



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them

Oneida Tribe of Indians of Wisconsin

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Oneida, WI 54155



UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the Colony of Pennsylvania, a new nation, the United States, was

RESOLUTION # 1-19-88-A

WHEREAS, the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a Treaty Tribe recognized by the laws of the United States, and

WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin, and

WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV, Section 1 of the Oneida Tribal Constitution by the Oneida General Tribal Council, and

WHEREAS, it has come to the attention of the Oneida Tribe that there have been acts of desecration of Indian burial sites near Uniontown, Kentucky, and

WHEREAS, the Oneida Tribe of Indians of Wisconsin is outraged and alarmed at the insensitivity and callous disregard for Indian remains, and

WHEREAS, the Oneida Tribe of Indians of Wisconsin is bitterly opposed to acts of grave robbing and pillaging of Indian burial sites for commercial purposes, and

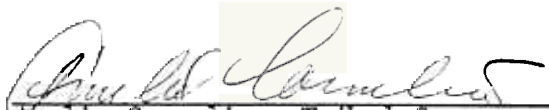
WHEREAS, Indian people have traditionally upheld a high standard of respect and dignity for their deceased, and view these acts of desecration as barbarism and crimes against mankind.

NOW THEREFORE BE IT RESOLVED: that the Oneida Tribe of Indians of Wisconsin urges the Kentucky State Legislatures to develop sanctions against unregulated pilfering by grave robbers, collectors and vandals of Indian burial sites.

BE IT FURTHER RESOLVED: that the Oneida Tribe of Indians of Wisconsin urges its Congressional Representatives to investigate this matter and assist in the development of a satisfactory solution to this horrendous atrocity.

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

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members, of whom 9 members, constituting a quorum, were present at a meeting duly called, noticed and held on the 19th day of January 1988; that the foregoing resolution was duly adopted at such meeting by a vote of 8 members for; 0 members against, 0 members not voting; and that said resolution has not been rescinded or amended in any way.



Amelia Cornelius, Tribal Secretary
Oneida Tribe of Indians of Wisconsin

10 diggers at Indian burial site indicted

By FRAN ELLERS
Staff Writer

Union County
yesterday with
Indian

Class A misdemeanor
Miles

lic outrage is an element of the charge.
The grand jury's action, he said, "is an indication of public sentiment in Union County."
But defense attorney William Deep of Henderson contended that the diggers had no criminal intent and should not be prosecuted. "They may be charged with poor judgment, but they definitely didn't commit a criminal act," Deep said.
The dig has infuriated archaeologists, who date Indian remains and artifacts at the site between 1450 and 1750.
State forensic anthropologist David Wolf estimated 400 holes have been dug, containing 1,000 to 1,200 He has said bones and bits of pottery were strewn around the holes by diggers.
One of the 10 indicted yesterday, Robert R. Wilson of Evansville, Ind., is on probation after being convicted of unlawful excavation of archaeological resources valued at more than \$5,000 in 1986 in U.S. District Court in Illinois.
That excavation occurred in Shawnee National Forest in Southern Illinois, not far from Union County.

The other nine indicted are Harris Dale Tate Jr., Mike Tate and Mark A. Nally, all of Uniontown; Cecil Purie of Clay; John Darrow of Sturgis; Tim Faulconer of Morgan-

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10 diggers indicted

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field; Mike Sutton of Harrisburg, Ill.; Thomas L. Hagerman Sr. of Evansville; and LeRoy Williams of Newburgh, Ind.

William Lambert Jr., owner of the old Slack farm where the dig occurred, leased about 40 acres to Harris Dale Tate Jr. and Mike Sutton, according to a Dec. 11 court order banning the digging during Hart's investigation.

Tate and Sutton, who paid \$10,000 for the five-month lease, sublet the area to other diggers, Hart and Lambert said.

Deep said the diggers were trying to act legally by obtaining the lease. The lease allows them to dig for artifacts and specifies that they break no laws.

He said that they may have shown poor judgment by failing to get a legal opinion on the matter but that Lambert's lawyer had said their plans appeared to be within the law.

Lambert's lawyer, William Sullivan, said he did not believe the area would have been considered a burial site because, after destruction from plowing and flooding over 500 years, it could not be identified as such if it ever was one.

peared to be legal, although he has not been to the site to see what actually occurred.

An archaeologist who visited the site has said that it was well-known as a burial ground and that diggers used probes designed to detect graves.

Deep said that the diggers would be willing to apologize and repair the site and that he was "very disappointed" at the indictments.

Hart said his investigation is continuing. Wolf said a variety of state laws relate to the issue, including one requiring notification of the county coroner if skeletal remains are found.

Besides creating a stir among archaeologists, the digging has attracted the attention of at least one organization of native Americans in Louisville, which believes the case could have precedent-setting value.

J. A. Gonzalez, of the Hathawikila Shawanwa Hidden Shawnee Historical Society Inc., said the group hopes to lead a movement to make desecration of Indian graves a felony in Kentucky, as it is in some other states.

Hart said he will try to get the court order banning the Union County digging, which runs out today, extended through the prosecu-

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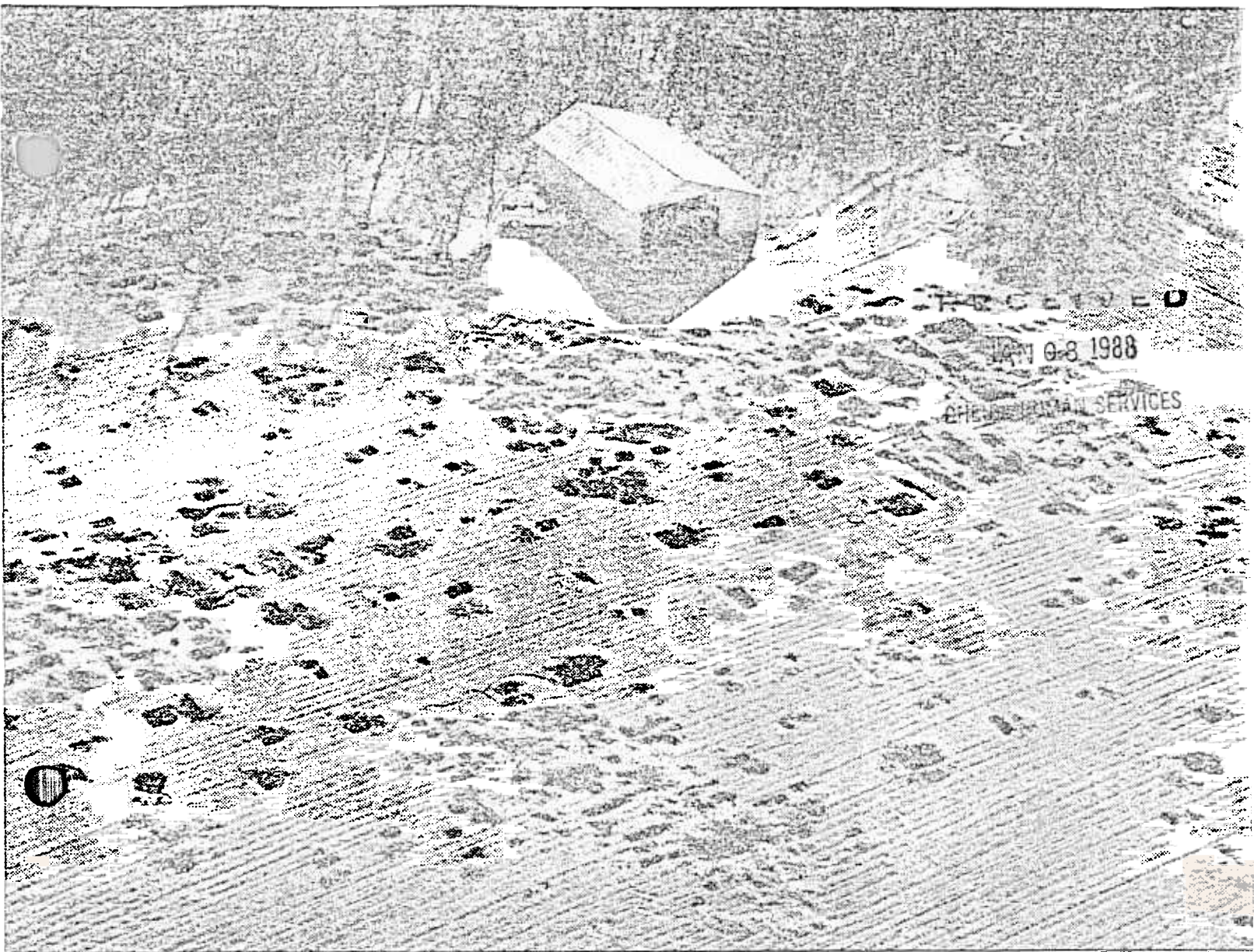


PHOTO BY ELL KIGHT

About 400 potholes containing Indian graves were discovered on the old Slack farm on the Ohio River near Uniontown.

Search for Indian relics outrages archaeologists

By FRAN ELLERS
Staff Writer

UNIONTOWN, Ky. — Kentucky State Police Sgt. Miles Hart tromped over the territory 20 years ago — the old Slack farm on the Ohio River in Union County, where Indian artifacts, unearthed by plows, lay on the ground for the taking.

Hart had even done some amateur digging. So when he was told last month to investigate an allegedly illegal dig at the farm, he hesitated.

"My first comment was, 'I'm probably not the best person to be assigned this,'" he said.

He saw the site and changed his mind.

"I didn't do that," he said.

About 400 earthen "potholes" containing an

estimated 1,000 to 1,200 Indian graves, have been dug up at the site, said state forensic anthropologist David Wolf. Bones and bits of broken pottery have been strewn around the holes, and mounds of dirt have been pushed to the side.

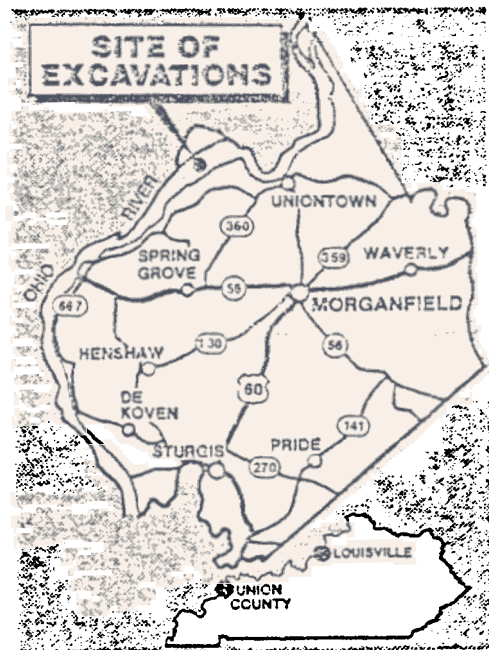
It ranks as one of the "top five instances of grave ... desecration that I've seen or know about ... in the United States," Wolf said.

He is echoed by furious archaeologists.

"The scale of this and the sheer amount of destruction is incredible," said C. Wesley Cowan, curator of archaeology at the Cincinnati Museum of Natural History. Several years ago,

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Diggers unearth Indian cemetery

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Cowan became the first professional to report the site for state records.

David L. Morgan of the Kentucky Heritage Council called the site "very significant. It's a terrible loss to the commonwealth of Kentucky."

Hart will go before a Union County grand jury today to seek indictments of the diggers on Class A misdemeanor counts of desecration of a public burial site.

The digging began Oct. 13 and continued until Dec. 11, when Hart obtained an order from Union District Court that required the digging to stop pending completion of the investigation.

The diggers' lawyer argues that they were within their rights. They paid \$10,000 for a five-month lease authorizing them to dig for artifacts on the farm, according to William Lambert Jr., the owner of the farm.

The attorney, William Deep of Henderson, questioned whether the site could be considered a cemetery.

"The cemetery is something that some church or some public body has established," he said, adding that the diggers considered the area a camp site, not a burial site.

Cowan disagrees. He said the

farm had been known for years to contain Indian graves, and indications are that the diggers used probes designed to detect the graves in their work.

Wolf said a string of state laws, taken together, shows that Kentucky considers burial sites to be protected, regardless of whether they are marked.

Neither side, however, has been able to find case law on the question, and both predict the grand jury will be deciding it for the first time. They agree on one other point — that public opinion will play a part.

"What's the difference between disturbing a grave with a plowshare or a shovel?" Hart asked rhetorically. "It's what outrages people's sensibilities."

Archaeologists and anthropologists are outraged at how the site was treated. Cheryl Ann Munson, senior archaeologist at an Indiana University laboratory in Bloomington, said archaeologists are destructive too. The difference is that they carefully record information and leave as much intact as possible.

Wolf described the diggers in this case as "pot hunters" — people well-known in archaeological circles to be interested only in finding arti-

facts to sell. Deep said he does not know what the diggers did with what they found and that that is irrelevant to the broader legal question.

But Munson said that destroying burial sites is "terribly destructive of the history ... of the area. It just seems somehow ... wrong."

One of several diggers who subleased the area for \$1,000 apiece said he has not sold any of the pottery he collected and doesn't know of anyone who has.

He said he has not been a collector but got involved at the urging of "just a lot of people who wanted me to do it." He said he intends to build a collection.

"It was all strictly legal," he said. Other diggers either declined to comment or could not be reached.

Deep argued that if archaeologists were so interested in the site they should have done something about it before now.

Lambert, who bought the farm in 1972, said he had tried to get an archaeological study of the site years ago because of repeated digging and looting. A home on the farm had to be razed because of people sneaking in and digging under it, he said.

"I didn't know there were any Indian graves there and I don't know if there are yet," said Lambert, who has been ill and has not been to the site since the digging began.

He said that he did not intend for

graves to be dug up but that they are unearthed all the time by plows and construction across the state. He said the lease specifies that no laws be broken by the digging.

The \$10,000 offer in this instance did catch him a little off guard, he said. He had not previously allowed surface hunting for artifacts, and the Slack family restricted such hunting to a few people, such as Hart.

Munson, Wolf and Hart have dated Indian remains at the site between 1450 and 1750, and possibly earlier. There also may have been artifacts from European traders who traveled the region, they said.

Munson said the Caborn-Welborn phase of the Mississippian culture of Indians generally was found along the Ohio River between Evansville, Ind., and Shawneetown, Ill.

Artifact collector Phil Foley of Bourbon County said there is a large market for the sale of Indian items, which can be — but often isn't — lucrative.

"There have been a lot of fine artifacts out in Union County for years," he said.

He said most collectors have a genuine interest in the history of the artifacts they collect, though some just want to resell them.

He agreed that the digging in Union County raises scientific and moral questions, and he said the archaeologists may discourage other pot hunters through publicity about the site.

"A little fright," he said, "can go a long way."

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