

Native American Rights Fund

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March 20, 2023

Department of the Army
Office of Army Cemeteries
Karen Durham-Aguilera
Executive Director
1 Memorial Avenue
Arlington, Virginia 22211-5003

Re: Repatriation Request – Amos LaFromboise

Dear Executive Director Durham-Aguilera:

Sisseton Wahpeton Oyate submits this letter by and through their attorneys to request the repatriation of Amos LaFromboise from the Carlisle Indian Industrial School cemetery, now known as the Carlisle Barracks Post Cemetery (“Carlisle Cemetery”), in Carlisle, Pennsylvania. Sisseton Wahpeton Oyate requests that the Department of Defense (“DOD”); the Department of the Army (“DOA”); the Office of Army Cemeteries (“OAC”), and any other necessary departments, offices, and officials expeditiously initiate repatriation proceedings of Amos LaFromboise in accordance with 25 U.S.C. 3005(a)(4) of the Native American Graves Protection and Repatriation Act (“NAGPRA”). DOD, DOA, and OAC are required to consult with Sisseton Wahpeton Oyate in the repatriation process, in accordance with 25 U.S.C. 3005(a)(3), 43 C.F.R.10.10(d), and other applicable NAGPRA provisions and regulations. DOD, DOA, and OAC

are also required to consult with Sisseton Wahpeton Oyate pursuant to their trust responsibility and in accordance with Executive Order 13175 and 13647 as well as per DOD internal policies controlling Tribal consultations. All federal agencies and officials—including DOD, DOA, OAC, and their respective officials—are required to abide by NAGPRA provisions and regulations and to carry out repatriation of Native American human remains in accordance therewith. 25 U.S.C. § 3001(4); 43 C.F.R. 10.2(a)(2). As such, Sisseton Wahpeton Oyate is entitled to consistent and meaningful consultation and, ultimately, the repatriation of Amos LaFromboise pursuant to NAGPRA.

Carlisle Cemetery is not and was never intended to be Amos LaFromboise's final resting place, and his return to Sisseton Wahpeton Oyate is long overdue. For generations, family members, Tribal leaders, and Tribal members have longed for Amos' return home. Sisseton Wahpeton Oyate history explains that Amos is the son of one of the most prominent and celebrated chiefs, Chief Joseph LaFromboise. Chief Joseph LaFromboise was one of the Tribal leaders who signed and executed the Lake Traverse Treaty with the United States in 1867 that established Sisseton Wahpeton Oyate's present day reservation boundaries. Sisseton Wahpeton Oyate expected Amos to return home from Carlisle Indian Industrial School ("Carlisle") to lead his people like his father and serve as a model for future generations of Tribal leaders.

Dickinson College's and DOA's collection of Carlisle student records likewise show that Amos is a citizen of Sisseton Wahpeton Oyate, providing further evidence of his cultural affiliation with Sisseton Wahpeton Oyate for NAGPRA purposes. These records illustrate that nearly 145 years ago, thirteen-year-old Amos was sent to Carlisle and never returned. Amos arrived at Carlisle on November 6th, 1879, and died 20 days later on November 26th, 1879. He was only meant to remain at Carlisle for three years before returning to his family and to lead his people. Instead, Amos was the first child of hundreds of children, to die at Carlisle. Records show that while General Richard Henry Pratt, founder of Carlisle, wrote to the Commissioner of Indian Affairs to request a coffin for Amos' burial, he never wrote to Amos' family or Sisseton Wahpeton Oyate to notify them of Amos' death. Sisseton Wahpeton Oyate has long sought Amos' return so he can be buried next to his father on the land his father helped secure for their people. Despite this, DOA has buried, exhumed, and reburied Amos at least three times, in three different locations, before his most recent burial at Carlisle Cemetery plot site A-19. DOA's treatment of Amos is an affront to Sisseton Wahpeton Oyate's Tribal customs, practices, and traditions regarding children and the burials of Tribal citizens. DOD, DOA, and OAC's delay in the return of Amos and indifference towards consultation regarding Amos' return has caused Sisseton Wahpeton Oyate unique hardships as Sisseton Wahpeton Oyate is not whole until Sisseton Wahpeton Oyate's children are returned home.

Since 2016, Tribal historians, Tribal archivists, Tribal elders, and Tribal leadership have worked to repatriate Amos from Carlisle Cemetery. Sisseton Wahpeton Oyate has expended significant time and resources in attempts to meet DOA's elusive repatriation requirements and deadlines. Despite these efforts, DOA has still not returned Amos, largely due to obstacles that

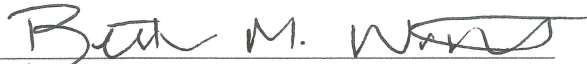
result from DOA's unsupported position that its internal repatriation policies apply, rather than NAGPRA's repatriation framework. DOA's internal policies are inapplicable to the children buried at Carlisle Cemetery. When applied, these policies result in a fractured and inconsistent maze that many Tribal Nations are forced to navigate to have their own children returned to them from a school that, often by force, took them from their families. Further, DOA's internal policies fail to outline the financial obligations DOA and Tribal Nations are each responsible for in a repatriation effort. This restricts Tribal governments' ability to adequately plan for repatriation efforts and potentially subjects Tribal Nations to unforeseen costs at DOA's discretion.

Sisseton Wahpeton Oyate is entitled to request that federal agencies, including DOD, DOA and OAC, repatriate Native American human remains in accordance with NAGPRA and its regulations. 25 U.S.C. 3005(a)(4); 43 C.F.R. 10.2(a). Sisseton Wahpeton Oyate sincerely urges recipients of this letter to make contact by and through their attorneys to begin the process to expeditiously repatriate Amos LaFromboise pursuant to NAGPRA.

NAGPRA requires DOD, DOA, OAC and other agencies and officials receiving this letter to respond to this request within ninety (90) days of receipt. 43 C.F.R. 10.10(b)(2). Many Sisseton Wahpeton Oyate citizens zealously advocated for the rights NAGPRA affords and its application here is requisite. While Sisseton Wahpeton Oyate maintains that repatriation is long-past-due and wish to see the return of Amos as expeditiously as possible, Sisseton Wahpeton Oyate will make reasonable efforts to work with DOD, DOA, and OAC to complete the repatriation process in accordance with NAGPRA and its regulations.

Sisseton Wahpeton Oyate welcomes consultation, discussion, and collaboration with DOD, DOA, and OAC to ensure that Amos LaFromboise returns home as quickly and carefully as possible.

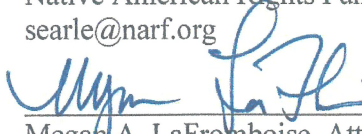
Sincerely,



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