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## Traditional and Naturally Significant Places Process Primer for the Oglala Sioux Tribe

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**Traditional and Naturally Significant Places  
Process Primer for the Oglala Sioux Tribe**

by

Michael Bryan Catches Enemy, Sr.

A Thesis

Submitted to the Graduate Faculty of

St. Cloud State University

in Partial Fulfillment of the Requirements

for the Degree

Master of Science

in Cultural Resource Management Archaeology

December, 2019

Starred Paper Committee:

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### Abstract

The Oglala Sioux Tribe, through its various tribal programs like the Historic Preservation Office & the Cultural Affairs Advisory Council (2009-2013), decided to initiate the development of a process primer for the future creation of a more holistic and culturally-relevant identification process for *Lakólyakel na ečhá wanjátuya yawá owánka* “traditional and naturally significant places” (TNSP’s) to protect and preserve these places within the realm of cultural resource management. The process primer will be in accord with the functions assumed by the Oglala Sioux Tribe in 2009 through Tribal Council Ordinance No. 09-29, upheld by No. 13-17, to consult with appropriate federal agencies on undertakings in accordance with the National Historic Preservation Act, as amended, specifically provisions within Section 106 to identify historic properties that may be on or eligible for listing in the National Register of Historic Places, including areas to which the Tribe attaches “*religious and cultural significance to properties*” (NHPA: Section 101 (d)(6)(B)) affected by an undertaking.

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Without *Wakáŋ Tánka Tuŋkášila na čaŋnúŋpa kiŋ na tiwáhe mitá* “Creator/Great Mystery and the sacred pipe and my family” and all my *Lakóta* and *Dakóta* relatives both living and in the spirit world, I am nothing. I dedicate and present this work collectively to my *čuŋkší* “daughter” Larissa Sharee, to my *takóža tokáhe* “first granddaughter” Melody Joy, to my *Iná* “Mother” Mary, to my maternal and paternal *uŋčí* “grandmothers” Elizabeth and Edelyn, to my *takóža* “grandchildren” yet to come.

This life’s journey and perspective derives from a combination of contributions from *Wakáŋ Tánka Tuŋkášila*, *Uŋčí makhá* “Grandmother Earth,” my relatives, friends, mentors, instructors, colleagues, and even brief acquaintances. I write this thesis for the beautiful *Lak’hol wičhóh’añ* “*Lakóta* customs and traditions/way of life,” and the sacrifices of and the lives taken of the people of the *Očéti Šakówiŋ Hčáka* “original Seven Council Fires.” Particularly, for the purposes of this effort, the *Tinte tá túŋwaŋ / Tinte Ošpáye Očéti Šakówiŋ* “Seven *Tinte* bands/subtribes” to which the band of the *Oglála Lakóta / Dakóta* “Scatters their own” derive from.

Naturally, I acknowledge many people in my life, to my *wakáŋheža* “children” *Waŋbli Okás’a* Manuel, *Kinyan Luta* Steven, *Tatánka Núŋpa* Bryan, *Heháka Sápa* Joseph, *Wakíŋyaŋ Hotúŋ* Francis, and Michael Bryan Jr. I am thankful to *Wakáŋ Tánka Tuŋkášila* (Creator, Great Mystery) for bringing into my path the very best friend a man could walk with, my intimate and life companion Whisper *Pté Lúta Wíŋ* “Red Buffalo Woman” Black Elk-Catches Enemy, as she always supported and encouraged me no matter what. To my loving and considerate parents Mary Ramona *Ipíyaka* “Belt” (originally “Takes the Cartridge Belt”) and Joseph Herbert “Ed” *Ouspe* “Catches,” my deepest appreciation for welcoming me to this family, for my life given,

and for providing me unconditional love and motivation to always get my education. I honor my lineage, my maternal *Uŋčí na Tuŋkášila* “grandmother and grandfather” Elizabeth Two Bulls-Takes the Cartridge Belt with Ambrose Takes the Cartridge Belt, Sr. with their parents *Uŋčí* Martha Helper-Two Bulls and *Tuŋkášila* Peter Two Bulls, Sr., and *Uŋčí* Lizzie Walks Out-Takes the Cartridge Belt and *Tuŋkášila* Frank Takes the Cartridge Belt; and all of my maternal relatives and *héktakiya wičóuŋčaǵe* “ancestors.” I honor my paternal *Uŋčí* Edelyn Catches, with her parents *Gama* Rose Star-Catches and *Kakála* James M. “Joe” Catches, and all of my paternal relatives and *héktakiya wičóuŋčaǵe*. Of course, without my esteemed siblings, my distinctive appreciation to their life-long love and respect given to me, my strong brothers Jeffrey Catches, Josef Catches, Manuel Catches, Steven Ray Catches, Elden Turado-Catches, Edward Francis Catches, and to my lovely sisters Lora Catches, and Lisa Janis-Steele. To *mihúŋka* “adopted relative” my honored adopted parents Morris Brewer, Sr. and Arvine Standing Elk-Brewer, my honored adopted aunt Marilyn Sherman-Pourier, and my adopted brothers Paul Fast Horse, Dennis Yellow Thunder, Leo Black Feather, Bobby Sudden Brave, Morris Brewer Jr., Scott Brewer, and my adopted sisters Sara Buckman, Courtney Two Lance, Eileen Briggs and Chelsea Nelson.

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*Mitákuye wópila táŋka! Ho héčetu weló!* “Many thanks to all my relatives! Well, that is it!”

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## Chapter 1: Orientating the Effort

### Introduction

Michael B. Catches Enemy (*Oglála Lakóta* and enrolled *Oglála* Sioux Tribal member) was instrumental in establishing the Oglala Sioux Tribal Cultural Affairs & Historic Preservation Office and incorporating traditional *Lakóta* knowledge in the form of *Lakóta* cultural intellectuals known as the elders of the Oglala Sioux Tribal Cultural Affairs & Historic Preservation Advisory Council (OSTCAHPAC) on the *Wazí Ahán̄haŋ Oyán̄ke* “Pine Ridge Reservation” (located in South Dakota). Mr. Catches Enemy has conducted this thesis research in a manner that is specifically oriented toward *Oglála Lakóta* cultural sensitivities and historic resource concerns within cultural resource management (CRM). Mr. Catches Enemy has also evaluated the standard federal requirements for traditional cultural property identification and documentation, while conversing with the Advisory Council to promote the priming of an identification process for *Lakólyakel na ečhákel waŋkátuya yawá owán̄ka* “traditional and naturally significant places” (TNSP) to achieve this goal.

This thesis is not the typical data driven research that many may expect in an ordinary thesis for CRM archaeology. This work instead derives from a longing to have concerns and grievances heard within CRM and the historic preservation processes. There is a hope to be a voice (through this writing) for the *Oglála Lakóta* people, to counter what is considered a ‘general lack of interest towards Indigenous struggle and narrative.’ As a disclaimer, this research topic is not destined to intentionally misinterpret or misrepresent any of my *Oglála Lakóta* relatives and our communal teachings and history, as this discussion is more complex and established than I am. Ultimately, I am responsible for any errors or unintentional omissions in this work and would ask for forgiveness and understanding in advance.

## Procedure

This introductory chapter will serve several purposes to ‘setting the stage for addressing’ these ongoing issues which often prevent or even delay the *Oglála Lakóta* from fully implementing our own processes. First, this work will provide a historical-social context that affects all of the *Oglála Lakóta* people and influences how we think, differ in our ways of decision-making, and in many ways how we are ‘late in the game’ of federal and state historic preservation with regards to interacting with the U.S. government (and its federal agencies in charge of policy making, as well as the states), and some in the CRM community to protect our most special traditional and naturally significant places. Second, this work expands the goals of the thesis in more detail and explains the purpose and need of this study. Third, it describes the role and function of the OSTCAHPO and OSTCAHPAC in reference to bridging cultural affairs with federal (and state) historic preservation administration. Fourth, it explores the ways in which CRM and public archaeology relate to the topic and how these professions can help further the goals of the Tribe, not merely the aims of archaeology. Fifth, the chapter addresses the crucial role of the actual language and words we use to describe ‘cultural resources’ within the context of federal (and state) historic preservation. Sixth, it goes on to identify current problems with the process in terms of negative impacts to both environmental and cultural resources—, which are inseparably intertwined. Seventh, I describe how we can advocate for change in the current process and the specific ways that the *Oglála Lakóta* can participate. Finally, I provide an *Oglála Lakóta* perspective on the current state of CRM as a primer for a more in-depth look at this topic in a following chapter. Each of these topics described in brief above, will be examined in more detail in the subsequent chapters of the thesis.

## Authentic Avowal

In the spirit of being honest and transparent with my intentions, the words in this thesis are from an emic *Lakóta* perspective, exhibiting oral tradition, Indigenous *Lakóta* knowledge, along with archaeologically trained semantic. The full meaning behind my *Lakóta* mindset is authentic in its presentation, thus retains the energy and spirit embodied in our culture, identity, philosophy and worldview. *Tuŋkáŋ wakáŋ kiŋ wóniya iyóyas 'iŋyaŋ wašiču na čaŋnuŋpa kiŋ wakáŋ šóta lé wówaglake. Ho héčetu weló!* “I say this with the sacred stone spirit’s breath and the sacred pipe smoke within me. Well, that is it!” I speak with the truth as I see it, so what I convey and present in this graduate thesis first arises from a collective people’s subjugated and marginalized perspective on an egregious past in terms of historical context in the Great Plains of today’s *Milahaŋska* “America, United States” (also referred to as long knives—referencing the bayonets on the rifles and swords used by the U.S. Calvary during our wars). This in my experience ultimately contributes to the status quo within historic preservation practices, namely in protecting *Lakólyakel na ečhákel waŋkátuya yawá owáŋka* “traditional and naturally significant places” (TNSP). I have come to believe there persists a systematic suppression of not only *Lakóta*—interpreted history, but also of our language use, culture, beliefs and practices as it relates to the Great Plains landscape during Tribal consultations hosted by the respective land managing federal agency. Additionally, this work arises from a growth in understanding of and asserting ourselves as Tribes, as preservation partners, within the established federal CRM archaeology field, particularly in the Great Plains.

My insider perspective is a assertion to prime, or even to prepare, not only our own *Oglála Lakóta* people to increase their involvement in reclaiming our history, as it relates to special and significant places located on lands (no longer considered ours in current federal



property law), but also to implore upon CRM professionals and employees of federal land-managing agencies to look within themselves to assist with this reclamation effort. In many ways, the *Oglála Lakóta* are still recovering from our recent (circa 1890s) historical past. This very recent past (123 years since Wounded Knee Massacre) has to be acknowledged, accepted, so that positive efforts towards its reconciliation can be afforded. To be open, this work is brash, in contention to the historical racism identified against Indigenous peoples in general. My research is based particularly from my own life and professional experiences in CRM.

Many...papers...present a personal perspective on the relations between archaeologists and Native Americans. This is intentional. All too often, issues of emotional intensity such as those discussed...become watered down because of the perceived imperative to present positions in 'objective academic formats.' ...the issues addressed must be approached with a full and clear understanding of just how personal these issues are....it is essential to the dialogue that the Native American authors' presentations be as purely in their own voices as possible. As a result, their presentations are often more personal and charged than is typically the case in scholarly works....part of the communication gap between archaeologists and Native Americans results from the former failing to hear the real concerns of the latter.

(Swidler, Dongoske, Anyon, & Downer, 1997, p. 17)

I initially began drafting this thesis to prime the creation of a holistic and culturally-relevant historic property protection process for *Lakólyakel na ečhákel waŋkátuya yawá owáŋka* with a certain amount of anxiety due to speaking out on such a sensitive matter for our *Lakóta* people in order to meet an academic requirement. My people, my ancestry, are resilient given

the dire straits we have had to come through dealing with the creation of America. There is real historical trauma that is embedded into our existence today, so to speak on matters such as these topics, there is often a sense of ownership and pride associated collectively, but also as individuals as it directly relates to our very identity, and not one of us has the ultimate right or can assert we are the sole voice for such a delicate culture. And as I discuss this aspect, I found it necessary to illuminate the difficulties that Tribes, namely my Oglala Sioux Tribe, faces when trying to protect our very significant cultural resources such as TNSP within the federal and state historic preservation arena and within CRM in general.

The discussions in this work encompass a collective history and culture secured within the shared ancestral territories and homelands with our relatives and historical allies. With that said, it is not meant to proclaim any sort of consensus interpretation regarding the problems illuminated. We, as the *Oglála Lakóta* are one of seven bands of the *Tínte ta túŋwaŋ Lakóta* (also known as the *Tínte Oyate Očéti Šakówiŋ*). The *Tínte ta túŋwaŋ Lakóta* are one of seven Council Fires of a larger nation, the *Očéti Šakówiŋ Hčáka* “original Seven Council Fires.” This discussion about our collective history and culture as it is tied to the *makhóče* “land”...is much older than I am. In that regard, I choose to self-identify as a *Tínte ta túŋwaŋ Oglála Lakóta*, also sometimes known in some written historical accounts as a “western *Dakóta*” peoples of the Sioux. I am considered a duly enrolled citizen of the *Oglála Sioux Tribe*, a federally-recognized Tribe.

Starting in 2005, affiliated in some capacity for the Oglala Sioux Tribe, my work experience began within CRM. I have worked alongside many of my colleagues of the respective *Očéti Šakówiŋ Hčáka* and their respected Tribal Historic Preservation Offices’ (THPO) staff (listed in the Acknowledgements section) regarding Section 106 of the National

Historic Preservation Act (NHPA) consultations on proposed federal undertakings. Our collective work primarily involved seeking ways to avoid, minimize, or mitigate how these federal undertakings would affect our collective cultural resources on the Great Plains. More recently, starting in 2012, I began working in the area of compliance archaeology for my Tribe, alongside my colleague, Dr. Sebastian ‘Bronco’ LeBeau II of the Bureau of Indian Affairs, Great Plains Regional Office, formerly as the THPO for the Cheyenne River Sioux Tribe. During this particular working experience for my Tribe, I have gained a substantial amount of professional understanding and skills necessary to begin taking on a more assertive role with regards to participating in federal historic preservation processes, while considering development of potential Tribal processes for protection. This primer process for my Tribe within CRM historic preservation relates specifically to federal undertakings.

In order to continue this assertive role, within the federal processes established, I began my own journey to furthering my own understanding of what it takes to become a leader and professional within my own people, who could meet the professional standards for archaeology. The first step would be to seek a graduate degree in this academic field of study; which began in the fall of 2011, by applying and being accepted into the CRM Archaeology program under the Sociology and Anthropology Department at St. Cloud State University, under the directorship of Dr. Mark P. Muñiz. Dr. Muñiz initially became my advisor, and later my graduate committee Chairperson. Throughout my graduate career, he became my colleague and friend. With Dr. Muñiz’ guidance, as well as Dr. LeBeau’s encouragement, my goals then adjusted to include striving to acquire the necessary specialized archaeological training and education to be considered a professional CRM archaeologist (as well as to meet the Secretary of Interior’s Standards for Professional Archaeology) to help my Tribe in its historic preservation efforts as

prescribed in the Tribes' Cultural Affairs & Historic Preservation Plan and Memorandum of Agreement with the National Park Service through Tribal Council Ordinance No. 09-29.

My apprehension to entering this field of CRM archaeology has always circled around being excessively criticized by my own people's assessment for documenting this sensitive material on TNSP. On the other hand, I am not as worried about the professional riposte or academic rejection this work may or may not generate. In dissimilarity, this work is not meant to out rightly offend the reader (those that might feel criticized for their chosen profession or even ostracized as a professional by my insider perspective) or their respective ethnic background. I do not intend to present in any way or form which could be misconceived as to discriminate against any non-Indigenous person...instead it is to represent a voice long unheard or marginalized from an *Oglála Lakóta* world view. This work is intended to represent an expression that I believe has long been subdued, often ignored, or even unheard in the academic environment. Additionally, the intent is to expose a situation, a history that sometimes bleeds into our contemporary times in CRM. The situation that needs improvement.

Though it can be debated to some extent that this expression has come from others, with similar backgrounds as mine as an Indigenous person, it does not conclude that I particularly share that same view. This expression here instead comes from an *Oglála Lakóta* perspective and worldview first, as this is who I am today in 2013. The unfortunate issue at hand, as it has been for over the past approximately 150 years here in the Great Plains, is that our unique cultural views and beliefs have basically been culturally appropriated by folks not of our *Lakóta* background. I wish to present this view from an insider's perspective, and also incorporate, where feasible, my training as it pertains to CRM archaeology in order to acknowledge there are certain trainings worth exploring and being enhanced. Additionally, there are unique and

respected professionals I have met over my career, which I consider to be pioneers in promoting balanced and empowering historic preservation and cultural resource management assertive efforts. I believe I have met the educational standards and requirements at the graduate level, and possess the professional skillset needed for this type of discussion. Additionally, traditional beliefs can serve as a benefit to CRM overall, creating a diversity. My hope is for a well-received document all around. As Downer (1997) stated, “*It should be equally clear that there is ample room in archaeology and cultural resource management for people with traditional beliefs and for the traditional knowledge of those individuals to enrich the efforts of archaeologists*” (p. 33).

I believe as a professional in CRM archaeology myself, I naturally carry my traditional knowledge with me. And with prayer, the support of my relatives, my elders’ encouragement and backing to pursue this educational endeavor, the guidance of the Members of the OSTCAHPAC, the trust given by the Oglala Sioux Tribal Administrations starting in 2005 carried onto 2008 with the creation of the OSTCAHPO, and numerous others in my circles, I now embrace a certain level of poise that what is shared in this work comes from being able to speak with the sacred rocks’ breath and sacred pipe smoke within me. Only a few will understand that meaning and know that I speak with the truth...as I see it.

I recognize that with my personal discourse, coupled with my professional digests made here in this TNSP work, by no means, represents anywhere near the entirety or consensus of such a large cultural group as the *Lakóta*. The cultural group I refer to is one that is eternally proud and distinct, the *Oglála Lakóta* and relatives. On the contrary, this narrative represents a voice guided by my own *héktakiya wičóuŋčage* “ancestors,” my grandfathers/grandmothers, their grandfathers/grandmothers, and so forth. The *Oglála Lakóta*, along with our other *Lakóta* and

*Dakóta* relatives of the *Očéti Šakówiŋ Hčáka*, and the *Lakóta* of the *Tínte ta túŋwaŋ* (*Tínte Oyate Očéti Šakówiŋ*), and our allies the *Šahíyela* “Cheyenne” and *Maǰpíya Tó* “Arapahoe,” are a spiritual, extremely generous, respectful, strong, resilient, and honorable peoples with an extensive and intact culture and history, a beautiful and harmonious language of our environmental surroundings, as it relates to the Great Plains of this *Kéya Wíta* “Turtle Island” (or “continent” of the now known Americas).

I write about priming for a process to identify TNSP as a proud descendent of my *Oglála-Húŋkpapa-Sičáŋǵu-Mnikǰówožu Lakóta*, my *Dakóta* and my *Šahíyela* ancestry, primarily of what is in my heart to convey ideas for improvement in cultural resource management. This written document comes from an intimate and unconditional love for my people, the first people of peace, the *Lakóta* of the *Pté Oyáte* “Buffalo Nation,” and a love for our *makhóče*, and all inhabitants of earth. “Our name, *Lakóta*, means ‘Peace.’ We are a peaceful people. Only when our hunting territory was invaded did we act to protect ourselves” (Catches, 1999, p. 95). We follow the path of our big brothers/sister the *Pté Oyáte*, with their social teachings, protective mannerisms and respect shown internally and externally, we as *Lakóta* try to live life in this fashion while remembering where the medicines, foods, waters, campsites, burials, prayer places and distinctive geologic landmarks are on the landscape. This way of living and teachings of course is passed on orally from grandfather to father to son, grandmother to mother to daughter, and so on, and has been this way since our origin...all the way up to our contemporary lives today. It is a *Lakóta* way of life that has been carried in an experiential format since time immemorial. Our collective memory sustains our culture.

## Purpose

I have spent the last 8 years, starting in 2005, working in the field of CRM for the *Oglála* Sioux Tribe. During this time, I have encountered a number of problems with the manner in which the Tribe is forced to fit our cultural values, meanings of significance, beliefs, and practices into federally mandated definitions of ‘cultural resources,’ ‘historic properties,’ and ‘heritage preservation’ (all terms and ideologies commonly used in federal legislation and regulations as well as by CRM academic and professionals). This work is to prime the creation of a holistic and culturally-relevant protection process directly prepared for our geographic region (Great Plains) for *Lakólyakel na ečhákel waŋkátuya yawá owáŋka* protection for the Oglala Sioux Tribe.

Another objective of my thesis is to ascertain the specific ways in which the current federal legislation and guidelines work for addressing what I term as, *Lakólyakel na ečhákel waŋkátuya yawá owáŋka*, or as some in the CRM community commonly refer to as ‘traditional cultural properties’ (TCP). By CRM definition, a traditional cultural property is a type of historic property which holds some level of significance to a group. I prefer to use the TNSP acronym throughout the thesis, as it relates more to special places more culturally-relevant than merely referring to them as a cultural property. In addition, the terms traditional cultural property is not *Lakóta* language translatable. For the *Oglála Lakóta*, TNSP would be translated as *Lakólyakel waŋkátuya yawá owáŋka*, and these places and sites are so numerous that they cannot be quantified within our ancestral territories and homelands.

...our nation is home to numerous Native American holy places. The government is well aware of that fact. In 1979, the secretary of the interior submitted a report to

Congress following a one-year study of traditional Native American religions. The report found:

The Native peoples of this country believe that certain areas of land are holy. These lands may be sacred, for example, because they contain specific natural products, because they are the dwelling place or embodiment of spiritual beings, because they surround or contain burial grounds or because they are sites conducive to communicating with spiritual beings. There are specific religious beliefs regarding each sacred site which form the basis for religious laws governing the site. (Echo-Hawk, 2010, p. 333)

Today, as it has been since the arrival of the colonial immigrants primarily from European countries, as well as from other continents, TNSP of the *Oglála Lakóta* are still being interpreted primarily from these differing points of view.

...professional Euro-American cultural resource practitioners, the so-called disciplinary experts, dominate the field of historic preservation. From a Lakota perspective, these practitioners often appear to view the field as their own professional domain and the exclusive preserve of anthropology. I characterize this mind-set as a form of professional hegemony, where the practitioner's own world view dominates the identification and interpretation of TCPs. (LeBeau, 2009, p. 15)

The current federal legislation and guidelines are inadequate for use by the Oglala Sioux Tribe, namely when trying to protect TNSP and other cultural resources on or near our *Wazí Ahán̄h̄an̄ Oyán̄ke*, and within our ancestral territories and homelands which span hundreds of millions of acres in the Great Plains of today.



Ancestral homelands or aboriginal, they are trying to make a distinction there. Again, that's another tactic. For me, when they talk about aboriginal, I start to think of Australia, and the aborigines. When they say ancestral, that is more in tune for me, it is more for us here, and what we look at for our ancestors. (Dennis Yellow Thunder, personal communication 2013)

The goal is to eventually begin developing a more proactive process from a Tribal perspective that prioritizes our cultural values, preservation goals, and appropriate methods we see most suitable to protect our traditional and naturally significant places. However, before we can get to that, there must be a serious and steadfast critique of our collective painful past in *Milahaŋska*, one that is tarnished with its dealings with *Oglála Lakóta*, and the bands of the *Očéti Šakówiŋ Hčáka*. Again, the intent of my thesis is not to make the non-Indigenous reader feel as if there is no hope, thus creating an atmosphere that there is 'no need in trying.' As well, I am not trying to "*paralyze readers with sadness and regret. On the contrary, the goal...is to 'explore the need to rethink the doctrines' that created these unhappy [memories]...*" (Echo-Hawk, 2010, p. xiii). These memories of this real recent history in *Milahaŋska*, have policies and ethnocentric ideals, especially in the field of CRM archaeology, that ultimately continue to affect us as a people and a Tribe, often in the same ways as it did in the past.

Scholarly and applied studies of traditional cultural properties are skewed in favor of applying Euro-American anthropological methods to investigating TCPs. They identify them through a process of systematic study, which Euro-American scholars deem important and in-line with scientific principles concerning the anthropological, historical interpretation of the past. This leads to ethnocentric practices that have been and remain detrimental to the Lakota. (LeBeau, 2009 p. 15)

During my research, I bring into being added references to which I believe are disturbing enough to bring forward, as they are connected to the origins of archaeology in general. These origins are necessary to shed light on as it relates to colonization of the *Oglála Lakóta* and how the practices of archaeology directly tied into the dispossession of *Lakóta* lands. The goal of my thesis is to begin redressing these problems for my Tribe, with complete confrontation and honest account from a Tribal perspective. My personal perspective confronts current issues (as they directly relate to historical imperialism) in CRM archaeology as perpetuated in *Mílahaŋska*. The *Mílahaŋska* interpreted history does not match our *Oglála Lakóta* knowledge and memories of this same tarnished past, let alone match our values, meanings of significance, beliefs and practices. These issues can and will continue to inhibit growth within this discipline of CRM archaeology if not confronted and addressed.

In this work, I will attempt to illuminate current issues within historic preservation, as a whole, from a Tribal perspective. The OSTCAHPAC Members, as our cultural authorities approved by the Tribal Administration, have been conversed with in a manner consistent with *Lakóta* protocol for building trust before trying to obtain contribution into this work. “*In all anthropological investigations, mutual trust and understanding must be built carefully and sensitively*” (Medicine, 2001, p. 5). Their contribution is provided in this work throughout. There is plenty to discuss with historical dishonesty within *Mílahaŋska* that has prevented a better working relationship within CRM and the Tribes. These problems must be discussed as they permeate in the minds of *Lakóta* today and can serve as a barrier to building partnerships within CRM if not recognized, acknowledged and further prevented today. I do not wish this work to be reduced by my CRM colleagues with an apathetic, unconcerned critical review of this work.

I watched archaeologists discount most of what they heard from Indians as political rhetoric, repeatedly reassuring themselves that if they could just educate the Indians, then, after an epiphany, the Indians would leave them alone to continue sciencing.

The Native Americans, for their part, simply could not believe that scientific curiosity was sufficient justification... (Downer, 1997, p. 23)

Though this particular quote demonstrates a topic addressing the tarnished relationship between archaeologists and Indigenous peoples during the late 1990s regarding Indigenous human remains and grave goods, it was chosen so as to assert that this work is not merely ‘political rhetoric.’ And as you will see throughout this work, there are real, current and similar issues at stake that can either further the gap, or bridge it, depending on one’s own personal and professional choice to be honest, communicate and open the door of CRM equality by partnering with Indigenous peoples.

### **Process Primer**

This initiative is called a ‘primer’ for several reasons. First, because it is meant to stimulate action for the Oglala Sioux Tribe to consider incorporating this work as part of our land management planning. We as a people have trust issues with the federal government, and rightfully so, as this work will illustrate. Secondly, this primer is also meant to challenge the CRM community to diagnose these belabored difficulties for Tribes, such as mine, to fully embrace current federal and state historic preservation efforts to which are not culturally relevant or written in favor of properly protecting the cultural material deriving from the ancestors of Indigenous peoples today.

Deloria did not totally succeed in keeping us away, in fact, social scientists flocked to reservations to document the phenomenon of the new pan-Indianism. He did,

however, impose a test on us—a new standard, which those of us who would persevere had to meet. *Custer Died for Your Sins* became our primer for how *not* to behave, conjuring up the ultimate image of the tiresome meddler we dreaded and desperately hoped to avoid. It made us defensive, in the true sense of the term: we continually had to defend and justify our existence and practice self-reflection and introspection—tasks of self-evaluation critical to good social science. (Deloria, 1997, pp. 36-37)

In viewing this citation, I believe this is what I am trying to do as well, prime how not to behave, namely in the realm of CRM archaeology. This work primes the promotion of traditional strategic decision making with regards to our TNSP. Our diverse *Lakóta* people of this *Wazí Ahán̄haŋ Oyán̄ke* “Pine Ridge Reservation” need the opportunity to provide individual and community-based input, commentary, and the ability to promote alternatives for a holistic and culturally-relevant historic property identification process for TNSP. Once the elders, spiritual leaders, traditional and contemporary leaders, administration, citizens, and cultural preservation authorities feel comfortable with the creation of such a process for the collective Tribal Membership and cultural resources of the Oglala Sioux Tribe...then the full process can be finalized or published into Tribal law.

This work as a primer for an eventual process supports as another step in our own CRM and protection planning, namely as tool and decision-making strategy for integrating our culture. Prior to this, the Oglala Sioux Tribe took another similar step in protecting our cultural resources with the creation of our Oglala Sioux Tribe Historic Preservation Plan of 2009, as amended. This plan provided provisions for incorporation of cultural values and heritage for preservation efforts:

Crucial to the success of the Oglala Sioux Tribe's Historic Preservation Program is the incorporation of the tribe's cultural values. These values include the need to respect and perpetuate the tribe's heritage through the preservation and protection of cultural resources which includes all cultural, historical, and archaeological resources, as well as historic properties, objects, burial site(s), sacred sites, traditional cultural properties, documents, photographs, landscapes, knowledge, language, and traditions. (Preservation Plan, 2009, pp. 4-5)

With this Tribal effort, this thesis is also meant to appeal to the academic and professional specialists within cultural resource management archaeology and policy-makers on diagnosing difficulties within the current federal and state historic preservation field from an emic *Lakóta* perspective. Diagnosing, basically means to identify the nature or cause of a problem, and in this case is the cultural differences when discussing protection of cultural resources to which the *Lakóta* attribute cultural significance. Other diagnosing will occur over difficulties within the current federal and state historic preservation field with limitations to Tribal partnering, true partnerships which exemplify equality in the interpretation of TNSP. There is plenty to discuss with historical dishonesty within *Milahanska* that must be discussed as problems that permeate in the minds of *Lakóta* today with trying to build partnerships within CRM. This cannot be understated, as trust is a foundation to which further work in CRM can be performed. Personal responsibility as a professional within CRM can go a long way in bridging a cultural gap.

...archaeologists have denied the Indian demands as 'merely political' (and therefore somehow not legitimate), while claiming that the data that would be lost are too important a part of the human heritage. Some professionals have attempted to enter

into dialogue with Indian people, which can be useful but is also limited without serious self-reflection on the part of the professional. This self-reflection must involve analysis of the differing worldviews of archaeologists and Indian people before any workable compromises can be reached. (Biolsi & Zimmerman, 2004, pp. 61-62 (1997)]

### **Collective Cultural Cataclysm**

There has been a real, what I term as a ‘collective cultural cataclysm,’ that all Indigenous people on this continent went through at the time of immigrant European contact. The extended event was part of *Milahaṅska* (a majority of government and citizens alike) policies and mindset of genocide, termination, which turned to colonization, and then forced assimilation exertions onto our *Lakóta* people in the past 150 years. Our cultures were devastated collectively as Indigenous peoples on a catastrophic scale. This can never be understated when diagnosing the problems of Indigenous and non-Indigenous peoples, up to the present day. We, as Indigenous peoples of this continent, are still trying to cope with this cataclysm today. This has had long-term effects on how our people trust (or distrust) the non-Indigenous folks who represent the *Milahaṅska* interests. These interests can be represented through work in CRM unfortunately at times by promoting projects on lands that disturb or destroy places that Indigenous peoples hold as special. There is a continuum in this divide on whose interests are most important, the national or those of the Indigenous peoples. History shows that unfortunately for Indigenous peoples it is often their needs that are not of concern. On the other hand, the interest of the nation (as we Indigenous remain a minority of minorities in this country and have little to no political influence today) is most pursued, such as fossil fuel extraction, natural resource exploitation, and economic development to name a few as examples. This too cannot be

understated, that trust is at the forefront of federal undertakings when Tribes are afforded a voice in the historic preservation process. Trust is a foundation to which future work in CRM with the Oglala Sioux Tribe has an opportunity to develop.

### **Solutions Pursued**

As well, this work focuses on several opportunities for change and proposed realistic solutions but should not be considered to be a fix all, or even a model step-by-step guidance. Instead it is written as a way to expose the denial around outdated *Milahaṅska* doctrines that created a horrid historical legacy with the creation of *Milahaṅska* itself, and archaeology as a discipline directly dealing with our *Lakóta* identity today to which the continued displacement of archaeological material from sites for the mere purpose of allowing a federal undertaking to proceed. Our *Lakóta* identity is directly tied to the land, and every time this cultural material is displaced or destroyed, so in turn is our identity to this land. We must ask ourselves if this is a subtle systematic erasure of Indigenous identity to *Milahaṅska* altogether.

Today, laws are what primarily guide a discipline, such as archaeology. Though archaeology has laws today, it took some evolving to get to this point, as archaeology has not always had laws in place to guide its actions. This aspect will be discussed more later in this work.

...term ‘compliance’ archaeology (cultural resource management) and its legislated background... Those archaeologists who practice compliance archaeology are more regulated by federal laws and procedures in the practice of the craft, whereas private or academic (‘pure research’ orientated) archaeologists have fewer constraints placed on them regarding a project. (Watkins, 2000, p. xi)

This can be detrimental to Indigenous material on and in the land, to which described above becomes displaced from its original location, which causes a destruction of evidence of Indigenous habitation or existence now that the material is in display cases or worse even, in storage cabinets. There are written records for this displacement and destruction; however, what good is that to Indigenous peoples who are trying to regain their very identity in *Milahaṅska*? Some of the primary problems discussed here serve as an appeal, an insistent petition, to the CRM academic and professional community to recognize that many issues revolve around the control of the archaeological record, methodologies, interpretation, and criteria for significance (to name a few), as it relates to protection of Tribal cultural resources (not archaeological finds).

Perhaps it is only coincidental that, until the 1969 publication of Vine Deloria Jr.'s book, *Custer Died for Your Sins*, Indigenous peoples shared an uneasy truce with anthropology and its subdiscipline of archaeology. Very little appeared, at least in print, that could be interpreted as an opening salvo in a battle over control of culture or cultural artifacts. (Watkins, 2000, p. 3)

Unfortunately, one can find hundreds of literature and volumes of ethnographic reports of both favorable (but predominantly unfavorable), interactions between Tribes and *Milahaṅska* (both government and citizens). Has *Milahaṅska*, (to which is primarily of non-Indigenous lineage) along with one of its newest fields of study, archaeology, quite possibly forgotten these unfavorable interactions with Tribes in our collective history? If one answers 'no' to this question, then is this a reason for avoiding current interactions because one fears taking that step towards taking that on? Or could it be to retain this seat of privilege and authority? Maybe most have not, and I am under some illusion that our Tribe has just yet to find the right professionals to work with. As Medicine (2001) stated, "...professional anthropology whose vision



*historically has been focused through the lenses of non-Native folk, who—however keenly perceptive, partially ‘objective,’ or well-intentioned – have dominated the privilege and authority to write, interpret, and theorize North American Indian culture”* (p. xv). This unfavorable relationship unfortunately has persisted into today in many ways by being professionally and academically exclusive, to the point of being elite, when it comes to archaeological studies, excavations, interpretations, identifying and recording of historic properties, research designs, methodologies, findings, and final determinations for potential inclusion into the National Register of Historic Places...to name a few. As Watkins (2000) described:

... and scientists began to see the need for cooperation. Individual archaeologists such as Elden Johnson (1973) and Roderick Sprague (1974) called for the development of working relationships with American Indian groups, but, in general, the profession of archaeology seemed to remain distant from those whose ancestors they studied. (p. xi)

In working in CRM myself for the past 8 years, I have found many unfavorable conditions to which Tribes are subjected to work within, namely in federal undertaking consultations with Tribes. These Tribal professionals are walking into a new work environment without the proper tools and resources, all the while trying to protect what we believe is critical and significant with our collective cultural resources. I have witnessed the frustrations of my relatives working for their own Tribal Historic Preservation and Cultural Preservation Offices on behalf of their respective Tribes, with the apathy and indifference of the CRM community, federal and state employees, placed on Tribal interpretations for sites. This indifference causes folks to turn their backs on the Tribal cries for avoidance of say a spiritual site. The existing

system is not meant to fully protect our Indigenous cultural resources, but instead only to consider them during planning and development. This is a huge limitation to Tribal professionals who sit at the table to consult! And it is difficult for Indigenous folks to not construe this apathy into a possibly mistaken racially charged discrimination against Tribes. Tribes' only endeavor is to protect what little we believe is remaining in the lands that we have been forced to be displaced from, which still hold our identity in it. This has occurred ever since European development on our homelands began just merely 150 years ago.

I have experienced a lack of good faith exhibited with consultation efforts firsthand many times, not only by the project proponents and their hired environmental or cultural resource consultants/firms, but also the federal and state agency representatives/employees along with their duty station staff (of anthropological and archaeological professions). This lack of good faith is exhibited by the act of changing documents after consultation with Tribes, doing so without the consensus of Tribes, and excluding (or limiting) the Tribes in the identification, recording and evaluation of our ancient cultural resources as primary examples. These issues are at the helm of the frustration that is being presented by exposing it in this work, all the while pleading for changes within CRM to solve these problems.

Historic preservation efforts are often only triggered with the initiation of development projects which most often include ground disturbance. This in itself creates a reactionary process to be enacted by the Tribes. It is known based on all the other development in the Great Plains, that a majority of these development projects cause destruction, degradation, and displacement of our cultural resources. The proponents of these projects derive from industries, corporations, businesses, all forms of government (federal, state, local) and private sector ...to which primarily are non-Indigenous peoples if one looks at the general representations. Most

Indigenous peoples today do not venture into these capitalistic pathways (though some would argue with me on that), as it is not culturally relevant to obtain for self-gain or profiting financially when it does not support the greater good of the Tribe. So, these projects produce problems, often bringing up old unresolved problems to the surface. What occurs is that CRM and Tribes are left to be at the table to deal (consult) on the projects' impacts to cultural resources, thus are left to also somehow deal with these unresolved problems, grievances, and injustices in our socioeconomic history. This is what I have witnessed, and what I will refer to as the 'cultural barrier', which basically means there are two different cultures coming together who often have different values, mores, and beliefs.

If the cultural barriers are not addressed in this work, then I will not have done a service to this entire work. By not mentioning that there is insufficient and unfair partnering in CRM between the professional, academic community with the Tribes, I would not be telling the truth. The reasons for not doing so could be too numerous to name in this work, but I will attempt to take notice of the few that I have had experience with, while also pointing out positive partnering that has occurred that can serve as a model for others to follow. By demonstrating a few positive CRM actions and partnering as examples of how some are keeping this ever-evolving discipline moving in a positive direction, though at a slower pace than expected by Tribes, we can together bridge the cultural barriers that are in place that hinder good faith CRM work.

This tarnished *Milahaṅska* past and history, as I term it throughout this work, has always had opportunities to heal its relationship with Tribes, namely with the Oglala Sioux Tribe. However, many do not see the opportunity so clearly. And in my expert opinion, *Milahaṅska* has taken minimal steps in that regard to healing its relationship with Indigenous peoples. Legislation within the federal and state governments is extremely limiting for affording the full

protection of identified TNSP by Tribes; very limited Tribal participation in archaeological studies and excavations (federal, state, other), their interpretations, during the identification phase and recording of historic properties; development (or inclusion) into research designs; and finally in the overall methodologies, findings, and final determinations.

As we would know, a vast majority of the archaeological record is ‘prehistoric’ (10s of thousands of years’ worth) compared to the ‘historic’ (past ~150-500, depending on the geographic region Europeans made contact with Indigenous peoples to create their own material culture), we, as a discipline need to change this in order to truly uphold the trust and support of the public (primarily the Indigenous peoples as this work focuses on). As Swidler et al. (1997) stated:

The relationship between archaeologists and Native Americans has been lopsided from the inception of American archaeology as a discipline. Although archaeologists study the past and, by doing so, study the history of Native Americans the opinions and traditional history of Native Americans are often left out of archaeological interpretations. Generally, archaeologists do not consult Native Americans during the development of research designs, and the information gathered is inadequately disseminated to the Native American descendants of our study populations. This lack of communication has only led to further impasses. (p. 12)

Importantly, Nelson (2008) noted that “*When anthropologists partner up with Native Peoples in those struggles to protect their land rights and sacred places, they can be very powerful and important allies*” (p. 104). Though much of this work highlights the tarnished relationship between archaeologists (anthropologists alike) and Indigenous peoples, it is important to understand that from a *Lakóta* perspective, the relationship has not always been

something of equality. I recognize the evolution of the discipline in some regards, but still see there is a long way to go to recovering this relationship that has not always been a positive one for the Indigenous peoples. When one does not start out as the minority, the disempowered position of the two sides, it is easy to point out the positives of today's practices. But when you and your people do start out in this relationship as the marginalized side, you start to see that the other side is not playing fair and you have no choice but to point out the negative realities in order to push for acknowledgement. Acceptance and change come later. These realities can sometimes offend the profession but is not meant to offend the person.

Finally, as provided throughout this work, there is an assertion of creative solutions to these problems and difficulties from an emic *Lakóta* perspective. So, I propose in this work that the CRM archaeology and community (namely tribal, federal, state, contract, museums, research, and educational institutions) take that lead as we are all dealing with the material culture and interpretations within CRM. This could serve as the platform for which differing cultural views and values can find common ground. Quite possibly, this shared duty and professional obligation can have lasting effects towards race relations, cross-cultural sensitivity, and ultimately...the full protection expected and promoted by Indigenous peoples with our collective cultural resources here on the Great Plains.

## Chapter 2: Lakota Perspective and Methods

### Wazí Aháŋhaŋ Oyáŋke

This chapter illuminates the perspective of my *Lakóta* people here on the *Wazí Aháŋhaŋ Oyáŋke* “Pine Ridge Reservation” in more detail as eluded to in Chapter 1. The goal here is to propel this inimitable perspective onto the reader in a practical manner, yet retain the emic value as intended throughout this work.

As background on where I reside, I provide the following to allow the reader to gain a perspective of where this is, and why. The *Očéti Šakówiŋ Ĥčáka* are also known by some as the ‘Great Sioux Nation’ (term used in the 1868 Fort Laramie Treaty), which comprises of the confederation of *Lakóta* and *Dakóta* bands (often today still referred to as Sioux Tribes) of our *Khéya Wita* “Turtle Island, North American continent.” There are *Tínte tá túŋwaŋ / Tínte Ošpáye Očéti Šakówiŋ* which the *Oglála Lakóta* originates from and are related to. The *Oglála* Sioux Tribe (federally recognized name), also known as the *Oglála Lakóta Oyate* (*Oglála Lakóta* People) are primarily located now on the *Wazí Aháŋhaŋ Oyáŋke*, also called Pine Ridge Agency (established in 1878 as a Bureau of Indian Affairs reference) located in southwestern South Dakota, just south of the *Ĥesápa* “Black Hills.” At approximately 3.4 million acres within the original exterior boundary, it is the second largest reservation in the U.S., and larger than the states of Rhode Island or Delaware. The total population of the *Wazí Aháŋhaŋ Oyáŋke* varies from 28,000—48,000 depending on what report is referenced such as the US Census, Housing and Urban Development housing figures, the Tribal enrollment numbers, or the Indian Health Service numbers. Often this is difficult to accurately determine, due to the vast area *Wazí Aháŋhaŋ Oyáŋke* covers, the number of Tribal members living off-reservation at different times

of the year or permanently (Indian Relocation Act of 1956), and the remoteness of many homes and families residing in this rural area.

The northern portion of the reservation contains the Badlands National Park located within the Badlands geographic area. Nebraska lies to the south of the reservation, and on the east side lies our *Sičáŋǵu* “Burnt thigh” relatives of the Rosebud Reservation. The *Wazí Ahánhaŋ Oyáŋke*, as it is today, encompasses three counties, the entire Shannon County, the southern portion of Jackson County, and the entire Bennett County. Politically, the reservation is sub-divided into nine political Districts, with representation of members seated on the *Oglála* Sioux Tribal Council. These Districts include: 1) Eagle Nest, 2) Pass Creek, 3) LaCreek, 4) Medicine Root, 5) Porcupine, 6) Wounded Knee, 7) White Clay, 8) *Wakpamni*, and 9) Pine Ridge.

The 1868 Treaty of Fort Laramie with the United States created the Great Sioux Reservation. Originally, the boundaries of the Great Sioux Reservation included all of present-day western South Dakota from the east bank of the Missouri River to the west where the present-day Wyoming border is. There are additional unceded lands of the Great Sioux Nation, which extended further west into present day Wyoming up to the Yellowstone River, down south well into Nebraska to the Platte River. These unceded lands are not encompassing of the entire ancestral territory and homelands of the *Lakóta* and *Dakóta*, as these areas were not considered when making the Treaties. This in many ways is seen as extinguishing our right to inhabit, hunt and travel on lands we have always known as our homelands, essentially computing to having lands taken away.

## **Nation Built on Genocide**

Unfortunately, I will not go into a lengthy (though much-needed) chronicled narrative history of this parcel of land we now reside on called a reservation in this chapter. As well, I will not describe in detail the atrocious interactions and armed conflicts with the *Milahaṅska* “America, United States” (though a sense of obligation remains). However, I will provide a few examples for the reader to consider while acclimating to this viewpoint.

The UN Genocide Convention lists “killing members of the group” as an act of genocide if it is ‘committed with intent to destroy, in whole or part, a national, ethnical, racial or religious group.’ Did such killing occur in the United States? Thornton estimates that 150,000 to 500,000 Indians were killed between 1492 and 1894. In this 400-year period, these deaths resulted from: (1) 40 wars between the United States and Indian tribes or bands...(2)...including systematic slaughter of Indians by settlers...(3) intertribal warfare prompted in part by European or American involvement in tribal affairs or warfare among Europeans and Americans for continental hegemony. Indians were killed intentionally in the military conflicts—that was the purpose of those campaigns and both combatants and noncombatants alike were slain. Colonial and territorial governments urged whites to kill Indians by paying bounties. (Echo-Hawk, 2010, p. 411)

There is an abundance of research to be had to identify such horrific events in *Milahaṅska* written history; however, much of it is difficult to find. However, if one was to have the courage to conduct interviews with *Lakóta*, tirelessly search for open-minded and fair literature, ascertain hidden historical society’s documents in archives, and obtain other similar references, these could do a much better job explaining these details. If one was to actually do a



proper research of our *Lakóta* history from our point of view, there would definitely be a true and accurate version told as compared to what is taught in the *Milahaṅska* education system and text books chosen across this continent today teaches. Such interviews have occurred in this work, beginning with my uncle Wilmer Mesteth, a well-respected leader and instructor at our Oglala Lakota College, discussing colonization followed by the signing of the Fort Laramie Treaty of 1851 in his own words.

It began with the emigrant route, this was all Indian Territory from the northern plains to the southern plains, beyond the border of the Mississippi, and the first invasion was immigrants crossing on this northern Pacific route. First the immigrants were trying to get to California and then they wanted to put the forts along the way to protect them and they wanted us to be peaceful people amongst each other, the Tribes, because we were warring tribes at that time. Tribal warfare was still taking place during that time, so they devised this treaty to create peace amongst the tribes and to allow them to have that road through our country, and that was the 1851 treaty and that's all that was. Another thing it did was they coaxed the tribes into signing that treaty and designating, and at that time I don't think the tribes really understood their intent. So, what happened was they ended up using boundaries, natural features, like rivers, mountains, and things like that. (Wilmer Mesteth, personal communication 2013)

Initially these Treaties were considered at their signing, to be honorable agreements between the *Oglála Lakóta* and others of the *Očéti Šakówiŋ Hčáka*, with the *Milahaṅska* to cease war, while providing safe passage ways for the new colonizers (settlers, miners, military), and later to cede and acquire more and more (and more) lands from the Indigenous peoples. For

most *Oglála Lakóta*, there may have been a sense of trying to begin a new existence, under dire circumstances all the time. Initially though, we were trying to be a good host, in the hopes there would be mutual respect given for our hospitality, but that quickly got taken advantage of by abusing the limited passages allowed through our territory.

We have had monumental amounts of lands taken illegally and under duress during and following the Indian wars of 1776 to 1890. For the *Oglála Lakóta*, the single most significant area taken by the U.S. government was our beautiful, majestic *Ĥesápa Wakáŋ* “sacred Black Hills.” Our *Ĥesápa* is part of a shared occupancy amongst the *Tínte tá túŋwaŋ* / *Tínte Ošpáye Očéti Šakówiŋ*, as well as other ancestral territories and homelands. These are all part of hundreds of millions of acres taken and remain as an unresolved grievance. Beginning in the 1800s (1851, 1868 Fort Laramie Treaties), several documented Treaties were entered between the people and bands of the *Očéti Šakówiŋ Ĥčáka* and the *Mílahanška* government. Each new Treaty signed and agreed upon, the *Lakóta* and *Dakóta* people lost more and more lands, lands with millions (possibly billions) of *Lakólyakel waŋkátuya yawá owáŋka*.

We as *Lakóta* have nothing to hide in telling our side of history, whereas *Mílahanška* does, thus writing history from their point of view primarily. So, in looking back in history, from this emic viewpoint in this work, it is evident the best effort to put forth by *Mílahanška* was first the attempt of genocide. Many people new to this continent saw opportunities abound, especially when seeking what they believed were free lands out west. On the government side of *Mílahanška* the pursuit was to get what all developing colonizers deem as necessary to its nation-building conquest, and that is the exploitation of land and resources away from the Indigenous Peoples original to this continent.

...when heated rhetoric calling for the extermination of the Indian race could be heard from military spokesman, the press, civilians, and government officials. The Rocky Mountain News, for example, issued an editorial in 1863 urging the extermination of the Indian race: 'They are a dissolute, vagabonish, brutal, and ungrateful race, and ought to be wiped from the face of the earth.' In such a climate, the unlawful killings committed by soldiers, militia, and civilians were acts of genocide. (Echo-Hawk 2010, p. 411)

This helped fuel the fire for the killing of the *Lakóta* and other innocent Indigenous peoples, during encounters occurring at the time of encroachment. There was much deceit in the open killing of innocent *Lakóta* elders, women and children that demonstrated to our people that we could never trust such a people of control and power, with such a strong sense of ownership of property, who commit such horrifying acts on humanity. There is no end in sight to the rampage, is what many of our oral accounts tell us. There is a hole in these people that can never be filled, and they will resort to lying, cheating and stealing; always be on your caution, is what many of our teachings are growing up.

Later, when genocide was not as popular as they anticipated, next was to attempt to assimilate us into their culture. Included in this movement was instituting policies for mass land theft. Indigenous peoples were thought of as inferior anyway, so it was easy to move westward across our homelands in pursuit of their own happiness and prosperity. I believe this quote by the Dr. Martin Luther King, Jr. exerts a perspective not often stated here in *Mílahąska*.

Our nation was born in genocide when it embraced the doctrine that the original American, the Indian, was an inferior race. Even before there were large numbers of Negroes on our shores, the scar of racial hatred had already disfigured colonial

society. From the sixteenth century forward, blood flowed in battles of racial supremacy. We are perhaps the only nation which tried as a matter of national policy to wipe out its Indigenous population. Moreover, we elevated that tragic experience into a noble crusade. Indeed, even today we have not permitted ourselves to reject or feel remorse for this shameful episode. Our literature, our films, our drama, our folklore all exalt it. (King, 1964)

Assimilation has affected most, if not all, *Oglála Lakóta*, in one way or another, over the past 150 or so years now. As alluded to in Chapter 1, we as a cultural group, have been impacted by what I term, a ‘collective cultural cataclysm’ during this time of early encounters of Europeans. ‘Collective cultural cataclysm’ basically means, that ‘collectively (as the *Lakóta* Nation), we have all as a collection of Indigenous peoples been impacted by the Euro-American culture (not of our own), and ultimately...it has been a ‘cataclysm’ (devastation, as it is in war) for us because it is foreign to our ‘primal core values’ (natural world beliefs). Of course, this is only true in some of my people...not all. Then again, that is the beauty of it, no matter how much this new (foreign) colonizing culture has tried (consciously or not) to integrate us into their culture (and beliefs), we can proudly say that we still have so much of our own ‘primal core values’ intact that cannot be erased, ever.

### **Colonialism**

Regrettably, the version of history that we are all taught in K-12 education is geared towards the narrative of the colonizers, those who have controlled the pen and typewriter as they say. In order to change this, we need to discuss and hear out other perspectives, no matter how difficult that may be to swallow. Regardless, this work addresses many issues, including how our history has turned our modern conditions on the reservation into the mess it is today.

Colonialism is a political and economic institution devoted to a one-way transfer of all forms of property from Native to non-Native hands. The very purpose of colonialism is to extract land, resources, and wealth from colonized lands...that even included the appropriation of Indigenous dead, grave contents, and other moveable cultural property taken from Indigenous communities. The hard evidence lies in the British Museum, Smithsonian Institution, the Louvre, and other large museums of the colonizing powers, which are filled with dead bodies and cultural patrimony seized from colonized lands. (Echo-Hawk, 2010, p. 245)

Reality is, the colonization of our lands has limited our jurisdiction within the CRM realm, enabled the socio-economic issues to persist, ignores the horrifying statistics: mortality rates, substance abuse, suicides, violence, unemployment, and many, many other realities here. The brutal interactions my people have gone through in the last 150 years with *Milahaŋska* will be evident in how I present in this work. My words will speak for itself to the distaste I have for what happened to my *héktaŋkiya wičóuŋčáge* “ancestors,” and how I see these colonizing practices still being practiced systematically through the federal processes for undertakings in CRM work, whether intentional or not, there is still an unfair interaction and result occurring between Tribes and those representing the *Milahaŋska*, such as federal agencies as well as project proponents seeking federal permits or funding. Though I truly believe this torn history should be afforded in this work, I realize it is a thesis within itself to try to describe, let alone attempting to relate how it relates to today. Instead, let us keep in mind the saying, if we do not pay attention to the lessons of the past, history will indeed repeat itself. I fear this is happening to some degree today, in a subtle and often indistinguishable manner.

U.S. Congress illegally took additional lands by 1877 through the General Allotment Act or Dawes Act. This horrendous Act sought to break up the shared or collectively held Tribal lands to individual family holdings, such as to the heads of family or heads of households. This in effect allowed for selling of these holdings to non-Indian colonists by these heads or their heirs. This was also meant to assimilate us into a life of farming and ranching, as well as to force us the value of private property which of course was foreign to us to think of *Uŋčǐ makǰá* in terms of property. Ultimately, the goal was the disbanding of our *Lakóta* culture of kinship and communal living, a push for the vanishing of reservations altogether (homelands altogether), and to blend us with our colonizers. Undeniably, this Act was not sanctioned or agreed by the Great Sioux Nation as required by Article 12 of the 1868 Treaty, calling for the consent of three-fourths of the adult males of the Tribes. Ultimately, U.S. Congress ratified the 1876 Act in February of 1877, taking our *Ĥesápa* from us, while extinguishing our hunting rights in the unceded territory. With this annexation of our *Ĥesápa*, it is known that George Washington Manypenny, the appointed Chairman of the commission who knew they were unsuccessful in obtaining the Article 12 requirement for consent of the *Lakóta* to relinquish these lands and rights was quoted as saying, “*I know of no other instance in history where a great nation has so shamefully violated its oath.*” The commission’s report to Congress elaborates with this statement and underscores the commission’s lack of power in the entire process as provided by the Bureau of Indian Affairs Annual Report of 1876:

Our country must forever bear the disgrace and suffer the retribution of its wrongdoing. Our children’s children will tell the sad story in hushed tones and wonder how their fathers dared so to trample on justice and trifle with God. (Report of the Sioux Commission, 1876. p. 347)

By 1889, President Benjamin Harrison declared the Sioux Agreement or Sioux Bill of March 2 to be in effect according to terms in Article 12 of the 1868 Treaty even though the documents produced by the 1889 commission headed by George Cook were unsubstantially produced as official acceptance of our people. Let us note that this occurred right before both South Dakota and North Dakota were considered states. This ultimately partitioned the Great Sioux Reservation into separate, much smaller land bases or sub-reservations, as well as said above, the illegal (broken stipulation in the 1868 Treaty by the U.S.) taking of our *Hesápa*.

No historical development has had greater impact on the history of this state than the transfer of land from tribal control to non-Indian ownership and the aftermath of that transfer. Due to the complexity of the matter, most historical literature offers scanty explanations and perpetuates misunderstandings regarding the way in which the land issue affected Indians. Similarly, this lack of detailed historical explanation denies readers of all backgrounds appropriate access to knowledge about a complicated development that has had long-lasting influence on all residents of the state. A better understanding of the present attitudes of American Indians must include a sharper perception of the ownership and use of land in the past. (Hoover, 1989, pp. 57-58)

This mass land taking was all for the sake of the colonizers' version of promoting civilization (their worldview of that) to coax us into a sedentary, agricultural lifestyle totally foreign to us. This in turn, in the eyes of the colonizer, "*reinforced the belief of officials that an existence supported by annuity rations on large tracts of land 'encourages idleness and perpetuates pauperism'*" (Hoover, 1989, p. 64). Again, this was part of the 'collective cultural cataclysm' that our people were forced to cope with such as, but not limited to, foreign ideals of farming, of owning individual property, of being restricted from certain traditional hunting

grounds, of being displaced from sacred sites of prayer and gathering...all the while facing unrelenting acts of war on us in our homelands. But this will be discussed in more detail in subsequent chapters of this work regarding places which hold religious significance to Tribes.

Though I may often refer to shared experiences with other bands and Tribes, namely with our relatives within our *Očéti Šakówiŋ Hčáka*, in the examples I use, my personal experiences with CRM are primarily based in what I have seen the Oglala Sioux Tribe and our Tribal Cultural Affairs & Historic Preservation Offices' involvement in. These experiences have been and continue to be extremely problematic in implementing these federal historic preservation laws and guidelines as they often contrast from our *Lakħol wičhóh'aŋ* "Lakóta customs and traditions/way of life." The remaining *Wazí Aháŋhaŋ Oyáŋke*, along with other relatives' reservations, including the Rosebud, Lower Brule, Cheyenne River, Standing Rock Sioux Reservation, Crow Creek, Sisseton, and Yankton are all that is left after the continued violations of the 1868 Treaty of Fort Laramie today. But in our worldview, regardless of how many times the *Milahaŋska* has blatantly violated and broke the stipulations of said Treaty, we as *Lakóta* still uphold our side of this peace agreement. These Treaties are still in effect today, regardless of the common misconception and misguided understanding that they are outdated documents. The funny part of that statement is that the Treaties were built on the United States Constitution, to form treaties with sovereign nations, to which the *Očéti Šakówiŋ Hčáka* remains today. The *Wazí Aháŋhaŋ Oyáŋke* seen today and experienced was not always so, there is a recent past that begs to be explored. Not always were the *Oglála Lakóta* located and residing in this sedentary lifestyle on a reservation, trying to exist in this new society not of our own. No matter how much oppression is pressed upon us, we will never allow for the total dismemberment of our perspective of this tarnished history.



## Diverse Worldviews

For me as a *Lakóta*, I was instructed to embrace a worldview which is to accept what is given as gifts and opportunities in life, and make the conscientious choice to make your life what you want it to be, and if you are going to ask something of *Wakáŋ Tánka* “Creator” and the *naǵí* “spirits,” then you better be prepared to meet those *wóčekiye* prayers half way. This means that if you pray for the protection of the *makhóče* “land”, our *Uŋčí makhá* “Grandmother Earth,” and all that lies within her (inclusive of our *Lakóta* TNSP and other related cultural resources), you must be willing to place yourself on the line in order to see that your prayers are carried out for them to be actually answered. One cannot merely sit back and complain about all that is wrong, one must come to the table with solutions, no matter how hard it is to be there, with prayer on the mind. In this case, the table being discussed is the consultation table on federal undertakings, to which profound discussions are held between the Tribes’ cultural authorities and professionals with the federal government’s CRM representatives. It is the way the federal laws are written, in order for Tribes to be at this table, they must not only discuss the potential for displacing and destroying their TNSPs for the sake of a ground disturbing project, but they are expected to bring solutions for mitigating the impacts and effects to these vulnerable cultural resources. This is extremely difficult, often times impossible to be at this table, and to be expected to ‘go along’ or concur with what is proposed in order for the project to proceed as planned by the project proponent. So, when this forced consultation, as an only avenue in the federal process to be heard is upon us, we must find an inner strength deriving from our *héktakiya wičóuŋčaǵe* to meet this challenge head on.

A central theme in my thesis is to begin the process of redressing problems such as these for my Tribe. While much of what I present may appear to be offensive to some due to the

assertive nature of my presentation, even the nature of its delivery is to expose real barriers in CRM. Though offensive, there is always an opportunity to have these barriers bridged, as well as to have this work taken seriously, especially if one starts to feel defensive. This effort may, ...unsettle non-Indian readers. Reading the author's forceful critique of the justifications that tried to give legitimacy to a settler's state's practices of invasion and conquest or learning of his reasons for interpreting Indian history in terms of genocide, some readers may find themselves slipping into defensiveness, and emotion that may, actually, be a welcome sign of taking the book seriously. (Echo-Hawk, 2010, Forward xiii).

These barriers are what I refer to as 'cultural barriers' rather than using commonly heard terms like racial discrimination or paternalism (which I believe does occur still in 2013). While this example of correlating terms remains relevant in the discussion, namely throughout this thesis, my intent is to educate on the unpopular topics. This education is being done all the while trying to help broaden an understanding of our *Oglála Lakóta* based cultural beliefs and practices that is relevant for us even today.

The approach in which I write in this work, is the same manner that I think and talk. I cannot write about these items of discussion without some amount of authenticity. It comes from teachings that I grew up with in my extended families. We, as *Lakóta*, respect and strive to remain in balance with all of our other relatives of the Nations of the flying, crawling, underground, four-legged, swimmers, plants, trees, medicines, waters, and the other two-legged like us of different languages, cultures and backgrounds. What we strive to do is to honor our *héktakiya wičóuŋčage* and what they taught by providing insight to others who may and do not know, about special places and sites we connect meaning and belief with ('religious significance')

according to most federal and state regulations). Often, what is misconceived is that we as Indigenous peoples merely hold a ‘religious’ connection of significance to the landscape,

‘Religion’ in the original sense of the Constitution means the various Christian denominations, whose members and clergy had been active in religious persecution in Europe and who might, given some authority, repeat tyranny in America. (Deloria, 1997, p. 14)

In our *Lakóta* worldview, there is no such thing as ‘religion,’ instead only a *Lakóta* ‘way of life’ and spirituality. This way of life is expressed in everything we do, our actions, behaviors, thoughts, responses, and deeds.

This way of life is an innate and ancient connection to the land, because we are the land. She (earth) is our *Uŋč́i makǎ́há* “Grandmother Earth” and has all of our *héktakiya wičóuŋčáge* and their belongings (material culture and cultural patrimony) with her. We are honored, while obligated to protect and preserve so that all may live, namely our collective TNSP. Reality is, our *Lakóta* world, namely the world in which we live today, this sedentary lifestyle (compared to our historical traveling lifestyle) remains a struggle for us collectively to this day. Though we have tried every possible way to formally adapt to this new lifestyle, the past way of life the way our ancestors lived prior to European contact, is still alive in our hearts and memories. These memories, and teachings, are talked about on a daily basis as a template for good living today; however, we do not have the same freedoms and human rights we once had. I look at this as historical grief that we have not truly found a way of releasing that part of us because we know how beautiful our life was prior to European contact. There is an emotional element connected to the issues we believe we still face today as part of the aftermath of those wars we had with the United States and its new colonizers to our part of the country in the Great Plains.

Today, many Americans question why they should be held responsible for the actions of their ancestors. Of course, Indian people ask why Indians should have to suffer the consequences of those actions. Archeologists might also wonder why they are held responsible for these past injustices. They might wonder why they are being restrained from pursuing their valuable scientific research just because Indian tribes insist that they must have meaningful involvement in management decisions.

(Forsman, 1997, p. 109)

This same historical grief is found in many Indigenous communities today, in their own geographic regions, and is not something that goes away merely because we assume it should be by now in 2013. Finding ways to mend this historical grief is a remarkably huge challenge that we all have a responsibility in, even those of us in CRM as we are dealing with cultural resources that repeatedly cause this emotion to rise again, and again. It is the dishonest acts of the United States government that we are still dealing with today.

Honesty to me is so great a value that all people should make it a custom as long as we are in this world. It is one of the foundations that could bring about peace. Even a powerful nation like the United States is sometimes lacking in honesty. The U.S. government, if it were honest, would uphold the treaties that it made with Native Americans. (Catches, 1999, p. 94)

These are the words of one of my great-grandfathers, Pete S. Catches, a well-known *Lakóta* medicine man and healer by the name of *Pétáğa Yuhá Máni* “He Walks with Hot Coals.” His words and message, like many of my other grandfathers and grandmothers, are representative of an ongoing injustice in *Milahaṅska*, yet his determined sentiment echoes in my heart, just like it is for many of the *Oglála Lakóta* still today in 2013. This echo, as I put it, will continue in

perpetuity because our worldview is passed on orally. We are but caretakers of this knowledge, with a responsibility to pass it on. That is an honor when we really consider the magnitude of our unique worldview.

### **SCSU Institutional Review Board**

The few valued individuals who provided the crucial, initial combined knowledge will retain their information, not to be owned, copyrighted, or construed as anything else other than their own intellectual property. In providing any information, the participants have been informed that what they share will be paraphrased to protect their integrity and personal self. In no way will this information provided by these *Oglála Lakóta* be utilized for any personal gain by me as a graduate student, as I have diligently, along with my advisor Dr. Mark P. Muñiz completed the training modules and subsequent Institutional Review Board (IRB) application process required by the St. Cloud State University (SCSU).

Thanks to my Committee Members, *Iyekiyapiwiŋ* Darlene St. Clair and Dr. Kelly M. Branam, and their recommendations for proceeding through this IRB process during my Preliminary Thesis Conference, as of May 9, 2013, the IRB application determination was provided an Exempt status, in accordance with federal regulations.

### **Consent Form**

As part of the SCSU IRB process, as indicated above, a consent form (attached below) was required as part of the IRB application to the SCSU Office of Sponsored Programs, Administrative Services 210 in order to proceed with the research I was conducting in conversing with ‘human subjects’ for obtaining complimentary interpretation to support the embodiments proposed in this project.

I have provided all the individuals agreeing to be a part of this study a consent form that provides all the necessary information regarding protection of their rights and information, as well as the background for this study. I was able to re-emphasize to the *takúye* (relatives) the importance of retaining a certain amount of confidentiality so they are contented with sharing what they are comfortable sharing. I respectfully reminded them that certain information they revealed will only be used in an *Oglála Lakóta* culturally appropriate way and is retained as the property of the *Oglála Lakóta* collectively as a result, for generations to come. This they already knew, as they did about many areas. Not that I was surprised at the wisdom through the whole process, but more impressed on the amount of sharing they provided during our conversations. Again, for this, I am most appreciative and honored.

### **Conclusion of Methods**

This concludes the ethnographic interview methods, as it describes what was completed and how I chose the *takúye* and why. I described the primary objective of the study, and that final commentary will be provided from these conversations in the Findings chapter, as well as throughout the thesis.

If there were any improvements that I could add to this work, it would be to have found ways and the time in a short semester of incorporating more *Oglála Lakóta* into the study to hopefully gain even more collective accounts on what *Lakólyakel waŋkátuya yawá owáŋka* are, what they mean, why they are so significant, and how we move forward on identifying and documenting these locations and their content should we decide as a people to do so. This is something that will have to be decided by the people, the *Oglála Lakóta Oyáte* as well as our relatives from our collective *Očéti Šakówiŋ Hčáka*.

## Two Worlds

*Aṅpétu kiṅ óuṅ núṅpakiya maúṅnipi ča teḥíke* “Today we walk/live in two worlds and so it is hard.” This is something we, many of us as *Lakóta*, all grow up hearing at one time or another living on the *Wazí Aháṅhaṅ Oyáṅke* and even for some who grow up in an *Oglála Lakóta* home off of the reservation as well. Our reservation is not that old (1889), about 124 years as of 2013. We are not that far removed from a way of life, a lifestyle that is still evident in the memories of our elders today. These memories are what bind us to that old way of life and help us to retain our very identity. To live within two worlds is extremely difficult, this cultural pluralism, is often confusing as a *Lakóta*. It means we first retain our *Lakóta* identity, which essentially interprets to remaining, believing, and practicing our own way of life as it was taught since time immemorial. Then to add to the mix of confusion, the last 150 years or so, we also have been exposed to and forced to adopt to a lifestyle which is different culturally, with a variety of worldviews.

As an insider, I bring my own emic perspective, our *Lakóta* worldview, and have chosen the topic of *Lakólyakel na ečhákel waṅkátuya yawá owáṅka* because it is different than the term ‘historic property’ or ‘traditional cultural property’ which are both commonly used in federal documents and CRM discussions. Remembering our recent past, prior to the reservation period (approximately 150 years ago), serves as a direct connection to a world that once was talked about by our grandfathers and grandmothers as one of peace and harmony. Those of us *Lakóta* here today, as descendants to this buffalo culture, are only a few generations removed from the ‘Indian wars of the late 1800s. My great-great-great grandparents experienced and lived within our environment, on free and open lands following our brother the buffalo, collecting all the different medicinal and edible plants and roots along the way, with the different seasons. We

knew where we were going at all times, as our movements were deliberate. The sun was an indicator to the differing patterns within the seasons. We watched the moon and its phases, utilized the stars as our map to the mirror image on the *Uŋčǐ makǰá*, leading us to specific seasonal camps. These camps were not permanent or static, as we stayed only in a location for short periods of times, and other places maybe longer depending on the available resources. These star maps, along with what I refer to as ‘eternal communal retention’ (lasting memory of the group), ceremonial gathering locations and burial locations, were passed down as what I have termed as ‘perpetual wisdoms’ (teachings passed down from generation to generation) from father to son, mother to daughter, and so forth. The beauty of this life (prior to European contact) was told that today’s Great Plains, was a place of purity, one in which we had harmony with our surroundings. We had hoped that the new settler colonists would too enjoy this world as we did. “A major task remains for Western man. He must quickly come to grips with the breadth of human experiences and understand these experiences from a world viewpoint, not simply a Western one” (Deloria, 2003, p. 107).

One of our most traditional and naturally significant places is our *Ĥesápa*, as this is the place of our origins, our immergence from the *Uŋčǐ makǰá*, and home to many of our TNSP, features and sites. As it has been since time immemorial, this island on the plains holds special significance to our very identity as *Lakóta*. Once encroachment occurred by the European colonizers, this all drastically changed. And even after the U.S. government attempted to purchase these hills (full of minerals and other natural resources of monetary value to them) from the *Lakóta*, we did not allow for its sale. ‘One does not sell their mother, where they originate’ is what our oral tradition teaches us as *Lakóta*.



I look back on the world that we had. All the streams that flowed through the country were clean and pure, there were virgin forests, and the snow-capped mountains were clean and pure. But after the cry of ‘westward ho,’ when the white man came and cities sprung up, everything that we hold dear—the Lakota world—began to crumble. The white men took, and took, and took. Even now, they are after the Black Hills, the only remaining sacred Black Hills that we have, which are protected by the Treaty of 1868. It is very sad for me to contemplate the issue of the Black Hills. A treaty is supposed to be the highest law of the land. We have had many treaties with the United States government and the government broke every one of those treaties. If they break the Black Hills 1868 Treaty, I think the United States government has no face, no honor, no dignity. We are the aboriginal people of this vast Turtle Island. We are the original people, the landlords. The loss of our land undermines all that we hold dear. The sacred Black Hills are not for sale. (Catches, 1999, p. 19)

I often wonder if this tarnished *Milahąska* past is too difficult for the U.S. government, a majority of the *Milahąska* public (maybe because the education system does not tell the truth about the lies, pillage, and massacre as part of westward expansion), and maybe even people working in CRM, to really take an honest look at history through this *Lakóta* worldview. The lies of the past must not to be glorified anymore by *Milahąska*, but instead to take proactive steps in formally acknowledging its wrongs and do everything in its will and power to make right by the *Oglála Lakóta* (as well as all Indigenous Nations). One positive step that can happen is through the field of CRM when dealing with such sensitive items as burials, ancestral remains, items of cultural patrimony, artifacts, prayer places, gathering sites, and other traditional and naturally significant places of the *Oglála Lakóta*.

The intrinsic value of Native American religions extends far beyond the religious sphere. Based upon centuries of close observations of the natural world by a race of hunters, fishers, and gatherers with cultures that evolved from their Indigenous habitats, the unique American religions bring depth and beauty to our country's cultural heritage. These primal religions contain environmental teachings and ethics sorely needed in today's industrialized society, which has polluted large parts of the nation, driving away the fish, animals, and plants that once inhabited those regions. That trend is the direction we are headed unless the nation finds a clear ethic for addressing the natural world. (Echo-Hawk, 2010, p. 285).

My hope is that the reader will evaluate that the fact remains that the United States Constitution, ratified on September 7, 1787, Article VI states, "*This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land...*". Treaties define the historical, financial and legal obligations and relationship between the Treaty Tribes (such as the Oglala Sioux Tribe and its allies who signed) and the United States. These Treaties also created rights for the Great Sioux Nation that are protected under federal law and trust responsibility guidelines.

At the time that European governments were starting to sign treaties with the various Indigenous peoples of this continent as sovereign nations, it was done with self-interested intentions for dealing with Indigenous nations in this approach. The European governments wished to ultimately legitimize their transactions with the Indigenous peoples to purchase Indigenous lands. Therefore, they wanted to make the transactions have the guise of being official and legal by treaties, to not allow other European countries to challenge or object to these

so-called land sales. This is what I grew up hearing stories about, especially from my relatives who had intimate ancestral ties to the true history of the time of signing treaties, namely because these European countries recognized the prowess and threat that many of the Indigenous nations had on their nation-building goals, especially in the 1700s into the mid-1800s. The 1851 and 1868 Fort Laramie Treaties, to which the *Lakóta* signed, remain valid today. “All history must be considered contextually. Today’s values were not yesterday’s and realizing that should not distort the lessons of history” (Echo-Hawk, 2010, p. 9, emphasis added).

What is common, the easier route, is to choose to look at a world today, without recognizing its past. Today many choose to see that all these homes, buildings, businesses, roads, malls, cities, farms, and mineral development is just what is necessary to be human today in order to survive. It is as if to say, ‘this is just how it is.’ Yes, we have a reality today, this dual worldview to live with; however, there are lessons from the past that can be garnered by recognizing that not all Indigenous peoples live in the “now.” Again, though to some degree the *Oglála Lakóta* utilize up-to-date technology, obtain the western education, and utilize the modern conveniences in this modern life, there remains an internal pride and connection to our origins through our ‘eternal communal retention. We take refuge in the memories of how our *héktakiya wičóuŋčage* survived and cared for one another and the land which sustained us. To this day, we as Indigenous peoples are still trying to recover from generations of assimilation efforts forced onto us, to accept modern day conveniences. We are trying to recover just as my great-grandfather did in his time, experiencing the two worlds we live in

When I came away from school, I tried to put the way they taught me in perspective in the world that I experienced in my adult life, working among white people in various states, including Colorado, Wyoming, and Nebraska. Another side of the

picture in America is that we are human beings, that each person is an individual, that we can say the things that we want to say, that we can talk Indian if we want to. Why does this Christian institution try to curb all of that? They wanted to do away with our way of life, our culture, our traditions, our language. They wanted to stamp all of that out and make us into something that we know very little of. (Catches, 1999, pp. 21-22)

Again, as stated at the beginning of this chapter...the way that I write is the way that I think and talk. This comes from teachings that I was raised with, so there is not always a reference from another person or citation from a book. However, when I identify something of significance to connect my thought and teachings with words of someone as profound as my great-grandfather, who was brave enough to put his words onto paper, I assert that my talk is not alone. I gain confidence by knowing that he spoke the truth as he saw it and led me to believe as a great-grandson of his, that I too could do the same, speak the truth as I see it from our *Lakóta* worldview. And in this endeavor, I hope to stimulate others like me to follow suit.

In our teachings, with the memories of our ancestors, our purposeful traveling throughout our ancestral homelands was a way of life, prior to contact with the European colonizers. We had established worldview, understood today by others outside our cultural group, as conservation efforts, ecological thinking and preservation actions asserted at all the times, in everything we did. Our ancestors were conscientious of their surroundings, of their place within the environment. So, our ancestors taught us to see this in our time as younger generations; we embraced the worldview to never consider ourselves above anything, or superior to any other living being. We respected the abilities and survival skills of the other spirited beings on *Uñčí makhá*, realizing quickly that we were actually inferior in many ways when it comes to survival

in harsh weather conditions. We actually relied on them, not the other way around. So, as we obtained knowledge to live within the constructs of our known lands shown to us by the buffalo, we believed this was all actually a gift to be living with other spirits here on *Uŋč́i makǰ́há*. We learned not to remain in one place too long as we would use up the plant life and other natural offerings quickly, not only by our own human consumption, but also by the helpers (horses, dogs) that accompanied us on our travels.

So, you see, man and horse functioned in unison to make life pleasant for themselves and for the people. There are songs about the wind, the streams, the mountains, the day, the night, the dawn of a new day. There are songs that pertain to the seasons of the year. And, there are songs of the horse and the buffalo too. (Catches, 1999, p. 79).

Within this worldview we recognized the power and helpfulness of the horse; and up to today they are still so much a part of our culture. These are simple teachings we hear growing up, Indigenous that carries out in all aspects in life. And, for what you do get, no matter how small or insignificant it may appear to someone else, be thankful and appreciative. For everything you take, you have to give something in return, and this does not mean monetary (as we did not have that sort of currency). What you give back is a respect for what is provided, and in doing so, you do not abuse *Uŋč́i makǰ́há*. Back in those times of plenty, in those times of sanctity and harmony with our surroundings, we were happy, and at peace. Though we had warfare with other Tribes, as my great-grandfather taught, “Our name, Lakota, means ‘Peace.’ We are a peaceful people. Only when our hunting territory was invaded did we act to protect ourselves” (Catches, 1999, p. 95). Though we may have historically considered each other as enemies at the time, today those Tribes face the same impoverished and devastating results of a

world turned upside down, the ‘collective cultural cataclysm’ that we are still trying to recover from today. Again, as my great-grandfather put it, “How the world has changed under this dominant society! The sense of value, honesty, and truthfulness is gone...So much of our way of life is being lost. Honor and respect are two of the things that we Lakota hold in high esteem” (Catches, 1999, p. 18).

There are different opinions obviously on our collective status for recovery from this ‘collective cultural cataclysm,’ of having to live in two worlds today, of healing from these traumatic events to our people. Some refer to us living in third world conditions, similar to smaller countries in the world that are afflicted with extreme (often inhumane) socio-economic strife that it is hard not to be apathetic and disheartened in these conditions. Inhumane in the sense that it can be prevented; however, because of common human behavior of the capitalizing few, the greater many suffer. I grew up in these conditions and have known what it is like firsthand. Much of what I convey is from personal experience, as well as watching the effects colonialism had and continues to have on my people. We live today in the memory of a wonderful life before colonization and we carry our ‘primal core values’ in our accounts and lessons for life. Often though, reality sets in, and our eyes are opened to the world we see living today on this reservation and fall back into the apathy and depression. For many of us though, we are trying to battle through this apathy and depression. We are reminded again, by these ‘perpetual wisdoms’ to carry yourself with our ‘primal core values’ to be dignified in our struggle to carry on. We have prayer, and that means everything, which provides us continued strength, just as it always has and will for our people. We, as individuals, strive to improve our collective conditions with encouragement and support of those less fortunate. We uphold our practices of caring for the weak, young, old, and sick, because without them we are nothing. We

somehow, with our belief and practices, believe that things will not always be like this. By doing this, we honor the lives and sacrifices made by our ancestors.

For where native men and women are concerned, the external world is as it appears to them to be--naturally, unproblematically, and more or less consistently--and rarely do they have reason to consider that the coherence it displays is an intricate product of their own collective manufacture. Cultures run deep, as the saying goes, and all of us take our 'native's point of view' very much for granted. (Basso, 1996, p. 72)

Primary reason for alluding to this worldview and making such a point of it is that as we are forced to deal with projects that ultimately fill the pockets of the rich, we are reminded, once again, of our insignificant place in the United States of America. We can see that our worldview does not match with our colonizers. We have historical trauma that arises once again, bringing on horrid memories of our ancestors, ultimately causing a reaction of distrust and apathy. Indigenous peoples once again are a part of the minority in politics, in national interests, in drafting or even being consulted with on laws that affect us, and in CRM interactions dealing directly with our cultural resources and identity.

### **Lakóta Anguage**

It is very hard to live a traditional life. We eat the white man's food, wear his clothes, speak his language. When I talk English, I hate myself. I would rather talk Lakota because that is how Wakan Tanka made me. He made me for what I am. He gave me a language, a tongue to pray to Him, to talk to Him. He gave me ways to worship Him; that is love, and I know He loves me. (Catches, 1999, p. 23)

For the *Lakóta*, we have our own *wóglakapi* “talk, way to speak” or *Lakhóliyapi* “*Lakóta* language” with each other, to describe our world around us. Our *Lakhóliyapi*, as it has been since our origins, is a living, breathing manifestation of our identity. Our language is inserted into our person, connected to our spirit, derived from our creation stories, embedded into everything around us. Our *Lakólyakel wanjátuya yawá owánka* “traditional and naturally significant places” (TNSP) are manifestations themselves of language use in these special areas as they signify a relationship, a kinship to the land, with a primary example referring to Earth as *Uŋčí makhá*, making Her a relative. Each of these words, within our language has significant meaning as many of our words are products of and combinations of other ancient root words. As you hear our elders explain, many of our words derive from our origins. These words and meanings are what link us to our ancient past, withstanding all challenges faced by our peoples, yet still passing on within our ‘perpetual wisdoms.’ These descriptions have deep-rooted significance, and is considered in itself, as a language, to be *wakáŋ*. *Wakáŋ* means several things, as described earlier, depending on its use or context is “anything you cannot understand” or “anything having spiritual significance” or “something with an energy source that can either create or destroy.”

For many of our *Lakóta* words and how they are spoken and used, this will remain true amongst all *Lakóta* meanings, as some things are just meant ‘to be’ without any explanation. This is how it is told by our *héktakiya wičóuŋčage* “ancestors.” Our TNSP process, if ever developed, will have to be fully transcribed in our *Lakhóliyapi* to sustain any true meaning. Though some may say we cannot write it, as our language is alive and breathing, an oral language not meant to be written. A large part of me agrees with this because our language has been oral for so very long, and just in the past several decades did it become a priority to write



down because many of our communities are on the verge of language extinction. The other part of me sees that there is a certain amount of preservation needed for the next generations who may not have an opportunity (unless we rebound from assimilation within our *Lakóta* society) to hear and speak it with their elders and relatives. As our *Lakǎóliyapi* is tied to everything around us, so will the significance be placed as such. “All the stones that are around here, each one has a language of its own. Even the Earth has a song” (Wallace Black Elk, *Lakóta* quote). Wallace Black Elk, an *Oglála Lakóta*, is the grandfather of my wife, Whisper Black Elk, and she often records quotes that her grandfather so openly shared and she agreed for them to be included in this work. Another common *Oglála Lakóta* teaching that many of us hear growing up is, ‘The Lakóta language is a spiritual entity in and of itself,’ as this communicates a deep-seeded respect for how words are created to describe something that is experienced and felt. Often, these words are believed to provide medicine to the spirit. I am realizing some of this teaching now in my adult life. This realization came through struggles before I could really see. These struggles in life helped me to see more clearly, so I would not make the same poor choices in life, so now, as often as I can, I use the *Lakóta* language daily, and especially in my prayer. I have committed myself, to embrace the *Lakóta* language more each passing day, as it teaches me how to behave and how to treat my relatives. By doing so, I help to feed the spirit, giving myself the opportunity to connect directly with my ancestors. I too am giving medicine to my own children by speaking our primal *Lakóta* language, especially when it comes to participating and conducting our ceremonies. My great grandfather Pete S. Catches, Sr. always said, “One cannot do these ceremonies correctly if you do not use the Lakóta language, the spirits will not understand what you are saying.”

The challenge for us as *Lakóta* has always been to retain our language, as well as other important aspects of our identity (such as long hair, open use of our garments and wearing of our feathers, to name a few), which has systematically been washed out by generations of cultural assimilation and colonization efforts by the U.S. government, and the religious institutions in *Milahaŋska*, namely on our reservations. As put by my great-grandfather, Pete S. Catches, Sr., “The Indian boys who were sent to this boarding school were punished when they talked Lakota, our native language...As part of the punishment, we were cut bald-headed; it was very embarrassing for a boy to be bald-headed at that time” (Catches, 1999, pp. 19-20). My great grandfather Pete was 77 years old at the time of creation of this book titled, *Sacred Fireplace (Oceti Wakan), Life and Teachings of a Lakota Medicine Man* (1999). I always wondered how he lived his life up to then, to keep in all that he thought, and then when the opportunity came to speak out to a larger audience that the book would obviously reach, he just spoke how he thought and was taught. He wrote about a time when he was younger, exposing how our language was under attack for so long. Today, in many regards, our language is forgotten and put away, and only used when it is needed in times of struggle. The language needs to be fed to remain alive.

... many of the unique language systems of American Indians have been obliterated through the education policies of a federal government that has often sought to eliminate the cultural and linguistic differences of Indigenous tribes in order to pressure them into becoming part of the dominant culture. In some cases, this suppression of language has resulted in the tribes’ decline or death. (Medicine 2001, p. 147)

Although there is a rise in the awareness for language preservation and renewal efforts for the *Lakóta* language today, the effects of the systematic erasing of our *Lakóta* language

remain our hugest challenge to overcome. This is something that occurred over several generations (past 120-150 years or so). Looking back, our *Lakóta* language covered a vast area:

Over the last century, the Lakota language and the people who speak it have emerged as an iconic and enduring symbol of Native American culture and history—deeply linked to the social, political and military struggle against external domination. Today the language still maintains a relatively large speaker base—further increasing its chances for long-term survival.

At present, Lakota is the largest extant member of one of the four major North American language families. Languages within the Siouan family once covered a territory that stretched from the plains of Saskatchewan to the Gulf of Mexico and from the Rocky Mountains to the Great Lakes and the Carolinas.... Accordingly, the Lakota language is connected to the prehistoric cultural identity of the Mississippi and Missouri River watershed, an area that has been inhabited continuously by Siouan speaking people for the last 3,000 years. It is a language that has been connected longer with this land and environment than most any other. (New Lakota Dictionary, 2011, p. vii, emphasis added)

Sub-bands under this original *Očéti Šakówiŋ Hčáka* “original Seven Council Fires are distinguishable as the second Seven Council Fires or the *Tínte tá túŋwaŋ / Tínte Ošpáye Očéti Šakówiŋ* “Seven Tinte bands/subtribes,” who are more commonly known as the prairie dwellers. The *Tínte tá túŋwaŋ* is inclusive of the following *Lakóta* speaking relatives, who come from the respective current-day reservations:

- *Mnikhówožu* (Planters along the stream)—Cheyenne River Reservation
- *Itázipčo* (No bows)—Cheyenne River Reservation

- *Oóhenunpa* (Two paunch boiling kettle)–Cheyenne River Reservation
- *Sihásapa* (Blackfoot)–Cheyenne River Reservation
- *Húŋkpapa*–Standing Rock Reservation
- *Sičánǵu* (Burned Thighs –Rosebud Reservation, along with Brulé on the Lower Brulé Reservation
- *Oglála* (Scatters their own)–Pine Ridge Reservation

Within this sub-band is the band *Oglála*, who speak with the “L” dialect, almost identical to the “D” dialect of the other bands’ of the *Očéti Šakówiŋ Hčáka*. Not all of these *Tinte tá túŋwaŋ* speak only the *Lakóta* dialect, some also speak the *Dakóta* dialect, as they are closely related, “*The two languages can be classified as dialects because they are mutually intelligible to a large extent*” (New Lakota Dictionary, 2011, p. 2). If a *Lakóta* were to converse with a *Dakóta* relative, both dialects could have a full conversation with little to no problem. As a brief example, a phrase such as “Thank you” is interpreted in *Lakóta* as “*Pilámaya*,” while the *Dakóta* respectively would say “*Pidámaya*.” There is a very small difference in the placement of the L, D, (and sometimes N) within certain words, and for fluent speakers, this is what brings us together, the commonality of the language even though there are these subtle dialectal differences. At one time in history, most of our combined peoples spoke initially with the ‘D’ *Dakóta* dialect.

In some of the old oral accounts, when our collective peoples would join back together in the spring, summer and fall months, there would be a time of sharing accounts from the past year, using the different dialects. These dialects were more than linguistic differences, they were ways of differentiating what bands and families you came from, as well as a way to protect from inbreeding with close relatives. So, to be distinguished as a member of a band, a camp, or

*tióšpaye* “larger division or community under a selected leader/extended family” would help to tell a story of your ancestry, who your father (and mother) was, and his father, and so forth. On the mother’s side of the family it was just as important, as there were specific identities and status connected to who your family is and how that relates to extended families and leaders known throughout the nations, bands, and sub-bands.

Today, the well-being of the *Lakóta* language is of great concern. The number of speakers is decreasing rapidly. This language issue is crucially relevant for CRM work for the Oglala Sioux Tribe, as we stand the chance of losing additional meanings that are connected to sites and places of significance to the *Oglála Lakóta*. There are specific place names associated with thousands of locations, some site specific, but more encompass larger landscapes and areas and are not so site specific. The site-specific ones have type names (examples: gathering site, geographic feature site, meeting site, spiritual site, stone feature site) that can be used to identify these places, while other larger landscapes are identified with specific broad area place names. Often modern CRM practices leave out the meanings and interpretations of the *Oglála Lakóta*, which can be found in our language. “*A timeless link has always existed between the Lakota identity and the language*” (New Lakota Dictionary, 2011, p. vii). Physical remnants such as petroglyphs, artifacts, and other tangible evidence of human occupation and habitation instead dominate the argument for what is significant within CRM processes for locating, identifying, documenting and recording sites and places. What is left for the Tribes, such as the *Oglála Lakóta*, is to define their own process by developing a specialized TNSP survey/inventory of these same federal (and state) project areas while still meeting the criteria established by a different cultural group outside of the *Oglála Lakóta*, that of the federal (and state) government. This has been a huge problem for Tribes, namely the *Oglála Lakóta*, as they now have to

develop culturally relevant processes for locating, identifying, documenting and recording sites and places in order to promote protection and preservation of what they deem significant. The *Lakóta* worldview is directly connected to our language, and how we describe the world around us. This worldview is passed from one generation to the next and retains our identity in these accounts. In a 2003 *Oglála Lakóta* Self Study Report, via Oglala Lakota College, it provides the following on the *Lakóta* perspective:

The Lakota perspective is a world view which derives from the oral creation story of the Lakota people and is, therefore, a living, dynamic view handed down from generation to generation. At the base of this view is an unchanging adherence to the humanistic values of respect, generosity, wisdom, fortitude, bravery and humility. To see the world from the Lakota perspective is to understand that one must live each day guided by these values. Important parts of the Lakota perspective are the skills of listening and sharing. No oral tradition can survive unless people know how to listen well and to share knowledge and wisdom.

For the *Oglála Lakóta*, the language and terminology used in historic preservation, CRM, archaeology, anthropology, and other related disciplines, is not culturally relevant. This is especially true when talking about what is special, what is significant, what is felt and experienced, what is remembered, what is honored, what is respected, and what is held with our own brand of integrity. Related professional jargon in CRM often does not match any type of meaning supposedly drafted for such a wide variety of Indigenous communities that the authors of such guidance (as a primary example is the National Park Services' Bulletin No. 38) were obviously attempting to integrate.

For a lot of federal regulation, especially those dealing with Tribal or Indigenous Nations recognized within *Milahanyska*, this holds true, that assumption of ‘what works for one Tribe must work for all.’ This, however, is not true. Obviously, the Oglala Sioux Tribe does not view itself as part of this ‘one size fits all’ concept for all Tribal nations, but rather as a unique, and culturally-rich group that defines itself through its collective history and identity with other similar bands only, namely of the *Tinte ta túywan Lakóta*. Other known Tribes today, from all over the continent often do not share the same cultural background, language, mores, or customs, and this is what makes their cultural group different than the *Oglála Lakóta*. “The cultures of Native America at the time of European contact were enormously diverse along all these dimensions. Indigenous peoples’ ideas about themselves and the world around them were hardly all the same” (Jorgensen, 2007, p. 46).

Other Indigenous cultures, Cheyenne and Diné (also known as Navajo) for example, represent a variety of geographical areas across North America and have unique ways of living their lives. Each one is very beautiful in itself and is more than likely influenced by the resources, landmarks, fauna, and land base in each of their respective spaces...and of course their ancestors and distinctive sacred sites. “*Indeed, all over the planet you will find sacred sites that were honored and preserved by the Indigenous Peoples of that bioregion. Everywhere you step you step on the sacred bones of ancestors*” (Nelson, 2008, p. 86). Each Tribe, Indigenous Nation, however, does possess certain aspects that are exhibited in common with us, a lot are basic human social behaviors if you will, such as a common respect for self, your relatives which includes all life on *Uŋčǐ makhá* and belief in a mystery beyond this physical realm, often referred to by federal agencies as ‘intangibles.’

The Lakota way of dealing with their landscape is not going to work for the Hopi in Northern Arizona, and vice versa. We have to pay attention to the context of their specific models and their moral metaphors and their moral landscapes, or what Leslie Marmon Silko referred to as their cognitive journeys across a landscape. (Nelson, 2008, p. 101)

I speak nothing but respect for these other diverse cultures that belong to many proud peoples, they too are our relatives in the larger scheme of matters. Again, as we say, *Mitakúye oyás'iy* “we are all related” or “all my relations.” Each Tribe will attribute its own known language to the landscape to which they originated from, and the one size fits all within CRM will continue to hinder any progress towards a better understanding, and ultimately, the protection of these precious and vulnerable cultural resources of the Indigenous Peoples.

### **CRM Jargon**

Jargon, a professional or pretentious language, namely used in CRM, is what creates an additional cultural barrier. This jargon manifests itself into confusion amongst the Indigenous peoples, to which a majority of the cultural resources are connected to. Even for many Tribal professionals working in the CRM field they are in the middle of this language barrier. This jargon or terminology is ethnocentric and has been used in the discipline for its unique endeavor, created over time (past 130 or so years) with scientific-based foundations. This language has attempted to adapt to the changing times within the discipline, as new principles and theories are developed by philosophers, archaeologists and anthropologists...but not meeting the needs of the Indigenous peoples to which they are to interact with concerning very sensitive and integral components of Indigenous identity as it is coupled to the land.



I do know that in dealing with say these 106 projects and all of that, their terminologies, there is a difference, and there is a chasm in our worldview especially when they use the terminologies about traditional cultural properties, we don't quite see it that way, it's a terminology that is site-specific and it has nothing to do with the way we see things as being inter-relational. We're up against a lot, there's two worldviews here, and I think that they are really very different when it comes to these types of terminologies. (Jhon Goes in Center, personal communication 2013)

This creates a divide by not promoting an equal and meaningful communication strategy between the CRM professionals and academia with the Indigenous Peoples they are to work with. Not only is jargon a factor in creating this cultural gap or barrier, it is the lack of adequate communication and consultation on exactly what a CRM professional and academic is doing in their respective professions which directly affects the full protection of TNSP.

When I first faced CRM in 2005, in serving as the Oglala Sioux Tribe's Natural Resource Director, I was directed by our Tribal Administration to attend a Section 106 consultation meeting held in Bismarck, North Dakota. This particular consultation meeting was regarding a federal undertaking that affected certain Tribes' cultural resources. In attendance were other Tribal representatives (who I was meeting for the first time, and openly welcomed my presence as I represented a historically powerful nation, the *Oglála*), archaeologists from both the federal agencies present, but also the project proponents. There were others present that were within the field of CRM serving as consultants and employees of environmental firms. I was astounded at the different types of methodologies (which I was not aware of before), the theories associated with our existence onto the Great Plains, and the language (or professional lingo, jargon) used to depict our cultural resources and history as it related to the project area of potential effect. I was

amazed, intimidated, and quickly understood that I was merely a lay person, the common person of the group. I was way over my head sitting at the table representing such a powerful nation as the *Oglála* and wanted to find anyway of not having to speak up for fear of misrepresenting or inadvertently putting shame onto my peoples by a mistake in my words used. I introduced myself, and offered the participants a warm handshake, and instead listened to those Tribal representatives who appeared to keep up with the discussion using the CRM jargon, as well as the federal legislation to accentuate their objections to the project. This example I share because I have recognized over the years, trying to bring more and more of our OSTCAHPAC Members, the Tribal leadership, and others to these types of consultations, that we are not talking the same language when discussing cultural resources. Without proper communication with the *Lakóta*, there will continue to be a huge cultural barrier because much of the foundation of archaeology is built on ethnocentric ideals and cultural imperialism.

In 1991 a Hualapai Tribe cultural resources program was started. Our first experiences with archaeologists demonstrated that the professional practices of collection, interpretation, and curation were extremely ethnocentric. Anthropologists and historians rely on a paradigm that history began in North America with the introduction of European systems of writing; the human experiences of the thousands of years of cultures of Indigenous peoples is off-handedly labeled 'prehistoric.' Implementations of archaeological procedures has been laden with the colonial expertise in juxtaposition with the 'primitive' cultures of Hualapai and other Indigenous peoples. (Jackson & Stevens, 1997, pp. 138-139)

The example of the Hualapai Tribe is helpful here. It has long been known by the *Lakóta* that this ethnocentric impasse has been there; however, we have never had the proper voice to

express this malcontent with the current situation. This current situation is one of a huge disrespect to our people, our leadership, on exactly what is occurring with excavations, research projects, mitigation plans, and other activities directly affecting our *Lakólyakel wanǰátuya yawá owánka*, whether on federal, state or privately managed lands. When my people have continually experienced this serious lack of communication, using ethnocentric jargon, namely the past 130 or so years of *Milahaṅska* archaeology, we start to ‘get the picture’ that our Indigenous knowledge and language with its meaningfulness is not of the same value in comparison to scientific driven orthodox.

...American anthropology arose when eighteenth- and nineteenth-century intellectual America decided it was important to gather facts and artifacts before Indians vanished completely. Anthropologists tried to transcend narrative history and Indian imagery, emphasizing instead what mainstream historians have commonly regarded as trivial and inconsequential—family structure, economics, technology, religions, political organization, and ideology. Thomas Jefferson, America’s first scientific archaeologist, argued that Indians could and really should—be studied as part of the rest of nature. Jefferson defined American Indians as specimens, like mammoth bones and the fruit trees in his own garden, to be empirically investigated and objectively understood. (Thomas, 2000. p. xxx)

It is not to say that we concede to it or accept it, but instead we see it and wish for conditions to improve. However, those days have changed, and the *Lakóta* are now seeing that the principle of ‘ask for forgiveness rather than permission’ that is exhibited by *Milahaṅska*, through the discipline of archaeology, is no longer accepted.

Because the evidence of archaeology cannot speak for itself, it is important that archaeologists ask the right questions of the evidence. If the wrong questions are asked, the wrong conclusions will be drawn. For example, early explanations of the unexplained mounds found east of the Mississippi River assumed that they could not have been built by the Indigenous American peoples of the region; it was assumed instead that the mounds had been built by a mythical and vanished race of Moundbuilders. (Renfrew & Bahn, 2007/2010, p. 10)

Over the past 30 to 40 years there has been a gradual decline of acceptance of outdated perceptions of us and our history. We are done being seen as relics of a culture of the past. We have benefitted from various individual Indigenous peoples' efforts (of whom I have deep respect for them stepping up when no one else did to protect our sacred sites and human remains), who are now working towards a more diverse application within CRM archaeology, "... this transformation requires opening and establishing a lasting dialogue with Native Americans, one of our most important constituencies. To develop a multicultural focus, it is necessary to move toward an understanding of one another's worldviews" (Swidler et al., 1997, p. 12).

There are real ways of bridging this cultural gap, one is to create this lasting dialogue, and this requires the use of common language, not jargon. This cultural gap is the one between western scientific methods and *Lakóta* interpretations of our collective past. It is imperative to have our perspectives and worldview incorporated into the national historic preservation processes and guidance. But more importantly, this has to be supported in the federal (and state) law to have any standing. I would venture to say that when these laws were drafted, they were to

some extent filled with the outdated ideals that we as Indigenous peoples are only remnants of a once proud past. We were probably still thought of as an inferior race of people.

...Indians were so popular in 'ethnographic zoos' at several World Fairs. And this is why Indians became 'living fossils' tucked away in the museums of America. In fact, when Indians died, their bodies were sometimes not buried at all but rendered into bones, numbered and stored away as part of America's great heritage.

Because Indians belonged to a primal stage in the development of modern civilization, the evolutionary process doomed them to extinction, victims of Victorian progress and Manifest Destiny. In the scientific perspective of the day, Indians represented not a just a separate racial type but a distinctive level of social development—a holdover from an earlier, inferior stage of human evolution. (Thomas, 2000, p. xxxi)

In the 1800s, interpreters were instrumental in being bridges between the different cultures and languages of *Lakóta* and European (namely during the Treaties of 1851 and 1868 at Fort Laramie). Today the OSTCAHPAC and Office are having to play a similar diplomatic role, though not one of the elected leadership of the Tribe which is different. Our diplomatic role is subjected to limitations, namely in discussing the protection measures required for TNSP, while too speaking our own language use along with the CRM jargon. We, as an Advisory Council and Office, have to keep updated and educate ourselves on what CRM terminology means to a different culture than our own, to learn what significance is held with their definitions of the terms, and try our best to relate as best as possible *Lakóta* meanings. *"This is both the challenge, as well as the opportunity we have in front of us. We can assert our own identity into today's*

*mainstream society. We can use our meanings ascribed to places we hold dear. There is opportunity there” (Jhon Goes In Center, personal communication 2013).*

### Chapter 3: Cultural Resource Management

#### Reasonable Analysis

Tenacious protection of our *Lakólyakel waŋkátuya yawá owáŋka* “Traditional and Naturally Significant Places (TNSP)” and other related cultural resources and history is a primary vision of the *Lakóta Oyáte* “People of Peace.” As the Oglala Sioux Tribe, as a modern contemporary form of government, seeks to uphold the vision of the people, it seeks to promote increased protection through development of culturally relevant guidance, policies and regulations for the *Wazí Aháŋhaŋ Oyáŋke*. In order to determine what is needed, a helpful approach is to analyze what is already available. I will provide an overview, as it relates to the Oglala Sioux Tribe with CRM, archaeology and anthropology, as well as a summary review of the evolution of existing historic preservation related regulations currently enacted in *Milaháŋska* CRM. This will then prepare us for the critique of Bulletin No. 38 in Chapter 4.

At present, the federal guiding documents for tribal historic preservation efforts are adopted for the *Wazí Aháŋhaŋ Oyáŋke* due to the reservation being under federal jurisdiction with many of these same federal Acts passed for preservation. For this essay, I will complete a review of the literature most closely affiliated with TNSP (or also known as traditional cultural properties–TCPs in related CRM documents) regulations, policies, guidance, management plans, etc. The Oglala Sioux Tribe needs protection measures that have actual penal enforcement, perhaps more rigorous than the existing federal (and state) statutes for violations of regulations. As Hill (1994, pp. 185-186) commented: “In most cases, however, it has only been the force of law that has brought museums to the negotiating table. ...Only when Native Americans arm themselves with lawyers can they obtain audiences...to discuss their concerns” (Biolsi & Zimmerman, 2004, p. 76 [1997]). Though this particular inserted quote is referencing museums

and the history of relations with our Indigenous Peoples' human remains, the same sentiment carries into work within CRM. It is a common view amongst Indigenous Peoples that most in CRM related fields merely do not follow ethical parameters, so for these there needs to be penalties for which to force correct choices. This goes for every culture, laws are needed to retain fairness, accountability, and to provide some form of justice.

I have established thus far in this effort that *Lakólyakel waŋkátuya yawá owáŋka* are inclusive of many forms of cultural resources, including, but not limited to cultural landscapes, place names, oral tradition, and their cultural associations within the land and environment. Though I have referenced and introduced a fairly new concept in terms of terminology use of TNSP, it is not really anything new when compared to TCP from an outsider's point of view. It would be easy to say it is merely a word exchange or variance, when in fact as I will explain, it is much more inclusive especially for the *Oglála Lakóta* to use. Specifically, for the *Oglála Lakóta*, the description of *Lakólyakel waŋkátuya yawá owáŋka*, is more meaningful than merely TCP. For the purposes of this analysis in this chapter and the following, I will be using TNSP to go with *Wazí Aháŋhaŋ Oyáŋke*, to stand in place of TCP. Bearing in mind the *Lakóta* way of life, customs and rituals, other literature has been researched as well and thus incorporated to demonstrate *Lakóta* perspectives and world view on why places and sites (TNSP) held and continue to hold traditional significant meanings and are directly connected to our sense of identity.

### **CRM Origins**

As I would summarize, CRM is a fairly new term used to describe treatment of ground disturbing impacts on cultural resources (or heritage), and its practices with the use of laws and available guidance through multiple disciplines, including indigenous knowledge and concerns.



Today, CRM is also correlated with other similar terms such as ‘cultural heritage management’ or ‘heritage management’ or ‘historic preservation’ or even ‘compliance archaeology’ to name a few. The latter “...deals only with projects that utilize federal or tribal funds, are on federal or tribal lands, or require federal or tribal permits in order for the project to be undertaken” (Watkins, 2000, p. 37).

The term ‘cultural resource management’ was dreamed up by archaeologists, and in many institutions and agencies, CRM continues to be thought of as largely an archaeological enterprise. ...But archaeologists and historians do historic preservation, and social impact assessment assumes and often reveals the importance of cultural factors in the lives of communities and in their disciplines—landscape history and architecture—also do cultural resource management, either explicitly or under other rubrics. It’s a mixed-up field.

Which is, perhaps, as it must be, at least at this stage in CRM’s evolution. There is no one discipline that routinely concerns itself with, and teaches its students about, the full range of cultural resources—cultural landscapes, archaeological sites, historical records, social institutions, expressive culture, old buildings, religious beliefs and practices, industrial heritage, folklife, artifacts, spiritual places. Nor is there any whose self-identified practitioners regularly think about how to manage all such resources, or to address impacts on them. CRM necessarily involves multiple disciplines. (King, 2002, pp. 1-2)

Today CRM can mean a lot of different things for different people, depending on their own particular position, profession or academic arena, with special considerations for protection, preservation, record keeping, management, and policy-making. CRM is a multifaceted practice

today, but it was not always the case. CRM originates from colonialism, and with the quest for answers to mound-builders as was provided in the previous chapter, “It is from this intellectual medium that American anthropology was born; with little question, though its motives were scientific, it was a tool of colonialism” (Biolsi & Zimmerman, 2004, p. 96 [1997]). I am observing the evolutionary process that these disciplines, with their various approaches to preservation, derive from. It is apparent that CRM as a whole sees itself as being under a constant evolution. And if indeed this is the case or the view, then why not have a work such as mine included in this discussion to promote options for such evolution?

To set the context for the principles for which CRM is founded on, such as historic preservation origins in the nineteenth century in *Milahańska*, Steven H. Carpenter in 1876 wrote:

There is a power in Antiquity—in the feeling that behind us is a long line of noble ancestors, a solid inheritance in the glories of the Past. It curbs the wayward strength of youth and adds dignity to the compacted vigor of manhood. This advantage is rapidly coming to us. We have a common inheritance in the heroism of the Revolution.

The time has come when the people of New York owe it to themselves and to their country to bring forward their records, to incite a just measure of State pride, and to elevate our standard of public and private virtue by the influence of our grand history. (Carpenter 1999)

Views from those times in the later 19<sup>th</sup> century in *Milahańska* regarding preserving national (and local in this example) heritage, held for a long time unfortunately. Not only were they views commonly held, but there was a strong sense of nation-building in the back of the minds of

everyone not of Indigenous background. Instead, Indigenous Peoples as a whole were an afterthought, almost seen as a problem. And though this perceived problem existed and laid in front of this nation-building ideal, there was an even stronger sense of stepping over that problem and allowing oneself to retain a sense of memory loss. Indigenous Peoples in general were placed on reservations to be out of sight, thus out of mind. This laid the foundation for *Milahańska* to carry on as if one was creating a new masterpiece of art out of clay. But one forgets where that clay derived from...resources from Indigenous lands.

As anthropologists rushed to salvage ethnographic tidbits from the last living members of some tribes, mainstream American historians defined Indians as basically invisible once they ceased to be a military menace.

Nineteenth-century anthropologists were not heartless scientists content to watch passively as Indian culture slipped into oblivion. Far from it. As individuals, most anthropologists cared deeply about Indian people, and many served as cultural mediators, helping 'their tribe' deal with Euroamerica. American anthropologists tried desperately to harness cutting-edge social theory to help Indian people. Please, the anthropologists argued, leave your outmoded tribalism behind so that you may evolve toward civilization. But these efforts ultimately backfired, creating in Indian Country a lasting legacy of mistrust toward anthropologists and other white do-gooders who ventured their way. (Thomas, 2000, p. xxxii)

Today, a challenging aspect in current CRM efforts is the continued promotion of elitist ideals (which do not reflect Indigenous Peoples' essence) that only 'professionals' are the authorities to make determinations on what is deemed significant enough to protect and preserve. These non-Indigenous experts are part of the CRM system that has long prided itself on being

recognized for their contributions to the sciences, such as in anthropology, archaeology, and ethnography. This could not be further from the truth, as we as Indigenous Peoples are the authorities to make such determinations. This is our history, our ancestral lands, our TNSPs, our identity.

My participation as it is in CRM may also carry a certain amount of irony, in the sense that I am also yielding to a quasi-assimilation of a foreign discipline originating from Europe, by attaining the title as archaeologist. The title I seek however is for the greater benefit of my Tribe, to enhance our capability to protect TNSP within CRM as a principal investigator who meets the Secretary of Interior's Standards for Professional Archaeology. I do not seek this title for myself, as I recognize we have a huge endeavor in front of us as a Tribe, yet without these accepted credentials within CRM, we will not be able to move forward with our long-term goals. We do not have the political power to change the current course in the evolution of CRM, so we must find innovative ways of working within the foreign established system so we can salvage what little of our identity remains in our ancestral lands. So here I am seeking to obtain such a title, as archaeologist. So, I ask some questions for one to consider, putting yourself in my shoes so-to-speak,

- Does taking on this title, for a profession, mean that I am now part of the systematic desecration of my ancestors? Some of my people believe this very discipline is still preoccupied with the digging up of ancient bones and cultural resources purely for the curiosity of science. My response is No.
- Does it mean I am no longer an *Oglála Lakóta* dedicated to the service of our collective struggle as marginalized Indigenous Peoples in regard to our sacred places? My response is No.

It may seem like trivial questions to the common person to ask, especially in thesis work such as this; however, in my shoes it something I am forced to face. With our people, we have a lot of distrust for this profession, namely due to the historical strife, as well as unsettled land claims (some in court and some over the breaking of several Treaties) between *Oglála Lakóta* with the *Milahaṅska*. For me within my cultural group we have to consider the societal unsettling it causes to carry such a title that typically is associated with a non-Indigenous person. Often as is the case in these disciplines, there are stigmas that I do not wish to be connected with, namely with ‘digging up’ material. I do not wish to be viewed as being the so-called ‘expert’ who does not work with his own people. This practice we are developing here on the *Wazí Aháṅḥaṅ Oyáṅke* is meant to be interactive within our culture, which ultimately means to engage.

Randall H. McGuire examined...how archaeologists came to see themselves as the (only) stewards of the past and how the field has avoided ‘engagement with an enduring people whose interests and beliefs should have a major role in structuring (archaeological) practices’ (Biolsi & Zimmerman, 2004, p.71 [1997]).

There may very well be misunderstandings of my intentions, as I would guess for the reader, as well as what the OSTCAHPAC and OSTCAHPO holds dear in what I attempt to convey through creative ways of using words. But what I do know is that I am *Lakóta* and am attaining a title in this field as an archaeologist or cultural resource manager to help my people define ourselves culturally in a *Milahaṅska* preservation system. In this endeavor, I strive to retain our identity in the land and our history within CRM. This takes engagement of all types to work effectively, to find better ways of protecting our TNSP. I am proud of who I am, where I come from, and that will never leave me or change. The title, once achieved, will be just that unfortunately, a profession (craft and skill), an employment title only meant to help my Tribe. I

will also face what many Indigenous Peoples often embrace (and for good reasons), which is the huge indifference and suspicion for anthropologists, archaeologists, and ethnographers (to name a few). I will be viewed by some as the “other,” But one matter for sure, is that I will hold engagement at its highest level, which will be sought with consent. These disciplines are known to be explorers of traditional indigenous knowledge, consider themselves to be the stewards of the past, and retain authority over the cultural material as part of the archaeological record.

It appears that the potential of traditional history to affect archaeological interpretation is much greater than the reverse. However, we often hear tribes express concern that archaeologists will soon be ‘mining’ their oral history, similar to the way in which archaeologists mine the physical evidence of their ancestors. The archaeological community should be sensitive to this heartfelt sentiment. Similarly, the issue of intellectual property rights will affect how archaeologists interact with Native Americans in the future... (Greaves, 1994; Swidler et al., 1997, p. 19)

As declared earlier, I provided several examples of how CRM, like its similar fields often declare that their scientific inquiry is actually meant to help, but unfortunately, I have not personally witnessed or experienced this yet. My personal experience and professional capacity may be limited to my geographic region of the Great Plains but should not be construed to appear as if I am not open to its possibility of occurring in other circles between other indigenous nations and CRM. What it means is that I have not observed it yet as being a prevalent practice in CRM to gain the trust. I have not witnessed any formal or informal input into research designs, interpretations of TNSP, or the return of our ancestral remains and their cultural patrimony. So, I am not convinced yet that these disciplines are here to benefit the indigenous to which is proclaimed, but instead to take the cultural material and knowledge for personal and

career aspirations. Of course, I challenge any in this profession to prove this wrong. For me, I do not wish to fall in line with that precedence, but instead to thwart the discipline into a new sense of itself, one that is for the public benefit, not the personal.

### **Lack of Indigenous Benefits**

From our *Lakóta* perspective, to date, there are no give backs (benefits) to the Indigenous Peoples in CRM for what has been displaced; destroyed; stolen; archived into the linguistic and anthropologic files and reports (not in the hands of those it derived from); sacred items and objects sold and resold; material culture (artifacts) collected, inventoried and stored (in the name of science, as if it is property to be owned now); and ultimately, disrespected and marginalized to date is all too impossible to forget. So, in archaeology's (and CRM in general) recent self-recognition in the past 30 years or so (in the total timeframe of *Milahaŋska* history on our continent), the *Oglála Lakóta* can look at the following to see what their sentiment really is from an archaeological theory book of 2009, *Handbook of Archaeological Theories*,

A central, highly complex set of ethical concerns that has developed over the past three decades derives from the recognition that some archaeological sites, and artifacts, as well as the knowledge related to them, have special links to self-defined peoples from whose pasts and/or traditional cultures they are said to derive (CAA 1996). These linkages have come to legally and/or ethically structure how archaeology is, or is not, conducted in numerous countries.

We use 'self-defined' peoples as an inclusive category, since it refers to peoples, nations, or communities that may, or may not, have national or international recognition within nation states or international bodies. Archaeologists interact with many different self-defined groups throughout the world. 'Indigenous people,'

‘indigenous nations,’ ‘descendant communities,’ and ‘Fourth World’ are all terms used by, or applied to, such groups. (Bentley, 2009, p. 414)

I realize this cannot be easy for the archaeologist and CRM community to have had to change common orthodox practices in CRM since it had been business as usual for so long; however, I have trouble being overly excited in that simple statement. Recognition really means authority and control; the authority of one nation (or culture) over another nation. If we, as Indigenous Peoples, are first not recognized under these nation states, which in this case is the *Milahaŋska* for the Oglala Sioux Tribe, then we miss the opportunity to be heard on which of our TNSP have as ‘special links to self-defined peoples from whose pasts and/or traditional cultures they are said to derive.’ I am so glad, in this case, that we as the Oglala Sioux Tribe, are recognized by *Milahaŋska*...right!? Secondly, fortunately for us as *Lakóta* we have ‘knowledge related to them,’ the TNSP, or we would not be ‘interacted with’ by the archaeologists.

Additionally, there is another particularly strange item to point out, and that is extremely troubling for me, the reference to a ‘Fourth World’? As far as I was informed, we here on the reservation are third world... so I was not aware when we became fourth. Whether this is a recognition to be saddened about because it only reinforces the reality to which we live in here on the *Wazí Aháŋhaŋ Oyáŋke*...or because it means our condition has worsened in the eyes of those in authority or control to make such a determination; either way, it is not us as *Lakóta* referring to ourselves in this manner. I realize this is meant as a class system, a hierarchy of wealth and prestige within a country, but that is disturbing to be referred to as that level in the classes. And in referring to the ‘Notes’ section at the end of the chapter in the *Handbook of Archaeological Theories*, it offers the following for the terminology,



The term 'Fourth World' came into general use with the publication of *The Fourth World: An Indian Reality* (George Manuel and Michael Posluns 1974:40). Fourth worlders are "indigenous peoples descended from a country's aboriginal population and who today are completely or partly deprived of the right to their own territories and its riches. (Bentley, 2009, p. 418)

In looking at the definition of a 'Fourth worlder,' according to these authors, Manuel and Posluns (1974), there is one feature that I do agree with, and that is we *Lakóta* have long been 'completely or partly deprived of the right to their own territories and its riches' here in *Milahaṅska*. We are in a severe condition, a "culture of poverty" (Medicine, 2001, p. 329) to which dictates our own practices within CRM. This is a reality and also a hindrance! Moreover, the definition in general would seem somewhat appropriate, yet still strange and extremely troubling. It is strange because it is a new term used *on* my people, as if we do not already have enough derogatory names to reference who we are in the world to others. It is extremely troubling because often we do not know how these terms are derived, all we know is that they are put *on* us, and quickly adopted somehow without our consent. In looking more into the 'highly complex set of ethical concerns that has developed,' that should be embraced by archaeologists in CRM, worldwide, namely in the *Milahaṅska* for this effort. Let us examine the following excerpt:

Archaeologists need to think through their codes of ethics against the background of the Indigenous Nations Covenant and the larger framework of what might be termed heritage rights in general in relation to the increasing impacts of globalization on the lives and cultures of self-defined peoples. In addition to archaeological knowledge, objects, and human remains, indigenous rights issues center on traditional real

properties, such as sacred sites and food-gathering areas and traditional knowledge, especially natural resources, but also literature and performance, all subsumed under the rubric of intellectual property rights. (Bentley, 2009, p. 414)

There are several codes of ethics throughout the world which I would argue were stimulated and prompted by the indigenous communities for various injustices prior the codes' development. Most times, indigenous communities get fed up enough with the CRM practices that do not benefit either their living or spiritual worlds. "Beginning with its initial constitution and by-laws, the SAA was established to prevent the 'practice of securing, hoarding, exchanging, buying, or selling of archaeological objects...' for personal satisfaction or profit" (Watkins, 2000, p. 27). And this ethical concern of course has evolved since 1934 with the establishment of the Society of American Archaeology; however, I question how much of this is really enforceable in a penal system. The only real punishment if an archaeologist so chooses to violate these practices, is the society has the "right to drop from the rolls of the society anyone who habitually commercializes archaeological objects or sites" (Watkins, 2000, p. 27). Key word catching my attention is 'habitually,' which would be defined as essentially as done frequently or in a predictable manner because there is a tendency ingrained within a person...in this case, an archaeologist who represents CRM. Obviously by this time in 1934, there was common practices occurring for these types of violations against indigenous physical and spiritual livelihood. According to the Society for American Archaeology (2013) website, it indicates that at its "April 10, 1996 meeting, the SAA Executive Board adopted the Principles of Archaeological Ethics... The adoption of these principles represents the culmination of an effort begun in 1991 with the formation of the ad-hoc Ethics in Archaeology Committee."

Additionally, the SAA in its most recently published code, Principle No. 3: Commercialization, indicates the following:

The Society for American Archaeology has long recognized that the buying and selling of objects out of archaeological context is contributing to the destruction of the archaeological record on the American continents and around the world. The commercialization of archaeological objects—their use as commodities to be exploited for personal enjoyment or profit - results in the destruction of archaeological sites and of contextual information that is essential to understanding the archaeological record. Archaeologists should therefore carefully weigh the benefits to scholarship of a project against the costs of potentially enhancing the commercial value of archaeological objects. Whenever possible they should discourage, and should themselves avoid, activities that enhance the commercial value of archaeological objects, especially objects that are not curated in public institutions, or readily available for scientific study, public interpretation, and display.

As the reader will notice in my thesis, I purposefully look for the Indigenous connection or inclusion. Unfortunately, only Principle 4, Public Education and Outreach, has any indication of Indigenous peoples, “Many publics exist for archaeology including students and teachers; Native Americans and other ethnic, religious, and cultural groups who find in the archaeological record important aspects of their cultural heritage...” (Society for American Archeology, 2013). We are merely considered as “publics” for archaeology, and we are even listed following “students and teachers.” Again, the point made before about authority and control, is now students and teachers as provided here, made to “in the archaeological record important aspects of their cultural heritage”? Maybe the publics’ disinterest in general with archaeology is being

made here? Maybe many common uneducated people have been duped into believing that secular science, with educated peoples in CRM, are ‘dealing with it all’? This reads as though the public should not worry about what science is doing.

Every society needs educated people, but the primary responsibility of educated people is to bring wisdom back into the community and make it available to others so that the lives they are leading make sense. ...Institutionalization of science took many forms: the increasing tendency of people to look to scientists for reliable explanations about the world, ...however, it meant that scientists would come to act like priests and defer to doctrine and dogma when determining what truths would be admitted, ...and how scientists themselves would be protected from the questions of the mass of people whose lives were becoming increasingly dependent on them. (Deloria, 1997, pp. 4-5)

I include this text into this portion of the work, to include a *Lakóta* worldview from Deloria, because I believe he has worked diligently to not only demythologize us as an Indigenous people in the eyes of the *Milahaŋska* (and the world), but also for adding to the inquiry that is necessary within the scientific fields of study. I believe that the publics all have a right to question, to inquire. This entitlement to question is not only the validity of claims made by the experts, including myself, but also to demonstrate that significant background information, such as Indigenous knowledge about their own cultural material and TNSP are included, to which sustains such claims. However, what I know to be true is that it is difficult, actually probably an impossible endeavor, to parallel both the spiritual (*Lakóta* worldview) with the secular (scientific) based systems.

This is all part of public outreach, and should be a mandate, not merely a strong suggestion and recommendation. Many codes of ethics are needed due to continued encroachment by expanding capitalistic development projects. Ethics and legal consequences can shift someone's decision about something they may otherwise overlook or disregard. The following passage from Bentley et al. (2009) addresses the ethical question of "who owns the past."

Archaeologists' interactions with self-defined peoples have often centered on the question, Who owns the things (human remains, artifacts, etc.) of the past? ...From both archaeologists' and indigenous perspectives, there is a larger issue (which is why we have used 'knowledge of the past' herein). Groube, (1985, p. 58) asks: 'Who owns the past? The real owners of the past of any nation, state or province are not the [self-defined] people today, nor the landowners who are the guardians of the evidence, but the manipulators of that past, the historians, prehistorians, and archaeologists who transform the past into words.'

Those who recognize the centrality of 'transform[ing] the past into words'...seek to 'hear the voices' of self-defined peoples in the process. Most of the professional codes address this issue in some form, but it is ethically incumbent on practicing archaeologists to ensure that their actions go well beyond lip service to actively incorporating appropriate other viewpoints in archaeological reports—to truly hear and respond appropriately to the voices of self-defined peoples.

A central ethical issue for archaeologists in some areas concerns the commons knowledge base. Some self-defined peoples disagree with the concept of the commons, asserting that certain forms of traditional knowledge should not be known

outside the group, lest the group be somehow diminished, or the efficacy of the knowledge be lost. By extension, holding objects said to be related to a group's past in trust for all humankind may also be seen as diminishing the group, including interfering with the efficacy of its rituals and rites or violating sacred beliefs.

(Ferguson, 1996, p. 416)

As one reads this work of mine, they will directly see that I have huge concerns, one of the largest is the exploitation of our sacred Indigenous knowledge. There really is no benefit to us as *Lakóta* to lose but another piece of our identity by sharing our spiritual connections to the land with the rest of the world. I believe only other Indigenous Peoples on other continents can understand this sentiment, as they too have faced similar situations of nation-states settler colonies invading their peace and way of life, only to later be asked to prove to the colonists exactly what is their spiritual and cultural connection to TNSPs on their ancestral landscape often after having been displaced from these places for a century or more. This is what the *Lakóta* are expected to do in CRM today, to 'prove' their knowledge of a place we hold as traditional and naturally significant to our identity, as part of our connection to our ancestors' way of life, as well as how these places remain significant for the benefit of our future generations yet to come.

#### *Individual CRM practitioner's choice*

A lot is dependent on the individual CRM practitioner themselves, their education, their training, and their mentors when practicing CRM archaeology. There are other factors as well, like their personal background and where they grew up, the type of teachings they were raised with, and whether they had any education they paid attention to that provided an alternate view of American history other than the one that is commonly told in the K-12 texts. Other factors may include whether they incorporate any type of formal ethics into their work today as adults,

and whether their biases are so strong that their convictions stand out in their results or in their critique of others' work. I would argue, that many of the disciplines and practices under CRM today still lack the knowledge of the realities faced by Indigenous Peoples. And if they do acknowledge these unique realities, it is not apparent enough for me to proclaim otherwise. There is a strange disconnect there, but also in *Milahaṅska* in general, as most people of *Milahaṅska* do not have much contact with the minority of the minorities (Indigenous Peoples compared to other minority peoples), much less have ever met or interacted with one. A lot of what they know about us comes from biased history books told from a colonial narrative, the internet, documentaries of reservation life, or from the movies (both old and contemporary). This can leave the non-indigenous person either unaware, or ignorant of this very different culture and world view, let alone the modern strife we still face today not uncommon to reservation life across this country. I believe there is a preconceived notion, a bias as it relates to one's own upbringing as stated above. What I mean is that how someone was raised as a child, adolescent, on into adulthood, (before they decided to venture into one of the fields of study under CRM), creates a way of seeing the world around them. And with looking into how one will perform within American anthropology and archaeology respectively, there needs to be an acknowledgement of this basic concept of upbringing and how this impacts the practice of CRM.

We think different thoughts today than we did thirty years ago, not only because of internal discourse-driven dynamics, but also because scholars from different kinds of backgrounds with different loyalties and accountabilities entered the field, because our students—some of them from the 'primitive' societies we study—stopped buying our representations. (Biolsi & Zimmerman 2004, p. 16 [1997])

One can be trained in school, in the field, and on-the-job, however one has the discretion to make choices that directly affect a culture of people, to which many of these CRM practitioners I am speaking of, do not derive from. That is a problem in my opinion. That is a lot of authority and control over what is written, what is accepted as scholarly narrative, and what is deemed as secular science. A power over another race essentially. Like the cliché states, ‘with power comes great responsibility.’

Anthropology does not ask questions native peoples necessarily ask or need answers to ...Anthropology as a disciplinary enterprise does not so much harm Indian people (although there are enough individual cases of direct or indirect harm) as conduct studies on issues completely and utterly irrelevant to Indian welfare (Biolsi & Zimmerman, 2004, p. 15 [1997])

There is probably no one anthropologist or archaeologist today (I hope) who purposely intends to disregard the very people, their beliefs, their material culture and artifacts that they are responsible to work with. Is there? Even if so, I would like to believe that ethical professionals would quickly recognize these folks and turn them into the authorities for punishment or banishment from the discipline. But what is the punishment? Something that leaves this personal discretion way too open for interpretation and adherence. As an anthropologist or archaeologist today we have a choice in every step we take, while obtaining our academic education, or when starting a new job in this field, and that choice is to first and foremost strongly consider the actions we take in our research, writing, and conclusions to be of benefit to the Indigenous Peoples to which we attribute significance to and whose welfare is directly connected.



So, let us get back to the question of ‘Why do archaeology?’ Is it “... *because archaeology provides benefits to both the professional archaeologist and any other participant or member of the public that values it*” (Little, 2002, p. 1)? Little, like other advocates, asserted that archaeologists need to increase their outreach to communities in order to promote the public benefits of archeology. But what does this outreach entail? And to what audience? Does it mean that the professional takes his/her notepad with an outline of their research design to the community to which has an interest in, or is considered a stakeholder to, a certain project? “Deloria’s famous image of the well-meaning, naïve, and undirected straggly-haired graduate student heading for the ‘res’ draped with cameras and tape recorders, clutching pad and pencil, became everyone’s stereotype” (Biolsi & Zimmerman, 2004, p. 36 [1997]). Does the archaeologist request input on how the project may benefit or cause detriment to the community? Or does the archaeologist request how the community can participate in the project? These are some very important questions to tackle, because as many in CRM professionals forget, they are dealing with the identity of another culture, primarily those of the Indigenous peoples. The CRM practitioner has to be careful not to merely proclaim that their work will benefit the community, having decided upon an approach and methodology, as in this example.

This question of “why do archaeology” is posed for the new student or even seasoned professional in CRM, as well as for my own self. I am mixing my own upbringing and cultural knowledge with something very foreign to this base, and I am forced to weigh out the pros and cons of this decision to pursue this career path. I believe every person who chooses or even changes their career path goes through this reflection of where they come from, while pondering where they hope to land. I know that what I hope to obtain in my education will be used for the benefit of my people, nothing more. In its broadest of definitions, CRM archaeology is the study

of former societies through the physical remains of their material culture, which often reveal social aspects of the past: “It’s all about getting and analyzing data for purposes of research” (King, 2002, p. 16). Archaeology deals with a broad gamut of information, tying in the different information to make scientific-based predictions and secular interpretations.

American archaeology traditionally has been a part of anthropology because American borrowed elements of a European discipline that was historical to a form of scholarship that was anthropological. European archaeologists had a rich body of historical records at their disposal, and many European archaeological finds could be interpreted in the light of documentary accounts. American archaeologists, however, dealt with the remains of preliterate peoples whose chief testimony lay buried in the earth. Thus, the interpretation of American Indian materials in large part depended on recently written ethnographies or the guiding principles of contemporary ethnological theory. (Wood, 1998, p. 48)

Interpretation is a huge component in recreating a story of a place, habitation, gathering place, ceremonial location, hunting site and other such depictions, and the current responsibility lies with the secular science community to provide such interpretation. This responsibility has many choices within it, by providing not only the findings, but having enough evidence to make sound conclusions, which ultimately can be cited by others at a later date. So, the choice to take on this career path has great power to influence how others view cultural material and how the story that goes with it is told to benefit the cultural group which it affects.

In my opinion, with archaeology, while searching for knowledge believed to belong to the world (or elite science for that matter) there is a pursuit to continually find the oldest and rarest remnants of human occupation on these lands here in *Milahanyska*, as well as to provide

options for possible scenarios of habitation and possible social behavior behind the physical remains.

Early American settlers and later homesteaders were discouraged, but never wholly beaten, by the heartbreaking problems they faced in settling and wresting a livelihood from the harsh environment of the Great Plains of North America. Life had to have been equally frustrating for their Native American predecessors, who, millennia earlier, also adapted to life there. ...there is a record of continuous human habitation on the Great Plains for the past 11,500 years. (Wood, 1998, p. 1)

Additionally, there are more recent reports identifying earlier evidence of Indigenous people on the Great Plains between 18,000–27,000 years before present. According to Holen (2006),

Remains of five mammoths have been excavated along the north shore of Lovewell Reservoir on White Rock Creek, Jewell County, Kansas. Two additional mammoths have been recorded as surface finds. ...are contained within sediments dating to the transition from terminal mid Wisconsin to Last Glacial Maximum. This density of single adult mammoth death sites is uncommon elsewhere on the central Great Plains of North America. Radiocarbon ages from bone and decalcified organic carbon indicate the mammoths date between about 18,000 and 21,000 rcybp. ...Results presented here support the earlier taphonomic interpretation that humans were present on the central Great Plains during the Last Glacial Maximum. (p. 1)

The work completed revealed that evidence recovered in 2004 strengthened an earlier interpretation “that humans were responsible for breaking and flaking the Lovewell Mammoth bone” (Holen, 2006, p. 11). This is encouraging to me as an Indigenous person to see that the evidence is there, predating the outdated archaeological theories of our travels here to this

continent across the Bering Strait land bridge some 10,000 years ago. When will enough discoveries such as this relegate the old Eurocentric and western secular science theories related to demonstrating our indigenous existence here, as indicated in our traditional oral histories as having originated (emerged) on this continent? That is yet to be determined with every new archaeological find I imagine, specifically in the Paleoindian archaeological record. There unfortunately, in my opinion, will be continued searches for older and older periods of human culture in *Milahaṅska* (I hope, without discrediting them), namely for discussing indigenous communities' origins and where our ancestors lie within the landscape.

As stated above, Little (2002) offered the question of 'who owns the past?' As she asserted that this has been a question brought up many times, in the context of the modern preservation movement, she stated: "Some dismiss...as a paradox that cannot be resolved...Others are far more empathetic in affirming that the past belongs to everyone" (p. 5). Little included the notion held by other scholars that it is explicitly a public trust and is recognized as the common history of a nation, to be viewed as their common property. This is where many *Milahaṅska* in CRM differ in their perspectives with archaeology. Many archaeologists consider their discipline performing activities that are in the public interest. Archaeology has the ability to empower local groups by supporting local identities and cultural heritage, according to Little. She also offered that in order to maintain authenticity, we must preserve sites and objects, while appreciating the complexity and diversity of the past.

Others like Lipe (2002) avowed, "The benefits of archeological research are often not directly accessible to the public because the work is highly technical, and research results are generally published in books and articles written primarily for other archaeologists" (p. 20). In addition, Lipe offered that research is an essential basis for public understanding, though the

majority of it is not geared towards the general public. He added that research is to enable the public to confront actual material evidence of the past that has been authenticated and put into context. Lipe stated that it is also important to stress that controversy is not a bad thing, because it indicates that the field is dynamic.

McManamon (2002) defined 'heritage' as the personal and community association with a place that commemorates the past, and 'history' as the archaeological knowledge of the past. Knowledge of archaeological sites and what happened there provides a temporal context for modern life, according to McManamon, and this knowledge sometimes benefits communities via tourism and community cohesion from a shared historical context. He stated that Indigenous Peoples and other groups may have an association with sites that is directly cultural, and that archaeologists need to work with these groups to form a better understanding of these sites. McManamon also bis that archaeology provides information that helps to understand larger patterns of the past and provides a sense of place. In conclusion, McManamon stated that if we, meaning archaeologists, make archaeology interesting to the public, they are more likely to participate in the protection of archaeological resources.

In the United States, archaeologists and anthropologists have been the authorities on Native American pasts, and this authority has given us a power over those pasts. Courts of law and government commissions call us as expert witnesses and have often given our testimony more weight than that of tribal elders. We are the ones who write about Indian pasts for the general public, who prepare teaching materials for public schools, who instruct college students; and it is, by and large, archaeologists and anthropologists who control the great museum collections of objects from that past. An eighty-plus-year legacy of historic preservation law,

beginning with the Antiquities Act of 1906, reserves the archaeological record of Indian peoples for our study. We often assert this authority in the books, articles, and exhibits we prepare for the general public. We make the archaeologist the hero of the story and either split Indian peoples from their past or treat them as artifacts of that past. Rarely have our public presentations given an Indian view of the past or treated that past as part of an ongoing native cultural tradition. (Deloria, 1997, p. 65)

For some, it is merely a scientific inquiry to gain a better knowledge base, in the name of all humanity. This is what can be misconstrued, that in the pursuit we may lose vision of the Indigenous Peoples to which many of these tangible and intangible items are dear to. There are other archaeologists (and other interests at work, maybe personal and not communal) which will attempt to use any research data acquired for older periods to try to disprove our Indigenous Peoples' existence to this land as the original inhabitants, and where we consider our TNSP to be, namely our places of origin. This is what I, like many Indigenous Peoples, distrust and dislike.

But as far as these artifacts, stone features, burial sites and sacred sites, we're connected to this land and that's our aboriginal territory. We're the original inhabitants of this continent and wherever the Tribes' dead are, that's their country, and it's dear, we hold it dear to ourselves.

And we still have that memory because of oral history passed down to us that our ancestors are buried there on those property that belong to the white man now. And we don't have access to them, we don't have access to our sacred sites...and that's what makes it difficult for our people. We have that rich history that speaks of these...so when we talk about our sacred places and burial sites, that's what it means

to us, its close, we hold it dear to us. As far as our memory is going to go, as long as our people live, we're going to have that memory of these places. (Wilmer Mesteth, personal communication 2013)

This discrepancy in the goals of archaeology is what historic preservation and cultural resource managers have to confront and be aware of on a daily basis in their disciplines. We have a collective memory that will not allow us to interpret our TNSP in any other way, no matter the secular science alternative, or culturally imperialistic approaches, to interpreting our origins, habitation locations, and ancestral territory.

This recognition of a tarnished past as it connects to CRM will always come up, it is not long gone out of the memories of Indigenous people, especially those that feel as if colonization has left them with the despair and poverty experienced daily such as on all reservations. As Medicine (2001) suggested, there is a "... 'culture of poverty' or 'reservation culture' in present-day parlance. These factors, along with racism, discrimination, and unemployment, are part of the everyday life of indigenous people in North America" (pp, 155-156). Most *Milahnaska* not knowing or acknowledging these simple facts may continue to lay judgment on these peoples of the reservations as if they have all the resources and will-power to change this existence.

"Although South Dakota has been viewed as a vanguard of racism and discrimination toward Indian people (Stevens, 1978), these situations exist in most areas where Native Americans live" (Medicine, 2001, p. 181).

### **Progress is Slow**

I would consider my opinions and perspective in this thesis to be an interpretation of how I see things first, then narrative support from my interviews, training from my education, and finally the diverse literature I chose to include. For me, archaeology, like anthropology, is not

always correct in its assumptions, estimates, calculations, predictions (predictive models), and best-guess practices. Change is needed, and I hope to be a part of that transition.

What will ultimately be required for us to get along is not new theories, paradigms, discourses, or texts (no matter how critical they might be), nor new sensitivities and ethical stances on the part of anthropologists (no matter how progressive they might be) but change in the social relations of scholarly production within the academy.

(Biolsi & Zimmerman, 2004, p. 17 [1997])

There is plenty of room for improvement obviously. But is this something that the elite would want to hear? I do not imagine so, based on history. What I mean are the professionals that we all look to as the seasoned experts for their scholastic and theoretical accomplishments in the field. They are considered by many as the leaders in the field, respected for their research, and their loyalty to the theories which have sustained these CRM disciplines. And so, who am I in this hierarchy of experts? I would imagine I would not hold much weight as an 'expert' in CRM when it comes to going 'toe-to-toe' or having an intellectual dialogue with many of them, because much of what I point out will be taken and interpreted as maybe just merely a Tribal voice full of anguish and politically-driven motives. Correct? I have seen that enough in the literature to make that statement, that indigenous issues in CRM are typically said to be politically driven. Biolsi and Zimmerman (2004) went on to say, "When one considers the sociology of hiring, publications, promotion, and funding in anthropology, one quickly realizes that research on American Indians will continue to reflect the agendas of the 'establishment' rather than those of Indian people" (p. 17). There is an authority present, one that does not easily give way to new scholarship, or to change, or to questioning outdated and disproven theories within the discipline. That is what appears to be the case anyway for anyone who 'bucks the



established system' or the traditional scholarship. Yes, for a graduate thesis, some may proclaim that my research is limited, and to some degree I would agree; however, only because of a limitation to time to get this work submitted for formatting, approval, and then binding for a graduation requirement. What I do know, however, is that my expert opinion as an Indigenous person witnessing the aforementioned issues within CRM are genuine and should be given a certain amount of weight.

The anthropological career largely involves the professional accumulation of symbolic capital through peer-reviewed publication and of (micro-) political power through institutional and disciplinary networks and seniority. The anthropologist thus...has...a 'hit-and-run' relationship with the native community he or she studies. This situation essentially guarantees that scholarly work will orient itself around intellectual issues in the elite, hegemonic, national intellectual culture, not around indigenous issues. (Biolsi & Zimmerman, 2004, p. 17 [1997])

There are plenty of examples to include regarding archaeology and its slow progress over the years, but what is most noticeable, is the climate of the profession at the time these incorrect interpretations are made. The climate is connected to political and self-defining attitudes within the profession itself. "Scholars also debate how anthropology is implicated in colonialism and what theoretically and practical stance anthropologists should take regarding colonialism" (Biolsi & Zimmerman, 2004, p. 14 [1997]). Archaeology, as a subdiscipline of anthropology has gone through a sort of evolution, going through many theories, changing practices, and self-reflection. Often, it takes enacting laws to see what changes are needed, unfortunately. Deciding if laws are necessary for continued evolution has always been at the helm of these disciplines.

## Values and Practices

As established in Chapter 1, *Lakóta* oral accounts are centered on a value system, which is often repetitive, told over and over, all to help the listener retain the vital information, whether it a tale of great deeds, a reminder of the depraved within all of us, a lesson in life about persevering, or a personal account from the past (to name a few examples) that can be used today to help someone or the group. Thus, I too write in this manner, a re-emphasizing of points made throughout this thesis, and for some may appear to be ‘over-emphasizing’ but that is the point, to be repetitive in order to get the vital information across. I want to promote the significance, as held by the *Lakóta*, so as to (as close as possible), retain the themes made from a different cultural perspective than the norm within *Mílahanyska*, and of course, CRM.

Native Americans, of course, never vanished, nor did they forget their own histories and heritages. They have always taught their children this culture—histories that ended with the archaeologists digging through the bones. For at least two centuries, two sorts of histories have existed for Native Americans. One has been a dominant history, researched in universities, taught in schools, preached from the pulpit, and published in books. This history has been dominant both because it reflects the viewpoint of the conquerors of the continent and because it overshadows all others. It resides in the institutions, such as schools, universities, and museums, that produce and control knowledge in our society. The other type of history was covert. Native elders taught it to their children in the home to resist the dominant history thrust upon them in the larger world. (Biolsi & Zimmerman, 2004, p. 77 [1997])

At the center of our existence is our spirit and all that this entails, and from that comes our ‘primal core values’ (as I term it), and how we go about practicing them from generation to

generation within our families is what makes us *Lakóta*. These principles, or cultural ways, are what would be understood in the CRM arena as ‘primal core values’, or morals, mores, customs, practices, and beliefs, to name a few. I chose this combination of words to describe what it means to connect to something of our origins as *Lakóta* with the word ‘primal,’ which is essentially the first or earliest known significance. Coupled with ‘core,’ I am asserting our central or fundamental concepts, similar to our *Lakóta* values which guide our society. And of course, using the term ‘value’ is exactly that, an accepted standard, to which we live by as *Lakóta*. Together, ‘primal core values’ is our earliest central standards. This is what we build everything on, and in order to connect with the non-indigenous reader, I am utilizing this combination to explain a foundation to which can be better understood in a different perspective than our own.

Traditional cultural ‘primal core values’ for the *Lakóta* are an intertwining of everything that is. ‘Everything that is’ virtually means all that is considered tangible and even all that is referred to as intangible. To say the well-known *Lakóta* term, *Mitakíye oyás’iŋ* “We are all related; all my relations” means exactly this, that there is a unique connection between everything, a making of a relative with all that ever was, with what exists now, and on into the future. This is a very holistic and encompassing perspective, maybe similar to some cultures around the world in one aspect or another, but very unique to Indigenous Peoples. There obviously is a similar belief amongst many indigenous nations today, that through the oral teachings, we may have come from similar (or the same) origins. As humans, we are only a part of this vast connectedness, no higher, no lower; yet, we have our role to play to retain the balance. With CRM, this is not something I have seen in the language of management policies, planning documents, such as the following from the National Park Service:

Section 4.2.1 of NPS Management Policies (2006) specifies that the NPS will: identify, acquire, and interpret needed inventory, monitoring, and research, including applicable traditional knowledge, to obtain information and data that will help park managers accomplish park management objectives provided for in law and planning documents; define, assemble, and synthesize comprehensive baseline inventory data describing the natural resources under NPS stewardship, and identify the processes that influence those resources; use qualitative and quantitative techniques to monitor key aspects of resources and processes at regular intervals; analyze the resulting information to detect or predict changes (including interrelationships with visitor carrying capacities) that may require management intervention and provide reference points for comparison with other environments and time frames; and use the resulting information to maintain—and where necessary restore—the integrity of natural systems. (NPS Natural Resource Inventories Strategic Plan, 2008-2012, p. 2)

For some in CRM, the common practices take a different approach to values, namely those associated with the overall majority national values. These values are not the same as the *Lakóta*, obviously. There are components of the above referenced section of the NPS Natural Resource Inventories Strategic Plan 2008-2012 that demonstrate this differing value system. I recognize that this reference is about natural resources, and our discussion is about cultural resources; however, there are overlapping responsibilities between the two.

By law and other planning documents, the NPS is looking to “identify, acquire, and interpret needed inventory, monitoring, and research, including applicable traditional knowledge,” which ultimately means looking at certain cultural resources to which the *Lakóta* would deem as TNSP. It does provide that the research would include, “applicable traditional

knowledge.” As I read this and knowing what I know about CRM practices and values, “applicable” is the key word in this phrase. I key in on this word because it is to mean basically, ‘at the discretion of.’ So, who is it that determines what is applicable? Is it the CRM practitioner? Or is it the Indigenous people who are giving the knowledge during the research? Or is it the federal agency, and in this case, the NPS? Whose values will be followed?

The ‘primal core values’ of the *Lakóta* are missing and are often misunderstood and more often than not misinterpreted. Ethnography, like archaeology is a device, and has similarities in how it acquires data (scientific inquiry), to come to some type of result, but these types of anthropological activities do not match the values placed by the *Oglála Lakóta*. A predictive response is often sought so as to make a quick comparison to another cultural group. This comparison is a form of categorization that often science relies on, rather than really listening to the ‘cultural authority’ (term often used in CRM to depict a Tribal elder knowledgeable in traditional ways) being interviewed.

First, corrective measures must be taken to eliminate scientific misconceptions about Indians, their culture, and their past. Second, there needs to be a way that Indian traditions can contribute to the understanding of scientific beliefs at enough specific points so that the Indian traditions will be taken seriously as valid bodies of knowledge. Both changes involve a fundamental struggle over the question of authority, since even when Indian ideas are demonstrated to be correct there is the racist propensity to argue that the Indian understanding was just an ad hoc lucky guess—which is perilously close to what now passes for scientific knowledge.

(Deloria, 1997, pp. 44-45)

Our elders are wise, that is why we honor and respect them in *Lakóta* culture, and they can see right through someone (e.g., scientist) who is not forthright or ready to receive the information they are seeking. We know that here, and respect that fact. I would argue that the information obtained from our elders (cultural authorities) is often just seen as a piece of the puzzle in the eyes of the CRM practitioner. When in reality it contains so many vital details that often may take a lifetime to comprehend (not just a brief visit, or even a few months of observation as the common practice is). An elder is not going to give you all you ask for, that is not how they do things. In the sciences, as described with scientific inquiry, the information and knowledge that our elders retain is not elevated regrettably to the status that it should be, as a direct link to the past. As a CRM practitioner myself, I honor this link (because someday I too will serve in that capacity for the generations after me).

But outside the Park Service I'm quite sure that calling living communities and their values 'ethnographic' is counterproductive. It's counterproductive in the communities themselves, which may not want to be regarded as objects of scientific inquiry, and it's counterproductive in the world of agency decision making, where social science tends to be seen as something of a frill but where real people still (sometimes) have some drag.

But it's also counterproductive in a larger way, I think, in that it makes us, the practitioners of CRM, put the wrong spin on our evaluation of things. (King, 2002, p. 17)

Often the way a community defines itself, and the more this is maintained, determines the community's sense of identity and self-respect. If this is changed by the 'power of the pen' by those able to do so in these respective disciplines discussed in CRM, then it changes the whole

cultural written landscape for what the outside world views as the truth. This has been the case for most of history in *Milahaṅska*, the history as conveyed through the eyes of the non-*Lakóta*. I have an opportunity to say otherwise in this brief work, but also hope to compel others of my current and future colleagues in these respective disciplines to do the same, allow for the unadulterated accounts of TNSP to be told from our cultural perspective.

Ethnography, like archeology, is a tool. It's a very useful tool, and one that probably ought to be applied a lot more widely than it is in the practice of CRM. But it's not what CRM, with respect to living communities, is about. And ironically, I'll wager that use of the term actually discourages the widespread use of ethnography in CRM. After all, why should an agency personnel officer or budget analyst pay for ethnography for its own sake or hire ethnographers to do ethnography? Agencies budget and hire to meet their mission needs, comply with legal requirements, and respond to what the agencies understand to be the public interest. The concerns of communities about impacts on their ways of life and their treasured places are important enough to drive budget and personnel decisions. Only in NPS, perhaps, with its history of ethnographic involvement and its public interpretive mission, is ethnography, qua ethnography, enough to influence such decisions. (King, 2002, pp. 17-18)

### **HP, TCP, or TNSP**

Within CRM practices, when historic properties identified during an inventory for a federal (or state) undertaking can be seen as being infringed upon or adversely affected, the project should proceed without encroachment on those properties. However, for many projects, special mitigating factors are put in place as the common approach. When damage to a historic

property is foreseen or expected in a project, the property is seen to be ‘non-renewable.’ This could mean once displaced, disposed of, or destroyed, the resource can never be regenerated, brought back or duplicated as it should be. The community to which ascribes their ‘primal core values’ to a property (eligible for National Register of Historic Places inclusion), may deem such action as “deeply offensive to, and even destructive of the group that values them” (King & Parker, 1998, p. 2). This approach to promoting mitigation of adverse effects rather than total avoidance of the special property is a type of cultural insensitivity. Unfortunately, within CRM today, this is what plagues many federal undertakings during the Section 106 consultation process as provided through 36CFR Part 800 titled the “Protection of Historic Properties,” as amended through August, 2004. This will be discussed in further detail under the Section 106 subsection. This is further supported by the National Historic Preservation Act, specifically Section 101(d)(6) under the subtitle of “Traditional religious and cultural properties may be eligible for listing in the National Register.” Unfortunately for Bulletin #38, it is not a law to which can be enforced. Under this Section of the NHPA, 101(d)(6)(A) provides the following terminology, “Properties of traditional religious and cultural importance to an Indian tribe...may be determined to be eligible for inclusion...” This is another variation of the same words that are now scrambled (not stated in the same order). Another example, Section 101(d)(6)(B), “...a Federal agency shall consult with any Indian tribe...that attaches religious and cultural significance to properties...” Nowhere in the NHPA does it specify Traditional Cultural Properties (TCP), as it is a generic term referenced in Chapter 1, coined by Thomas King. This makes one wonder why not just create one’s own variation of these same words commonly used for ones’ own purposes, so let us try a few:



Traditional Significant & Spiritual Places (TSSP)

Traditional Significant & Sacred Sites (TSSS)

Traditional Cultural Places & Sites (TCPS)

Traditional Religious & Culturally Important Sites (TRCIS), or finally

Religious & Culturally Significant Places (RCSP)

In addition, TCPs (or as I continue to reference as TNSP) are of the utmost significance because of the deep-rooted meanings behind all of these “*properties of traditional religious and cultural importance to an Indian Tribe*” (NHPA: Section 101(d)(2)(6)). What becomes the most apparent problem is the differentiation of what is significant for one culture (mainstream *Milahaṅska* society, and with it the field of CRM) and another culture, such as that of the *Oglála Lakóta*. One of the primary differences I have illustrated throughout this thesis is the simple fact that there is a huge difference in looking at the term ‘historic property’ and how there is no word or meaning for ‘property’ in the *Lakóta* language; it is and remains foreign to us. When briefly looking at what preservation in *Milahaṅska* has stood on, up to today’s listing of these historic properties on the National Register of Historic Places (National Register), it started out in early *Milahaṅska* preservation efforts with looking at preserving objects of antiquity, which today are commonly referred to as ‘archaeological resources’, and,

...are typically regarded as the property of the state. Historic buildings, sites, and monuments have always been a bit trickier to deal with, because they often quite certainly are *not* the property of the state. Many belong to religious orders, local governments, and private entities, and many continue in active use. The desire to preserve some such properties led to the practice of governmental ‘listing,’ ‘scheduling,’ ‘or registering’ places that were seen to have sufficient importance to

warrant possible governmental acquisition or the imposition of government controls over the actions of their owners.

...There are a couple of problems with this model when it's applied to the modern United States. First, of course, is our sturdy tradition of private ownership, our resolute desire to keep government—particularly the federal government—at arm's length. ...The second problem is that with respect to listed properties, it gives preservation priority over all other uses—not really very realistic in a dynamic modern state with a wide range of social and political responsibilities and a bustling capitalist economy.

...The founders of the U.S. historic preservation program recognized these problems and sought to address them both in Section 106. (King, 2002, pp. 20-21)

King (2002), though very noble in his pursuit to advocate for indigenous populations when referring to ethnography, exposes the real problem in *Milahaŋska*, its capitalist economy. This thought and philosophy was examined earlier with regards to *Oglála Lakóta* world view about protection of sites and places as if it were your Grandmother, as is our belief since time immemorial. However, when our world view clashes with today's modern needs for expansion, political interests (often referred to as 'national interests'), and meeting a human population demand, the cultural resources held important by the indigenous populations are sure to suffer. "More than any single issue, economic development is the battle line between two competing worldviews" (Nelson, 2008, p. 33).

Until we can confront this world crisis of climate change, we as Indigenous People will be judged by some for our holistic views of preserving what is both tangible and intangible. Because of our belief, we will be seen as not having common sense on whether to build

something (e.g., a road, building, recreation areas) or to support extractive industries (e.g., pipelines, commercial development such as mineral extraction, mining of natural resources such as oil, natural gas, coal, uranium) or any other ground-disturbing activity by instilling avoidance and protection in place of these actions. Why? Because the capitalist thinking will always prevail because of the national dependence on convenience. And as stated, we Indigenous Peoples, who often oppose these types of economic developments, are the minority of minorities in *Milahaŋska*, and so we actually lack to the political power to make a difference in the democratic system of majority rules. We are in the Great Plains, often overlooked.

The government don't realize it, but this middle part of the country, is their commissary because of cattle industry and farm industry, that's what feeds America. And it happens to be in our country, Lakota country too. And now this pipeline is coming right through the heart of that, so what the danger is, why we're standing up, is not only for our people, but for the people of this nation. What are they going to do in the future to foresee that, the damaging effects of this type of energy pursuit? And we're going to pay the price, or they are going to pay the price in the near future. And that's what they don't see, what we see.

Another thing that we see too, is that these federal agencies that we are having to deal with today are just middle men for the corporates, the corporate people and the millionaires and billionaires that are backing these up, they're the ones that buy Congress people to push forward their agenda. So, if you look at all these companies, who is driving that force, whose money is that coming from? Sometimes it traces back to heads of state here...people that are senators, governors and congressmen, they are all backing them people because of their money. That's what's driving this.

So, we are reacting to that situation, but we are having to go through that middle men to do it. (Wilmer Mesteth, personal communication, 2013)

So today, the National Register takes the lead in assuring that what is deemed important enough (if meeting the criteria established) for preservation will at minimum be afforded some sort of governmental consideration for being impacted. With so many federal (and state) undertakings occurring simultaneously (not to mention the untold private projects unregulated, without a federal trigger), I pose the question of how many of our *Oglála Lakóta* and *Očéti Šakówiŋ Hčáka* TNSP are destroyed daily, especially if they are not deemed important enough for the standards set in *Milahaŋska* government regulations and policies?

So, the Register has its roots in a system that lists places that government deems sufficiently worthy of preservation, and of sufficiently little worth for any other sort of use, to merit government acquisition, protection in place, and sometimes restoration. (King, 2002, p. 21)

More often than not, the *Oglála Lakóta*, along with other Tribes of the *Očéti Šakówiŋ Hčáka* will seek ‘protection in place’ as a means of full avoidance by the project, as there is knowledge by the establishment of the THPOs (first ones enacted in 1996), that enough has already been destroyed to date and what little remains is worth fighting assiduously for! So, is the National Register really all that it is ‘cracked up to be’ in terms of protection of TNSP?

Well, for years and years before there was a National Register, we in archeology were able to figure out where there were conflicts between modern land use and important archaeological sites and what to do about them. I feel sure that architectural historians and other professionals could do just as well with the kinds of properties they’re concerned about, and as for places important to communities—well, here we

are again: Ask the people. I think we could have quite a happy federal historic preservation planning process without a Register. I think such a process could effect better historic preservation than the present one does, and that it could waste a lot less time and money on pointless arguments—most of which are relevant only to people for whom maintaining lists is an end in itself. (King, 2002, pp. 24-25)

For now, as stated above, I offer my own variance to TCP, and that is a general reference to all places and sites, *Lakólyakel wanjátuya yawá owánka*. This is not something that has been adopted, nor approved of by the OSTCAHPAC or OSTCAHPO, but it is my recommendation through my understanding that provides as a starting point to placing our own language and meanings within the CRM terminology.

Now we look back at a different perspective, one of a dominant society, where majority rules supreme in this American system, for observing and acknowledging history and the land under which they deem suitable to their liking. Again, American history has many discrepancies in how this land was converted to its existing ownership, to be termed as a “property.” In historic preservation, the term “historic property” is used repeatedly to express an American heritage that is determined eligible to be nominated to the National Register of Historic Places, as referenced primarily through the NHPA (as amended through 2006). In addition, this declared national policy for historic preservation encouraged efforts of the state and private folks, all in order to expand and provide maintenance to the National Register of Historic Places, as well as to enhance the National Historic Landmark programs that have national significance. Originally, Section 106 of the Act required the federal agencies to consider the effects that may occur by the actions of their undertakings or projects, namely on these properties already listed in the National

Register. In addition, Executive Order 11593 of 1971 signed by President Richard Nixon, provides:

Section 1. Policy. The Federal Government shall provide leadership in preserving, restoring and maintaining the historic and cultural environment of the Nation.

Agencies of the executive branch of the Government (hereinafter referred to as "Federal agencies") shall (1) administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations, (2) initiate measures necessary to direct their policies, plans and programs in such a way that federally owned sites, structures, and objects of historical, architectural or archaeological significance are preserved, restored and maintained for the inspiration and benefit of the people, and (3), in consultation with the Advisory Council on Historic Preservation (16 U.S.C. 4701), institute procedures to assure that Federal plans and programs contribute to the preservation and enhancement of non-federally owned sites, structures and objects of historical, architectural or archaeological significance.

Often, as stated above, only limited specific federal laws and regulations like the following afford any sort of protection measures (primarily mitigation of some type) for these TNSP, cultural resources and other kinds of documents being curated in museums and other national archives.

The primary laws structuring historic preservation are:

- Executive Order 11593 (1971), Executive Order 12898 (1994), Executive Order 13006 (1996), Executive Order 13007 (1996), Executive Order 13175 (2000), Executive Order 13287 (2003)
- Native American Graves Protection and Repatriation Act of 1990

- Archaeological Resources Protection Act of 1979
- American Indian Religious Freedom Act of 1978
- Federal Land Policy and Management Act (Specific to Bureau of Land Management) of 1976
- National Environmental Protection Act of 1969
- Preservation, Arrangement, Duplication, Exhibition of Records of 1968
- National Historic Preservation Act of 1966
- Reservoir Salvage Act of 1960
- Historic Sites Act of 1935
- Antiquities Act of 1906

The primary regulations associated with historic preservation include:

- Federal Property Management Regulations of 2007
- Disposition of Federal Records of 1997
- Custody of Archaeological Resources, under the Archaeological Resources Protection Act of 1979
- Curation of Federally-Owned and Administered Archaeological Collections of 1990

Additional guidance comes in the form of the National Park Service Bulletin 36, titled “*Guidelines for Evaluating and Registering Archaeological Properties*,” and others like it, such as NPS Bulletin 15, entitled, “*How to Apply the National Register Criteria for Evaluation*.” In this thesis, my hope is to demonstrate other ways of not only preserving my own oral teachings through creating a process for locating, identifying, documenting, and recording cultural resources deemed significant to the *Oglála Lakóta*, but also to convey to the cultural resource management world that one size does not fit all when looking at different cultural groups; as well

as how they themselves have ways of demonstrating significance while using some of the TCP guidance with traditional teachings.

All of my life, as an *Oglála Lakóta*, I have seen what is being taught in the U.S. as far as history and who/what Native American/Indigenous Peoples are in relation to that history being told, and I am not convinced that there have been huge changes in that overarching sentiment to date. The strength of my thesis is revealing a different perspective on cultural resource management that is not the typical one portrayed. It really comes down to a difference in cultural perspectives, where most Indigenous Peoples narrative tends to be humble in their assertion of talking openly or even putting histories into a written form. Some of the reasons for not sharing more of this perspective are a real issue of trust, as trust has been broken from the numerous actions in our recent post-contact history dealing with non-natives. Can this trust be rebuilt? I always believe anything is possible. Archaeology and CRM in today's age appears (in certain pockets of a large industry) to be heading that direction, and it's inspiring to see, that is, if cultural sensitivity actions are exerted in planning activities and decision-making processes occur with full involvement of the *Oglála Lakóta*, especially if federal undertakings have impacts to our cultural resources.



## Chapter 4: NPS Bulletin No. 38: Comparative Analysis

### Chapter Orientation

This chapter will achieve a comparative analysis and critique of the National Park Services' *National Register Bulletin #38* to demonstrate differences in the cultural values and heritage between the indigenous (specifically the *Lakóta*) worldview and the federal guidance. Bulletin #38, *Guidelines for Evaluating and Documenting Traditional Cultural Properties* (King & Parker, 1998), is a prime example of a federal guidance propositioning the 'one size fits all' concept when it comes to identifying, evaluating and documenting traditional cultural properties (TCPs). In this analysis, the *Lakóta* perspectives and worldview for TNSP (associative to TCPs) are observed while analyzing this federal guiding document. In my summation, there remains a long-standing notion or commonly accepted orthodox in *Milahanska* that prominent Euro-American expertise actually leads the discussion within CRM, namely when it comes to interpreting the past and what is considered in the material culture as significant enough to afford full protection as a traditional cultural property or TNSP.

TCP, "The acronym for 'traditional cultural property,' ...was coined by Patricia L. Parker and me in the late 1980s during preparation of National Register Bulletin 38...published by the National Register of Historic Places in 1990" (King, 2002, p. 112). King and Parker were spouses and colleagues at the time. And to this day in CRM has served to open the door for the *Lakóta* to, at some small level, get the "properties of traditional religious and cultural importance" (NHPA Section 101(d)(6)(A)) to the forefront of federal undertakings and other CRM dealings. "The acronym also works for 'traditional cultural place,' a term that means exactly the same thing but is sometimes used to avoid the implication of 'property' that can be bought and sold" (King, 2002, p. 112).

The key component is ‘eligibility,’ as in whether eligible to be listed in the National Register as explained earlier. For those that are not specifically considered eligible under the National Register, they may be considered under other laws. These laws can include the National Environmental Policy Act (NEPA; 1969), or the American Indian Religious Freedom Act (AIRFA), Executive Order 12898, or Executive Order 13007. TCPs have certain distinctions today from an ethical viewpoint to be respected, as depicted here,

A related concern has to do with land areas defined as traditional cultural properties... These may include traditional food or medicinal plant collecting areas; ‘sacred’ sites, both point specific locations and view sheds; routes of travel to and among places of importance; cemeteries; or tracts of land said to have been traditionally owned. Archaeological work in all such areas may be seen as trespass. Archeologists have ethical obligations to respect these areas and work within them only with the full consent of the relevant groups. (Bentley, 2009, p. 417)

A traditional cultural property is by definition a kind of historic property type that possesses traditional cultural significance to Native American groups. In this work that group is the *Lakóta*. This study will show what aspects of Bulletin No. 38 work, and do not work for the Oglala Sioux Tribe due to opposing worldviews; and how a newly created process can be more inclusive of Oglala Lakota needs concerning the discipline of historic preservation and cultural resource management. Today, as it has been since the arrival of the Europeans, TNSPs of the *Oglála Lakóta* are still being interpreted primarily from these differing points of view:

Scholarly and applied studies of traditional cultural properties are skewed in favor of applying Euro-American anthropological methods to investigating TCPs. They identify them through a process of systematic study, which Euro-Americans scholars

deem important and in-line with scientific principles concerning the anthropological, historical interpretation of the past. This leads to ethnocentric practices that have been and remain detrimental to the Lakota. (LeBeau, 2009, p. 2)

As discussed throughout this work, I have pointed to the fact that there needs to be more change within CRM than has been the case to date. The primary changes are in who controls the archaeological record. Additionally, I have demonstrated how this control is a deep-seeded issue, and that many of the archaeologists of the time around the late 1980s, into the 1990s were forced to release some of this control with the passing of the Native American Graves Protection & Repatriation Act (NAGPRA, 1990).

As many authors note NAGPRA has fundamentally changed the way archaeologists and Native Americans interact. Part of this is the issue of ownership: NAGPRA has legislatively redefined ownership of cultural items such as human remains and funerary objects. This new legal reality has forced archaeologists to face the fact that they no longer have total control of the archaeological record. (Swidler et al., 1997, p. 18)

### **Bulletin #38 Creation**

Bulletin #38 (King & Parker, 1998) is authored by two individuals listed on page 3, “Patricia L. Parker, Cultural Anthropologist and Archeologist, American Indian Liaison Office of the National Park Service and Thomas F. King, Senior Archeologist and Director of the Office of Program Review, Advisory Council on Historic Preservation (formerly), Consultant, Archeology and Historic Preservation (currently)...1990; Revised 1992; 1998.” Currently, this very Bulletin is under review again here in 2013; my guess it was prompted by Indigenous peoples declaring that the guidance is insufficient to meet the cultural needs of each Tribal

Nation. And this is very true, as this applies to the Oglala Sioux Tribe, namely under advisement of the OSTCAHPAC and OSTCAHPO, thus the need for a process that is culturally-relevant to the *Oglála Lakóta*.

Starting with the Introduction on page 1, it describes what traditional cultural properties are, including it as a 'historic property' that the National Register of Historic Places 'may deem' eligible. This recognition for a property type is said to reflect "*the diversity of the nation's history and culture*" (King & Parker, 1998. p. 1). But what history and culture is this referring to, a collective, intercultural and multicultural one? Or by now, as of the dates of the amendments we considered to be all basically 'integrated' into American society? Who makes that determination, is it a Congressional decision, is it based on Supreme Court cases, or is it just assumed because Indigenous peoples of today appear to be fully colonized? I do not know for sure if this has been formally questioned until now. So, what if the Indigenous peoples themselves do not fully concede to this ideal, this cultural bias that 'one size fits all' assumption? Well, that is exactly the way it is, too many assumptions being made, namely with the topic at hand, historic and heritage preservation in *Milahaŋska*.

Now, let us take a closer look at further Introductory comments in the NPS Bulletin #38, there is little reference to what may be deemed 'significant' for most Indigenous peoples, who more often than not look at the land and its features. It reads, the Nation's history and culture is considered as, "*Buildings, structures, and sites; groups of buildings, structures or sites forming historic districts; landscapes; and individual objects are all included in the Register if they meet the criteria specified in the National Register's Criteria for Evaluation (36CFR60.4)*" (King & Parker, 1998, p. 1). How does an Indian Tribe, the *Oglála Lakóta*, and what is deemed significant to us, fit into these limited categories? Will it be sites (but what kind, sites where

structures are located?); landscapes; and/or individual objects? There are not a lot of *Lakóta* language words for these same definitions used in historic preservation verbiage. Now, we move onto the shorthand definition of ‘culture’ as it states it in the Bulletin #38, as “*the traditions, beliefs, practices, lifeways, arts, crafts, and social institutions of any community, be it an Indian tribe, a local ethnic group, or the people of the nation as a whole*” (King & Parker, 1998, Appendix). It goes further in Appendix I to define culture as:

...a system of behaviors, values, ideologies, and social arrangements. These features, in addition to tools and expressive elements such as graphic arts, help humans interpret their universe as well as deal with features of their environments, natural and social. Culture is learned, transmitted in a social context, modifiable. Synonyms for culture include ‘lifeways,’ ‘customs,’ ‘traditions,’ ‘social practices,’ and ‘folkways.’ The terms ‘folk culture’ and ‘folklife’ might be used to describe aspects of the system that are unwritten, learned without formal instruction, and deal with expressive elements such as dance, song, music and graphic arts as well as storytelling. (King & Parker, 1998, p. viii, Appendix I)

I believe this is extremely important to outline because of definitions for discussion sake, there are so many synonyms used as descriptors of vast and diverse cultures. When one does this, they take away the uniqueness of a people, by basically categorizing them into such neat sentences for understanding. In the *Lakóta* language, one word can be used in many different contexts, depending on the situation, so there are not as many synonyms as in the English language. The following is an example I created for some of the commonly used words, and their respective synonyms, in historic preservation and cultural resource management that are

primarily used for describing similar understandings for Indian Tribes, Indigenous peoples, and

Tribal Nations:

Mythology: folklore, mythos, legends, traditional stories, received wisdom

Tradition: custom, ritual, practice, institution, habit, convention, belief

Lore: wisdom, knowledge, experience, teachings

Folktale: tale, story, ballad, fable, allegory, fairytale

If one so chose to do so, just about any of these definers could in one way or another be used describe what the intent is; to demonstrate a sensitivity to another culture one does not fully understand. Maybe one could go further with this thought, maybe one does not really want to fully understand another culture because of an innate fear experienced to even consider why others do things the way that they do, that are so different from what one knows about their own upbringing. I know of course there is no way to accurately prove this philosophical ideal, especially for so many people residing on this continent today; but from experience, a lot of people do or do not do things based solely on fear.

In discussing the Introduction, next is reference to ‘eligibility’ afforded to properties that may possess a ‘traditional cultural significance,’ offering that ‘traditional’ refers to “*those beliefs, customs, and practices of a living community of people that have been passed down through the generations, usually orally or through practice*” (King & Parker, 1998, p. 1). For the *Oglála Lakóta*, this is true, we have beliefs and practices that are passed down from grandmother to mother to daughter to granddaughter and likewise grandfather to father to son to grandson, with variations between these kinships as it has always been. The Bulletin then offers some examples, from a wide range of properties and their respective kinds of significance that

may be placed with them. Though these are not that specific, one can see that the *Oglála Lakóta* are categorized again with all Indigenous peoples. We are not all the same.

Now we get to the first mention of a TCP, and the Bulletin offers that it can be defined as one that is eligible for inclusion in the National Register, because of an association with cultural beliefs or practices “of a living community that: (a) are rooted in that community’s history, (b) are important in maintaining the continuing cultural identity of the community” (King & Parker, 1998. p. 1).

Because traditional *Oglála Lakóta* world views, culture and perspectives are best communicated and implicit in the *Lakóta* language and practiced through the experiential teachings of our mothers and fathers, from grandmothers and grandfathers, the fact that Bulletin #38’s TCP philosophy, terms and definitions were conceived and written in English from an underlying ethnocentric point of view, poses a problem to be overcome. The real problem is conveying *Oglála Lakóta* terms and definitions with English terms and definitions of TCP significance, and vice-versa. In this thesis, I will attempt to identify the appropriate words in the *Oglála Lakóta* worldview and perspective and translate them into a quasi-non-*Lakóta* understanding for what the *Oglála Lakóta* may consider significant for such places and landscapes related to TCPs. As with any culture, language defines our understanding of the world and our culturally oriented perceptions of the world in turn shape our language. *Oglála Lakóta* ‘primal core values’ of bravery, generosity, wisdom, and fortitude; all resonate in today’s culture and continue to help guide this generation into accepting responsibility for the future generations who will carry on these basic principles. Within *Oglála Lakóta* culture, these ‘traditional cultural places’ retain the knowledge used by our *héktakiya wičóuŋčage* “ancestors”

for their travels and hunting paths, ceremonies, prayer places, spirit homes, creation stories, and our very existence—the significance and meaning of which are passed on through oral traditions.

It is well to keep in mind that interpreting the past can be readily accomplished—and is everyday—without recourse to documentary archives, photographic files, and early sound recordings. It cannot be accomplished, readily or otherwise, without recourse to places and the place-worlds they engender. (Basso, 1996, p. 7)

The *Oglála Lakóta* do not look at a ‘quality that a property possesses’ in order to meet this definition of a TCP and specifically its cultural significance, but instead have direct connection both tangible and intangible (emotionally, spiritually, mentally, physically) with the place and landscape. To the *Oglála Lakóta*, there is no terms in the language for ‘property,’ ‘quality,’ ‘historical.’ The *Oglála Lakóta* instead define broad areas, also known as a “cultural geography” (Basso, 1996, p. 8), of the special places that we hold as significant. If one was to look at these places, our habitation locations are associated near water ways, places where there are springs, creeks, and other such sources of water. In addition, many of the places had plenty of the medicinal plants necessary for carrying out our healing and preventive medicine practices. “Losing the land is something the Western Apache can ill afford to do, for geographical features have served the people for centuries as indispensable mnemonic pegs on which to hang the moral teachings of their history” (Basso, 1996, p. 62). For us as the *Oglála Lakóta*, we too are at risk with the continued and on-going loss of lands because of what the General Allotment Act provides. This Act, also known as the Dawes Severalty Act that was enacted by Congress in 1887 to allow for lands to be taken out of trust status by the sale of allotted lands to a non-Indian. Once the land is sold to a non-Indian, it is therefore considered as being taken out of trust status. Land that is no longer under trust status (Tribal or allotted) becomes private or deeded land that



no longer is under the trust responsibility of the federal government, thus is not afforded the same protections, namely for cultural resource and TNSP.

Bulletin No. 38 offers limited examples of traditional cultural significance relevant to the *Oglála Lakóta* as far as identification is concerned for TNSP significant to our specific cultural identity. The focus of the bulletin deals primarily with communities, buildings and neighborhoods, which are not relevant to the *Oglála Lakóta* needs, especially when dealing with federal undertakings that destroy TNSPs. The mistake that is commonly made when referencing the *Oglála Lakóta*, or any other cultural group like Indigenous peoples, is to solely place our significance on what many term as ‘religious beliefs.’ The locations of said places and landscapes are where the *Oglála Lakóta* always (outside of being banned by U.S. laws and policies) practiced our way of life, inhabited, traveled through for hunting and praying, and continually revisited. To limit the *Oglála Lakóta*, as the bulletin would attempt to do with its language, to defining TNSP as only places that we go to perform a ‘spiritual act’ is merely minimizing our very existence and relationship to the place we have always inhabited, within this region, our aboriginal territory.

This chapter will focus on utilizing the existing National Register Bulletin No. 38 as a basis for comparative analysis with *Oglála Lakóta* cultural values when considering the process for retaining TNSP oral traditions. Examination of *Lakóta* and English terms and definition differences and known language barriers will be discussed; as these often play a huge role in the misunderstandings of cultural significance for places and landscapes. With the appropriate permission of the Tribes involved, this work will also analyze a couple of other Tribal case studies on how the current Bulletin No. 38 is implemented and whether successful or needing improvement. This will include discussions on how ‘significance’ is attributed into the process

and how this works or does not work when considering culturally relevant perspectives. This work will follow through the respective chapter headings listed in Bulletin No. 38.

### **Purpose of Bulletin**

The Bulletin bids that traditional cultural values are central to a community's identity and self-respect, and that properties ascribing these same values bring on a certain significance. So, any type of damage or infringement to these properties, should they be eligible for the National Register, be viewed as deeply disrespectful, and thus should be considered during the planning stages, namely during the inventories. This is where the TCP study or survey comes in to play for most Tribes, like the *Oglála Lakóta* to complete their own field work to identify what is significant to us. The catch is, as always, will what is identified by Tribal CRM personnel in an inventory for TCPs be eligible for listing? As described in other sections of the thesis, I offered that prior to any TCP survey, when Tribes are asked to be consulted with on a project, often the archaeological survey has already been completed by an archaeologist(s), and more often than not without any participation by the Tribes or their representatives. This is a huge topic of concern to Tribes. Typically, because of different training specific in the field of archaeology looking for material remains and other methodologies to find evidence of human occupation at places, the CRM professional will not have the cultural background to identify specific traditional places and sites that maybe a Tribal CRM personnel may identify. The Bulletin supports the idea of only interviews and other ethnographic research at this time (1998). It goes on to to say, during an archaeological survey, that the

...subtlety with which the significance of such locations may be expressed makes it easy to ignore them; on the other hand, it makes it difficult to distinguish between properties having real significance and those whose putative significance is spurious.

As a result, clear guidelines for evaluation of such properties are needed. (King & Parker, 1998, p. 2)

I agree, clear guidelines for evaluation do need to put in place. As I read this part of the Bulletin, it's obvious that there is a certain amount of ignorance what a TCP actually is to the *Oglála Lakóta*. But as stated before, this Bulletin was developed as a 'one size fits all' concept, to which this work disagrees with as a guidance. What has happened in my experience is at trained archaeologist, primarily from a Euro-American academic background, by being mentored by 'old school' archaeologists ideals will focus on what they believe they are familiar with, 'archaeological resources,' not so much TCPs. As King (2002) had offered earlier, when considering the use of terms:

Suppose we're dealing with an Indian tribe's ancestral village site. Consider the difference between calling it an 'ancestral village site' and calling it an 'archaeological site.' The latter term inevitably conjures up the image of something that can be dug up, whose value can be preserved in the form of a research report and artifacts on a shelf, that's important because of what it can teach us—outsiders to the community—about the past. The former implies something quite different—a place where the ancestors of a living community lived. I suggest that when we think about ancestral village sites first and foremost as archaeological sites, we elevate their research value to nonparticipants in the descendant community over their socio-cultural, emotional, and spiritual importance to the community. I think that's a problem if we're going to have a cultural resource management that reflects and respects the cultural values of living people. (p. 17)

Next, the Bulletin in the Purpose discusses the 1980 amendments to the 1966 NHPA that directed the Secretary of the Interior to work with the American Folklife Center to study means of: “preserving and conserving the intangible elements of our cultural heritage such as arts, skills, folklife, and folkways...” (King & Parker, 1998, p. 2). So, what would that mean to any *Oglála Lakóta* I visited with as an archaeologist to ask them to provide me their cultural heritage in terms of their arts, skills, folklife, and folkways? Seriously considering this, I would imagine my people would probably first look at me with dismay, and secondly laugh at the question. I would not even know how to approach this with use of our language to interpret those words to *Oglála Lakóta* meaning. As I had listed in the Introduction analysis section above, I provided synonyms of commonly used CRM terms that maybe I could start with and hopefully find the one that is the closest in meaning. But that is the compromise that occurs between two different cultural groups and languages, it seems as if the smaller one is the one having to be the biggest compromiser in the interaction, finding ways for English to fit into our *Oglála Lakóta* understanding. And in the end, it is not the same, because the beliefs and practices and the context for which the respective words are used are often different.

In addition, the 1980 amendments to the NHPA wanted there to be recommendations made on how to: “preserve, conserve, and encourage the continuation of the diverse traditional prehistoric, historic, ethnic, and folk cultural traditions that underlie and are a living expression of our American heritage“ (NHPA 502; 16 U.S.C. 470a note) (King & Parker, 1998, p. 2). Then it goes on to offer that a report was completed on June 1, 1983, to the President as a response to this directive, entitled Cultural Conservation, by the Secretary of the Interior.

The report recommended in general that traditional cultural resources, both those that are associated with historic properties and those without specific property referents,

be more systematically addressed in implementation of the National Historic Preservation Act and other historic preservation authorities. (King & Parker, 1998, p. 2)

As I read this, this is a very nice gesture, but where has the actual initiation and implementation been completed in *Oglála Lakóta* country to date? Reality is that if a federal agency really wanted to deny the study of TCPs, there is no real legal mandate to force them to conduct surveys and complete consultations to find and record them. Further, guidelines are provided for documentation of tangible cultural resources, all to be incorporated in planning and decision-making processes, documents, and manuals. Though it indicates there is an ‘encouragement’ of identification and documentation of such resources, through my experience this is not typically afforded to my Tribe as it usually comes down to costs for such additional surveys. The respective federal agency normally tries to retain that the archaeological survey is sufficient in identifying and evaluating any cultural material or sites found within the APE.

King and Parker (1998) stated that this Bulletin has been developed as one aspect of the 1983 report, and “It is intended to be an aid in determining whether properties thought or alleged to have traditional cultural significance are eligible for inclusion in the National Register” (p. 2). I draw fire on the use of ‘properties thought or alleged’ in this reference, as it is implying Indigenous peoples may actually lie about their cultural significance tied to a property. This type of language in a guidance is what sets up the *Oglála Lakóta* to have the burden on their shoulders now to prove there is no alleged significance. Let us not forget, we have to fit these meanings of significance from our point of view and understanding in *Oglála Lakóta* into a system not of our own, not of our language or meanings. This is demeaning to us. The reasons why a place really is a ‘TCP’ come from a long line of oral knowledge, societal teachings from birth, repeated

beliefs and practices that retain the self-identity of who we are. But the reality is, we are going to ask them to relay all of that, on paper, in an audio recorder, at a consultation table with strangers, all in order to ‘prove’ that a place is special and to which the Tribe ascribes significance not only because of the tangible attributes, but also intangible aspects that cannot be merely spoken. These are natural, felt, and experiential matters. The 1983 report’s offensive verbiage, goes on to say,

It is meant to assist Federal agencies, State Historic Preservation Officers (SHPOs), Certified Local Governments, Indian Tribes, and other historic preservation practitioners who need to evaluate such properties when nominating them for inclusion in the National Register or when considering their eligibility for the Register as part of the review process prescribed by the Advisory Council on Historic Preservation under 106 of the National Historic Preservation Act. (King & Parker, 1998, p. 2)

Not surprising, but ‘Indian Tribes’ are listed fourth (probably meant to reinforce our place in order of importance), even though much of these properties will undoubtedly be of Indigenous origins. I am sure this language use is because mainstream America believes we are existing just like they do, with a tax base, with city, county, state or judicial revenues which offer resources for these kinds of activities to actually spend time, money and personnel on formally identifying and nominating properties. The reservations typically do not have these same internal resources nor federal funding provided in order to perform these activities. Not until our Tribe worked to get recognition in 2009 from the National Park Service as a Tribal Historic Preservation Office (THPO) were we really ‘in the loop’ on a lot of historic preservation efforts

and CRM related items. My point is that we are at a distinct disadvantage. Right now we are in reaction mode to these issues, with little to no funding.

Continuing on with Bulletin #38 Purpose; the wording goes on to say the report initiated the Bulletin to provide assistance when evaluating and nominating these types of intangible properties, and goes on to say, its design is to supplement some of the other National Register guidance, particularly “*How to Apply the National Register Criteria for Evaluation*” and “*Guidelines for Completing National Register of Historic Places Forms*” (King & Parker, 1998, p. 2). It offers that this Bulletin #38 should be used in conjunction with these two Bulletins and other applicable guidance available from the National Register, namely when applying the National Register Criteria and/or preparing documentation to support nominations or determinations if the property “is or is not eligible for inclusion in the Register” (King & Parker, 1998, p. 2). Now we get to where this Bulletin asserts it is also responsive to the American Indian Religious Freedom Act (AIRFA) of 1978. AIRFA requires federal agencies, like the National Park Service, to evaluate its policies and procedures which are typically focused on “protecting the religious freedoms of Indigenous peoples (Pub. L. 95341 2)” (King & Parker, 1998, p. 2).

Within this evaluation of the agency policies and procedures of the National Register, misinterpretation of significance according to Indigenous peoples.

...suggests that while they are in no way intended to be so interpreted, they can be interpreted by Federal agencies and others in a manner that excludes historic properties of religious significance to Native Americans from eligibility for inclusion in the National Register. This in turn may exclude such properties from the protections afforded by 106, which may result in their destruction, infringing upon the

rights of Native Americans to use them in the free exercise of their religions. To minimize the likelihood of such misinterpretation, this Bulletin gives special attention to properties of traditional cultural significance to Native American groups, and to discussing the place of religion in the attribution of such significance. (King & Parker, 1998, p. 3)

The fact that this Bulletin #38 gives notion that intangible properties of religious significance are not to be so interpreted, the fact remains that today they are. In addition, the exclusion of historic properties of religious significance to *Oglála Lakóta* from eligibility is what we are fighting against today.

Inside of the Cover page of Bulletin #38 it specifically indicates the Department of Interior's mission, including the language "...and honor our trust responsibilities to tribes." Why would this Bulletin be created with specific intent on dealing with Indigenous peoples' intangible properties (the picture on cover is of Indigenous People) and then have the following passage inserted into the next point to be made; almost a disclaimer which opens the Bulletin to all ethnic groups:

The fact that this Bulletin gives special emphasis to Native American properties should not be taken to imply that only Native Americans ascribe traditional cultural value to historic properties, or that such ascription is common only to ethnic minority groups in general. Americans of every ethnic origin have properties to which they ascribe traditional cultural value, and if such properties meet the National Register criteria, they can and should be nominated for inclusion in the Register. (King & Parker, 1998, p. 3)



It is as if to imply that Indigenous peoples are ‘not that special,’ even on lands that are Indigenous. But *Milahańska* has made a habit of ascribing significance to places in the last few hundred years that Indigenous peoples have held as significant for millennia. Fact remains that the Treaties and federal trust responsibilities to American Indian Tribes create a distinct relationship between them and the U.S. government that is not shared by any other ethnic groups in this country. This shift that the Bulletin starts out with towards ‘inclusiveness’ of all ethnic groups, strangely dilutes its intent to deal with Indigenous peoples’ intangible properties.

This Purpose section has a lot added into it, and if you do not take the time to read it thoroughly, one can miss a lot of subtleties within it. The next piece addresses properties that “have no property referents—except by exclusion” (King & Parker, 1998, p. 3). It provides that the Bulletin does not address resources that are “purely ‘intangible;’” however, the NPS is committed to ensuring that such intangible resources “are fully considered in planning and decision making by Federal agencies and others” (King & Parker, 1998, p. 3). It goes on further to state that historic properties represent only some aspects of culture, which is true, and that there are other characteristics, “not necessarily reflected in properties as such, [that] may be of vital importance in maintaining the integrity of a social group” (King & Parker, 1998, p. 3). What is puzzling is that it offers that the “National Register is not the appropriate vehicle for recognizing cultural values that are purely intangible, nor is there legal authority to address them under 106 unless they are somehow related to a historic property” (King & Parker, 1998, p. 3). The trouble with this is that so much of what is considered a tangible property in the Bulletin is not even a property for the *Oglála Lakóta*, as much of what is understood by the *Oglála Lakóta* is intangible, often connected directly to something tangible, such as a place or site. The next piece is equally distressing,

The National Register lists, and 106 requires review of effects on, tangible cultural resources—that is, historic properties. However, the attributes that give such properties significance, such as their association with historical events, often are intangible in nature. Such attributes cannot be ignored in evaluating and managing historic properties; properties and their intangible attributes of significance must be considered together. (King & Parker, 1998, p. 3)

The intent is to recognize these intangible ‘attributes’ that give such properties significance; however, it only provides that they be ‘considered.’ When I think of something that is considered, it is exactly that, a choice to do so or not to do so.

Next, the Bulletin #38 provides that it is “meant to encourage its users to address the intangible cultural values that may make a property historic, and to do so in an evenhanded way that reflects solid research and not ethnocentric bias” (King & Parker, 1998, p. 3). What does ‘evenhanded way’ really mean? What is the solid research piece? Is this where methodology similar to that of the established disciplines of archaeology and ethnography is to be implemented? Will there need to be, or is there already, a professional standard set for completing TCP surveys in order to determine what is a historic property which ascribes intangible attributes? There is a lot going on in this one sentence, the same diluting of information or guidance to the ‘user’ which leaves the door wide open to unregulated individual choice. To merely ‘encourage’ someone, leaves them the choice, not the legal obligation, this is where we are limited in asserting our *Oglála Lakóta* attributes to intangible properties, in these simple statements in the Purpose section alone.

In the concluding remarks for the Purpose section, the Bulletin offers the following note, “...no one should regard this Bulletin as the only appropriate source of guidance on its subject,

or interpret it rigidly” (King & Parker, 1998, p. 3). I could not agree more. How can one not regard this as an appropriate source however, especially if it comes from the federal government? It is to be the appropriate source, as it follows what has already been established in legislation and regulations, as well as mandates in Executive Orders and such. And so brings the next point, how can it ‘not’ be interpreted rigidly, when on the most part, it is one of the only related documents that deals with Indigenous peoples’ intangible properties, as well as the properties said to be TCPs? Another disclaimer-like verbiage comes here: “Although traditional cultural properties have been listed and recognized as eligible for inclusion in the National Register since the Register's inception, it is only in recent years that organized attention has been given to them” (King & Parker, 1998, p. 3). I would venture that this organized attention has derived from the Indigenous peoples themselves, finally asserting their history and perspectives to be included. For most of America, the heritage of the elite, rich and powerful (recognizing building, structures of American leaders as example), have been recognized the primary historic properties worth preserving. But with the creation of this language in this Bulletin #38, now too is Indigenous peoples’ heritage. That is not spoken clearly in the reality behind this statement, which can prove to be very misleading to the ‘user’ Then we go back a little, almost a full turn around in the above statement to indicate another piece of the disclaimer: “This Bulletin represents the best guidance the Register can provide as of the late 1980s, and the examples listed in the bibliography include the best known at this time” (King & Parker, 1998, p. 3). One can see now though that times have drastically changed since then with many Indigenous peoples, including the *Oglála Lakóta*, asserting themselves more into legislation.

In its final statement under the Purpose section it provides it is “meant to supplement, not substitute for, more specific guidelines, such as those used by the National Park Service with

respect to units of the National Park System and those used by some other agencies, States, local governments, or Indian tribes with respect to their own lands and programs” (King & Parker, 1998, p. 3). So, if the National Park Service is the lead federal agency with the mandates, mission, and other formal policies with regard to historic preservation, the National Register, the nominating process, oversight of CRM (through laws enacted), why would they discredit this Bulletin by saying that every federal agency can do what is in their own respective mandates? That is what is plaguing the *Oglála Lakóta* THPO right now--the influx of federal undertakings coming into the office requesting comment for their projects. Most of these notices come from the federal agency for ground-disturbing actions. These are land managing agencies primarily under the Department of the Interior, Department of Health and Human Services, and Department of Agriculture; most of which cite the NHPA and Section 106 regulations for their request for comment. Yet each of these Departments and the subsidiary programs and agencies have their own separate internal policies, guidelines and regulations in how to deal with historic properties, consultation with Indian Tribes, and assert stewardship responsibilities within their own purview. This creates a daunting task for our Tribal THPO to keep up adequately with the influx of projects across the Great Plains regional area.

Before ending the Purpose section, I wanted to include a footnote at the end, which states, “It is notable that most of these examples are unpublished manuscripts. The literature pertaining to the identification and evaluation of traditional cultural properties, to say nothing of their treatment, remains a thin one” (King & Parker, 1998, p. 3). Does this mean that this guidance, and any other examples used to create this Bulletin such as ‘manuscripts’ have no real standing? Of course, I mean ‘real standing’ in the sense of having court confidence, if it were to go in front of a judge. This leaves the door wide open to individual interpretation.

## **Ethnography, Ethnohistory, Ethnocentrism**

This section of Bulletin #38 deals with the meanings behind the words: ethnography, ethnohistory, and ethnocentrism, detailing how they will be used throughout the text of the Bulletin. What caught my attention was under the ethnohistory portion, primarily the discussion on ethnohistory being the “study of historical data, including but not necessarily limited to, documentary data pertaining to a group or community, using an ethnographic perspective” (King & Parker, 1998, p. 4). Of course, above this was the definition of ethnography which is the act of understanding communities through interviews. Ethnohistory meanwhile focuses on the documentary data, using this ethnographic perspective. Is this to mean that once an ethnographer observes the community for a pre-determined time they will gain an understanding worth the approval of the group being interviewed? Or will it be an interpretation based on their own bias and worldview? Well there lies the problem, through the eyes of the observer is what will be reported and published; without the final approval of the group. As my colleague discusses, he recognizes that our *Oglála Lakóta* have a lot of knowledge that is being lost as the older ones pass on, but to record it may change it.

But it's interesting to know all that knowledge, a lot of it is being lost. Now more people are trying to document it. Would be a good thing to write it down, but in the process, it gets changed. It's a double-edged sword. (Yellow Thunder, 2013, personal communication)

This has happened throughout historical times when ethnographers have interviewed our *Oglála Lakóta* people, taking the information that they thought was important enough to include in their book, manuscript, thesis, dissertation, as a few examples, and left the rest in their notes or maybe totally omitted from transcription onto paper, never to be published. Possibly in these

notes, or omissions (whether deliberate or accidental), forever is lost its meanings and context that the one being interviewed had intended to share to complete the story. Is this second-hand knowledge, without the cultural background of the recorder the same as from someone who has directly lived that cultural background? I believe you will find these will be two very different interpretations of the same story being told.

In *Milahańska*, the trusted word typically is taken from the outsider of the group, the ethnographer, and is continually cited as a reference to make present interpretations from. This is where confusion ensues in this line of work, as this word or perspective as interpreted through the eyes of the outside ethnographer is basically that, his/her individual interpretation of what was shared with him/her. All that person can really illustrate, without it being seen as an interpretation of an *Oglála Lakóta*, is his/her own experience from the interviews. And this is where it stops, at that person's experience, and the reader is to assume that interpreted experience is the absolute and final truth, just because he/she says so? To actually contrast this, one must go out and experience things for themselves in order to really capture their own experience, as everyone's experience will and may differ. Go to the places being talked about, see and feel the context to which the one being interviewed is talking about. This is what I am apprehensive about when referencing interpretations made by someone outside the cultural group, this lack of not only cultural background, but never experiencing these matters themselves, yet writing about it. Once done, this is what others will read about as being the truth, because the ethnographer is the professional scholar, and all scholars can be trusted...correct? That is what we are taught in our early education is it not? However, not all writing is this way. Much of what is shared by the one being interviewed depends so much on trust. How can one cite someone that they never even met, had no idea of their tendencies, their upbringing, their culture, their social and political

background and motives? These and other areas fall within the study of ethnography and ethnohistory.

Regarding ethnohistory specifically, the Bulletin #38 states: “Ethnographic and ethnohistorical research are usually carried out by specialists in cultural anthropology, and by specialists in folklore and folklife, sociology, history, archeology and related disciplines with appropriate technical training” (King & Parker, 1998, p. 4). This is one reason I have gone to graduate school, to become considered a ‘specialist’ with this ‘appropriate technical training,’ but I believe as an *Oglála Lakóta* I already had all the skills and training through my way of life lived here on the Pine Ridge Reservation. My people have retained so much of our culture, while still living in this other world created by *Mílahąska*. The sad reality is, we are living in a world as depicted and dominated by the conqueror, a world of Euro-American ideals. These ideals and institutions are here to stay it seems, and these are not meant for *Oglála Lakóta*, hence the creation of this thesis pointing out this very fact. So, in looking at the footnote for the ‘professional qualifications’ of an ethnographer (as described in Appendix II), these skills are learned as an *Oglála Lakóta* child, to be able to communicate with your people correctly and respectfully, keeping the conversations appropriate (to the study at hand). The part that would be difficult though, because it would be offensive, is to describe, through documentation, the “skill in making and accurately recording direct observation of human behavior...in such a way as to discern meaningful patterns...” (King & Parker, 1998, p. 27). I do not imagine many *Oglála Lakóta* would want to experience something so degrading, to be studied like a specimen for science. Reality is, they too would be doing the same behavior and would be a participant in these so-called ‘meaningful patterns.’ I would not want to do that to any other cultural group for that matter, just for the sake of recording what I witnessed to create some sort of outsider

interpretation (which I believe would be so incorrect anyway), as I would only convey what my experience was, how I felt, and how I believed this was something not for my understanding because I was secure enough to feel appreciative of my own culture and way of life.

This ties into the next piece, ethnocentrism, which I, for one, am glad is included, but with some hesitation in saying that as I am quickly floored directly after when it refers to our *Lakóta* beliefs in emergence origins. I am glad it is included because it provides a real guidance on the differing outlooks that each cultural group views: “Ethnocentrism means viewing the world and the people in it only from the point of view of one's own culture and being unable to sympathize with the feelings, attitudes, and beliefs of someone who is a member of a different culture” (King & Parker, 1998, p. 4). As I read through this, two thoughts come up. The first, is what our *Oglála Lakóta* have experienced and still experience today, but from the side of being dispossessed and disrespected. The second thought is I have to question myself in what I write, and ask whether I am doing that myself, unable to sympathize with America in general, their “feelings, attitudes, and beliefs... of a different culture.” To be frank, I definitely believe I am sympathetic to my *Oglála Lakóta* people's struggle for the past couple of hundred years first and foremost. But that is the choice each individual has, it is up to you, the reader to determine whether they wish to be viewed as ethnocentric. Either way, I will continue to be me, an *Oglála Lakóta* proud to speak out for a voice that has long been silenced. The American voice, which represents such a wide array of cultures today, is by no means attacked in my written assault on any cultures not of *Oglála Lakóta*, but instead on the nationalistic ideals that are often politically or religiously driven. I do not want our *Oglála Lakóta* people to be exterminated because of continued loss of identity in this vast cultural diversity of America, I want us to always be recognized. “We are losing our identity, our roles within assimilation. Turning of the age, who



knows what it will be like in the future. There is a renaissance. We believed it has always been this way for us to be here, in our teachings” (Yellow Thunder 2013, personal communication).

So, I do agree with the next statement: “It is particularly important to understand, and seek to avoid, ethnocentrism in the evaluation of traditional cultural properties...Euroamerican society tends to emphasize “objective” observation of the physical world as the basis for making statements about that world” (King & Parker, 1998, p. 4). And the Bulletin goes on to say that these types of observations may not be used “as the major basis for evaluating a traditional cultural property” (King & Parker, 1998, p. 4). Then we get to the ironically inserted ethnocentric piece that is supposed to advocate for not having ethnocentricity in it, and it goes on to give an example of an intangible property (something not seen) by the outside observer about a place or site that is held sacred by the “*Native American group*” (King & Parker, 1998, p. 4). Now we as Tribes, respective and sovereign Tribal Nations, are depicted here as ‘groups’? Ok, well, back to the ironic verbiage about not being ethnocentric, yet still retaining that message regardless in this example.

...group's belief that its ancestors emerged from the earth at a specific location at the beginning of time may contradict Euroamerican science's belief that the group's ancestors migrated to North America from Siberia. These facts in no way diminish the significance of the locations in question in the eyes of those who value them; indeed, they are irrelevant to their significance. (King & Parker, 1998, p. 4)

It would be ethnocentric in the extreme to say that ‘whatever the indigenous people says about this place, I cannot see anything here meeting the criteria of significance, so it must not be significant’ or, ‘since I’m fairly confident from my education that I am familiar with these peoples and the fact that their ancestors came from Siberia, the place where they think they

emerged from the earth is of no significance.’ This would be ludicrous of me to state such things as a trained observer! It is vital to evaluate properties thought to have traditional cultural significance from the standpoint of those who may ascribe such significance to them, whatever one's own perception of them, based on one's own cultural values. They should not be rejected based on the premise that the beliefs they reflect are thought of as inferior to one's own education (based on theories, such as the Bering Strait theory).

How would anyone, the CRM professional, not read this with a sense of relief, taking a deep sigh, especially if they are from a Euro-American cultural background? What I mean is that the common fallacy portrayed in the nobility of statements such as this, is that our *Lakóta* beliefs and what is ascribed to us as significant is not really relevant, but instead the ‘facts’ are. The theory is believed to have enough supporting evidence to carry on as fact? It would be like saying in return for my own people who would read something to the contrary, all the while supposedly advocating for all cultures in this area of historic preservation: “Please remember the facts, our *Lakħol wičhóh’añ* (Lakóta customs and traditions/way of life) are the facts, so please do not judge the Euro-American for believing in their ideals about ‘their’ science, as these in no way diminish their beliefs, even if we retain the facts that our emergence origins come from *Wašúŋ Niyá* (commonly known as Wind Cave).” Of course, this is my personal quote of opposition in order to add context to a very ethnocentric ideal being portrayed in Bulletin #38, for which I have subtly inserted in order to retain my cultural ideals.

The entire piece is the basis for Euro-American beliefs and ideals. It is loosely based and can be contested simply on its merits. We are set up with statements like this, as indicated earlier, to prove ourselves and our “assertions about the significance of a place” (King & Parker, 1998, p. 4) that it is perfectly fine to have our assertions “questioned or subjected to critical

analysis” (King & Parker, 1998, p. 4). This is an outright questioning of a people’s beliefs, our *Lakħol wičhóh’añ* for the *Oglála Lakóta*; and does it not contradict Section 101(d)(6)(A) regarding our “Properties of traditional religious and cultural importance”? Is the theory that we as Indigenous peoples crossed over to North America from Siberia? Is the theory that all humans have a shared common ancestor deriving from Africa? Are our beliefs somehow now “irrelevant to their significance” in where we emerge, where our origins are? The facts are that there are no facts when the colonizer tells the story and controls its outcome. The outcome in this thesis is that federal undertakings (and all ground-disturbing projects) continue to take place while destroying the cultural material within their original location. No amount of science can ever dispute for absolute certain that the beliefs (though oral) from the ancient past on this continent are not what they appear to be, merely on speculation (though written) and personal interpretation. What I do know, is that the older I get, embracing and understanding our *Lakħol wičhóh’añ* every day, I see more and more value in the wisdom that is passed down to us younger generations. This oral account places us here, where all of our ancestors are in our sacred *Ĥesápa* (Black Hills). No amount of Euro-American science can ever change that, as I am confident this is the way for most *Oglála Lakóta*. However, this is what we are up against, differing Euro-American ideals, not *Oglála Lakóta* beliefs. Ideals are from the mind, while beliefs are from the heart and spirit of an individual.

### **Evaluation, Consideration, and Protection**

Now, the last part of Chapter 1. Introduction of Bulletin No. 38, it offers guidance on what to remember, in addition to above, in evaluating TCPs, as is with any other kind of historic property “...is that establishing that a property is eligible for inclusion in the National Register does not necessarily mean that the property must be protected from disturbance or damage”

(King & Parker, 1998, p. 4). This language leaves the options wide open for the federal agency (and project proponents) while trying to implement Section 106 obligations, with the goal being to assess the federal undertaking's effects and "seek ways to avoid, minimize or mitigate any adverse effects on historic properties" (36 CFR Part 800.1(a)). For the *Oglála Lakóta*, avoidance and protection in place is always the best option. How can this guidance even advocate for such verbiage, as if the beliefs of the *Oglála Lakóta* are less than the ideals provided for protection of such properties. Reality is, that many 'users' of this guidance may not know, and it is a sad truth, that just because it is listed in the National Register, it does not afford a historic property or TCP any sort of protection (see below insert) because Section 106 is set up to allow projects to proceed, and only assure people that their concerns will be considered. Again, this is an option made available for the federal agency to consider, it is their choice.

...but if in the final analysis the public interest demands that the property be sacrificed to the needs of the project, there is nothing in the National Historic Preservation Act that prohibits this. This principle is especially important to recognize with respect to traditional cultural properties, because such properties may be valued by a relatively small segment of a community that, on the whole, favors a project that will damage or destroy it. The fact that the community as a whole may be willing to dispense with the property in order to achieve the goals of the project does not mean that the property is not significant, but the fact that it is significant does not mean that it cannot be disturbed, or that the project must be foregone. (King & Parker, 1998, p. 4)

Where does this leave the *Oglála Lakóta*, when our history and tie to these traditional and naturally significant places and sites are in the hands of Euro-American ideals and systems?

Ultimately, an *Oglála Lakóta* significant place or site can be damaged, according to this language and there is nothing to stop that from happening. What a grim outlook this may create for the ‘user,’ especially an *Oglála Lakóta*.

### **Values in Planning**

This section portrays an ideal system, practical for time and cost effectiveness of a federal undertaking, and states,

Traditional cultural properties, and the beliefs and institutions that give them significance, should be systematically addressed in programs of preservation planning and in the historic preservation components of land use plans...practical reason for this is to simplify the identification and evaluation of traditional cultural properties that may be threatened by construction and land use projects. (King & Parker, 1998, p. 5)

The most expedited way to fulfill one’s federal obligations to Indian Tribes is what is exemplified in the federal undertakings that I have been involved in. The identifying and evaluating of such properties today now incorporates TCP surveys or studies. This language in this section provides that there is a requirement for “detailed and extensive consultation, interview programs, and ethnographic fieldwork...” (King & Parker, 1998, p. 5). And it warns the ‘user’ that these activities may add considerably to the time and expense of compliance with Section 106 and the National Environmental Policy Act (NEPA; 1969), and that:

...by early, proactive planning that identifies significant properties or areas likely to contain significant properties before specific projects are planned that may affect them, identifies parties likely to ascribe cultural value to such properties, and

establishes routine systems for consultation with such parties. (King & Parker, 1998, p. 5)

This is already established under 36 CFR Part 800 under Section 106 regulations. I can see though where this could serve as a valuable reminder to planners to remember to incorporate the early proactive planning for projects, which are to hopefully head off unneeded delays for projects.

Next in this section it references the *Secretary of the Interior's Standards for Preservation Planning* and how these provide for the establishment of 'historic contexts', which - is a 7-step preservation planning process. According to this language, a historic context:

*...is an organization of available information about, among other things, the cultural history of the area to be investigated, that identifies 'the broad patterns of development in an area that may be represented by historic properties' (48 FR 44717). (King & Parker, 1998, p. 5)*

It goes on to state that the 'traditions and traditional lifeways' of the planning area being discussed for a particular project may embody such broad patterns, all in order for this information about them to be used as a foundation for historic context development. This will have to be incorporated into the planning process as well, as these guidelines underline the necessity for consultation in the context of development, and references for use, the Advisory Council on Historic Preservation's Guidelines for Public Participation in Historic Preservation Review (ACHP, 1988). These historic contexts are meant to incorporate *Oglála Lakóta* reflection on the history and culture (accomplished through TCP surveys and studies), as we understand them. In addition, it is also to incorporate "Euroamerican scholarship" (King & Parker, 1998, p. 5). These consultation processes are to become policy for the federal agency,

for all routine planning and project review procedures. The question again arises, does this have to be followed legally, or is it merely ‘encouragement’ to do so, with the option to opt out if time and costs of a project outweigh these factors to incorporate into the planning and consultation process?

### **Identifying TCP**

As stated earlier, the ‘one size fits all’ model for indigenous or other ethnic groups is ineffective in today’s cultural resource management archaeology. Specifically speaking one can see in this Bulletin that other ethnic groups’ concerns and issues are now incorporated, particularly at the beginning of this section. Now we, as *Oglála Lakóta*, are again bundled into a category of ethnic groups, assuming that we are basically like all the other ethnic groups in America. We are not, and neither are the things we value and believe in. To reiterate this is not said to offend other ethnic groups as that is not my intention. Rather my assertion is that this Bulletin groups all people of color. And though I try to understand it is meant to produce an environment of ‘inclusiveness’ of all ethnic groups, for an Indigenous peoples-based CRM guidance, it oddly dilutes them into the ‘melting pot.’ The original intent is to discuss Indigenous People’s TCPs, as stated earlier, and supported by the Bulletin cover that includes Indigenous peoples, and throughout the guidance it primarily focuses on Indigenous peoples TNSPs.

### **Level of Effort**

Moving on, under the subsection entitled ‘Establishing the level of effort,’ it offers areas that may be affected by “construction or land-use project, should include a reasonable effort to identify” TCPs (King & Parker, 1998, p. 6). The question I have for this piece is, who determines what is a reasonable effort? The federal agency, at their discretion? Often times this

is what the *Oglála Lakóta* tell federal agencies, that their effort is not what meets fair standards. A federal agency's mandate is to honor their trust responsibility to us. It offers another assumption with regards to more TCPs likely to be identified in rural areas, while the urban areas are likely to "contain properties of significance to ethnic and other traditional neighborhoods" (King & Parker, 1998, p. 7). This is where one can start seeing the categorizing again, the groups, or separation of where someone typically will find TCPs and in what setting. Obviously this is just a guidance, but it can be very misleading, because when you really think about it, many cities and urban areas of today, are built right on top of TCPs held significant by the *Oglála Lakóta* and other Indigenous peoples across America. Examples of this are towns within our ancestral territory that were once seasonal campsites and gathering locations for the *Oglála Lakóta*, as many of them are near water sources. The encroaching settlers took over these sites, seeing that these were optimal for building towns, which some turned to cities.

The level of effort is said to depend on the type of project, which may affect TCPs, such as rehabilitation of historic buildings that may have smaller or insignificant effects on TCPs than would activity in an area, place or site highly significant to the *Oglála Lakóta*. The example given in the Bulletin text says: "...timber harvesting in an area where an Indian tribe's religious practitioners may continue to carry out traditional ceremonies—the potential for effect will be high" (King & Parker, 1998, p. 7). Again, the reasonable effort comes to play, and how much one will do to ensure that these effects are considered before approving a project. There are six examples in a figure box (King & Parker, 1998, p. 7) from around the country, trying to illustrate how different land management agencies have creatively (I use this with some caution) proven their reasonable level of effort. One positive notion provided is that community (which means us



*Oglála Lakóta* for this Great Plains regional area) participation “cannot be over-emphasized” (King & Parker, 1998, p. 7).

This section goes on to provide guidance on contacting traditional communities and groups, including the *Oglála Lakóta* as we have ‘special knowledge,’ and interests in the areas to be studied and ultimately approved for project construction. Next comes the background search for records, both published and unpublished documents, as well as us who represent the “area’s social and cultural groups” (King & Parker, 1998, p. 7). This section indicates a lot can be found in the “anthropology, sociology, or folklife libraries of local universities or other academic institutions” (King & Parker, 1998, p. 7). Again, as stated earlier, the trained observers’ work is promoted. This is where the accounts can get off on a wrong track, as discussed in several parts of this thesis; these are the works of individuals in the past, persons none of us have ever met. Yet we are to reference their ethnographic and other similar work to establish a written historical context for the area. This leads one down a road of an individual’s or set of individual’s perspectives only, which is typically Euro-American. Then once this ‘user’ works with the people of the area (the *Oglála Lakóta*), they come with preconceived notions and assumptions based on these source materials that often try to define our beliefs, customs, and history of the area. They may come in with biases, and not really honor our perspective, but rather that of the source material identified in the libraries or other sources.

The next subheading in the Bulletin #38 is entitled, “*Making Contact*” (King & Parker, 1998, p. 7), and I am instantly reminded that this is the reality of today, exactly what I am writing about, a different perspective, trying to place you in the moccasins of my people. Think in history, colonist arrived on these shores with the intent on expanding their culture on lands of others. Those first interactions were not favorable for the Indigenous peoples, and this is putting

it lightly. Reality is, there were genocidal policies promoted, accepted and implemented. So even today, that relationship is not fixed. There is clearly a divide in American culture and heritage today, one is the subtle attempt to encourage this conquering ideal of a 'huge melting pot' which is symbolic of cooking everything together until it is just one color or texture. The other is that the *Lakóta* never wanted to be considered an ingredient in this melting pot, but instead to be recognized as its own sovereign nation of people who originally inhabited these lands of our ancestors. So, by stating that there is a need for 'making contact' it implies walking into hostile territory or into an alien community. And maybe because many Indigenous peoples have retained all the culture they could under the circumstances of assimilation, our cultures remain foreign to the rest of the world.

Even though it is 2013, for many Americans, including those choosing to work in this line of work in CRM archaeology and other similar disciplines, this will be one of the first times in their lives ever making 'real contact' with an Indigenous person or community. This experience would involve a lot of anxiety, correct? For others they may come in with this superior attitude and see us as the "area's social and cultural groups" (King & Parker, 1998, p. 7) knowledgeable to some extent, but not as much as them because they are 'trained professionals?' I did comment earlier on the 'groups' category, when in fact we have unique legal relationships with the U.S. government. This Bulletin reduces our status by referring to us in a category of 'social and cultural groups,' all because we are mixed in with the other ethnic groups. This is incorrect.

The 'making contact' section provides advice for following your background search for data and source material and the next step is "...to contact knowledgeable groups and individuals directly, particularly those groups that are native to the area or have resided there for a long

time” (King & Parker, 1998, p. 7). If the background research is first in this guidance process, will the researcher not be influenced by how his source material describes the people to which he/she is to make contact with? But the real point is, who is the correct person to make contact with? In most federal guidance, it is the Tribal President’s Office or Chairman’s Office, and/or the THPO. The Bulletin #38 offers some additional uninviting and misleading advice, to the novice or naïve ‘user’ of this guidance which is clearly saddening,

It should be clearly recognized that expertise in traditional cultural values may not be found, or not found solely, among contemporary community leaders. In some cases, in fact, the current political leadership of a community or neighborhood may be hostile to or embarrassed about traditional matters. (King & Parker, 1998, p. 8)

I say saddened because if this is true in many Indigenous peoples’ communities, then it means that assimilation, colonization, and genocide of their culture has won. It means that all the U.S. government strategies and policies on ‘killing the Indian and save the man’ have come to reality. I am extremely proud to say you will not find that kind of loss amongst the *Oglála Lakóta*, as our *Lakǎhol wičhóh’añ* are alive and well!

As a result, it may be necessary to seek out knowledgeable parties outside the community's official political structure. It is of course best to do this with the full knowledge and cooperation of the community's contemporary leaders; in most cases it is appropriate to ask such leaders to identify members of the community who are knowledgeable about traditional cultural matters and use these parties as an initial network of consultants on the group's traditional values.

If there is serious hostility between the group's contemporary leadership and its traditional experts, however, such cooperation may not be extended, and efforts to

consult with traditional authorities may be actively opposed. Where this occurs, and it is necessary to proceed with the identification and evaluation of properties—for example, where such identification and evaluation are undertaken in connection with review of an undertaking under 106—careful negotiation and mediation may be necessary to overcome opposition and establish mutually acceptable ground rules for consultation.

Again, the assistance of anthropologists or others with training and experience in work with the community, or with similar communities, may be necessary. (King & Parker, 1998, p. 8)

I do not see how any researcher or user of this guide would want to enter into those types of possible conditions, already being led down an understanding that a lot of these communities are in turmoil or you will be facing internal hostility, not towards you, but towards each other. It is kind of funny that the authors, King and Parker, wrote this probably knowing full well that not all Indigenous peoples' communities are like this, however through their guidance they paint a picture of chaos and disarray amongst Indigenous peoples. What a fallacy! And of course, in ending on this subsection let us not forget to find 'real' professionals to assist in these efforts while making contact with these communities. This is very paternalistic.

### **Fieldwork**

This is where a lot of today's TCP studies and surveys are starting to come into play: during the Section 106 consultation initiated by federal agencies and the Tribes for incorporating and encouraging Tribes to have their representatives help in the identification of properties of traditional cultural significance. The identification and recordation of these TCPs are becoming more standard in this Great Plains regional area, and the *Oglála Lakóta* have yet to formally

participate in the field inspections as we are still establishing our internal protocols for such an endeavor, which this thesis hopes to jumpstart. This section advocates for dual fieldwork for identifying TCPs with surveys which identify “other kinds of historic properties, for example archeological sites and properties of architectural significance” (King & Parker, 1998, p. 8).

This I have never seen to date, at least not the projects that the *Oglála Lakóta* have been involved with. Instead, as stated earlier in Chapter 1, the archaeological inspection and report are already completed by the time the federal agency has initiated a Section 106 consultation or request for comment from the Tribe or its THPO. Ending this subsection under Fieldwork, the Bulletin #38 basically heeds that if there is this combined fieldwork (archaeological and TCP identification),

...professional standards appropriate to each kind of fieldwork should be adhered to, and appropriate expertise in each relevant discipline should be represented on the study team. The kinds of expertise typically needed for a detailed ethnographic study of traditional cultural properties are outlined in Appendix II. (King & Parker, 1998, p. 8)

The kind of standards are unclear on who authorizes or certifies the professional (on the TCP side namely) to have met these standards. To me, it should mean the traditional cultural authorities should meet that criteria for a professional. Tribes should be able to determine this aspect.

### **Culturally Sensitive Consultation**

Consultation, the primary meeting that many Tribes, like the *Oglála Lakóta*, are getting well-acquainted with are the standards set in the Section 106 regulations. The Bulletin offers its interpretation of what consultation should be, but it is merely just guidance that is not fully open on all the many facets of what consultation means to the *Oglála Lakóta*. This knowledge that is

to be 'solicited' is often held in high regard to the *Oglála Lakóta* and is not openly shared with professionals outside of the Tribe, primarily because there remains a justifiable and historically-based distrust of where and how this information will be used against our culture and way of life once provided. This is probably true for a lot of Indigenous peoples, as the Bulletin #38 eludes to:

In some cases, information is regarded as a valued commodity for which payment is in order, in other cases offering payment may be offensive. Sometimes information may be regarded as a gift, whose acceptance obligates the receiver to reciprocate in some way, in some cases by carrying out the activity to which the information pertains. (King & Parker, 1998, p. 8)

These are some strong and overarching themes and groupings of such a large number of Indigenous peoples and Tribes across this continent. These generalizations should not be so inclusive as to imply these are very common amongst all Indigenous peoples. For the *Oglála Lakóta*, there is a certain amount of generosity with information about certain things, but it does not mean there is a monetary value on it. For some, outright misleading information is deliberate, so as to see if the solicitor is true in his/her intentions with the information and its use. Other times, it is just not mentioned at all, and the distrust is so apparent that no matter the technique for trying to acquire this knowledge, the researcher will never receive it.

Bulletin #38 offers possible culturally sensitive consultation techniques to consider, such as consultation that "...may require the use of languages other than English, the conduct of community meetings in ways consistent with local traditional practice, and the conduct of studies by trained ethnographers, ethnohistorians, sociologists, or folklorists..." (King & Parker, 1998), p. 8). I wonder how a meeting with the *Oglála Lakóta* would occur with a non-*Lakóta* CRM

professional? If there is not trust established, a relationship, I would be hesitant to think it would really matter or not if they could speak our language because they would still not understand the meanings and usage of words in certain contexts, as it is understood in our *Lakħol wičhóh'aŋ*.

### **Field Inspection and Recordation**

There is a lot to critically consider, as far as instruction for the 'user' in this subsection of field inspection and recordation. When you look at the text, it is not that long in appearance; however, there is an abundance of guidance provided, not all of it accurate or good. Again, there are so many over-arching ideals and themes placed on all ethnic groups in this piece, but there is a strong emphasis leaning towards Indigenous peoples. It is good to see that Bulletin #38 provides the following, as it is an acknowledgement of our *Oglála Lakóta* peoples knowledge of our *Lakħol wičhóh'aŋ*, even if it is presented as a generalized concept:

It is usually important to take knowledgeable consultants into the field to inspect properties that they identify as significant. In some cases, such properties may not be discernible as such to anyone but a knowledgeable member of the group that ascribes significance to them; in such cases it may be impossible even to find the relevant properties, or locate them accurately, without the aid of such parties. Even where a property is readily discernible as such to the outside observer, visiting the property may help a consultant recall information about it that he or she is unlikely to recall during interviews at a remote location, thus making for a richer and more complete record. (King & Parker, 1998, p. 9)

This is key, for the *Oglála Lakóta* namely, the verbiage recognizing on the ground inspection by the cultural experts. These cultural experts are often not trained in the sense of Secretary of Interior professional standards as set in CRM disciplines, yet remain clearly trained professionals

in the culture and knowledge of our way of life and history. Many of our *Oglála Lakóta* consider these cultural experts to be far beyond what a Doctorate of Philosophy (Ph.D.) could ever hope to acquire as far as knowledge in our identity. That is why we have so much respect for our elders, especially those that choose a traditional way of life. It is not to say that those that do not fully embrace a traditional way of life are not as knowledgeable, it just means they will not be as connected to the historical perspective that is sought for the identification of TCPs.

During field inspection, the identification of properties that are associated with intangible traits have specific cultural requirements that must be respected and adhered to, depending on the Indigenous Nation one is dealing with.

Where the property in question has religious significance or supernatural connotations, it is particularly important to ensure that any visit is carried out in accordance with appropriate modes of behavior. In some cases, ritual purification is necessary before a property can be approached, or spirits must be propitiated along the way.

Some groups forbid visits to such locations by menstruating women or by people of inappropriate ages. The taking of photographs or the use of electronic recording equipment may not be appropriate. Appropriate ways to approach the property should be discussed with knowledgeable consultants before undertaking a field visit.

(King & Parker, 1998, p. 9)

So, do all ethnic groups have these same ‘modes of behavior’? Is the *Oglála Lakóta* purely placed here as a convenience or because there is no better explanation for all that is considered spiritual ‘significance or supernatural connotations?’ There is a whole lot more to it. Our *Lakǎhol wičhóh’añ* is much more than simply a place. I can see that the intent is to provide some sort of



awareness (as meager as it is) to what another cultural group holds dear, but this brief subsection does not provide anywhere near the amount of significance and recognition of cultural diversity necessary to explain such an intangible manifestation of beliefs exposed by visible indicators of a landscape.

Now, we move onto the advice for recording such intangible manifestations: namely for a person, considered to be professional by training or not, to broach the sensitive subject of taking information for the benefit of the cultural supplier, or for the research and ownership purposes. Which is it? In looking at historic preservation, and the continued Euro-American ideals surrounding ownership (which ultimately means control over), there will always be a suspicion of the solicitor of the knowledge to seek ultimately control over that information provided by the Indigenous person. For *Oglála Lakóta*, we have a simple understanding and belief that we do not control or own anything in this physical world, so how could we ever fathom the thought of owning anything that is an intangible manifestation?

To the extent compatible with the cultural norms of the group involved, traditional cultural properties should be recorded on National Register of Historic Places forms or their equivalent. Where items normally included in a National Register nomination or request for a determination of eligibility cannot be included (for example, if it is culturally inappropriate to photograph the property), the reasons for not including the item should be explained. To the extent possible in the property's cultural context, other aspects of the documentation (for example, verbal descriptions of the property) should be enhanced to make up for the items not included. (King & Parker, 1998, p. 9)

These instructions are very ethnocentric and paternalistic in nature. It is evident that the guidance is advising or instructing that the solicitor obtain all the information (knowledge) and reasons why the place is important. It has an ethnocentric and paternalistic implication that as a solicitor it is important you not leave without the proper documentation, to prove to those that were not invited or rejected to come, or even so that later research reference will have the most complete record. This is the outright taking of knowledge and there is no real benefit to the *Oglála Lakóta* (and I am talking monetary here) for the knowledge bestowed, if it is indeed the choice is to give it. Not everything can be recorded in writing, but instead only in one's heart and memory based on the experience. An *Oglála Lakóta* would not want to allow audio, video, photography, or even sketches to be done during the inspection. For many, visiting TCPs is a time for *Oglála Lakóta* anyway, not a time to have spectators, whether they or someone else consider them to be professionals or not. Of course, this would be case by case depending on the type of traditionally significant information being solicited.

If making the location of a property known to the public would be culturally inappropriate, or compromise the integrity of the property or associated cultural values (for example, by encouraging tourists to intrude upon the conduct of traditional practices), the "Not for Publication" box on the National Register form should be checked; this indicates that the reproduction of locational information is prohibited, and that other information contained in the nomination will not be reproduced without the permission of the nominating authority. In the case of a request for a determination of eligibility in which a National Register form is not used, the fact that the information is not for publication should be clearly specified in the documentation, so that the National Register can apply the same controls to this

information as it would to restricted information in a nomination. (King & Parker, 1998, p. 9)

How does the ‘nominating authority’ have this sole authority and not the *Oglála Lakóta* who may have given the knowledge? This is another place where the ethnocentric and paternalistic nature of historic preservation reveals itself.

### **Reconciling Sources**

I would like to now turn our attention to the topic of reconciling sources, which ultimately means differentiating what is true, the account of the knowledgeable cultural expert or ‘contemporary consultant’ (ex. *Oglála Lakóta*) or documentary data deriving from an ethnographer and/or ethnohistorical documents. This following piece may derive from some experience with some ethnic groups that the authors are referring to as ‘common,’ and provides a broad stereotypical oversimplification. It once again shows an ethnocentric and paternalistic attitude towards some conjured up inconsistencies of some type, that unfortunately are used to classify all ethnic groups,

Sometimes an apparent conflict exists between documentary data on traditional cultural properties and the testimony of contemporary consultants. The most common kind of conflict occurs when ethnographic and ethnohistorical documents do not identify a given place as playing an important role in the tradition and culture of a group, while contemporary members of the group say the property does have such a role.

More rarely, documentary sources may indicate that a property does have cultural significance while contemporary sources say it does not. In some cases, too,

contemporary sources may disagree about the significance of a property. (King & Parker, 1998, p. 9)

Documentary data and testimony comes into conflict because there is a difference in worldviews, in values and mores, which affects the interpretation. There will remain a conflict as long as the professional assumes its sources are superior to its inferior contemporary consultant. The next set of commentary from King and Parker in Bulletin #38 is quite disturbing because what we are seeing is another example of the subtle ethnocentric and paternalistic epitomes wielded with regards to our *Oglála Lakóta* oral knowledge,

Particularly because properties of traditional cultural significance are often kept secret, it is not uncommon for them to be ‘discovered’ only when something threatens them—for example, when a change in land-use is proposed in their vicinity.

The sudden revelation by representatives of a cultural group which may also have other economic or political interests in the proposed change can lead quickly to charges that the cultural significance of a property has been invented only to obstruct or otherwise influence those planning the change. This may be true, and the possibility that traditional cultural significance is attributed to a property only to advance other, unrelated interests should be carefully considered. However, it also may be that until the change was proposed, there simply was no reason for those who value the property to reveal its existence or the significance they ascribe to it. (King & Parker, 1998, p. 10)

Let us keep this in its correct context here; let us be real with presenting these sorts of assumptions in this fashion, I would ask this question first, why would we as *Oglála Lakóta* need to assert our protection of these TNSPs in locations where we have been displaced from for so

long. Yes, we have been displaced for the past 100-150 years, no longer able to be free-moving, following the buffalo as a way of life, being forced to remain on these reservations. Many federal undertakings, not to mention other ground disturbing projects that do not necessarily trigger the Section 106 process, do involve new land use. This encroachment on a TNSP the *Oglála Lakóta* assert as significant because it is about to be disturbed or destroyed should be considered in planning. To do otherwise is simply racist. To imply that an Indigenous People would ‘invent’ a sudden significance to a place is absurd! But the ignorant opinion and downright mockery placed on our assertions to these places assumes we were devising or fashioning these ancient accounts ascribing significance for purely political or economic reasons. The *Oglála Lakóta*, in our beliefs, would never desecrate our sacred places and sites for these reasons. There is no story telling phenomenon occurring with our *Oglála Lakóta* declarations and they are not all of a sudden ‘discovered’ knowledge!’ This passage of Bulletin 38 implies exactly that, and aggressively attacks our collective *Lakħol wičhóh’aŋ* and is treacherous blasphemy!

There must be a different way of approaching this experience on the part of King and Parker (1998) that they are conveying. There must be a way to be rethink their statements. If this remains the guidance for TCPs, this portion of Bulletin #38 will forever remain blatantly and overtly oppressive to Indigenous peoples.

### **Determining Eligibility Step-by-Step**

Now that we have moved on from that previous section which proved to be unsatisfactory at best, we take a look at the Bulletin’s affirmation of the National Register’s criteria (36 CFR Part 60) to be used with evaluating and determining eligibility for historic properties identified in advance of, or during, the identification process, for inclusion. This too, in my critical analysis

from an *Oglála Lakóta* perspective, is unsatisfactory, so let us look at why according to the language provided as technical guidance under Step One.

### **Step One**

Ensure that the entity under consideration is a property. Because the cultural practices or beliefs that give a traditional cultural property its significance are typically still observed in some form at the time the property is evaluated, it is sometimes perceived that the intangible practices or beliefs themselves, not the property, constitute the subject of evaluation. (King & Parker, 1998, p. 11)

So how is any belief in a certain religion not intangible? How is anything significant, if not in the eyes of the beholder? And in the eyes of the beholder, why are their intangible thoughts and feelings allowed to be observed to make a property of other types, namely a tangible property eligible and not an intangible as it states here? Is not what we talked about with regards to how historic preservation got its start on the ideals of preserving an upper-class heritage in the eyes of the beholder, those that ascribed their own significance to homes of famous people, considered prestigious? Is this not an intangible ideal, belief or practice of the Euro-Americans on this type of tangible property? I believe it is, and I wonder how this argument was not approached earlier. Maybe even I need to strengthen my argument a little myself, however the point remains, that we all have a certain amount of significance placed on certain things, both memories (intangibles), our grandparents' old home (tangible with intangible), our feelings associated with a cemetery filled with loved ones (intangible with tangible), and so on. The instructions further state:

There is naturally a dynamic relationship between tangible and intangible traditional cultural resources, and the beliefs or practices associated with a traditional cultural

property are of central importance in defining its significance. However, it should be clearly recognized at the outset that the National Register does not include intangible resources themselves. The entity evaluated must be a tangible property—that is, a district, site, building, structure, or object. The relationship between the property and the beliefs or practices associated with it should be carefully considered, however, since it is the beliefs and practices that may give the property its significance and make it eligible for inclusion in the National Register. (King & Parker, 1998, p. 11)

“The entity evaluated must be a tangible property,” and in order to determine that a place is significant for the NRHP there must be a physical tangible property that is associated with those intangible cultural practices. That is sometimes a difficult task to sell coming from an Indigenous worldview of the environment we are a part of, some of it which holds special meaning. Examples can include the ground we walk on (tangible) which is known to be the same place our ancestors walked. A rock feature we see and can touch (tangible) will have a specific meaning attributed to it, such as a ceremony conducted in that same place for many centuries. A hill or mountain top (tangible) that has specific significance because of its location, a site where prayers have been traditionally done over many centuries. Throughout this Bulletin it asserts there is significance held in locations such as this, but then the Bulletin immediately limits it when it comes to anything outside the norm of Euro-American ideals and proclamations. For the *Oglála Lakóta*, no matter the allowances provided from this ethnocentric outlook on intangible and tangible properties and whether these can be listed on a list derived from European foundations (schedules, lists, roster), they will remain significant in traditional beliefs and practices regardless.

The National Register defines a 'site' as 'the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, ...where the location itself possesses historic, cultural, or archeological value regardless of the value of any existing structure.' (King & Parker, 1998, p. 11)

This is excessively too all-encompassing of a definer for one word such as site, but unfortunately it is the one commonly used to describe these types of features. "Thus, a property may be defined as a 'site' as long as it was the location of a significant event or activity, regardless of whether the event or activity left any evidence of its occurrence" (King & Parker, 1998, p. 11). The event or activity, from what I am seeing in this ethnocentric epitome and common theme in historic preservation, is that only the elite get to determine what is actually significant.

When looking at the word significance, with reference to Bulletin #38, it provides that "traditional cultural significance" (King & Parker, 1998, p. 1) is one kind of quality that may make a property eligible for inclusion into the Register. This is the Indigenous peoples 'hook' in order to have some sort of cultural representation into the Register; however, when one really looks at what the Register commonly inserts on its listing, it is inclusive of historic properties and sites which are primarily buildings (churches, museums, courthouses, homes/mansions of important American peoples, posts/forts, stockades for gold prospectors, Lewis and Clark trails, etc.), man-made structures (their unique architecture), and American battlegrounds to name a few. Every once in a while, you will see a pre-historic village site, a location where Treaties were signed, burial site or monument of a famous Indian or massacre site (some of these are considered battle sites and not massacres because this too leads to a recognition of a tarnished American heritage).



Let us look again at the term ‘property’ for a moment, in what it pertains to in American heritage, and then what it means or does not mean to the *Oglála Lakóta*. The term “property,” according to the Encarta dictionary means: “something owned, something of value that is owned, e.g., land or a patent; in law, the right to own, possess, or use something; trait or attribute, a characteristic quality or distinctive feature of something; something at somebody’s disposal, something at the disposal of a person, a group, or the public” (Encarta Dictionary, 2013). These terms, when connected to the Nation’s heritage, its historic properties, its cultural resources, are considered as a property, something to be owned that can be disposed of at will.

Again, this is inserted, and is one of the primary and unremitting themes in the challenges in creating an *Oglála Lakóta* TNSP process, as there are real differences between perspectives of significance. Namely in how to adequately protect and preserve cultural resources using today’s implemented federal laws and guidance. Even if there is a process created, an eventual *Oglála Lakóta* guideline for TNSP, the question arises whether it will be honored on federal projects off the Pine Ridge Reservation, namely on federally-managed lands (inclusive of public, military) within our aboriginal and ancestral homelands. Of course, this would have to include federal undertakings that have any federal tie (funding, management, permitting, etc.—referencing the 36CFR800 regulations).

Another aspect to consider in preventing the full implementation of a TNSP process and guidance specific to the *Oglála Lakóta* is that the Tribal Historic Preservation Offices are still sanctioned under the agreements between the Tribes wishing to have this federal designation and the federal government, represented by the National Park Service. Specifically, Section 101(d)(2) states that “a tribe may assume all or any part of the functions of a State Historic Preservation Officer in accordance with subsections (b)(2) and (b)(3) of this section, with respect to tribal

lands...” The reason for doubting if this *Oglála Lakóta* process and guidelines will be honored is because it is so culturally different than the norm, the established and honored national heritage laws in America. Is an *Oglála Lakóta* developed TNSP process and eventual guideline really going to be implanted somehow into these same laws, such as an addendum when dealing with cultural resources deemed significant by the *Oglála Lakóta*? Or will there be an immediate reaction when presented for consideration, in Congress or even first through the cultural resource management world? This reaction might be as follows, ‘if we open the door to these peoples, then that means there are 565 other federally recognized Indian Tribes that will want their own processes, guidelines, and equivalent laws for what they deem as significant to be recognized as well...no, that is not worth considering, especially when we are all Americans now!’ (or something similar to that). Of course, this is huge postulation on my part, based on my life experiences to date of course, but it does have some precedence when thinking about other federal actions that did not have much input or consideration for the *Oglála Lakóta* or other Indigenous peoples in the first place. One can look back in history and see how federal Indian law related cases often do not favor the Indian or enhance our quality of life, but instead enable a classification of us as second-class citizens, more aptly considered domestic dependent peoples of the U.S. So, if it is presented as presented here, more likely than not, the proposal for such a drastic change will fail. I have become a skeptic when it comes to knowing what the U.S. government thinks of Indigenous peoples in general.

The *Oglála Lakóta* will have to unfortunately continue to try and fit their own beliefs, values and teachings on what is significant within an established historic preservation system not of our own. Another option is to unite together our relatives from the *Očéti Šakówiŋ Hčáka* and create new legislation. All exhaustive measures should be taken in presenting new amendments

or totally new Tribal preservation laws within federal trust mandates. I would recommend *Lakólyakel wanjkátuya yawá owánka* (Traditional and naturally significant places–TNSP). This would be a whole new consideration beyond creating an *Oglála Lakóta* TNSP/TCP process and guidance, it would utilize certain positive and culturally relevant points from Bulletin #38 and other literature that propels the *Oglála Lakóta* world view into mainstream society. Of course, in doing so would entail extensive consultation with all bands of the *Očéti Šakówiŋ Hčáka*. What we do not need though is to continue to try to be as malleable and compromising in every imaginable way simply because we are a minority in comparison to the remainder of the American population who obviously to this point do not fully want to include ideals and values of another cultural group, such as the *Oglála Lakóta* of the *Očéti Šakówiŋ Hčáka*.

Back to Step Two, under IV. Determining Eligibility, it goes on to define other areas considered a “site:”

A culturally significant natural landscape may be classified as a site, as may the specific location where significant traditional events, activities, or cultural observances have taken place. A natural object such as a tree or a rock outcrop may be an eligible object if it is associated with a significant tradition or use. A concentration, linkage, or continuity of such sites or objects, or of structures comprising a culturally significant entity, may be classified as a district. (King & Parker, 1998, p. 11)

So, I am curious how a rock outcrop, used as an example above “...may be an eligible object if it is associated with a significant tradition or use” (King & Parker, 1998, p. 11) and not another place or site of traditional significance such as a prehistoric gathering site? This prehistoric gathering site is of significant tradition and use; yet may not have been used due to displacement

for over 150 years. Though it indicates implications of classifying it as a district, would not several sites that are connected to our *Lakóta* star knowledge not also be considered a district, such as those ascribed to our sacred sites in the *Hésápa*? Something for me to look more into, but not in this thesis at this time.

In considering the eligibility of a property that contains no observable evidence of human activity; however, the documentary or oral evidence for the association of the property with traditional events, activities or observances should be carefully weighed and assessed. The National Register discourages the nomination of natural features without sound documentation of their historical or cultural significance. (King & Parker, 1998, p. 11)

As I have not been involved to this degree of scrutiny before, when referring to ‘carefully weighing’ and to be ‘assessing’ associations of properties with traditional events, activities, or observances (performances?), I would not know what ‘sound documentation’ would entail. But from my point of view, it appears to be another way of controlling the information so Euro-American heritage can take ownership over yet another property.

### **Step Two: Consider the Property’s Integrity**

Under 36 CFR Part 60, it provides certain eligibility criteria with reference to a property’s integrity, which is in its “location, design, setting, materials, workmanship, feeling, and association” (King & Parker, 1998, p. 11). According to the Bulletin, citing the National Register criteria, the two primary questions beg to be answered, “...does the property have an integral relationship to traditional cultural practices or beliefs; and second, is the condition of the property such that the relevant relationships survive?” (King & Parker, 1998, p. 11). For the integral relationship question, the Bulletin provides the following guidance:

...involves developing some understanding about how the group that holds the beliefs or carries out the practices is likely to view the property. If the property is known or likely to be regarded by a traditional cultural group as important in the retention or transmittal of a belief, or to the performance of a practice, the property can be taken to have an integral relationship with the belief or practice, and vice-versa. (King & Parker, 1998, p. 11)

How can someone tell how someone else, let alone a 'group' or the *Oglála Lakóta* for that matter, is 'likely to view' the property? This seems a little contrary to the above notion held about how only tangible properties were considered. "Like any other kind of historic property, a property that once had traditional cultural significance can lose such significance through physical alteration of its location, setting, design, or materials" (King & Parker, 1998, p. 12). This unfortunately occurs with archaeological research, in which the artifacts (tools, weaponry, burnt wood and rock) are taken from their natural setting by archaeological methods, then the Tribes are expected to come into the same area and complete their TNSP surveys without the same evidence that the archaeologists had when completing their cultural resource archaeological survey. An example for this reference is the Powertech proposed uranium mining in the southern *Hésápa* at a place known as Dewey-Burdock. When the artifacts and other material remains were removed, the federal agency did not allow the Tribes that were to ascribe significance to the area the fair opportunity to identify these same kinds of evidence in certain areas, which may have alternately deemed them as TCPs and not archaeological sites. This type of example leaves the Tribes at a huge disadvantage when it comes to identification of properties of traditional significance with integrity in place.

In addition, with reference to integrity of condition, a TNSP can be said to have lost its significance through modification of its setting or environment, while other properties may retain its traditional cultural significance even though they have been altered. According to the Bulletin, it states, “Cultural values are dynamic, and can sometimes accommodate a good deal of change” (King & Parker, 1998, p. 12). It is true, many Indigenous peoples retain a spiritual connection to places regardless of modern alterations to parts or all of its essence.

**Step Three: Evaluate the Property with Reference to the National Register Criteria**

“Assuming the entity to be evaluated is a property, and that it retains integrity...” (King & Parker, 1998, p. 12) the next step is to evaluate these properties with integrity against the four basic criteria listed under 36 CFR Part 60 for the National Register and if it meets one or more of these criteria it may be eligible for listing:

1. Criterion (A): Association with events that have made a significant contribution to the broad patterns of our history.
2. Criterion (B): Association with the lives of persons significant in our past.
3. Criterion (C)(1): Embodiment of the distinctive characteristics of a type, period, or method of construction.

Criterion (C)(2): Representative of the work of a master.

Criterion (C)(3): Possession of high artistic value.

Criterion (C)(4): Representative of a significant and distinguishable entity

whose components may lack individual distinction.

4. Criterion (D): History of yielding, or potential to yield, information important in prehistory or history.

**Step Four**

Determine whether any of the National Register criteria considerations (36 CFR Part 60.4) make the property ineligible.

- Consideration A: Ownership by a religious institution or use for religious purposes.
- Consideration B: Relocated properties.
- Consideration C: Birthplaces and graves.
- Consideration D: Cemeteries.
- Consideration E: Reconstruction.
- Consideration F: Commemoration.
- Consideration G: Significance achieved within the past 50 years. (pp. 14-18)

Earlier discussed was the term “sites” being treated as a kind of sterile object to be studied.

Criterion D is based on the contribution the site has already made or the potential it could make to research and may be something that connects to traditional burying locations that are places of traditional cultural significance.

**Documenting TCP**

The Bulletin provides General Considerations with regards to documenting TCPs, as there are issues of trust, confidentiality, and other factors as included below:

Generally speaking, documentation of a traditional cultural property, on a National Register nomination form or in eligibility documentation, should include a presentation of the results of interviews and observations that systematically describe the behavior, beliefs, and knowledge that are germane to understanding the property's cultural significance, and an organized analysis of these results.

The data base from which the formal nomination or eligibility determination documents are derived should normally include appropriate tape recordings, photographs, field notes, and primary written records. (King & Parker, 1998, p. 19)

This all sounds nice and methodical in its delivery; however, there are many challenges I am confident that many *Oglála Lakóta* would have with authorizing such documentation, systematic descriptions of our *Lakħol wičhóh'an*, our beliefs, and knowledge. That is a lot to consider giving up so a property, in the eyes of the conqueror, can be added to the Euro-American based roster; and ultimately not really be afforded any unwavering protection when encroachment occurs on it in the future.

Obtaining and presenting such documentation can present special challenges, however. First, those who ascribe significance to the property may be reluctant to allow its description to be committed to paper, or to be filed with a public agency that might release information about it to inappropriate people. (King & Parker, 1998, p. 19)

This comes back to the topic of trust, or lack of in how the information provided will be used. In worst case scenarios, this information has been culturally appropriated in the past, and even used against us as Indigenous peoples. Euro-American ideals of ownership, property, and control is common. We should not be encouraging the entitlement epitome, which means that the knowledge of the peoples that were conquered should automatically belong to the American public. This knowledge should not be considered as part of the conquest of treasures and riches, the spoils of war.

The Bulletin goes on to say “Second, documentation necessarily involves addressing not only the physical characteristics of the property as perceived by an outside observer, but



culturally significant aspects of the property that may be visible or knowable only to those in whose traditions it is significant” (King & Parker, 1998, p. 19). These physical characteristics by an outsider observer will be objective at best, based on training obtained through a Euro-American education institution and values. Then the outside observer is also to document the ‘significant aspects’ that may be ‘visible or knowable’ only to the *Oglála Lakóta* as significant; that is a daunting task to place on the shoulders of any professional in the CRM archaeology field. This documentation will not be given freely though, as the trust factor will be missing, amongst other characteristics and understandings.

Then we get to the issue of creating boundaries, “Third, boundaries are often difficult to define” (King & Parker, 1998, p. 19), as boundaries are never static in the eyes of the *Oglála Lakóta* when it comes to places, landscapes, and sites that connect to one another. Nothing is really site specific, as to remain absolute, but instead connected as part of a series of places and sites. “Fourth, in part because of the difficulty involved in defining boundaries, it is important to address the setting of the property” (King & Parker, 1998, p. 19). The setting is probably the one area where not a lot of professional skill is required, though I could be wrong on that account if that person doing the recording is not familiar with the surroundings they are transcribing. It often takes a keen understanding and experience of the surroundings to see why a certain location is deemed significant. As an example, one may consider the placement of ceremonies in comparison to campsites for the *Oglála Lakóta* and still not see the significance of the surroundings as it connects to the beliefs and practices.

Recognize that under Section 106 regulations there’s no requirement for any particular level of documentation in order to consider a property eligible; the consulting parties, if they agree, can just do it, and in most cases it’s better all around

to make the assumption and get on with figuring out how to manage the place. (King, 2002, pp. 23-24)

## **Conclusion**

The national historic preservation movement, in all of its great intents, is seriously lacking in terms of the meanings behind TNSPs and sites for many Indigenous peoples, namely for the *Oglála Lakóta*. In the Bulletin's closing remarks, it offers the following commentary, "The National Historic Preservation Act...establishes that 'the historical and cultural foundations of the Nation should be preserved as a living part of our community life in order to give a sense of orientation to the American people'" (King & Parker, 1998, p. 23). Often the people benefitting from this is a matter of opinion and of class level. Remember, for some who see us *Oglála Lakóta* and our current living conditions, they may refer to us as self-defined peoples or even worse, of the Fourth World. Our identity is instead envisioned and implanted in us as *Oglála Lakóta*...and all that it entails.

The cultural foundations of America's ethnic and social groups, be they Native American or historical immigrant, merit recognition and preservation, particularly where the properties that represent them can continue to function as living parts of the communities that ascribe cultural value to them. (King & Parker, 1998, p. 23)

Yes, this is true, we do merit recognition and preservation, but based on our own *Oglála Lakóta* values and significance ascribed to our traditional places and sites, not that of a Euro-American epitome. And if this means places where ground-disturbing development projects are going to encroach on these places, then those types of assurances and flexibility in the eligibility must be afforded to the *Oglála Lakóta*.

## Chapter 5: Findings and Results

### Overview

First, I want to summarize my Findings chapter to incorporate some other mindsets that establish this poor track record of the archaeological community in the past, and its efforts towards changing those negative aspects of the discipline. This awareness for the need to ‘bridge the gap’ of ideals and beliefs is nothing new, “In 1974, the National Park Service awarded a grant to the Society of American Archaeology (SAA) to fund a series of ‘Six Seminars on the Future Direction of Archaeology’” (McGimsey & Davis, 1977; Watkins, 2000, p. 11). This served as evidence there was a growing awareness within the ideals often portrayed in this discipline that historically were not working as smoothly when it came to Tribal Nations. Watkins (2000) offered what he had experienced early in his archaeological career (as a Native American/American Indian):

In my first years in archaeology, I was taught that science was first and foremost an unbiased attempt at compartmentalizing the natural world, that archaeology was the only option available to ‘write’ the unrecorded history of American Indians, and that archaeological resources were the ‘pages’ of the book of history.

...Later, however, I was shown another side of what has become a multifaceted issue, that the scientific method might also be considered to be only a thinly disguised way of separating archaeologists from other grave desecrators. (Watkins, 2000, p. x)

This discipline is under constant growth, ever-evolving through trial and error it seems. In reading this excerpt from Watkins (2010), I pose some questions, by default am I or any new CRM professional becoming a ‘thinly disguised grave desecrator’ by having chosen this field of study which utilizes the scientific method? Or has the discipline actually evolved to really

incorporate the ideals and beliefs of all Indigenous Peoples? After all, it is primarily Indigenous Peoples' prehistoric heritage that is in the ground here in the Great Plains, right? Meanwhile, colonizers and settlers only have the past ~150-200 years of historical material culture here, right? One would hope that the discipline has evolved to meet the needs of the Indigenous peoples since this 1974 action, not just that of scientific inquiry.

Will an *Oglála Lakóta* TNSP process for the identification and documentation of traditional and naturally significant places become a reality with such a cultural gap? Yes, of course this thesis is to offer this. However, is it going to be just some academic document that is ultimately dismissed like so many other writings trying to right the wrongs? Will it be laterally oppressed by some of our own Indigenous people because this 'cultural barrier' (gap) is too large? My thinking is this, we are forced to create this process for ourselves (or simply adopt a process that is culturally irrelevant) in order to be a partner in the federal decision-making procedures in historic preservation. With so many other traditional and naturally significant places already destroyed, impacted, and desecrated, we have to step up into this historic preservation crusade as well as create one that examines prehistoric preservation. This will be discussed in more detail later in the chapter.

### **Challenges Abound**

As evident in our *Lakóta* collective past, since the signing of our Treaties with the U.S. government (Fort Laramie 1851 & 1868), up to modern day, we have continued to accommodate the federal policies imposed on us. We are visionary enough as a people to know that the reality is we are living in the 'courts of the conqueror,' as Echo-Hawk illustrated from his quote of Chief Justice John Marshall in 1823. Watkins (2000) also refers to Bruce Trigger, who traces the relationship between Tribes and disciplines like anthropology as:

He goes on to argue that during the first half of America's existence (1770s through the 1870s), American Indians were held to be inferior to civilized men in order to rationalize the seizure of Indian lands, and that eventually, racial myths grew to supplant any other myths about the Indians as a justification for waging war on the Indians and violating their treaty rights. (p. 4)

Of course, I am disappointed and deflated in even acknowledging this truth with the dominant world having the ultimate say through the courts.

Here in 2013 it appears that I may well be the first *Oglála Lakóta* archaeologist. Of course, this is not said with any amount of true pride, but instead to demonstrate this discipline is not a discipline often chosen because of its unscrupulous legacy of taking with no permissions. Over time though, a movement was begun to consider Tribal Nations and their items of patrimony. This was not because of an epiphany within the archaeological community, but rather because of spark within the Tribal communities having faced more than tolerable. I have heard it said that 'it is often easier to ask for forgiveness, rather than permission.' This is true to some extent when referencing this legacy of archaeology, the common ethnocentric and paternalistic ideals were supported only by more of these same embodiments.

As Euroamericans established themselves in their new homeland, they wrote stirring histories cementing themselves to the land. Rather than accept Indian people as having a long-term and culturally significant history of their own, white America conjured up Lost Tribes, mythical Welsh sailors, and ancient (non-Indian) Moundbuilders as the real First Americans. These white-skinned American ancestors, the argument went, must have been annihilated by Indian interlopers. (Thomas, 2000, p. xxix)

During early days of archaeology, Tribal Nations were never included in its formation, nor its Euro-American based educational systems. The reason for this exclusion was because we were ignored and thought to be inferior, conquered people with no rights to have input while being displaced onto reservations. No one in the archaeological community sought to consult with us in what many of our people acknowledge as ‘prisoner of war camps’ or reservations.

Today however the archaeological community has more paths and ways in order to approach Indigenous communities. But based on my professional experience, even though there is more access to each other, there remains a communication deficiency between the Tribes and the archaeological community (including related academic disciplines). The Section 106 and compliance archaeology often serves to initiate this communication, because laws have mandated it. Additionally, Indigenous peoples have not been adequately involved in the development of related laws and federal policies, yet we have to interact and implement these policies together. Recognizing the problem and learning from it, truly embracing the mistake(s) and doing all one can in their power and purpose to correct it is a personal accomplishment while working in a profession such as this. It is about a sense of purpose, and an ethical commitment.

### **Preservation in the United States**

The first recognized scientific excavation in archaeology occurred in 1784, by Thomas Jefferson. Jefferson is recognized as the ‘Father of Archaeology,’ as his first excavation was an Indian burial disturbance while he was digging a trench on his property in Virginia. At this time there were no laws preventing Indigenous grave desecration and the study of the remains. In the period of the Indian wars of 1776-1890, science prevailed on creating an atmosphere of the right of *Milahańska* (in its conquest) to appropriate large amounts of cultural patrimony (which includes all artifacts and material remains).

The scientific community toiled to legitimize the process by providing the nation with a set of very rational scientific justifications for the seemingly rapacious acts of colonialism and conquest. In a classic case of scientific racism, pseudoscientific theories generated during this period animated widespread belief in the supposed racial inferiority and lack of humanity of indigenous peoples, making it easier to stomach the unpleasant invasion of graveyards and clandestine pillaging of ceremonial houses.

Scientific racism is a term that commonly denotes: (1) obsolete scientific theories on race developed by the mainstream scientific community in the nineteenth and twentieth century, (2) contemporary racist propaganda, disseminated by governments, institutions, and individuals, disguised as scientific research or argument, and (3) politically motivated research aimed to scientifically justify racist ideology or discriminatory treatment. (Echo-Hawk, 2010, p. 249)

If ‘inadvertent discoveries’ plans or laws were in place back then in the 1700s, through most of the 1900s, for the proper and humane protection of all human remains, no matter their culture or race, there would not have been the case for continuing to disturb these burial grounds and thousands of others like it on our *Khéya Wita* (Turtle Island) by archaeologists, anthropologists and other scientists. Two citations to consider on this topic of a double standard applied to white and Indigenous graves:

During the last 1700s, around the time that Thomas Jefferson dug up an Indian burial mound to study its contents, another significant event took place in the United States. In 1788 the digging up of white corpses by medical students in New York led to public protest and riots. New laws were quickly written to protect white burials, but

similar protection was not extended to Indian burials. These two events marked the beginning of the double standard that would endure for 200 years. (Echo-Hawk, 1994, p. 23)

And Troy Johnson spoke for many when he suggested that:

...perhaps no more insulting and insensitive scene can be imagined than the desecration of Native American burial sites by researchers or grave robbers who disregard the law and cultural sensitivities of the Native American Indian people. In 1975, the widely distributed Indian newspaper *Wassaja* defined anthropology as a “vulture culture.” Congress responded to these sensitivities in 1990 by passing the Native American Graves Protection and Repatriation Act (NAGPRA for short)...This legislation marked a significant shift in the federal stance toward the rights of Indian people and a sea of change in the perception and practice of American archaeology. (Thomas, 2000, p. xxxvi)

That was only 23 years ago, 1990 to 2013. NAGPRA was not enacted until 1990, some 206 years following the time of Thomas Jefferson’s 1784 excavation. Up to that point Indigenous peoples and their ancestral remains and cultural patrimony were made to be viewed as inferior and worth exhuming for scientific purposes. How recent these changes in stance took to occur regarding Indigenous peoples’ burial sites. But as stated above, the double standard that was set was astounding and should be learned from by today’s CRM professional. CRM archaeologists, anthropologists, ethnographers, researchers and the like, all play a vital role in supporting proactive efforts, as they are the people in positions on the ‘front line’ of historic preservation and can act as a catalyst in promoting these new ideals for change. “How can a nation without a past have anything to preserve?” (Murtagh, 2006, p. 11). With *Milahaŋska* ever



re-establishing itself, its legacy, and doing so on the lands not originally of their own, they had to be creative in finding ways of how to preserve their heritage, in some form. Often this came by trying to remake the land in the white man's image, such as for powerful people, thus worthy of preservation. Artifacts were not only recognized as historic symbols but that they added aesthetic value overall.

'Race' and 'ethnicity' have always been important concepts in American society.

Before the Civil War (1861-1865), the enslavement of humans on the basis of race was legal; white masters owned black slaves. White Americans and Europeans viewed themselves as the heirs of superior cultures and societies. In their eyes, Africans, Asians and others were inferior. Indians fared little better in their dealings with whites. Americans wanted to gain control of Indian lands in the eastern United States. To achieve this goal, President Andrew Johnson initiated an Indian 'removal' policy in the 1830s. Many tribes were forced by army troops to move from their homes on the eastern seaboard and settle west of the Mississippi River in the so-called Indian Territory. (Echo-Hawk, 1994, p. 23)

The National Trust for Historic Preservation was created in 1947, and the National Park Service (created in 1916) was instrumental in its creation. Different changes occurred with its establishment, and by the 1960s there was the passage of the National Historic Preservation Act of 1966, as well as the creation of the National Register of Historic Places. From this, there was the creation of the Advisory Council on Historic Preservation.

By the middle of the nineteenth century, the importance of a national identity was focusing the attention of Americans even more strongly on past deeds and great men...As a generator of patriotic fervor in America, no early figure could equal

George Washington, and so his life became the stuff of preservation as well as hagiography...Many were the houses where 'Washington slept,' but Mt. Vernon was indisputably the house with greatest personal association. (Murtagh, 2006, p. 12)

This patriotic fervor in America did not include Indigenous peoples, as we were still seen as the enemy, or the problem with progress. America was about winning battles and wars through brutality and victory, and with this victory came the spoils of war, including all that the land held.

Conquerors typically view cultural property belonging to the vanquished as spoils of war, available for the taking by the conqueror. Plunder and pillage are as old as war itself...Sadly, much of the world's art and cultural property has been displaced by war...

The Indian wars (1776-1890) took place over a vast theater of war in which untold thousands were killed and displaced. Spoils of war were taken from battlefields and burial grounds during that period, and later, more systematically, from subjugated communities. Despite the explicit US Army prohibitions against the looting of private property, religious objects, and works of art that were promulgated by President Abraham Lincoln in 1863 in the Lieber Code, the bluecoats amassed wagonloads of battlefield booty from Indian villages and the bodies of slain Indians. (Echo-Hawk, 2010, p. 246)

What was not discussed in this patriotism movement for national identity was that many prehistoric materials belonged to the Indigenous original peoples of this continent. So being elite in status with American ideals meant that those with power had control. This control was over not only the cultural material, but also the narrative to which was attributed to the prehistoric past. In this regard, historic preservation was shaped by affluent people.

By the end of the Second World War, preservationists had come to realize the need for a national, private, nonprofit organization to unite expertise and leadership with the preservation movement's growing popular support...The establishment in 1947 of the National Council for Historic Sites and Buildings was a first step toward securing a congressional chartered National Trust for Historic Preservation in the United States. (Murtagh, 2006, p. 25)

These are just a few examples cited (of numerous) demonstrating some of the 'preservation' origins in *Milahaṅska* and its national identity creation. Unfortunately, this came at the expense of Indigenous peoples' identity as it ties to the land being diminished, even dismissed altogether. This aspect of preservation in *Milahaṅska* is not talked about too often as it is a difficult subject (more like reality) of a tarnished history between Indigenous peoples and the colonists to our ancestral homelands. With colonization, a racial imperialism, and a racist science at the time, our Indigenous people did not have a chance to stop the rancid insatiable appetite to collect what was believed to be the 'spoils of war.' This is not the type of preservation I am sure that many new archaeologists (and even the seasoned ones) at the time got into this field for. Regrettably this is the legacy that the discipline is built on. "The soldiers and settlers established precedent for the fervid "rip and run" operations conducted by museum collecting crews in later years when it was safe to do so. While the collectors conquered no one, they took advantage of the fortunes of war, if not the spoils" (Echo-Hawk, 2010, pp. 246-247).

In addition to taking what was not theirs in the first place, there was a systematic genocide occurring to rid America of its original inhabitants altogether. America sought "to create a heroic and romantic past for itself, but one that could accommodate and justify the elimination of native people" (Birmingham & Eisenberg, 2000, p. 16). With expansion on the

minds of many new colonists to our *Khéya Wita* “Turtle Island or North American continent,” it became easier to justify actions taken against Indigenous peoples and their connection to the land. Indigenous peoples were the conquered ones in many of the minds of Americans (and in many ways even today), so to create a hierarchy in terms of status, or superiority over us, it was that much easier to focus historic preservation efforts towards this altered past.

It is hardly a coincidence that at the height of the popularity of the Lost Race explanation in the nineteenth century, Native Americans were being displaced and exterminated by the westward advance of American society. By denying these people an elaborate and colorful history, it was easier to perceive them as interloping savages, undeserving of the land they occupied. (Birmingham & Eisenberg, 2000, p. 16)

Discussion on dispossession of lands is critical in this thesis because so much ownership loss has occurred for Indigenous peoples, to which lands contain their dead, TNSP, and are tied to other significant use. Still today, federal or state laws, regulations, or policies remain driven not from the *Oglála Lakóta* (or other Indigenous people’s) perspective or needs, but instead the dominant society’s perspective and needs for preservation. On the contrary, these laws and policies are proposed and enacted for the *Oglála Lakóta* to figure out (decipher, then interpret for implementation) how to apply them to our own social constructs on and off of the reservations. I include our relatives off reservation as many of our Tribal Members have been obligated by federally-mandated programs to leave the reservation, “The relocation program sponsored by the Bureau of Indian Affairs in the 1950s greatly increased the trend toward urbanism as a way of life for Indians in contemporary society” (Medicine, 2001, p. 120); as well as by voluntarily moving off the reservation for other opportunities. Many of our Tribal members are a few

generations immersed into this federally sponsored program and therefore would still retain their ties to their relatives and homelands on the reservation here on Pine Ridge.

The federal preservation system and accompanying legislation provides the most guidance on how the *Oglála Lakóta*, as a Tribe (especially if you assume the THPO role) are to be included into federal processes for protection of rights, sacred sites, and other related 'religious' activities. This is not the same for our people in the state system, namely as an example being the State of South Dakota. Right out of the Vision Statement of the State of South Dakota State Historic Preservation Office Statewide Preservation Plan 2011-2015: VISION STATEMENT it states:

South Dakota's historic and cultural resources are a critical component of what makes our state unique. They are sources of pride that help us build a sense of identity by defining and distinguishing our communities. They are also an excellent measure of the quality of life within our communities and a visible means to convey that quality to potential visitors, residents, and businesses. Historic and cultural resources can be used to generate jobs, stabilize or expand tax bases, encourage tourism, create affordable housing, benefit the environment, and create direction for our future by improving our knowledge of our past.

Since historic and cultural resources can have such a significant impact on so many areas of society, it is important for South Dakota to have a vision to capitalize on this potential. Our vision for preserving South Dakota's rich heritage therefore includes a strengthened preservation network that incorporates broader support beyond traditional preservationists. Preservationists will develop and sustain symbiotic relationships with groups like realtors, contractors, property owners,

economic development organizations, tourism associations, and state, federal, and local governmental agencies.

Communities across the state will also be more aware of their own historic properties, the benefits of preserving those properties, and the programs to help them do so. Federal, state, and local decision makers will likewise recognize historic preservation as a community revitalization strategy and have greater resources at their disposal, such as increased grant funding, new incentive programs, accurate and efficient historic sites inventories, and improved state and local statutes, to implement that strategy.

Achieving such a vision will not be easy. But neither is it impossible. It can be accomplished with the focused efforts of all preservation supporters in South Dakota working together to grow the preservation movement.

There is so much to comment on with this current contemporary vision statement of the state of South Dakota, but I will attempt to dissect it by paragraphs. What is obviously noticeable is there is no mention within the entire *Vision Statement* anything to do with the Tribes, native communities, THPOs, or Indigenous peoples' identity. That would tell the reader that we are not considered as a distinct culture that has been here for tens of thousands of years of Indigenous habitation. When talking in terms of time here on the Great Plains, the establishment of immigrant migrations (late 1700s to mid-1800s) and even the state of South Dakota on November 2, 1889 (same day as North Dakota, 39<sup>th</sup> & 40<sup>th</sup> state admitted into the Union), there really is no comparison. That means, as of 2013, South Dakota is only 124 years old and their *identity* is in a very early stage of development in comparison to the *Lakóta*, one of

seven bands of a larger division of confederated peoples of the *Tínte ta túŋwaŋ Lakóta*, also a greater nation of the *Očéti Šakówiŋ Hčáka*.

This recent past that South Dakota is referencing is history that is essentially the Indigenous (many of which is *Lakóta*) past. I argue this because of the fact that a vast majority of artifacts, sites, stone features, burials (primarily unmarked ones), and other cultural resources remain intact in the land to this day. It is not to say that the State of South Dakota is the only state in the Great Plains that has this outdated concept of ownership over the archaeological record, namely the prehistoric, historic and cultural resources, because they are not. One can look at the states of Wyoming, Montana, North Dakota, Minnesota, and Nebraska as other examples. I would argue that just because it has been *status quo* for the past 150 years with the control of our cultural resources being out of the hands of the Indigenous peoples, it does not constitute continued approval by Indigenous peoples today.

### **NAGPRA**

As stated above, the Native American Graves Protection & Repatriation Act (NAGPRA) of 1990 is merely one example of Indigenous people's speaking out on their long-standing grievances over the control of our cultural resources, which include our ancestors' human remains, funerary objects and cultural patrimony. Tribal nations' human remains began being regularly disturbed, starting with the father of archaeology, Thomas Jefferson in 1784 who excavated native remains on his property in Virginia, while others believe that:

The exact beginning of the conflict between American Indians and anthropologists may never be determined, but anthropologists tie its origins with the early development of American anthropology in the United States. American Indian authors, such as Vine Deloria Jr. (1969), Jack F. Trope and Walter Echo-Hawk

(1992), and James Riding In (1992), however, tie its history to the gruesome collections made by battlefield medics of the U.S. Army Surgeon's office and to anthropologists on late-night grave-robbing expeditions. Anthropologists claimed to be saving the information for science and the Indians themselves, while the Indians claimed they were tired of being treated only as bits and pieces of information to be saved. Few members of either side appeared to recognize the rights of the other side. Regardless of who recounts this history, it is one filled with distrust and innuendo. (Watkins, 2000, pp. x-xi)

Many historical conflicts, including those between Indigenous peoples and archeologists, are complex problems with no quick fix. One cannot expect to have a process fully developed over a semester in graduate school, with minimal input of a few *Oglála Lakóta* to develop a TNSP process without first getting more of our people's input. This thesis advocates for a greater long-term investment to incorporate more of our people's beliefs, ideals, and diversity into developing a formal *Oglála Lakóta* process for identification and documentation, with an eventual guideline. Another goal is to encourage more of the archaeological community to recognize this gap. I believe that many within the archaeological community are still resistant, though there are others who are clearly facing this with a sense of responsibility. These few seem to know that they have a significant challenge in front of them to persuade other professionals to examine these issues and begin to address them. One example of this effort is an archaeologist who studied Dakota, Elden Johnson who began this work in the 1970s, "These protesters say, in effect, that the responsibility acknowledged, but not always met, by the ethnographer toward the people studied is a responsibility that the professional archaeologist must also meet, and to meet it, the archaeologist must first recognize it' (Johnson, 1973, p. 129).



This responsibility, and recognition is difficult for many, because their own beliefs, biases, and sometimes policies prevent them from doing so. This is understandable, but not acceptable. Though there is this tarnished history in America, followed by federal preservation laws that established this precedence, it seems the discipline itself needs to embrace more proactive steps. Prior to 1980, the National Historic Preservation Act (NHPA), “had no specific references to Indian tribes. Public Law 96-515 amended the act, giving tribes equal ranking with state and local governments as a partner, authorized grants to Indian tribes for the preservation of their cultural heritage, and added section 110, which set forth minimum responsibilities for federal agencies” (Watkins, 2000, p. 39). One of these efforts includes a number of seminars with Tribal Nations.

One of the seminars, ‘Archaeology and Native Americans,’ was proposed to review the relationship between archaeologists and American Indians and to ‘alleviate misunderstanding, to increase communication, to sensitize archaeologists to Native American concerns, and to sensitize Native Americans to the capability of archaeology to contribute to an understanding of the heritage we have all gained from Native American cultures’ (90). This was one of the first attempts to ‘institutionalize’ the approach of archaeologists to the conflict between them and American Indians, and it is interesting to note that the framers of the seminars considered American Indian concerns to be one of the six major issues facing the discipline at the that time. (Watkins 2000, p. 11)

If associations for archaeologists such as the Plains Anthropological Society (PAS), Society for American Archaeology (SAA; 2013), American Cultural Resources Association (CRA), Society

for Historical Archaeology (SHA), and others would host more Indigenous-led people's forums, this effort would encourage sustainable relationships.

Watkins (2000) provided that, "Perhaps it is only coincidental that, until the 1969 publication of Vine Deloria Jr.'s book, *Custer Died for Your Sins*, American Indians shared an uneasy truce with anthropology, and its subdiscipline of archaeology" (p. 3). Yet, feelings that have been shared by Indigenous peoples like the *Oglála Lakóta* regarding a disdain for archaeology is perpetuated and triggered by the threat to our ancestors and their remains.

We need to be careful about celebrating the end of colonial relations between Indians and anthropologists; put bluntly, the *structural* relationship remains in many ways a colonial one. Imagine, for example, all the courses on 'Indians of North America' taught by non-Indian anthropologists in American colleges and universities and imagine how many courses are taught by Native Americans or faculty members otherwise accountable to native communities. Are anthropologists automatically most 'qualified' by virtue of their credentials to represent Indian people and native communities in college classrooms? What would we say if representatives of local native communities challenged our monopoly on, or even our right to teach, these courses? This is not at all unlikely given the present concerns of Native Americans with alienation of native spirituality by non-Indians (see Churchill 1994). (Biolsi & Zimmerman, 2004, p. 18 (1997))

Should more Indigenous peoples consider becoming a western science educated professional in order to represent their communities? Is there hope that these individuals can actually make an impact on a discipline very much rooted in a worldview that has such a tarnished development?

Of course, these questions are for the individual to answer. For me, it is something I am currently exploring.

### **A *Lakóta* Archaeologist?**

My decision, encouraged by family and elders I worked with, was not an easy one. By choosing to be in a CRM archaeology program at St. Cloud State University, I contemplated why I would do so knowing this is one of the most controversial disciplines to my peoples. My motives, however, are pure. Like other research that has concluded on our origins, our linguistics, our societal systems, our ‘religion,’ our history...there is often a need to make it more culturally relevant, for use in our communities which are impacted. I believe that as an Indigenous person I am best suited to interpret my ancestors’ past.

The NAGPRA legislation also underscored the increasing difficulty of defining just which American public was being served by archaeology. Is it the job of science to preserve and study the material remains of the world’s diverse human populations, present and past? Is the archaeological record a nonrenewable resource to be held in trust for future generations? Or does each of the world’s cultures and its descendants own the material remains of their own pasts and the exclusive rights to their interpretation? As anthropologist Robert McLaughlin asks, does archaeology serve “the” public—or just “a” public? (Thomas, 2000, p. xxxvii)

Archaeology, and other studies similar to it such as anthropology (study of human cultures) and ethnography (study of ethnic groups) are tasked with what they stood up to do in the first place: “deduce and infer aspects of belief systems both from physical ‘clues’ left behind by the ancients and from the beliefs, traditions, and practices of their descendants” (Birmingham & Eisenberg, 2000, p. 8). In the book entitled *Indian Mounds of Wisconsin* authored by Robert

A. Birmingham and Leslie E. Eisenberg, they are striving to accomplish “a comprehensive overview of these intriguing earthworks and answers the question, Who built the mounds? When and why were they built?” (Birmingham & Eisenberg, 2000, back cover). The one positive assertion Thomas Jefferson did make, was that he “saw no reason why ancestors of the present-day Native Americans themselves could not have raised the mounds” (Renfrew & Bahn, 2007/2010, p. 15).

Another more expectant setting for archeology is the further expansion of what is dubbed the ‘New Archaeology,’ or ‘Processual Archaeology’ as initiated by a younger generation of archaeologists in the 1960s. Lewis Binford, along with his colleagues are given credit in the archaeological community for introducing this new approach which promoted the vigorous use of the scientific method, rather than merely history. Renfrew and Bahn (2007/2010) and their colleagues:

...argued against the approach which tried to use archaeological data to write a kind of ‘counterfeit history.’ They maintained that the potential of the archaeological evidence was much greater than had been realized for the investigation of social and economic aspects of past societies. Their view of archaeology was more optimistic than that of many of their predecessors.

They also argued that archaeological reasoning should be made explicit. Conclusions should be based not simply on the authority of the scholar making the interpretation, but on an explicit framework of logical argument. Thus conclusions, if they are to be considered valid, must be open to testing.

These processual archaeologists sought to explain rather than simply to describe, and to do, as in all sciences, by seeking to make valid generalizations. ... They placed much less emphasis on artifact typology and classification. (p. 26)

In hopes that archaeology will continue to look at more than just the science behind the material culture and what past societies have done, it should be humanized for the *Oglála Lakóta* sake, by incorporating our worldview into the interpretations of the findings. As Robert Hall has argued for the corroborative work of Indigenous cognitive frameworks with the physical evidence, the purpose is to interpret the prehistory. He warns that:

...if American archaeology is to achieve its goal of understanding the past, it must go beyond interpretations based solely on economics and technology and recognize the magical and religious dimensions that underlie all human society: 'Archaeology seeks to explain the inner workings of cultures in which even baked clay pots were animated with particular spirits. But, until as archaeologists we develop more than a little empathy for the prehistoric Indians we presume to understand, prehistory may never be more than what it has become, the soulless artifact of a dehumanized science.'

Some further comments on the use of Native American traditions and oral history are in order. First, much of the information of this type has been published and consists of material originally collected by non-Indians who undoubtedly, although unconsciously perhaps, infused the accounts with their own bias. Therefore, we interpret and use this information with a critical eye. Second, we know from first-hand experience that additional information and insight lies in the considerable traditional knowledge of tribal elders. They and other 'traditional' people, however,

are understandably reluctant to share this intimate knowledge. ‘You have already taken too much from us’ is the sentiment that we have heard voiced. Consequently, we have made no effort to acquire additional stories and traditions to include...’

(Birmingham & Eisenberg, 2000, p. 11)

The dehumanizing aftermath that cultural resource management today has to deal with within this tarnished *Milahaṅska* past has no escape from the memories of the Indigenous peoples. I admit that I have my own biases in contradiction to most disciplines under anthropology, including archaeology, ethnography, linguistics, ethnology, and the like. These disciplines are professions and careers. A profession, you can walk away from and start over again in another one, either by force (termination of employment or a reduction in force) or choice (resignation or early retirement). On the other hand, for a culture, one can never walk away from who they are. My biases are present because of the mere fact that much of what we are as *Oglála Lakóta* was/is destroyed; stolen; archived into the linguistic and anthropologic files and reports (not in the hands of those it derived from); sacred items and objects sold and resold; material culture (artifacts) collected, inventoried and stored (in the name of science, as if to be science’s property now); and ultimately, disrespected and marginalized to date is all too impossible to overlook. This is only a partial list of wrongs still occurring because of these disciplines, and the foundations they were built on, which makes it extremely difficult for me to proclaim otherwise about any sort of contributions that may or may not have benefited the *Oglála Lakóta*

Let me be clear here, not all that I am stating has happened only in the past; no, this is still occurring today. Knowledge taken, material culture stored, our ancestors’ remains (skulls and other bone and fragments) still remain in museums, educational and federal institutions, all

without giving much in consideration or plan for return to the Indigenous peoples to which they rightfully belong.

Like I said, all these laws, the intent behind them was good and to preserve our history and protect our people, like NAGPRA, even the eagle feather law. And then these historic preservation laws, they were intended to preserve our history and our culture, but the other entities out there, they got a hold of these laws and they were convening themselves to see how they could get around these laws. Like the museums for NAGPRA, we went to a training session and they really didn't like us being there, but we attended that there in San Francisco. It was all the major museums that were taking that training and their discussions were 'how do we protect our items', 'how do we get around these,' 'what can we do to protect our museum resources,' it was all about that. They were already jumping all over that law to see how they could turn it to their benefit. (Mesteth 2013, personal communication)

On top of this fact, the historical trauma is there that these disciplines were built on, this legacy of ethnocentric imperialism. I am attempting to raise conscientiousness. There may be sentiments within the ranks of these disciplines that there has been tremendous growth since the early days of grave robbing in the name of science. But I believe there is still so much work to do. If the Indigenous peoples themselves (ourselves) are not convinced or satisfied, then we are not there yet. For Indigenous peoples, in order to remain safe, people revert to their family-based principles.

They don't want to get that deep. For us, it is common, that is normal. For them, it's not something they want to deal with, because probably they weren't brought up that way. We were brought up that our ancestors, elders, grandmas, grandpas, aunts,

uncles, instilled that in us to be able to recognize that. But for them, with their culture, their lifestyles, the way their life is, the difference in their customs, they don't have it. And it makes it difficult to communicate with them at that level. Because they just don't have it. It has been instilled in us for generations, and generations, and that's how our elders were and that's how we are today.

So that barrier there, and so, somehow we have to try to break through that barrier to teach them that. And that's difficult when they just don't want to. (Yellow Thunder, 2013, personal communication)

I believe there are individuals in these respective disciplines under anthropology who truly do care and want to understand who and what the *Oglála Lakóta* are. I also believe there are still a great number of professionals who cling to old colonial doctrines because they are familiar and are of the majority. It is safe to be in the majority. Meanwhile, for the *Oglála Lakóta*, it is normal to be a member of the minority. We know the majority will adhere to the old ideals, racial imperialism, no matter the cost to the minorities, because after all, we are a sliver of the overall *Milahaṅska* population. These people may never want to place themselves into another person's shoes (moccasins). If I offend the professionals who are actually putting genuine effort into working directly with Indigenous communities to gain their input, participation (strategically from beginning to end), and their interpretations, I hope it is understood that I actually encourage my colleagues by these harsh reminders.

The recent tarnished *Milahaṅska* past has the ability to repeat itself, if it is not conscientious of the mistakes made in that past. How we assert ourselves as Indigenous peoples to the land, and how the land asserts itself to all of us, is a simple concept, yet very deep in its meaning.



This reciprocal relationship—a relationship in which individuals invest themselves in the landscape while incorporating its meanings into their own most fundamental experience—is the ultimate source of the rich sententious potential and functional versatility of...place-names. (Basso, 1996, p. 102)

The land is everything; it is our *Uŋčǐ makhá* (Grandmother Earth), which includes all of our *héktakiya wičóuŋčaǵe* (ancestors), our *takúye* (relatives) the *ínyan* (stone, rock) and all that is. The places that we ascribe meaning and significance to, have place names that are important to our very identity.

...the ethnographer comes to appreciate that features of the local landscape, no less than utterances exchanged in forms of daily discourse, acquire value and significance by virtue of the ideational systems with which they are apprehended and construed. Symbolically constituted, socially transmitted, and individually applied, such systems operate to place flexible constraints on how the physical environment can (and should) be known, how its occupants can (and should) be found to act, and how the doings of both can (and should) be discerned to affect each other. (Basso, 1996, p. 72)

This serves as an example of how terminology can affect the average reader, by using correlations and idealistic notions of what is being interpreted. I could imagine an Indigenous person for instance, saying the same thing in much less words, yet with more meaning. The ethnographer unfortunately only gets the limited time to interview and then transcribe to the best of their ability what was told to them. I heard this firsthand from some of my relatives who have been interviewed by people coming to the reservation wishing to write about us and the land. The interviewer gets a hint of what is really going on, but not the whole picture. Their

experiences are limited in comparison to what an Indigenous person born into that world would experience and understand.

In any community, the meanings assigned to geographical features and acts of speech will be influenced by the subjective determinations of the people who assign them, and these determinations, needless to say, will exhibit variation. But the character of the meanings-their steadier themes, their recurrent tonalities, and, above all, their conventionalized modes of expression-will bear the stamp of a common cast of mind. Constructions of reality that reflect conceptions of reality, the meanings of landscapes and acts of speech are personalized manifestations of a shared perspective on the human condition. (Basso, 1996, pp. 72-73)

### **TNSP, TCP, Other**

Our whole introduction into the realm of archeology, into cultural resource management, public archaeology, and compliance archaeology for the Oglala Sioux Tribe Historic Preservation Office (OSTHPO) and the Advisory Council (OSTHPAC) started in 2008. However, the different individuals I have listed throughout the thesis, those that have contributed to the creation of the first ever *Oglála* Sioux Tribal Historic Preservation Plan, the members of the OSTHPAC and OSTHPO, and others, have all at different times in their lives and careers addressed cultural preservation in one way or another. Their combined knowledge and expertise is what makes our team so special, so unique. And now we have moved on to creating new relationships with federal, state, and even private entities with like-minded purposes and those that have vision for a better future. These relationships are built on trust and hope. Without being pulled into this realm of CRM, there would be no way to know we were basically involving ourselves in compliance archaeology, involving so much face-to-face interactions.

I met my first archaeologist in 2008, he was doing compliance archaeology on our reservation and was told to come visit me to gain access on our Tribal lands as I was in a former position, the Natural Resource Director for the Tribe. He inquired if we were the THPO, amongst other questions; and he used terms and jargon that were foreign to us. Soon after, an inadvertent discovery occurred, with three of our *Oglála Lakóta* relatives from the early 1900s being exposed on a hilltop where a home was to be placed. No one, not the Bureau of Indian Affairs archaeologist at the time, not the archaeologist I met, or any of our Tribal leadership, knew exactly what the process should be, so I knew that at minimum the project had to be halted immediately. We did not have any policies in place, we had no permits in place, all we knew was we needed to act fast because the remains were scattered from the construction activities and everyone was scared. We then proceeded to ask a few local spiritual leaders in that community to assist, and we were able to return the remains in an *Oglála Lakóta* way. Following this, the archaeologist that I had met was the one who completed the survey. In our follow up meeting about the inadvertent discovery, it was revealed that he did not complete any sort of ethnographic study of any type, only the typical background records search. Because the archaeologist had not been up front about his own background that he did not have a master's degree to be completing these types of compliance surveys, coupled with his lack of taking any sort of responsibility for not completing an ethnographic survey, he was ultimately banned from doing further work on the reservation. If we were provided the opportunity to review the archaeological report prior to the ground-disturbing construction work, we would have recommended monitoring this well-known area to the community as being a historical influenza epidemic burial ground.

I included this example because it opened up our eyes as a Tribal program to step it up and seek ways of incorporating a THPO office and the appropriate training for our program

employees on compliance archaeology. We quickly received the THPO designation, and since then we have been putting on our trainings and workshops, along with our own traditional and spiritual leaders, academics from *Oglála Lakóta* College, archaeologists and professionals in the CRM field such as paleontologists, and the South Dakota State Historic Preservation Office. From these efforts, we have learned that because of federal law, the correct terminology, is actually going to have to be a variation of one of the following underlined below. The following is a review of varying federal terminologies used, and what their acronyms would be if these were actually applied:

- TRCP: Traditional religious and cultural properties may be eligible for listing in the National Register;” unfortunately for Bulletin No. 38, it is not a law which can be enforced.
- PTRCI: Under this Section of the NPHA, 101(d)(6)(A) provides the following terminology, “Properties of traditional religious and cultural importance to an Indian tribe...may be determined to be eligible for inclusion...” This is another variation of words that are scrambled and not stated in the same order.
- RCSP: Another example, Section 101(d)(6)(B), “...a Federal agency shall consult with any Indian tribe...that attaches religious and cultural significance to properties...”

As you can see, these varying federal terminologies are inconsistent. It seems as if the solicitors who draft up these federal laws would have caught these variations and instead retained a consistent terminology for what is deemed as significant, traditional, cultural, or of religious importance. Below are additional variations of these same words commonly used as described above that could be used to create a new acronym:

- Traditional Significant & Spiritual Places (TSSP)
- Traditional Significant & Sacred Sites (TSSS)
- Traditional Cultural Places & Sites (TCPS)
- Traditional Religious & Culturally Important Sites (TRCIS)
- Religious & Culturally Significant Places (RCSP)
- Traditional and naturally significant places (TNSP) is my recommendation of wording that could be considered, as it has all the key wording commonly used in cultural resource management today and is a small variation from the initials TCP. Additionally, as described earlier in the thesis, it can be interpreted into the *Lakóta* language, *Lakólyakel wanjátuya yawá owánka*.

Nowhere in the NHPA or other related historic preservation regulations does it specify Traditional Cultural Properties (TCP). Again, it is a generic term, coined by Thomas King and Patricia Parker, and is now commonly used by many cultural resource management archaeological professionals and Tribes (Great Plains area anyway).

The process to be created by the OSTHPAC and OSTHPO will be based on natural law and perpetual wisdoms from *Oglála Lakóta* elders and the other *Oglála Lakóta* traditional and non-traditional spiritual leaders on what traditional and culturally significant should mean when attributing it to places and sites. We have completed a critical analysis of current (1998 version) Bulletin No. 38 Guidance and depicted what is not culturally sensitive or applicable to the *Oglála Lakóta* in the previous chapter. Now we move forward on looking at potential solutions to initiating a Tribal-based guidance that can later be considered.

My emic view expressed in this work is basically serving as a plea to why this primer is necessary. Through this writing process, I have learned to recognize this work will continue to

be a living document, as this is a work in progress. My graduate advisor has graciously reminded me that this work should not be considered as ‘my life’s work,’ but instead to keep focused on the topic at hand, creating a primer process for developing a formal process for the *Oglála Lakóta* to identify and document *Lakólyakel waŋkátuya yawá owáŋka* (TNSP) as a cultural resource management (CRM) planning tool and strategy. In the process of doing research, finding a foundation from which to start from, I found myself embracing more of what I already knew, and that is what it means to have *Lakħol wičhóh’añ*. In doing this, I was able to see that we, as a people known as *Oglála Lakóta*, would need to incorporate our own way of visualizing a process that is used by Tribal practitioners. This process, as stated throughout the thesis, will be at the discretion of our spiritual leaders, elders (knowledge keepers), and cultural specialists. If we are to complete such a process and eventual guidance, I would recommend incorporating some assistance from some of our colleagues in the archaeological field. These individuals from the archaeological community to me would be considered a ‘bridge maker’ if you will, and those of us in the OSTCAHPAC and OSTCAHPO respectively will create the formal process and guidelines together, again, at the discretion of the spiritual leaders, elders, and cultural specialists.

I am definitely a person walking in two worlds as I continue to learn more and more about the federal laws that are shaping cultural resource management, and their impacts on our *Lakóta* TNSP. These federally led management strategies are used to demonstrate significance for Tribes, not by Tribes, unfortunately. Through my research, I have examined, how traditional cultural properties (TCPs) were created through the current 1998 version of Bulletin No. 38, and the Bulletin’s evolution over the past 22 years (published in 1990 with two amendments 1992, 1998), including contemporary cultural management issues.

In my experiences working for my *Oglála* Sioux Tribe, I have seen firsthand how there are certain shortcomings to Bulletin No. 38 and its implementation, namely on incorporating specific *Oglála Lakóta* perspectives. I have brought up ‘cultural barriers’ throughout the thesis, in an effort to rid myself of the other common terms, which I believe are insensitive to my people, as they have already been overly used historically. Such terms and doctrines of colonialism in use include ‘paternalism,’ ‘racial discrimination,’ ‘ethnocentricity,’ ‘cultural bias,’ and (flat out) ‘racism.’ I am trying myself to recognize these ‘cultural barriers’ during times of consultation within CRM and trying to identify ways of reaching folks who may not understand who we are and the historic trauma that comes with us. I ask, will this ‘cultural barrier’ ever change, improve, or will it remain until the end of humanity? Are we destined to be like this through time?

### **Bridging the Gap**

I believe my thesis has given the reader a good deal to think about and consider when confronting the prospect of working with the cultural material and vast landscape of the *Oglála Lakóta*. I would hope the reader has gained a better sense of *Lakóta* place, as it relates to the importance placed on these lands that we consider ancestral territories and homelands. I would hope the reader has seen that the historical trauma and history from our point of view is just as valid when discussing historical (and prehistorical) context for any ground disturbing project in this Great Plains area. This understanding in itself is a step in the overall technique for bridging the cultural barriers. My proposals are meaningless unless I have a reciprocal partner on the other side of the table ready to meet this challenge. This colleague would obviously require a certain amount of ‘cultural sensitivity,’ while me as one person would require a certain amount of patience during this bridging process. There is reciprocity in this fashion.

Some guidance to adhere to is that history, demographics, perspectives as told by the individual Tribes should be heeded by CRM professionals, federal agency employees, or other individuals planning to work with Indigenous communities, namely the *Oglála Lakóta* for the purposes of this work. Regardless of specific agency policies and guidance, there is a very human element to this work, and following a simple premise of, ‘treat others the way one would want to be treated’ goes a long way in these interactions in CRM. This will benefit the professional to know his/her working environment is viewed through the eyes of the Indigenous Peoples who have ancestral ties to the land. It will also demonstrate to the Tribal Nation that this professional did ‘their homework’ so to speak on the respective Tribes’ history and background. This will help both parties, namely the CRM professional to better understand the historical issues (often still unresolved), the landscape, the mores, as well as those concerns that lead up to today with regards to historic preservation. This is important for Tribal Nations to know they are working with professionals who have taken the time to do some research and learn about them, as Indigenous peoples. Ultimately, it exhibits that they take their job seriously.

## **OSTHPAC**

The OSTHPAC is fairly new, though the concept in our culture is not. We revere our elders as the knowledge and wisdom keepers in our society, to which we attribute a strong sense of respect and honor. These people are known and trusted in the community. Their integrity is intact. The people who are on the OSTHPAC, who sought this endeavor are all enrolled members of the *Oglála* Sioux Tribe, community educators and scholars, life-long residents of the Pine Ridge Reservation. With their very diverse perspectives representing different geographic areas of the Reservation, they have proven to be a true asset to our people as a whole. Most of these respected individuals have an established working relationship, as well as some are



recognized as being relatives, with the principal investigator. These specialized people possess respected and diverse known expertise in *Oglála Lakóta* culture.

This is where, eventually someday, we got nothing to lose to reaffirm our identify, and our sovereignty, through some of the dealings with the federal government already, which are our law through our Treaties. This is where I think, not so much asking for the annuities, and to be recompensed for all the things that the government did, but more or less reinstating our sovereignty, again, through the Treaties. That is law you know, and this is where we need to probably bring it back to that level.

You know there is a trust responsibility that these federal agencies that they are not held accountable. They're just going forward with their own administration, they don't even interrelate so much with each other, these agencies. What they should be doing is, you know all these agencies should be in concert with looking at this land use, especially with the USGS, that's this nation's science organization, but yet they aren't really brought into play in these negotiations and licensing process. That's what really kind of gets me is how come these agencies aren't interrelating like that, looking at these whole concepts of the environment, from a science perspective before they even do licensing.

So anyway, that's what I'm trying to understand, that maybe we need to try to re-emphasize our world view again, and this really helps with our own identity again too. Just standing alone or just screaming about our Treaties, we need to get definitive about what that really means. (Goes In Center 2013, personal communication)

These people represent ‘some of many’ people who possess unique and specialized knowledge, and by no means represent the entire Reservation, the *Oglála* Sioux Tribal government as a whole, or even the entirety and magnitude of *Oglála Lakóta* perspective and world view. However, let me emphasize though that they do represent leadership, in their respective areas of expertise that can be utilized as a ‘starting point’ in furthering a common and collective goal, and that is to have more culturally relevant processes, guidelines and regulations for identifying and protecting culturally special places. In this endeavor, one of the tasks is the creation of a ‘how to’ protocol for formally developing a process for general reference to all places and sites (as there is only one *Lakóta* word for both place and site). What I offer or recommend is using the reference of, *Lakólyakel wanjátuya yawá owánka* ‘Traditional and naturally significant places/Sites–TNSP.’ This is not something that has been adopted, nor approved of by the OSTHPAC or OSTHPO, or even the *Oglála Lakóta*, but provides as a starting point to placing our own *Lakóta* language and meanings within the CRM terminology for location, identification, documentation and recordation purposes.

As an example, a handful of individuals, all *Oglála Lakóta* who were knowledgeable and had participated in prior years’ planning projects for the *Oglála Lakóta* and *Oglála* Sioux Tribe, created the *Oglála* Sioux Tribal Historic Preservation Plan (Plan) in 2009. This plan is prescribed before obtaining any national designation, as a sort of scope of work of how the Tribe will assume certain functions from the state. These provisions are stipulated under Section 101(d)(2)(C) of the National Historic Preservation Act (NHPA), “the tribal preservation official provides the Secretary with a plan describing how the functions the tribal preservation official proposes to assume will be carried out.” This is yet another requirement of another federal process to which the Tribal government wished to participate with the National Park Service

(NPS) to assume these certain functions of the state historic preservation officer, as specified under Section 101(d)(2). The participants, representing a diverse collection of *Oglála Lakóta* individuals, moved forward on this project, all with the collective mindset and goal that we had a unique responsibility to speak and share our words in the creation of this document as a member of our Tribe, with knowledge and ideals commonly known and shared amongst its membership.

These documents were finally presented in front of the Land & Natural Resources Committee of the Tribal Council who recommended its consideration by full Tribal Council, who in due course approved of the document in 2009. The Tribal Historic Preservation Plan project, as an example, we knew going into that federally-mandated project, that there is no real way to acquire all the collective knowledge and wishes of every individual perspective of the *Oglála Lakóta* and *Oglála* Sioux Tribal membership to agree on such a document. Of course, possibly by implementing a 100% survey completion of every adult Tribal member and then gaining eventual consensus through years of meetings, can a true *Oglála Lakóta* perspective be achieved. With this known fact, by no means should this approach presented here for incorporating these few individuals' knowledge on our collective *Oglála Lakóta* natural law and perpetual wisdoms, all to creatively be incorporated into this draft TNSP process, be interpreted as an 'end all document.' On the contrary, in fact it will be deliberated and delivered as a 'living document' which will continue to be reviewed for updates and incorporation of ideals not previously included, with the ultimate vision being for *Oglála Lakóta* generations to come.

### **Approach**

Conversations, rather than formal interviewing and surveying with specific questions, is more *Oglála Lakóta* culturally sensitive and appropriate for this type of research. The conversations have brought ideas, memories, and vision least expected about a variety of topics,

primarily geared at protection of our collective *Lak̄hol wičhóh'aŋ*, which is inclusive of *Lakólyakel waŋkátuya yawá owáŋka*–TNSP. For those *takúye* (relatives) that I have visited and had conversations about this thesis objective, they have reassured me that I have gained their confidence and trust before moving forward, this has been most important for me, more than the work itself. The *takúye* have already expressed an interest in discussing how we as *Oglála Lakóta* continually adapt to conditions around us to try to make the best of every situation, namely with federal policies that continually affect us. A ‘focus group’ was developed and I choose to use a kinship word *takúye* to describe not only their relation to me, but also the working and personal relationships we share. These *takúye* also possess respected and diverse expertise in *Oglála Lakóta* culture, belief, customs, practices, as well as the federal historic preservation law, Tribal law and history. Those selected are some of many *Oglála Lakóta takúye* who possess unique and specialized knowledge. These *takúye* (relatives) consist of the following three Members of the OSTHPAC, serving as the Tribes’ elder Tribal traditional cultural specialists:

- Mr. Garvard Good Plume, Jr., *Oglála Lakóta*
- Mr. Jhon Goes In Center, *Oglála Lakóta*
- Mr. Wilmer Mesteth, *Oglála Lakóta*

From the ‘*Oglála Lakóta* traditional and non-traditional spiritual leaders,’ there are:

- *Oglála Lakóta* medicine man Mr. Peter V. Catches (grandfather);
- *Oglála Lakóta* Episcopal Church Priest (retired), Rev. Grant Robert Two Bulls, Sr. (grandfather);
- *Oglála Lakóta* spiritual and community leader Mr. Dennis Yellow Thunder (friend)

I have based the level of recording these conversations on a case-by-case basis, depending on each *takúye* comfort and guidance during the conversations. In some cases, these conversations were recorded using an audio recorder in my possession, and then transcribed following the conversation; while other conversations merely constituted note taking; and some derived by memory alone (oral tradition to recall what someone shares with you). I had naïvely anticipated there may be a certain amount of guidance needed during these conversations so the *takúye* would focus on the intent of the study of a TNSP process for the *Oglála Lakóta*; however, many conversations went a natural way, a way of speaking of the world all around us. For these *Oglála Lakóta* world views that were shared, I was able to extrapolate what I believed was the most emphasized topics the *takúye* shared with me in these views of the *Oglála Lakóta* world and included these in areas of the study where appropriate.

During the course of the conversations with the *takúye* there were no recommendations made for additional persons I should also visit with, who may not hold the same status as these people, as I had anticipated in my thesis proposal. However, there were several ideas proposed about acquiring more spiritual leadership and traditional *tióšpaye* (larger division or community under a chief/extended family) into more formality, such as,

...creating an *Oglála Lakóta* Historical & Cultural Affairs Society of some type, with members being selected and interviewed to verify their cultural knowledge and what they understand about our collective history. If we establish a historic preservation society for the Pine Ridge Reservation, the people will have to be first trained on the laws first and in that field of historic preservation, that way they understand fully what they're going to be doing to represent our people. And then involve them, and

then everybody is on the same page to preserve these items, the things that are found.

(Mesteth, 2013, personal communication)

### **Additional Procedures**

On my own accord and of my opinion offered, I was able to provide an inspired critique of the 1998 version of National Park Service–National Register of Historic Places Bulletin No. 38 Guidelines for Evaluating and Documenting Traditional Cultural Properties. In this critique, from an *Oglála Lakóta* perspective and worldview, I was able to identify the strengths and weaknesses in the current Bulletin No. 38 technical guidance (as provided in Chapter IV). Within the commentary of the critique, I provided and incorporated collective natural law and perpetual wisdoms into the study that I believed was the common thought on these topics within the Bulletin based on prior meetings and discussions amongst the OSTHPAC and OSTHPO in the past few years. From these meetings, as well as consultations we attended as a group representing the OSTHPO (along with other THPOs), we collectively recognized the problems emerging in the federal processes for identification and documentation of what is termed TNSP. The solution was to try to consider creating culturally relevant processes in order to assert ourselves into the federal procedural decision-making process, through involvement in the identification and documentation of what we deemed *Lakólyakel waŋkátuya yawá owáŋka*.

In my own personal optimism of complimenting a *Lakólyakel waŋkátuya yawá owáŋka* (TNSP) for and by the *takúye*, my personal *Lakǎhol wičhóh'an* passed on to me during my life (here amongst my people) are also incorporated throughout the thesis. Without going into too much detail about myself, as it is not common practice to talk about oneself, or draw attention, I too am in a place of being a spiritual leader within my own families, both on my Dad's side as well as my Mom's side of the family. I am an *Oglála Lakóta* and *Oglála* Sioux Tribal member,

and that is key when having a certain amount of flexibility to voice my concerns and opinion.

What is important to remember though, is to be careful with one's own boundaries for sharing, and in what amount, so as not to offend other *Oglála Lakóta* with what is stated. These cultural boundaries, confidence of the *takúye* and overall trust is crucial in the success or failure of this project, as it gives me the opportunity to obtain much-needed information that may not currently be known about *Lakólyakel waŋkátuya yawá owáŋka* (TNSP) and their importance and meaning.

I believe I have captured the basic understanding of how this proactive process could best be structured to capture additional information and input from our collective *Oglála Lakóta Oyáte* (Nation) in a culturally sensitive and meaningful way. The vision is that this and other more traditional ways can be re-incorporated for future projects when the process is to be implemented and TNSP begin to be documented by the *Oglála Lakóta* on a wider scale in the future.

## Chapter 6: TNSP Primer Conclusion

### Primer Background

I have attempted throughout this work to demonstrate why this primer is necessary from a Tribal standpoint because the existing federal (and state, for that regard) regulations and guidance primarily derives from a dominant Euro-American based set of doctrines, framework and values. This work hoped to convey a need for amending federal and state legislation surrounding Tribal participation, consultation, equal partnering, and full involvement in the historic preservation processes by the Oglala Sioux Tribe. For the over, 566 federally recognized Tribes in the United States alone, there can never truly be a ‘one size fits all’ policy or guidance for identifying, evaluating, documenting and interpreting of historic properties, namely TNSP for all Tribes, and in this case, the *Oglála Lakóta*. Policies and guidance in cultural resource management must be culturally-explicit to each diverse and culturally-vibrant Tribal Nation. It is up to each Tribal Nation to initiate their own if not satisfied with the established documents. Thus, a priming process for raising awareness amongst the *Oglála Lakóta* to possibly develop a culturally-explicit policy and guidance focused on TNSP of the *Oglála* Sioux Tribe alone is needed.

I am humbled and honored that many of my people have held that I was instrumental in forming the OSTCAHPAC and OSTCAHPO on the *Wazí Ahánhan Oyánke* while in my former capacity; however, I wish to acknowledge that it took a lot more than just me to get this done. Without the unselfish contribution of those involved, a portion of the vision was completed. We now take the next steps towards enhancing our implementation of our preservation responsibilities by conducting this research in a manner that is specifically oriented toward what I term as *Oglála Lakóta* ‘primal core values’ (ancient foundational principles), ‘cultural



sensitivities’ (recognition and knowledge of social order and patterns), and ‘perpetual wisdoms’ (ever-lasting oral Indigenous knowledge through memories, stories, language, beliefs, ceremonies). This research has also examined the historic trauma, or as I termed earlier as ‘collective cultural catastrophes’ experienced by my people the *Tínte tá túŋwaŋ Lakóta* within the recent American past and how it directly affects progress (or delay of) within the Tribal Administration for furthering federal historic preservation efforts and proper monitoring of archaeological practices within CRM. Unfortunately, this research has revealed that this tarnished past within America is still embodied in many ways within its relations between the *Oglála Lakóta* and certain federal (and state) agencies (policy makers), as well as various CRM community professionals within the federal (and state) historic preservation campaign.

An evaluation of the standard federal requirements for TNSP (as mentioned above, also referred to in CRM as ‘traditional cultural properties’–TCP) regarding identification, evaluation and documentation, as well as analysis of literature has been pertinent to this discussion. To highlight the input of the cultural specialists within Tribal Administration, conversations with the OSTCAHPAC and OSTCAHPO were completed to verify whether this process primer was an achievable goal of eventually creating a fully-implementable identification process in the future.

The OSTCAHPAC / OSTCAHPO TNSP priming process is first a raising of conscientiousness of the federal (and state) agencies, the CRM community professionals, as well as the *Oglála* Sioux Tribe itself, with the guidance and leadership provided by the OSTCAHPAC and OSTCAHPO on obstacles delaying full implementation of federal historic preservation policies and processes as it relates to proper and respected Tribal participation. The *Tínte tá túŋwaŋ Lakóta* individuals providing their time and energies towards continued development of the OSTCAHPO and its objectives in cultural affairs and historic preservation have progressively

become more active as equal participants in the protections process and have affirmed themselves as preservation partners by implementing a culturally-diplomatic, as well as educational-based approach, while retaining and asserting *Lakóta* values and heritage. By doing so, we are able to identify like-minded individuals in the federal (and state) agencies and within the CRM community in asserting our *Lakóta* definitions and meanings on what we deem as TNSP through identification efforts since 2009.

This work is merely a starter, what is termed as ‘primer’ to a larger process to gain possible support from the *Tínte tá túŋwaŋ Lakóta* people. If achieved in the near future, this ever-growing culturally-relevant process can be developed at the discretion of the *Tínte tá túŋwaŋ Lakóta* elders, spiritual leaders, traditional and contemporary leaders, administration, citizens, and cultural preservation specialists. If developed, this process could eventually lead towards the creation of an actual culturally-relevant guidance for TNSP location, identification, documentation, and recordation. With this guidance, these TNSP and landscapes would need to be evaluated by *Tínte tá túŋwaŋ Lakóta* specific criteria for inventory and possible nomination into an *Oglála Lakóta* (*Oglála* Sioux Tribal) Registry and *Tínte tá túŋwaŋ Lakóta* Registry.

This primer is the next step in Tribal historic preservation, following suit with certain federal historic preservation functions (NHPA Section 101(b)(3)(A)-(G),(I)) assumed in 2009 through Tribal Council Ordinance No. 09-29. This Tribal Council approval basically fell in line, not for lack of available options, with the National Historic Preservation Act, as amended, authorizing the Oglala Sioux Tribal Historic Preservation Plan and accompanying Memorandum of Agreement with the National Park Service–Tribal Preservation Program (NHPA Section 101(d)(2)(C)) to formally assume these certain federal historic preservation functions from the states of South Dakota and Nebraska. The OSTCAHPO utilizes its enabling Tribal legislation,

as well as specific federal preservation regulations, specifically under Section 106 of the NHPA (36 Code of Federal Regulations Part 800) to identify historic properties that may be on, or eligible for listing in, the National Register of Historic Places, including areas to which the Tribe deems as TNSP, or attaches “religious and cultural significance to properties” (NHPA Section 101 (d)(6)(B)) affected by an undertaking. These certain historic preservation functions were later sustained by Tribal Council Ordinance No. 13-17, to which is the current empowering Tribal legislation for the OSTCAHPO.

This initiative of the OSTCAHPAC and OSTCAHPO, for a TNSP priming process instigates some of the necessary steps towards making Tribal cultural resource protection and preservation a priority in strategic planning within the *Oglála* Sioux Tribal Administration. It is paramount for the established constitutional Tribal government to take actions that will benefit our future generations, by instituting a land planning and decision-making process specifically for cultural resource protection. The primer process follows suit with another document drafted for efforts of historic preservation for the Oglala Sioux Tribe, the Oglala Sioux Tribal Historic Preservation Plan of 2009, now referred to as the ‘Preservation Plan.’ This document laid the groundwork and foundation for historic preservation efforts on the Pine Ridge Reservation by beginning the effort towards formally protecting cultural resources of the Tribe through Section 106 consultations, as well as fully establishing the OSTCAHPO as the lead Tribal agency for upholding these functions assumed from the states. The primer process is merely a follow up to the Preservation Plan, to initiate considerations towards priming for the creation of a more holistic and culturally-relevant historic property identification process for *Lakólyakel na ečhákel waŋkátuya yawá owáŋka* “traditional and naturally significant places”–(TNSP) for the *Oglála* Sioux Tribe on the Pine Ridge Reservation.

At the time of the drafting of this language in the Preservation Plan beginning in 2008, for the purposes of satisfying the National Park Service–Tribal Preservation Program requirements, the Preservation Plan language required the Tribe to demonstrate our ability to understand and assume certain functions under the NHPA. The drafting of this document at the time was a very new concept for us as a Natural Resources Regulatory Agency staff to embrace; however, with the deadlines set by Tribal Council under Ordinance Number 08-09, we were under pressure to gain a quick understanding of the federal and state processes in order to get the work completed as mandated. We were fortunate as a drafting team in 2008, to not have to start from scratch, but instead have a couple of templates to base our work on. These templates included earlier work drafted in 2002 by unknown and unnamed individual(s), and another similar draft by another *Oglála Lakóta*, Bernadine Tallman, as her name was on a 2004 draft Preservation Plan. There may have been an even older draft from the mid-1990s, when the first Tribal Historic Preservation Offices were established in 1996, however this did not surface during my research at this time.

As a team in 2008, comprised of a handful of *Oglála Lakóta* elders: Elaine Quiver (in spirit), Johnson Holy Rock (in spirit), Harvey White Woman (in spirit), Wilmer Mesteth, Garvard Good Plume, Jr.; and staff: Joyce Whiting, Tonia Ecoffey, Joni Tobacco, Renita Quick Bear, and myself, we diligently collaborated together to draft this initial document between 2008-2009, using the minimal guidance from the NPS at the time, referencing the NHPA and the 36 CFR Part 800 regulations, all the while ensuring we were incorporating our own *Lakóta* cultural values and worldview. During our drafting, we submitted a total of six versions to the NPS, each time with the NPS sending back to us new revisions to be made to other areas. It was frustrating to have to report back to the Tribal legislatures that our Preservation Plan was not

being reviewed in whole, but instead piecemealed over the months. In later learning that the NPS was merely postponing the approval of our Preservation Plan in order to wait for the next funding cycle, we hired as one-time consultant a well-known former THPO of the Standing Rock Sioux Tribe Tim Mentz, Sr. to review our final and seventh draft. From here, we were able to obtain approval from the Land & Natural Resources Committee of the Tribal Council for our Plan, which included having the Tribal President Theresa Two Bulls draft and submit a cover letter with the attached seventh version to the NPS in the spring 2009. Within a week's period, the notification had arrived that initial approval by the NPS Tribal Preservation Program was in effect, that the Tribe fulfilled all requirements for negotiation of an NPS-templated Memorandum of Agreement (MOA) to review in order to become a certified THPO.

We all, as a drafting team, believed that by drafting this revised document, with the utmost for consideration for our *Lakóta* people, we would be able to do so while fulfilling the requirements asserted in the legislation of the NHPA. We knew we might well face possible scrutiny and censure from a small sect of our fellow Tribal citizens, especially since we were including *Oglála Lakóta* concepts, ideals, culture, beliefs, and the language. Then again, we also believed that maybe we would obtain the much-welcomed support and encouragement (which we, in due course received). Therefore, to ensure inclusiveness of input into this document and possibly ward off this possible overt criticism, we presented the draft document through various communities, as well as at the nine (9) political districts of the Pine Ridge Reservation. The information gathered from the people who were present at these community and district meetings proved to be extremely valuable as it provided additional guidance on its direction, and thus this language was also added.

As well, we requested a formal legal review of the MOA language in order to formalize the acceptance of our Preservation Plan. For several months following, our negotiations continued with the NPS Tribal Preservation Program over the language in the MOA, as it was a template MOA used for most Tribes seeking assumption of state historic preservation functions on their respective Tribal lands/reservations. There were discrepancies identified by us, namely with the paternalistic language of the NPS asserting its status over the Tribe, which did not honor the government-to-government status our Tribe expects. Additionally, there were serious issues raised with the funding apportionment formula based on acreage for the reservation land base, to formally fund a THPO, if approved. The acreage eligible for inclusion as a land base or considered Tribal lands still held in trust, was not inclusive of original and ancestral homelands (where *Lakóta* cultural resources are also recorded to be); however because of the federal limitations within state jurisdictions and private lands which encompass these homelands, the Tribe was forced to move forward on the MOA in order to be qualified to receive the annual NPS Tribal Preservation Program funding and the designation as a THPO.

These documents, the draft Preservation Plan and the draft MOA, were then presented in front of the Land & Natural Resources Committee of the Tribal Council in August, 2009, who recommended its consideration by full Tribal Council. By the September, 2009, regular session of the Tribal Council, after brief discussion and questions on the draft Preservation Plan and the draft MOA, as well as legal input, the Tribal Council, in due course, approved of the documents through Tribal Council Ordinance for enactment by the OSTCAPHPO and OSTCAHPAC.

### **Section 106–Identification**

Analyzing definitions in the federal (and state) law is a way to examine how ‘language differences’ mean ‘definitions difference.’ What most of this thesis has examined directly deals

with ‘historic properties,’ so we begin with how this definition is directly tied to a process for identification of what my Tribe would define differently. “Historic property” or “historic resource means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register, including artifacts, records, and material remains related to such a property or resource” (NHPA §301[5]). As provided above, this definition is both limiting, and written in a language that most of my *Oglála Lakóta* elders would not agree with. During the identification portion of Section 106 consultations, federal agencies are to ‘gather information from Indian Tribes, which may be of ‘religious and cultural significance’ yet “...recognizing that an Indian tribe or Native Hawaiian organization may be reluctant to divulge specific information regarding the location, nature, and activities associated with such sites. The agency official should address concerns raised about confidentiality pursuant to §800.11(c)” (36CFR Part 800 Subpart B 800.4(a)(4).

The National Historic Preservation Act, Section 101, provides that the Federal government, namely through the responsibilities under the State Historic Preservation Office (SHPO) or a Tribal Historic Preservation Office (THPO, because of the 1992 amendments), will cooperate with and ensure that “historic properties are considered at all levels of planning and development” as provided under Section 101 (b)(3)(F). In addition, Section 101 (b)(3)(I) makes available that consultation shall occur with the Federal agencies on federal undertakings, which may affect historic properties because of the project. The latter is focused on the SHPO and/or THPO to ensure that these offices consult with the Federal agency initiating the undertaking as part of their responsibilities. Further in the NHPA, Section 101 (d)(1)(A), the Secretary of the Interior shall:

...promulgate regulations to assist Indian tribes in preserving their particular historic properties. The Secretary shall foster communication and cooperation between Indian tribes...to ensure that all types of historic properties...are given due consideration, and to encourage coordination...in historic preservation planning and in the identification, evaluation, protection, and interpretation of historic properties.

Section 101 (d)(1)(B) adds that the program as discussed in subparagraph (A) "...shall be developed in such a manner as to ensure that tribal values are taken into account to the extent feasible." Finally, under Section 101 (d)(1)(C), it provides that the Secretary "shall consult with Indian tribes, other Federal agencies, State Historic Preservation Officers, and other interested parties..."

When looking at National Register eligible properties or properties already listed in the National Register, specifically under Section 101 (d)(6)(B), the "Federal agency shall consult with any Indian tribe...that attaches religious and cultural significance to properties..." Subpart (C)(i) and (ii) discuss SHPO responsibilities with consultation "in assessing the cultural significance of any property in determining..." as well as "in developing the cultural component of a preservation program or plan for such property;" respectively. Under the NHPA, particularly under Section 106 of the Act, [16 U.S.C. 470f–Advisory Council on Historic Preservation, comment on Federal undertakings], it offers the following:

The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State...having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license,...take into account the effect of the undertaking on any district, site, building, structure, or object that is



included in or eligible for inclusion in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation... a reasonable opportunity to comment with regard to such undertaking.

This provides the initial legal compliance item that federal agency heads follow before its undertaking continues any further in its process for completion. Later, the NHPA Section 106 was amended to provide further guidance on process for approval of federal undertakings, which includes consultation aspects and is suitably titled 36CFR800–Protection of Historic Properties. This is the primary regulation used by federal agencies, SHPOs and THPOs when it comes to stakeholder participation and consultation. Stakeholders are often neglected or overlooked either because the people employed in federal positions are not aware or misinterpret the federal mandates provided to them, or much worse, it is intentional. I say possibly intentional because there is a pattern witnessed in my professional experience.

Federal laws were enacted to guard against any type of neglect of duty by federal agencies to provide stakeholders the opportunity to be consulted with early in the planning stages. Purposes and Participants, § 800.2 Participants in the Section 106 process (a)(4) Consultation, affords that the agency official involve the consulting parties and plan consultations appropriate to the scale of the undertaking; and coordinated with other requirements of other statutes such as the National Environmental Policy Act (NEPA; 1969), the Native American Graves Protection and Repatriation Act (NAGPRA), the American Indian Religious Freedom Act (IRFA), the Archeological Resources Protection Act (ARPA) and any other legislation specific to agency directives.

Jurisdictions and land managing agencies or those responsible for certain lands play a big part in who is considered a participant as a consulting party in the process. The Section 106

process provides under the subsection entitled, Purposes and Participants, § 800.2 (c) Consulting parties includes different parties, usually based on the jurisdiction and location of the historic properties. Most of the time consulting parties include the SHPO, THPO, Indian Tribes, Native Hawaiian organizations, individuals, public and other stakeholders.

The Section 106 process, § 800.3 (a) includes having an undertaking established and how its activity could potentially cause effects on historic properties. Under (b) it provides for coordination with other reviews, which too involve consultation with the stakeholders, such as the NEPA, NAGPRA, AIRFA, ARPA and other federal agency related legislation such as the Department of Transportation Act section 4(f). Under (c)(3) it provides for “the agency to consult with the SHPO/THPO in a manner appropriate to the agency planning process...;” and further affords that the SHPO/THPO has 30 days to respond upon receipt of the “request for review of a finding or determination” and if they do not respond, such as requesting formal consultation, the project has the potential to move in its implementation process without further review.

Subpart A of the Section 106 regulations, under Purposes and Participants, § 800.1 Purposes (a) states that the section 106 process seeks to accommodate historic preservation concerns “through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties, commencing at the early stages of project planning.” The early stages of the planning process are when it should actually start; however, there is no specific definition of “early” in the regulations. For most, this could translate into when the project is first conceptualized, when there is a proposal written for federal funding, or when the project lead receives its first notice of intent for a project. This is where Traditional

Cultural Properties (TCP) come into play in today's historic preservation efforts for the Tribes, namely the identification portion.

Timeliness of the initiation of consultation is crucial to the success of a federal project gaining the needed stakeholder support, as well as needed public buy-in. Never should the intent of consultation be viewed as merely remaining compliant with federal regulations. It is important to the process of incorporating a multitude of ideas, cultural backgrounds, and socioeconomic conditions and goals. Never should any step of a process be skipped because it will only lay out the groundwork for more painstaking work in the future. Good relationships on future projects can grow from proper implementation of these steps, as well as having common sense and mutual respect for your fellow man/woman.

### **Section 106–Consultations**

Within CRM, namely during Section 106 face-to-face consultations on federal undertakings, it is often the first time that non-*Lakóta* and *Lakóta* are challenged to sit at a table to discuss historic properties, as it relates to the identification process under the NHPA. Of course, this follows the federal agency's responsible representative to send an initial request for consultation to the Tribe regarding such undertaking. Unfortunately, when it comes to state sponsored, funded, managed land, or licensed undertakings, Tribes are not invited to the consultation table. This is a huge problem from most Tribes' standpoint. I make this statement because I have been in numerous Tribal caucuses with many Tribes during these consultations, outside of the actual discussions with the federal agencies present. This Tribal consultation creates new interactions of a personal nature, often one of differing cultural beliefs and views as described earlier in this work. Sometimes there is positive dialogue regarding the differing world views, while other times there are serious breakdowns. These breakdowns often occur

unknowingly by the participants because of a historic reference or reminder of the unbalanced power between the federal side (and often states) and the Tribal side. This results in the consultation becoming unproductive. “The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties” (36CFR Part 800.1(a)). The goals provided in the legislation should be held in trust by all participants. This must be done with humanitarian treatment of the other participants; not imposing or paternalistic manners, which is often the case by the federal agency representatives in my experience.

I noticed that through a lot of my work, and those that don't have no connection with them, they basically disregard them. They don't see what it really means to us. In all of my work, in speaking with those federal agencies, and those people that have no inkling about us, I was trying to relay to them the message of that importance, and what it really means to us. Those are powerful things that need to be respected, and we have you have to be able to understand it, if you look at it, from our eyes, look at it from your heart, then you will be able to tell, you know, you will be able to experience that connection.

But most of them, maybe it's because of certain factors, they don't want to reach that deep. It's all surface, it's all just face value, and never look into the depths of the heart. We have to look at this from our heart, and that is deep. Maybe that won't be such a good idea for some though, but we have to try. We need to look at it from our perspective, that we come to it, from our hearts to protect these places. (Dennis Yellow Thunder, personal communication, 2013)

Based on my personal *Lakóta* knowledge (and professional experience), Tribes will consider our collective ancestral homelands and territories as our *makhóče* “land/place” no matter the current federal (and state) property laws and land status’ asserted by the United States government, the states, the private landowners, or corporations. Infrastructure on these lands are merely man-made spectacles and technology; however, what is beneath and within these lands remain our ancestors, prayer places, and artifacts of our existence long before colonization and modern development. And even though we too, as Indigenous peoples, are also living in this modern world, we retain this eternal memory. By recognizing this as a non-Indigenous person, then respecting these commonly held principles of many Indigenous peoples (as there are current land claims in litigation) will help to start the expansion of others’ perspectives on historic preservation. In time, there is hope that these individuals will take a risk to resist the status quo of the current nation-building initiative which only upholds outdated federal Indian policies which sought to exterminate any Indigenous footprint on these lands now called America. If one examines these policies established through the centuries here, they will see that there is a subtly asserted effort through federal (and state) historic preservation efforts. As non-Indigenous individuals in these professions gain this new understanding and respect from an Indigenous descendent, they can be better agents on behalf of their respective CRM institution to improve cross-cultural relations with Indigenous peoples, namely the *Lakóta* as prescribed in this work. It is not merely recognizing and respecting, but also finding innovative and cooperative ways of incorporating Indigenous groups (who possess unique world views on the land and everything within it). As it stands, Indigenous peoples, and their ancestral remains in the land, namely in the Great Plains area of today, are in need of being invited to participate in balanced features of

planning and decision making within historic preservation and CRM. This includes the identification of cultural resources.

Often Indigenous TNSP for example, are overlooked, ignored, marginalized, discredited, or even deprioritized because the history (Indigenous) that is tied to these particular landforms and features are not of the same cultural background as most of America (non-Indigenous). When a person does not comprehend the connection another cultural group values, based on their beliefs of their own community or cultural group, then more often than not, there is a certain amount of indifference exhibited in decision making within land use planning. Federal (and state) preservation values are more linear in focus on American heritage and nation-building (or sustaining that heritage)...and not so focused or inclusive of *Lakóta* TNSP. This is not an easy topic to discuss for most Americans, as the discussion immediately brings up a tarnished past in America as it relates to Indigenous peoples and the millions of acres taken by dishonest acts throughout its history. There is plenty of oral histories from my *Lakóta* people, as well as in the written scholarly literature that discusses this point. Regardless of these facts on American history, it is not the norm to attempt to see this history from a *Lakóta* perspective. The same is true with discussing TNSP of the *Lakóta*:

Scholarly and applied studies of traditional cultural properties are skewed in favor of applying Euro-American anthropological methods to investigating TCPs. They identify them through a process of systematic study, which Euro-American scholars deem important and in-line with scientific principles concerning the anthropological, historical interpretation of the past. This leads to ethnocentric practices that have been and remain detrimental to the Lakota. (LeBeau, 2009, p. 2)

A culturally relevant process directly made for our geographic region here in the Great Plains, and having this process accepted by the CRM community, and possibly into amending the legislation on the federal and state level, and of course Tribally, is the ultimate goal. Without legal backing of these proposed changes, any new approach proposed within CRM is merely guidance and will not be enforceable. As it stands now, processes in general (with step-by-step directives) are not culturally-relevant to begin with as there are different TNSP that must be dealt with on an individual basis; however, we have to initiate ways to offset the current guidance by making an allowance for a Tribal-sensitive guidance for interpreting our own TNSP. In considering this, the new process cannot merely model off of the established federal (and state) linear processes. This work serves to get the ‘ball rolling’ in that direction to promote an emic *Oglála Lakóta* perspective for the creation of such a process by calling this work a ‘process primer’ instilled with cultural values and heritage.

### **Tribal Lands**

For the *Oglála* Sioux Tribe, culturally relevant definitions of *Lakólyakel wanjátuya yawá owánka*–TNSP, or their equivalent cultural practices and beliefs of our living community, are still rooted in our collective history and remain important (i.e., significance) in maintaining our continuing cultural identity of our community. This follows how the National Register language is provided, with ‘our’ inserted appropriately when referencing the community at hand. The *Lakóta* embody living in connection with the *héktakiya wičóuŋčage* “ancestors” with these places and landscapes, landforms, place names, flora and fauna in the area, medicinal gathering places, *Lakóta* star knowledge, and all of creation to name but a few of the spiritual connections to the land.

For many federal (and state) undertakings that are within *Lakóta* original and ancestral homelands and territories, but off of reservations, referred to and defined in the regulations as ‘tribal lands’ to mean “all lands within the exterior boundaries of any Indian reservation and all dependent Indian communities” (36CFR Part 800.15[x]), are extremely and intentionally limiting to Indigenous Nations, as this is interpreted as placing the primary preservation role on the State Historic Preservation Office (SHPO) official to which the federal action is taking place. Often, the SHPO is the invited entity by the federal agency to be consulted under Section 106 regulations, namely for those federal undertakings in the Great Plains, when not interpreted to be on ‘tribal lands.’ With most Tribes residing on reservations today, Tribes are often harshly reminded as having limitation on their traditional jurisdiction and their ability to be considered as primary stakeholders. Tribes have always asserted their homelands regardless of federal property takings throughout American history. ‘Tribal lands,’ which is a geographical limitation for many Tribes, and a legally interpreted description asserted by federal law, only has a small window for Tribes to assert their rights to be a consulting party to identify historic properties as well. Unfortunately, this very important aspect and fact has to continue to be asserted by the Tribes. In order to allow for more Tribal input and information from the respective federal agency, the following must be upheld.

Consultation on historic properties of significance to Indian tribes...Section 101(d)(6)(B) of the act requires the agency official to consult with any Indian Tribe...that attaches religious and cultural significance to historic properties that may be affected by an undertaking. This requirement applies regardless of the location of the historic property. Such Indian tribe...shall be a consulting party. (36CFR Part800, Subpart B 800.2 (c)(2)(ii))



And,

Gather information from any Indian tribe...identified pursuant to §800.3(f) to assist in identifying properties, including those located off tribal lands, which may be of religious and cultural significance to them and may be eligible for the National Register... (36CFR Part800, Subpart B 800.4 (a)(3)&(4))

Based on my professional experience for undertakings off of Tribal lands, often before Tribes are called to the table for consultation in the Section 106 process by the federal agency, the respective state SHPO has already been given priority and opportunity to review the federal undertaking project plans. This privileged review often includes any archaeological, and in some cases paleontological (especially here in the Great Plains region), surveys completed by the project proponent and their consultant archaeologist or archaeological firm completed on such project lands.

### **Interpretation Limitations**

Another issue at hand, is that in many of these cases of excluding the Tribal THPOs in federal undertakings, because of the limiting Tribal lands exclusion interpretation, the SHPO has already made their concurrences with respective federal agencies' determination of effects to historic properties based on the initial identification efforts of the consulting archaeologist of the project proponent. And there are other cases where the process of reviewing and/or development of programmatic agreements, treatment plans, and other mitigation plans and agreements are already in motion, drafted, and even signed by the federal agency and SHPO; meanwhile the THPO is merely given a copy to be considered as a 'concurring consulting party.' So, by the time the THPO has been called to the table for in-person Section 106 consultation, so much has already occurred without THPO participation. These examples are a direct circumvention of the

Section 106 process as provided. So as the regulations are meant to be implemented in an ideal situation, the next steps is: (a) Continue consultation,...to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize or mitigate adverse effects on historic properties...(c) A programmatic agreement...will be prepared... (36CFR Part800, Subpart B 800.6 (a)&(a)(1)(i)(C). Any documents described should be developed ‘with’ the THPO present, not beforehand. Based on these cases I have experienced professionally, THPOs continue to this day having contentions over this flawed implementation of following a lawful process. THPOs contend that when the Section 106 process is not followed as written, it is a violation, with several passages in the regulations supporting them “...commencing at the early stages of project planning” (36CFR Part 800.1(a); and “The agency official shall ensure that the section 106 process is initiated early in the undertaking’s planning...” (36CFR Part 800.1(c); and “Consultation should commence early in the planning process, in order to identify and discuss relevant preservation issues and resolve concerns...” (36CFR Part800, Subpart B 800.2 (c)(2)(ii)(A).

Another contention of the Tribes is that these documents are typically prepared by federal agency attorneys, to which these agreements are often ‘negotiated’ in terms of what is held in legality for the Advisory Council on Historic Preservation (ACHP), SHPO, and the federal agency...not the THPO. This creates ‘sides’ to the process, where the federal entities, represented by the ACHP and the lead federal agency for the undertaking on one side, and the Tribe, represented by the THPO on the other. This therefore is a federal process created to favor the representatives of the federal side, even the state side represented by the SHPO. Yet an additional contention in the development of these types of agreement documents is the SHPO (not the THPO) being made one of the primary signatories to the developed documents. Other

signatories to these agreements and related documents often include of course the lead federal agency (often other agencies as well if deemed necessary) and the ACHP...not the Tribes or their THPOs, even though it provides that the THPOs are signatories to memorandum of agreements (§800.6 (c)(1)). This, in my research, as well as in my professional experience, can be examined further to demonstrate how a federally-led process can be exclusive of Tribes and their THPOs. These brief examples appear to be a subtle strategy on the federal side to discount Tribal input and full participation as a preservation partner as provided for a SHPO. This is a racial injustice against Tribes and their value placed on the lands known as ancestral. This is the subtle effort, even in historic preservation, to eradicate the Indigenous footprint from these lands by upholding these outdated systematic policies.

Additionally, these examples portray the privileged seat within historic preservation long held by the advantaged, or those in power (by federal law source), and not a representation of the original inhabitants, the Indigenous peoples of this continent. This seat of advantage has long been held, for far too long, primarily by non-Indigenous representatives who have the primary control over what is deemed significant and worthy of avoidance when it comes to federal (and state) undertakings. This imbalance within the CRM community for federal (and state) historic preservation is essentially advocating for the primary participants (SHPO, ACPH, and other federal agencies) while subtly omitting the Tribes. This is extremely oppressive to Tribes. Tribes in this sense are treated as ancillary, and this treatment could very well be because of this land status issue. This approach within federal (and state) historic preservation must change! Though I believe that there is a growing number of professionals within the CRM community who are also seeing the old ways going out of style, there is not enough currently to make real changes. On the contrary, I must also acknowledge that while others may very well be clinging

onto the status quo, times are changing regardless. This clinging on may be on purpose (as rooted in fear of change), or it may be mere oversight (ignorance or mere subconscious)...or worse, as mentioned above, because of racial motivation. Either way, until federal regulations change their language regarding this disparity, some will continue to use it to their benefit to retain their seat of privilege, while Tribes continue to grasp what little language in the regulations there is that benefit the Tribes' stance, and hope that more of the CRM community embraces a real change in how our CRM regulations and processes are fairly implemented.

My question as a Tribal member is how do we empower ourselves, as *Lakóta* people with an intact language and culture, to try to reverse over 150 years of struggle, racism, genocidal attempts, forced assimilation, and policy-driven oppression, “extreme poverty amid a capitalistic landscape” (Nelson, 2008, p. 12) ...especially when it comes to addressing issues surrounding our known history, as it is tied to the land? So as this work has proposed throughout, we are to first consider creating (or even revisiting) our own historic property identification process for TNSP, specifically for the *Oglála* Sioux Tribe to use as a cultural resource management planning tool and strategy on the Pine Ridge Reservation. But I do not wish to propose limiting our discussion to a reservation only when speaking about TNSP, I wish to be inclusive of this vast geographic region known today as the Great Plains.

We look at what is available to us, and at the moment, there are very limited Tribal laws on the books to address proper protection of these places (and material items)...as most of what is available remains oral, grounded in customary and natural law passed from one generation to the next. This may not be enough though. But can these types of limited laws be enforceable with our people adopting a law and order not of traditional establishment? Probably not. Reason for saying this is that mainstream laws differ culturally from traditional customary and natural

laws commonly followed by the *Lakóta*. Written laws are usually created to govern activity and behavior of humans, however with traditional laws, enforceability often comes from within, a belief that a higher power is watching over your actions. If one truly believes this, the natural laws will work with them, not against them.

What is available and is the main premise to which this work is founded on, is the nationally established federal historic preservation effort. This effort, which many can speculate began at different times in American-made and recognized history, began with the first recognized scientific excavation occurring in 1784 by Thomas Jefferson (known by many as the ‘Father of Archaeology’). For others, it began with the passing of the Antiquities Act of 1906, or even the passing of the National Historic Preservation Act in 1966, which also created the first State Historic Preservation Offices (SHPO). Any of these examples, or any additional federal acts or executive orders, state legislation, or a combination of such, can be debated. Of course, all of these examples, in essence, look to uphold a national pride and heritage, a nation-building by a nation state, on and of original Indigenous lands, as well as the human remains in those grounds. An example of this nation-building concludes that in the name of Christian Monarchs, Papal Bulls (15<sup>th</sup> century) gave Christian explorers the right to claim lands they ‘discovered’ ([http://ili.nativeweb.org/sdrm\\_art.html](http://ili.nativeweb.org/sdrm_art.html)). The Discovery Doctrine is a theory of the times, and later used in several U.S. Supreme Court decisions, initially in 1823 in the case of *Johnson v. M'Intosh*, calling for “the right of discovery” in order to justify the taking of possession of ‘Indian ancestral remains’ and lands. The doctrine, in my research, has been primarily used to support decisions which ultimately invalidate or ignore ancestral or original possession of land in favor of colonial or post-colonial governments. In this mindset, there is a stark realization that there were assumptions that since the Indigenous cultures were inferior, then why not use the

doctrine to pursue the nation-building? Though the laws have changed somewhat since those times, the fact remains that this was a common conviction, and even earlier during initial contact with Indigenous populations, under the laws promulgated by the non-Indigenous seeking to discover and claim these Indigenous peoples. So once the land grab was accomplished (end of the Indian Wars, circa 1890), then we begin to discuss how this was further justified in America by the taking of possession of all resources (cultural included) that was above and in the ground, including the material culture and way of life of another cultural group(s) in the Americas.

This historical upholding and further promoting of a national pride (while overlooking Indigenous significance to places as it relates to our history before contact) still occurs today, though very subtly and nontransparent. What this act essentially does is represents a systematic erasure of *Lakóta* history and culture associated to the Great Plains landscape. This is nothing new as it has occurred since before the peace Treaties (with the *Lakóta* and *Dakóta* Sioux Nations, 1851 and 1868 Fort Laramie, Wyoming) were signed between our people and the U.S. The unfortunate piece, from our perspective, is that national pride, comes at a cost to our Indigenous identity embedded into the land. The other costs of the national pride initiative essentially omitted total observance and respect for Tribal traditional and natural significance to places because the conquering nation has built on top of these places. Though Tribes are allowed to share our concerns and views within the federal processes today, ultimately, it is still the federal agency who makes the final determination and decision on what is avoided, minimized, or mitigated. Even worse, the states hold this role exclusively with little to no regard for Tribes' input on state determinations.

So, what is visible today on the *Lakóta* landscape, in terms of technology, structural development and infrastructure associated with our 'civilized' society of today, is merely a

product of taking TNSP of the *Lakóta*...out of view, thus resulting in its elimination. More development equates to less TNSP. Our TNSP are under extensive and relentless danger of being destroyed with the constant encroachment by development, research and collection, mining, and other varying land uses. “Even as tribes continue to suffer from poisoned rivers, contaminated sacred sites, and other devastation caused by old and abandoned mines, they face a new round of threats” (National Wildlife Federation 2013, Executive Summary). We all know the old saying, ‘out of sight, out of mind’. In my case and argument, not until the passing of the 1978 American Indian Religious Freedom Act, then the 1990 Native American Graves Protection and Repatriation Act (NAGPRA), followed shortly after by the 1992 amendments to the NHPA and Section 106 regulations (36CFR Part 800) did America begin to recognize the unique protections required for parts of Indigenous peoples’ history, lands and culture. However, the enacted language still has limitations, in that it is not culturally sound, but it does appear to try to honor human rights. Reality is, would we have needed to enact such legislation were there not curious minds throughout history that seek to steal and study human remains? Progress is slow, but most recently in 2012, the U.S. finally acknowledged and signed (by President Barack Obama) onto the 2007 United Nations Declaration on the Rights of Indigenous Peoples, particularly Article 18, which provides:

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions. (UNDRIP 2007:8)

This OSTCAHPAC / OSTCAHPO proposed TNSP priming process is an effort to incorporate TNSP or as commonly referred to “historic properties,” or properties of traditional

and religious significance (in federal regulations and guidance), as worthy of the same significance and appreciation as other historic properties held as significant to America. This effort can help assist in not only the *Oglála* Sioux Tribes' historic preservation goals which include seeking full protection and avoidance for TNSP from destruction and encroachment, but also later in federal Section 106 requirements and consultations. Federal (and state) aims are primarily focused on preservation of American public heritage "...the spirit and direction of the Nation are founded upon and reflected in its historic heritage" (NHPA Section 1 (b)(a)). For many *Oglála Lakóta* this often represents a long-standing cultural imperialism that protects American heritage, which is essentially built on top of our collective *Lakóta* historical context and ancestors of these lands. Maybe a potential solution is creation of legislation specific to Indigenous peoples' viewpoint, by drafting the 'International Prehistoric Preservation Act' or IPPA in short. International as it would recognize Indigenous peoples as sovereigns, with our own forms of government and laws. Whereas, the continued problem will persist with primarily focusing on 'historic' heritage which primarily deals with the colonizers' historic properties. In contrast, the IPPA would pay specific attention to laws and rules for international prehistoric properties, as Indigenous nations are of themselves different than the nation of America. This will focus on cultural material of the prehistoric timeframe, which predates Euroamerican ties to these lands.

The NHPA language, like many other related federal documents, sets precedence and foundation for today's historic preservation crusade prioritizing American heritage and not so much of the unique cultures such as that of the *Lakóta*. As this is being done, the unfortunate issue at hand facing my people and its cultural resources, is perpetuated at the expense of our



*Lakóta* identity, with our unique worldview omitted and being systematically erased. This creates what is termed as ‘historical trauma:’

Historical trauma is a result of governmental policies of genocide, removal and relocation, assimilation and termination that have affected Native Americans for five hundred years. Such extreme experiences of violence, cultural disruption, forced assimilation through mission and boarding schools and other means, and economic marginalization and poverty has created a systematic problem of psychological disempowerment and trauma for American Indians. Socially unacknowledged and individually untreated, these traumas are inherited intergenerationally. (Nelson, 2008, p. 15)

Maybe the IPPA will help alleviate the historic trauma by implementing culturally-relevant policies that ultimately focus on what Indigenous peoples see as significant. This would be a proactive approach that will allow Indigenous peoples to interpret their own histories, create their own cultural contexts, identify their own TNSP, and determine what is best for these prehistoric properties when a federal undertaking is proposed. Interpretation is at the heart of the discrepancy in what this work highlights.

An example (one of hundreds) of what may arise as concerns interpretation, derives in a cultural resource management tool, entitled, the 2008 Pipestone National Monument Final General Management Plan/Environmental Impact Statement (Pipestone GMP/EIS), which offers, “Issues of concern in the plan include sensitivity to and interpretation of American Indian practices and traditions associated with the quarries and sacred sites...” (NPS Pipestone GMP 2008, p. 3). The following insertion from the document, highlights the issues within such a management plan of a federal entity such as the NPS at the Pipestone National Monument.

## Issues to be Addressed

Key management issues are summarized in five questions, called decision points. The decision points helped define the management alternatives that are described and evaluated in this draft general management plan. The decision points ask:

- How can the national monument accommodate American Indian uses and interests while managing for cultural and natural resource values?
- To what degree will affiliated tribes and the National Park Service collaborate to interpret the history, culture, and artistic heritage of the Plains Indians?
- How can the national monument preserve cultural resources and natural resources while providing effective visitor services?
- To what degree can the national monument respond more effectively to external activities, concerns, and threats?
- To what extent should facilities be expanded to accommodate current or future uses, and what type of management actions might be desirable to better manage the flow of visitors in various facilities and areas of the national monument at one time? (NPS Pipestone GMP/EIS, 2008, p iii)

These issues are what demonstrate how unique this legal relationship is between federal (and state) entities with Tribes (specifically those that signed Treaties with the U.S.) for geographical areas that this work addresses, within the Great Plains. It is not an easy job, to be a cultural resource manager within a federal (and state) agency, nor is it as a Tribal CRM professional, with so many competing interests at play; however, it should be noted that the unique legal relationships must be upheld regardless of this difficulty, as the Treaties are

paramount, even when discussing cultural resource management tools and documents. Tribes, though much of America may not want to concede, are at the forefront of having our concerns addressed first. In my experience this has been hard for CRM managers to grasp, as they also have to pay special attention to the non-Indigenous peoples who visit “while providing effective visitor services” at these federal (and state) lands and addressing their wishes. These non-Indigenous peoples, the American citizens, represent those that can take issue to their respective congressmen/women when federal (and state) mandates are not fulfilled, such as providing ample and satisfying ‘visitor experience.’ This has proven to play out with who makes a stronger case, the accommodation of American Indian uses and interests or managing and providing effective visitor services. With so much of America’s recent construction and habitation on these lands in the Great Plains (in comparison to Indigenous peoples who have inhabited these lands since time immemorial), the concerns for visitor experience only proves how the cultural divide prevails; that the significance placed on TNSP such as at the Pipestone quarry for many Tribes is placed against public access. This public access typically prevails unfortunately for the Indigenous peoples, because we are viewed as secondary stakeholders beneath the general public’s interest.

As we all can reflect, how often do the interests of the Indigenous peoples win out over the interests of the general public? We all know the public wins, because their numbers are greater, correct? Meanwhile the Indigenous peoples, as always, absorb the disrespect and disappointment. Indigenous peoples will continue to be the minority. This is the power imbalance that must be addressed and changed. If there is to be any creating of an OSTCAHPAC / OSTCAHPO TNSP primer process, the *Oglála Lakóta*, in trying to do so, in an environment dominated in interpretation by the non-Indigenous public, we must learn from the

lessons of history. When and where will the Indigenous worldview, values, beliefs, practices and heritage be made a priority? When will it be viewed as paramount to land planning decisions? When will our wishes and worldview not be seen as a negative issue to deal with in federal land planning and decision-making processes? We have to try to find the commonalities as humans, so a connection can be made, and concerns of the first peoples of these lands are prioritized. If realized, a TNSP process can be created.

Federal (and state) preservation goals often do not accurately account for what is deemed significant to the *Oglála* Sioux Tribe, namely our *Oglála Lakóta* ancestral remains, history, cultural patrimony, places, sites and material culture (to name a few). Instead, federal (and state) goals attempt to bring all history and cultural resources under one umbrella, one interpretation, just as America has been known to pride itself on being the melting pot of the world. With this method, it alienates unique perspectives, disrespects different cultures and their values and heritage. The IPPA could help with this. This interpretation issue is one that the *Oglála Lakóta* have identified within historic preservation and cultural resource management. The norm unfortunately is to have cultural resource management tools and strategies that address the ‘majority’ of items of interest (or contention), as to create a ‘one size fits all’ interpretation. With that said, to bring an individual preservation goal (*Oglála Lakóta*) into the broad realm of federal (and state) historic preservation seems almost impossible. I say almost impossible because I truly believe there is a fear within a majority of America (led by federal and state policy makers) that by considering the opening of a door to each Native American Tribe means to open the door for all (different cultures in America). The IPPA would be a difficult approach to gain the necessary buy-in from non-Indigenous peoples, but I believe that Indigenous peoples and maybe even some like-minded CRM professionals may see the value of separating Euro-

American ‘historic properties’ as defined in the NHPA, from Native American ‘prehistoric properties’ as would be defined in the IPPA.

We as *Oglála Lakóta* will need to interpret these places from our perspective to show its importance and significance. This will be done in a culturally-based format to uphold the integrity of the *Oglála Lakóta*. The federal (and state) entities who have current day CRM responsibilities (as provided by federal and state laws and mandates) will need to be responsible for ensuring this is allowed. As well, the Tribes need to assert their own meanings of significance in federal (and state) processes not created with the Tribes’ inclusion in the first place. This is where the opportunity will come for Tribes to create their own processes that will be applicable first on their respective reservations, and within their ancestral homelands for upholding their own historic (prehistoric) preservation responsibilities.

From an *Oglála Lakóta* perspective, federal (and state) mandates can be used as ‘crutches’ for many federal (and state) entities, and often for some in the CRM community to lean on. ‘Crutches,’ in the sense of being an easier, less antagonizing way to discount Tribal input when identifying TNSP and allocating culturally-appropriate significance. In all federal consultations, namely when identification efforts and recordation is afforded on historic properties, the regulations provide that these efforts are at the discretion of the federal (and state) entity to make any final determinations and decisions. These mandates use federally-created (and state) language to support the value of ‘nation building’ by advocating for science, which favors archaeological driven methodology (not oral knowledge, experiential histories, and Indigenous values). By limiting the historic property identification during the Section 106 federal undertaking process to western science as the principal and accredited methodology, it disempowers the Indigenous approaches. In my experience during consultations, this results in

limited-to-argumentative relationships between the federal (and state) and Tribal representatives in the undertaking. What this work is advocating for is balanced participation and power with interpretation, so that Tribes can be empowered to interpret their own past through the material culture. The following is an example of promoting scientific and technical information and scholarly analysis for park management:

NPS Management Policies (2006) reinforce the legal requirement for park managers to use scientific and technical data and information about the condition of natural resources in their park as a basis for park management and planning. ... and decision-makers and planners will use the best available scientific and technical information and scholarly analysis to identify appropriate management actions for protection and use of park resources (NPS Natural Resource Inventories Strategic Plan FY2008-2012, p. 2).

Often, the natural resources are correlated and grouped with cultural resources; often with cultural resources having a subcategory within management strategies. With that said, what kind of impression should Tribes and Indigenous peoples take away with regards to their participation in planning, decision and management of 'resources' that they know full well have our cultural evidence residing within? How are they (we) to contextualize our stake in the grounds known as ancestral homelands and territories (with their ancestors' remains still in those lands), and how TNSP are to be considered significant enough for protection or avoidance? These are the roadblocks to progress; thus, they are highlighted to expose what the *Oglála Lakóta* and Tribes are up against.

Again, to date, in much of the federal (and state) policy making inclusive of most planning, decision and management documents and within some of the CRM community practices, the cultural resource management objectives for protecting and preserving historic

properties has little to nothing to do with *Lakólyakel na ečhákel waŋkátuya yawá owáŋka* (TNSP). These federal (and state) preservation goals, as often laid out in such documents as general management plans, environmental impact statements, strategic plans and the like, of various federal (and state) land managing agencies, follow what I believe to be an ethnocentric based system geared at protection of American heritage first and foremost. This restricts and hampers inclusiveness of the *Oglála Lakóta* identity as tied to the land and history in the Great Plains. The rationale for such a stance is repeatedly based on the fact that it is at the discretion of each federal (and state) entity's supervisor, superintendent, chief, or program manager to decide matters (as the federal and state laws support these actions). It is not their fault as an employee, as this is their employment, however this way of business leaves for only minimal inclusion of Tribes, specifically if there is a proven cultural affiliation in areas within these federally (and state) managed lands to have input into these cultural resource management documents.

There is another issue at hand within the dialogue of interpretation with federal (and state) undertakings, and that is the limitation of gaining any input to potential TNSP by only federally recognized Tribes. This limitation poses a hindrance to Indigenous peoples who may have a direct connection historically to certain geographical areas across North America within these respective federal lands. Though there are often disclaimers provided by the federal (and state) entity regarding Tribes, such as "The Department of the Interior protects and manages the nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors its special responsibilities to American Indians, Alaska Natives, and affiliated Island Communities" (NPS FY2008-FY2012 Report 2009, p. 59); these are merely minimal afterthoughts in many federal documents. It sounds great, but is it just giving an appearance of being appeasing? What proof is there that these words are actually being

implemented? To make this point more clear with this particular example, throughout this Strategic Plan for Natural Resource Inventories (FY2008-2012), the report only references 'American Indians' in this footer on the second to the last page of the 60 page report. Other than that, there are brief inserts throughout indicating "native communities" (Soil Resources Inventory section) with reference to "potential for preservation of cultural sites and landscapes" (NPS FY2008-FY2012 Report 2009, p. 13). From a Tribal perspective, this demonstrates a strong perception that Tribal participation is not as necessary in its cultural resource management practices. Reality remains, that this is reserved primarily for federal (and state) input only, for the managers. Many parks and land managing entities have legal supportive language in the federal (and state) laws and regulations that demonstrate how even sacred sites of Indigenous peoples are not considered trust resources. To add to this point, about legal support, during Tribal consultation meetings it is very common for the federal (and state) agencies to have their legal representation present (solicitor), who advises the federal (and state) employee which answers they can give and in what context when dialoguing with Tribal representatives. Often, the Tribes are represented during these Section 106 consultations by their cultural specialists (typically their THPOs) and not Tribal attorneys. This too presents the power imbalance that the federal coffers provide for solicitors to represent the federal (and state) employee during consultations, however provide no such resources to the Tribes for the same reasons. Why is this so? Is it because Indigenous peoples (Tribes) are merely considered 'stakeholders' and not government entities with legal relationships with the U.S.? Where is the trust responsibility in this? So, who really is operating many of the federal (and state) agencies and employees, is it safe to say that the solicitors are? I can understand that these consultations can be viewed as almost an official hearing (though it is inconsistent on whether a contract transcriber is invited to



attend), and that by having an attorney present it is merely ensuring that planning, decision, and management documents first protect the interest of the nation-building. It is difficult, almost impossible, to see how that upholds the federal trust responsibilities to Tribes.

As for many interpretive measures with federal (and state) land managing agencies, such as the above mentioned NPS strategic plan for natural resource inventory 2008-2012 example, maybe Tribal participation is limited primarily to areas of concern surrounding what the federal supervisor deems or considers to be religious for a Tribe? Many federal and state documents lead the readers to believe that Tribes merely consider items of religious significance to be important or worthy of protection. This is a misconception, even a stereotype (as I believe this shows the lack of awareness, and ignorance towards a differing cultural perspective). Tribes pay attention to much more than merely 'religious' significance in these federal (and state) undertakings, such as, but not limited to, water contamination and quality concerns, flora and fauna concerns, soil erosion and pollution, air quality issues, wildlife destruction, to name a few. The place, defending this territory of ours and showing the proof that these medicines exist on this land and our people moved about because of these medicines too, not only the buffalo. And they interacted with other Tribes because of medicine, the healing properties of medicine, they shared this information between Tribes and medicine people. That is another thing that is important about these plants (Wilmer Mesteth, personal communication, 2013). In our worldview, everything is connected. It may even be argued that everything is connected spiritually. From an *Oglála Lakóta* perspective, spiritual is much different than religious; as religious is man-made practice and ritual, whereas spirituality involves belief in a spiritual realm not fully of our human understanding (to put it briefly). It would behoove the federal (and state) employees of these land managing agencies to complete their research in the different cultural

perspectives of the Tribes, outside of the limited context of religious significance, and discover the complexities associated within those different cultures. This will benefit the individual to make sound decisions with the Indigenous peoples who attribute a spiritual significance to a place, namely in cultural resource management documents.

### **Concluding Thoughts**

My research is far from over or complete with the submittal of my findings for this academic requirement, instead it will be a work in progress. I have much to learn about my own history from *Oglála Lakóta* elders and scholars/historians. Literature serves as a reference, but I hold more truth in what I learn from my own people, and the ‘perpetual wisdoms’ (oral knowledge) shared. In order to meet requirements, I was asked to provide plenty of citations for this work, which proved to be challenging because there are so many conflicting ideas in the various texts I was able to get my hands on. I realize too that my research and limited research library is not as inclusive as some may think I should have acquired. Nonetheless, this is my work, based on what I had in hand, within my reach. I only had a few months to put this work together, so my optimism is that intellectual scrutiny and overt criticisms will be minimal. I want to end my thesis here with two quotes, first the words spoken by my great-grandfather, Pete S. Catches, Sr.:

How is it that ages and ages ago—and no one had to tell us this—the Indian people knew there is a Wakan Tanka, a Great Spirit, whom other people call God? Our Wakan Tanka is right here as I talk. He is right here listening to what I am saying, so He knows that what I am saying is the truth. In the message that is going out to the world from this moment, I ask Wakan Tanka to bless those people that receive it, and

learn something from it, that maybe even one word from it will cure people of the problems they have. (Catches, 1999, p. 23)

And the final quote by his son, my grandfather, Peter V. Catches, Jr.:

The Great Spirit has put me here to live as a part of His creation, to respect the Mother Earth, the sky, the sun, all creatures, and the great wonder of each direction.

Lakota people and other Native peoples who know of the four virtues of the man and of the woman, and who choose to live virtuously, are not wrong. We choose to live this way religiously. This means that the horror of some matters in our lives is not enough of an excuse for refusing to face them. The problem that we face today in dealing with institutional racism is that it has become an integral part of the very fabric of thought itself, and thus supports and moves our society without people being aware of it.

We are under programs that are supposedly working toward the elimination of institutional racism. But it seems that there are those who really do not want this to happen. Instead of being used to eliminate prejudice, the information collected by these programs is used instead to further feed the horrible spirit of racism. The injustice cause by this hideous idea in our society has affected everyone, and I truly believe that it is causing the spiritual depression afflicting millions today. It has prevented us from grasping the true nature of human beings.

...Living in a world full of prejudice, we have to look inward to find the true nature of ourselves. Now is the time to change and move forward toward enlightenment, to extinguish our old fears of one another. When this beacon of loving light burns bright in our once dark and lonely domain, we will beat the drums

of unity and shout its songs. For here in America, this young nation of diversity, we are destined to attain the complete love of the Great Mystery. I thank you and may the Great Wakan Tanka bless the steps of your path. (Catches, 1999, p. 212)

*Ho, héčetu weló. Mitákuye oyás'iy.* “Well, that is it. Everything is related, all my relations.”

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## Appendix A: Institutional Review Board – Application Determination Exempt



### St. Cloud State University Institutional Review Board (IRB)

Office of Sponsored Programs Administrative Services 210  
Website: [stcloudstate.edu/osp](http://stcloudstate.edu/osp) Email: [osp@stcloudstate.edu](mailto:osp@stcloudstate.edu) Phone: 320-308-4932

**Name:** Michael Catches Enemy  
**Address:** 112 No Flesh Creek Road Box 820  
Kyle, SD 57752  
**Email:** [cammi1103@stcloudstate.edu](mailto:cammi1103@stcloudstate.edu)

**IRB APPLICATION  
DETERMINATION:  
EXEMPT**

**Co-Investigator:**

**Project Title:** Traditional Cultural Property Process for the Oglala Sioux Tribal Historic Preservation Advisory Council and Office

**Advisor:** Mark Muniz

The Institutional Review Board has reviewed your application to conduct research involving human subjects. Your project has been: **EXEMPT**

We are pleased to advise you that your project has been deemed as exempt in accordance with federal regulations. The IRB has found that your research project meets the criteria for exempt status and the criteria for protection of human subjects in exempt research. Please note the following items concerning our exempt policy:

- Principal Investigator assumes the responsibilities for the protection of human subjects in this project
- Exempt protocols DO NOT need to be renewed.
- Exempt protocols DO NOT require revisions. However, if changes are made to a protocol that may no longer meet the exempt criteria, a new initial application will be required.
- Adverse events (research related injuries or other harmful outcomes) must be reported to the IRB as soon as possible.
- The IRB reserves the right to review the research while it is in progress or when it is completed.

Good luck on your research. If we can be of further assistance, please contact the Office of Sponsored Programs at 320-308-4932 or email [lidonnay@stcloudstate.edu](mailto:lidonnay@stcloudstate.edu). Please use the SCSU IRB number listed on any of the forms submitted which relate to this project, or on any correspondence with the IRB.

**For the Institutional Review Board:**

Linda Donnay  
IRB Administrator  
Office of Sponsored Programs

**For St. Cloud State University:**

Dan Gregory,  
Associate Provost for Research  
Dean of Graduate Studies

OFFICE USE ONLY

SCSUIRB# 1133 - 1403  
Type of Review:

Today's Date: 5/9/2013  
EXEMPT: 5/7/2013  
Expiration Date:

## Appendix B: Consent Form for Thesis Work

### ***Consent Form for the Traditional Cultural Property Process for the Oglala Sioux Tribal Historic Preservation Advisory Council and Office on the Pine Ridge Reservation***

#### ***Project Title***

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Graduate level thesis research project to create an initial Traditional Cultural Property Process for the Oglala Sioux Tribal Historic Preservation Advisory Council and Office on the Pine Ridge Reservation.

#### ***Principal Investigator***

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Michael Catches Enemy, *Oglala Lakota*  
B.S. Environmental Science and Cultural Resource Management Archaeology Master's Candidate

St. Cloud State University (SCSU), Department of Sociology and Anthropology, 248 Stewart Hall, 720 Fourth Avenue South, St. Cloud, MN 56301

**Personal Contact Information:**  
112 No Flesh Creek Road Box 820  
Kyle, SD 57752  
Telephone: (605) 407-9172  
Email: [cam1103@stcloudstate.edu](mailto:cam1103@stcloudstate.edu)

#### ***Project Description***

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The thesis research project will address the need for developing a process to gather information about and record traditional cultural properties (TCP) for the Oglala Sioux Tribe (OST) in accordance with the requirements of both their Tribal Historic Preservation Advisory Council (THPAC) and Office (THPO) and the National Historic Preservation Act. Michael Catches Enemy (enrolled Oglala Sioux Tribe member and instrumental in establishing the THPAC and THPO on the Pine Ridge Reservation) will conduct the thesis research in a manner that is specifically oriented toward *Oglala Lakota* cultural sensitivities and historic resource concerns. Mr. Catches Enemy will evaluate the standard Tribal and federal requirements for TCP documentation before examining written documents and speaking with elder tribal members and the OST HPAC to develop a process to achieve this goal.

#### ***Interviews***

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This phase of the overall project will be based on oral conversations and the oral accounts from OST HPAC elders and the other *Oglala Lakota* traditional and non-traditional spiritual leaders (depending on availability) on what "culturally significant" should mean, in comparison to the current NPS Bulletin No. 38 guidance. These consultants are enrolled members of the Oglala Sioux Tribe, community educators and scholars, and life-long residents of the Pine Ridge Reservation. They will be selected by myself based on their very diverse perspectives representing different geographic areas of the Reservation, the working and personal relationships we already have. Additionally, these people possess respected and diverse expertise in *Oglala Lakota* culture, federal historic preservation law, Tribal law and history. Those selected are some of many *Lakota* people who possess unique and specialized knowledge, and by no means represent the entire Reservation, the Oglala Sioux Tribe, or even the full *Oglala Lakota*

***Consent Form for the Traditional Cultural Property Process for the Oglala Sioux Tribal Historic Preservation Advisory Council and Office on the Pine Ridge Reservation***

perspective; however they do represent leadership in their respective areas of expertise that can be used as a 'starting point' in creating the *Oglala Lakota* TCP process.

As an example, a handful of individuals, all *Oglala Lakota* who were knowledgeable and had participated in prior years' planning projects, created the Oglala Sioux Tribe Historic Preservation Plan in 2009. The participants, representing a diverse collection of *Oglala Lakota* individuals, moved forward on this project, all with the collective mindset that we had a unique responsibility to speak and share our words in the creation of this document 'as a member of our Tribe, with knowledge and ideals commonly known and shared amongst its membership'. We brought together a document we all believed was worth submitting, knowing we would face possible scrutiny and criticism from our fellow Tribal members, especially when including *Oglala Lakota* concepts, ideals, and cultural language. This ultimately made its way around through various communities, who gave their additional input that was incorporated into the document. Per Tribal government protocol, the document was presented in front of the Tribal Land & Natural Resource Committee of the Tribal Council who recommended the approval of the document onto full Tribal Council who in turn passed a Tribal Ordinance accepting the Tribal Historic Preservation Plan.

To continue this example, we knew going into the federally mandated project of developing a Tribal Historic Preservation Plan, that there was no real way to acquire all the collective knowledge and wishes of every individual perspective of the Oglala Sioux Tribal membership nor to achieve full agreement on such a document. Perhaps only by implementing a 100% survey completion of every adult Tribal member and then gaining eventual consensus, can a true *Oglala Lakota* perspective be achieved. But as several examples to how this has never been achieved with any document, as is the case with the Treaties signed with the US government and other such agreements that not all *Oglala Lakota* were in consensus with. To this day, there is contention with who signed and who did not sign the different Treaties and agreements. With this known fact, by no means will my methodology for incorporating these few individuals' oral traditions into this TCP process be construed as fully comprehensive. Instead, my thesis will be considered a 'living document', which will continue to be reviewed for updates and incorporation of new ideals as the official process of developing OST-specific TCP guidance moves forward after my graduate degree is completed.

Conversations, rather than formal interviewing and surveying with specific questions, is more *Oglala Lakota* culturally sensitive and appropriate for this type of research. The conversations will bring up items least expected about a variety of topics, but geared towards TCPs, places, and landscapes. For those that I will visit with, I have already had conversations about my thesis objectives and have gained their confidence in advance before moving forward. The participants have already expressed an interest in discussing how we as *Oglala Lakota* continually adapt to conditions around us to try to make the best of every situation, namely with federal policies that continually affect us. I will have to base the level to which I record these conversations on a case-by-case basis, depending on their comfort and wishes. In some cases, these conversations may be recorded using an audio recorder in my possession, to be translated following the conversation; some by merely taking close notes; or some by memory and quickly recording in notes or my own audio recording following the conversation.

***Consent Form for the Traditional Cultural Property Process for the Oglala Sioux Tribal Historic Preservation Advisory Council and Office on the Pine Ridge Reservation***

The knowledge shared by those I speak with will remain their information, not to be owned, copyrighted, or construed as anything else other than their own intellectual property. In providing any information by the participants, the consultants will be informed that what they share will be paraphrased to protect their integrity and personal self. In no way will I utilize this information being provided by these Oglala Lakota for any personal gain as a graduate student, but instead for the purposes of creating a process for the benefit of future generations in the protection of *Oglala Lakota* Traditional Cultural Properties.

There will be a certain amount of guidance provided during these conversations so the consultants knows the intent of the conversations, including the topic of what a "TCP" is to the federal system (as defined in the NHPA), how we should identify the strengths and weaknesses in the current Bulletin No. 38 guidance, and finally how best to incorporate their oral traditions into creating the Oglala Sioux Tribe's TCP process. All of this will be done while re-emphasizing the importance of retaining a certain amount of confidentiality so they are comfortable with sharing their personal ideas. Certain information they reveal will only be used in an *Oglala Lakota* culturally appropriate way, and is retained as the property of the *Oglala Lakota* collectively. I will continue to convey to the consultants that the information they do share will ultimately be utilized for the protection of these places and landscapes with *Oglala Lakota* perspectives and ideals in this day and age of US laws and policies.

If during the course of the conversations, there are requests for additional persons I should also visit with, who may not hold the same status as these people, I will consider including their input. Often during a conversation with an elder, they may feel it important that I also talk with another younger person who they feel will provide a valuable contribution to this process, such as one of their adult children, an adult niece/nephew, or even an adult grandchild. In addition, with being a Tribal member, as well as a relative to some degree with the proposed participants, I have already gained their trust in this project. This trust is crucial in the success or failure of this project, as it gives me the opportunity to obtain much-needed information that may not currently be known about specific places and landscapes and their importance and significance.

My thesis will not focus on creating a final, official OST TCP process, nor will it actually document real TCPs at present. By conducting a comparative analysis of the current Bulletin No. 38 Guidance, and being able to discuss certain real TCPs in jeopardy to the Oglala Sioux Tribe with the people interviewed, it will help them to better understand what exactly this process is hoping to accomplish. In addition, it will also help me greatly to understand how this proactive process could best be structured to capture their information in a culturally sensitive and meaningful way for future projects when the process is implemented and TCPs begin to be documented by the OST on a wider scale in the future.

***Consent Form for the Traditional Cultural Property Process for the Oglala Sioux Tribal Historic Preservation Advisory Council and Office on the Pine Ridge Reservation***

***Confidentiality***

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The information gathered during these interviews will create an initial Traditional Cultural Property Process for the Oglala Sioux Tribal Historic Preservation Advisory Council and Office on the Pine Ridge Reservation. However, any information that the consultant would like to not be shared with the Principal Investigator will remain confidential. Personal identities of our consultants will remain confidential.

***Benefits***

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Benefits from this research will create an initial Traditional Cultural Property Process for the Oglala Sioux Tribal Historic Preservation Advisory Council and Office on the Pine Ridge Reservation. This process can be used to later create a full process and guideline for the locating, identifying, documenting and recording of Traditional Cultural Properties for the *Oglala Lakota*.

***Voluntary Participation/Withdrawal***

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Participation in this research is voluntary. Consultants may decide not to participate or to withdraw their consent to participate in this research at any time, for any reason, without penalty. The decision to participate or not to participate will not affect current or future relationships with St. Cloud State University.

***Honorariums***

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Compensation will be given in the form of kind thanks, respect, and appropriate *Oglala Lakota* materials. These materials be in the form of appropriate *Oglala Lakota* gifts for their time.

***Questions or concerns***

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Please contact Michael Catches Enemy with any questions or concerns. Thank you for your time.