

EXHIBIT A

**BRIEF OF UNITED SOUTH AND EASTERN TRIBES SOVEREIGNTY PROTECTION FUND
AND CATAWBA NATION AS *AMICI CURIAE* IN SUPPORT OF PLAINTIFF'S RESPONSE IN
OPPOSITION TO DEFENDANTS' MOTION TO DISMISS**

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

WINNEBAGO TRIBE OF NEBRASKA,
a federally recognized Indian Tribe,

Plaintiff,

v.

Civil Action No. 1:24-cv-78-CMH-IDD

UNITED STATES DEPARTMENT OF
THE ARMY; UNITED STATES
DEPARTMENT OF THE ARMY, OFFICE
OF ARMY CEMETERIES; CHRISTINE E.
WORMUTH, KAREN
DURHAM-AGUILERA, RENE A.
YATES, Lieutenant Colonel PRISCELLA
A. NOHLE, in their official capacities,

Defendants.

SWORN STATEMENT OF BRIAN HARRIS

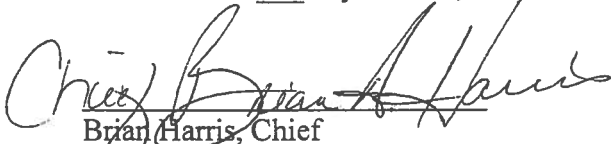
I, Brian Harris, hereby declare as follows:

1. I am over 18 years of age and otherwise qualified to testify to the facts below.
2. I am the Chief of the Catawba Nation, which is a federally recognized Indian tribe.
3. Wade Ayers was a citizen and community member of the Catawba Nation.
4. The United States took Wade from his family and sent him to Carlisle Indian Industrial School (Carlisle).
5. Wade was known to be in good health when he was taken from his family.
6. Wade arrived at Carlisle on August 30, 1903, at the age of 13.
7. Wade died on January 18, 1904, while still at Carlisle.
8. Carlisle officials reported Wade's cause of death as "vaccine fever," which the Catawba Nation believes was related to an influenza vaccine.

9. Wade was buried at the Carlisle cemetery without the consent of his family or the Catawba Nation.
10. When the federal government disinterred children's remains at the Carlisle cemetery and moved them to a new location in 1927, neither Wade's family nor the Catawba Nation consented to disinterment and movement of his body.
11. Wade does not have lineal descendants, as he died before he had any children.
12. Wade's immediate family is no longer alive.
13. Citizens of the Catawba Nation and relatives of Wade, with the support of the Catawba Nation, have worked diligently for more than five years to bring Wade home.
14. The U.S. Department of the Army (Army) told Wade's relatives and the Catawba Nation that the Army would not repatriate Wade's remains pursuant to the Native American Graves Protection and Repatriation Act (NAGPRA), asserting NAGPRA does not apply to the cemetery at Carlisle.
15. The Army told Wade's relatives and the Catawba Nation that the Army would apply the disinterment process under Army Regulation 290-5, as informally modified by the Army for disinterment of remains from Carlisle, to explore repatriation of Wade.
16. Wade's relatives, with the support of the Catawba Nation, attempted to work with the Army to utilize the disinterment process under Army Regulation 290-5, as modified, to bring Wade home to the Catawba Nation.
17. The Army scheduled a disinterment of Wade under Army Regulation 290-5.

Pursuant to 28 U.S.C. § 1746, I state under penalty of perjury that the foregoing is true
and correct.

Executed this 10th day of June, 2024.


Brian Harris, Chief
Catawba Nation