



## Latest Developments on the Shawnee Indian Mission

For previous announcements about the Shawnee Indian Mission, [click here](#).

Issues related to the Mission continue to evolve daily. Last week, Shawnee Chief Ben Barnes released a plan to “save” the Shawnee Indian Mission. Several Kansas City media outlets covered the release and the City addressed the plan in its last community announcement. Details of the plan were not the only topics Chief Barnes discussed.

**What Chief Barnes said.** An article published on the Shawnee Mission Post read, “Barnes told the Post that all state laws and local regulations would still apply to the land if it were transferred to the Shawnee Tribe.”

**What Shawnee documents say.** Over the weekend, a researcher with the Shawnee Indian Mission Foundation (SIMF) discovered several documents originating out of the Shawnee Tribe. The documents include a number of resolutions as well as a citation from the Shawnee Tribe’s Constitution. Upon review of the Shawnee Tribe Constitution, it is clear the Tribe could immediately assert a claim the land is sovereign and thus, not subject to state and local jurisdiction. Article II of the Shawnee Constitution states:

*“The sovereign authority and jurisdiction of the Shawnee Tribe shall extend to all the territory now or ever known as SHAWNEE LANDS, which includes...the original Shawnee Reservation within the boundaries of the Kansas Territory, now known as the State of Kansas; all Indian lands beneficially owned by the current and future members of the Shawnee Tribe; all lands which may be acquired by the Shawnee Tribe for its land base; and all Indian Country of the Shawnee Tribe and its members as now or hereafter defined by federal law...Unless otherwise modified by Tribal Resolution or Law, the Shawnee Tribe shall exercise all inherent attributes of sovereignty, exclusive civil jurisdiction, criminal jurisdiction where applicable, and governmental powers over the lands identified in this ARTICLE II.”*

Click [here](#) to view the Shawnee Tribe’s constitution on the Shawnee Tribe’s website.

Furthermore, on August 3, 2020, the Shawnee Tribal Council passed a non-binding resolution declaring the Shawnee Indian Mission a sacred site. In that resolution, the second clause states, “WHEREAS, the Shawnee Tribe is imbued with all inherent attributes of sovereignty, having exclusive civil and governmental jurisdiction over its lands...” The fourth clause states, “WHEREAS, the mission of the Shawnee Tribe is to exercise its unrestricted right to self-government and promote the well-being of Tribal members.”

**The contradiction.** It is clear from the Shawnee Tribe's own constitution and the actions of its governing body that Chief Barnes’ words concerning jurisdiction over the Mission directly contradict the governing documents of the Shawnee Tribe and the Tribe's own actions. Chief Barnes has been clear in that conveyance of the land is his goal. The documents, approved by the Shawnee Tribe’s Business Council, clearly show their intent is to exercise the Tribe’s sovereignty over all land owned by the Tribe, thereby eliminating any civil and most criminal jurisdiction of state and local authorities.

**Why the City is concerned.** There are two primary issues when it comes to a potential

conveyance of the Shawnee Indian Mission. The first has been laid out in previous announcements and centers around the potential loss of public access to the most historically significant site in the state of Kansas and all the history tied to it. The second is what the Shawnee Tribe could do with the land.

**What the law says.** The City of Fairway has had its legal team do extensive research regarding potential outcomes should the land be conveyed to the Shawnee Tribe. That research was then reviewed in the context of Native American and Federal law. The result of this research indicates that there are several ways the Shawnee Tribe could attempt to exercise sovereignty over the Mission. One possibility is for the Shawnee Tribe to simply claim the land as sovereign based on their Tribal constitution. The Tribe could also assert sovereignty through certain federal processes. Regardless of the path taken by the Shawnee, the effect is the same. All state and local jurisdiction, with the narrow exception for non-native on native crime, could potentially be extinguished. The state and city would have no jurisdiction and no ability to intervene on how the Shawnee Tribe uses the Mission land, whether it be for historic preservation, housing, economic development or even a casino.

While the potential implications of these issues affect us all differently, the potential loss of this National Historic Landmark and State Historic Site should be of great concern for the people of Kansas and beyond. If the Kansas legislature conveys the land to the Shawnee Tribe, there will be no second chances for the Kansas legislature or the City of Fairway to affect its future use. The only way we can be assured the Shawnee Indian Mission remains a place for all to learn its stories is for the people of Kansas to remain its owners through the stewardship of the Kansas Historical Society.

We will continue to provide community updates as appropriate.

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