

**Testimony of Mekko George Thompson, Hickory Ground Tribal Town of Oklahoma
Hearing of the House Subcommittee on the Interior, Environment and Related Agencies
April 8th 2014**

Good morning Chairman Calvert, Ranking Member Moran, and Members of the Subcommittee. My name is George Thompson, and for the past 42 years, I have been the Mekko, or traditional chief, of my people, the Hickory Ground Tribal Town of the Muscogee Creek Nation of Oklahoma. I am accompanied today by George Tiger, Principal Chief of the 77,000 enrolled members of the Muscogee Creek Nation of Oklahoma. My testimony today will pertain to expenditures within the Department of the Interior primarily housed at the Bureau of Indian Affairs and National Park Service. The programs I will address include the Special Law Enforcement Commission and trust land acquisition at the BIA, and the administration of the Archaeological Resources Protection Act, National Historic Preservation Act, and Tribal Historic Preservation Officers Program by the National Park Service.

I will outline a history of programmatic mismanagement, failure to fulfill legal obligations, and general lack of oversight by these agencies. I will discuss the use of federal grant money previously appropriated by this Subcommittee in a questionable, and potentially fraudulent manner that continues to this day. I will point out neglect on the part of the BIA and NPS in carrying out both its trust responsibilities and sound stewardship of the taxpayer's money. I will conclude with a plea for action by the Subcommittee, as you are the only ones at this time who can provide us with the relief we need in a timely manner. Increased congressional oversight of the BIA and NPS, restrictions placed on spending at the BIA and NPS until problems are identified and resolved, and the involvement of the Departmental Inspector General are all needed. If these steps are taken, we can begin the process of righting these wrongs which have been perpetrated against my people, hold those responsible accountable for their actions, and put in place new safeguards to prevent a similar situation from occurring again.

In order to help you fully understand why my people are asking the Subcommittee to take these actions, I will first relate a brief history of how the present tragedy came to be. The historic Creek Nation was a large confederation of tribal towns which existed in the southeastern United States for centuries. The historic Hickory Ground Tribal Town was located near modern-day Wetumpka, AL. Its sacred ceremonial grounds and burial places are central to the traditional cultural life and spiritual beliefs of my people. It was the last capital of the Creek Nation prior to the forced removal of our people on the Trail of Tears in the 1830s. Although our people were removed, the history and the spirits of our ancestors remained in Alabama. Hickory Ground as is important in the hearts of our people today as it was the day we were marched away at gunpoint.

The United States of America certainly knows the history and importance of Hickory Ground. In 1980, the National Park Service listed it on the National Register of Historic Places. Later that same year, the state-recognized Poarch Band of Creek Indians in Alabama applied for and received a federal grant through the Alabama Historical Commission to purchase the Hickory Ground property. In their application for this grant, the Poarch claimed to want to acquire the

land for the purpose of preserving it in its original state forever. In 1984, the Poarch received federal recognition. Even though they had no direct ancestral or cultural connection to Hickory Ground, the land was placed into federal trust for Poarch Band on the assumption that they had an interest in preserving the site. Tragically, time was to prove this assumption absolutely wrong.

In 1999, the NPS entered an agreement which allowed the Poarch Band to assume the responsibilities of State Historic Preservation Officer. This agreement required that the Poarch consult and work with the Muscogee Creek Nation of Oklahoma on a continual basis regarding Hickory Ground, and that the NPS periodically review the Poarch Band's historic preservation program and compliance with the NPS agreement. Performing these duties made the Poarch eligible for yearly grants under the federal Tribal Historic Preservation Officer program. From FY 04-11, Poarch has received \$446,403.00 in taxpayer funds for this specific purpose.

A few short years after gaining these new powers and taxpayer funds, the Poarch Creek began the desecration and destruction of the Hickory Ground with which they had been entrusted. Without any consultation with the Muscogee Creek Nation, and in blatant violation of the NPS agreement, the Poarch initiated the construction of a casino gambling facility on the historic Hickory Ground site. This outrageous action was adamantly opposed by the Muscogee Creek Nation, the Advisory Council on Historic Preservation, the State of Alabama, and even some individual Poarch Band members who opposed the actions of their tribal leaders.

During the construction of the original gaming facility, and its massive \$240 million expansion last year, extreme damage was inflicted on this sacred place. Dozens of human remains and an unknown number of funerary objects were exhumed in violation of the Archaeological Resources Act. These remains were placed in plastic buckets in a non-climate controlled shed, and their present disposition is currently unknown. Construction of a multi-level parking deck and 20-story hotel has altered the historic landscape and ceremonial grounds beyond recognition.

Although they have removed the remains, the Poarch can never remove the spirits of our people or the significance of Hickory Ground to us. But that hasn't stopped them from trying. On more than one occasion, Poarch tribal leaders have ordered their tribal police force to deny our people access to what little remains of the site, preventing the conduct of honoring our ancestors and traditions with important religious ceremonies. This is a clear violation our people's rights under the American Indian Religious Freedom Act and the Religious Freedom Restoration Act.

While Hickory Ground was being desecrated and destroyed by the Poarch, the Department of the Interior, Bureau of Indian Affairs, and National Park Service failed to take advantage of opportunities to act stop the outrageous actions of the Poarch. Despite repeated appeals for help by the Muscogee Creek Nation and others, these agencies ignored many violations of federal regulations, agreements, and laws committed by the Poarch in building this casino gambling resort. Instead of using their exercising their trust responsibility to protect our heritage, they stood idly by while irreparable damage was done.

It is for this reason that I appear here on behalf of my people today to request that Congress act where others have failed to do so. To that end, I am respectfully requesting that you include the following measures in the FY15 Interior Appropriations bill:

- A provision that directs the Inspector General of the Department of the Interior to immediately open an investigation into the conduct and actions of the DOI and federally-funded Poarch Creek officials with regard to the Hickory Ground affair. The scope of this investigation should include but not be limited to:
 1. Possible past and present fraudulent use of taxpayer funds in the acquisition by Poarch of Hickory Ground, and the failure to preserve it as agreements required;
 2. Fraudulent misrepresentations to federal officials by the Poarch in obtaining permits for excavations at Hickory Ground claiming the purpose of constructing a museum and cultural center, as opposed to the true purpose building a casino;
 3. Possible violations of federal law in the exhumation of human remains and funerary objects by the Poarch, and their failure to repatriate or re-inter them;
 4. Absence of any action by appropriate federal officials to intervene or prevent the violation of numerous laws and agreements by the Poarch Band, constituting possible negligence on the part of the United States government as trustee
 5. All other areas deemed pertinent to a thorough investigation of this situation

- A prohibition on the Department of the Interior providing any funding from the Special Law Enforcement Commission of the BIA to the Poarch Creek Department of Public Safety or Tribal Police Force. No federal taxpayer funds should directly or indirectly support any law enforcement activities which violate the legal and civil rights of American Indians by denying them access to a sacred place of ceremony and worship.

- A prohibition on the expenditure of any monies by the National Park Service to award grants for the purpose of funding the Poarch Creek 'preservation' activities under the Tribal Historic Preservation Officer Program. The Poarch have accepted at least \$450,000 in federal funds for the purpose of historic preservation during the same time period when they have expended \$240 million to construct a luxury casino resort. The American taxpayer should certainly not have to subsidize the Poarch with even one more penny for 'historic preservation' that is actually 'historic destruction'.

- An increase in funding to the NPS, directed to the administration of the Tribal Historic Preservation Officer Program for the purpose of audits of tribal grant recipients, such as Poarch, under the program. A current lack of funding means no audits can be conducted on tribal spending of federal funds and compliance with program requirements.

- A prohibition on the expenditure of any monies anywhere within the Eastern Region of the Bureau of Indian Affairs for the purposes of tribal cultural preservation, until such time as all human remains and funerary objects previously exhumed at the Hickory Ground site have been identified, their whereabouts made known to the Muscogee Creek

Nation, and then **re-interred in the EXACT spot from where they were taken**. These reburials should be conducted by their descendants in the Muscogee Creek Nation to insure that they are done in the most appropriate manner. Their simply can be no higher priority for tribal cultural preservation in the Eastern region than restoring these grounds.

- A prohibition on the expenditure of any funds by the Eastern Region of the Bureau of Indian Affairs for the purposes of acquiring land to be placed in federal trust until such time as the DOI Solicitor has issued a formal written opinion on whether the Poarch Band of Creek Indians, recognized until 1984, was ‘under federal jurisdiction’ in 1934 as required by the Supreme Court’s ruling in the *Carciere* case to qualify for trust land.
- A prohibition on expenditure of any funds by the Department of the Interior or Bureau of Indian Affairs to intervene or defend against any challenge in a court of law to the federal trust land status of the Hickory Ground parcel. As this land was obtained under false pretenses by the Poarch, no taxpayer dollars should be spent to defend its trust status.
- A provision directing the BIA to undertake a formal rulemaking to increase the role and power of tribes removed from the Eastern United States to protect their historic and cultural sites on federally held lands east of the Mississippi. The Poarch’s destruction of Hickory Ground has made the unthinkable a reality, so steps must be taken through rulemaking by the DOI and BIA to ensure that this will never happen again to any tribe.
- Most importantly, the provision of funds to restore the Historic Hickory Ground to the condition in which it was first acquired by the expenditure of taxpayer money for the purpose of preserving it in its original state in perpetuity.

As Mekko, I take very seriously my primary responsibility to fight to protect my people and our culture, religion, sacred places, and traditions. This includes the resting places of our loved ones that have been desecrated by the Poarch Band. Just as America would not exist if it were not for the sacrifices of those heroes buried in places like Arlington National Cemetery, so too our tribal nation would not exist without the sacrifices made by those ancestors who once buried in Hickory Ground. All of these places need the utmost level of protection and respect.

As Members of this Subcommittee, I know you take very seriously your job of upholding the Constitutional trust responsibility to tribes and your oversight of federal expenditures. I freely admit that even taking all of the actions I have requested will never completely undo the outrageous crimes committed by the Poarch against our culture and history. But strong oversight and direction by the Subcommittee to the Department will surely help minimize future waste, fraud, and abuse of taxpayer funds for historic preservation as well as prevent the destruction of irreplaceable natural and cultural resources that we both have a legal and moral obligation to preserve. Thank you for your time and consideration of our requests.