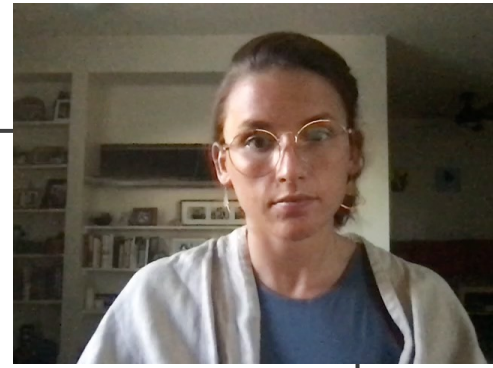


Paleontological Resources on Native American Lands: Dispossession, History, and Policy

H. Kempf, H. Olson, C. Keane and S. Carlson

GSA 2021

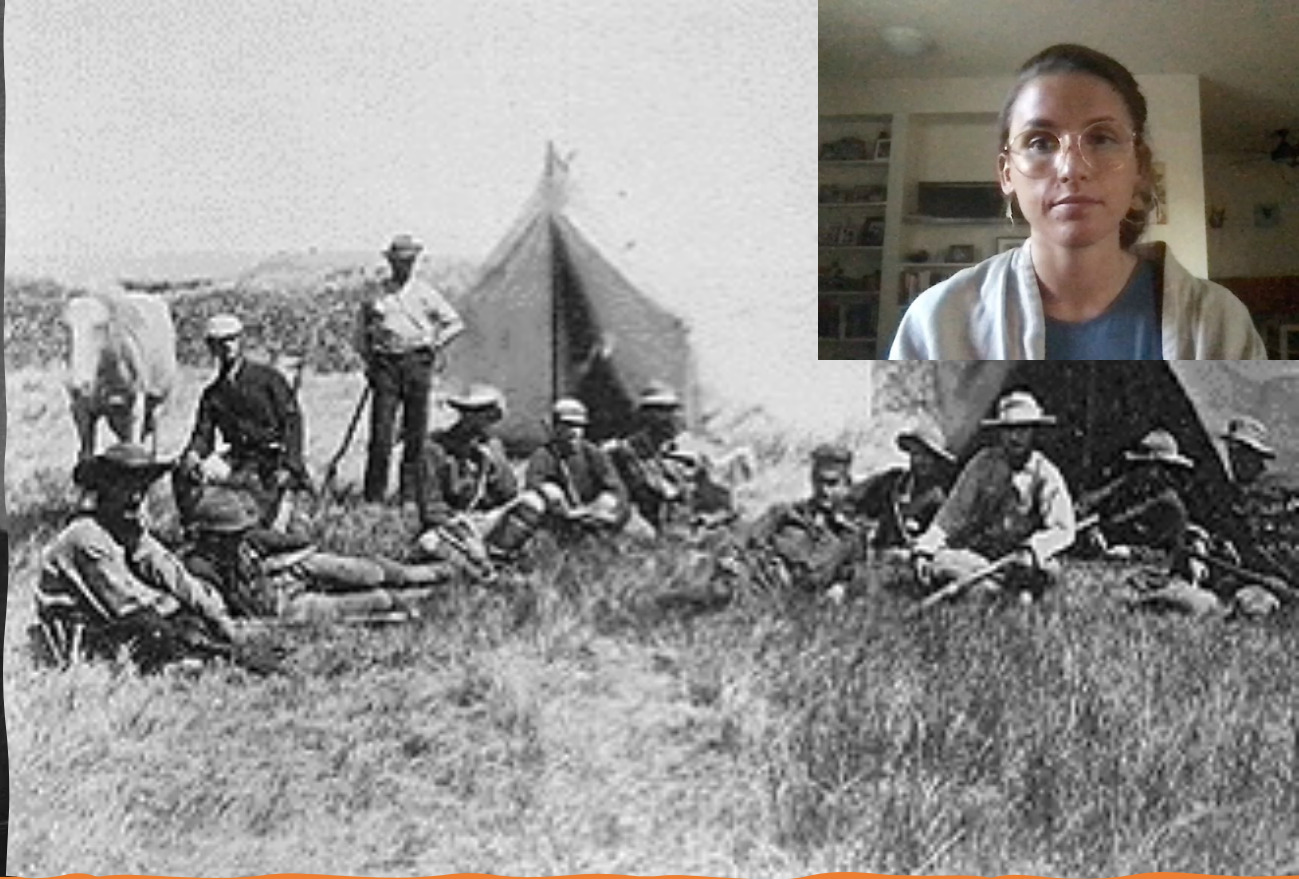
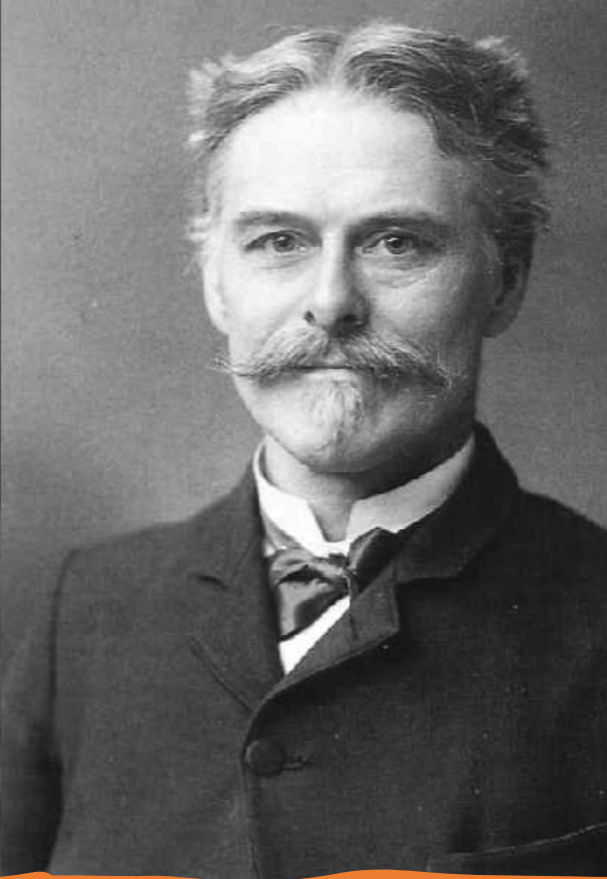


Paleontology and Colonialism

- Westward movement in 1800s by settlers
- Repeated violation of treaties
- Paleontological specimens included in stolen resources

How can paleontologists address this problematic history?





Fossil Dispossession: 1800s

- O. C. Marsh and E. D. Cope: The Bone Wars
- Fossil Expeditions of 1870s
- The Great Sioux Reservation, Cheyenne territory, amongst many others.

Resources from
Sioux lands
provided the
foundation for
some of the most
famous vertebrate
fossil collections in
the country.



DINOSAURS AND INDIANS

Paleontology Resource
Dispossession From Sioux Lands

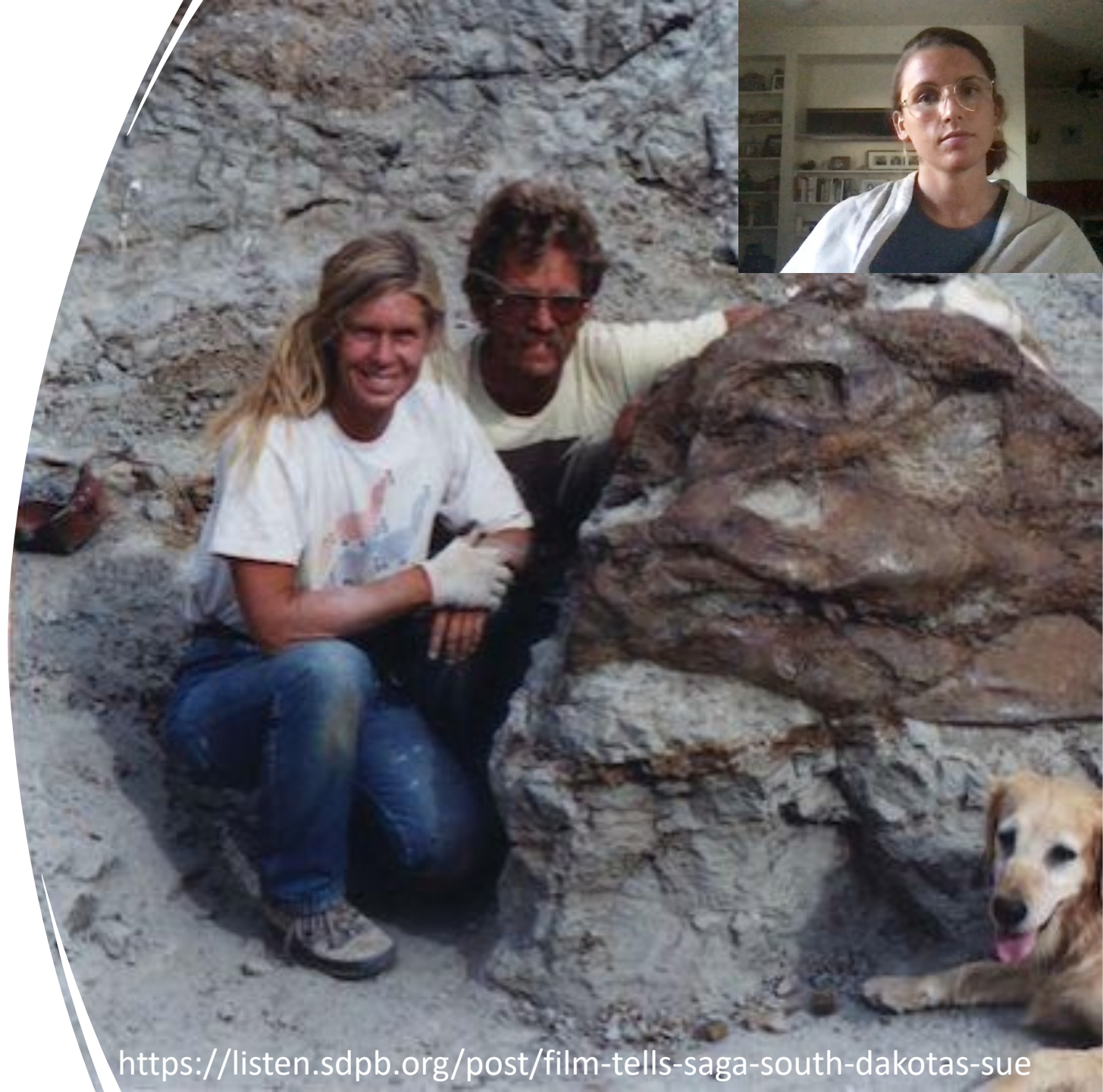
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by LAWRENCE W. BRADLEY



Fossils and Native American Lands

Today : Sue the *T. rex*

- Black Hills Institute of Geological Research
- Land ranched by Cheyenne River Sioux citizen, Maurice Williams.
 - Trust lands
- Institute did not seek any permits from the federal government.
- The fossil was taken by the federal government via a raid
 - Antiquities Act of 1906





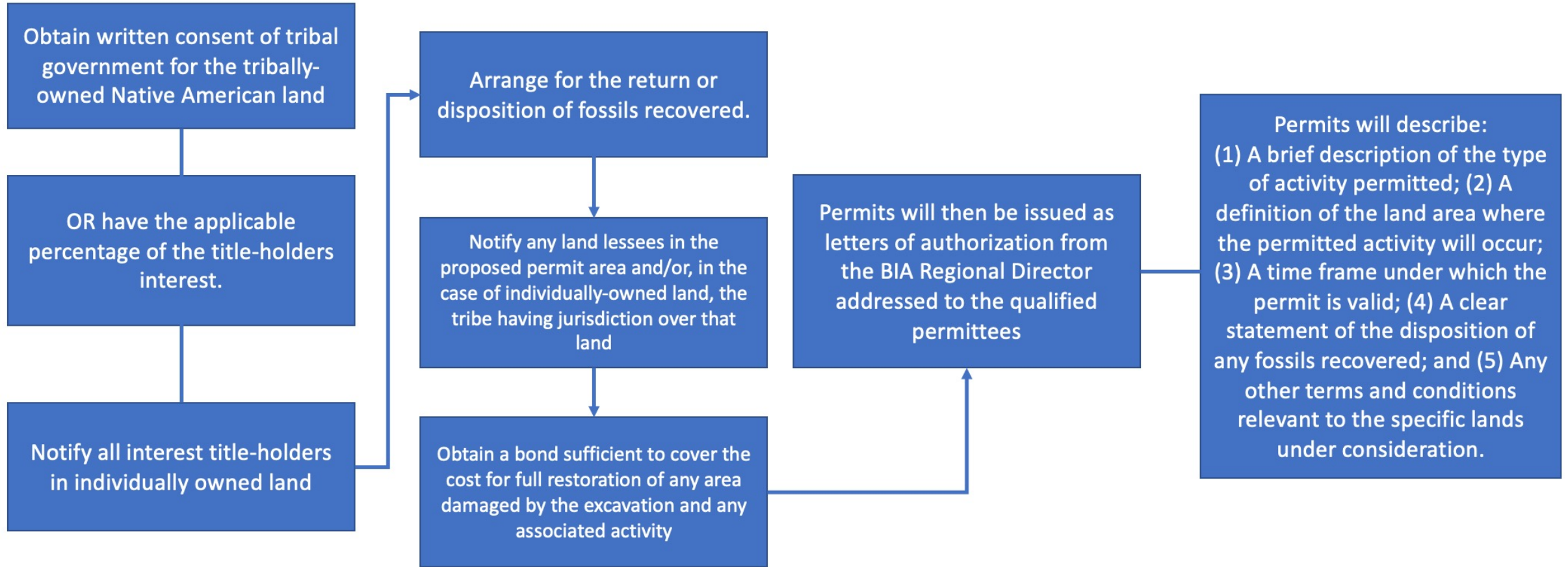
Fossils and Native American Lands Today : Sue the *T-rex*

- The U.S. Court of Appeals for the Eighth Circuit declared that Sue belonged to both Williams and the federal government.
- *Black Hills Institute of Geological Research vs. US Department of Justice*, therefore, established that **paleontological resources on trust lands are trust resources.**





Bureau of Indian Affairs (BIA) Paleontological Collection Permit Process



Paleontological Resources Protection Act of 2009



- Legal definition of a fossil + protections on public lands
- Does not apply to reservations
 - No legal cases regarding the collection of fossil resources on reservations interpret this law
- Mixed opinions amongst paleontologists



Bureau of Land
Management



Bureau of
Reclamation



Fish & Wildlife
Service



National Park
Service

Paleontological vs. Archaeological Resources

Fossil: Any remains, impressions or traces of organisms preserved in or on the earth's crust. This definition **does not include** fossil fuels, such as gas, oil or coal, objects which were carved or sculpted from fossils by humans; objects of antiquity as defined in the Antiquities Act of 1906 (16 U.S.C. 431-433); archaeological resources as defined in the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb (1) Section 3(1); or cultural items, as defined in the Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C. 3001) Section 2.

Bureau of Indian Affairs 2012



Paleontological vs. Archaeological Resources?

Fossils are important to multiple tribes' cosmologies, creation stories, and cultural patrimony

- Could fossils be "archaeological resources" or "cultural items"?

Mayor 2005



Could additional
laws apply to
paleontological
resources on
reservations?

- Archaeological Resource Protection Act of 1979 (ARPA)
- Native American Graves Protection and Repatriation Act of 1990 (NAGPRA)





CARE Principles

"Indigenous data sovereignty reinforces the rights to engage in decision-making in accordance with Indigenous values and collective interests."

The Global Indigenous Data Alliance

<https://www.gida-global.org/care>

CARE Principles for Indigenous Data Governance

Collective Benefit

Data is collected and used in a way that enables Indigenous Peoples to benefit from the process, promotes inclusive development, innovation, and government and civic engagement, and create equitable outcomes.

Authority to Control

Indigenous Peoples' rights, interests, and control over Indigenous data must be recognized and empowered. Indigenous Peoples have rights to consent in the collection and use of data, and Indigenous data must be made available and accessible to tribal entities. Tribal entities are active leaders in the stewardship of, and access to, Indigenous data.

Responsibility

Those collecting and using Indigenous data have the responsibility to share how that process contributes to Indigenous Peoples' benefit, including how one is contributing to the development of data literacy in Indigenous communities. Any data collected must be built on relationships of trust, reciprocity and respect.

Ethics

Work must be centered on Indigenous Peoples' rights and wellbeing through all stages of data collection and utilization. Ethical benefits and harms should be evaluated from the perspective of the communities to whom the data concern.

Acknowledgments

