

# Winnebago Tribe Sues U.S. Army for Return of Remains of Children from Infamous Carlisle Boarding School

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[/EINPresswire.com/](#) -- Today the Winnebago Tribe of Nebraska [sued the U.S. Army](#) in federal court seeking repatriation of the remains of two children who died at the infamous Carlisle Boarding School. Carlisle provided the blueprint for more than 400 other schools designed for cultural genocide by [stripping Native children of their Indigenous culture](#) under abusive conditions that led to the deaths of thousands of children and subsequent maltreatment of their remains.

The lawsuit focuses on the Army's refusal to follow the federal Native American Graves Protection and Repatriation Act ("NAGPRA"). Congress passed the law in 1990 to end the dehumanizing robbery, desecration, and general exploitation of Native American burial sites and human remains by museums and federal agencies, including the Army. The Army's one-time official policy encouraging digging up Native American burial sites for study was a central cause behind the law. Instead of following NAGPRA to repatriate remains from Carlisle, the Army has been forcing Tribal Nations to follow a toothless process of the Army's own design, which contains none of the rights and protections for Tribal Nations granted by Congress.



Studio portrait of Edward Hensley, c. 1897, Carlisle, PA. Photographer: John N. Choate. Credit: Carlisle Indian School Digital Resource Center.

In September 1895, Army officials removed Samuel Gilbert and Edward Hensley from their home in Nebraska and sent them to Carlisle. Like so many other Native children forcibly sent to federal Indian boarding schools, Samuel and Edward would never return home. Samuel died merely forty-seven days after arrival. Edward died four years later. The school kept news of the boys' deaths and burials from the families and Winnebago. According to Winnebago's traditional beliefs, Samuel's and Edward's spirits will remain lost until they are returned home and laid to rest in accordance with Winnebago's customs.

"As a mother and grandmother, I stand for Samuel and Edward, knowing that their parents and grandparents were never able to properly bury them and send them on their final journey," said Sunshine Thomas-Bear, NAGPRA representative and Tribal Historic Preservation Officer for Winnebago.

At least 177 other children died and were buried at Carlisle before the United States government shut down its school because of the children's deaths, reports of extensive physical and emotional abuse, and rampant financial corruption. Thereafter, the Army completely neglected the cemetery, only returning its attention to dig up and remove the children's remains to make room for base expansion. The hasty removal resulted in the loss and degradation of many remains. Today, the Army uses the collection of remains and the cemetery as a tourist attraction.

Victoria Kitcheyan, Chairwoman of Winnebago, stated: "The traditional name for the Winnebago people is 'Ho-Chunk,' which translates to 'the big voice.' As we have always done, we will use our voice to hold our federal partners accountable for undermining NAGPRA and diluting the protections it guarantees to all Tribal Nations. Many leaders before us fought for that law and we will carry the battle forward."

Federal Indian boarding schools, some of which operated as recently as 1969, were aggressive in their mission to sever familial, cultural, and traditional ties between Native youth and their tribal communities. The cultural genocide has inflicted incalculable intergenerational trauma and continues to pose immense challenges to the welfare of Tribal Nations' communities, cultures, governments, and economies.

Winnebago has filed suit in the U.S. District Court for the Eastern District of Virginia (case 1:24-cv-00078). Winnebago is represented by its general counsel at Big Fire Law & Policy Group LLP, and by legal counsel at the Native American Rights Fund (NARF) and Cultural Heritage Partners, PLLC (CHP). Case developments may be tracked at <https://www.culturalheritagepartners.com/repatriate-winnebagos-children/>.

Beth Wright, attorney at NARF, stated "By bringing its boys home under NAGPRA, Winnebago seeks to heal one of the greatest historical traumas it, and virtually every other Tribal Nation, has suffered."

Greg Werkheiser, attorney at CHP, observed: "The Army at Carlisle has been defying Congress and abusing Tribal Nations in the shadows. Winnebago now brings this misbehavior into the sunlight, trusting the attention of the Courts, Congress, and the public will cure this injustice."

About Winnebago:

The Winnebago Tribe of Nebraska, with a history rich in strength and resilience, is a federally recognized Native American tribe located in northeastern Nebraska and northwestern Iowa. Known for their deep cultural heritage and strong community values, the Winnebago people,

also known as the Ho-Chunk, continue to steward their ancestral lands, preserve their culture, and ensure the passage of their traditions and languages passed down through generations. Today, Winnebago actively engages in various initiatives to promote economic growth, educational opportunities, and healthcare improvements for its members, demonstrating a commitment to the well-being and prosperity of the Winnebago community.

<https://winnebagoTribe.com/>.

About the Native American Rights Fund:

Since 1970, NARF has provided legal assistance to Native American tribes, organizations, and individuals nationwide who might otherwise have gone without adequate representation. NARF has successfully asserted and defended the most important rights of Indians and Tribal Nations in hundreds of major cases, and has achieved significant results in such critical areas as tribal sovereignty, treaty rights, natural resource protection, voting rights, and Indian education. To learn more, visit [www.narf.org](http://www.narf.org).

About Cultural Heritage Partners, PLLC:

CHP is a private law firm with a public mission: to leverage humanity's past to create a better future. CHP takes on matters that advance the principle of access to cultural heritage as a human right. A team of attorneys, historians, tribal specialists, archaeologists, and art scholars serves clients globally. The firm's victories have strengthened international and federal preservation law, secured the protection of important sites, objects, and traditions, affirmed the sovereignty of Tribal and First Nations, and helped communities whose culture has been systematically devalued be heard in the courts, legislatures, and before international tribunals. To learn more, visit [www.culturalheritagepartners.com](http://www.culturalheritagepartners.com).

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