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In order to clarify the position of the Department of the Interior with reference to the so-called ''Wyandotte Indian Cemetery" in Kansas City, Kansas, Secretary Fred A. Seaton today issued the following statement:

“Numerous inquiries have been made of the Department concerning the recent newspaper stories relating to the disposition of a two-acre tract in Kansas City, Kansas, that was reserved for a burying ground under a treaty made in 1855 with the Wyandotte Tribe of Indians. The provisions for such disposition are contained in an act of the 84th Congress approved August 1, 1956, "To provide for the termination of Federal supervision over the property of the Wyandotte tribe of Oklahoma and the individual members thereof and for other purposes.”

"Representative Scrivner of Kansas has asked that the cemetery not be sold until Congress has had a further opportunity to consider the desirability of preserving it as an historical site. The normal procedures required for carrying out the Act of August 1, 1956, will provide time for the appropriate congressional committees to consider the subject, and the Department of the Interior will be glad to cooperate.

“Under the statute, the Wyandotte Indian tribe has six months in which to prepare and submit to the Secretary a proposed roll of its members, which will be published in the Federal Register. Sixty days thereafter are allowed for any person to file an appeal contesting the inclusion or omission of the name of any person on or from such roll. After Secretarial disposition of such appeals, the final roll will be published in the Federal Register. Only then will it be possible to identify with certainty the members of the tribe who actually have an equity in the property.

"Upon the request of the tribe, the Secretary is authorized within three years from the date of the act to transfer title to all or any part of the tribal property, which includes the Kansas city cemetery property, to a legal entity organized by the tribe or to one or more private trustees designated by the tribe, or to distribute the property among the members, or to sell the property and distribute the proceeds of sale. The act also specifically provides that the Secretary may in his discretion provide for tribal referendums on matters pertaining to management or disposition of tribal assets. As far as disposition of the cemetery is concerned, I have decided that a referendum should be held among the tribal members before any final action is taken. The Business Committee of the tribe has indicated that it will request a sale of the property, reinterment of the bodies, and distribution of the net proceeds of sale (after deducting the costs of reinterment) to the tribal members. However, there may well be, as there was in the period from 1906 to 1913, deeply felt opposition to a sale among many of the descendants of the Indians buried in the present site. Such sentiments should certainly be given an opportunity for expression through the referendum process.

“Meanwhile, the congressional committees will have time to consider new legislation which we understand is to be introduced to determine the historical importance of the cemetery, and whether the cost of acquiring the Indian interest in the cemetery should be borne by private associations or by the local, State, or

Federal Government. If the cemetery should be found not to have national historical importance, it may have sufficient local historical importance to warrant its preservation by private or local authorities.

“The cost of acquiring the Indian interest for continued use as a cemetery would be the full appraised value of the land less the cost of moving the graves. That is the net sum the Indians would get if the cemetery were sold for commercial purposes, and they might appropriately be paid the same amount if the site were purchased for preservation as an historical site.

“One point should be emphasized. The Department of the Interior has consistently maintained over the past half century that the equitable ownership of the cemetery is in the Wyandotte Indian Tribe. We believe that the Indians have the right to dispose of the property if they vote to do so, or to be compensated for their interest if the land is acquired by a private association, by local agencies, or by the national government for public purposes. I am advised that the tribe has no objection to the use of the land as an historical site if it is compensated.

"The Wyandotte Indians were the last tribe in Ohio which ceded their reservation in that State to the United States. This was done in 1842 by the treaty of Upper Sandusky dated March 17, 1842. Under this treaty, the United States granted to the Wyandotte Nation 148,000 acres west of the Mississippi, together with 1,920 acres at the junction of the Kanza (Kaw) River with the Missouri. Both of these cessions of land were made in fee simple to the Wyandottes and to their heirs.

"Under a subsequent treaty in 1855, the cemetery site was ceded to the United states as a burial place for the Wyandottes, but the site has remained in the custody of the United States subject to the recognized use of the Wyandotte Tribe.

“An item in the Indian appropriation act of June 21, 1906, authorized the Secretary of the Interior to sell the burial ground and pay the proceeds of sale to the Indians. Although a commission to sell the land was appointed, the sale was never consummated because of opposition to a sale by relatives and next-of-kin of persons interred in the cemetery. On February 13, 1913, Congress repealed the sale authority, and thereafter appropriated funds for the preservation and improvement of the site, authorizing the Secretary of the Interior to pay to Kansas City, Kansas, the sum of $1,000 in consideration of the agreement by the city to maintain forever and care for the cemetery.

"Bills authorizing the sale of the cemetery or its conversion into a national historical site were introduced in several recent Congresses. When the bill in the 83d Congress was under consideration the Department recommended that action be deferred temporarily until all of the problems which tended to involve the Wyandotte people in a continued special trust relationship to the Federal Government could be considered. It was felt that t4e cemetery issue could be best settled in the context of an omnibus plan to remove all special trust supervision over the affairs of the members of the tribe and their property.

“Consultations were held with the tribe over a period of several months in the fall and winter of 1954 and 1955, and the bill that was eventually drafted was explicitly endorsed by the tribe in a resolution dated December 13, 1954. Moreover, this bill, which was enacted on August 1, 1956, specifically provided that if Congress should enact separate legislation to investigate the advisability of preserving the site either as a local or national historical site the Indians would not dispose of the site until the investigation was completed. The 84th Congress did not enact that separate legislation, but there is still adequate time for the 85th Congress to do so after the first of the year if it so wishes.

"Congressman Scrivner has also asked that before any plan of the Indians for disposing of the cemetery under the present law is approved, a hearing be held in Kansas City to permit interested historical groups to express their views. We shall be glad to comply with that request."