



**Sisseton-Wahpeton Oyate**  
**OF THE LAKE TRAVERSE RESERVATION**  
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**A Statement from Sisseton Wahpeton Oyate, in  
Concurrence with the LaFromboise Family,  
Regarding the Army's Federal Register Notice  
of Intent to Disinter Amos LaFromboise**

June 20, 2023

When our child, Amos LaFromboise, passed away at Carlisle Indian Industrial School in November of 1879, the Army took it upon itself to bury Amos without notifying Sisseton Wahpeton Oyate or even Amos' immediate family members. More than a century later, the Army continues to exercise arbitrary control over our children.

On May 24, 2023, the Army issued a notice in the Federal Register of its intent to disinter five Native American children, including Amos. Sisseton Wahpeton Oyate issues this statement to make clear its position and explain why the Federal Register notice is problematic. The notice indicated the disinterment is to take place on September 11, 2023. The Army issued the notice without providing either the Tribe or the LaFromboise family with adequate notice or ability to participate. Yet again, the Army is unilaterally making decisions for our child, with no regard for his tribal family's rights and wishes.

The Army's Federal Register notice is in blatant conflict with the Tribe's request made earlier this year to repatriate Amos pursuant to Native American Graves and Repatriation Act (NAGPRA). The Tribe submitted its NAGPRA request **after six years of efforts to secure Amos's return** via the Army's confusing and arbitrary disinterment and return policies and practices. When the Army failed to deliver on its promise to return Amos home in summer 2022, followed by months of silence, the Tribe exercised its right to request Amos's repatriation under NAGPRA. As a result, NAGPRA is the controlling law over Amos's repatriation, and the Army's actions are not in accordance with law.

Repatriating Amos pursuant to NAGPRA is important for many reasons beyond the Army's past failures. NAGPRA is a hard-fought law designed to ensure Tribal Nations' rights to secure expeditious *and appropriate* repatriation of their relatives. NAGPRA recognizes the sovereign right of Tribal Nations to request that federal agencies—such as the Army—repatriate tribal relatives directly to Tribal Nations. A NAGPRA repatriation request activates other rights of the requesting Tribal Nation and specific duties of the agency. For example, an agency must engage with the Tribal Nation in government-to-government consultation and the parties are authorized to negotiate culturally appropriate repatriation agreements. This latter provision ensures that repatriation is performed in accordance with the Tribal Nation's cultural traditions and practices, while being sensitive to the Nation's and agency's resource capacities.

It is crucial that a mutually agreed upon plan is in place in the unfortunate event that the remains

disinterred end up being of a child or children other than Amos, or other problematic scenarios resultant of the Army's long-standing mismanagement of remains at Carlisle. On at least three prior occasions, the Army has disinterred the remains of the incorrect child, or the Army has disinterred multiple sets of remains from a single gravesite. In these cases, the Army has shunned tribal customary laws and traditional ceremonial practices. This illuminates the Army's historical mismanagement of the remains, and dire need for the robust consultation requirements NAGPRA provides.

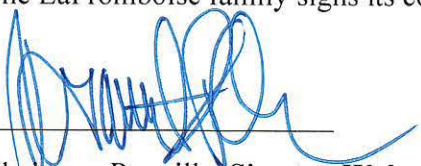
Beyond statutory rights, Tribal Nations derive other benefits from NAGPRA, including the ability to apply for grants to pay for repatriation costs. This avoids the current scenario under the Army policy regime in which the Army expects lineal descendants to upfront the high cost of repatriation and be reimbursed by no specific deadline. Even though Army policies do not allow Tribal Nations to directly request repatriation of their relatives, the Army's practices have cost Sisseton Wahpeton Oyate significant resources in order to satisfy the Army's arbitrary demands and to minimize the Army's inconveniences.


Sisseton Wahpeton Oyate has not rescinded its NAGPRA request for Amos LaFromboise' return, and that request must be honored. The Tribe has repeatedly communicated to the Army that it will no longer engage in the Army's process. That process has delayed Amos's return and prevented the facilitation of a culturally appropriate repatriation.

The Tribe does not regard it as an adequate outcome for Amos to be returned on whatever terms the Army imposes and without regard for the Tribe's traditional and cultural practices and resource capacities. The Tribe has responsibilities to its members and next generations; this is why repatriation pursuant to NAGPRA is necessary. The Tribe's exercise of its NAGPRA rights is an exercise of its sovereignty to which the Army owes the utmost respect. However, instead of affording that due respect, the Army has told the public that it plans to disinter Amos without providing adequate notice to the Tribe, let alone details about the Army's plans for Amos before, during, and after disinterment.

The unexpected Federal Register notice caused the Tribe and its members pain and alarm. It reopened wounds of historical trauma and inflicted ones anew. The Army has reengaged in the kind of misconduct it did when it unilaterally decided to bury Amos thousands of miles away from his home without notice or the chance to ensure an appropriate disposition of his remains. **The Army's conduct is unacceptable, and the Tribe will continue to fight to ensure that Amos is repatriated in accordance with law and with the honor and respect long overdue to him and his tribal family.**

The LaFromboise family supports Sisseton Wahpeton Oyate's exercise of its right to request repatriation pursuant to NAGPRA and recognizes NAGPRA as the appropriate avenue by which to bring Amos home. The LaFromboise family signs its concurrence with this statement.

  
Chairman Renville, Sisseton Wahpeton Oyate Tribal Chairman

  
Robert LaFromboise (on behalf of the LaFromboise family)

