ABSTRACT

Title of Thesis:	THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT AND FAUNAL REPATRIATION
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The Native American Graves Protection and Repatriation Act (NAGPRA) was enacted in 1990 for the repatriation and disposition of certain Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony. Although it has been 34 years since the law was enacted, tribal nations have experienced hurdles associated with repatriating faunal remains from institutions. This thesis uses data from the Federal Register, published sources documenting oral histories, and the National NAGPRA website to address two research questions. In addition, a survey questionnaire provided additional information from bioarchaeologists and faunal analysts, and tribal cultural resources professionals regarding their general thoughts on NAGPRA. These sources of information were analyzed to address two questions:

- How have dog remains been repatriated through NAGPRA?

- Are there any trends in the data that show progression and integration of tribal voices or tribal input regarding faunal repatriation during the NAGPRA process?

This is an important issue for tribal communities who have different ways of defining faunal remains based on their concepts of personhood and based on their oral traditions. This thesis focuses on dog remains and attempts to demonstrate how dog remains have been repatriated in the past and to identify any trends that show tribal input during the repatriation process.

THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT AND FAUNAL REPATRIATION

by

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Preface

The diversity of tribes in the United States is immense. This thesis uses varied terminology to identify the tribes: Native, Native American, Native American tribes, Native nations, Native people, tribal communities, tribal nations, and tribes. Indigenous is used to a lesser extent and is mainly used due to quotations, to describe people (worldwide) inhabiting a place prior to colonization (mainly in Chapter 3: Theoretical Background), and in summarizing National Native American Graves Protection and Repatriation Act material. Also, some terminology used in this thesis may not be considered respectful language by some descendant communities. I apologize for that shortcoming in the text. In addition, please note that the information gathered through the survey questionnaire mechanism is redacted to protect the privacy and identities of the individuals who participated. Their candor is appreciated.

Foreword

I'd like to share a couple of things with the reader. First, I've been in the cultural resources industry for a while now – decades actually – and through those years I've been fortunate enough to develop good relationships with people who work primarily within the cultural resources realm and with tribal communities. I've found that group of folks to be an excellent source of advice and feedback through the years, so when it came to my thesis topic, I reached out to them and asked for input. I asked them if they needed help with any particular cultural resources management (CRM)-related topics or if they were confronting any hurdles. They informed me that they needed help repatriating faunal remains from museums and that they wanted to repatriate some of them as human beings. Repatriating them as human was something they felt deeply about. They had repatriated fauna before but the Native American Graves Protection and Repatriation Act (NAGPRA) terminology – such as affiliated and unaffiliated funerary objects - never sat well with them because culturally some of the fauna contained the same spirit as human beings.

The second thing I wanted to mention is that I've never worked with NAGPRA. My years in CRM have been mainly spent managing projects and completing cultural resources surveys and reports for clients as either a tribal employee or a contractor. I've barely touched the surface of NAGPRA. My experience includes two instances. Once I assisted an agency by editing a NAGPRA notice for them before it was published in the Federal Register. I've also attended one

National NAGPRA event in San Diego and I was there on vacation and only popped into the event to hear a tribal representative read a prepared comment to the National NAGPRA Review Committee. I had no idea the magnitude of that occasion.

So, my research for this topic really began a learning process. I began reading the legislation, articles, books, opinions and realized that NAGPRA was a huge beast with numerous branches that spread in all directions. Not only that, NAGPRA was being updated these past two years. So, on top of feeling overwhelmed by the magnitude of it all, NAGPRA seemed like a moving target too. One time when I was in Houston, I saw a giant oak tree and the topic of NAGPRA brought that visualization to my mind.

Not only that, but when I eventually honed into the fauna portion, even that was an enormous and diverse subject as well. If you consider that there are 574 federally recognized tribes in the United States and that each one has complex ideas, rituals, traditions, and oral histories about animals…the target seemed a little blurrier and a little further away.

Eventually I homed in on one animal – the domesticated dog. It was so weird how that happened. I was at a birthday party at a friend's house. They have a huge library so when there was a lull in activity and conversation, I began perusing the books and came across an interesting book about dogs in the early Americas. That flung my research in that direction. The results from the Federal Register research conducted for this thesis became more manageable and I was able to answer the first question in my thesis: How have dog remains been repatriated through NAGPRA?

The results from the Federal Register (from the years 1994 to 2024) clearly showed firstly that there was a general increase in the quantity of dog remains being repatriated. In 1994, there was only 1 but by the year 2023, there were 14 repatriations of dog remains.

The Federal Register data also indicates that there was a change in the terminology used to repatriate dogs. In more recent years (from 2021 to 2024) there are five instances where dog remains were repatriated as sacred objects or objects of cultural patrimony. With that change, in 4 of the 5 instances the Federal Register notices also included cultural information about dogs in the notices. The Chickasaw Nation, for example, included information on the role of the white dog Ofi' Tohbi Ishto and stated they wanted to "venerate these animals alongside ancestors in current day reburial practices." The Salt River Pima-Maricopa Indian Community said that intentionally buried canid remains were sacred and that "traditional knowledge relates that these animals communicate with humans during curing ceremonies and in other ways." The inclusion of such information in the Federal Register notices stood out to me and was the reason I included published literature about tribal oral history related to dogs in my thesis. The oral history was from those tribes who used the specific terminology – sacred object or objects of cultural patrimony – in there Federal Register notices.

I find it interesting that the most recent repatriation of dog remains in 2024 by the Onondaga Nation did <u>not</u> include any cultural information at all in the Federal Register notice. The notice was published after the Department of Interior issued its

final rule of NAGPRA revisions and could indicate new strategies for repatriating dog remains by tribal nations.

This leads to my next thesis question: Are there any trends that show progression and integration of tribal voices or tribal input regarding faunal repatriation during the NAGPRA process? I believe that what I have said already with my research of Federal Register records already indicates that there has been more inclusion lately of Native American cultural information regarding dogs.

A search of National NAGPRA records reinforces that tribal nations are voicing their ideas more. The National NAGPRA Review Committee meetings and comment periods in the last two years have included statements by representatives who tried to share their ideas about animals. They have tried to explain, for example, that intentionally buried animals are special, that tribal ideas of personhood are different from those of the general public, that animals are imbued with the same animating spirits as human beings. As I perused through National NAGPRA records, I could not find much comparable sharing of cultural information regarding dogs or any animals in previous years.

Survey questionnaires were distributed to bioarchaeologists and faunal analysts, and to tribal folks involved in CRM work. The questionnaires were completed almost a year ago in May and June 2023. I had read Timothy McKeown's book, *In the Smaller Scope Of Conscience*, and was really in heavy thought about the spirit of NAGPRA. I learned that the legislation was started by the Cheyenne and through years of discussions by a mix of people – scientists, lawyers, politicians, archaeological organizations, tribes – the 1990 NAGPRA legislation was developed.

A lot of the folks who opposed NAGPRA were fearful that research would ultimately be affected by repatriation. I came up with the survey questionnaire to see if there were detectable similarities between the ideas of researchers back then versus researchers today. Human behavior is very difficult to measure, so my survey questionnaire was intentionally broadened in the hopes that it would bring forth information that would help answer one of my thesis questions. I looked at the results and there appears to be a conundrum among the scientific community. Whether the spirit of the law is followed largely depends on the people involved; that is a statement I read from both sides – the scientists and the tribal CRM folks. When I asked the question of the faunal analysts and bioarchaeologists of benefits to the community, they gave some really great examples.

There is one thing about NAGPRA, it necessitates consultation with tribes. I could see a difference between those issues cited as important by scientists during formulation of NAGPRA in McKeown's book and the benefits the faunal analysts and bioarchaeologists listed in the questionnaire results. The latter shows they are collaborating more with tribal communities. There is mention, for example, of oral history, water rights claims, and climate adaptation which in my mind involves a sharing of traditional ecological knowledge. I believe that tribal consultation has helped researchers improve the quality of their work and the accuracy of it. The conundrum happens when there is a lack of tribal consultation and instances like the DNA sequencing of Chaco Canyon ancestors occur. The conundrum happens when concerns are shared by the tribes, but they are not implemented by agencies, museums, and institutions. Not only have some concerns been shared by the tribes

through the NAGPRA process, but a multitude of concerns have been shared during other official consultation required for Section 106 undertakings. The survey questionnaire requested best management practices from tribal CRM folks. They offered some very thoughtful and insightful advice; I included those in Chapter 7: Conclusions.

Dedication

This thesis is dedicated to my mom and dad, Arlene Touchin and the late James Lane Touchin; to my siblings Jason L. Touchin, Jolene L. Touchin-Morton, Yolanda L. Touchin, and Jared T. Touchin; to my niece and nephews Ava, Ethan, and Avery, and to my pets, the late cat Missy Anne Gurl Touchin and my rambunctious rez dog, Daffy Anne Touchin. All these beautiful spirits afforded me so much support as I pursued my Master's degree. Two of them journeyed on to the spiritual world before I finished my thesis. I miss you dad! I miss you Missy Anne Gurl Touchin! Thank you to my beloved family. I love you all very much.

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Chapter 1: Introduction

The Native American Graves Protection and Repatriation Act (NAGPRA) was enacted on November 16, 1990, for the repatriation and disposition of certain Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony. Use of the term "certain" in the previous sentence alludes to specific requirements in the law. NAGPRA, for example, requires federal agencies and institutions that receive federal funds to comply. NAGPRA repatriates to federally recognized tribes, Native Hawaiian organizations, and lineal descendants – cultural affiliation becomes an important topic of discussion during NAGPRA consultation. NAGPRA applies to human remains and cultural items that may be removed from federal or tribal lands. In other words, NAGPRA does not equate to carte blanche repatriation of all human remains and objects; there are parameters and definitions that need to be met. Although it has been 34 years since the law was enacted, tribal nations have experienced hurdles associated with repatriation in general.

This thesis focuses on answering two questions pertaining specifically to the repatriation of faunal remains:

- How have dog remains been repatriated through NAGPRA?
- Are there any trends in the data that show progression and integration of tribal voices or tribal input regarding faunal repatriation during the NAGPRA process?

The research data collected and analyzed comes from namely four resources: the Federal Register, survey questionnaires, published oral histories, and the National

NAGPRA database. The survey questionnaire was distributed to two groups – bioarchaeologists and faunal analysts, and tribal cultural resources professionals – whose interests and background is focused and established in the Southwest, United States. The questionnaire sought to understand their experiences working with NAGPRA.

This is an important issue for tribal communities who have different connotations of what constitutes human remains during repatriation efforts. The objectification of animals removes the consideration of the animal as having intentions, thoughts, or feelings. Some tribes do not view animals as objects. Rather some tribes ascribe personhood or animism to animals. (These terms will be discussed more thoroughly in Chapter 3: Theoretical Background.) In many tribes, traditional culture does not allow for the repatriation of faunal remains as objects. The tribes would rather request the return of certain faunal remains as human remains. Not only does this thesis codify how repatriation of dog remains has occurred from 1994 to the beginning of 2024, but it also memorializes some of the efforts that have been made by tribes to repatriate animal remains.

Chapter 2: History and Chapter 3: Theoretical Background of this thesis provide some consolidated background on the history of the North American Southwest, archaeological theories, and how NAGPRA evolved. Chapter 2: History explains why dog remains became the focus of this thesis. Chapter 3: Theoretical Background informs readers about different definitions of personhood and thoughts on oral traditions.

Chapter 4: Methodology presents the data sources and explains how the survey questionnaire was distributed and how the information was gathered. Chapter 5: Results presents the results gathered from the four key resources noted above. Chapter 6: Analysis consolidates the information from previous chapters and analyzes it to try to answer the two research questions; this chapter contains a bar chart and tables to try to facilitate the presentation of results and the discussion in the text.

Lastly, in Chapter 7: Conclusion, the thesis will suggest some best practices from the questionnaire. The best practices are a summary of advice from the tribal cultural resources professionals to the bioarchaeologists and faunal analysts.

Chapter 2: History

This chapter provides a broad overview of the history of the North American Southwest to illustrate how Native people were systematically marginalized and dehumanized for centuries in this region. The objectification of Native people is directly tied to the evolution of museums. Eventually, in an attempt to address this objectification, NAGPRA legislation was developed. The latter parts of this chapter also describe why this thesis focuses on domesticated dog remains within the context of NAGPRA repatriation efforts; this explanation will help the reader understand subsequent chapters which focus on research efforts and analyses of the data collected.

The North American Southwest

The long history of interactions between Native American people and non-Native people in North America has been documented extensively elsewhere (Hudson 2017). According to author Dunbar-Ortiz (2014:32-39), the non-Native people brought with them a "culture of conquest" formed by several centuries of profit-based thinking, wealth accumulation, Christian zeal, crusading mercenary armies, weaponry development, labor force exploitation, the concept of land privatization, and the idea of white supremacy and its justification for genocide. These concepts are evident in Old World historical events like the Crusades to conquer North Africa and the Middle East and the ties between exploited labor and monarchies that affected places like Scotland, Ireland, and the Basque country (Dunbar-Ortiz 2014: 32-33). "By the time Spain, Portugal, and Britain arrived to colonize the Americas, their methods of

eradicating peoples or forcing them into dependency and servitude were ingrained, streamlined, and effective" (Dunbar-Ortiz 2014:40).

In the American Southwest, Native American people clashed with explorers sent by the Spanish crown in 1539 when Fray Marcos de Niza led an expedition into lands that are now New Mexico (Hudson 2017:10). In 1540, a second brutal expedition into the Rio Grande Valley was conducted by Francisco Vásquez de Coronado (Spicer 1976). In 1598, the Spanish founded their first colony near Jemez Pueblo in New Mexico (Spicer 1976). The years following were a mix of labor exploitation, famine, and repression of Pueblo religious and cultural practices (Dunbar-Ortiz 2014:125). These circumstances ultimately led to the Pueblo Revolt of 1680 (Dunbar-Ortiz 2014:125; Hudson 2017:11). This event is summarized as follows:

> Po'pay of Ohkay Owingeh (formerly referred to as San Juan Pueblo) organized and led the revolt. A date of collective rebellion was set, and runners were sent to the all the Pueblos carrying knotted cords which represented the number of days until the day of uprising. Each morning, the Pueblo leadership untied one knot from the cord, and when the last knot was untied, it was the signal for them to act in unison. The successful revolt kept the Spanish out of New Mexico for 12 years and established a different power dynamic upon their return. (Indian Pueblo Cultural Center 2024)

This tumultuous Southwestern history continued through the eighteenth and nineteenth centuries with the establishment of trading and military posts and towns on expropriated, stolen Indigenous lands and pilfered water resources. Catholic missions were established by Spain with the assistance of Junipero Serra along the coast of Alta California (present day California) (Yuhas 2015; Dunbar-Ortiz 2014:128-129).

The Catholic missions were cruel towards Native populations causing generational trauma:

> These California Franciscan missions and their founder, Junipero Serra, are extravagantly romanticized by modern California residents and remain popular tourist sites. Very few visitors notice, however, that in the middle of the plaza of each missing is a whipping post. The history symbolized by that artifact is not dead and buried with the generations of Indigenous bodies buried under the California crust. The scars and trauma have been passed on from generation to generation. Putting salt in the wound, as it were, Pope John Paul II in 1988 beatified Junipero Serra, the first step toward sainthood. California Indigenous peoples were insulted by this act and organized to prevent the sanctification of a person they consider to have been an exponent of rape, torture, death, starvation, and humiliation of their ancestors and the attempted destruction of their cultures. (Dunbar-Ortiz 2014:128)

Atanasio Dominguez and Silvestre Vélez de Escalante conducted an expedition to find an overland route from Santa Fe, New Mexico to newly established missions in Monterey, California; although their expedition failed, their maps served as resources to open future exploration and trade in the Southwest. United States military campaigns and detachments were dispatched led by men like Kit Carson, Stephen W. Kearny, James Carleton, and Philip St. George Cooke (DeJong 2009; Dunbar-Ortiz 2014:137-139); these names are synonymous with negative events for Native people (e.g., scorched earth campaigns, the Navajo Long Walk to Bosque Redondo).

Events like the Gold Rush and the United States' War against Mexico led to an influx of non-Native people across the Southwest, which decimated Native populations. "Under the protection of the US Army, beginning in 1848, gold seekers from all over the world brought death, torture, rape, starvation, and disease to the

Indigenous peoples whose ancestral territories included the sought-after goldfields…" (Dunbar-Ortiz 2014:129).

United States Policies and Non-Native Ideas and Philosophies

Historical events like those noted above, deeply and irrevocably affected native peoples in the Southwest. In addition, on a national level practically beginning with the "birth" of this nation in July 1776, a string of racist United States' Native American policies (e.g., the Indian Removal Act of 1830, the Dawes Act of 1887, Indian Termination and Relocation from 1953 to 1968) further displaced Native people from their ancestral homelands and impacted the retention of cultural knowledge and practices and language.

Underlying the multitude of negative historical events and national policies were sets of non-Native ideas and philosophies that influenced and continue to pervade thinking that results in the discriminatory treatment of and historical inequities experienced by Native people (Hudson 2017:16-18; Morgan 1877; Dunbar-Ortiz 2014). Some of these include Manifest Destiny; the Doctrine of Discovery; the fundamentalist Christian belief that there is a single origin for all of mankind - Adam and Eve; unilineal evolution – the belief that cultures evolved through stages of savagery, barbarism, and civilization with Native Americans categorized as savages; the idea that the Americas were untamed lands in need of stewardship; and the idea that Native Americans were disappearing and their material and human remains were in need of preservation.

Manifest Destiny, for example, is a sentiment that meant expansion (e.g., Westward expansion in the United States) was prearranged by Heaven and included

an area not clearly defined (Merk 1995). The sentiment underwrote and justified a lot of the governmental policies of expansion as did the Doctrine of Discovery. "According to the Doctrine of Discovery, European nations acquired title to the lands they 'discovered,' and Indigenous inhabitants lost their natural right to that land after Europeans had arrived and claimed it" (Dunbar-Ortiz 2014:198). The doctrine allowed the theft of land through wars of conquest and colonialism and served as the basis for federal laws that still control Indigenous peoples' lives. It distorted history. This doctrine negatively effects Native American sovereignty, land rights, economy, and so many dire aspects of Indigenous life today.

The fundamentalist Christian belief that there is a single origin for all of mankind (monogenesis) in Adam and Eve, led researchers to theorize that observable racial differences had occurred after creation and was due to racial degeneration (Thomas 2000:38). This also allowed researchers to begin to postulate about the origins of Native people and to theorize about their global migrations, completely dismissing Native oral traditions' telling of their own origins as fairy tales. Thomas explains how ideas of monogenesis resulted in discrimination towards Native people:

> The races had resulted from multiple Creations, demonstrating God's intent to deliberately create blacks for the purpose of serving their white betters as slaves. Indians, argued the scientists of the American School, had been created for a rather different reason. As Oliver Wendell Holmes wrote in his 1855 poem "Oration," the Redman was a "sketch in red crayons of a rudimental manhood to keep the continent from being a blank until the true lord of creation should come to claim it." (2000:42)

Zimmerman explains how the origins of Native Americans are still called into question:

> Accepting the expert opinion of the scientists, the court notes that, "They concluded that Kennewick Man's remains were unlike those of any known present-day population, American Indian or otherwise." Again, unlikely as intent, but certainly present by implication, is the court's acceptance of the presence of groups in the Americas who were not the ancestors of today's Native Americans. Although as an archaeologist, I suspect that many groups indeed may have visited the continent in the distant past, the court's opinion reflects a long-term desire on the part of Euro-Americans to have a *white* history of the continent. (2005:269-270)

Unilinear or social evolution are ideas that were promoted by Lewis Henry Morgan. These ideas resulted in discriminatory treatment and historical inequities experienced by Native people. Thomas explains:

> In *Ancient Society*, Morgan traced the history of the human family, government, private property, and technology through three sequential stages…from savagery to barbarism to civilization. Morgan's social evolution arranged both contemporary and ancient societies along a kind of developmental ladder.
>
> …American Indians in Morgan's view, had "commenced their career on the American continent in savagery; and although possessed of inferior mental endowments, the body of them had emerged from savagery and attained the Lower Status of barbarism; whilst a portion of them, the Village Indians of North and South America had risen to the Middle Status." Despite having clawed their way up the evolutionary ladder, American Indians ranked well below the Aryans and Semites. (2000:47-48)

The idea that the Americas were untamed lands in need of stewardship also resulted in discriminatory treatment of Native people. The myth that North America was a wilderness allowed colonists to think they acquired a vast expanse of land from peoples who were hardly using it or not using it at all. The actuality is that the colonists appropriated cultivated land, existing roads and water routes, a humanized landscape with town sites, monumental earthworks, and governments (Dunbar-Ortiz 2014). In the words of Francis Jennings:

> European explorers and invaders discovered an inhabited land. Had it been pristine wilderness then, it would possibly be so still today, for neither the technology nor the social organization of Europe in the sixteenth and seventeenth centuries had the capacity to maintain, of its own resources, outpost colonies thousands of miles from home. Incapable of conquering true wilderness, the Europeans were highly competent in the skill of conquering other people, and that is what they did. They did not settle a virgin land. They invaded and displaced a resident population. This is so simple a fact that it seems self-evident. (Dunbar-Ortiz 2014:46)

Tribal nations experienced great population declines because of European colonization of the Americas – mainly resulting from disease and genocidal government policies. As a result of this huge decline in population, an idea developed that Native Americans were disappearing or vanishing from the face of the earth. Anthropologists engaged in salvage anthropology to collect the material remnants and human remains of Native Americans in order to save or preserve them (Daehnke and Lonetree 2011).

These discriminatory and racist ideas and philosophies chipped away at the humanity and intellect of Native Americans and served as fodder to feed the flames of white supremacy. This objectification and discriminatory and racist treatment continue today. It is, in part, what allowed for and promulgated the perception of Native people as specimens (Hudson 2017:9).

"Specimens" and the Evolution of Museums

Violation of Native American material culture and graves – in the form of a legacy of past collecting practices (i.e., looting, robbing, stealing), a disregard for Native beliefs and burial practices, and a clear contradiction between how the graves of white Americans and graves of Native Americans have been treated – occurred almost

immediately after European arrival in North America (Daehnke and Lonetree 2011). The racist objectification of Native Americans and the racist idea that Native people were/are specimens was evidenced by the practices of notable men. United States president Thomas Jefferson (1743-1826), for example, excavated a burial mound located near his estate; he did not seek permission even though he knew Native Americans still visited the mound.

American physician, Samuel George Morton (1799-1851) is another example. He actively collected human skulls and developed techniques for measuring them. He curated the skulls at the Academy of Natural Sciences in Philadelphia. His craniology theory, which infers intelligence differences from human skull measurements, "promoted race supremacy, asserting that Germanic Europeans had the largest brains and highest intelligence of all human populations" (Michael 2020:279). To validate his theories of white supremacy, Morton sought more skulls for study; he "provided economic incentives to soldiers, settlers, and government agents to enter Native American graves in order to collect the remains" (Daehnke and Lonetree 2011:89). Morton had little to no regard or respect for Native American cultural beliefs and burial practices. He obviously did not see them as people. His efforts both promoted and incentivized the objectification of Native American human remains.

The desire to acquire more Native American bodies for scientific research continued over the next two centuries. During the 1860s, the curator of the Army Medical Museum, George A. Otis (1830-1881), and the United States Army Surgeon General, Joseph Barnes (1817-1883), encouraged field doctors and surgeons and medical officers to collect Native American human remains (Daehnke and Lonetree

2011:89; McKeown 2012:11). Otis made an agreement with the Smithsonian to send him osteological remains in exchange for burial and cultural items. As a result of Otis' and Barnes' requests and arrangements with the Smithsonian, approximately 4,500 Native American crania were kept in the Army Medical Museum collections.

Aleš Hrdlička (1869-1943), a physical anthropologist, was hired by the Smithsonian. He worked with the museum from 1903 to 1943 and "was the premier physical anthropologist of his day, collecting the crania and skeletons of thousands of individuals…" during his tenure at the facility (McKeown 2012:4).

Anthropologist Franz Boas (1858-1942) collected Native American human and material remains and sold most of his collections to the Field Museum in Chicago and some to parties in Berlin, Germany (Daehnke and Lonetree 2011:89). This commodification of human and material remains is unethical and an egregious and gross impropriety. His "collection" methods were rather clandestine too – "Boas robbed graves at night…" and "collected roughly one hundred complete skeletons and two hundred skulls" belonging to northwest Native American populations (Daehnke and Lonetree 2011:89).

The objectification of human remains is further exemplified through the creation of large museums to store these collections during the second half of the 19th century. These museums and wealthy families financed large expeditions like those listed in Table 1 below to numerous archaeological sites in the Southwest.

Table 1. Expeditions to Southwest Sites.

Expedition/Sponsor	**Location/Archaeological Site**	**References**
The Hyde Exploring Expeditions, sponsored by the American Museum of Natural History	Excavated at Pueblo Bonito in Chaco Canyon, New Mexico	Hudson 2017:22-23
Harvard's Peabody Museum of Archaeology and Ethnology and the Robert S. Peabody Museum, financiers	Excavations by Alfred Kidder at Pecos Pueblo, Pecos, New Mexico	Hudson 2017:22-23; Watson and Rakita 2020:5-6
The Hemenway Expedition, funded by Mary Hemenway	Excavations by Frank Hamilton Cushing in the Salt River Valley, Arizona – records and materials are kept at Harvard's Peabody Museum and at the National Museum of the American Indian	Watson and Rakita 2020:5-6
The Hendrick-Hodge Expedition, sponsored by the Museum of the American Indian	Excavations at Hawikuh, Zuni, New Mexico	Watson and Rakita 2020:5-6

Undoubtedly, these expeditions amassed sizeable collections. The last three projects listed above actively sought out and uncovered human burials (Watson and Rakita 2020). Alfred Kidder himself set a financial bounty on human burials for his field workers: 'We were most anxious to discover burials; so a reward of twenty-five cents was offered to the workmen for every skeleton uncovered. The next day one appeared, the following day six; the reward was reduced to ten cents; this brought fifteen more, and in the course of a week or so we were forced to discontinue the bonus or go into bankruptcy.' By the fourth season of digging, in 1920, Kidder reports that nearly 700 skeletons had been recovered…" (Watson and Rakita 2020:6). The amassing of human remains, and funerary collections continued with archaeological excavations at various other sites (e.g., Aztec Ruin [1928], Salmon Ruins [1970-1979], and Black Mesa [1983]) in the Southwest.

NAGPRA

Each tribe certainly has a multitude of stories relaying historical trauma. Native American people are a marginalized group. They are treated differently – and poorly. This is a fact.

NAGPRA, a human rights law enacted on November 16, 1990, attempted to correct some of these wrongs against Native Americans. In the words of the Indigenous leader who contributed to the passing of NAGPRA, Suzan Shown Harjo:

> Grave robbing, burial site desecration, sacrilege of our sacred sites and objects, theft of our items of native national patrimony, use of our dead relatives as commodities of trade and commerce, exhibition of our dead relatives' skulls and destruction of their remains in federal and private places of learning and education, classification of Native people as federal property, and other related practices are part of that shameful past and all continue today. (Schweninger 2009:171)

It should be brought to the forefront here that use of the term "relatives" in the quote above is important because for many Native American tribes, familial terms can be more expansive and inclusive than those of non-Natives. Relatives can include clan kinships, members of societies, social moiety members, and so forth. Relatives can include entities described in Chapter 3: Theoretical Background of this thesis such as rivers, earth, and animals. Relatives can include any creatures imbued with the same animating spirit of human beings. The definition of relatives, in the case of NAGPRA, should come from Native American communities. While NAGPRA provides a starting point, it was not developed by the tribes under the auspices of, for example, the United Nations Declaration on the Rights of Indigenous Peoples, which "requires States to consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free,

prior, and informed consent before adopting and implementing legislative or administrative measures that may affect them" (Article 19). A repatriation law born of the United Nations Declaration on the Rights of Indigenous Peoples' free, prior, and informed consent requirements would incorporate definitions of understanding formed by Native peoples and would operate in a Native framework; it might have been more successful than the current NAGPRA regulations and implementing policies and guidelines. Professor and author, Amy Lonetree "asserts that tribal entities should be the appropriate authorities in making decisions about repatriation, not the museums or federal agencies. (Schweninger 2009:172).

The evolution of NAGPRA began in the mid-1980s after a meeting between a delegation of Cheyenne tribal religious leaders led by William Tallbull, and Montana Senator John Melcher. The delegation and the senator by chance met in a room filled with the contents of physical anthropologist Aleš Hrdlička's avocado-green cabinets in the Smithsonian's National Museum of Natural History in Washington DC. Within the cabinets were tens of thousands of Native American human remains that Hrdlička had collected from 1903 to 1943 as a staff member of the Smithsonian. "The elation at having found the Tall Bull pipe after years of searching was shattered by the stark realization that they [the delegation] were standing among the remains of tens of thousands of Native American dead collected from graves and battlegrounds. 'The chiefs were quite alarmed because we had been sitting there all day with those restless spirits…'" (McKeown 2012:4). The meeting ultimately resulted in more intense discussions and the introduction of draft legislation by Senator Melcher on the last day of the 99th Congress (i.e., October 18, 1986) to "protect Native American rights

to the remains of their dead and to sacred objects, and to create Native American cultural museums" (McKeown 2012:5). Years of debates, compromises, negotiations, hearings, revisions, committee meetings, Department of Justice reviews, input from lobbyists affiliated with the Society for American Archaeology, and so forth finally resulted in enaction of NAGPRA in 1990 (McKeown 2012). Many people helped formulate aspects of the new law; some notable names include Suzan Shown Harjo, Patricia Zell, Daniel Inouye, Morris Udall, Ben Nighthorse Campbell, Clara Spotted Elk, Maria Pearson, Jan Hammil, and Walter Echo-Hawk. NAGPRA was an unfunded mandate that was signed into law by President George H. W. Bush and is administered by the National Park Service; "it is principally human-rights legislation crafted in response to the disparate treatment of Native American graves…" (Daehnke and Lonetree 2011:91). The spirit of NAGPRA seems clear from its very title – Protection and Repatriation. NAGPRA requires that institutions produce summaries and inventories of cultural objects. Cultural objects that are subject to NAGPRA are human remains, funerary objects (associated and unassociated), sacred objects, and items of cultural patrimony (25 United States Code § 3005) (Daehnke and Lonetree 2011:92). Definitions for these terms can be found at the National NAGPRA website and in the Glossary of this thesis (National NAGPRA 2024a).

Dogs in North America

Native American history, the evolution of museum collections, and an overview of NAGPRA are important to keep in mind for understanding this thesis. Much of Chapter 5: Results and Chapter 6: Analysis of this thesis will also focus on dog remains as they relate to NAGPRA collections. To

understand those discussions, it is crucial to have some background about dogs in the Americas and to incorporate the ideas of animism that are outlined in the Chapter 3: Theoretical Background of this thesis which strives to answer two questions:

- How have dog remains been repatriated through NAGPRA?
- Are there any trends in the data that show progression and integration of tribal voices or tribal input regarding faunal repatriation during the NAGPRA process?

Numerous animals (e.g., macaws, eagles, mountain lions, turtles, bison) are respected and revered by Native American tribes. This thesis focuses on dogs (*Canis familiaris*) mainly because there is a long history of them in the Americas. They were domesticated and lived among human beings and have been an integral part of Native American communities and culture, for millennia (Schwartz 1997).

Prehistoric/pre-contact dog remains have been documented in all parts of North America. Some of the earliest known and/or most notable dog remains from North American are given in Table 2 below.

Dogs played a number of roles within Native American communities. “The usage of dogs by Indigenous people is geographically and temporally variable, with dogs being used for hunting, transport, food, rituals, company, and defense” (Segura et al. 2022:8). Dogs were also used as producers of textile material in some cultures (Segura et al. 2022). It has been suggested by many researchers that dogs served as spirit guardians and afterlife companions as well (Johnson 2002; Kerber 1997).

Table 2. Notable dog remains from North America.

Location	Description	Age	References
Wyoming	Very early dog-wolf hybrids were discovered at the Paleoindian Horner and the Agate Basin sites in northern and eastern Wyoming, respectively. These sites were bison kill and procurement sites.	8000 B.C.	Schwartz 1997; Wyoming SHPO 2023a and 2023b
Utah	A mandible of a domesticated dog was found in Danger Cave in western Utah.	8000-7000 B.C.	Schwartz 1997:16
Illinois	Three complete dog skeletons were found intentionally buried at an Archaic site named Koster in southwestern Illinois.	6500 B.C.	Johnson 2002; Schwartz 1997:16
Tennessee	The earliest domestic dogs recovered in Tennessee were from the Eva Site. At that site, 18 dog skeletons were found. Four of them were interred with humans. All of them were whole and, like humans, were placed in a distinct pit in a flexed or fetal position. One of the dogs had several burial items.	5000-3000 B.C.	Dennison 2014
Tennessee	Similar dog burials as those discovered at the Eva site have been documented at more than a dozen archaeological sites across Tennessee. More than 50 indigenous domestic dog burials have been uncovered in the state. (This has likely increased given the age of the reference.)	5800 BP – AD 1700	Dennison 2014
Idaho	Skull fragments from several dogs were found at a hunting camp at Jaguar Cave.	3,500 years old	Schwartz 1997:16
Eastern woodlands	Dog burials in the Eastern Woodlands of North America had become commonplace.	By 2000 B.C.	Schwartz 1997:16

Many tribal nations throughout North America, including the following, have traditional stories involving dogs (Schwartz 1997:19-24; Ferg 2008): the Cheyenne (Wyoming); the Hidatsa (North Dakota); the Shawnee (northeast woodlands); the Penobscot (northern Maine); the Iroquois (northeast North America/upstate New York); the Seneca (New York and southern Ontario); the Miwok (northern Sierra/California); the Southern Paiute (Nevada/Arizona); the Ojibwa/Chippewa (northern Midwest/southern Canada/northeast woodlands); the Tlingit (Alaska/British Columbia); the Nootka (Vancouver Island); the Arapaho (Colorado/Wyoming); and the O'odham (Arizona).

The earliest dog burials in southern Arizona were recovered from sites along the Santa Cruz River in Tucson. At the Las Capas site (1200-800 B.C.), site number AZ AA:12:111(ASM), a partial dog burial, two dog skulls in a pit, and two partial skulls were identified. Three dog burials and one dog burial, respectively, were excavated at the Los Pozos (site number AZ AA:12:91[ASM]) and Santa Cruz Bend (site number AZ AA:12:746[ASM]) sites (400 B.C.-A.D. 50) in the Tucson area as well (Waters 2008). At Pueblo Grande (site number AZ U:9:1[ASM]), a large habitation site in the Phoenix area, 15 dog burials were found; the burials probably dated to the Classic period (A.D. 1150-1450). They were near or within human burial groups (James and Foster 2008). Twelve Classic period dog inhumations were also recovered at the San Xavier Bridge site (site number AZ BB:13:14[ASM]) south of Tucson; they along with human burials from the site were repatriated and reburied (Ferg 2008).

In northeastern Arizona, two mummified dogs were found at White Dog Cave (site number NA5377) which was occupied during the Basketmaker II period (approximately 400 B.C.) (Archaeology Southwest Magazine 2008). Many dog burials were discovered in the San Juan Basin of New Mexico. In prehistoric/pre-contact times they were buried in graves and in important structures, possibly as part of closing rituals when a place was deconsecrated. Dogs were buried in the four corners of a structure (i.e., Long House) at Mesa Verde in southwestern Colorado (Fugate 2008). According to Emslie (1978:181), "kivas and pit houses were apparently selected for the majority of the burials, suggesting a religious significance." According to Dove (2012:5), dogs were important to prehistoric people; dogs were used for hunting, defense, early warning, companionship, etc. Dog burials were common in the Mesa Verde area with most occurrences dating to A.D. 900-975 (Dove 2012:5). Dove (2012) reported on findings at Structure 34 (an early kiva) at the Champagne Spring Ruins (site number 5DL2333) near Dove Creek, Colorado. Structure 34 contained a group of animal burials around the hearth and southwestern quarter of the kiva. He provided an evaluation of the relationship of the animal burials with the ritual abandonment and "closing" of the kiva. The animals in Structure 34 included turkey, canids (probably dogs), cottontail, and a beheaded rattlesnake (Dove 2012:13).

Chapter 3: Theoretical Background

This theoretical background chapter will address the thesis questions outlined in Chapter 1: Introduction by discussing archaeological theories that got us to the point of NAGPRA and then will attempt to demonstrate alternative ways Indigenous populations define "personhood" and how the ideas of personhood may be integrated into NAGPRA repatriation.

Archaeological Theories

Archaeological theories refer to frameworks through which archaeological data is interpreted. Broad theories that addressed the prehistoric/pre-contact history of the Americas included antiquarianism, culture history, processualism, and postprocessualism. The ideas that developed as these archaeological theories evolved, happened without input from Native people who were the subject of such studies. The following paragraphs illustrate how antiquarianism and comparative anatomy were used to postulate the origin of Native people and the implications that resulted. The implications are relevant to some of the concepts described in this thesis: objectification, disassociation of antiquities from the culture of origin, racist claims that tried to illustrate that Native people were inferior.

In the fifteenth and sixteenth centuries, the material and religious culture throughout the Americas became the target of systematic destruction. The destruction was motivated by greed for gold, other precious metals, and jewels which were sent to Europe, and by missionaries' attempts to eradicate or crush what they defined as "idolatry" amongst Native people. By destroying objects that conveyed cultural

meaning and beliefs, the missionaries tried to stop the continuity of cultural and religious practices (Achim 2014).

"This concerted effort at destruction would be lamented by eighteenth-century scholars who began to write accounts of America's ancient past integrating American ruins into a larger story of European history" (Achim 2014:27). Because of the absence of written evidence that could have provided explanations about the past of the Americas, scholars focused on the fragmented materials that did not get destroyed. They began writing accounts of America's history based on their interpretations of the material fragments gathered by antiquarians. This type of historical compilation called for reconstruction and interpretation that used similar methodologies to describe European cultures that also had little to no written histories (e.g., Stonehenge and Etruscan civilizations) (Achim 2014).

In the late eighteenth century, human bones were used as scientific proof of moral, physical, and intellectual differences between human groups. "The methods used by comparative anatomists like Georges Cuvier to study and compare animals, where bones played an important role, became relevant for the study of human groups" (Achim 2014:30). A series of parameters (e.g., the breadth of the cheekbones) became proof of differences between groups. Moral and intellectual faculties were predicated on physical gradations. By the nineteenth century, the biological notion of race gained strength in complex historical scenarios. German anatomist Johann Friedrich Blumenbach used "facial projection" as a criterion for dividing humans into five races: Caucasians, Mongols, Malays, Americans, and Ethiopians (Achim 2014:30). Blumenbach didn't have many American skeletons to

study. It was not until Samuel George Morton (whose research and collection of Native American human remains is described in Chapter 2: History) arrived on the scene that Native American human remains became more available for research. Morton published his various studies as his collection of human remains increased. He developed a racial classificatory system that was based on Blumenbach's division of humans into five races. Morton believed in multiple origins for humans. "Modifying the biblical framework, he argued that the five races were created after the Deluge, independently of each other, on different continents" (Achim 2014:33). He ranked Native Americans fourth in the hierarchy of mankind and assigned their race's disposition to covetousness, restlessness, foolhardiness, tendency to superstition, and aversion to cultivation (Achim 2014:34).

The association between antiquarianism and comparative anatomy was a powerful alliance that constructed America's past. The origin and continuity between the people who founded great, ancient civilizations (e.g., Chichén Itzá) in the Americas with present day Indians came into question. Calling into question the continuity of people on a landscape provided rationales for separating present day Indians from their lands, natural resources, cultural sites, and human and material remains. It allowed some researchers to postulate that the ancient monuments had to be built by a superior people, probably Caucasian (Achim 2014:41). These racialized theories excluded contemporary Indians from their intellectual and physical heritage and allowed rationales to evolve "for the acquisition of ruins and bodies" (Achim 2014:42). The peak of antiquarian collecting continued until the 1930s when the Great Depression dried up a lot of the private financial support this type of practice

entailed (Cole 1995). Ironically, during the same period (between 1933 and 1938), the United States through the New Deal funded the excavation of several archaeological sites. The New Deal workers would often destroy site context and remove associated objects. These excavations involved a combination of antiquarianism and the beginnings of processualism, which will be described further below.

Antiquarianism provided a starting point for the development of another phase of archaeological theory called culture history, which emphasizes definition of societies into distinct ethnic or cultural groups based on their material culture. In the early 19th century, many archaeologists found employment with museums whose missions were to collect artifacts for conservation, exhibition, or preservation purposes (e.g., the Smithsonian Institution [1846], the Field Museum [1921], and the National Museum of Natural History [1910]). The archaeologists developed a methodology for creating culture histories. They incorporated the use of the collections in museums, arranged those materials for exhibitions, and inferred conclusions based on those two steps. Culture history, according to Binford (1965) was good at describing the past but could never explain that past in a scientific manner – it used induction as a mode of interpretation. Inductive reasoning involves making broad generalizations based on observations. It has been argued that this differs from subsequent archaeological theories like processualism which involved deductive reasoning, the scientific method. The scientific method is one in which a hypothesis is formed and tested using observable data. Perhaps the line between inductive and deductive methods is not as clear. According to Verhagen and Whitley (2011:52), "…the dichotomy between the inductive and deductive arose in the late

1970s as a historical development and not necessarily as two methodological schools of thought, and as such they should not be thought of as mutually exclusive frameworks."

The use of culture histories today can be problematic. "Culture histories…reduce complex emic relationships of identity and ethnicity to etic classifications of artifact-manufacture techniques, stylistic decoration, and documented historic homelands" (Beisaw 2010:244). Culture history constructs can be rigid, not allowing for malleability of ethnicity and identity. Social memory or collective memory – supported by cultural knowledge, ritual, and oral traditions – may provide a better means of understanding history (Beisaw 2010).

Binford (1965) was a proponent of the "new archaeology" of the 1960s, which later became known as processual archaeology. Processual archaeology embraces "a positivist epistemology that emphasized establishing general regularities between observable phenomena and explaining these regularities" (Trigger 2006:29). This approach studied behavior and promoted a "unified science" which used methodologies derived from the physical sciences to study everything (Trigger 2006:29). Processual archaeology assumes that all laws must be universal in nature. Its proponents adhere to canons of the scientific method. Processualism approached the study of culture with an emphasis on the scientific method. "For a generation, the 'new archaeology,' or processualism, predominated as a form of inquiry that moved the field from descriptions of objects and culture groups to a material science that sought to formulate scientific laws, explain sociological processes, and devise probabilistic predictions" (Colwell 2016:115).

In the 1970s and 1980s, an alternative to processualism began to develop. Ian Hodder labeled this postprocessualism. Postprocessualism refers to a batch of different theoretical approaches (e.g., cognitive, structural, post-structural, symbolic, critical theory, Marxist, feminist, and queer approaches) that commonly reject processualism (Watson and Fotiadis 1990). Processualism, for example, did not say anything about women in the past. Processualists said there was no way to locate specifically feminine material culture. They did not make it a priority to find these sex and gender differences in the past, so the postprocessual feminist approach evolved from that neglect. Generally, postprocessualism tried to address areas of study that were neglected and were not being addressed by processualism. Postprocessualism opened up a theoretical space to consider archaeology's political implications too (Colwell 2016:115).

Most archaeological theorists likely do not know how to describe or label what is currently happening in the field of archaeology. Based on the implementation and evolution of NAGPRA, many would likely say archaeology is in a social justice phase where archaeologists are acknowledging the failures and faults of archaeology, the racisms, and the disassociation of cultures from their cultural material (Colwell 2016). By the 1990s, archaeologists became concerned about public opinion and about how the public benefits from archaeological work (Colwell 2016:115). "Particularly with Native Americans, dialogue and concrete case studies of collaboration began to be presented, collated, and carefully considered…" (Colwell 2016:115). Colwell (2016:117) presents a diagram depicting the continuum of cooperation and partnership that includes modes he labels as resistance, participation,

collaboration, and includes a spectrum with colonial control on one end and community control on the other. These modes of interaction with tribes in the United States becomes important when considering the second set questions of this thesis: Are there any trends in the data that show progression and integration of tribal voices or tribal input regarding faunal repatriation during the NAGPRA process?

Indigenous archaeology has arisen as a subset of postprocessualism. The heart of indigenous archaeology involves providing opportunities for indigenous-led investigations of the past. The results from indigenous archaeology are quite different from results provided by methodologies of processual archaeology. The interpretation of materials is different. The culture histories summarized in reports are reflexive of indigenous knowledge. Indigenous archaeology ensures that archaeological and museum practices are respectful of local values, including the treatment of material and human remains. "Work with descendant communities has improved the quality of archaeology. Collaborative engagements have helped rethink archaeological language, interpretations of places and cultural histories, ancestral connections and affiliations and core concepts such as colonialism, change, and continuity" (Colwell 2016:119).

With respect to the topic of rethinking archaeological language, it is noteworthy that the Arizona State Museum has collaborated with tribal partners to encourage changes in terminology to redefine interactions with ancestral remains and the descendant communities with whom they work (see Figure 1 below). The Arizona State Museum advocates the use of this language "in preparing compliance documents that may deal with human remains and protected cultural items, including

communications to the Repatriation Office and tribal colleagues when reporting disturbances of ancestral remains" (Arizona State Museum 2024).

INSTEAD OF:	PLEASE USE:
analyze/analysis	document/documentation
collect (bone or funerary object)	gather (ancestral or cultural remains)
cremains	cremation, primary/secondary cremation, or cremated human remains
discover	encounter/expose/disturb
grave/burial	funerary/mortuary feature
grave goods/items/objects/artifacts/accompaniments	funerary objects/belongings
human skeletons	ancestral remains/human remains/individuals
lock (in a room/lab/cabinet)	secure
remove/excavate/exhume (burial or individual)	recover (ancestral remains/individuals)
sacred objects	sacred ceremonial objects
skeletal sample	group of ancestral remains/group of individuals
skull	cranium
store/pack/box up	house/housing
subadult	juvenile
transport	escort
animal burial	animal mortuary feature

Figure 1. Respectful terminology, to be used in compliance documents, developed by the Arizona State Museum and descendant communities (Arizona State Museum 2024).

Oral Tradition and Animals

Control of scientific theory is very powerful. Scientific thought used to suppress considerations of meaning for concepts like human existence and personhood should be scrutinized and criticized because they have profound implications – often legal implications – for those whose voices are not included or heard. Science should also allow criticism of its methodology from outside of that which they have established for themselves (e.g., peer reviews). In other words, it may be constructive to talk to all people, not just those with specific training and credentials acceptable to the scientific community. Why? In the words of Vine Deloria, Jr.:

> In methodological terms there is a major problem in bringing non-Western traditions within the scope of serious scientific perspective, and that is the inherent racism in academia and in scientific circles. (Science) is that collection of beliefs – some with considerable evidence, some lacking any proof at all – which reflects data gathered by a small group of people over the past five hundred years with the simple belief that phenomena have been objectively observed and properly described because they have sworn themselves to sincerity. …Consequently there are literally millions of observed facts which simply do not appear in scientific writing because they would tend to raise doubts about the prevailing paradigm.
>
> The non-Western, tribal equivalent of science is the oral tradition…. (1997:34-35)

Deloria says that the oral tradition is a collection of material that explains the physical world as people over generations have observed and experienced it. It also represents precise knowledge of birds, animals, plants, spiritual experiences, and geologic features. It is interconnected knowledge, not fragmented knowledge like science. The possessor of oral traditions also has nothing in comparison to the Western scientist, such as wealth, prestige, tenure, that would encourage them to change that knowledge (Deloria 1997:36-40).

In a book by Michel de Certeau (1984), he describes the historical configuration created by the disjunction between written text and orality/oral history. de Certeau says:

> "Progress" is scriptural in type. In very diverse ways, orality is defined by (or as) that from which a "legitimate" practice – whether in science, politics, or the classroom, etc. – must differentiate itself. The "oral" is that which does not contribute to progress…. (1984:134-135)

This is a great description of how New World archaeology was developed. The theories – antiquarian, culture historical, processual, postprocessual, etc. – were all developed within a bubble always valuing and accepting objectivity, scientific method, Darwinian evolution, Bering Strait migration, plate tectonics and geologic strata, and internal Western interpretation as a means to the truth (Deloria 1997). The main difference between Western science and Native American views of the physical world is that Native people accept the premise that the world and every "thing" is alive and interrelated! Archaeologists struggle with the notion that individual artifacts could have a life cycle of their own. The English language objectifies non-gender "things," living or non-living. This concept of a living and interrelated world has been continuously rejected by science. Native Americans obtain information from animals, birds, mountains, and rivers and believe that all things are related (Deloria 1997). Oral tradition of Native American communities is filled with descriptions about the timeless relationship between humans and animals. These traditions often suggest that there was no intellectual and no spiritual difference between animals and humans (Deloria 1997:213).

In the Navajo creation story, animals were mentioned from the very beginning: red ants, dark ants, dragonflies, yellow beetles, hard beetles, stone-carrying beetles, black beetles, coyote dung beetles, bats, white faced beetles, locust, and white locusts existed in the earliest time of creation. Blue herons, frogs, swallows, grasshoppers, loons, hawks, deer, coyotes, yellow eagles, white eagles, gophers, snakes, etc. were like people. They behaved like people. They communicated like and with people (Zolbrod 1984).

In O'odham stories, ants, the deer and jackrabbit are mentioned early in their creation stories. The coyote was created and was a person, not an animal. The buzzard was considered a person. Black beetles and rattlesnakes spoke. Humans and animals conversed (Bahr et al. 1994).

In Yaqui tradition, there is a story about a Talking Tree, an old mesquite tree that began to hum one day. "Intelligent men" tried to see if they could interpret the talking tree. A man named Yomomoli had twin daughters. The people asked if his daughters could interpret what the tree was saying. Yomomoli first took his daughters to the ocean where they talked to the fish who helped them understand what the tree was saying. The twins went to the tree and were able to interpret what it was saying. The tree spoke of the future describing Christianity, baptism, wars, famine, floods, new inventions, and even drug problems. After it shared that information, the tree stopped talking (Sheridan 1996).

Among Native American communities, oral tradition is still being conveyed. Numerous additional examples describing the relationship between animals and humans are available in various formats. Examples can also be found of ways in

which Native Americans view the relationships with the natural world. Artifact life cycles, specifically lithics for example, begins with formation of the rock, then the collection of it, then the modifications of it by humans, then the use, the sharpening, and eventual discarding of it, and then returns to the earth to potentially become dust. The dust sediments could then become minerals for the sediment to form chert in a million plus years. This is the kind of data that is absent from academia, science, and legislation in the United States. "…Archaeology's processual and positivist approach is not the only way to understand the world or the past" (Dongoske 2018).

Definitions of Personhood and Animism

Gilbert Meilander, an American theologian who focused on bioethics, claimed that there are two ideas of a person. One idea says that it is the presence or absence of certain capacities that makes a person – the capacity to be an autonomous chooser with consciousness, rationality, and autonomy makes one a person (Lizza 2006). The other idea is that a person is *terra animate* (an embodied soul) – a person is a living organism. There is a distinction between human beings and persons. "…either we believe all (and only) rational, autonomous human beings are persons or we believe any human being (organism) is a person" (Lizza 2006:35). His interpretations, which draw from science and Christianity, posits many ethical questions related to human fetuses and embryos, individuals with severe dementia, brain dead individuals, etc. (Lizza 2006).

The concepts above are examples of Western thought regarding personhood where the idea of the individual is greatly emphasized.

The following ideas of personhood are from Indigenous groups around the globe. It appears from these descriptions and perspectives that personhood is defined as being something much larger than the individual. Laura Appell-Warren (2014:63), a psychological anthropologist, states that Asian understandings of person or concepts of the individual begin "with Confucian and Buddhist assumptions that the person exists in relation to others – that he is fundamentally socially oriented, situation centered, interdependent, and inextricably bonded with others through emotional ties…."

Ann Fienup-Riordan, an American cultural anthropologist, says that personhood among the Yup'ik is socially constructed and is acquired throughout the life span. Personhood among the Yup'ik she says is open to both humans and non-humans (Appell-Warren 2014).

Cultural anthropologist, Nurit Bird-David argues that the relationships between individuals and objects in their environment are important to the production of personhood among the Nayaka in South India. The Nayaka say that hills can be kinds of persons. The Nayaka make them persons and relatives by sharing with them. The hills are relatives because humans interrelate with them (Appell-Warren 2014).

South African anthropologist, Meyer Fortes, and New Zealand poet and anthropologist, Michael Jackson researched the Tallensi people of northern Ghana and the Kuranko people of Sierra Leone; they discovered that those groups attributed personhood to non-human objects. This concept that attributes spirits to plants, animals, natural phenomenon, and inanimate objects is called animism. The Kuranko

attributed personhood to animals, bush spirits, plants, fetishes, totemic animals, and even stones (Appell-Warren 2014).

Philip Ravenhill (1994), chief curator at the Smithsonian Institution's National Museum of African Art, described ideas of personhood among the Baule group from Cote d'Ivoire. The Baule considered carved images as persons. These carvings could achieve levels of personhood based on the form of greeting the carvings depicted. The figures represented the opposite sex each person has in the Other World, and are welcomed into homes, greeted, treated with respect, and fed; the spirit in the carving is a person (Ravenhill 1994). Personhood is socially constructed. The spirit exists before the carving, and thus personhood does not require a body (Ravenhill 1994).

The Ts'elxweyeqw Nation in southwestern British Columbia worked to repatriate Stone T'xwelatse, which is a man turned to stone. This man was alive and part of a family that was linked back to the first man of the Nation. He is a transformed ancestor, and the Nation approached his repatriation as that of ancestral remains. Family members of the Stone T'xwelatse described the repatriation with phrases like "he was found," "a great heaviness lifted off our shoulders," and "Now that he is coming home, he will fill a big void in our heart" (Schaepe and Joe 2017; Schwarz 2006). This repatriation effort took 15 years to complete.

In early July 2019, Bangladesh granted all of its rivers the same legal status as humans; they are the first country to do so. The rivers will be treated as living entities and protected from pollution, dredging, and human intrusion. The rivers are considered their mother, so anyone who violates the new law will be charged as if they harmed their mother. This concept is called environmental personhood and

recognizes that nature has rights. Nature is not merchandise, property, or commodity (Westerman 2019).

New Zealand has followed suit with similar legislation. The Maori began seeking legal protections for the Whanganui River, their kin, in 1873; the New Zealand government granted the river the same legal rights of a human in 2017 (Dwyer).

In 2011, spurred by efforts to address climate change, Bolivia passed the world's first laws granting all nature equal rights to humans. Bolivia established 11 new rights for nature: "the right to life and to exist; the right to continue vital cycles and processes free from human alteration; the right to pure water and clean air; the right to balance; the right not to be polluted; and the right to not have cellular structure modified or genetically altered" (Vidal 2011).

When it comes to concepts of personhood there are two profound differences. Western thought appears to struggle with defining the concept because personhood is individualistic; therefore, if a person loses capacity (e.g., due to dementia), Western thinkers question that individual's personhood.

On the other hand, many Indigenous people define personhood through social constructs. No matter the mental capacity of the individual, the individual has connections with people. Those connections between son and father, daughter and mother, niece and aunties, nephews and uncles and so forth define the person. So even if a person loses some capacities, they are still considered a person by their family members. They are still someone's son, daughter, mother, father and so forth.

The social constructs and connections secure that concept even if a person is in a vegetative state.

A second difference between Western and Indigenous thought is the concept that has been summarized by anthropologists as animism. Indigenous communities acknowledge that the entire planet is a living organism. Life abounds and deserves respect. Both of these concepts – the social construct of personhood and animism – support expanding repatriation efforts involving animals and potentially other beings. These concepts will be mentioned or discussed more in Chapter 5: Results, Chapter 6: Analysis, and Chapter 7: Conclusion.

Chapter 4: Methodology

In 2022, Southwestern tribal members expressed to me that they were having difficulty repatriating animal remains through NAGPRA. The remains they specifically referred to included those that were identified through the archaeological record as being clearly associated with human burials and/or clearly formally interred. In reference to the latter, tribes also expressed a desire to repatriate certain animals as ancestors using the NAGPRA definition for human remains. To address the thesis questions above and to briefly provide an analysis of Western science and Native American thought regarding NAGPRA repatriation, the following methodology was employed:

- A search of the entire Federal Register was completed to identify how dog remains have been categorized during NAGPRA repatriation efforts thus far.
- A survey questionnaire was distributed to bioarchaeologists and faunal analysts, and tribal cultural resources professionals. The survey questions were kept broad in hopes that some key insights and patterns might come forth regarding NAGPRA experiences, fauna, etc.
- A literature search was completed and focused on finding published sources documenting oral history involving dogs within four tribal communities: the Cherokee Tribes, the Chickasaw Nation, the Onondaga Nation, and the Salt River Pima-Maricopa Indian Community. These four tribes were the focus due to the results of the Federal Register search.
- Data (i.e., categorized as Materials, Minutes, Program Reports, and Reports to Congress) from the National NAGPRA website were also examined to see if

there are any trends showing the integration of tribal voices during the NAGPRA process, where there is a broad consensus regarding the disposition of animal remains and repatriation.

Federal Register

"The Federal Register is the official daily publication for rules, proposed rules, and notices of Federal agencies and organizations…" (Federal Register 2024). "For holdings or collections subject to NAGPRA, a Federal Register notice is published when a museum or Federal agency determines the appropriate person or group to repatriate the cultural items" (National NAGPRA 2024b). The Federal Register includes publications of NAGPRA notices of inventory completion and intent to repatriate. It served as a superb resource to identify patterns involving the categorization of dog remains during the NAGPRA process; a pattern did emerge from my review and those are further explained in the Published Oral History subsection below, Chapter 5: Results, and Chapter 6: Analysis. I specifically wanted to see if any dogs had been repatriated as human beings thus far under NAGPRA. I searched the Federal Register using the following terminology and produced a spreadsheet of the results depicted in Appendix B:

- "NAGPRA and dogs,"
- "NAGPRA and canine,"
- "NAGPRA and canid," and
- "Dog burials."

Survey Questionnaire

Chapter 2: History of this thesis provides an overview of the evolution of NAGPRA. In researching for that chapter, I heavily considered a book titled, *In the Smaller Scope of Conscience*, which provided a detailed legislative history of NAGPRA; the book included many details about discussions that happened between many of the players involved in developing NAGPRA from the years 1986 to 1990 (McKeown 2012). It was interesting to read some of the views from folks that opposed repatriation and argued for the continued maintenance of skeletal remains at museums (McKeown 2012:34-35 and 68). They said, for example, skeletal remains were important because:

- they document patterns of human disease and health;
- they demonstrate how health and economic factors affect demographic patterns in contemporary human populations;
- they enabled studies of human behavior and social and political history;
- they were critical to assisting law enforcement officials in identifying missing persons and victims of foul play;
- they could demonstrate patterns of movement and relationship between aboriginal populations;
- they could tell scientists about the development of agriculture through analysis of diet; and
- they could help address major pathologies and health problems that still persist in today's population.

Firstly, use of the term “skeletal remains” in the previous sentences were terms in McKeown’s book used to describe input from Robert McCormick Adams, the Smithsonian’s ninth Secretary who served from 1984 to 1994. In my opinion, use of that terminology demonstrates an underlying objectification of human remains. Secondly, the list above demonstrates some interesting patterns. There are three or four topics on health, for example, with no reference to mental or spiritual health. Also, many answers to the questions listed above could be ascertained from knowledge that that is passed down through oral history, a line of evidence discounted during the formulative years of NAGPRA.

I was interested to see if these sorts of ideas persisted among today’s professional bioarchaeologists and faunal analysts. I was also interested in the general comments regarding work experience and thoughts on NAGPRA from both groups. With regards to bioarchaeologists’/faunal analysts’ work experience, I wanted to confirm that data recovery of dogs and other faunal remains is fairly common in the Southwest; I do not think the general public is aware of that.

Perhaps the ways in which each group obtains knowledge or what knowledge sources each group places value on shapes their views of cultural resources and their views of impacts to those cultural resources. Problems with repatriation may arise due to differences in experiences, knowledge, perspectives, and traditions. The questionnaire survey was intended to help answer one of my thesis questions: Are there any trends in the data that show progression and integration of tribal voices or tribal input regarding faunal repatriation during the NAGPRA process?

I developed a set of questions for each group (which are presented below). Prior to distribution of the questionnaires, I submitted both surveys and a Human Subject Research Determination form to the Institutional Review Board (IRB) at the University of Maryland, College Park. On May 5, 2023, the IRB determined that this project was exempt from IRB review according to federal regulations (Appendix A). After receipt of the IRB exemption letter, I proceeded to e-mail a proxy who prefers to remain anonymous to assist with the distribution of the questionnaires to the bioarchaeologists and the faunal analysts; this methodology was used to maintain anonymity. The proxy is in current professional communication with many of the bioarchaeologists and faunal analysts and had easy access to their e-mail addresses. Similarly, I maintain current professional communication with several tribal cultural resources professionals, so I emailed them directly. The anonymity of tribal professionals was important because some of the questions and the answers were very pointed. I did not want the individual bioarchaeologists and faunal analysts to receive backlash from cultural resources and museum professionals in general, and I did not want the tribes to receive backlash from any government or museum entities. Both groups of interviewees work in the North American Southwest.

One questionnaire was distributed to 19 bioarchaeologists and faunal analysts on May 9, 2023; 12 responses or 63% of those polled responded by May 26, 2023. Those that responded represented eight different affiliations: universities, museums, cultural resources management companies, and private consulting businesses. The second questionnaire was distributed to 23 tribal cultural resources professionals on May 8, 2023; by June 12, 2023, 8 responses or 34% of those polled responded. The

eight tribal responses represented eight different tribal nations. Each survey questionnaire included this introduction:

> This survey is a questionnaire developed by Jewel Touchin as part of her graduate thesis research at the University of Maryland, Department of Anthropology. Ms. Touchin is inviting you to participate in this research survey because of your background in bioarchaeology/faunal analysis [or with a tribal cultural preservation office/program]. Jewel's thesis is examining the repatriation of faunal remains under the Native American Graves Protection and Repatriation Act (NAGPRA). The purpose of this survey is to gain an understanding of your learning experience/training early in your career and/or during your formal education to obtain your post-secondary degree(s) [or your experiences working with NAGPRA]. The questionnaire consists of ten (10) [or nine (9)] sets of questions. Please feel free to append additional pages for your answers if necessary.
>
> This research involves e-mail communication. Although we do not anticipate any risks from participating in this research, please note that e-mail communication is neither private nor secure. Ms. Touchin is taking precautions to protect your privacy, however, you should be aware that information sent by e-mail could be read by a third party.

The following ten questions were posed to the bioarchaeologists and faunal analysts:

1) During your post-secondary (i.e., college/university) education, what course work or classes were the most useful for your current occupation as a bioarchaeologist/faunal analyst? Did your coursework include the study of ethics? If so, did the coursework expose you to contrasting ethical opinions regarding biological remains?
2) During your post-secondary education, did your training involve examination of human or animal remains? If so, were you informed how/where your educational institutions obtained the human and animal remains?

3) During your post-secondary course work, did you work with prehistoric/pre-contact human or animal remains? If so, were you specifically informed why? Did your post-secondary education involve comparative studies between modern and prehistoric human or animal remains?
4) Can you name any studies using prehistoric/pre-contact human or animal remains that benefited a living community?
5) Do you think written permission from sources of human and/or faunal remains should be obtained by post-secondary institutions prior to use in educational settings?
6) What do you think about the NAGPRA repatriation process and reinterment of burials of both humans and animals?
7) With regards to NAGPRA, do you think the spirit of the law is being followed?
8) In your career, how often have you encountered formally interred animals?
9) Before becoming a bioarchaeologist/faunal analyst, what did you know about tribes/tribal nations/Native Americans?
10) What do you think about your ancestors? Are you concerned about what happens to their burial locations/remains?

The following nine questions were posed to the tribal cultural resources professionals:

1) Has your tribal office/tribe ever attempted to repatriate faunal/animal remains under NAGPRA? If so, were you successful in your efforts? Did you

repatriate the remains as associated/unassociated funerary objects, sacred objects, or objects of cultural patrimony?

2) Has your tribal office/tribe ever considered repatriating faunal/animal remains under the NAGPRA category "human remains"? If so, can you describe those efforts?
3) Are there certain institutions that are difficult to work with when it comes to NAGPRA repatriation in general or of faunal remains in particular?
4) Do you know of any instances/cases where faunal remains were successfully repatriated as "human remains"?
5) Do you object to scientific study of prehistoric human and faunal remains? If so, why?
6) With regards to NAGPRA, do you think the spirit of the law is being followed?
7) Can you think of a circumstance where outcomes of a study involving human or animal remains benefitted a living community?
8) What has your community learned from bioarchaeology or the study of faunal remains?
9) Are there any best practices you would like to share with bioarchaeologists and faunal analysts?

Published Oral Histories

As mentioned above, a pattern did emerge from the Federal Register research, and it was necessary to gain a better understanding of the importance of dogs within four tribal communities: the Cherokee, the Chickasaw, and the Onondaga nations, and the

Salt River Pima-Maricopa Indian Community. Research on these tribes focused on the oral history or rites, in the case of the Onondaga Nation, involving dogs. Most of the information for the Published Oral Histories section in Chapter 5: Results was obtained from five Federal Register notifications (nos. 2021-04568, 2022-04109, 2022-12110, 2022-26801, and 2024-00609), tribal websites, books, and digital articles that were obtained through the University of Maryland libraries (https://www.lib.umd.edu/) and Mesa Public Library in Mesa, Arizona.

National NAGPRA

This resource, the National NAGPRA website, was new to me. I was uncertain what information could be obtained from it. I perused through data sources on the website that were organized into four categories: Materials, Review Committee Meeting Minutes, Program Reports, and Reports to Congress. Materials contained copies of correspondence between various entities (e.g., universities, tribes) regarding disputes. Program Reports and Reports to Congress were annual documents that summarized the state of the NAGPRA program (e.g., budgets, progress, barriers). That data was not very useful in answering the research questions of this thesis. The Review Committee Meeting Minutes (https://www.nps.gov/subjects/nagpra/meetings.htm), however, provided very useful information regarding repatriation of fauna. The public comment period and presentations at some of the National NAGPRA Review Committee meetings were pertinent to the research questions for this thesis.

In the following Chapter 5: Results, the findings of the Federal Register and the National NAGPRA research will be presented. Excerpts of some of the survey

questionnaire responses will be presented. Short tribal oral histories regarding dogs will be shared.

Chapter 5: Results

Results from the Federal Register

A search of the entire Federal Register was completed to identify how dog remains have been categorized during NAGPRA repatriation efforts thus far. The Federal Register is key word searchable so when the following terminology was entered into the search box, a total of 119 NAGPRA notification records were identified:

- "NAGPRA and dogs,"
- "NAGPRA and canine,"
- "NAGPRA and canid," and
- "Dog burials."

The oldest NAGPRA notification record was from February 28, 1994, and the newest entry was from January 18, 2024. There is a notation on the initial page of the Federal Register website that says, "*Note: Documents older than 1994 are not searchable but can be found by FR citation*." Therefore, records from the enactment of NAGPRA in 1990 to 1994 are not included in the current results chapter of this thesis.

Twenty-seven of the 119 notification files were deleted because the publications referred to site names, societies, symbols, tribal bands, types of fish, medicine pipe names, figurines/fetishes, and objects that contained the word "dog" in their names (e.g., Dog Soldiers), but did not include discussion on actual dog remains.

The remaining 92 records were compiled into a spreadsheet which listed the agency or institution posting the notice, the notice publication date, the Federal

Register document number, the type of NAGPRA Notice, and comments describing what terminology was used in the notice specifically related to dog remains (see Appendix B).

Seventy-two (72) notices defined the dog remains as associated funerary objects. Eleven (11) notices defined the dog remains as unassociated funerary objects. Two (2) notices defined the dog remains as cultural items – a charm and a sash. Two (2) notices defined a dog burial and remains as objects of cultural patrimony; the notice referring to the dog burial noted that the Cherokee Tribes expressed an interest in repatriation of the burial. The Onondaga Nation repatriated the dog remains in the notice as objects of cultural patrimony. Three (3) of the notices defined the dog remains as sacred objects; the tribes associated with these repatriation efforts included the Chickasaw Nation and the Salt River Pima-Maricopa Indian Community. There were two (2) notices that were vague with the terminology used to define the dog remains. No dog remains were defined as human remains. Four of the five notices that defined dog remains and/or burials as objects of cultural patrimony and sacred objects noted that the terminology was based on cultural beliefs associated with animals. These results are summarized in the following Table 3.

Table 3. The Terminology Used to Repatriate Dog Remains.

NAGPRA Terminology	**Quantity of dog remains**
Associated Funerary Objects	72
Unassociated Funerary Objects	11
Cultural Items	2
Objects of Cultural Patrimony	2
Sacred Objects	3
Vague terminology	2
TOTAL	92

Results from the Survey Questionnaire

Formal survey questionnaires were sent to a group of bioarchaeologists and faunal analysts and a group of tribal cultural resources professionals. The data from the survey questionnaires was immense. The surveys were completed to gather general comments regarding work experiences and thoughts on NAGPRA in the hopes that feedback may help answer one of my thesis questions: Are there any trends in the data that show progression and integration of tribal voices or tribal input regarding faunal repatriation during the NAGPRA process?

Bioarchaeologists and Faunal Analysts Feedback

One set of survey questions was distributed to a group of 19 bioarchaeologists and faunal analysts. Twelve surveys were completed. These are some of the highlights extracted from the responses:

- The three most useful post-secondary coursework included osteology, zooarchaeology, and paleopathology. A course, specifically focused on ethics, was taken by 25% of those surveyed.
- The animal remains studied during post-secondary education came from taxidermists, zoos, road kills, or were donated by researchers, zoos, and hunters.
- The human remains studied during post-secondary education came from both archaeological and non-archaeological sources which included purchases from India, donations from the individuals themselves, unsolved forensic cases, casts, and the Carolina Biological Supply Company. Some of the complete

skeletons came from sites in Arizona, New Mexico, Colorado, California, and Sudan.

- 100% of those surveyed said they worked with prehistoric human remains and/or faunal remains during their post-secondary education.
- 41% of the respondents said they did comparative studies of prehistoric and modern human and/or faunal remains.
- Two respondents said they could not name how their studies of human and/or animal remains benefited a living community. Some of the examples named by the ten respondents who said that their studies benefited a living community included:
    - Studies that established continuity between prehistoric and living communities and therefore helped them with land and water rights claims;
    - Development of the Arizona Biological Affiliation database;
    - Data regarding evolution, health, geographical and climate adaptation;
    - Forensic identification;
    - Oral history corroboration for NAGPRA purposes; and
    - (specifically regarding faunal remains) Wildlife management and conservation efforts for animal species preservation.
- There were some general comments about NAGPRA that were surprising:
    - One respondent said they were surprised at the slow progress;
    - There are too many loopholes and it was too easy for institutions to find excuses not to follow the process;

    - There is a financial burden and emotional burden involved;
    - It is a labor intensive and expensive process;
    - The spirit of the law is not always at the forefront (e.g., Kennewick Man);
    - Whether the spirit of the law is followed depends on the institutions involved; and
    - In the American Southwest, the spirit of the law seems to be important – not sure about other parts of the country.
- 100% of the survey participants have encountered formally interred animals. Canines and/or dogs with human burials are typical. One respondent mentioned birds, artiodactyls, and weasels have also been found.
- 66% of the survey participants said they had knowledge of tribal communities before they became professional bioarchaeologists or faunal analysts.
- 75% of the survey participants said they had no connections with their ancestors, were concerned with only their immediate family members' interment locations, were indifferent regarding the remains of their ancestors, and would be fine with their ancestors being scientifically studied.

Tribal Cultural Resources Professionals

As described in Chapter 4: Methodology, a second set of survey questions was distributed to 23 tribal cultural resources professionals. Eight surveys were completed. These are some of the highlights extracted from the responses:

- 25% of the respondents have tried to repatriate faunal remains through NAGPRA;

- It is difficult to repatriate from museums or institutions if the items are marked or noted as unaffiliated or do not have ancestry or if it is unknown where the items originated;
- It has been difficult to repatriate from college museums and museums in general – The American Museum of Natural History, the Peabody Museum of Archaeology and Ethnology, and the Smithsonian Museum were specifically named as being difficult to work with when it comes to NAGPRA or the National Museum of the American Indian Act, which sets out the repatriation policy for the Smithsonian Institution;
- 88% of the respondents objected to scientific study of prehistoric human and faunal remains – "it is part of traditional ecological knowledge to protect all life forms," – and one respondent stated that they do not object to scientific study as long as there is prior, informed consent provided by the culturally affiliated tribes to the researchers, museum, institution – this would be in accordance with the United Nations' Declaration of the Rights of Indigenous People;
- Whether or not the spirit of the law is followed largely depends on the museum, institution, and federal agency and the professional individuals who oversee collections of ancestral human remains and formally interred faunal remains;
- There are still many private entities that hold Native American sacred items and objects;

- 25% of the respondents said that NAGPRA needs to be amended to give it more teeth to demand repatriation to the rightful owners – Native Americans;
- One respondent said that NAGPRA was intended to correct past inequities, but the law remains rooted in colonial property law and continues to perpetuate colonialism on the tribes because non-tribal entities continue to hold the decision-making authority;
- One respondent said that institutions have done their best to interpret and find loopholes to keep items under their control and others have put little to no effort into complying with NAGPRA; and
- One respondent said that scientific research confirmed through DNA that they were related to old human remains – none of the other tribes provided examples of circumstances where outcomes of a study involving human or animal remains benefited a living community.

Results from the Search of Published Oral History

This section of Chapter 5: Results summarizes parts of published cultural stories or oral histories of dogs from the perspectives of four tribal nations: the Cherokee Tribes, the Chickasaw Nation, the Onondaga Nation, and the Salt River Pima-Maricopa Indian Community. These are the tribal nations that repatriated dog burials or remains as either sacred items or as items of cultural patrimony, according to Federal Register records. These stories reflect the importance of dogs within tribal cultures and bring to light those concepts – social constructs of personhood and animism – that were introduced in Chapter 3: Theoretical Background of this thesis.

The published stories below are mere excerpts/glimpses of the tribal knowledge regarding dogs.

The Cherokee Tribes

The Federal Register notification (no. 2022-26801) involving the Cherokee Tribes' repatriation of a single, adult male domestic dog burial noted that "the importance of dogs in Cherokee culture and the intention with which these remains were placed in the ground" indicated that "this dog was of importance to the community that buried him" and factored into the decision to repatriate the burial as an object of cultural patrimony during consultation involving the North Carolina Office of State Archaeology. The dog was removed from site 31MA77 in Macon County, North Carolina in 2009. Two Cherokee stories related to dogs are quoted below. The first is from Mooney, an early American ethnographer:

> Some people in the south had a corn mill, in which they pounded the corn into meal, and several mornings when they came to fill it they noticed that some of the meal had been stolen during the night. They examined the ground and found the tracks of a dog, so the next night they watched and when the dog came from the north and began to eat the meal out of the bowl they sprang out and whipped him. He ran off howling to his home in the north, with the meal dropping from his mouth as he ran, and leaving behind a white trail where now we see the Milky Way, which the Cherokee call to this day Gi`lĭ-utsûñ'stănûñyĭ, "Where the dog ran." (1902:259)

The second Cherokee story is from Mooney:

> A long time ago a man had a dog, which began to go down to the river every day and look at the water and howl. At last the man was angry and scolded the dog, which then spoke to him and said: "Very soon there is going to be a great freshet and the water will come so high that everybody will be drowned; but if you will make a raft to get upon when the rain comes you can be saved…." The man…began to build a raft. Soon the rain came and he took his family with plenty of provisions, and they all got upon it. It rained for a long time, and the

> water rose until the mountains were covered and all the people in the world were drowned. Then the rain stopped and the waters went down again, until at last it was safe to come off the raft. (1902:261)

The Chickasaw Nation

The Federal Register notifications (nos. 2021-04568 and 2022-12110) involving the Chickasaw Nation's repatriation of dog remains noted that "the role of the white dog Ofi' Tohbi Ishto' in the Chickasaw Migration story and the desire of the Chickasaw Nation to venerate these animals alongside ancestors in current day reburial practices" factored into the decision to repatriate the remains/burials as sacred objects during consultation involving the Mississippi Department of Archives and History and the Tennessee Valley Authority. The sacred objects were removed from site 22TU549 in Tunica County, Mississippi and from site 1LU496 in Lauderdale County, Alabama between 1989 and 1990.

The Chickasaw Migration story is paraphrased below. This story is based on articles and videos from the Chickasaw Nation's website (2023), the Chickasaw Nation's TV Video Network (2023), and the National Park Service (2023a).

> Long ago, the Chickasaw People needed to move from the West. Their ancestors appealed to their prophets to find a solution. The prophets consulted around the council fire and deliberated for many hours. They sought guidance from their Creator. Once they finished deliberating, the prophets told the people to seek a home in the East, in the direction of the rising sun. Their guide to the new homeland would be a sacred pole made by their Creator. At the end of each day of travel, the people were told to put the pole into the ground so that it stood straight. Each morning, the pole should be examined and whatever direction it was leaning was the way the people would travel. They were to repeat this process until the pole no longer leaned. When that occurred, that would be a sign from their Creator that their journey was over and they had reached their homeland. As the people planned their journey, they decided to split the people into two groups. One group was led by minko' Chiksa' and the other group by his brother, minko' Chahta. These large caravans of people traveled by foot carrying all their

possessions. Far in front of the procession ranged a large white dog, Ofi' Tohbi Ishto'. He was always on alert, a faithful guard and scout, and it was his duty to sound the alarm if enemies were encountered. The people loved the dog very dearly. Travel was slow and difficult. People got sick. If they were struck by Sinti', the snake, the Chickasaw medicine doctors quickly summoned Ofi' Tohbi Ishto' who only needed to lick the wound to get the victims well. The two parties came to a great river (the Mississippi River) that overwhelmed them. That night the families talked joyfully believing they had reached their promised homeland. At daybreak, the people saw that the pole still leaned to the east. The people constructed rafts and began crossing the river. The raft carrying Ofi' Tohbi Ishto' broke into pieces in the middle of the river and the people could not recover their faithful guard and scout. They helplessly watched as he was swept downstream and out of sight. He was never to be seen again. Many days were needed to ferry all the people across the river, but they finally crossed the mighty river and rested for several days. The people were excited because the pole wobbled around then grew very still and stood perfectly straight. The two brothers – Chiksa' and Chahta – disagreed about what this meant. Minko' Chahta said the upright pole was a sign from their Creator that they had reached their homeland. Minko' Chiksa' said because the pole wobbled, that that was an indication that they should continue eastward. The brothers and prophets met to discuss the situation and at the end could not reach an agreement. So Minko' Chiksa' pulled the pole from the ground and commanded that all those people who believed their homeland was further east to follow him. That was the beginning of the Chickasaw and Choctaw nations. The people who stayed with Minko' Chahta were called Choctaws. Those that followed Minko' Chiksa' were referred to as Chickasaws. Ofi' Tohbi Ishto' represents a symbol of strength and courage and continues to inspire loyalty and friendship. He is still leading his people through new endeavors.

The Onondaga Nation

The Federal Register notification (no. 2024-00609) involving the Onondaga Nation's repatriation of two dog fibulas and four dog canines as objects of cultural patrimony did not provide any additional information based on cultural beliefs associated with dogs like the three other tribes did. One of the dog fibulas and the four dog canines were found on the Barnes site in New York. A bone awl made from one dog fibula was found on the Pratt Falls site in New York. These items were removed between

1924 and 1957 by Herbert Bigford, Sr. during his excavations. Colgate University purchased the Bigford collection from Winona F. Bigford.

"The Onondaga Nation is a member of what is now commonly referred to as the Haudenosaunee (a name translated as the 'People of the Long House'), an alliance of native nations united for the past several hundred years by complementary traditions, beliefs and cultural values. Sometimes referred to as the Iroquois Confederacy or Six Nations, the Haudenosaunee originally consisted of the Mohawk, Oneida, Onondaga, Cayuga, and Seneca nations. The Tuscarora migrated from the south and peacefully joined the Confederacy in the early 1700's, bringing to six the number of nations united by Haudenosaunee traditional law" (Onondaga Nation, People of the Hills 2024). I thought it necessary to include the quotation from the Onondaga Nation website above to understand some of the following information as well as the references cited.

There were several sources that mentioned the Onondaga's White Dog Ceremony (Beauchamp 1893; Fenton 1962; James 2006). The following is an excerpt from Johansen and Mann who cite Wallace as the source:

> This dog, a spotless animal, had been strangled (its blood could not be shed) on the day of the Big Heads [the first day of the Haudenosaunee new year], and its body, garlanded with ribbons, beads, and metallic ornaments, hung on the wooden statue of Tarachiawagon, the Creator, before the longhouse. Now it was burned in the longhouse as an offering to the Creator, and the Thanksgiving dance was performed, and people sang their personal chants. On this day also the medicine societies continued their curing rites in the longhouse, and in the afternoon and evening, in private homes.
>
> The White Dog Sacrifice has been part of the Midwinter Ceremony for a long time. John Adams [Second President of the United States] knew of it, and Lewis Henry Morgan [anthropologist and former New York

> State Representative] described it in his *League of the Iroquois* (1851). (Johansen and Mann 2000:336-337 and Wallace 1970)

Blau describes the ceremony as follows:

> The White Dog Sacrifice was a major rite in the Midwinter Ceremony of the Five (later Six) Nations Iroquois Indians who in the 17th and 18th centuries lived chiefly in present New York State. In the classic and historic pattern of the White Dog Sacrifice one or two dogs of a 'pure white breed' were strangled, hung up, and ceremonially burned with prayers to the Creator. Other articles such as wampum, tobacco and brightly colored ribbons were also put into the fire with the dogs, and represented additional sacrificial elements. Due to the fact that the dog sacrifice has long been discontinued in all present-day Iroquois groups, many spiritual and psychological aspects of the rite have been lost as well. (1964:97)

In modern times, at Akwesasne, the ceremony is still performed, but the White Dog is no longer used because this type of dog has been interbred out of existence. Instead of a live animal, the White Dog is symbolized by an undyed black-ash splint basket that is strung with colorful ribbons. After a lengthy prayer and offerings of tobacco, the basket is burned.

The Salt River Pima-Maricopa Indian Community

The Federal Register notification (no. 2022-04109) involving the Salt River Pima-Maricopa Indian Community's repatriation of four dog burials noted that "intentionally buried canid remains are considered sacred because they are imbued with human spirit" and "Traditional knowledge relates that these animals communicate with humans during curing ceremonies and in other ways and reinforces the belief that this role makes them sacred objects. The tribal consultants also affirmed that the other cultural items listed in this notice as sacred objects are specific ceremonial objects utilized in traditional religious practices." These concerns

and thoughts factored into the decision to repatriate the dog burials as sacred objects during consultation involving the Bureau of Indian Affairs and the S'edav Va'aki Museum (formerly Pueblo Grande Museum), in Phoenix, Arizona. The sacred objects were removed from three sites (AZ U:9:16[PGM], AZ U:9:18[PGM], and AZ U:9:28[PGM]) in Maricopa County in 1939. A Salt River Pima-Maricopa Indian Community story about a dog is told by Rea:

> Pima familiar with the Creation Epic are quick to point out the role of the dog early in this myth. When the Flood began, South Doctor took some of the People to a rock called Gakodk, Crooked, in the northeast of their territory. As the water rose, four times the maakai [medicine man] sang, raising the cliff each time. Then he could do no more. He sent a dog to see how much higher the water had risen. Looking over the edge, the dog said, "It is very near the top." At the dog's words, the people gathered above were turned to stone (Russell 1908:212: Wright 1929:13-14). Today you can still see on the Superstition Mountain the line of foam making the height of the Flood and the stone people huddles above.
>
> Of all the domestic animals, only the dog merited special treatment at death. …The reason, one Tohono O'odham said, stems from the dog's status in the Piman Creation Story. (1998:190)

The Tohono O'odham are culturally related to the Salt River Pima-Maricopa Indian Community.

As previously discussed in Chapter 3: Theoretical Background, the concepts of animism and personhood are illustrated in these snippets of oral history relayed above. To reiterate, the concept of animism attributes spirits to dogs. In two of the oral histories above dogs communicated with humans. They helped people and therefore were given names and were designated social personhood by the tribal people. Dogs were recognized as relatives, leaders, healers, and protectors of the people.

Results from National NAGPRA

On several occasions the issue of faunal remains has come to the forefront of discussions at the National NAGPRA Review Committee meetings. A review of the meeting minutes resulted in the following summaries that will be meaningful in consideration of one of this thesis' research questions: Are there any trends in the data that show progression and integration of tribal voices or tribal input regarding faunal repatriation during the NAGPRA process?

During the National NAGPRA Review Committee meeting held in February 1993, Mr. William Tallbull, member of the Review Committee at that time, recounted his experience at the reburial of a man who lived 1,500 years ago (National NAGPRA 1993). Mr. Tallbull emphasized the communication he felt with the man's spirit and the connection to the spirit of the earth, to the spirit of plant life, and to the spirit of animal life. He said that the laws in this country do not always mention the spiritual connection aspect.

During public commentary at the National NAGPRA Review Committee meeting held in January 1998, Mr. Bobby Billie, Independent Traditional Seminole Nation of Florida, stated that the original people of this land have a right to protect their people and ancestors and that the ancestors have a right to be placed sacredly and peacefully in the ground and not to be in museums. They have a right to freedom of spirit. He added that animals also have a right to freedom of their spirits and should also be returned back to the earth from museums (National NAGPRA 1998).

Most recently, on October 18, 2022, the Department of the Interior formally proposed to revise regulations to improve implementation of NAGPRA; the comment

deadline was set for December 19, 2022 (see Federal Register notice 2022-22376). On January 10, 2023, the Department of the Interior extended the public comment period on the proposed rule through January 31, 2023 (see Federal Register notice 2023-00360). On December 13, 2023, the Department of the Interior published its final rule on the revised regulations to improve NAGPRA implementation (see Federal Register notice 2023-27040); the final rule went into effect on January 12, 2024.

The meeting minutes from the January 2023 National NAGPRA Review Committee meetings, particularly the public comment period, were pertinent to the thesis questions (National NAGPRA 2023). On January 5, 2023, Ms. Angela Garcia-Lewis, a member of the NAGPRA Review Committee, stated "…from an O'odham perspective and from many other cultures, the issue with being identified as human has specific connotations in the spirit of the person, the creature. So, we also include certain raptors…certain faunal remains as human because they're imbued with the same spirit, and we consider them to be human based on their significance to the people. And we kind of analogize that as – infants also don't have the ability to communicate and very elderly people may not have the same abilities, but we still consider them to be human and valid and have place within the community. So, we consider all of these to be human. And the cultural definition of human and the biological definition of human are not the same in terms of coming from the tribes and coming from the agencies."

In subsequent meeting days, the Review Committee members discussed revising and broadening the definition of human remains to include formally interred

animal burials that are imbued with the same spirit as human beings. These were clarified, by Ms. Garcia-Lewis, to mean animal burials that were formally interred on their own without associated human remains; they were formally interred and have funerary objects for their own. In other words, they were interred the same way that human remains are interred. The Review Committee members discussed how to take the sacred traditional perspective and fit it into a non-Indigenous framework of legal definitions. Ms. Garcia-Lewis talked about how the legal system does not recognize the spirituality of landscapes and creatures and how that legal perspective stifles the NAGPRA process because tribes cannot call some remains objects. Calling certain animal remains objects, she said, does not allow the tribes to maintain integrity of their traditional culture.

During the public comment period on January 10, 2023, Ms. Reylynne Williams, Cultural Resource Specialist for the Gila River Indian Community Tribal Historic Preservation Office, stated that their community as well as the Salt River Pima-Maricopa Indian Community have included some verbiage in project specific burial discovery agreements (issued by the Arizona State Museum) specifically pertaining to animal burials. That verbiage states that animal burials that represent deliberate interment of animals that are imbued with the same spirit as human remains require treatment as human remains. The animal burials include, but are not limited to, bald eagles, golden eagles, hawks, other raptors, macaws, red-winged blackbirds, and dogs.

At the conclusion of the January 2023 National NAGPRA meeting, the revised draft of the regulations implementing NAGPRA included the following proposed definition for Human Remains:

> Human remains means any physical remains of the body of a Native American individual and includes ceremonially interred animal burials spiritually imbued with the character of Native Americans. The physical remains of the body of a person of Native American ancestry includes all substances derived from such remains, including but not limited to biological or medical samples taken for DNA extraction, radiocarbon dating, stable isotope analysis, and any derivatives thereof.

These assertions were further supported in formal written comments posted on the National Park Service (2023b) website from Mr. Edward Halealoha Ayau; the Gila River Indian Community; and the Lytton Rancheria of California, Lytton Band of Pomo Indians.

Mr. Edward Halealoha Ayau stated in his testimony that he supports the definition of Human Remains as noted above.

The Gila River Indian Community stated that the definition of human remains should include "the recognition of formally interred animal burials (i.e., dogs; birds of prey; or animal of cultural significance) (with or without associated artifacts) being whole or partial as part of an intentional archaeological excavation or inadvertent discovery and/or encountered in a museum or federal agency collections and documented in archaeological records." They continue, "…certain types of animal burial represent the deliberate interment of animals that are imbued with the same spirit as human remains and funerary objects and, therefore, they require the same treatment. Such animal burials include (but are not limited to) bald eagles, golden eagles, hawks, and other raptors, macaws, red-winged blackbirds, and dogs (Arizona

State Museum Standard Burial Discovery Agreement: Gila River Indian Community)."

The Lytton Rancheria of California, Lytton Band of Pomo Indians commented on the efforts to modify the definition of human remains. They state "…we support those tribes and Native organizations that are calling for the expansion of the definition to include casts, replicas, and digital data derived from Native American individuals. …Finally, the Department should also look at incorporating protections for ceremonial animal interments." The written letter from the Lytton Rancheria of California is a reminder that NAGPRA includes a section that describes Duty of Care responsibilities (43 CFR 10.1[d]) that state, "These regulations require a museum, Federal agency, or DHHL [Department of Hawaiian Home Lands] to care for, safeguard, and preserve any human remains or cultural items in its custody or in its possession or control." Duty of Care also require a museum, federal agency, or DHHL to consult with lineal descendants, Indian Tribes, or Native Hawaiian organizations on the appropriate storage, treatment, or handling of human remains or cultural items; to make a reasonable and good-faith effort to incorporate and accommodate the Native American traditional knowledge of lineal descendants, Indian Tribes, and Native Hawaiian organizations in the storage, treatment, or handling of human remains or cultural items; and to obtain free, prior, and informed consent from lineal descendants, Indian Tribes, or Native Hawaiian organizations prior to allowing any exhibition of, access to, or research on human remains or cultural items. Museums' duty of care responsibilities should be extended to animal remains until consultation can occur.

The following Chapter 6: Analysis of this thesis will serve to digest these results as well as the information contained in Chapter 3: Theoretical Background and Chapter 2: History. It will also present the results of the Department of the Interior's final rule on the revised regulations to improve NAGPRA implementation, particularly as it pertains to the definition of human remains.

Chapter 6: Analysis

An analysis of the Table of Federal Register Notices of Dog Repatriation (in Appendix B) illuminates three obvious patterns that answer the research questions. It is apparent that the number of repatriations involving dog remains has increased through the years. The following bar chart, which shows the years in increments of five years in ascending order from 1994 to 2024 along the X-axis and the numbers of dog repatriations along the Y-axis, visually depicts an increase or an upward swing in the data as the years pass (Figure 2). This suggests that in the future NAGPRA repatriations involving dog remains will continue to increase.

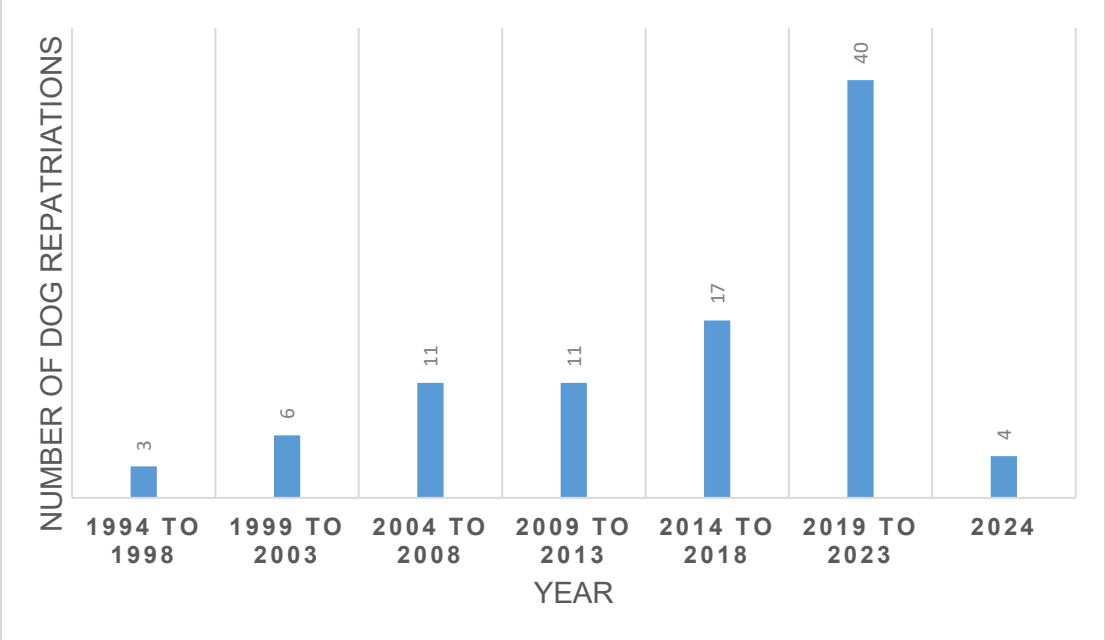

Figure 2. Number of Federal Register Notices Pertaining to Dogs for Every Five Years.

Based on the table in Appendix B, it is also apparent that dog remains have been repatriated mostly as associated (n=72) and unassociated funerary objects (n=11) since 1994. Repatriation of dogs under those categories continues into recent years and includes the latest repatriation data in this thesis, a notice from January 18,

2024. During the years 2000 and 2009, there were two notices (one each year) that dog remains were being returned as cultural items; no tribal cultural knowledge (e.g., referencing oral history about dogs) was included in those notices possibly due to the sensitivity of that information and the tribes' request to leave it out.

Based on the table in Appendix B and in the following summary Table 4 below, there appears to have been a short trend for tribes to include cultural knowledge in the NAGPRA notices for those remains repatriated as sacred items and objects of cultural patrimony. In recent years from 2021 to 2022 there were three repatriations completed using the terminology sacred item. Two repatriations, from 2022 and 2024, use the term object of cultural patrimony. The notices from 2021 and 2022 included some information from tribal voices regarding the cultural beliefs about dogs/animals, which was detailed in Chapter 5: Results. The 2024 notice, which used the terminology object of cultural patrimony, to reclaim dog remains did not include any tribal cultural information. Perhaps the exclusion of the cultural data was in response to the Final Rule issued by the Department of the Interior regarding the revised regulations to improve implementation of NAGPRA (Federal Register document no. 2023-27040).

Chapter 5: Results described some of the comments made regarding the desire to include animal remains in the NAGPRA definition of human remains. The official response from the Department of the Interior was posted in the Federal Register notification (no. 2023-27040, pp. 86473-86475, comment no. 38) dated December 13, 2023:

> …One comment letter stated in five separate comments that animal remains should be included in the definition of human remains or

> cultural items and a Review Committee comment agreed. These comments requested animal burials be included separately and distinctly from cultural items because these animals are imbued with the same spirit as human remains and, therefore, require the same treatment under the Act and these regulations. An additional comment suggested the Department look at incorporating protections for ceremonial animal interments….
>
> … The term "human remains" appears in the definition section of the Act even though it is an undefined term. We have defined "human" using the commonly understood meaning of the word, *i.e.,* a member of the species *homo sapiens.* For this reason, we cannot make the requested change to include animal burials as a separate and distinct category of human remains as that would be inconsistent with the Act. We note, too, that purposefully buried remains that do not include human remains are not included in the definition of human remains. Other kinds of burials and remains that are not human remains should be carefully considered, through consultation, as cultural items. For example, animal burials that are not related to the burial of human remains and, therefore, are not funerary objects, may be needed by traditional Native American religious leaders for the practice of traditional religions and may be sacred objects….
>
> In summary, the definition for human remains was not expanded; it was

specified by the Department of the Interior to mean the species *Homo sapiens*.

In considering one of this thesis' research questions – Are there any trends in the data that show progression and integration of tribal voices or tribal input regarding faunal repatriation during the NAGPRA process – it appears, based on the National NAGPRA research, that there have been some exceptional attempts made by tribal nations to include their knowledge and ideas into aspects of the NAGPRA process. But the inclusion of their input and voices is stifled by the unwillingness of the government to incorporate those thoughts into actual legislation. I think it is particularly ironic that the Department of the Interior missed an opportunity to incorporate Indigenous ideas into legislation that largely addresses wrongs (see Chapter 2: History) inflicted on Indigenous people in this country. The Department of

Interior's recent decision as it pertains to the definition of human remains in the NAGPRA regulations is disappointing.

Table 4. Dog Remains Claimed as Sacred Objects and Objects of Cultural Patrimony.

Federal Register Document Number	**Year**	**Descriptions**	**NAGPRA category**	**Tribe**
2021-04568	2021	Nine canine burials from site 22TU549 in Mississippi. The Chickasaw Nation included cultural information in the NAGPRA notice.	Sacred objects	The Chickasaw Nation
2022-04109	2022	Four dog burials from sites AZ U:9:16(PGM), AZ U:9:18(PGM), and AZ U:9:28(PGM) in Arizona. The Salt River Pima-Maricopa Indian Community cited cultural information in the NAGPRA notice.	Sacred objects	The Salt River Pima-Maricopa Indian Community
2022-12110	2022	One lot of dog remains taken from site 1LU946 in Alabama. The Chickasaw Nation included cultural information in the NAGPRA notice.	Sacred objects	The Chickasaw Nation
2022-26801	2022	Single intentional domestic dog burial removed from site 31MA77 in North Carolina. The Cherokee Tribes cited the importance of dogs in Cherokee culture.	Object of cultural patrimony	The Cherokee Tribes
2024-00609	2024	Two dog fibulas and four dog canines taken from the Barnes and Pratt Falls sites in New York. No cultural information was disclosed in the NAGPRA notice.	Objects of cultural patrimony	The Onondaga Nation

The process, deliberation, and final rule decision during the latest round of NAGPRA regulation revisions illustrates aspects of the power dynamic discussed in Chapter 3: Theoretical Background and depicted in Colwell (2016:117). It is my opinion that the power dynamic is mainly floating around three modes – Participation, Collaboration, and Indigenous Control – especially as tribes are concerned. Tribes are setting goals and developing them independently. They are trying to collaborate their goals with the federal government. They are disclosing information. The federal government appears to be participatory, however, the decision-making authority still comes from them and, at least in the decision regarding the human remains definition, the needs of science were optimized. In Colwell's chart (2016:117), the needs of science being optimized indicates the power dynamic still falls within the mode of Colonial Control.

The results of the survey questionnaire are more difficult to analyze. There were some interesting quotes from the group of bioarchaeologists and faunal analysts and from the group of tribal cultural resources professionals. The following quotations are from the group of bioarchaeologists and faunal analysts. These quotations were remarkable to me because they seem to correspond and coalesce with some of the thoughts expressed by the tribal cultural resources professionals.

> "I also support reinterment of human and animal remains and do not think research is a justifiable reason to stop or deny repatriation or reinterment. The rights of affiliated groups are much more important."

> "I do think there are a few institutions that are actively working against NAGPRA because of a lack of ethics and morals and racist beliefs that they 'have a right' to the human remains housed within their institutions. I also think that upper-level administrators within universities or museums do not support NAGPRA compliance efforts

by faculty and staff because they do not understand why it is necessary and do not see it as beneficial or profitable."

The following quotations are from the tribal cultural resources professionals who participated in the survey questionnaire. The manner in which they replied to some of the questions seemed very personal and more guarded. These quotations were noteworthy:

> "I object to any destructive analysis of human remains. I haven't thought about faunal remains. This brings in a whole new thought process and discussion. …Destructive analysis for radiocarbon dating is quite traumatic. Kennewick Man (Washington), Montana Child (Montana), and Spirit Cave Man (Nevada) have all been radiocarbon dated and each to be found closely related to the modern-day tribes of their areas, which proves Natives have been here for over 14-15,000 years. Blows a lot of theories out of the water. What is the purpose of scientific study on ancestral remains? Measuring, drawing, theorizing about a certain group? I would often wonder what is the scientific study for and what are the research questions that are trying to be answered? For far too long our ancestors have been looted, poked, and left in file cabinets for curiosity. The outcomes of these techniques are never good for living descendants. We are regarded as less than, primitive, a relic of the past, an exhibit or even seen as barbaric. We are thought of in the past."

> "I am concerned about the study of indigenous human remains because I perceive such research is typically conducted with little or no respect being given to the people of descendent communities, of their continuing connections with ancestors. There have been many abuses in the past. Colonialism is deeply rooted in the preferences, attitudes, and values of archaeologists, bioarchaeologists, and faunal analysts. A scientist's curiosity in wanting to know, in combination with the privileges of their academic training, experience, curators, and administrators of museum collections, and access to funding, often fuels an attitude of investigators possessing a right to know."

> "Historically, too much deception and dishonesty by archaeologists and anthropologists has created a very suspicious atmosphere of engagement between tribes and scientists. Scientific arrogance and hubris from anthropologists and archaeologists have negatively impacted the relationship between tribes and compliance with NAGPRA. Federal agencies, museums, and bioarchaeologists need to internalize that Western science is only one way of relating to the world

> and to impose that on tribes creates epistemic and hermeneutical injustice."

Based on some of the survey feedback (i.e., quotation above and highlights shared in Chapter 5: Results), it appears that professionals from both these groups are relatively united in their thoughts regarding NAGPRA. That is optimistic given the history of archaeological theory presented in Chapter 3: Theoretical Background. The postprocessual movement, which implies that areas of study that were neglected in the past are being addressed now, appears to be in motion. Repatriation is happening now. Collaboration between scientists and Native people is happening more frequently.

On the other hand, there are still some egregious, stark measures happening involving scientists. Just six years ago, for example, the following occurred:

> …when a team of scientists published a research article presenting the results of the analysis of extracting and sequencing DNA from numerous skeletal remains recovered from Pueblo Bonito in Chaco Canyon, remains that have been in the possession of the American Museum of Natural History since the late 1890s. A 14-member interdisciplinary team of scientists, including anthropologists, archaeologists, and geneticists conducted the research. The research and access to the remains for sampling was conducted under permission of the American Museum of Natural History without tribal consultation because apparently as the museum contends it determined in the late 1990s during its compliance with NAGPRA that the remains were "culturally unidentifiable" and therefore, justified not conducting tribal consultation. (Dongoske 2018)

The survey questionnaire remarks made by one bioarchaeologist/faunal analyst and one tribal cultural resources professional come to mind. That is:

> "Whether the spirit of the law is followed depends on the institutions involved," and

> "Whether or not the spirit of the law is followed largely depends on the museum, institution, and federal agency and the professional

individuals who oversee collections of ancestral human remains and formally interred faunal remains."

It was also interesting to compare the answers given by the bioarchaeologists and faunal analysts for question no. 4 in the survey – can you name any studies using prehistoric/pre-contact human or animal remains that benefited a living community (see Chapter 5: Results) – to those reasons cited during NAGPRA formulation testimony. The testimony was advocating for the retention of skeletal remains in museums (see Chapter 4: Methodology) (McKeown 2012:34-35 and 68). The following Table 5 shows the testimony from the late 1980s NAGPRA testimony in the left column and the 2023 survey questionnaire answers from this thesis in the right column. Some of the reasons given/benefits listed mirror each other.

Table 5. Comparison of 1980s Testimony and Survey Questionnaire Data.

Reasons cited for keeping skeletal remains (McKeown 2012:34-35 and 68)	**Benefits to a living community**
• they document patterns of human disease and health; • they demonstrate how health and economic factors affect demographic patterns in contemporary human populations; • they enabled studies of human behavior and social and political history; • they were critical to assisting law enforcement officials in identifying missing persons and victims of foul play; • they could demonstrate patterns of movement and relationship between aboriginal populations; • they could tell scientists about the development of agriculture through analysis of diet; and • they could help address major pathologies and health problems that still persist in today's population.	• Data regarding evolution, health, geographical and climate adaptation; • Development of the Arizona Biological Affiliation database; • Forensic identification; • Oral history corroboration for NAGPRA purposes; • Studies that established continuity between prehistoric and living communities and therefore helped them with land and water rights claims; and • (specifically regarding faunal remains) Wildlife management and conservation efforts for animal species preservation.

The next chapter will summarize this thesis and provide some potential best practice measures for professionals who work on projects involving NAGPRA.

Chapter 7: Conclusion

This thesis is focused on answering two questions:

- How have dog remains been repatriated through NAGPRA?
- Are there any trends in the data that show progression and integration of tribal voices or tribal input regarding faunal repatriation during the NAGPRA process?

Chapter 2: History and Chapter 3: Theoretical Background provided compressed data necessary to understand the degradation experienced by Native people in the American Southwest, the evolution of archaeological theory as it relates to acceptance of the notion by scientists that Native American remains are "specimens", the concepts of personhood and animism, and the evolution of museums and NAGPRA legislation. Chapter 2: History also described why dogs became the focus in this thesis. Chapter 4: Methodology and Chapter 5: Results focused on four sources of data – the Federal Register, the Survey Questionnaire, Published Oral History, and minutes from National NAGPRA Review Committee meetings. Chapter 6: Analysis noted some key points that addressed the research questions.

With reference to the first research question, it appears that repatriations of dog remains have significantly increased in quantity from the years 1994 to 2024. Dogs remains have mainly been repatriated using the terminology associated and unassociated funerary objects. Later on, that shifted a bit to include the terminology – sacred objects and objects of cultural patrimony; the Federal Register notices related to those included tribal voices in their documentation.

With reference to the second research question, recently tribes have included cultural information on Federal Register notices; that in and of itself is a trend showing increased tribal input. Tribes also have provided much commentary on the expansion of the definition of human remains to include animal remains during the most recent rounds of NAGPRA legislation revisions. Prior to that, according to the National NAGPRA Review Committee meeting minutes, the only other input tribes have shared regarding fauna were brief statements by Mr. William Tallbull in 1993 and by Mr. Bobby Billie in 1998 (National NAGPRA 1993 and 1998). The National NAGPRA data reaffirms that there is a trend to include more tribal input regarding faunal repatriation in the NAGPRA process.

I am curious to see if the final ruling by the Department of Interior to not expand the definition of human remains will change the trend of tribal input in Federal Register notices. If sharing cultural information in repatriation notices is ineffective to change the way dogs are repatriated, tribes may be inclined to include less or no cultural information in future notices. The information, for example, from the latest dog repatriation notice (Federal Register document number 2024-00609) does not provide any cultural data. Does the exclusion of that information indicate a new shift in tribal strategy? Perhaps tribes will try to make or effect changes regarding faunal repatriation at a more local or regional level. As time progresses, that may be a topic for another investigator to address as data becomes available. Perhaps future researchers will help answer other questions like:

- Will the number of dog repatriations continue to escalate in the future?

- What other strategies could tribes use to make changes in faunal repatriation?

Analysis of the data provided by the survey questionnaires seemed to suggest a trend towards better understanding between bioarchaeologists and faunal analysts, and tribal cultural resources professionals about NAGPRA in general. However, incidents like the one noted in Chapter 6: Analysis, where scientists extracted and sequenced DNA without the consent of descendant communities, are not a remnant memory from centuries past. This incident happened within the past decade. Scientists may argue that the human remains were culturally unaffiliated, but it seems obvious from the geographical location they were excavated from, that they should have sought out collaboration with several tribes. Based on the survey questionnaire, it is difficult to ascertain trends specifically about faunal repatriation. To be honest, at the time that I was formulating the questions for inclusion in the survey questionnaire, I was still uncertain how this thesis would unfold. In hindsight, I could have included more precise questions like: Do you think destructive analysis of faunal remains is ethical or necessary? Is there terminology in the literature, laboratory forms, etc. that can be changed to detract us from thinking in terms of commodification or objectification of animal remains? How can we gravitate away from analytical neutrality and interpretation when dealing with faunal remains? There is, however, a lot of food for thought that was obtained from the surveys; these were presented in Chapter 5: Results and could be addressed by future researchers.

The survey questionnaire did provide some best practices recommendations specifically for bioarchaeologists and faunal analysts:

- Appropriate use of terminology gives the respect afforded to the Indian tribes whose ancestors have been removed from their resting place. Bioarchaeologists and faunal analysts should develop awareness of the appropriate use of terminology developed by the Native communities they work with.
- The treatment, handling, and care of ancestral human remains and formally interred faunal remains is important and should adhere to guidance received from the facility housing the remains. The facility should have guidance from the tribes. If the facility does not have that information, it would be appropriate for the bioarchaeologists and faunal analysts to request that the facility seek the information.
- Follow the United Nations Declaration on the Rights of Indigenous People providing free, prior, and informed consent, and always be transparent and honest.
- Although every culture is different, cleansing, praying, and/or talking with the individual that is being studied may be appropriate. Minimizing disturbances of individuals is respectful. It may be good to gently apologize to them.
- Engage or consult with tribal communities at the beginning of research proposals and early in the NAGPRA process. Communication based on mutual respect is paramount. It is important to keep lines of communication open and flowing throughout the process. “We should not be conducting business as usual.”

- Regardless of the animal, if it was intentionally interred, whether singularly or with human remains, it is to be treated as human remains.
- Use the National Association of Tribal Historic Preservation Officers as a forum for outreach to others if you have questions.

If I might be so bold, I recommend that Native communities in the United States continue to study the ways in which other communities and countries around the world have incorporated their ideas of personhood and animism into legislation. The struggles of those other communities sometimes took generations to result in change. It may be helpful and even inspiring to research the ideas mentioned in Chapter 3: Theoretical Background (e.g., the Nayaka in southern India, the Tallensi of northern Ghana, the Baule of Cote d'Ivoire). Tribes may also want to consider studying how corporate personhood became reality in the United States. There are likely stacks of legal briefs summarizing how attorneys successfully argued for corporations to be granted some of the same rights as human beings. Additional research and collaboration with legal scholars and others may help tribes formulate strategies to change NAGPRA terminology or develop other processes so that faunal repatriation can happen respectfully allowing tribes to maintain integrity of their traditional cultures.

I have a handful of recommendations for museum personnel and bioarchaeologists and faunal analysts. First, I encourage these professionals to start or to continue regular dialogue with tribal representatives. Ask the tribes for input, for example, regarding respectful terminology to use during repatriation and other cultural resources compliance work. I recommend museum personnel set up regular

and continued formal and even informal consultation meetings with tribes; this encourages information sharing, sharing of perspectives, and the fostering of long-term working relationships to achieve shared visions. Secondly, I encourage museum and science professionals to continue to learn about tribal cultures. Read about local tribes and visit tribal museums and cultural centers. If some local tribal oral history is available, familiarize yourself with that history. Participate in tribal events; social media is a great way to find out what is happening in tribal communities. Thirdly, I encourage museum and science professionals to treat faunal/animal remains that are under their guise, respectfully. Remember the Duty of Care responsibilities outlined in NAGPRA and apply those recommendations to faunal/animal remains. Remember those concepts of personhood and animism when dealing with faunal/animal remains.

Appendices

Appendix A: Signed IRB Determination

Appendix B: Table of Federal Register Notices of Dog Repatriations

Appendix A

SIGNED IRB DETERMINATION

UNIVERSITY OF MARYLAND
INSTITUTIONAL REVIEW BOARD

1204 Marie Mount Hall
College Park, MD 20742-5125
TEL 301.405.4212
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DATE:	May 5, 2023
TO:	Matthew Palus
FROM:	University of Maryland College Park (UMCP) IRB
PROJECT TITLE:	[2048296-1] NAGPRA and Faunal Repatriation
SUBMISSION TYPE:	New Project
ACTION:	DETERMINATION OF EXEMPT STATUS
DECISION DATE:	May 5, 2023
REVIEW CATEGORY:	Exemption category #45CFR46.104(d)(2)(ii)

Thank you for your submission of New Project materials for this project. The University of Maryland College Park (UMCP) IRB has determined this project is EXEMPT FROM IRB REVIEW according to federal regulations.

We will retain a copy of this correspondence within our records.

If you have any questions, please contact the IRB Office at 301-405-4212 or irb@umd.edu. Please include your project title and reference number in all correspondence with this committee.

This letter has been electronically signed in accordance with all applicable regulations, and a copy is retained within University of Maryland College Park (UMCP) IRB's records.

Appendix B

TABLE OF FEDERAL REGISTER NOTICES OF DOG REPATRIATIONS

Agency/Institution	Publication Date	Document Number	NAGPRA Notice	Comment
Pioneer Museum, Blue Licks Battlefield State Resort, Kentucky Department of Parks, Kentucky	1/18/2024	2024-00832	Intent to Repatriate	Fauna defined as unassociated funerary objects; one strand of bear and canine teeth and one strand of 10 canine teeth
Longyear Museum of Anthropology, Colgate University, New York	1/16/2024	2024-00609	Intent to Repatriate	Fauna defined as object of cultural patrimony; two dog fibulas and four dog canines
The Fort Ticonderoga Association, New York	1/8/2024	2024-00128	Inventory Completion	Fauna defined as associated funerary objects; one lot of dog bones
U.S. Army Corp of Engineers, Nashville District and University of Tennessee, Department of Anthropology, Tennessee	1/3/2024	2023-28929	Inventory Completion	Fauna defined as associated funerary objects; two dog mandible fragments
American Museum of Natural History, New York	12/19/2023	2023-27800	Inventory Completion	Fauna defined as associated funerary object; four dog skeletons
University of Wisconsin Oshkosh, Wisconsin	10/25/2023	2023-23546	Inventory Completion	Fauna defined as associated funerary object; one canid canine
University of Wisconsin Oshkosh, Wisconsin	10/23/2023	2023-23547	Inventory Completion	Fauna defined as associated funerary object; one lot of likely domesticated dog cranial fragments; a number and variety of canid remains
Michigan State University, Michigan	9/12/2023	2023-19600	Intent to Repatriate	Fauna defined as unassociated funerary object; seven lots of dog mandibles and teeth
The Fort Ticonderoga Association, New York	8/23/2023	2023-18136	Inventory Completion	Fauna defined as associated funerary object; one dog skeleton
William S. Webb Museum of Anthropology, University of Kentucky, Kentucky	7/28/2023	2023-16068	Inventory Completion	Fauna defined as associated funerary object; one dog tooth
Robert S. Peabody Institute of Archaeology, Andover, Maine	7/7/2023	2023-14390	Inventory Completion	Fauna defined as associated funerary object; remains of a dog that was interred near an individual

Agency/Institution	Publication Date	Document Number	NAGPRA Notice	Comment
New York State Museum, New York	7/7/2023	2023-14388	Inventory Completion	Fauna defined as associated funerary object; remains of one dog
Rochester Museum & Science Center, New York	6/1/2023	2023-11695	Inventory Completion	Fauna defined as associated funerary object(s); a partial dog skeleton, one dog skeleton, one lot of canine skeletal fragments, the remains of a dog excavated from a burial, one lot containing remains of dog burials, two lots of a dog skull
Tennessee Department of Environment and Conservation, Division of Archaeology, Tennessee	5/24/2023	2023-11011	Intent to Repatriate	Fauna defined as unassociated funerary object(s); one lot of commingled dog skeletal remains belonging to three dogs
University of Wyoming Human Remains Repository, Wyoming	5/4/2023	2023-09469	Inventory Completion	Fauna defined as associated funerary object(s); one dog foot bone
Rochester Museum & Science Center, New York	4/27/2023	2023-08886	Inventory Completion	Fauna defined as associated funerary object(s); one dog burial, one dog mandible, five partial dog skeletons, one lot of dog teeth
Rochester Museum & Science Center, New York	4/27/2023	2023-08890	Inventory Completion	Fauna defined as associated funerary object(s); remains of two dogs
Tennessee Valley Authority, Tennessee	3/29/2023	2023-06479	Inventory Completion	Fauna defined as associated funerary object(s); canine burials, canine remains
New York State Museum, New York	12/9/2022	2022-26803	Inventory Completion	Fauna defined as associated funerary object(s); one dog skeleton, one dog skeleton

Agency/Institution	Publication Date	Document Number	NAGPRA Notice	Comment
North Carolina Office of State Archaeology, North Carolina	12/9/2022	2022-26801	Intent to Repatriate	Fauna defined as an object of cultural patrimony; single, intentional domestic dog burial; representatives from the Cherokee Tribes expressed interest in repatriation of the dog burial - given the importance of dogs in Cherokee culture and the intention with which these remains were placed in the ground, this dog was of importance to the community that buried him.
William and Mary, Department of Anthropology, Virginia	10/11/2022	2022-22038	Inventory Completion	Fauna defined as associated funerary object(s); several dog burials
Huguenot Historical Society, New York	9/16/2022	2022-20056	Intent to Repatriate	Fauna defined as unassociated funerary object(s); two dog skeletons
Longyear Museum of Anthropology, Colgate University, New York	8/3/2022	2022-16568	Intent to Repatriate	Fauna defined as unassociated funerary object(s); one perforated dog canine
Tennessee Valley Authority, Tennessee	6/6/2022	2022-12110	Intent to Repatriate	Fauna defined as a sacred object(s); one lot of dog remains; based on oral traditional information provided by the Chickasaw Nation about the role of the white dog Ofi' Tohbi Ishto' in the Chickasaw Migration story and the need of the Chickasaw Nation to venerate these animals alongside ancestral remains in current day reburial practices, it has been determined that the dog remains are sacred objects.
Walsh Gallery at Seton Hall, New Jersey	5/31/2022	2022-11638	Inventory Completion	Fauna defined as associated funerary object; charred remains of a dog or wolf

Agency/Institution	Publication Date	Document Number	NAGPRA Notice	Comment
Robert S. Peabody Museum of Archaeology, Massachusetts	5/24/2022	2022-11080	Inventory Completion	Fauna defined as associated funerary object(s); one dog burial
Bureau of Indian Affairs/Pueblo Grande Museum, Arizona	2/28/2022	2022-04109	Intent to Repatriate	Fauna defined as sacred object(s); one dog burial, one dog burial, two dog burials; Representatives of the Gila River Indian Community and the Salt River Pima-Maricopa Indian Community shared information that intentionally buried canid remains are considered sacred because they are imbued with human spirit. Traditional knowledge relates that these animals communicate with humans during curing ceremonies and in other ways and reinforces the belief that this role makes them sacred objects.
Robert S. Peabody Institute of Archaeology, Massachusetts	2/1/2022	2022-02037	Inventory Completion	Fauna defined as associated funerary object(s); four dog burials
Peabody Museum of Archaeology and Ethnology, Harvard University, Massachusetts	9/11/2021	2021-17064	Inventory Completion	Fauna defined as associated funerary object(s); two dog teeth; Dog burials occur throughout the northeastern United States from the Late Archaic through Contact Periods (B.C. 4000-1600 A.D.) both independently and with human burials.
University of Michigan, Michigan	8/25/2021	2021-18273	Inventory Completion	Fauna defined as associated funerary object(s); one lot of dog cranium fragments with vials of red ochre, dog cranium

Agency/Institution	Publication Date	Document Number	NAGPRA Notice	Comment
University of Michigan, Michigan	8/17/2021	2021-17561	Inventory Completion	Fauna defined as associated funerary object(s); a large, partially articulated dog was interred in a mound
Michigan State University, Michigan	7/19/2021	2021-15256	Inventory Completion	Fauna defined as associated funerary object(s); two dog teeth
Valentine Museum, Virginia	4/27/2021	2021-08769	Inventory Completion	Unclear how/if fauna was defined; bones of a dog in Chief's Mound
Mississippi Department of Archives and History, Mississippi	3/5/2021	2021-04568	Intent to Repatriate	Fauna defined as sacred object(s); nine canine burials; Following consultation with the Chickasaw Nation on the role of the white dog Ofi' Tohbi Ishto' in the Chickasaw Migration story and the desire of the Chickasaw Nation to venerate these animals alongside ancestors in current day reburial practices, it was determined that the dog remains are sacred objects.
Museum of Ojibwa Culture and Marquette Mission Park, Michigan	1/28/2021	2021-01900	Inventory Completion	Fauna defined as associated funerary object(s); faunal remains of three Canis species (large dog/wolf), one Canis cf. familiaris (domestic dog)
Tennessee Valley Authority, Tennessee	2/9/2021	2021-02609	Inventory Completion	Fauna defined as associated funerary object(s); four dog burials, one dog canine tooth, one dog femur, one dog tooth, two drilled dog teeth
Tennessee Valley Authority, Tennessee	9/8/2020	2020-19694	Inventory Completion	Fauna defined as associated funerary object(s); three dog burials
Tennessee Valley Authority, Tennessee	8/6/2020	2020-17171	Inventory Completion	Fauna defined as associated funerary object(s); three dog burials

Agency/Institution	Publication Date	Document Number	NAGPRA Notice	Comment
Pueblo Grande Museum, Arizona	5/8/2020	2020-09910	Inventory Completion	Fauna defined as associated funerary object(s); possible dog inhumation
State of Hawaii Department of Transportation, Hawaii	3/3/2020	2020-04326	Intent to Repatriate	Fauna defined as unassociated funerary object(s); one dog bone
U.S. Army Corps of Engineers, Omaha District, Nebraska and South Dakota State Archaeological Research Center, South Dakota	10/9/2019	2019-22044	Inventory Completion	Fauna defined as associated funerary object(s); two faunal (dog) bone fragments
Tennessee Department of Environment and Conservation, Division of Archaeology, Tennessee	6/4/2019	2019-11539	Inventory Completion	Fauna defined as associated funerary object(s); 17 canid phalanges, remains of one dog (Burial comprised of an adult female interred with a mature dog), remains of one dog
Sam Noble Oklahoma Museum of Natural History, University of Oklahoma, Oklahoma	4/1/2019	2019-06268	Inventory Completion	Fauna defined as associated funerary object(s); one dog burial
Fowler Museum of University of California Los Angeles, California	3/28/2019	2019-06000	Inventory Completion	Fauna defined as associated funerary object(s), six unmodified canid phalanges
University of Tennessee, Department of Anthropology, Tennessee	12/21/2018	2018-27646	Inventory Completion	Fauna defined as associated funerary object(s); bones/teeth of domesticated dog
Tennessee Valley Authority, Tennessee	12/21/2018	2018-27647	Inventory Completion	Fauna defined as associated funerary object(s); one dog burial
University of Iowa, Office of the State Archaeologist Bioarchaeology Program, Iowa	12/6/2018	2018-26437	Inventory Completion	Fauna defined as associated funerary object(s); an atlas from a canid - possibly a wolf and a tooth of a canine
The Department of the Navy, Washington DC	11/19/2018	2018-25123	Inventory Completion	Fauna defined as associated funerary object(s); one complete dog skeleton, three dog burials
History Colorado, Colorado	1/30/2018	2018-01724	Intent to Repatriate	Fauna defined as unassociated funerary object(s); 1 canine jaw

Agency/Institution	Publication Date	Document Number	NAGPRA Notice	Comment
New Jersey State Museum, New Jersey	9/22/2017	2017-20305	Inventory Completion	Fauna defined as associated funerary object(s); 1 dog burial, 2 lots of dog bones
Tennessee Valley Authority, Tennessee	9/5/2017	2017-18687	Inventory Completion	Fauna defined as associated funerary object(s); 1 canine bone
Tennessee Valley Authority, Tennessee	9/5/2017	2017-18688	Inventory Completion	Fauna defined as associated funerary object(s); 2 dog canines
Department of Anthropology, Indiana University, Indiana	12/2/2016	2016-28954	Inventory Completion	Fauna defined as associated funerary object(s); 5 caudal vertebrae (tail) from a dog-sized animal, 1 piece of a humerus from a dog-sized mammal, 1 humerus from large dog or wolf
Department of Anthropology, Indiana University, Indiana	10/3/2016	2016-23804	Inventory Completion	Fauna defined as associated funerary object(s); 3 dog bones
U.S. Army Corps of Engineers, Omaha District, Nebraska	4/5/2016	2016-07770	Intent to Repatriate	Fauna defined as unassociated funerary object(s); 1 dog cranium
U.S. Army Corps of Engineers, Omaha District, Nebraska	4/5/2016	2016-07767	Intent to Repatriate	Fauna defined as unassociated funerary object(s); 1 dog cranium
Shiloh Museum of Ozark History, Arkansas	1/7/2016	2016-00069	Inventory Completion	Fauna defined as associated funerary object(s); dog skull is associated with human remains
U.S. Army Corps of Engineers, St. Louis District, Missouri	6/9/2015	2015-14111	Inventory Completion	Fauna defined as associated funerary object(s); 1 canid tooth with drilled hole at root end
U.S. Department of Agriculture, Forest Service, Medicine Bow-Routt National Forest and Thunder Basin National Grassland, Wyoming	10/16/2014	2014-24514	Inventory Completion	Fauna defined as associated funerary object(s); two small and partial damaged tubular non-human (canid) bone beads
Spurlock Museum University of Illinois at Urban-Champaign, Illinois	10/16/2014	2014-24519	Inventory Completion	Fauna defined as associated funerary object(s); one canid tooth
Arizona State Museum, University of Arizona, Arizona	9/10/2014	2014-21475	Inventory Completion	Fauna defined as associated funerary object(s); 1 dog skeleton

Agency/Institution	Publication Date	Document Number	NAGPRA Notice	Comment
U.S. Department of the Interior, Bureau of Land Management, Alaska State Office, Alaska	12/3/2013	2013-28913	Intent to Repatriate	Fauna defined as unassociated funerary object(s); two dog skulls, two post cranial dog skeletons lacking skulls; representatives of the Native Village of Gambell and the Native Villae of Savoonga have a custom of placing dog remains at or near human graves.
University of Michigan, Michigan	10/31/2013	2013-26007	Inventory Completion	Fauna defined as associated funerary object(s); remains of a dog
Hamilton County Department of Parks and Recreation, Indiana	7/30/2013	2013-18275	Inventory Completion	Fauna defined as associated funerary object(s); 1 dog skeleton from a dog burial - relatively complete
University of Oregon Museum of Natural and Cultural History, Oregon	6/17/2013	2013-14330	Inventory Completion	Fauna defined as associated funerary object(s); 1 dog skeleton
Logan Museum of Anthropology, Beloit College, Wisconsin	8/14/2012	2012-19930	Inventory Completion	Fauna defined as associated funerary object(s); 1 dog bone pendant
Fort Lewis College, Colorado	10/11/2011	2011-26182	Inventory Completion	Fauna defined as associated funerary object(s); one dog vertebra
Tennessee Department of Environment and Conservation, Division of Archaeology, Tennessee	8/3/2010	2010-18991	Inventory Completion	Fauna defined as associated funerary object(s); 1 drilled dog tooth
Thomas Burke Memorial Washington State Museum, University of Washington, Washington	2/1/2010	2010-2025	Inventory Completion	Fauna defined as associated funerary object(s); 1 dog cranium
Colorado Historical Society, Colorado	2/1/2010	2010-2014	Inventory Completion	Fauna defined as associated funerary object(s); two perforated dog canines - possibly earrings

Agency/Institution	Publication Date	Document Number	NAGPRA Notice	Comment
Colorado Historical Society, Colorado	5/7/2009	E9-10558	Inventory Completion	Fauna defined as associated funerary object(s); 1 partial canid skeleton
American Museum of Natural History, New York	3/9/2009	E9-4843	Intent to Repatriate	Fauna defined as cultural item(s); dog canine - part of a charm
Phoebe A. Hearst Museum of Anthropology, University of California, Berkeley, California	8/29/2008	E8-20092	Inventory Completion	Fauna defined as associated funerary object(s); 4 lots of animal bones (including horse and dog burials)
Natural History Museum of Los Angeles County Foundation, California	2/25/2008	E8-3447	Inventory Completion	Fauna defined as associated funerary object(s); 1 partial dog skeleton
University Museum, University of Arkansas, Arkansas	12/19/2007	E7-24619	Inventory Completion	Fauna defined as associated funerary object(s); 1 group of dog bones
Thomas Burke Memorial Washington State Museum, University of Washinton and Central Washington University, Department of Anthropology and Museum, Washinton	2/8/2007	E7-2067	Inventory Completion	Fauna defined as associated funerary object(s); 28 dog bones
Pacific Lutheran University, Washington	7/27/2006	E6-11999	Inventory Completion	Fauna defined as associated funerary object(s); one dog skeleton
Department of Anthropology, Museum at the University of California, Davis, California	6/1/2006	E6-8447	Inventory Completion	Fauna defined as associated funerary object(s); 1 dog skeleton
U.S. Department of Defense, Air Force, 15th Airlift Wing, Hickam Air Force Base, Hawaii	3/14/2006	E6-3554	Inventory Completion	Fauna defined as associated funerary object(s); 1 medium mammal (pig or dog)
David Phelps Archaeology Laboratory of East Carolina University, North Carolina	2/23/2006	06-1628	Inventory Completion	Fauna defined as associated funerary object(s); dog/canine skull

Agency/Institution	Publication Date	Document Number	NAGPRA Notice	Comment
U.S. Department of the Interior, National Park Service, Yellowstone National Park, Wyoming	12/9/2005	05-23870	Inventory Completion	Fauna defined as associated funerary object(s); 2 dog skulls, fragmentary skeleton of a dog; Shoshone Tribe of the Wind River Reservation, Wyoming and the Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho stated that their ancestors customarily included dogs in burials with humans; Crow also stated that dogs were included in human burials.
Luther College Anthropology Lab, Luther College, Iowa	12/9/2005	05-23865	Intent to Repatriate	Fauna defined as unassociated funerary object(s); dog bones, 3 dog bones
American Museum of Natural History, New York	10/26/2005	05-21330	Inventory Completion	Fauna defined as associated funerary object(s); 20 dog or wolf bones
Minnesota Indian Affairs Council, Minnesota	8/29/2002	02-21996	Inventory Completion	Fauna defined as associated funerary object(s); 13 dog skull fragments
Rochester Museum & Science Center, New York	11/21/2000	00-29811	Inventory Completion	Fauna defined as associated funerary object(s); 150 bones from a dog skeleton, 1 dog canine tooth, 2 bones from a dog skull, 1 bone from a dog skull, 1 bone from a dog jaw, dog teeth
University of Alaska Museum, Alaska	6/8/2000	00-14488	Inventory Completion	Fauna defined as associated funerary object(s); three dog bones
Denver Art Museum, Colorado	3/1/2000	00-4829	Intent to Repatriate	Fauna defined as object of cultural item; dog skin sash
State of Minnesota, Minnesota Indian Affairs Council, Minnesota	9/9/1999	99-20369	Inventory Completion	Fauna defined as associated funerary object(s); dog skulls

Agency/Institution	Publication Date	Document Number	NAGPRA Notice	Comment
National Park Service, Chaco Culture National Historical Park, New Mexico	3/12/1999	99-6111	Inventory Completion	Fauna defined as associated funerary object(s); eight small dog bones, remains of one dog, remains of two dogs
U.S. Marine Corps, Department of the Navy; Bernice Pauahi Bishop Museum, Hawaii	4/22/1998	98-10646	Inventory Completion	Fauna defined as associated funerary object(s); bones of dogs, dog tooth pendant
Bishop Museum, Hawaii	1/28/1998	98-1993	Inventory Completion	Fauna defined as associated funerary object(s); drilled dog tooth
U.S. Marine Corps Air Station, Kaneohe Bay, Hawaii	2/28/1994	94-4491	Inventory Completion	Fauna defined as funerary object(s); kupe'e (wristlets made of dog teeth), bones of dogs

Glossary

(National NAGPRA 2024a)

Associated funerary object	Any funerary object related to human remains that were removed and the location of the human remains is known. Any object made exclusively for burial purposes or to contain human remains is always an associated funerary object regardless of the physical location or existence of any related human remains.
Consultation or consult	The exchange of information, open discussion, and joint deliberations made between all parties in good-faith and in order to seek, discuss, and consider the views of all parties; strive for consensus, agreement, or mutually acceptable alternatives; and enable meaningful consideration of the Native American traditional knowledge of lineal descendants, Indian Tribes, and Native Hawaiian organizations.
Cultural affiliation	There is a reasonable connection between human remains or cultural items and an Indian Tribe or Native Hawaiian organization based on a relationship of shared group identity. Cultural affiliation may be identified clearly by the information available or reasonably by the geographical location or acquisition history of the human remains or cultural items.
Cultural items	A funerary object, sacred object, or object of cultural patrimony according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization.
Funerary object	Any object reasonably believed to have been placed intentionally with or near human remains. A funerary object is any object connected, either at the time of death or later, to a death rite or ceremony of a Native American culture according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. This term does not include any object returned or distributed to living persons according to traditional custom after a death rite or ceremony. Funerary objects are either associated funerary objects or unassociated funerary objects.

Holding or collection	An accumulation of one or more objects, items, or human remains for any temporary or permanent purpose, including: Academic interest, Accession, Catalog, Comparison, Conservation, Education, Examination, Exhibition, Forensic purposes, Interpretation, Preservation, Public benefit, Research, Scientific interest, or Study.
Inventory	A simple itemized list of any human remains and associated funerary objects in a holding or collection that incorporates the results of consultation and makes determinations about cultural affiliation.
NAGPRA Review Committee	The advisory committee established under NAGPRA.
Object of cultural patrimony	An object that has ongoing historical, traditional, or cultural importance central to a Native American group, including any constituent sub-group (such as a band, clan, lineage, ceremonial society, or other subdivision), according to the Native American traditional knowledge of an Indian Tribe or Native Hawaiian organization. An object of cultural patrimony may have been entrusted to a caretaker, along with the authority to confer that responsibility to another caretaker. The object must be reasonably identified as being of such importance central to the group that it: cannot or could not be alienated, appropriated, or conveyed by any person, including its caretaker, regardless of whether the person is a member of the group, and must have been considered inalienable by the group at the time the object was separated from the group.
Repatriation	A museum or Federal agency relinquishes possession or control of human remains or cultural items in a holding or collection to a lineal descendant, Indian Tribe, or Native Hawaiian organization.
Sacred object	A specific ceremonial object needed by a traditional religious leader for present-day adherents to practice traditional Native American religion, according to the Native American traditional knowledge of a lineal descendant, Indian Tribe, or Native Hawaiian organization. While many items might be imbued with sacredness in a culture, this term is specifically limited to an object needed for the observance or renewal of a Native American religious ceremony.

Unassociated funerary object	Any funerary object that is not an associated funerary object and is identified by a preponderance of the evidence as one or more of the following: Related to human remains but the human remains were not removed, or the location of the human remains is unknown; Related to specific individuals or families; Removed from a specific burial site of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization, or Removed from a specific area where a burial site of an individual or individuals with cultural affiliation to an Indian Tribe or Native Hawaiian organization is known to have existed, but the burial site is no longer extant.

Bibliography

Achim, Miruna
2014 Skulls and Idols, Anthropometrics, Antiquity Collections, and the Origin of American Man, 1810-1850. In *Nature and Antiquities*, edited by Philip L. Kohl, Irina Podgorny, and Stefanie Ganger, pp. 23-46. University of Arizona Press, Tucson.

Appell-Warren, Laura
2014 A Later History of the Concept of Personhood (1980s-2000s), The (Re)-Discovery of Relational versus Individual Modes of Personhood. In *Personhood: An Examination of the History and Use of an Anthropological Concept*, Edwin Mellen Press, Lewiston, New York.

Archaeology Southwest Magazine
2008 Dog Mummies at White Dog Cave. *Archaeology Southwest Magazine*, Volume 22, Number 3, Summer, page 5.

Arizona State Museum
2024 Respectful Terminology Recommended for Discussion of Human Remains. Electronic document, https://statemuseum.arizona.edu/crm/document/respectful-terminology-repatriation, accessed April 25, 2024.

Bahr, Donald, Juan Smith, William Smith Allison, and Julian Hayden
1994 *The Short Swift Time of Gods on Earth, the Hohokam Chronicles*. University of California Press, Berkeley and Los Angeles.

Beauchamp, W. M.
1893 Onondaga Tales. *The Journal of American Folklore* 6(22):173-180.

Beisaw, April M.
2010 Memory, Identity, and NAGPRA in the Northeastern United States. *American Anthropologist*, Volume 112, Issue 2, pp. 244-256.

Binford, Lewis R.
1965 Archaeological Systematics and the Study of Culture Process. *American Antiquity*, 31(2)203-210.

Blau, Harold
1964 The Iroquois White Dog Sacrifice: Its Evolution and Symbolism. *Ethnohistory*, Spring 1964, Vol. 11, No. 2 (Spring, 1964), pp. 97-119. Duke University Press, Durham.

Chickasaw Nation
2023 Migration Story. Electronic document, https://www.chickasaw.net/Our-Nation/History/Prehistoric.aspx, accessed July 24, 2023.

Chickasaw Nation TV Video Network
2023 The Migration Story, First Leaders of the Chickasaw & Choctaw. Electronic document, https://www.chickasaw.tv/events/the-migration-story, accessed July 24, 2023.

Cole, Douglas
1995 *Captured Heritage: The Scramble for Northwest Coast Artifacts*. University of Oklahoma Press, Norman.

Colwell, Chip
2016 Collaborative Archaeologies and Descendant Communities. *Annual Review of Anthropology* 45:113-127.

Daehnke, Jon, and Amy Lonetree
2011 Repatriation in the United States: The Current State of the Native American Graves Protection and Repatriation Act. *American Indian Culture and Research Journal* 35:1.

de Certeau, Michel
1984 *The Practice of Everyday Life*. University of California Press, Berkeley and Los Angeles.

DeJong, David H.
2009 *Stealing the Gila, The Pima Agricultural Economy and Water Deprivation, 1848-1921*. The University of Arizona Press, Tucson.

Deloria, Jr., Vine
1997 *Red Earth White Lies*. Fulcrum Publishing, Golden.

Dennison, Meagan E.
2014 30 Days of Tennessee Archaeology, Day 20, Early Domestic Dogs in Tennessee. Electronic document, https://tennesseearchaeologycouncil.wordpress.com/category/tennessee-archaeology-awareness-month/page/14/, accessed July 1, 2023.

Dongoske, Kurt
2018 In the Spirit of Larry Zimmerman. Paper presented at the 83rd Annual Meeting of the Society for American Archaeology, Washington D.C.

Dove, David M.
2012 *Multiple Animal Offerings in an Early Kiva Champagne Spring (Greenlee) Ruins, 5DL2333*. Southwestern Lore, Official Publication, The Colorado Archaeological Society Volume 78, No. 2, Summer 2012. Cortez, Colorado.

Dunbar-Ortiz, Roxanne
2014 *An Indigenous Peoples' History of the United States*. Beacon Press, Boston.

Dwyer, Colin
2017 A New Zealand River Now Has The Legal Rights of a Human. *National Public Radio*, March 16, https://www.npr.org/sections/thetwo-way/2017/03/16/520414763/a-new-zealand-river-now-has-the-legal-rights-of-a-human, accessed April 22, 2022.

Emslie, Steven D.
1978 Dog Burials from Mancos Canyon, Colorado. *Kiva*, Spring-Summer, Volume 43, No. 3/4, pp. 167-182.

Federal Register
2024 About the Federal Register. Electronic document, https://www.govinfo.gov/app/collection/FR/, accessed March 12, 2024.

Fenton, William N.
1962 This Island, the World on the Turtle's Back. *The Journal of American Folklore* 75(298):283-300.

Ferg, Alan
2008 Dogs in the Desert: Repatriation. *Archaeology Southwest Magazine*, Volume 22, Number 3, Summer, page 14.

Fugate, Dody
2008 Pueblo Dogs. *Archaeology Southwest Magazine*, Volume 22, Number 3, Summer, page 4.

Hudson, Erin J.
2017 The Past in the Present: Federal Implementation of the Native American Graves Protection and Repatriation Act. PhD dissertation, University of New Mexico – Main Campus, Albuquerque.

Indian Pueblo Cultural Center
2024 A Brief History of the Pueblo Revolt. Electronic document, https://indianpueblo.org/a-brief-history-of-the-pueblo-revolt/#:~:text=The%20Pueblo%20Revolt%20of%201680,colonizing%20power%20in%20North%20America, accessed April 24, 2024.

James, Jenny
2006 The Dog Tribe. *Southern Anthropologist* 32(1):17-46, Article 3.

James, Steven R., and Michael S. Foster
2008 Hohokam Dogs and Iconography at Pueblo Grande. *Archaeology Southwest Magazine*, Volume 22, Number 3, Summer, page 12.

Johansen, Bruce E., and Barbara Alice Mann (editors)
2000 Encyclopedia of the Haudenosaunee (Iroquois Confederacy). Electronic document, https://go-gale-com.proxy-um.researchport.umd.edu/ps/retrieve.do?resultListType=RELATED_DOCUMENT&userGroupName=umd_um&inPS=true&contentSegment=&prodId=GVRL&isETOC=true&docId=GALE|CX2882500210, accessed March 1, 2024.

Johnson, Dennis
2002 Dogs Throughout Time. *American Archaeology*, Volume 6, Number 3, Fall, pp. 32-37.

Kerber, Jordan E.
1997 Native American Treatment of Dogs in Northeastern North America: Archaeological and Ethnohistorical Perspectives. *Archaeology of Eastern North America*, Volume 25 (1997), pp. 81-95.

Lizza, John P.
2006 *Persons, Humanity, and the Definition of Death*. John Hopkins University Press, Baltimore.

McKeown, C. Timothy
2012 *In the Smaller Scope of Conscience, The Struggle for National Repatriation Legislation, 1986-1990*. The University of Arizona Press, Tucson.

Merk, Frederick
1995 *Manifest Destiny and Mission in American History, A Reinterpretation*. Harvard University Press, Cambridge.

Michael, John S.
2020 An "American Humboldt"? Memorializing Philadelphia Physician and Race Supremacist Samuel George Morton. *Pennsylvania History: A Journal of Mid-Atlantic Studies*, Volume 87, Number 2, pp. 279-312.

Mooney, James
1902 Myths of the Cherokee. The Nineteenth Annual Report of the Bureau of American Ethnology. Government Printing Office, Washington. Electronic document, https://www.gutenberg.org/files/45634/45634-h/45634-h.htm, accessed July 25, 2023.

Morgan, Lewis Henry
1877 *Ancient Society*. Holt, New York.

National NAGPRA
1993 NAGPRA Review Committee Meeting 04, February 26-28, 1993, Oahu, HI. Electronic document, https://www.nps.gov/subjects/nagpra/meetings.htm, accessed July 24, 2023.

1998 NAGPRA Review Committee Meeting 14, January 29-31, 1998, Washington, D.C. Electronic document, https://www.nps.gov/subjects/nagpra/meetings.htm, accessed July 24, 2023.

2023 NAGPRA Review Committee Meeting 83-84, January 5-10, 2023, Virtual. Electronic document, https://www.nps.gov/subjects/nagpra/meetings.htm, accessed July 24, 2023.

2024a Glossary. Electronic document, https://www.nps.gov/subjects/nagpra/glossary.htm, accessed March 5, 2024.

2024b Federal Register Notices. Electronic document, https://grantsdev.cr.nps.gov/NagpraPublic/Home/Notice, accessed March 12, 2024.

National Park Service
2023a Great White Dog Ofi' Tohbi'. Electronic document, https://www.nps.gov/articles/great-white-dog.htm, accessed July 25, 2023.

2023b Native American Graves Protection and Repatriation Act: Systematic Process for Disposition and Repatriation of Native American Human Remains, Funerary Objects, Sacred Objects, and Objects of Cultural Patrimony, posted comments. Electronic document, https://www.regulations.gov/document/NPS-2022-0004-0001/comment?filter=animal, accessed July 25, 2023.

Onondaga Nation, People of the Hills
2024 Today. Electronic document, https://www.onondaganation.org/aboutus/today/, accessed March 1, 2024.

Ravenhill, Philip L.
1994 *The Self and the Other: Personhood and Images Among the Baule, Cote D'Ivoire*. University of California Los Angeles, Fowler Museum of Cultural History, Los Angeles.

Rea, Amadeo
1998 *Folk Mammalogy of the Northern Pimans*. University of Arizona Press, Tucson.

Schaepe, David M., and T'xwelatse (Herb Joe)
2017 It's a Family Affair: Sto:lo Experiences in Repatriation. Presentation at the Symposium "Indigenous Perspectives on Repatriation: Moving Forward Together," Kelowna, March 29-31, 2017.

Schwarz, Joel
2006 Sculpture Representing First Male Ancestor of the Chilliwacks Returned to Tribe by Burke. *UW Today Newsletter*, October 12. Electronic document, https://www.washington.edu/news/2006/10/12/sculpture-representing-first-male-ancestor-of-the-chilliwacks-returned-to-tribe-by-burke/, accessed April 20, 2022.

Schwartz, Marion
1997 *A History of Dogs in the Early Americas*. Yale University Press, New Haven.

Schweninger, Lee
2009 "Lost and Lonesome": Literary Reflections on Museums and the Roles of Relics. *American Indian Quarterly*, Spring, Vol. 33, No. 2, pp. 169-199.

Segura, Valentina, Madeleine Geiger, Tesla A. Monson, David Flores, and Marcelo R. Sanchez-Villagra
2022 Biological and Cultural History of Domesticated Dogs in the Americas. *Anthropozoologica* 57(1):1-18.

Sheridan, Thomas E.
1996 The Yoemem (Yaquis), An Enduring People. In *Paths of Life, American Indians of the Southwest and Northern Mexico*, edited by Thomas E. Sheridan and Nancy J. Parezo. University of Arizona Press, Tucson.

Spicer, Edward H.
1976 *Cycles of Conquest: The Impact of Spain, Mexico, and the United States on the Indians of the Southwest 1533-1960*. The University of Arizona Press, Tucson.

Thomas, David Hurst
2000 *Skull Wars*. Basic Books, New York, New York.

Trigger, Bruce G.
2006 Studying the History of Archaeology. In *A History of Archaeological Thought*. Cambridge University Press, Cambridge.

Verhagen, Philip and Thomas G. Whitley
2011 Integrating Archaeological Theory and Predictive Modeling: a Live Report from the Scene. *Journal of Archaeological Method and Theory* 19: 49-100.

Vidal, John
2011 Bolivia Enshrines Natural World's Rights with Equal Status for Mother Earth. *The Guardian*, April 10. Electronic document, https://www.theguardian.com/environment/2011/apr/10/bolivia-enshrines-natural-worlds-rights, accessed April 22, 2022.

Wallace, Anthony F. C.
1970 *The Death and Rebirth of the Seneca*. Vintage, Knopf, New York.

Waters, Jennifer A.
2008 Early Dog Burials in the Southern Southwest. *Archaeology Southwest Magazine*, Volume 22, Number 3, Summer, page 3.

Watson, James T., and Gordon F.M. Rakita (editors)
2020 *Ancient Southwestern Mortuary Practices*. University Press of Colorado, Louisville.

Watson, Patty Jo, and Michael Fotiadis
1990 The Razor's Edge: Symbolic-Structuralist Archeology and The Expansion of Archeological Inference. *American Anthropologist* 92:613-629.

Westerman, Ashley
2019 Should Rivers Have Same Legal Rights as Humans? A Growing Number of Voices Say Yes. *National Public Radio*, August 3. Electronic document, https://www.npr.org/2019/08/03/740604142/should-rivers-have-same-legal-rights-as-humans-a-growing-number-of-voices-say-ye, accessed April 22, 2022.

Wyoming SHPO
2023a Agate Basin Site. Electronic document, https://wyoshpo.wyo.gov/index.php/programs/national-register/wyoming-listings/view-full-list/717-agate-basin-site, accessed July 2, 2023.

2023b Horner Site National Historic Landmark. Electronic document, https://wyoshpo.wyo.gov/index.php/programs/national-register/wyoming-listings/view-full-list/737-horner-site-national-historic-landmark, accessed July 2, 2023.

Yuhas, Alan
2015 Junípero Serra's Road to Sainthood is Controversial for Native Americans. Electronic document, https://www.theguardian.com/world/2015/jan/25/pope-francis-junipero-serra-sainthood-native-american-controversy, accessed June 8, 2023.

Zimmerman, Larry J.
2005 Public Heritage, a Desire for a "White" History for America, and Some Impacts of the Kennewick Man/Ancient One Decision. *International Journal of Cultural Property* 12:265-274.

Zolbrod, Paul G.
1984 *Diné Bahané the Navajo Creation Story*. University of New Mexico Press, Albuquerque.