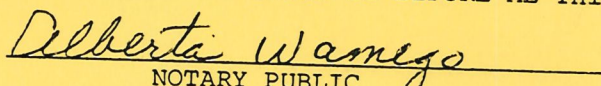
The foregoing Resolution was duly adopted this date, August 26, 1987, in a special session of the Tribal Council, at which ___ members of the Tribal Council were present, constituting a quorum, by a vote of ___ for ___ agaisnt, the Chairperson abstaining.


 GEORGE L. WAKOUABOSHEK, Chairman
 Prairie Band Potawatomi Tribal Council

ATTEST:


 GRACE PAHMAHMIE WHAWASSUCK, Secretary
 Prairie Band Potawatomi Tribal Council

SUBSCRIBED AND SWORN TO BEFORE ME THIS 26th DAY OF AUGUST, 1987.


 NOTARY PUBLIC

Alberta Wamego
 NOTARY PUBLIC
 State of Kansas
 My Appointment Expires

4-1-91

Kansas Unmarked Human Burial and Skeletal Remains Protection Act

The Kansas Unmarked Human Burial and Skeletal Remains Protection Act was developed by a committee representing two concerned constituencies, American Indians and anthropologists. It is responsive to two concerns, one immediate, the other long term.

The immediate concern is the "Salina Indian Burial Pit." This "Burial Pit" is actually a prehistoric cemetery, dating to about 600 years ago, which contains the skeletal remains and associated burial offerings of a group of ancestors of either the Pawnee, the Wichita, or the Arikara tribes. The cemetery was excavated in the 1930's and since that time the skeletons have been exposed and exploited as a commercial tourist attraction. The members of the committee who developed this bill are in full agreement as to the impropriety of this situation and that it should be rectified as soon as possible by closing the facility and reburying the skeletons. It should be pointed out that most of the potential scientific information which could be gained by careful study of the skeletons has been lost as a result of layers of shellac which have been added to retard deterioration.

The long term goal is to establish a set of procedures for properly dealing with unmarked graves as they are encountered in the future. Based especially on a Wisconsin law, and our experience that each of these discoveries will create a unique set of problems, we recommend creation of an Unmarked Burial Sites Preservation Board, administered by the State Historical Society, to make decisions as to proper treatment. In recognition of the potentially important scientific information inherent in at least some of these unmarked graves, a one-year period of study prior to reburial is possible. Other important responsibilities of the Board will be to create a registry of unmarked graves and to inform interested individuals of the locations of these grave sites. This of course will serve an important preservation function.

Discussion of various drafts of this bill have occurred since an appreciation of need was articulated at a conference at Haskell Indian Junior College in January of 1986. The committee that developed the bill is in agreement as to its appropriateness and efficacy and we ask your support.

Writing Committee Members

<u>Name</u>	<u>Represent and/or Qualifications</u>
Lance Burr	Attorney
Leon Campbell	Iowa
Robert Chapman	Pawnee
Rob Daugherty	Haskell Indian Junior College
Walter Echo-Hawk	Native American Rights Fund
Chester Ellis	Arikara
Cecil Gardipe	Pawnee
Dorothy Gilfillan	Sac and Fox
Leslie "Chick" Hale	Potawatomi
Alfred Johnson	Archaeologist
Kim Schneider	Physical Anthropologist
Leslie Standing	Wichita
Fred Thomas	Kickapoo
George Wahquahbushkuk	Potawatomi
Dan Wildcat	Haskell Indian Junior College
Thomas Witty	Kansas State Archaeologist