

S. 2088

HEARING
BEFORE THE
COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE
ONE HUNDRED EIGHTEENTH CONGRESS
FIRST SESSION

JULY 19, 2023

Printed for the use of the Committee on Indian Affairs



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S. 2088

WEDNESDAY, JULY 19, 2023

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 2:56 p.m. in room 628, Dirksen Senate Office Building, Hon. Brian Schatz, Chairman of the Committee, presiding.

OPENING STATEMENT OF HON. BRIAN SCHATZ, U.S. SENATOR FROM HAWAII

The CHAIRMAN. Good afternoon. During today's legislative hearing, we will consider one bill, S. 2088, the Wounded Knee Massacre Memorial and Sacred Site Act. S. 2088 was introduced by Senators Rounds and Thune, and it would place 40 acres of land currently owned in fee by the Oglala Sioux Tribe and the Cheyenne River Sioux Tribe into restricted fee status.

This property is part of the site of the Wounded Knee Massacre where hundreds of unarmed Lakota men, women, and children were killed by the United States Army in 1890 on the Pine Ridge Indian Reservation in southwestern South Dakota. Congress issued a formal apology for the massacre 100 years later in 1990.

This bill would authorize the tribes to continue to use the land as allowed by a 2022 covenant that restricts the use to a memorial and sacred site not subject to commercial development or Indian gaming.

Before I turn to Vice Chair Murkowski for her opening statement, I would like to extend my welcome and thanks to our witnesses for joining us today. I look forward to your testimony and our discussion.

Vice Chair Murkowski?

STATEMENT OF HON. LISA MURKOWSKI, U.S. SENATOR FROM ALASKA

Senator MURKOWSKI. Thank you, Mr. Chairman. I too welcome the witnesses to this hearing on S. 2088. I know we are going to get additional background from Senator Rounds on the bill that he has introduced. I would like to commend both tribes for their leadership in restoring this land to tribal ownership and signing a covenant to forever protect the land as a sacred site and memorial to the victims and survivors of the Wounded Knee Massacre.

As you indicated, Mr. Chairman, hundreds of innocent and unarmed Lakota men, women and children were brutally slaughtered

by the Seventh Cavalry of the U.S. Army on December 29th, 1890. The tragedy marks the last armed conflict in a dark chapter of American history that involved the seizure of aboriginal homelands, the intentional extermination of bison herds, and the forced relocation and oppression of Native people and their culture.

It is time for Congress to step up, place this land in restricted fee status and effectuate this covenant.

I do want to be clear, though, this legislation in no way absolves the Federal Government of its actions in one of the deadliest Indian massacres in our Nation's history. I appreciate the efforts of Senator Rounds in advancing this. I look forward to the testimony of today's witnesses.

The CHAIRMAN. Thank you very much, Vice Chair.

I will now turn to our witnesses. I am pleased to introduced Mr. Wizipan Garriott, Principal Deputy Assistant Secretary for Indian Affairs at the Department of the Interior. I will now defer to Senator Rounds to make his introductions.

**STATEMENT OF HON. MIKE ROUNDS,
U.S. SENATOR FROM SOUTH DAKOTA**

Senator ROUNDS. Thank you, Mr. Chairman and Vice Chair Murkowski. I want to thank our witnesses as well for taking the time to attend today's hearing and to share their perspective.

I am honored to be able to introduced President Frank Star Comes Out of the Oglala Sioux Tribe, and Chairman Ryman LeBeau of the Cheyenne River Sioux Tribe. During the legislative hearing today, President Star Comes Out and Chairman LeBeau will provide testimony on the Wounded Knee Massacre Memorial and Sacred Site Act, which is S. 2088.

This legislation would place 40 acres of tribally purchased land at the Wounded Knee Massacre site into restricted fee status to be held by the Oglala Sioux Tribe and the Cheyenne River Sioux Tribe. With the Wounded Knee Massacre taking place on the Pine Ridge Indian Reservation, the majority of the deceased tribal members being from the Mnicoujou Band, both the Oglala Sioux and the Cheyenne River Sioux Tribes hold a deep connection to this event and to the site where it occurred.

As you all know, the Wounded Knee Massacre not only represents a low point in U.S.-Lakota relations, but it also serves as one of the darkest moments in our Nation's history. To date, the Wounded Knee Massacre grounds remain a symbolic site with tribal members regularly visiting the area to honor the deceased.

In September of 2022, both tribes purchased the 40 acres from a private owner in an effort to preserve the land. Shortly after the purchase, both tribes signed a covenant holding that the property shall be held and maintained as a memorial and sacred site without any development. This legislation, which places the 40 acres into restricted fee status, will help preserve the site for future tribal generations. This will allows the tribes to own the land outright, while also keeping the protections in place such as a restriction on alienation and taxation from any State or local government.

Moving forward, it is my hope that we can come together to acknowledge the history of the Wounded Knee Massacre and work to mend our history through reconciliation and mutual respect.

I want to thank both the Chairman and Vice Chairman for placing this important bill on the legislative agenda today.

I also want to thank both President Star Comes Out and Chairman LeBeau for being here today to discuss the Wounded Knee Massacre Memorial and Sacred Site Act. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Rounds.

I would like to remind our witnesses that your full written testimony will be made part of the official hearing record. We would appreciate it if you would keep your statement to no more than five minutes, so that members may have time to ask questions.

Mr. Chairman and Mr. President, we have a five-vote series starting just about now, so we are going to be moving very quickly. I don't want you to interpret that as any indicator of a lack of determination or support for enacting this legislation. I don't think this is going to be terribly controversial.

But we are going to be moving fast, and I don't want you to take that the wrong way.

Without further ado, Mr. Garriott.

STATEMENT OF WIZIPAN GARRIOTT, PRINCIPAL DEPUTY ASSISTANT SECRETARY—INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

Mr. GARRIOTT. Good afternoon, Chairman Schatz, Vice Chairman Murkowski, and members of the Committee.

My name is Wizipan Garriott, and I serve as the Principal Deputy Assistant Secretary for Indian Affairs at the Department of the Interior. Thank you for the opportunity to present testimony regarding S. 2088, the Wounded Knee Massacre Memorial and Sacred Site Act.

I would also note that this bill is of special importance to me, not only as a Native South Dakotan and member of the Rosebud Sioux Tribe, but also as a descendant of a survivor of the Wounded Knee Massacre, my great grandmother. Topaki Najinwin was her name. She was the only survivor from her family. So it is a privilege to be here.

In October of 2022, the Oglala Sioux Tribe and Cheyenne River Sioux Tribe acquired approximately 40 acres of land in Wounded Knee, South Dakota. The lands are significant to both Tribes as more than 300 Lakota people were lost in the massacre.

The Tribes acquired the land from private landowners and plan to maintain the site as a memorial and sacred site protected from commercial development.

S. 2088 directs the Secretary of the Interior, within one year, to complete and make any corrections to the survey and legal description of the land and to take any other necessary actions for the land to be held for the Tribes in restricted fee status.

The Act defines restricted fee status to mean that the two Tribes retain ownership of the land, that the lands are part of the Pine Ridge Indian Reservation and subject to the civil and criminal jurisdiction of the Oglala Sioux Tribe, and that the lands cannot be transferred without the consent of Congress and the Tribes, that it is not subject to State or local taxation, and is not subject to any law requiring the review or approval of the Secretary of the Inte-

rior for the Tribes to use the land as allowed by the covenant the Tribes entered into on October 21, 2022.

The use of the lands is limited by S. 2088 to those uses outlined in the October 2022 covenant, which states that the lands will be held and maintained as a memorial and sacred site without commercial development, and the lands cannot be used for gaming activities under the Indian Gaming Regulatory Act.

The Department supports S. 2088 as it aligns with the Administration's commitment to restore tribal homelands. The tribes will have more authority to honor and to protect the Wounded Knee site.

Chairman Schatz, Vice Chairman Murkowski, and members of the Committee, thank you for the opportunity to provide the Department's views today.

[The prepared statement of Mr. Garriott follows:]

PREPARED STATEMENT OF WIZIPAN GARRIOTT, PRINCIPAL DEPUTY ASSISTANT SECRETARY—INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

Good afternoon, Chairman Schatz, Vice Chairman Murkowski, and members of the Committee. My name is Wizipan Garriott, and I am the Principal Deputy Assistant Secretary for Indian Affairs at the Department of the Interior (Department). Thank you for the opportunity to present testimony regarding S. 2088, Wounded Knee Massacre Memorial and Sacred Site Act.

In October 2022, the Oglala Sioux Tribe and Cheyenne River Sioux Tribe of the Cheyenne River Reservation (Tribes) acquired approximately 40 acres of land in Wounded Knee, South Dakota. The lands are significant to both Tribes as more than 300 Lakota people were lost at the site in 1890. The Tribes acquired the land from private owners and plan to maintain the site as a memorial and sacred site protected from commercial development.

S. 2088 directs the Secretary of the Interior, within one year, to complete and make any corrections to the survey and legal description of the land and any other necessary actions for the land to be held by the Tribes in restricted fee status. S. 2088 defines restricted fee status to mean that the two Tribes retain ownership of the land, the lands are part of the Pine Ridge Indian Reservation and subject to civil and criminal jurisdiction of the Oglala Sioux Tribe, cannot be transferred without the consent of Congress and the Tribes, is not subject to State or local taxation, and is not subject to any law requiring the review or approval of the Secretary of the Interior for the Tribes to use the land as allowed by the covenant the Tribes entered into on October 21, 2022. The use of the lands is limited by S. 2088 to those outlined in the October 2022 covenant, which states the lands will be held and maintained as a memorial and sacred site without commercial development, and the lands cannot be used for gaming activities under the Indian Gaming Regulatory Act.

The Department supports S. 2088 as it aligns with the Administration's commitment to restore Tribal homelands. The Tribes will have more authority to honor and protect the Wounded Knee site.

Chairman Schatz, Vice Chairman Murkowski, and Members of the Committee, thank you for the opportunity to provide the Department's views.

The CHAIRMAN. Thank you very much.

Chairman LeBeau, please proceed with your testimony.

STATEMENT OF HON. RYMAN LEBEAU, CHAIRMAN, CHEYENNE RIVER SIOUX TRIBE

Mr. LEBEAU. [Greeting in Native tongue.] My name is Ryman LeBeau, and I said in my language, hello, my relatives, I shake your hands with a good heart.

Mr. Chairman, Vice Chairwoman, we thank you for this time, and members of the Committee. I serve as the Chairman of the Cheyenne River Sioux Tribe. I thank you for this opportunity to testify on behalf of my Lakota people today on the vitally impor-

tant subject of S. 2088, our Wounded Knee Memorial and Sacred Site Act.

Our South Dakota Senators, Mike Rounds and John Thune, who offered this Senate companion bill to restore our lands to Indian Country status with reference to our 1868 Treaty deserve our gratitude. The Wounded Knee Memorial and Sacred Site Act land will be taken into restricted Indian fee title, with the names of our respective Tribes on the title.

We also thank our Congressman, Dusty Johnson, who offered the House Bill on this important matter concerning Wounded Knee. We urge Congress to quickly pass this bill and respectfully ask President Biden to sign it into law.

The Cheyenne River Sioux Tribe, our Lakota people, are comprised of the Mnicoujou, Itazipco, Siha Sapa, and Oohenumpa Bands, that is four of the seven bands of Lakota. Chief Big Foot or Spotted Elk was our Mnicoujou Itancan, chief, and he was a relative of Crazy Horse. His father was Lone Horn, our Mnicoujou Itancan, who was born in 1790 and lived until 1877.

At Cheyenne River Sioux Tribe, our Itancan including Lone Horn are signatories to the 1851 Sioux Nation Treaty, Fort Laramie I, and the 1868 Great Sioux Nation Treaty, Fort Laramie II. Chief Big Foot was a signatory to the 1868 Treaty, and also my great-great grandfather, Chief Joseph Four Bear, was also a signatory for the Two Kettle Band of Lakota.

Chief Big Foot was sick with pneumonia as the Mnicoujou made their way to Pine Ridge. The cold winter on the prairie in western South Dakota often reaches 20 degrees below zero. With the wind chill, the temperature can feel like 60 degrees below zero. Major Whiteside told Big Foot and his people that they could not go to Pine Ridge, but must go to the military camp at Wounded Knee, where the Army intended to disarm our Lakota men, women, and children and take all their horses. Chief Big Foot asked the cavalry to take the Lakota to Pine Ridge, but they refused.

In the bitter cold of December, 1890, the Seventh Cavalry, per Colonel Forsyth, ordered our Mnicoujou and our Hunkpapa Lakota relatives to camp under the Hotchkiss Guns. At 6:00 a.m. in the morning on December 29th, 1890, the Army line up all the men and large boys, 9 years old and older, in front of the soldiers firing line and forcibly disarmed them.

As Black Coyote, the last man was disarmed, he objected that he had just bought his gun. The soldiers seized him roughly and the gun went off straight up in the air. Then with a sound like canvas tearing, the cavalry commenced firing at the disarmed line of men in front of them and the Hotchkiss guns fired throughout the camp killing children, women, and old men.

Soldiers shot women with babies on their back. The shooting went on for hours. When little boys hid in a ravine, the soldiers called to them that they were safe now, they could come out. When the boys came out from the ravine, the soldiers shot them.

Our Mnicoujou relative, Dewey Beard, lost his parents, his wife, and his babies that day, and was shot several times. He said simply, "They murdered us." Dewey Beard was known as Wasu Maza, Iron Hail, for his many wounds sustained at Wounded Knee. Beard

was the last living Wounded Knee survivor, and he said that 350 of our Lakota were massacred that day in December 1890.

Upon hearing of the Massacre, General Nelson A. Miles said Wounded Knee was “the most abominable criminal military blunder and a horrible massacre of women and children.” Congress and the President ignored General Miles and awarded 24 medals to the soldiers who killed the women and children at Wounded Knee.

My grandmother, Marcella LeBeau, served as a nurse in the U.S. Army in France during the World War II Battle of the Bulge. She treated America’s wounded soldiers from the battlefield. When she was 100 years old, she asked Congress to pass the Removing the Stain Act to rescind the medals issued to soldiers of the Wounded Knee Massacre. She said that there is a pervasive sadness among our Lakota People due to the tragic loss of our Lakota People at Wounded Knee.

My relatives, we would like to thank the South Dakota Senators and Congressman Dusty Johnson for their leadership on this important matter concerning Wounded Knee. We thank the Chairman, Senator Brian Schatz, Vice Chair Senator Murkowski, and the Senate Committee members for this hearing and the opportunity to give testimony. We urge Congress to quickly pass this bill and respectfully ask President Biden to sign it into law.

We appreciate the time today. This land is sacred to us. This 40 acres is where our relatives were lost, and literally we refer to it as the killing fields. With the partnership of the Oglala Sioux Tribe and the Cheyenne River Sioux Tribe, and the United States Congress, we can all partner together to make a positive change for our people.

Thank you.

[The prepared statement of Mr. LeBeau follows:]

PREPARED STATEMENT OF HON. RYMAN LEBEAU, CHAIRMAN, CHEYENNE RIVER SIOUX TRIBE

Mr. Chairman and Members of the Committee, my name is Ryman LeBeau, and I serve as Chairman of the Cheyenne River Sioux Tribe. I thank you for the opportunity to testify on behalf of my Lakota People today on the vitally important subject of S. 2088, our Wounded Knee Memorial and Sacred Site Act.

Our South Dakota Senators, Mike Rounds and John Thune, who offered this Senate companion bill to restore our lands to “Indian country” status with reference to our 1868 Treaty deserve our gratitude. The Wounded Knee Memorial and Sacred Site Act land will be taken in restricted Indian fee title, with the names of our respective Tribes on the title.

We also thank our Congressman, Dusty Johnson, who offered the House Bill on this important matter concerning Wounded Knee. We urge Congress to quickly pass this bill and respectfully ask President Biden to sign it into law.

Background: The Cheyenne River Sioux Tribe

At the Cheyenne River Sioux Tribe, our Lakota People are comprised of the Mnicoujou (Plants by the Water), Itazipco (Without Bows), Siha Sapa (Blackfoot) and Oohenumpa (Two Kettles) Bands-that is four of the seven bands of the Lakota. Chief Big Foot or Spotted Elk was our *Mnicoujou Itancan* (Chief) and he was a relative of Crazy Horse. His father was Lone Horn, our *Mnicoujou Itancan*, who was born in 1790 and lived until 1877.

At Cheyenne River Sioux Tribe, our *Itancan* including Lone Horn are signatories to the 1851 Sioux Nation Treaty (Fort Laramie I) and the 1868 Great Sioux Nation Treaty (Fort Laramie II). Chief Big Foot was a signatory to the 1868 Treaty.

The *Oceti Sakowin* (7 Council Fires of the Great Sioux Nation)

The *Oceti Sakowin*, Seven Council Fires of the Great Sioux Nation, is an original Native Sovereign Nation. Our Democracy stretches back in time to the Creation,

when the Creator, *Wakan Tanka, Tunkasila*, gave the first woman and first man the Breath of Life. With the Creator's Breath of Life comes liberty, the freedom to follow our sacred visions and to protect *Unci Maka*, Grandmother Earth.

Lakota Makoce our traditional homeland flows from Minnesota and Iowa in the East across the Dakotas, Nebraska, Kansas, and Colorado west to Wyoming, Montana and north to Canada. Our lands were not part of the original 13 Colonies. Prior to America, France and England came to engage in the Fur Trade, with our *Lakota-Nakota-Dakota Oyate* (Nation) and together with our sister Native Sovereign Nations, we clothed America and Europe for generations. In *Lakota* language, our name means the Friendly People, and we were healthy and happy in our traditional way of life. The White Buffalo Calf Maiden is our spiritual guide from the Creator, and she brought the *Canupa*, sacred pipe, to our Lakota Oyate.

The Declaration of Independence and The Constitution

The Declaration of Independence pronounces the self-evident truths that all men [and women] are created equal, endowed with rights to life, liberty, and the pursuit of happiness.¹ In the Constitution of the United States, America affirmed the prior Indian treaties entered with the Delaware Nation, Six Nations, and Cherokee Nation, among others, in the Supremacy Clause, where treaties are nation-to-nation agreements classed among the Supreme Law of the Land. The Constitution recognizes that "Indians not taxed" are "free persons," subject primarily to tribal jurisdiction, not American jurisdiction.²

In 1804, Lewis and Clark came up the Missouri River and met our Lakota People at the Bad River across from Pierre, South Dakota and our Sioux Nation Chiefs imposed a tax on their travel upriver.³ In 1805, America came to the Sioux Nation of St. Peter's and St. Paul's Rivers and asked our Dakota People to acknowledge to square mile areas as under American sovereignty, and our Nation did so through a treaty of peace and friendship while reserving our original right to use and traverse the lands. After the War of 1812, America agreed with England that Indian nations should be on the same basis after the war as before, that is: sovereign nations. In 1815, America entered the Treaty with the Teton Sioux, pledging peace and friendship.

In 1851, America entered the first Fort Laramie Treaty with the Sioux Nation, *et al*, recognizing Sioux Nation territory, including the Black Hills, and providing for consensual dispute resolution. America sought Sioux Nation permission for settlers to traverse our lands to Oregon Territory and California gold mines.

In 1868, at the end of the Powder River War, America entered the second Fort Laramie Treaty with the Great Sioux Nation. The United States pledged its honor that war between America and the Great Sioux Nation shall forever cease, and the Great Sioux Nation reserved all western South Dakota and certain lands in Nebraska and North Dakota as our permanent home together with 44 million acres in North Dakota, Montana, Wyoming, Nebraska, Colorado, and Kansas as unceded Indian territory and hunting lands.

At the same time the 1868 Great Sioux Nation Treaty was negotiated under the Indian Peace Policy, the Fourteenth Amendment was drafted, affirmed, and ratified, recognizing that America dealt with Indian nations through treaty, tribal citizens were subject to tribal jurisdiction, and repeating the original Constitution's reference to "Indians not taxed."

The Great Sioux War, 1876-77

In his second Inaugural Address, 1873, President Grant said we must have "Civilization" because otherwise there would be a "War of Extermination" against Native

¹ In the Northwest Ordinance, 1787 (amended 1789), America pledged that the United States should observe the "utmost good faith" toward the Indians, our lands and property shall never be taken without their consent, and in our property rights and liberty, we should never be invaded or disturbed, etc. These fundamental principles were carried forward in later territorial acts, including the Kansas-Nebraska Act, 1854 (treaties to be strictly observed), and the Dakota Territory Act, 1861 (Indian rights to person and property to be respected).

² Under our 1868 Treaty, America and the Great Sioux Nation agreed that when our Lakota People became U.S. Citizens, we should have all the privileges and immunities of citizens of the U.S. and retain all of the benefits of our Treaty. Accordingly, we are dual citizens of the Great Sioux Nation and the United States of America.

³ In 1803, President Jefferson, on behalf of America, and Emperor Napoleon, on behalf of France, entered the Louisiana Purchase Treaty, wherein France purported to sell the "Louisiana Territory" to America. Naturally, Native Sovereign Nations did not agree to any such sale, and our lands could not be encumbered without our consent under the law of Nations. Moreover, America bound itself to comply with existing treaties between Spain and Indian nations, until such time as America entered its own treaties with Indian nations based upon mutual consent. See Louisiana Purchase Treaty, Article VI.

Peoples. In 1874, Lt. Colonel George Custer went on a “secret” exploratory expedition to the Black Hills, where he invited regional and national newspaper reporters, starting a gold rush in the Black Hills. In 1875, President Grant sent a treaty commission to buy the Black Hills for \$1 per acre, and the Sioux Nation, as was our treaty right, refused to consent to the sale of our “permanent home” in the Black Hills.

In January 1876, President Grant initiated the Great Sioux War to take the Black Hills without our consent or compensation. In June 1876, Sitting Bull, Crazy Horse, and the Free Lakota were camped, with the Cheyenne at the Little Big Horn, on our treaty reserved unceded Indian territory. Sitting Bull dreamed that the U.S. Cavalry were going to fall upside down into the Sioux Nation village, indicating a great Sioux Nation victory.

On June 25, 1876, Lt. Colonel (Brevet General) George Custer ordered the 7th Cavalry to attack the Little Big Horn village without provocation. Major Reno marched towards the village, after initiating rifle fire against the village, Reno met stiff opposition and retreated. Major Reno and Captain Benteen held out on a high bluff above the Little Big Horn and General Terry arrived the next day to rescue Reno and Benteen. Custer, with 225 men of the 7th Cavalry, marched around the mountains and attacked the village from across the Little Big Horn River, yet never made it across because he was shot in the chest by Chief White Bull. After Custer and his men retreated up the mountain at Custer Battlefield, he was surrounded and by late afternoon, he and his men were no more.

Congress sent more Armies and after many battles, America confined our Lakota People to the reservation. In 1877, Congress unconstitutionally seized the Black Hills, in a seven million acre taking in violation of the 1868 Sioux Nation Treaty. *United States v. Sioux Nation*, 448 U.S. 371 (1980). Congress also seized 44 million acres of our unceded Indian territory and hunting lands. The Army exterminated the Buffalo, leaving our Lakota People starving and dependent on government rations.

The Killing of Sitting Bull

In 1888–89, Congress sent the Crook commission to take an additional 9.5 million acres from the center of the Great Sioux Reservation. The so-called 1889 “Sioux Agreement” divided our Sioux Nation tribes into separate smaller reservations, including the Cheyenne River Sioux Reservation and the Pine Ridge (Oglala Sioux) Reservation. Sitting Bull opposed the Agreement, and Sioux Nation leaders asked General Crook to double the “rations” distributed among the Lakota People, because everyone was hungry after the demise of the Buffalo, Elk, Antelope and Deer, and wild game caused by the influx of settlers. General Crook asked President Cleveland to double the rations, yet the Secretary of the Interior intervened with a recommendation to cut rations in half to force the Sioux Nation to adopt farming.

In 1890, with our People starving, the Ghost Dance took hold on the Sioux Reservations, after Chief Wovoka of the Paiutes had a vision of Jesus Christ coming to save American Indians. Indian agents panicked and General Myles ordered the arrest of Sitting Bull, who was blamed for the unrest, with a plan to send him to a military prison and sent Buffalo Bill, Sitting Bull’s friend, to make the arrest without trouble. In a bureaucratic turf war, when Buffalo Bill arrived at Standing Rock Reservation, U.S. Indian Agent McLaughlin wired Washington, D.C. to ask the President to rescind Buffalo Bill’s authority and President Harrison did so. (Later, Buffalo Bill said the President personally expressed his regret for this action to him).

A few days later, McLaughlin wrote out an arrest warrant for Sitting Bull, with the message “under no circumstances let Sitting Bull escape.” He sent 43 BIA Police before dawn to arrest Sitting Bull, with 110 U.S. Cavalry soldiers over the hill. On December 15, 1890, when the BIA Police were taking Sitting Bull away from his home, a Lakota warrior drew his gun in defense of Sitting Bull. Bull Head, Lieutenant BIA Police shot Sitting Bull in the back and Red Tomahawk, his Sergeant, shot Sitting Bull in the head. Sitting Bull was killed instantly. A general melee ensued, and Bull Head and several BIA police were killed, as were several Ghost Dancers.

About 100 of Sitting Bull’s *Hunkpapa Lakota* fled south to Chief Big Foot, leader of our *Minicoujou Lakota* at Cheyenne River Reservation. Big Foot was already planning to travel to Pine Ridge to see Chief Red Cloud to help him negotiate with U.S. Army leaders, so some of Sitting Bull’s *Hunkpapa Lakota* travelled with them.

The 7th Cavalry’s Massacre of the Disarmed Lakota at Wounded Knee

Chief Big Foot was sick with pneumonia as the Minicoujou made their way to Pine Ridge. The cold winter on the prairie in western South Dakota often reaches 20 degrees below zero (F) and with the wind chill, the temperature can feel like 50 de-

greens below zero. Major Whitside told Big Foot and his people that they could not go to Pine Ridge but must go to the military camp at Wounded Knee, where the Army intended to disarm our Lakota men, women, and children, and take all their horses. Chief Big Foot asked the Cavalry to take the Lakota to Pine Ridge, but they refused.

In the bitter cold of December 1890, the 7th Cavalry per Colonel Forsyth ordered our *Mnicoujou and Hunkpapa Lakota* relatives to camp under the Hotchkiss Guns. At 6 a.m. in the morning on December 29, 1890, the Army line up all the men and large boys (9 years old and older) in front of the soldiers firing line and forcibly disarmed them. As Black Coyote, the last man was disarmed he objected that he had just bought his gun, the soldiers seized him roughly and the gun went off straight up in the air. Then with a sound like canvas tearing, the Cavalry commenced firing at the disarmed line of men in front of them and the Hotchkiss guns fired throughout the camp killing children, women, and old men. Soldiers shot women with babies on their back. The shooting went on for hours. When little boys hid in a ravine, the soldiers called to them that they were safe now, they could come out. When the boys came out from the ravine, the soldiers shot them.

Our Mnicoujou relative, Dewey Beard lost his parents, his wife, and babies that day, and was shot several times. He said simply, "They murdered us." Dewey Beard was known as *Wasu Maza*, "Iron Hail," for his many wounds sustained at Wounded Knee. Beard was the last living Wounded Knee survivor, and he said that 350 of our Lakota were massacred that day in December 1890.

Upon hearing of the Massacre, General Nelson A. Miles said, Wounded Knee was "the most abominable criminal military blunder and a horrible massacre of women and children." Congress and the President ignored General Miles and awarded 24 medals to the soldiers who killed women and children at Wounded Knee.

My grandmother, Marcella LeBeau, served as a nurse in the U.S. Army in France during the World War II Battle of the Bulge. She treated America's wounded soldiers from the Battle.

When she was 100 years old, she asked Congress to pass the Removing the Stain Act to rescind the medals issued to soldiers of the Wounded Knee Massacre. She said that there is a pervasive sadness among our Lakota People due to the tragic loss of our Lakota People at Wounded Knee.

Wounded Knee Memorial and Sacred Site Lands

Recently, the Cheyenne River Sioux Tribe was told that 40 acres of land adjacent to the Granite Obelisk at Wounded Knee was for sale and the Oglala Sioux Tribe was working to buy the land. These acres are part of the Wounded Knee Massacre site, and because we lost our relatives on these lands, they are sacred to us as Memorial and Sacred Site Land. At Cheyenne River, we are pleased to participate with the Oglala Sioux Tribe to recover these Wounded Knee lands, which are a portion of the massacre site. Together with Oglala, our Tribe pledged that the lands will be preserved as a Sacred Site and Memorial, with no commercial development.

On behalf of our relatives who lost their lives at Wounded Knee, we say *Mitakuye Oyasin*, "All My Relatives." We wish them peace in their resting place among the stars of the Milky Way.

Our South Dakota Congressman, Dusty Johnson, offered this bill in the House and our Senators Mike Rounds and John Thune offered this Senate Bill to restore the lands to "Indian country" status with reference to our 1868 Treaty by acknowledging the undivided 49 percent Cheyenne River Sioux Tribe title and the undivided 51 percent Oglala Sioux Tribe title. The land will be taken in restricted Indian fee title, with the names of our respective Tribes on the title.

We thank our South Dakota Senators and Congressman, Dusty Johnson, for their leadership on this important matter concerning Wounded Knee and we thank the Chairman, Senator Brian Schatz, Ranking Member Senator Murkowski, and the Senate Committee Members for this hearing and the opportunity to give testimony. We urge Congress to quickly pass this bill and respectfully ask President Biden to sign it into law.

The CHAIRMAN. Thank you, Mr. Chairman.
Mr. President, please proceed with your testimony.

STATEMENT OF HON. FRANK STAR COMES OUT, PRESIDENT, OGLALA SIOUX TRIBE

Mr. STAR COMES OUT. [Greeting in Native tongue.] Good afternoon, Committee. My name is Frank Star Comes Out. I am the

President of the Oglala Sioux Tribe and a direct descendant of Chief Big Foot, also known as Spotted Owl, who was massacred at Wounded Knee.

My fellow Wounded Knee descendant, Mr. Cedric Broken Nose, who accompanied me to the House side hearing on this bill, made a significant point. He said, "The land at Wounded Knee is sacred, as 300 or more of our ancestors lay buried there. The land needs to be respected as a memorial site, no different than Arlington National Cemetery." I agree.

My tribe is one of the tribes of the Great Sioux Nation, which we refer to as Oceti Sakowin, which means the Seven Council Fires. The Oceti Sakowin consists of the Dakota, Lakota, and Nakota people. The Oglala are one of the seven bands of the Lakota.

We are the people of Crazy Horse, Red Cloud, Little Wound, American Horse, and many others. We signed the Fort Laramie Treaties of 1851 and 1868. In the Treaty of 1868, the United States promised that our land would be set apart for the absolute and undisturbed use and occupation of the Oceti Sakowin as a permanent home. The United States also promised in the treaty that war shall "forever cease."

The United States broke the treaty by invading our treaty lands and waging war against our people. In 1877, the United States stole the Black Hills and other lands from our people. Then in 1889, the United States divided the Oceti Sakowin into separate tribes at separate reservations. Despite this, the tribes of the Oceti Sakowin continued to unite on matters of national concern. Our recovery of land at Wounded Knee is the latest example of our efforts to protect our rights and sacred lands.

In October 2022, the Oglala Sioux Tribe and Cheyenne River Tribe came together to purchase a 40-acre parcel at the site of the Wounded Knee Massacre. We reclaimed this sacred ground, not just for ourselves, but for all members of the Oceti Sakowin. We have pledged through the binding covenant that the land will be forever a memorial and sacred site without commercial development. It is a hallowed ground, and it will always be honored and respected as hallowed ground.

The Wounded Knee Massacre is one of the darkest events in the history of the United States. It is a senseless, cruel, and unjustifiable massacre of hundreds of Indian men, women, and children by the United States. Our people have grieved for well over a century the genocidal attack on our people and our way of life that took place at Wounded Knee.

In 1990, Congress acknowledged the tragedy and historical significance of the Wounded Knee Massacre and expressed its deep regret to our people. It is an important step in the healing process.

S. 2088 represents another important step in that process. Under this bill, the Wounded Knee land will be held in restricted fee status. This means the land will be owned by the Oglala Sioux Tribe and the Cheyenne River Sioux Tribe, and at the same time, it will be protected by Federal law, including Federal restrictions against alienation and will be free from State and local taxation.

We thank Senator Rounds for introducing this bill, and Senator Thune for cosponsoring it. This bill is an important step in our na-

tion-to-nation relationship. We ask this Committee to work to enact this bill this Congress. Wopida.

[The prepared statement of Mr. Star Comes Out follows:]

PREPARED STATEMENT OF HON. FRANK STAR COMES OUT, PRESIDENT, OGLALA SIOUX TRIBE

Chairman Schatz, Vice-Chairwoman Murkowski and members of the Committee, thank you for allowing me the opportunity to testify today concerning S. 2088, the Wounded Knee Massacre Memorial and Sacred Site Act. I am the President of the Oglala Sioux Tribe and it is my privilege and honor to appear before you today to testify in support of this important bill.

Introduction

In October 2022, the Oglala Sioux Tribe and the Cheyenne River Sioux Tribe came together to purchase a 40-acre parcel of land at the site of the Wounded Knee Massacre of December 29, 1890. The land had been owned by non-Indians for many decades. By working together, our Tribes were able to bring ownership and stewardship of the land back to our people. This was an historic event for our Tribes, one we hope will lead to true healing for the descendants of victims and survivors of the Wounded Knee Massacre.

The Oglala Sioux Tribe and the Cheyenne River Sioux Tribe reclaimed this sacred ground for the benefit of all members of the Great Sioux Nation (which we refer to as *Oceti Sakowin*, which means “Seven Council Fires”), including all descendants of victims and survivors of the Wounded Knee Massacre. We have pledged, through a binding covenant, that the land will be held in perpetuity as a memorial and sacred site, without commercial development. It is hallowed ground and it will always be honored and respected as hallowed ground.

The Wounded Knee Massacre Memorial and Sacred Site Act is the next step in the healing process. It directs the Secretary of the Interior to take all actions necessary for this land to be held in restricted fee status by the Oglala Sioux Tribe and the Cheyenne River Sioux Tribe. This is important for our people because it means the land will be protected by all Federal laws relating to Indian country, including the restriction against alienation in 25 U.S.C. § 177. It will also be free from state and local taxation and interference.

The Act recognizes that the land is within the Pine Ridge Indian Reservation of the Oglala Sioux Tribe, and it is also within the treaty-protected territory of the *Oceti Sakowin*, as recognized and affirmed in the Fort Laramie Treaties of 1851 and 1868 between the United States and the *Oceti Sakowin*. Federal allotment policies of the late 19th and early 20th centuries allowed the land to fall into non-Indian ownership, but now, with the aid of S. 2088, the land never will be lost again. It will be restored to its original status as Indian treaty land and it will be forever protected from alienation from tribal ownership.

The remainder of my testimony is divided into three parts: part one provides important historical information on the Oglala Sioux Tribe and the *Oceti Sakowin*; part two addresses the Wounded Knee Massacre of December 29, 1890; and part three addresses the important role the reclamation and protection of land at the Wounded Knee Massacre site plays in the spiritual healing of the *Oceti Sakowin*.

I. The Oglala Sioux Tribe and the *Oceti Sakowin*

The Oglala Sioux Tribe is a federally recognized Indian Tribe, a constituent Tribe of the Great Sioux Nation, which we refer to as *Oceti Sakowin*. We are a signatory to the Fort Laramie Treaty of 1851, 11 Stat. 749 (Sept. 17, 1851), and the Fort Laramie Treaty of 1868, 15 Stat. 635 (Apr. 29, 1868).

The *Oceti Sakowin* is composed of the *Dakota (Santee)*, *Lakota (Teton)*, and *Nakota (Yankton)*. The names *Dakota*, *Lakota*, and *Nakota* mean “considered friends,” and together, the *Dakota*, *Lakota*, and *Nakota* form the “alliance of friends.”

Historically, the *Oceti Sakowin* exercised its sovereign powers on matters of national concern. The *Lakota* are one of the Seven Council Fires of the *Oceti Sakowin*, and in turn, the *Oglala* are one of the seven bands of the *Lakota*. The *Oglala* are the people of Crazy Horse, Red Cloud, Little Wound, and American Horse, and many other noted leaders.

In the Fort Laramie Treaty of 1868, the United States promised that all land west of the Missouri River in present-day South Dakota, together with other designated lands, would be “set apart for the absolute and undisturbed use and occupation” of the *Oceti Sakowin* as a “permanent home.” Arts. 2 & 7. The United States also

promised in the Treaty that war shall “forever cease” with the *Oceti Sakowin*. Art. 1.

The United States broke the Treaty by invading treaty lands and waging war against our people. After the defeat of the United States and the Seventh Cavalry at the Battle of Little Bighorn in June 1876, Congress attached a “Sell or Starve” rider to the Indian Appropriations Act of 1876, 19 Stat. 176, which cut off rations to our people in an attempt to coerce us to sell the Black Hills to the United States. Yet, we stood firm, and the United States was unable to secure our consent to the sale of the Black Hills. We said then—and we have repeated for generations—that the Black Hills are not for sale.

In the Act of February 28, 1877, 19 Stat. 254, the United States stole the Black Hills and other lands from the *Oceti Sakowin*. The United States Supreme Court acknowledged the illegality of the taking of the Black Hills in the case of *U.S. v. Sioux Nation*, 448 U.S. 371 (1980). Later, through the Act of March 2, 1889, 25 Stat. 888, the United States divided the *Oceti Sakowin* into separate Tribes at separate reservations.

Today, there are sixteen federally recognized Sioux Tribes on sixteen reservations in the Dakotas, Minnesota, Montana, and Nebraska. Our *Oglala* people are now organized as the Oglala Sioux Tribe of the Pine Ridge Indian Reservation in South Dakota and Nebraska. The other bands of the *Lakota* are the Cheyenne River Sioux Tribe of the Cheyenne River Indian Reservation in South Dakota (*Itazipco*, *Miniconjou*, *Oohenumpa*, and *Siha Sapa*), the Rosebud Sioux Tribe of the Rosebud Indian Reservation in South Dakota (*Sichangu*), and the Standing Rock Sioux Tribe of the Standing Rock Indian Reservation in North Dakota and South Dakota (*Hunkpapa*).

Despite our geographic separation, the *Oceti Sakowin* continues to unite on matters of national concern. For example, the *Oceti Sakowin* fought for redress for the taking of the Black Hills for over a century, eventually winning the largest Indian claims judgment ever awarded against the United States. We declined to accept the award because it did not include the return of land by the United States, and together, we continue to seek the return of the Black Hills.

Our Sioux Tribes have come together on many other matters, including the defense of sovereignty and self-government against the assertion of state jurisdiction under Public Law 83–280, the protection of our water and natural resources through the Great Plains Water Alliance, the defense of Indian interests under the Indian Child Welfare Act, and inter-tribal coalitions against domestic violence.

Today, the Lakota, Dakota, and Nakota of the *Oceti Sakowin* are represented in the Great Plains Tribal Chairmen’s Association, an intertribal corporation organized under Section 17 of the Indian Reorganization Act of 1934 to promote the sovereign interests of Tribes of the Great Sioux Nation and the Great Plains region.

The purchase of land at Wounded Knee is the latest example of our Sioux Tribes coming together to protect the rights, interests, and sacred lands of the *Oceti Sakowin*.

II. The Wounded Knee Massacre of December 29, 1890

The Wounded Knee Massacre is one of the darkest events in the histories of the United States and the *Oceti Sakowin*. It was a senseless, cruel, and unjustifiable massacre of hundreds of Indian men, women, and children by the Seventh Cavalry.

Shortly after the massacre, General Nelson A. Miles, the commanding officer of the Military Division of the Missouri in the U.S. Army, described the massacre as “the most abominable, criminal military blunder and a horrible massacre of women and children.”¹ Years later, General Miles told the Commissioner of Indian Affairs that the massacre was “most reprehensible,” “most unjustifiable,” and “worthy of the severest condemnation.”² We agree.

Our people have grieved for well over a century the loss of life and the genocidal attack on our people and our way of life that took place at Wounded Knee. The Oglala Sioux Tribe has called upon the United States to atone for the massacre, and our calls for atonement have been echoed by the Wounded Knee Survivors Association, the National Congress of American Indians, our sister Sioux Tribes, and many other Tribes and organizations.

In Senate Concurrent Resolution 153 of the 101st Congress (Oct. 25, 1990), the United States Congress acknowledged the “tragedy” and “historical significance” of

¹General Miles Letter to Mary Miles, Jan. 15, 1891, quoted in Virginia Johnson, *THE UNREGIMENTED GENERAL: A BIOGRAPHY OF NELSON A. MILES* 294 (Boston, 1962).

²General Miles Letter to Commissioner of Indian Affairs, Mar. 13, 1917, quoted in Elaine Goodale Eastman, *The Ghost Dance War and Wounded Knee Massacre of 1890–91*, *NEBRASKA HISTORY*, XXVI 39 (Jan.-Mar. 1945).

the Wounded Knee Massacre and expressed its “deep regret to the Sioux people and in particular to the descendants of the victims and survivors for this terrible tragedy.” Congress found that, on December 29, 1890, the United States Cavalry engaged in “armed conflict” against Sioux Indians gathered at Wounded Knee, “resulting in the tragic death and injury of approximately 350–375 Indian men, women, and children.”

Senate Concurrent Resolution 153 was an important step in the healing process. We believe S. 2088 represents another important step in that process. Through this important bill, the United States is recognizing the sacred nature of our Wounded Knee land and agreeing to use the full weight of American law to protect that land, safeguarding it from state and local taxation and protecting it against alienation without our consent.

When Representative Dusty Johnson (R–SD) introduced an identical bill in the House of Representatives, H.R. 3371, he eloquently spoke at the House hearing not only of the historic significance of the Wounded Knee Massacre, but of the continuing impacts of this horrific event. He said:

“[W]e have a tendency to think about dark days like Wounded Knee as in the ancient past, and we focus so much on those who died, those who were killed, those who were murdered that day, but we also have with us Cedric Broken Nose, who is a descendent. . . and I think it is an important reminder to us that this history wasn’t that long ago, and that one of the reasons that it is important for us to honor this site is that there are still real living connections to the difficult, to the terrible, actions that were taken that day.”

It is important to note that during the House-side hearing on H.R. 3371, Bryan Newland, the Assistant Secretary—Indian Affairs, Department of the Interior, voiced the Department’s support for this legislation, stating that “it aligns with the Administration’s commitment to restore Tribal homelands” and that “[t]he Tribes will have more authority to honor and protect the Wounded Knee site.”

III. The Reclamation of Sacred Land at Wounded Knee and the Healing of Our Great Sioux Nation

Wounded Knee, known as *Cankpe Opi* in *Lakota*, is a sacred site for the Oglala Sioux Tribe, the Cheyenne River Sioux Tribe, and the *Oceti Sakowin*. The Oglala Sioux Tribe and the Cheyenne River Sioux Tribe reclaimed 40 acres of land at Wounded Knee for the benefit of the *Oceti Sakowin* and, together, we pledged that the land will be held in perpetuity as a memorial and sacred site, without commercial development.

The Wounded Knee land will be used for sacred purposes and remembrance, including ceremonies and prayer, and the descendants of victims and survivors of the Wounded Knee Massacre will be consulted about the proper care and maintenance of the land as a memorial and sacred site and about the ceremonies and activities to be conducted on the land.

We are pleased that Senator Mike Rounds (R–SD) has introduced S. 2088 to place this sacred land in restricted fee status and to protect the land from alienation and outside interference and control. We are pleased that Senator John Thune (R–SD) joined as the original cosponsor of this bill, and that our two South Dakota Senators are working together on this significant effort. This is an important step for the healing of the people of our *Oceti Sakowin*. This is an important step in the histories of the United States and the *Oceti Sakowin*. And, this is an important step for our government-to-government relationship.

Conclusion

We respectfully ask the Indian Affairs Committee to approve S. 2088 and to work diligently with the rest of Congress to enact this important and historic bill during this session of Congress.

The CHAIRMAN. Thank you to our testifiers.

Senator Rounds, do you want to start with the questions?

Senator ROUNDS. Thank you, Mr. Chairman. I most certainly appreciate it.

I want to make just two points. For individuals who would like to see a first-hand account of what happened there, I think Black Elk Speaks, which was the story as shared by Black Elk who was there at the time and the message afterwards, he was a great holy man and a respected leader. His message in his book is one that

is very, very special. It shares in some detail what happened on that particular day and that evening.

I would simply point out that these two leaders have come together. Rather than asking that the land be put into a trust, they have asked to have it be separated out with fee status, so that the tribes can make the decisions.

I point it out, and I would like each of them to make a brief comment on this, the importance of consultation between Congress and the tribes, which is something I think has been missing. This is their recommendation and this is one that I think is important we honor. I appreciate the thought that went into this.

Would each of you care to just briefly explain why that is important to you, that it be put in this way rather than into trust?

Mr. LEBEAU. Yes, Senator, it is very important we put this into the restricted fee status, because quite simply, to me anyway, granted what happened there, this 40 acres is literally the killing fields of 1890. We lost our relatives there. We want to restore the land back to the original people, the Lakota people, now being the Oglala Sioux Tribe and the Cheyenne River Sioux Tribe. We want to put it in the name of the tribes, not the United States.

Mr. STAR COMES OUT. Yes, I would like to mention that I think we are entitled to it. The title should be ours. We should be the owners of this land, because our ancestors are buried there.

So I believe we should have complete ownership of it. That is why we are here. Speaking from the heart, I am the seventh generation of Si Thinka, Chief Big Foot. And his son, He Crow, also perished with him. That is where my bloodline comes from.

So for me, sitting here today is very important for me, not only for myself, but for my tribe, my [phrase in Native tongue], my family. Thank you.

Senator ROUNDS. Mr. Chairman, the reason why I asked that question in particular is because this may very well have been put into a trust status. But after consultation, after the discussion with the tribes, at their request it was changed specifically because they wanted it in their name, and not in the government's name.

I think that says a lot, first of all, about their feelings about how personal this is. Second of all, hopefully it is a changing point in the way that we deal in a government-to-government relationship, respecting their recommendations. I thank you both for that explanation.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Garriott, this land, well, let me just ask the question this way. How is it going to function? This is a unique legislative proposal, which I support, for all the reasons articulated by our testifiers and by Senator Rounds. But are there any practical implications as far as the department goes?

Mr. GARRIOTT. From a practical standpoint, really, I think that our involvement really starts in the beginning in terms of making sure that we do a proper survey and that we ensure that the land is recorded in the two tribes' names properly, and then making sure that if there are any utility easements or anything like that that those are properly transferred.

Otherwise, from a practical standpoint, moving forward from a jurisdiction taxation status, et cetera, it would essentially be the same as trust land.

The CHAIRMAN. Thank you very much.
Vice Chair?

Senator MURKOWSKI. Thank you, Mr. Chairman.

And thank you, to each of you. I do think that it is somewhat remarkable that the three witnesses, not only from the tribes but you, Mr. Garriott, are all descendants. To know that you all as descendants have been working to secure, to maintain this land, in the manner in which Senator Rounds has pointed out, by way of consultation and really listening to the desires of the tribes themselves.

I am assuming that because you are at this point with this legislative ask that the lands that have been identified to be designated as restricted fee lands, that this is what you are seeking. In other words, are there any additional lands in the area that might also be considered to be designated by Congress as restricted fee lands?

Mr. STAR COMES OUT. Yes, I do believe there may be others. But for today, we would like to focus on this. This is our specific issue here.

Senator MURKOWSKI. Good. Mr. Chairman, that is all I have in terms of questions. I want to thank Senator Rounds for bringing this and I want to thank you for your sharing your family's story. Because it is a story of far, far too many that needs to be heard, needs to be respected. We must not forget. Thank you.

The CHAIRMAN. Mr. Chairman, did you want to make any final comments?

Mr. LEBEAU. Thank you. Lastly, I think you heard it, but I really want to stress the importance that the Lakota people have to the land. There is a connection there to our own land, our community.

This connection is felt throughout Indian Country. Other tribes are in a similar situation. There is no other place like it, and there is no other group of people, nation of people, that have that connection here in North America.

So it is a unique situation. Perhaps that is difficult for others to understand. But this is, in biblical terms, these are lands are our Eden, this is our paradise on earth righty here. The Lakota Nation, those Black Hills, those areas are sacred to us, the lands are sacred to us. So we have that connection.

I wanted to point that out. I think us getting here with this bill and the importance of it, we appreciate it. Thank you.

The CHAIRMAN. Mr. President?

Mr. STAR COMES OUT. Yes, thank you for letting me speak it. One thing I would like to put out there is, this is a collaboration of not only the tribes, but with the government. I know Chairman LeBeau and I, we took this issue all the way to the grass roots of both tribes, both [phrase in Native tongue], to families and all the descendants and survivors, I should say.

It took a lot of effort, and a lot of consultation and time and energy to gather all this information so we could get this done right. From what I am seeing, it sounds like, the way I see it, from my view, I think we are ready to move forward. It has to get done; we are positive it is going to happen.

Thank you.

The CHAIRMAN. Thank you very much.

If there are no more questions for our witnesses, members may also submit written questions for the record. The hearing record will be open for two weeks.

I want to thank all of our witnesses for their time and their testimony. This hearing is adjourned.

[Whereupon, at 3:26 p.m., the hearing was adjourned.]

