

**ADDRESSES:** Room 312, National Building Museum, 5th and F Streets, NW., Washington, DC 20001.

**FOR FURTHER INFORMATION CONTACT:** Ms. Nancy Young, Secretary to the Commission, (202) 619-7097.

**SUPPLEMENTARY INFORMATION:** The Commission was established by Public Law 99-652, the Commemorative Works Act (40 U.S.C. Chapter 89 *et seq.*), to advise the Secretary of the Interior (the Secretary) and the Administrator, General Services Administration, (the Administrator) on policy and procedures for establishment of (and proposals to establish) commemorative works in the District of Columbia and its environs, as well as such other matters as it may deem appropriate concerning commemorative works.

The Commission examines each memorial proposal for conformance to the Commemorative Works Act, and makes recommendations to the Secretary and the Administrator and to Members and Committees of Congress. The Commission also serves as a source of information for persons seeking to establish memorial in Washington, DC, and its environs.

The members of the Commission are as follows:

Director, National Park Service.  
Chairman, National Capital Planning Commission.  
Architect of the Capitol.  
Chairman, American Battle Monuments Commission.  
Chairman, Commission of Fine Arts.  
Mayor of the District of Columbia.  
Administrator, General Services Administration.  
Secretary of Defense.

Dated: November 17, 2003.

**Joseph M. Lawler,**

*Regional Director, National Capital Region.*

[FR Doc. 03-30557 Filed 12-9-03; 8:45 am]

**BILLING CODE 4310-71-M**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Notice of Intent to Repatriate a Cultural Item: U.S. Department of Justice, Federal Bureau of Investigation, San Francisco, CA

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.8 (f), of the intent to repatriate a cultural item in the possession of the U.S. Department of

Justice, Federal Bureau of Investigation, San Francisco, CA, that meets the definition of sacred object under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the cultural item. The National Park Service is not responsible for the determinations within this notice.

The cultural item is a braided scalp with a decorative covering of red wool and contrasting blue wool cross.

In 1876, Corporal William O. Taylor acquired the scalp under unknown circumstances while serving as a member of General George A. Custer's Sioux Expedition. The scalp was subsequently acquired by Mr. Alexander Acevedo. On April 4, 1995, Butterfield and Butterfield Auction House, San Francisco, CA, held a sale of items under Mr. Acevedo's control. The estimated sale price of the scalp was listed in the auction catalog as between \$3,000 and \$4,000. On May 5, 1995, the scalp was sold to Ripley's Entertainment, Orlando, FL, for \$7,150.

Accompanying the scalp in the auction catalog was a pipe tomahawk, also acquired by Corporal Taylor in 1876. A faded label attached to the pipe tomahawk reads, "A Black Hills Indian Tomahawk and Pipe/Captured by ... he was ... killed ... and scalped the ... 35 years ... August 19, 1876." The auction catalog listed the battle of Slim Buttes as the source of the pipe tomahawk. It is believed that Corporal Taylor acquired the scalp and the pipe tomahawk after the battle of Slim Buttes. The pipe tomahawk is not considered to be subject to repatriation under NAGPRA.

On April 3, 1996, at the request of the United States Attorney's Office for the Northern District of California, the Federal Bureau of Investigation, San Francisco, CA, began an investigation into the trafficking of Native American scalps by Butterfield and Butterfield Auction House. On July 19, 1996, Ripley's Entertainment released custody of the scalp to Federal Bureau of Investigation agents. The scalp was sent to the Federal Bureau of Investigation, Laboratory Division, Hair and Fiber Section, Washington, DC, for examination. Based on morphological characteristics, the Federal Bureau of Investigation determined that the hair on the scalp exhibits mongoloid characteristics, a classification that encompasses Native American hair.

Historic records indicate that the battle of Slim Buttes occurred on September 9-10, 1876, when forces led by Captain Anson Mills encountered a village of about 37 Minniconjou lodges. The battle was soon joined by warriors from nearby Sans Arc, Brule, and Cheyenne camps. Lakota oral tradition indicates that all of the tribal participants in the battle of Slim Buttes belonged to the Mnikoju (Minniconjou) and Itazipco (Sans Arc) bands. Descendants of the Mnikoju (Minniconjou) and Itazipco (Sans Arc) bands that participated in the battle of Slim Buttes are included in the present-day Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota.

In 1994, representatives of Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; and Santee Sioux Tribe of the Santee Reservation of Nebraska signed a memorandum of agreement that authorized representatives of any of the signatory tribes to speak on behalf of all five Indian tribes.

In 2002, a representative of the signatory tribes reviewed the information pertaining to the scalp and concluded that the scalp was a war trophy taken by one of the Mnikoju (Minniconjou) or Itazipco (Sans Arc) warriors from one of their traditional enemies, possibly the Arikara, Pawnee, or Crow. The representative of the signatory tribes identified the scalp as innately sacred. Among the Lakota, scalping is a way of showing contempt for an enemy's prowess in war. The Iwa'kiciwacipi, or scalp dance, was performed to punish the individual from whom the scalp was taken.

Another ceremony must be performed after a period of time in order to release the captured spirit of the individual from whom the scalp was taken. The representative of the signatory tribes has requested that the scalp be returned in order to perform the spirit-releasing ceremony. The representative of the signatory tribes also indicated that the signatory tribes do not intend to preclude repatriation of the scalp to any other federally recognized Indian tribe. The signatory tribes will immediately withdraw their request at any time that any federally recognized Indian tribe submits a competing claim to repatriate the scalp.

Officials of the Federal Bureau of Investigation, San Francisco, CA, have determined that, pursuant to 25 U.S.C.

3001 (9–10), the human remains described above represent the physical remains of one individual of Native American ancestry. Officials of the Federal Bureau of Investigation, San Francisco, CA, also have determined that, pursuant to 25 U.S.C. 3001 (2), there is insufficient evidence to reasonably trace a shared group identity between the human remains and an Indian tribe. Officials of the Federal Bureau of Investigation, San Francisco, CA, also have determined that, pursuant to 25 U.S.C. 3001 (3)(C), the cultural item is a specific ceremonial object needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents. Finally, officials of the Federal Bureau of Investigation, San Francisco, CA, have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the sacred object and the Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Lower Sioux Indian Community in the State of Minnesota; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; and Santee Sioux Tribe of the Santee Reservation of Nebraska.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the sacred object should contact Special Agent Brian J. Guy, Federal Bureau of Investigation, 450 Golden Gate Avenue, San Francisco, CA 94102, telephone (415) 553-7400, before January 9, 2004. Repatriation of the sacred object to the Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Lower Sioux Indian Community in the State of Minnesota; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; and Santee Sioux Tribe of the Santee Reservation of Nebraska may proceed after that date if no additional claimants come forward.

The Federal Bureau of Investigation, San Francisco, CA, is responsible for notifying the Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Tribe of Montana; Flandreau Santee Sioux Tribe of South Dakota; Lower Sioux Indian Community in the State of Minnesota; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Pawnee Nation of Oklahoma; Rosebud Sioux Tribe of the Rosebud Indian

Reservation, South Dakota; Santee Sioux Tribe of the Santee Reservation of Nebraska; Standing Rock Sioux Tribe of North & South Dakota; and Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota that this notice has been published.

Dated: November 5, 2003.

**John Robbins,**

*Assistant Director, Cultural Resources.*

[FR Doc. 03-30569 Filed 12-9-03; 8:45 am]

**BILLING CODE 4310-50-S**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Notice of Intent to Repatriate Cultural Items: Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.8 (f), of the intent to repatriate cultural items in the possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA, that meet the definition of unassociated funerary objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the cultural items. The National Park Service is not responsible for the determinations within this notice.

The two cultural items are one bag of bark fragments and one box of brass kettle fragments.

The cultural items were collected from West Warwick, Kent County, RI, by Dave Straight in 1957 and were donated to the Peabody Museum of Archaeology and Ethnology by the Massachusetts Archaeological Society through Maurice Robbins in the same year. Museum documentation indicates that the cultural items were recovered with human remains, which are not in the possession of the Peabody Museum of Archaeology and Ethnology.

The interment from which the cultural items derive most likely dates to the postcontact period or later (post-A.D. 1500). Copper and brass kettles were European trade items, and therefore support a postcontact temporal context for the burial. In addition, the

cultural items were described in museum documentation as "Narragansett," and such a specific attribution suggests that the burial dates to the Historic period. The burial context indicates that the burial was of a Native American. Oral tradition and historical documentation indicate that West Warwick, RI, is within the aboriginal and historic homeland of the Narragansett people during the Contact period. The present-day tribe representing the Narragansett people is the Narragansett Indian Tribe of Rhode Island.

Officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 25 U.S.C. 3001 (3)(B), the cultural items are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual. Officials of the Peabody Museum of Archaeology and Ethnology also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Narragansett Indian Tribe of Rhode Island.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the unassociated funerary objects should contact Patricia Capone, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 496-3702, before January 9, 2004. Repatriation of the unassociated funerary objects to the Narragansett Indian Tribe of Rhode Island may proceed after that date if no additional claimants come forward.

The Peabody Museum of Archaeology and Ethnology is responsible for notifying the Narragansett Indian Tribe of Rhode Island that this notice has been published.

Dated: October 29, 2003.

**John Robbins,**

*Assistant Director, Cultural Resources.*

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