



Agenda Item Report

City Commission - Mar 16 2021

Department	Staff Contact
City Attorney's Office	Toni R. Wheeler, City Attorney

Recommendations

Consider adopting Joint City Resolution No. 7358/County Resolution No. _____, offering a formal apology on the behalf of the City and County to the people of the Kaw Nation for the appropriation of the Kaw Nation's sacred *In'zhúje'waxóbe* and agreeing to its unconditional return to the Kaw Nation.

Executive Summary

At its January 19, 2021, regular meeting, the City Commission formally received a letter from the Chairwoman of the Kaw Nation, Lynn Williams, requesting the return of *In'zhúje'waxóbe*, currently situated in Robinson Park. Chairwoman Williams explained that *In'zhúje'waxóbe* is a sacred and very significant item of prayer for the people of the Kaw Nation. The City Commission authorized the Mayor to send a written response to Chairwoman Williams expressing the City's intention to return *In'zhúje'waxóbe* and further directed staff to prepare a joint resolution expressing its agreement to return it, along with an apology for having appropriated it in 1929. A joint resolution is attached for the City Commission's consideration.

Adoption of the Resolution by the City and the County will be progress toward the goal of returning *In'zhúje'waxóbe* to the Kaw Nation. Additionally, Dr. Jay Johnson is working with Kansas University to identify a lead person or entity who can assist with grant applications. For example, the Mellon Foundation announced its plans to spend \$250 million over five years to build monuments, add context to existing ones, and to relocate others. Parties hope this project may be eligible for such grant funding.

An assessment of the condition of *In'zhúje'waxóbe* is necessary to ensure its move does not damage or destabilize it. Dr. Johnson is communicating with the Kansas University Geology Department to find out whether it wishes to partner with us on this work. If that is not a possibility, then the City will work to hire a suitable consultant to complete this work.

Community support for this project continues. The Kaw Nation has received donations from local school children who support the return of *In'zhúje'waxóbe*. Children at the Raintree Montessori School made a donation in late 2020, and in early 2021, Ms. Kathy Klocke's Raintree class of first, second, and third graders raised over \$161 by doing odd jobs for this project. The teachers forwarded the donations directly to the Kaw Nation. The Kaw Nation has a charitable organization, the Kanza Heritage Society, which can accept donations for this project. A thank you letter to the City Commission from Ms. Klocke's students is attached.

A certified copy of the Joint Resolution will be sent to Chairwoman Williams. Staff will follow up on the grant opportunities and the assessment of the condition of *In'zhúje'waxóbe* so that progress on both items can be made. Staff will continue to collaborate with the Kaw Nation and other interested parties for the return of *In'zhúje'waxóbe*.

Alignment to Strategic Plan

Strong, Welcoming Neighborhoods

Fiscal Impact

The fiscal impact to the City is unknown at this time.

Action Requested

Adopt Joint City-County Resolution

Previous Agenda Reports:

[January 19, 2021 City Commission meeting](#)

Attachments

[Joint City Resolution No. 7358/County Resolution](#)

[Kaw Nation Request Letter 11-30-2020](#)

[Kaw Nation Letter 2-18-2021](#)

[Letter Mayor Finkeldei to Kaw Nation 2-22-21](#)

[Letter to Commissioners from Raintree Montessori](#)

[Letter to Commissioners from Raintree Montessori dated 02/07/21](#)

[Communications - Updated 03/16/21](#)

CITY RESOLUTION NO. 7358

COUNTY RESOLUTION NO. _____

A JOINT RESOLUTION OF THE CITY OF LAWRENCE, KANSAS, AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS, KANSAS, PERTAINING TO *lⁿzhúje´waxóbe*, LOCATED IN WHAT IS CURRENTLY REFERRED TO AS ROBINSON PARK.

WHEREAS, the Kanza people (“Kaw Nation”) inhabited the Kansas River Valley, including what is now Lawrence, Douglas County, Kansas, beginning in the mid-18th Century;

WHEREAS, on this land the Kaw Nation lived in villages and on small vegetable farms and their hunters went on semi-annual hunting expeditions on the western Kansas plains;

WHEREAS, like other Native Peoples have done for thousands of years, the Kaw Nation have protected, stewarded, and honored the land upon which now Lawrence, Douglas County, and much of the state of Kansas are situated on;

WHEREAS, the Kaw Nation had and continue to have a strong spiritual connection to this land and its natural elements, including to *lⁿzhúje´waxóbe*;

WHEREAS, *lⁿzhúje´waxóbe*, a large, reddish boulder which had been embedded in a bend in the south bank of the Kansas River, near what is now Topeka, Kansas, was and remains to this day sacred to the Kaw Nation;

WHEREAS, in a letter to the City’s Mayor and the Chairperson of the Douglas County Commission, Kaw Nation Chairwoman Lynn Williams wrote, “*lⁿzhúje´waxóbe* is sacred to the Kaw people and considered an item of cultural patrimony. Our stewardship of this rock and its significance as a spiritual item of prayer for our people is well documented by white anthropologists and witnesses including James Owen Dorsey and George Morehouse.”

WHEREAS, the arrival of Europeans in North America and their eventual migration west to the plains of Kansas and beyond dramatically and tragically changed the lives of the Kaw people and the other indigenous peoples;

WHEREAS, by the mid-18th Century, as a result of the European’s diseases alone, the Kaw Nation saw their population reduced to less than 50 percent to approximately 1500 men, women, and children by 1800;

WHEREAS, as a result of a treaty negotiated in 1825 with the United States Government, the Kaw Nation agreed to a reduction of their 20 million acre territory covering the northern half of the future state of Kansas, to a 20-square mile reservation near Council Grove through a succession of treaties, and that would not be the last such land cession the Kaw Nation would be forced to make;

WHEREAS, the 1800s were a traumatic period for the Kaw Nation and other Native Peoples, marked by a dramatically diminishing bison supply, exploitation by merchants on the Santa Fe Trail, smallpox and cholera epidemics, continuous government and private pressure for even more land cession to accommodate railroad, town, and land speculators, unlawful acquisition of

tribal land and theft of tribal resources and assets from recognized tribal lands resulting in great harm to the people of the Kaw Nation and other Native Peoples and a forced change in their way of life;

WHEREAS, the Kaw Nation people, along with many other Native Peoples, perished and suffered greatly under the United States Government's policy of forced removal, infamously known as the Trail of Tears and Long Walk under which the Kaw Nation people were forcibly removed to what is now Oklahoma in 1873;

WHEREAS, in 1929, the citizens of Lawrence, Kansas, with an apparent lack of consideration of *lⁿ'zhúje'waxóbe*'s significance to the Kaw Nation, appropriated *lⁿ'zhúje'waxóbe* from its location in the south bank of the Kansas River, near Topeka, Kansas, transported it to the City, and installed it in what is currently referred to as Robinson Park;

WHEREAS, Robinson Park is a City Park located within the corporate limits of the City upon land owned by the County;

WHEREAS, in addition to appropriating *lⁿ'zhúje'waxóbe* from its location in the south bank of the Kansas River, near Topeka, Kansas, the citizens of Lawrence, Kansas, defaced *lⁿ'zhúje'waxóbe*, by affixing thereto in 1929, a plaque dedicated to the white settlers who founded the City seventy-five years earlier in 1854;

WHEREAS, on December 3, 2020, the City received from Lynn Williams, Chairwoman of the Kaw Nation, a letter advising the City that, on October 11, 2020, the Kaw Nation held its quarterly General Council Meeting, during which time its members voted to have *lⁿ'zhúje'waxóbe* returned to the Kaw Nation (a copy of Ms. Williams' letter is affixed hereto as Exhibit 1 and is incorporated herein by reference);

WHEREAS, Ms. Williams' letter further states that it is the Kaw Nation's intent, after its return, to remove *lⁿ'zhúje'waxóbe* from Robinson Park in the City to Allegawaho Heritage Memorial Park in Council Grove, Kansas; and

WHEREAS, the governing bodies of both the City and County desire to offer an apology to the people of the Kaw Nation on behalf of the City and County and to state clearly their intention to return *lⁿ'zhúje'waxóbe* to the Kaw Nation, without conditions, and to work with the Kaw Nation to develop and foster a new relationship built on respect, goodwill, and cooperation.

NOW THEREFORE, BE IT JOINTLY RESOLVED BY THE GOVERNING BODIES OF THE CITY OF LAWRENCE, KANSAS, AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DOUGLAS, KANSAS:

SECTION 1. The Recitals are incorporated herein and made a part hereof as if repeated *verbatim*.

SECTION 2. The City and County recognize, honor, and commend the people of the Kaw Nation and other Native Peoples for their stewardship, cherishment, and protection of the lands of the City, County, and State for thousands of years before the arrival of European settlers. On behalf of all people of the City and County, the Governing Bodies of the City and Douglas County offer a sincere apology to all people of the Kaw Nation for the actions of community leaders in 1929 in appropriating *lⁿ'zhúje'waxóbe* to honor White settlers on the occasion of the 75th Anniversary of the founding of the City. The City and County further express regret for the

history of violence, maltreatment, neglect, and pernicious policies of the United States government and other units of government directed at the Kaw Nation and other Native Peoples through the history of this nation.

SECTION 3. In a spirit of reconciliation and out of deep respect for the people of Kaw Nation, the City and County agree to work with the Kaw Nation and to cooperate fully in the return of *lⁿ'zhúje'waxóbe* from the City to the Kaw Nation and to assist, as much as is necessary, in the relocation of *lⁿ'zhúje'waxóbe* from the City to Allegawaho Heritage Memorial Park in Council Grove, Kansas.

SECTION 4. The City and County further commit to working to forge a new relationship with the Kaw Nation and all Native Peoples built on respect and honor. Further, we, the City of Lawrence and Douglas County, Kansas, hope to earn the trust of the people of the Kaw Nation and all Native Peoples so that all people can co-exist peacefully and enjoy the freedom and equality that are the fundamental rights of all.

ADOPTED by the Governing Body of the City of Lawrence, Kansas, this 16th day of March, 2021.

APPROVED:

Bradley R. Finkeldei
Mayor

ATTEST:

Sherri Riedemann
City Clerk

APPROVED AS TO FORM:

Toni R. Wheeler
City Attorney

ADOPTED by the Board of County Commissioners of the County of Douglas, Kansas, on this ____ day of _____, 2021

**BOARD OF COUNTY COMMISSIONERS OF
THE COUNTY OF DOUGLAS, KANSAS**

Shannon Portillo, Chair

Shannon Reid, Commissioner

Patrick Kelly, Commissioner

ATTEST:

Jameson D. Shew, County Clerk



KAW NATION

Drawer 50
Kaw City, OK 74641
(580) 269-2552 phone
(866) 404-5297 toll free
www.kawnation.com

RECEIVED
DEC 03 2020
CITY MANAGER'S OFFICE
LAWRENCE, KS

November 30, 2020

Honorable Jennifer Ananda, Mayor
City Hall
6 East 6th Street
Lawrence, KS 66044

Dear Mayor Ananda,

Greetings, I hope this correspondence finds you well.

On Sunday, October 11, 2020, the Kaw Nation held its quarterly General Council meeting. At that meeting, Kaw Nation citizens overwhelmingly voted in favor of having *Iⁿ'zhúje 'waxóbe* or the "Big Red Rock" (as it is more commonly known) returned to the Kaw people. Please accept this letter as a formal claim of ownership of *Iⁿ'zhúje 'waxóbe*, currently residing in Robinson Park in Lawrence, Kansas, and for its unconditional return to the Kaw Nation.

Iⁿ'zhúje 'waxóbe is sacred to the Kaw people and considered an item of cultural patrimony. Our stewardship of this rock and its significance as a spiritual item of prayer for our people is well documented by white anthropologists and witnesses including James Owen Dorsey and George Morehouse. After our removal from Kansas to Indian Territory (now Oklahoma) in 1873, our people no longer had access to *Iⁿ'zhúje 'waxóbe* at its original location near the confluence of the Kansas River and Shunganunga Creek, just outside of Topeka. White settlers understood the ceremonial significance and sacred nature of this rock to the Kaw people. Ignoring this fact, *Iⁿ'zhúje 'waxóbe* was appropriated by the descendants of White settlers and, in 1929, was removed from its original location to Robinson Park and re-dedicated to "the pioneers of Kansas who in devotion to human freedom came into a wilderness, suffered hardships and faced danger and death to found this state in righteousness."

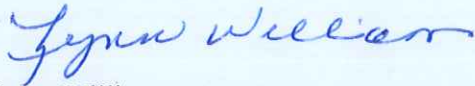
Our intent for the return of *Iⁿ'zhúje 'waxóbe* is to reclaim our role as its original stewards and to respectfully restore and renew its significance as a sacred item of prayer for our people. We have no intent to remove this item from Kansas, but to bring it to a new home at Allegawaho Memorial Heritage Park in Council Grove. The park is owned and maintained by the Kaw Nation and is open to the public. Here, the rock will join other monuments of historical significance to the Kaw people and the citizens of Kansas. Our long-range goal is to develop and implement an interpretive plan for the site as an educational resource for all Kansans and visitors to learn about Kansas' original inhabitants, the Kanza.

With this letter, I designate James Pepper Henry (Kaw Nation Vice-Chairman), Pauline Sharp (Kaw Nation Citizen), and Curtis Kekahbah (Kaw Nation Citizen) as official representatives of the Kaw Nation

regarding this claim and its process. They form a committee that will work with all affected and interested parties. It is our wish to work collaboratively with you and your representatives in the spirit of mutual respect and cooperation to reach an amicable conclusion that is satisfactory to all parties. Upon mutual agreement, we welcome the participation of other entities in this process.

On behalf of the citizens of the Kaw Nation, I thank you for your attention to this important matter. Please do not hesitate to contact me at your earliest convenience.

Sincerely,



Lynn Williams,
Chairwoman
Kaw Nation

Cc: James Pepper Henry



RECEIVED

FEB 18 2020

KAW NATION

CITY MANAGER'S OFFICE
LAWRENCE, KS

Drawer 50
Kaw City, OK 74641
(580) 269-2552 phone
(866) 404-5297 toll free
www.kawnation.com

February 11, 2021

Honorable Bradley R. Finkeldei, Mayor
City Hall
6 East 6th Street
Lawrence, KS 66044

Dear Mayor Finkeldei,

Thank you for your correspondence dated January 22, 2021 in response to my previous correspondence dated November 30, 2020 regarding the return of *I'zhúje'waxóbe* (aka Big Red Rock) to the Kaw Nation.

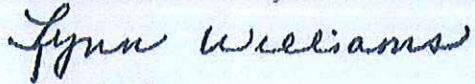
The Kaw Nation appreciates the Lawrence City Commission's acknowledgement of our formal claim for *I'zhúje'waxóbe* and consideration for its unconditional return. Please keep me informed as to when the City Commission may reach a decision regarding our claim.

The Kaw Nation is conscientious of the concerns of other interested parties within the Lawrence community with respect to the disposition of *I'zhúje'waxóbe* and any of its associated items. We are amenable to participate in conversations with these parties, to address and resolve any of these concerns upon the positive outcome of our claim.

James Pepper Henry (Kaw Nation Vice-Chairman) is designated to officially represent the Kaw Nation in any meetings, discussions, negotiations, and/or logistics involving *I'zhúje'waxóbe*. It is my understating that he has had preliminary conversations with Toni R. Wheeler (City Attorney), who is serving as the official representative for the Lawrence City Commission regarding this matter.

Please do not hesitate to contact me if you have any questions or concerns as we await a decision and formal response to our claim for *I^hzhúje'waxóbe*.

Sincerely,

A handwritten signature in cursive script that reads "Lynn Williams".

Lynn Williams
Chairwoman
Kaw Nation

Cc: James Pepper Henry, Vice-Chairman



City of Lawrence

CITY COMMISSION

MAYOR
BRADLEY R. FINKELDEI

COMMISSIONERS
COURTNEY SHIPLEY
STUART BOLEY
LISA LARSEN
JENNIFER ANANDA, JD, MSW

CRAIG S. OWENS
CITY MANAGER

City Offices
PO Box 708 66044-0708
www.lawrenceks.org

8 East 6th St
785-832-3000
FAX 785-832-3406

January 22, 2021

Honorable Lynn Williams
Chairwoman, Kaw Nation
Drawer 50
Kaw City, OK 74641

Dear Chairwoman Williams,

I extend warmest wishes to you and I hope the New Year finds you well. I am writing in my official capacity as the Mayor of the City of Lawrence in Douglas County, Kansas, to you as Chairwoman of the sovereign Kaw Nation.

At the regular meeting of the Lawrence City Commission, held on January 19, 2021, I was authorized by the City Commission to formally acknowledge receipt of the Kaw Nation's claim of ownership of *ṽ'zhúje'waxóbe*, and to pledge the City's intention to return, without conditions, the Kaw Nation's sacred item of prayer to the Kaw people as requested in your letter dated November 30, 2020.

The City of Lawrence likewise desires to work with you and the Kaw Nation's designated official representatives or committee in the spirit of mutual respect and collaboration to achieve the parties' mutual desired outcome concerning *ṽ'zhúje'waxóbe*. To that end, the City Commission designates Toni R. Wheeler as its representative regarding this important project.

On behalf of the City Commission, we thank you for the opportunity to work with your sovereign nation to make right a wrong. We further hope this is the beginning of a new long-term relationship between us. Please feel free to contact me anytime if I may be of assistance.

Respectfully,

Bradley R. Finkeldei
Mayor

C: City Commissioners



We are committed to providing excellent city services that enhance the quality of life for the Lawrence Community

Craig Owens, City Manager
Toni R. Wheeler, Attorney

Dear City Commissioners,

Thank you for your excellent leadership. My class and I wanted to help bring the sacred rock back to the Kaw nation. In this case,

we have been raising money. We have raised ^{161.00} ~~150~~ dollars and ⁵⁰ ~~30~~ \$.

We're all from Kansas and very interested in moving the rock back to its' rightful home.

Sincerely, Zella Beatrix Rose
Jahanbani



Oh, also, Happy Valentine's day!

Much love!

Dear City Commissioners of Lawrence, Kansas;

February 7, 2021

We are writing to thank you for your leadership and good judgment. We have been following the articles about the Sacred Rock of the Kaw Nation. We have been wishing that the Kaw Nation views would be respected and that the Sacred Rock would be returned to its rightful home. We have wanted to share our voice and to show our support for making justice happen. We, as group of first, second, and third graders; came up with a plan to help fund the moving of the rock. Our plan was to do extra jobs for others in exchange for a few dollars. We created job coupons and discussed with our parents what they might be willing to pay us for extra jobs, with our cause in mind, ^{then} we got to work.

\$161.50

Together we have earned ~~\$150.30~~. Please accept our financial support. We would like to see that the Sacred Kaw Nation Rock be returned.

Sincerely,

Kathy Kloche

The students of Kathy's Class @ Raintree Montessori School



Silvia

Notáxi
Basilis
Salen

→ See the note on the back.

Gulley
Jily ayama wahla

Wren Herbert

Maya Wilhelm

Clair Steven

♡ zella BR jahanbani

Eliza

Mohit

Flowie
Jo + Imteach

Duncan

Clara

Melanie
Oliver

laclair
annabelle

Guillermo

Feb 22, 2021

Dear Toni Wheeler,

As you have directed... I am sending
the \$161.50^{check} to The KAW Nation (Kanza Heritage
Society)
in Wichita, KS.

Thank you for your guidance.

Sincerely,

Kathy Klocke
(785) 979-2565

klockekennard@sbcglobal.net.

LAWRENCE, Kan. (AP) — The Lawrence City Council has unanimously approved a measure to return a Native American tribe's prayer rock that was transformed more than 90 years ago into a monument honoring Kansas settlers.

The council voted 5-0 Tuesday to return the rock to the Kaw Nation, the Lawrence Journal-World [reported](#). The move came after the tribe sent a letter to the city last month requesting the rock's return.

Before the Kaw people were forcibly moved from Kansas to what is now Oklahoma in 1873, they held ceremonies and gatherings before the 23-ton boulder known as the "Big Red Rock." But the boulder was moved from its site at the confluence of the Kansas River and Creek to a city park as part of Lawrence's 75th anniversary celebration in 1929. It was fitted with a plaque listing the names of the abolitionist settlers who founded the city.

In its letter, the Kaw Nation said the intent is to bring the rock to Allegawaho Memorial Heritage Park in Council Grove as part of a long-range goal to develop the site into an educational resource for visitors to learn about the state's original inhabitants.

The city said it intends to work with the tribe and community partners to seek grants to pay for the relocation of the rock.

Harrison Hall

From: Roediger, David R <droediger@ku.edu>
Sent: Saturday, March 13, 2021 8:45 AM
To: City Commission Agendas
Subject: Rock

External Email. Be careful with links and attachments.

- City of Lawrence IT Helpdesk

I am deeply impressed with the plans for the return to Kaw hands of this important piece of the earth. A sad situation in which the desire to memorialize the settler antislavery generation of Lawrence led to the disappearing of Indigenous presence is being righted as a result of patient work by community members. When we moved to Lawrence seven years ago the story of the rock was one of the first I heard. It seemed both a terrible one and likely to remain unaddressed. It is wonderful that resolution is now in the offing.

Sincerely,

David Roediger

AMS/University of Kansas

My new book THE SINKING MIDDLE CLASS: A POLITICAL HISTORY is available for order from OR Books at

<https://www.orbooks.com/catalog/the-sinking-middle-class/>

March 16, 2021

Mayor Finkeldei and City Commissioners,

For ninety-one years the In'zhúje' waxóbe has stood in Robinson Park as a monument to the Founders of Lawrence with no mention of the people whose land was taken so that Lawrence could be established; The Kanza. Now, we have the opportunity to begin to make amends for that injustice.

The plaque cemented to In'zhúje' waxóbe says that our City's first residents found this place in freedom. We know that this is not the whole truth. We fully support City Resolution No. 7358 which begins to right this wrong by acknowledging a fuller, deeper more complicated truth and agreeing to Kaw Nation's request for the unconditional return of In'zhúje' waxóbe.

But let's not stop there. With the rock at its new home on Kanza land, we will have a moment to reimagine "Robinson" Park. Together, led by the local Indigenous community, we can ask ourselves what meanings this place holds, how it might be used and how it could be known or named.

We are grateful to have had the time and support to help bring this story to light, and we are heartened by the City and County's clear-sighted action to address Kaw Nation's request.

Sincerely,

Co-Leaders of Between the Rock and a Hard Place

Pauline Sharp, Kanza
Dave Loewenstein