



Muscogee (Creek) Nation

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Muscogee (Creek) Nation Sues to Stop Casino Development on Sacred Burial Grounds

(Montgomery, Alabama) December 12, 2012—The Muscogee (Creek) Nation filed a federal lawsuit to stop the construction of a casino on its historic ceremonial and burial grounds, known as Hickory Ground, located in Wetumpka, Alabama. Filed on December 12, the suit claims that the Poarch Band of Creek Indians excavated approximately 57 sets of human remains and relocated the burials in April of this year to develop a \$246 million casino on sacred land.

Hickory Ground is listed on the National Register of Historic Places because it was the last capital of the Creek Nation before forced removal to Indian Territory (now Oklahoma), and because previously undisturbed Muscogee burials are located there.

The federal complaint, filed in the U.S. District Court for the Middle District of Alabama, asserts that:

- Poarch Band acquired Hickory Ground under the false pretense of preservation.
- Poarch Band promised to protect the archeological remains at Hickory Ground against excavation and received a federal historic preservation grant to acquire the property in 1980.
- Poarch Band violated a preservation covenant by developing a casino on Hickory Ground.
- the lineal descendants of the exhumed ancestors—who are known as “Hickory Ground Tribal Town” or *Ocevpoʋ* in the Muscogee language—never consented to the excavation, and such consent is required by the Native American Graves Protection and Repatriation Act.
- ceremonial and burial grounds should be protected under the American Indian Religious Freedom Act, which also requires consultation with traditional religious leaders, the *Ocevpoʋ* leaders, in this instance.
- Auburn University contracted with Poarch Band to excavate the remains.
- U.S. Interior Department failed to fulfill statutory and fiduciary duties to protect the burial grounds.

The lawsuit is filed against Poarch Band and its officials, construction contractors Flintco, LLC and Martin Construction, Inc., Auburn University, and the U.S. Department

of Interior. The lawsuit seeks preservation of Hickory Ground, and does not seek money damages.

"From the beginning, it has been our stance that the remains should be put back where they were excavated," said Mekko George Thompson, who has served as a traditional Muscogee Chief of the Hickory Ground Tribal Town for 42 years. "The ceremonial ground is sacred, so it is not a proper place for a casino," Thompson added.

Poarch Band was not federally recognized as a tribe until 1984 and descends from Creek Indians who received a land grant in Tensaw, Alabama, as a reward for assisting the United States to fight against and remove the Creek Nation from Alabama in the 1830s, according to the lawsuit. The Poarch Band operates three casinos, including the Wind Creek Casino in Atmore, the Creek Casino Montgomery and the Creek Casino Wetumpka, according to its website. The planned expansion of the Wetumpka casino would include a 20-story hotel with 285 rooms and a 90,000 square foot gaming floor with more than 2,500 electronic gaming devices, according to an announcement reported by the Atmore Advance.

The Muscogee (Creek) Nation, based in Okmulgee, Oklahoma, is a federally recognized Indian tribe with approximately 70,000 citizens. Hickory Ground Tribal Town, or *Ocevpofo* in the Muscogee language, is a traditional ceremonial ground that is part of the Muscogee (Creek) Nation and its members are the lineal descendants of the historic Hickory Ground sacred land in Wetumpka, Alabama, according to the lawsuit. The Muscogee (Creek) Nation, Hickory Ground Tribal Town and *Ocevpofo* chief Mekko George Thompson are plaintiffs in the lawsuit.

For more information, please contact attorney Brendan Ludwick at (888) 929-9602 or visit www.SaveHickoryGround.org.