

I would like to thank the Committee for allowing us to present today;

As part of our mission statement for Friends of Blue Licks State Park (non profit organization) we are commissioned to preserving, protecting, supporting, promoting, advocating, conserving and educating the cultural heritage and history of the park. That is why we are here. There are **no** federally or state recognized tribes or tribal land in Kentucky. This past year at the Memorial service at Blue Licks there were over 200 wreaths presented for those who lost their lives in the battle and for the first time ever I represented the Indians who lost their lives and I laid a wreath in their honor from our group. My husband, Randy is from the area and his great-grandfather loaned the mastodon bones along with many other artifacts to the Pioneer Museum to educate the visitors about the history of the area,

In April, 1925 a farmer from a neighboring county requested W. J. Curtis, who was a Kentucky State Legislator, Father of Blue Licks State Park and an artifact collector, to come to his **private farm** at Fox Field in Mason County, Kentucky to **save** some artifacts he was destroying while plowing his crops. Mr. Curtis along with Dr. Funkhouser and Dr. Webb from the University of Kentucky went to look at the items to study their history and help **save** them. There were no laws in 1925 to prevent excavating these artifacts. They were found to be Fort Ancient from a tribe that was a late prehistoric Aboriginal tribe from 1000-1750 AD. Most Indians did not mark their graves and many are probably buried in land all throughout Kentucky. Many sites have been destroyed where roads and buildings are standing as we speak.

Mr. Curtis had started the park at Blue Licks and a Pioneer Museum to display the items and educate visitors about the Indians. Blue Licks was known for the last battle of the Revolutionary War and many

Indians lost their lives there and he wanted to display their history along with the information on the Pioneers and Militiamen who fought there.

Several artifacts were donated to Mr. Curtis over the years coming from many private farms in Kentucky. In 1942 he wrote a note that said for everyone to enjoy his play things and keep them in the museum (**Exhibit A**). It was posted in a frame in the museum for many years. It was taken down out of the museum when this process started. In 1948, he put in his will that his nephew was to receive his artifacts as he would be the next park supervisor after Curtis retired. In 1949 our state curator sent a message to the legislators that the state needed to rent his artifacts or purchase them to keep them in the museum. (**Exhibit B**) In 1949 the state taxpayers purchased the items belonging to Mr. Curtis for \$15,000 with **taxpayer funding** to keep them in the museum. Mr. Curtis was in a geriatric home in Florida and passed away in 1950. He was buried beside the museum through an act of the Legislators and recognized as the Founding Father Of BLSP.

Fort Ancient was an ancient tribe. According to the KET, the Fort Ancient tribe members were here **before** newer constructed tribes came through Kentucky. You can see in the emails (**Exhibit C1-3**) that they are looking for treaties to prove they occupied this area and the process is new to them in Kentucky. There were no written records. Relics from Fox Field would have been destroyed over the years of plowing. WJ Curtis and his companions salvaged the rare artifacts and took the skeletons to the University of Kentucky and Peabody Museum in Boston to study the culture of the Indians. There is no Indian History taught in our Kentucky Schools today. Many of the items included in the repatriation are game balls, hunting tools

and fishing tools. (**Exhibit D1-2**) (not proven to come from graves or used in ceremonial traditions).

Russ Meyers, KY State Park Commissioner was supposed to attend our Friends of Blue Licks State Park meeting on June 6, 2024 to discuss our programs we were planning for the park. He didn't attend the meeting and sent Chrissy Combs in his place. She said he would be at the next meeting (he never showed up). A member in our group asked about the artifacts being taken from the Pioneer Museum. After finding the list on the Federal Registry from January, 2024, I contacted my legislators about the developments (**Exhibit E1-4**) Soon after our Friends meeting which included Chrissy Combs, Jennifer Spence sent an email for The Shawnee Tribe of Oklahoma to contact her by phone to discuss the situation(**Exhibit F**).

We set up a meeting with Russ Meyer on August 13, 2024 in the office of Senator West and again Russ Meyer cancelled and refused to have another meeting with our group. On November 8, 2024 Sarah Cronan (Heritage Council) and Jennifer Spence (Kentucky Parks Curator) requested a meeting ASAP with our group. It lasted one hour and they stepped out for ten minutes when my husband asked how they determined the items they were going to take. They brought out a Bill of Sales list from WJ Curtis where they were purchased, but we already had this and the numbers didn't add up.

Now to discuss the NAGPRA Process: (There are six steps)

In 1990 NAGPRA was formed mainly to repatriate bodies and work with the Indians. They were to follow a series of steps to comply with the Law.

1. Consultation-Consult with lineal descendents, Indian Tribes, and Native American Organizations (Our state curator sent letters to consult with seven tribes-most declined and she met virtually with the Shawnee Tribe.) Our state curator contacted and wrote letters to seven tribes on July 28, 2022 for consultation with the goal to repatriate 134 items at the Pioneer Museum. (**Exhibit G**) Our curator sent emails again on October 7, 2022 to remind them of her intent to consult (**Exhibit H**) This number changed to 274 in January 2024 after meeting virtually with the Shawnee Tribe on January 10, 2023 (**Exhibit I**) Most tribes deferred the requests to consult.

2. Inventory: Identify and report all Native American human remains and cultural items in inventories and summaries (Our state curator did an inventory and had been working on it for a couple of years. According to archives in Frankfort the inventory records at the Pioneer Museum are not good, incomplete and not updated). Many families and people have donated and loaned their collections to the museum over the years. There are few records. I had a gentleman contact me in August and said that his Uncle loaned artifacts to the museum in the late 1960's. He contacted the park to see if any of his Uncle's items are being repatriated. He was contacted but he never got a second call to see if they were included in the 274 items (**Exhibit J**). Many items in the inventory could not be proven to come from Fox Field or from graves. When our curator asked if they wanted them all even though she couldn't prove they came from graves or that area (because he collected artifacts from many places) the tribe responded "yes, include them all. (**Exhibit K**)

3. Notice-Give notice **prior** to repatriating or transferring human remains and cultural items in the Federal Register. Prior to January 12, 2024, Federal agencies were required to publish a newspaper notice of intent to local newspapers. (Notice was given in the

Federal Registry in January 2024 after the new law went into effect that you didn't have to post intent in local newspapers. They waited until the new law went into effect even though they clearly had been working on the inventory and consultation for two years prior. Taxpayers who owned the artifacts should have been given notice and the same time frame as those who were working on the process.

4. Requests-Receive and consider requests for repatriation or disposition. It should include items requested and information on how the lineage to the artifacts are proven beyond a Preponderance like the one from the University of Kentucky Form **(Exhibit L1-3)** (The Shawnee tribe of Oklahoma sent a written request on August 5, 2024, **(Exhibit M)** as is supposed to be in the written request. There was no proof in our open-records requests that I sent five times to get our information that the request was received according to CFR 10.1 (a) (1) (i) with proof of delivery date by the parks. It is also suppose to prove relationship between the tribe and the relics on the form.

5. Response-Respond to request for repatriation or disposition within 60 days. (Our State Parks Commissioner, Russ Meyer and Jennifer Spence sent the Shawnee Tribe Relinquishment letters for the artifacts in June, 2024 before the Shawnee even sent a request for repatriation on August 5, 2024) **(Exhibit N1-2)**

6. Repatriation-Repatriate or dispose of human remains or cultural items. (Repatriate means to return to home origin, we are not following the meaning of this word)

There were several updates made in 2023 to update the law to take effect January, 2024

1. Duty of Care with Intent to Display (we should consider this option to display the items with the endorsement of tribes in consideration of the Indians who lost their lives at the Battle of Blue Licks. It allows museums and federal agencies to obtain free, prior, and informed consent from lineal descendants, before allowing any exhibition of, access to, or research on cultural items. We should educate, not eradicate our Indian heritage.
2. Deadline of Five Years (updated again)-January 2029 (We have five years, we shouldn't be in such a hurry to get rid of our precious artifacts)
3. You only have to post in the Federal Registry and not local papers where items are located. (We should have posted local newspapers before the law changed -It was all going to be done with no transparency or without the knowledge of Kentucky Taxpayers who purchased the items. Transparent means open and honest without secrets. Very few people in our communities read the Federal Register because no one knew it was going to happen.
4. Only Federally Recognized tribes may claim the artifacts or bodies-(Once again there are no Federally Recognized Tribes or Tribal Lands in Kentucky). We agree all bodies should be repatriated with honor. The other artifacts honor the history of the Indians.

I know they are only taking 25% of the Indian Artifacts. However, we are a small community and the museum brings in a lot of tourists to our counties that the park sits on. It is one of the

main attractions of the park. The Indian artifacts are rare and cannot be replaced by other artifacts. Our precious artifacts are priceless. We have over 4000 signatures of community members who would like to see them stay in our museum. This is a lot of signatures for our small area.

Apologizing for our history will not change the fact that it happened. Trying to erase it will not make the events go away. Feeling self-guilt for the deeds of our ancestors is unnecessary. We cannot change what has happened in our nation's or family's past, we must accept it whether we want to or not. We can learn from our misfortunes, misdeeds and mistakes of others, as well as ourselves. History is supposed to teach us how to learn from the decisions others have made and to help us not make the same mistakes. We have laws to prevent these mistakes from happening in the future. We should learn from it to make us more appreciative of what we have in our lives as citizens of this great country.

Anderson Cole and Sissie Cole were my 8th Great Grandparents who went to Oklahoma and were listed as members of the 1st Five Civilized Tribes. Statutory Ambiguity has not been met and so there could be changes over the next four years. There are several pending lawsuits in Alabama, Tennessee and Mississippi. Once they are gone, they are gone forever. The rare artifacts cannot be replaced. Our museum has been written about in the papers for many years because of the beautiful collection of artifacts they display. Many families and citizens have donated and loaned their collections to the museum over the years. I think as Kentucky taxpayers who helped purchase the artifacts we deserve better.

I realize that we are concerned for fines to the Kentucky Taxpayers, but museums (including universities) that have failed to comply with

NAGPRA have faced little to no penalties — as of January 2023, only \$59,111.34 in total fines have been collected by the Department of the Interior for NAGPRA violations in over 33 years.

We need to tell the story of our Indians and educate our youth. If they are displayed in the museum it would give them the opportunity to learn about them. Once the artifacts are taken, it's too late. We have until **January 2029**. Please do what is best for the taxpayers of our great State of Kentucky and wait until further information can be presented. The Shawnee have a great golden rule “ Do not kill or injure your neighbor, for it is not him that you injure, you injure yourself”. Our Team Kentucky should work with our neighbors, the Shawnee Indians to preserve, honor and show respect for our history for future generations. It's the right thing to do.