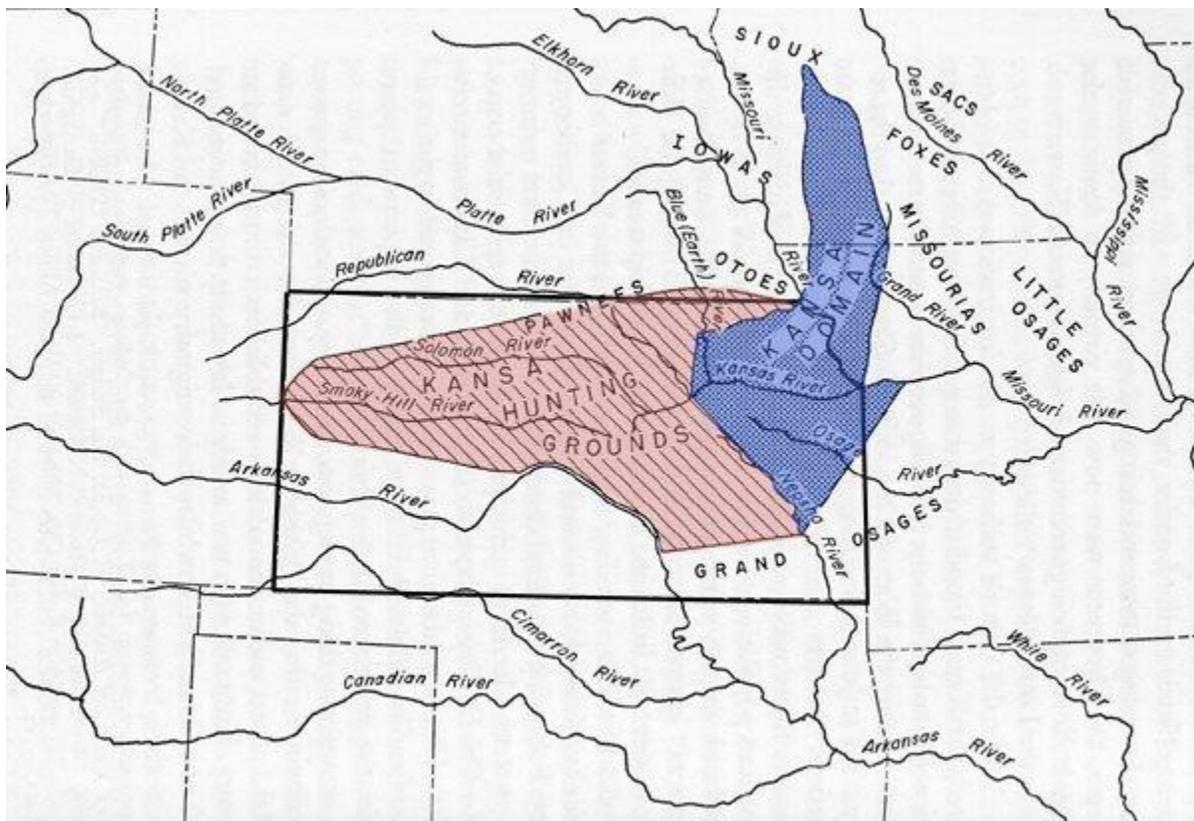


**TESTIMONY OF KAW NATION TRIBAL MEMBER KEN BELLMARD, DIRECTOR
OF GOVERNMENT AFFAIRS OF THE KAW NATION, ON BEHALF OF THE
KAW NATION IN OPPOSITION TO HB 2208 ON JANUARY 23, 2024.**

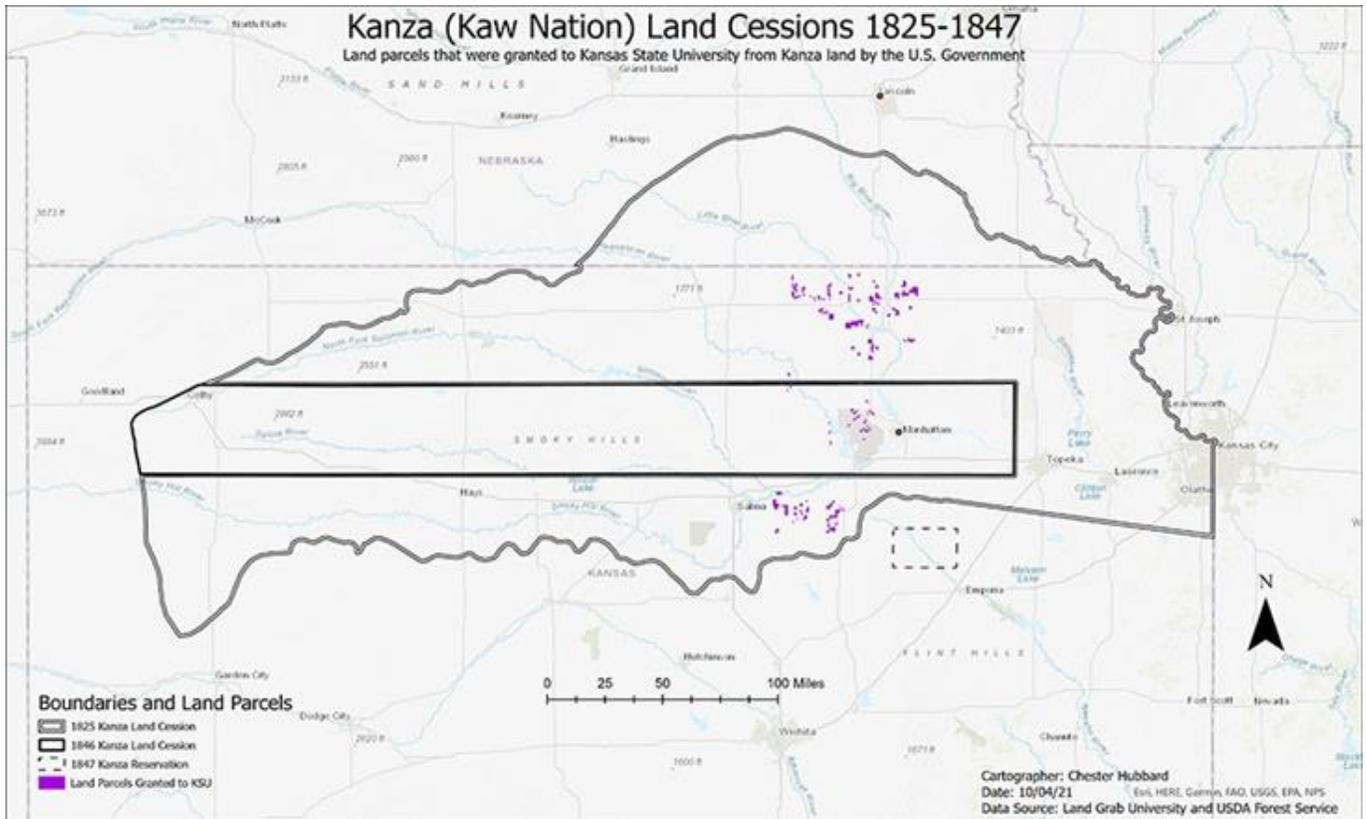
On behalf of the Kaw Nation the Nation submits this testimony in opposition to HB 2208.

The Kaw Nation is a federally recognized Indian Tribe and the original inhabitants of what is now known as the State of Kansas. In fact, the State of Kansas derives its name from the Kaw (Kansa) Nation. The State of Kansas was built upon the displacement and eventual forced removal of the Kansa people, and many in State Leadership are not aware of or choose to ignore these facts and the historical legacy of the Kansa in Kansas. Historically, the Kaw Nation lived in various locations in the Kansas and Missouri River valleys, spanning over 20 million acres. This land encompasses the location upon which this hearing is taking place.



In the 1815 Treaty with the Kansa, the United States and the Kaw Nation agreed to perpetual peace and friendship among the parties and acknowledged the tribe “to be under the protection of the United States of America.” The 1825 Treaty, the Kaw Nation were forced to cede to the United States all interest to approximately 18,314,240 acres of land located in present-day Kansas, Missouri, Nebraska, and Colorado, and were removed to a reservation with the eastern boundary beginning in Kansas and extending west thirty miles in width to the source of the Kansas River.

Included in the land force-ceded by the 1825 Treaty is the present-day location of the Shawnee Indian Mission. From 1839 until 1862 the Shawnee Indian Mission operated on the land which is now the site owned by the Kansas Historical Society and operated as the Shawnee Mission State Historical site. Students from 22 Tribes attended the Mission, including Kaw children.



The Kaw Nation and United States executed another treaty in 1846, this time relinquishing to the United States 2,000,000 acres in the east part of the lands reserved for the Kaw under the Treaty of 1825. Pursuant to Article 5 of the Treaty of 1846, the Kaw Nation would cede additional lands once a survey was conducted, which led to the United States taking title to the remaining reservation lands and setting aside 255,854.49 acres of land for the Kaw Nation near present-day Council Grove, Kansas.

In 1860, the United States enacted another treaty relating to the Kaw Nation, this time reducing the 255,854.49-acre reservation to 80,409.60 acres and assigning the balance in severalty to individual tribal members in parcels not exceeding forty (40) acres. Inevitably, in 1872, the Kaw Nation were forced to relinquish its rights to the Kansas reservation and relocate to a 100,000-acre reservation in present-day Oklahoma, where the Kaw Nation is presently located in Kay County, Oklahoma. By the time the tribe reached present-day Oklahoma on June 21, 1873, only 533 tribal members were still living. This systematic removal of the Kaw from the State that bears their name is illustrative of the ongoing effort to “purge” the Kaw People from the history of the State of Kansas.

Clearly the “Shawnee Indian Mission” is located on the aboriginal and treaty lands of the Kaw. These Kaw lands, as memorialized in the Treaty with the Kanza of June 3, 1825, were recognized as Kaw territory well before the Shawnee people were temporarily relocated to the present-day State of Kansas in the mid-Nineteenth Century, prior to their removal to present-day Oklahoma. The earliest oral accounts are that the Kaw inhabited these lands in 1540, and records show the Kaw already occupied these lands when first encountered by European traders and trappers in the early 18th century. In sum, these lands which the Shawnee people temporarily occupied (along with other tribes) were the stolen aboriginal lands of the Kaw people.

In June 2022, the Kaw Nation became aware of a legislative effort to pass title to the Shawnee Indian Mission State Historic Site near Fairway, Kansas, to the present-day “Shawnee Tribe,” one of three successors to the historic Shawnee Tribe (the others are the Eastern Shawnee Tribe and the Absentee Shawnee Tribe). At no time prior to June 2022 was the Kaw Nation contacted by the Shawnee Tribe related to their efforts as to the Shawnee Mission.

Similarly, the State of Kansas made no effort to inform the Kaw Nation of this legislative effort, demonstrating the lack of understanding by the State of Kansas about the history of its lands as it relates to the aboriginal People of the area now known as Kansas. Since the last session, the Kaw Nation has informed the Governor of the State and members of the Kansas State legislature of their continuing opposition to any conveyance of the Shawnee Mission to any third Party other than the Kaw Nation.

It is important to note that the Kaw Nation has been in favor of conducting a Ground Penetrating Radar (GPR) search on the Mission property, which we understand has not occurred due to the objection of the Shawnee Tribe. It is acknowledged that Indian children are buried on and near the Mission property, including Kaw children, but GPR is vital to determining the exact locations and number of unknown burial sites. This is an action that should be part of an information gathering process, which needs to occur before the State considers further action.

To be clear, the Kaw Nation supports restoration of the “Shawnee Indian Mission” and shares the belief that improvements are needed to tell a complete and accurate history, including the perspectives of the Native Americans affected by the mission (which extend beyond the Shawnee people). The Kaw Nation welcomes cooperation with other impacted tribes in this endeavor. However, the Kaw Nation opposes any action without consultation with the Kaw Nation, without extensive information gathering, and outright opposes this conveyance of historical Kaw lands to another tribe.

The Kaw Nation believes this matter has created an opportunity to strengthen dialogue and communication between the Kaw Nation and the State of Kansas. The Kaw Nation invites leaders of the State of Kansas to work with the leaders of the Kaw Nation to build a cooperative relationship so that we can have a correct account of our intertwined history, but also build a future that better serves our communities and citizens.