

American Indian and
Alaska Native Veterans:
Burial Ceremonies and Customs
In U.S. National Cemeteries

A Report Presented Through the
Advisory Committee on Cemeteries and Memorials,
to the
Under Secretary for Memorial Affairs
U.S. Department of Veterans Affairs
Washington D.C.

By

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EXECUTIVE SUMMARY

American Indian and Alaska Native (AI/AN) veterans have served in the U.S. military for over two hundred years. The under secretary for memorial affairs, U.S. Department of Veterans Affairs, wants the National Cemetery Administration to be more sensitive to the burial customs, rites, and beliefs of America's native peoples: especially when buried in U.S. national cemeteries. This report by members of the Advisory Committee on Cemeteries and Memorials (ACCM), provides background research and evidence-based recommendations to accomplish the undersecretary's goal.

Important information for this report came from funeral directors supporting American Indian reservations, directors of U.S. national cemeteries having large American Indian burials, and American Indians themselves.

AI/AN Veteran Statistics

- According to the U.S. Department of Defense, AI/AN members serve in the highest number of America's minorities in the armed forces. This makes American Indians the largest minority in the armed forces.
- The 2017 American Community Survey (ACS), conducted by the Census Bureau, reports 141,494 single-race AI/AN veterans of the U.S. armed forces.
- The majority of American Indians live in the Western region of the U.S.; therefore AI/AN veterans are more likely to live in the West.
- The federal Bureau of Indian Affairs (BIA) presently recognizes 573 American Indian Tribes in the U.S.
- The Census Bureau presently reports 326 distinct tribal reservations in the U.S.

Section I: Introduction

Overview

American Indians have made lasting contributions to the United States: especially in military service. The U.S. Department of Veterans Affairs (VA) wants American Indian veterans to have the recognition, benefits, and cultural sensitivity they rightfully earned. The last final honor America can give a veteran is an honorable, culturally sensitive burial in a national cemetery, a tribal veterans cemetery, or a cemetery of the veteran's choice.

American Indians are not the same; their centuries-old cultures and customs differ. American Indians cannot be grouped as one for identity, philosophy, religion, and beliefs. Yet American Indians have deep spiritual beliefs. Their spirituality is a complex, multi-faceted belief system with many varied customs. Warriors are considered in high honor. The American Indian view of death, grieving, and healing from grief, is fundamental to their lives. A consensus-based agreement on summarizing all American Indian customs and practices in death and burial is difficult. Slight similarities, however, exist and can be a starting point for cultural competency, outreach efforts, and caring for the needs of American Indian veterans in burial.

American Indian tribes want to preserve, as best they can, their ancient heritage in a modern ever-changing world. It is their service in burial. How to say "yes" to this and still stay within the regulations, safety, and nobility of a national cemetery, is a matter of communications, compromise, and investing in cultural understanding.

This report focuses on American Indian customs, courtesies, and burial practices in death as related to an American Indian veteran's burial.

Objective

Provide evidence-based recommendations to the ACCM on integrating American Indian burial practices in U.S. national cemeteries.

Section II: American Indian Ceremonies in Death

Discussion

American Indians have complex spirituality and customs in death. Fundamental beliefs and traditions remain: even during an American Indian funeral conducted by organized religion. The director of the Sioux Funeral Home, Pine Ridge, South Dakota, said American Indian burials are completely different from anything non-Indians understand. In modern times the tribal process in burying an American Indian veteran may be shorter in time and ceremony as compared to the past. The ceremony may include symbolic and simplified actions versus performing a complete American Indian ceremony. Many persons talked to for this report said American Indian participation in the burial process, especially at the grave site, is essential. This allows the family to practice significant American Indian methods in grieving and healing.

According to traditional American Indian beliefs, a spirit never dies. Instead, death is the beginning of a journey to another world. Before beginning this final journey, though, the deceased's spirit typically travels to the places it has known on earth. This earthly journey may take up to four days, sometimes longer. During these few days before the funeral, friends and relatives may come and go, and everyone is welcome to participate in communal dining before the funeral. Traditionally, this extended grieving period gives the spirit time to complete its earthly journey before continuing to the final afterlife.

American Indians generally do not consider time limits in conducting a funeral. American Indian burials are community efforts; many people take part. A multi-day wake can precede the day of burial. Most of the wake is done away from the cemetery. This may include a scaffold ceremony. Surviving family many times place gifts or some of the deceased's possessions in the casket. Final viewing is important. Ceremonies continue either at the deceased's home, a church, a tribal lodge (long houses) or shelter (tipi).

The burial ceremony continues with rituals at the grave site. Rituals may include drum and song, smudging (smoke), and speaking by tribal elder or spiritual leader. For example, a conch shell may be used in an opening ceremony. A drum group may open the ceremony with a calling song to honor all veterans. There may be smoke purification and offerings of sage, sweet grass, or tobacco, to the spirits and ancestors. Friends and family may be asked to make remarks about the deceased. Tribal elders may speak with no time constraints. There may be a lighting of and partaking in the sacred pipe, followed by another veterans' song, and perhaps at the end of the ceremony, after military honors, the playing of Taps.

Tribal members may dig the grave and many times place gifts, possessions, food, water, and tobacco in the grave. Tribal members then close (backfill) the grave. Members are not rushed to leave the gravesite and may place symbolic items or spread ashes from wood burning at the gravesite. Tribes may want traditional (earth) burials and not interment in concrete crypts. Tribes may use hand-made pine caskets without vaults. For burial without casket, wrapping of deceased in blankets or robes may happen for earth burial depending on tribal tradition. Cremation is more common, but not universally practiced.

U.S. national cemeteries have rules required for safety, operational efficiency, and nobility in final burial honors. National cemeteries allow thirty minutes for a burial ceremony with at an interment shelter away from the gravesite. This conflicts with the American Indian view of time and needed ceremonies at the grave site and not solely at an interment shelter. Understanding tribal culture and ceremonies, along with compromise on how to honor the deceased while staying within regulations, is important.

Three western national cemeteries serve large American Indian populations: (1) Black Hills National Cemetery, Sturgis, SD; (2) Santa Fe National Cemetery, Santa Fe, NM; and (3) the National Memorial Cemetery of Arizona, Phoenix, AZ. These cemeteries have more flexible policies for American Indian burials. The three cemeteries allow American Indian ceremonies and family participation at the gravesite, if participation does not violate safety rules or degrade the national cemetery. Directors of these national cemeteries say outreach to tribes, good communication with families, and looking for compromise, has shown positive results in funeral services for American Indian veterans.

In talks with tribal leaders, the biggest challenges in American Indian burials at national cemeteries are: (1) the 30-minute time rule, (2) not allowing family members at the grave site, and (3) not allowing tribal ceremonies at the grave site. The three national cemeteries in Sturgis, Santa Fe, and Phoenix, allow slightly more time for an American Indian burial. These national cemeteries allow family members to go to the grave site but stay at a controlled distance in a designated family viewing area. Final abbreviated ceremonies (i.e., song, drum, smudging, etc.) are allowed at the gravesite. Cemetery directors escort a family member to the gravesite and allow placing of gifts, possessions, or objects in the grave. For symbolic closure of the grave, directors escort one or two family members to the grave and have them take handfuls of dirt from the grave (generally from a bucket) and toss the dirt into the grave.

Conclusions

- American Indian burial ceremonies are complex and important.
- American Indian veterans continue to be buried in national cemeteries.
- National cemeteries face challenges in allowing American Indian burial ceremonies.
- At least three national cemeteries in the West have successfully created working models for American Indian burial ceremonies.
- Communications are important between American Indian and non-American Indians for cultural awareness and understanding.

Recommendations

- National Cemetery Administration should create cemetery guidelines for American Indian burial ceremonies using procedures set by Black Hills National Cemetery, Santa Fe National Cemetery, and National Memorial Cemetery of Arizona, as models. With respectful communication and compromise, the U.S. Department of Veterans Affairs can incorporate models used successfully in these three western national cemeteries, and still enforce national regulations ensuring dignified burial honors for veterans of all religious beliefs.
- National Cemetery Administration should create outreach programs to American Indian tribes describing cemetery operations and where compromise based on American Indian beliefs in burial is possible.

Section III: American Indian Emblems of Belief

Federal law, 38 CFR §38.632, gives definitions and details on Emblems of Belief (EOB) the federal VA permits to be inscribed on a Government headstone or marker.¹ An EOB is an emblem or symbol that represents the sincerely held belief of the decedent that constituted a religion or the functional equivalent of religion and was believed and/or accepted as true by that individual during his or her life. The belief represented by an emblem need not be associated with or endorsed by a group or organization.

The VA presently permits seventy-one (71) EOB for inscription on a Government headstone or marker.² Three (3) are associated with American Indian beliefs: (1) the Medicine Wheel, (2) the Four Directions Wheel, and (3) the Native American Church of North America tipi.

38 CFR §38.632 gives instructions to the decedent's authorized representative on ordering Government provided headstones or markers, or applying for a new EOB. 38 CFR §38.632(d) provides that a new EOB may be applied for only when there is an *immediate need* (emphasis added). The regulation authorizes the decedent's next of kin, a person authorized in writing by the next of kin, or a personal representative authorized in writing by the decedent to submit a request for a new emblem of belief not already available. This authorized representative of the decedent must establish that there is an immediate need, certify that the proposed new emblem of belief represents the decedent's religious affiliation or sincerely held religious belief system (or its functional equivalent), and submit a three-inch diameter digitized black and white representation of the requested emblem that is free of copyright or trademark restrictions, and can be reproduced in a production-line environment in stone or bronze.³ 38 CFR §38.632 presently implies a new EOB cannot be pre-approved before a veteran dies.

The National Cemetery Administration urges veterans to file pre-need application for burial. The pre-need application includes VA form 40-1330, Claim for Standard Government Headstone or Marker. This form requires a veteran to choose or not, an existing EOB. However, if the veteran wishes for a new non-inscribed EOB, the form 40-1330 does not give instructions on applying for a new EOB along with filing the veteran's pre-need burial application.

¹ See Appendix A, 38 CFR §38.632 (as of April 7, 2019).

² See Appendix B, USDVA/National Cemetery Association Available Emblems of Belief

³ 38 CFR §38.632 provides that the decedent's authorized representative must then submit this information to the following address: *Memorial Products Services (41B), Department of Veterans Affairs, 5109 Russell Road, Quantico, VA 22134-3903.*

In talks with American Indian tribal leaders and American Indian veterans, many did not know about VA EOB, and which emblems are available for American Indian beliefs. While many American Indian veterans are interested in an EOB more closely relating to their tribal beliefs (e.g. Morning Star symbol of the Northern Cheyenne), they do not know about how to apply for an EOB aligned with beliefs more closely-held by their respective tribes. Several questioned how a family, while in the grieving process for a deceased veteran, could have the knowledge and ability to create a new EOB in accordance with federal law? An option would be to have an EOB designed, and needed paperwork at-the-ready, to present to the VA for a new EOB when a veteran dies.

Proposed extra American Indian-specific EOB for consideration could include:

- generic tipi not associated with the Native American Church of North America
- bison (American buffalo) silhouette, or bison skull
- eagle feathers
- coup stick with eagle feathers
- smoking pipe with eagle feathers

Conclusions

- Federal law, 38 CFR §38.632, gives rules and procedures for available VA EOB, and how to request new EOB.
- The VA currently authorizes three (3) American Indian-specific EOB for inscription on Government headstones or markers.
- American Indians are interested in more EOB options for American Indians.
- American Indian tribal leaders, members or veterans are not currently fully aware of how to request new EOB more closely aligned to their tribe's beliefs.
- The VA's current pre-need burial application does not include instructions for applying for new EOB before the veteran dies.
- It does not presently appear that a new EOB applicable to an American Indian veteran (or any veteran) can be applied for before that veteran dies.

Recommendations

- National Cemetery Administration's outreach to American Indian tribes should include explanations of federal VA EOB policy, procedures, and assistance in applying for new EOB.

- National Cemetery Administration should create clear instructions on the pre-need burial application showing how to apply for a new EOB prior to a veteran's death.
- Proposed changes in federal VA regulations governing national and veteran cemeteries could consider:

American Indian rites at gravesite. VA cemetery directors have discretion to hold committal or memorial service at a gravesite to manage cemetery resources and to address unexpected circumstances (e.g. committal service that runs long or funeral party delayed), but decedent's personal representative would need to request a graveside service.

Funeral honors providers. Any persons providing funeral honors, other than Department of Defense (DOD) providers, could be required to comply with VA rules of conduct and equipment certification. This may affect American Indian drum, smudging and song ceremonies. These non-DOD funeral honors providers could be required to certify they have completed training on assigned tasks and safe use of equipment.

Display of Religious or other Symbols during ceremonies. The VA could ensure that the deceased veteran's family is able to display any religious or other symbols during interment, memorial or committal ceremony.

Gift Offering to Family. The VA could take a neutral position on organizations or individuals offering gifts to family at the committal or memorial service.

Placing Gifts into Grave. The VA could considering allowing a limited number of such gestures (currently not addressed in proposed changes).

Emblems of Belief. The VA could address these pre-need requests as it relates to American Indian tribal members or veterans as noted above in this report (currently not addressed in proposed changes).

Time Sensitive Closing Note:

On March 25, 2019, the U.S. Department of Veterans Affairs announced the beginning of a public comment period on proposed new federal rules regarding Committal

Services, Memorial Services and Funeral Honors.⁴ Should the federal VA wish to include the recommendations suggested here regarding American Indian veteran burials, it is advisable that the agreed-upon recommendations be submitted in writing *by May 24, 2019* (emphasis added) to the address given in the Federal Register notice.

⁴ See Appendix C, Proposed Federal Rule Changes for Public Comment. Includes Federal Register announcement, where to submit written comments, as well as Summary, Supplementary Information and Proposed New Rules. See also this link: <https://www.federalregister.gov/documents/2019/03/25/2019-05454/committal-services-memorial-services-and-funeral-honors>

Appendix A. 38 CFR §38.632 (as of April 7, 2019)

38 CFR § 38.632 - Headstone or marker application process.

(a) *General.* This section contains procedures for ordering a Government-furnished headstone or marker through the National Cemetery Administration (NCA) headstone and marker application process for burial or memorialization of deceased eligible veterans and eligible family members. It also contains procedures for requesting the inscription of new emblems of belief on Government-furnished headstones and markers.

(b) *Definitions.* For purposes of this section:

(1) *Applicant* means the decedent's next-of-kin (NOK), a person authorized in writing by the NOK, or a personal representative authorized in writing by the decedent to apply for a new emblem of belief for inscription on a Government-furnished headstone or marker.

(2) *Emblem of belief* means an emblem that represents the decedent's religious affiliation or sincerely held religious belief system, or a sincerely held belief system that was functionally equivalent to a religious belief system in the life of the decedent. In the absence of evidence to the contrary, VA will accept as genuine an applicant's statement regarding the sincerity of the religious or functionally equivalent belief system of a deceased eligible individual. The religion or belief system represented by an emblem need not be associated with or endorsed by a church, group or organized denomination. Emblems of belief do not include social, cultural, ethnic, civic, fraternal, trade, commercial, political, professional or military emblems. VA will not accept any emblem that would have an adverse impact on the dignity and solemnity of cemeteries honoring those who served the Nation, including (but not limited to) emblems that contain explicit or graphic depictions or descriptions of sexual organs or sexual activities that are shocking, titillating, or pandering in nature; and emblems that display coarse or abusive language or images.

(3) *Federally-administered cemetery* means a VA National Cemetery, Arlington National Cemetery, the Soldiers' and Airmen's Home National Cemetery, a military post or base cemetery of the Armed Forces, a service department academy cemetery, and a Department of the Interior National Cemetery.

(4) *Headstones or markers* means headstones or markers that are furnished by the Government to mark the grave or memorialize a deceased eligible veteran or eligible family member.

(5) *State veterans cemetery* means a cemetery operated and maintained by a State or territory for the benefit of deceased eligible veterans or eligible family members.

(c) *Headstone or Marker application process.* (1) Headstones or markers will be ordered automatically during the process of arranging burial or memorialization for a deceased eligible veteran or eligible family member in a national cemetery or a State veterans cemetery that uses the NCA electronic ordering system. Cemetery staff will order a Government-furnished headstone or marker by entering information received from the applicant directly into the NCA electronic ordering system. Unless a new emblem of belief is requested (see paragraph (d)(1) of this section), no further application is required to order a Government-furnished headstone or marker when the national or state cemetery uses the NCA electronic ordering system.

(2) Submission of a completed VA Form 40-1330 (Application for Standard Government Headstone or Marker) is required when a request for a Government-furnished headstone or marker is not made using the NCA electronic ordering system. VA Form 40-1330 requires the applicant to provide information about the decedent, inscription preferences,

and placement of headstone or marker. There is a space in the Remarks section of VA Form 40-1330 for applicants to clarify information or make special requests, to include an emblem of belief that is not currently available. To access VA Form 40-1330 use the following link: <http://www.va.gov/vaforms/va/pdf/40-1330pdf>.

(d) *Application process for new emblems of belief.* When there is an immediate need, and the applicant requests a new emblem of belief for inscription on a new, first Government-furnished headstone or marker for a deceased eligible individual, the following procedures will apply:

| If the burial or memorialization of an eligible individual is in a: | The applicant must: |
|---|--|
| (1) Federally-administered cemetery or a State veterans cemetery that uses the NCA electronic ordering system | (i) Submit a written request to the director of the cemetery where burial is requested indicating that a new emblem of belief is desired for inscription on a Government-furnished headstone or marker; and (ii) Provide the information specified in paragraph (e) of § 38.632 to the NCA Director of Memorial Programs Service. |
| (2) Private cemetery (deceased eligible veterans only), Federally-administered cemetery or a State veterans cemetery that does not use the NCA electronic ordering system | (i) Submit a completed VA Form 40-1330 to the NCA Director of Memorial Programs Service, indicating in the REMARKS section of the form that a new emblem of belief is desired; and (ii) Provide the information specified in paragraph (e) of § 38.632 to the NCA Director of Memorial Programs Service. |

(e) *Application.* The applicant must identify the deceased eligible individual for whom a request has been made to add a new emblem of belief to those emblems of belief available for inscription on Government-furnished headstones and markers. The application must include the following:

(1) Certification by the applicant that the proposed new emblem of belief represents the decedent's religious affiliation or sincerely held religious belief system, or a sincerely held belief system that was functionally equivalent to a religious belief system in the life of the decedent.

(2) A three-inch diameter digitized black and white representation of the requested emblem that is free of copyright or trademark restrictions or authorized by the owner for inscription on Government-furnished headstones and markers and can be reproduced in a production-line environment in stone or bronze without loss of graphic quality.

(f) *Incomplete application.* If VA determines that an application for a new emblem of belief is incomplete, VA will notify the applicant in writing of any missing information and that he or she has 60 days to submit such information or no further action will be taken. If the applicant does not submit all required information or demonstrate that he or she has good cause for failing to provide the information within 60 days of the notice, then the applicant will be notified in writing that no further action will be taken on the request for a new emblem.

(g) *Evaluation criteria.* The Director of NCA's Office of Field Programs shall forward to the Under Secretary for Memorial Affairs all complete applications, any pertinent records or information, and the Director's recommendation after evaluating whether:

(1) The applicant has demonstrated that there is an immediate need to inscribe the emblem on a new, first, Government-furnished headstone or marker for a deceased eligible individual, unless good cause is shown for an exception;

(2) The applicant has submitted a certification concerning the emblem that meets the requirements of paragraph (e)(1) of this section.

(i) In the absence of evidence to the contrary, VA will accept as genuine an applicant's statement regarding the sincerity of the religious or functionally equivalent belief system of a deceased eligible individual. If a factual dispute arises concerning whether the requested emblem represents the sincerely held religious or functionally equivalent

belief of the decedent, the Director will evaluate whether the decedent gave specific instructions regarding the appropriate emblem during his or her life and the Under Secretary will resolve the dispute on that basis.

(ii) In the absence of such instructions, the Under Secretary will resolve the dispute in accordance with the instructions of the decedent's surviving spouse. If the decedent is not survived by a spouse, the Under Secretary will resolve the dispute in accordance with the agreement and written consent of the decedent's living next-of-kin. For purposes of resolving such disputes, next-of-kin means the living person(s) first listed as follows:

(A) The decedent's children 18 years of age or older, or if the decedent does not have children, then

(B) The decedent's parents, or if the decedent has no surviving parents, then

(C) The decedent's siblings.

(3) The emblem meets the definition of an emblem of belief in paragraph (b)(2);

(4) The emblem would not have an adverse impact on the dignity and solemnity of cemeteries honoring those who served the Nation - for example, the emblem cannot contain explicit or graphic depictions or descriptions of sexual organs or sexual activities that are shocking, titillating, or pandering in nature, or display coarse or abusive language or images. A determination that an emblem would have an adverse impact on the dignity and solemnity of cemeteries honoring those who served the Nation may not be made based on the content of the religious or functionally equivalent belief that the emblem represents.

(5) The emblem meets the technical requirements for inscription specified in paragraph (e)(2) of this section.

(h) *Decision by the Under Secretary for Memorial Affairs.* (1) A decision will be made on all complete applications. A request to inscribe a new emblem on a Government-furnished headstone or marker shall be granted if the Under Secretary for Memorial Affairs finds that the request meets each of the applicable criteria in paragraph (g) of this section. In making that determination, if there is an approximate balance between the positive and negative evidence concerning any fact material to making that determination, the Under Secretary shall give the benefit of the doubt to the applicant. The Under Secretary shall consider the Director of NCA's Office of Field Programs' recommendation and may consider information from any source.

(2) If the Under Secretary for Memorial Affairs determines that allowing the inscription of a particular proposed emblem would adversely affect the dignity and solemnity of the cemetery environment or that the emblem does not meet the technical requirements for inscription, the Under Secretary shall notify the applicant in writing and offer to the applicant the option of either:

(i) Omitting the part of the emblem that is problematic while retaining the remainder of the emblem, if this is feasible, or

(ii) Choosing a different emblem to represent the religious or functionally equivalent belief that does not have such an adverse impact.

Applicants will have 60 days from the date of the notice to cure any adverse impact or technical defect identified by the Under Secretary. Only if neither option is acceptable to the applicant, the applicant's requested alternative is also unacceptable, or the applicant does not respond within the 60-day period, will the Under Secretary ultimately deny the application.

(3) If the Under Secretary determines that the request should be denied and that decision is based wholly or partly on information received from a source other than the applicant, then the following procedure will be followed:

(i) A tentative decision denying the request will be prepared;

(ii) Written notice of the tentative decision accompanied by a copy of any information on which the Under Secretary intends to rely will be provided to the applicant;

(iii) The applicant will have 60 days from the date of the written notice specified in subparagraph (ii) to present evidence and/or argument challenging the evidence and/or tentative decision; and

(iv) The Under Secretary will consider the applicant's submission under subparagraph (iii) and will issue a final decision on the request.

(4) The Director, Office of Field Programs, will provide the individual who made the request written notice of the Under Secretary's decision.

(Authority: 38 U.S.C. 501,2404,June,2009,as,Mar. 2, 2016]

Appendix B. U.S. Department of Veterans Affairs/ National Cemetery Administration Available Emblems of Belief

VA



U.S. Department of Veterans Affairs
National Cemetery Administration

AVAILABLE EMBLEMS OF BELIEF FOR PLACEMENT ON GOVERNMENT HEADSTONES AND MARKERS

- | | | | | | | | |
|---|---|---|---|--|---|---|---|
|  |  |  |  |  |  |  |  |
| (1) LATIN (CHRISTIAN) CROSS | (2) BUDDHIST | (3) JUDAISM (STAR OF DAVID) | (4) PRESBYTERIAN CROSS | (5) RUSSIAN ORTHODOX CROSS | (6) LUTHERAN CROSS | (7) EPISCOPAL CROSS | (8) UNITARIAN (FLAMING CHALICE) |
|  |  |  |  |  |  |  | |
| (9) UNITED METHODIST | (10) AARONIC ORDER CHURCH | (11) MORMON (ANGEL MORONI) | (12) NATIVE AMERICAN CHURCH OF NORTH AMERICA | (13) SERBIAN ORTHODOX | (14) GREEK CROSS | (15) BAHAI (9-POINTED STAR) | |
|  |  |  |  |  |  |  | |
| (16) ATHEIST | (17) MUSLIM (CRESCENT AND STAR) | (18) HINDU | (19) KONKO-KYO FAITH | (20) COMMUNITY OF CHRIST | (21) SUFISM REORIENTED | (22) TENRIKYO CHURCH | |
|  |  |  |  |  |  |  | |
| (23) SEICHO-NO-IE | (24) THE CHURCH OF WORLD MESSIANITY | (25) UNITED CHURCH OF RELIGIOUS SCIENCE | (26) CHRISTIAN REFORMED CHURCH | (27) UNITED MORAVIAN CHURCH | (28) ECKANKAR | (29) CHRISTIAN CHURCH | |
|  |  |  |  |  |  |  |  |
| (30) CHRISTIAN & MISSIONARY ALLIANCE | (31) UNITED CHURCH OF CHRIST | (32) HUMANIST EMBLEM OF SPIRIT | (33) PRESBYTERIAN CHURCH (USA) | (34) IZUMO TAISHAKYO MISSION OF HAWAII | (35) SOKA GAKKAI INTERNATIONAL (USA) | (36) SIKH (KHANDA) | (37) WICCA (PENTACLE) |

AVAILABLE EMBLEMS OF BELIEF (CONTINUED)



Emblem (98) MUSLIM (Islamic 5-Pointed Star) is not shown due to copyright.

Updated JULY 2018

Appendix C. Proposed Federal Rule Changes for Public Comment

Federal Register Notice, Vol. 84, No. 57, published Monday, March 25, 2019, by the U.S. Department of Veterans Affairs, regarding 38 CFR Part 38, RIN 2900-AQ35, Committal Services, Memorial Services and Funeral Honors. Includes Summary, Supplementary Information, and Proposed New Rules. Written comments must be received on or before May 24, 2019.

Proposed new rules follow:

1. The authority citation for part 38 continues to read as follows: **Authority:** 38 U.S.C 107, 501, 512, 2306,2402, 2403, 2404, 2407, 2408, 2411, 7105.

2. Add § 38.619 to read as follows:

§ 38.619 Requests for interment, committal services or memorial services, and funeral honors.

(a) *Interment requests.* A personal representative, as defined in § 38.600, may request interment of an eligible decedent in a national cemetery by contacting the National Cemetery Scheduling Office (NCSO) at 1–800–535–1117.

(1) *Required Information.* VA will request the following information from the decedent’s personal representative at the time of the request for interment to allow VA to schedule the interment for the decedent:

(i) Documentation of the decedent’s eligibility for national cemetery interment. If needed, VA will make reasonable efforts to assist the personal representative in obtaining such documentation;

(ii) Preferred date and time for the interment;

(iii) Whether a committal service is requested (a committal service is not required);

(iv) Whether the remains are in a casket or urn. For cremated remains, the personal representative will be advised to present a certificate of cremation or other documentation sufficient to identify the decedent at the time of interment.

(v) The size of the casket or urn.

(vi) The contact information for the personal representative.

(vii) Whether a private vault will be provided to the national cemetery or a government-furnished grave liner is required.

(viii) Whether the personal representative intends to have funeral honors during the committal service, if the decedent is a veteran.

(ix) Other relevant information necessary to establish or confirm eligibility of the decedent and/or for cemetery logistics and planning.

(2) [Reserved].

(b) *Memorial services requests.* The personal representative may request a memorial service for a decedent who is eligible for interment in a VA national cemetery. Memorial services may be conducted if the decedent's cremated remains will be scattered and will not be interred, or if the remains of the eligible individual are otherwise not available for interment, or were previously interred without a committal service. The personal representative may request the memorial service by contacting the National Cemetery Scheduling Office (NCSO) at 1-800-535-1117 and providing the following required information:

(1) Documentation of the decedent's eligibility for national cemetery interment. If needed, VA will make reasonable efforts to assist the personal representative in obtaining such documentation;

(2) Preferred date and time for the memorial service;

(3) The contact information for the personal representative;

(4) Whether the personal representative intends to have funeral honors services during the memorial service, if the decedent is a veteran;

(5) Other relevant information necessary to establish or confirm eligibility of the decedent and/or for cemetery logistics and planning.

(c) *Content of committal or memorial services.* VA will respect and defer to the expressed wishes of the personal representative for the content and conduct of a committal or memorial service, including the display of religious or other symbols

chosen by the family, the use of all appropriate public areas, and the selection of funeral honors providers, provided that the safety and security of the national cemetery and its visitors are not adversely affected.

(d) *Location of services.* Committal or memorial services at VA national cemeteries will be held in committal shelters located away from the gravesite to ensure accessibility and visitor safety, unless the cemetery director determines that a committal shelter is not available for logistical reasons, or the cemetery director approves a request from the personal representative for a gravesite service. A request for a gravesite service may be approved by the cemetery director if:

(1) The service is requested by the decedent's personal representative for religious reasons; and

(2) The request is made sufficiently prior to the scheduled committal service to ensure the gravesite is accessible; and

(3) The cemetery director has sufficient staffing resources for the gravesite service, and

(4) The site can be safely accessed on the day of the service.

(e) *Witnessing interment without additional services.* When scheduling the interment, the decedent's personal representative may request to witness the interment of the decedent's remains without additional services at the committal shelter. Approval of a request for witness-only interment is at the discretion of the cemetery director, and may be made only if:

(1) The timing of the request provides sufficient time to ensure the gravesite is accessible, and;

(2) The site can be safely accessed on the day of the interment. This determination may require limiting the number of individuals who may witness the interment and other logistics, such as distance from the gravesite, as the cemetery director finds necessary.

(f) *Funeral honors.*

(1) *List of organizations providing funeral honors.* Each cemetery director will maintain a list of organizations that will, upon request, provide funeral honors at the

cemetery at no cost to the family. Each list must include DoD funeral honors contacts. Non-DoD funeral honors providers who want to be included on the list must make a request to the cemetery director and meet the requirements of paragraph (f)(5) of this section.

(2) *Request required.* Funeral honors will be provided at a committal or memorial service for an eligible individual only if requested by the decedent's personal representative. When scheduling a committal or memorial service for a veteran or other eligible individual who served in the U.S. armed forces, the NCSO will make available to the personal representative the list of available funeral honors providers, as described in paragraph (f)(1) of this section, for the cemetery where interment or services are to be scheduled. The decedent's personal representative may choose any funeral honors provider(s) on the list provided by VA, and/or any other organization that provides funeral honors services.

(3) *Agreement.* Any agreement to provide funeral honors is exclusively between the organization(s) providing funeral honors and the decedent's personal representative. The composition of a funeral honors detail, as well as the specific content of the ceremony provided during a committal or memorial service is dependent on available resources of the providing organization(s). The Department of Defense (DoD) is responsible for determining eligibility for funeral honors provided by a DoD funeral honors detail. If funeral honors are provided by a combined detail that includes one or more funeral honors providers, all providers must provide services as requested by the personal representative.

(4) *Requirements for all funeral honors providers.* All organizations performing funeral honors at VA national cemeteries, including DoD organizations and any provider selected by the personal representative that is not on the list of providers provided by VA under paragraph (f)(1) of this section, must:

(i) Provide to the cemetery director the name and contact information of a representative for the organization who is accountable for funeral honors activities; and

(ii) Comply with VA security, safety, and law enforcement regulations under 38 CFR 1.218; and

(iii) Maintain and operate any equipment in a safe manner consistent with VA and DoD policies and regulations; and

(iv) Not solicit for or accept donations on VA property except as authorized under 38 CFR 1.218(a)(8).

(5) *Additional requirements for non-DoD funeral honors providers.* Non-DoD funeral honors providers, including any provider selected by the personal representative that is not on the list of providers provided by VA under paragraph (f)(1) of this section, must certify that:

(i) They will comply with the requirements in paragraph (f)(4) of this section;

(ii) They are conducting activities on federal property as an independent entity, not as an agent or employee of VA, unless registered as a VA volunteer;

(iii) Members of the organization who will conduct the funeral honors have completed training on funeral honors tasks and the safe use of funeral honors equipment; and

(iv) The funeral honors will be provided in accordance with the agreement in paragraph (f)(3) of this section between the personal representative and the funeral honors provider.

(g) *Public areas.* The cemetery director and cemetery staff will allow access to and use of appropriate public areas of the national cemetery by national cemetery visitors, as well as to families and funeral honors providers for service preparations, contemplation, prayer, mourning, or reflection, so long as the safety and security of the national cemetery and cemetery operations are not adversely affected. Appropriate public areas include, but are not limited to, committal shelters, rest areas, chapels, and benches. The cemetery director will ensure that signs adequately identify restricted or nonpublic areas in the national cemetery.

(h) *Gifts.* Nothing in this section prohibits or constrains any member of a funeral honors provider, a Veterans Service Organization, or the public from offering a gift or token to a family member of the decedent or any person at a committal or memorial service, provided that no compensation is requested, received, or expected in exchange for such gift or token. Committal or memorial service attendees may accept or decline any such gift or token, and may request that the offeror refrain from making any such offers to the service attendees.

Appendix D. Data Sources

Census Bureau

American Community Survey 2018 Public Use Microdata.

Annually the Census Bureau contacts over 3.5 million households in America to participate in the American Community Survey (ACS). This is not the U.S. national 10-year census. The ACS collects up-to-date information on various social and economic topics. Participants are asked to state if they are military veterans and what race do they identify with. This report uses the Census Bureau's single-race of AI/AN population statistics.

Appendix E. References

Informal Non-government-to-government conversations

Anderson, LaVada. Tribal Veteran Service Officer. Suquamish Tribe. Poulsbo, Washington.

Curator, Buffalo Bill Center of the West, (Smithsonian affiliated). Plains Indian Museum. Cody, Wyoming. Inquiry sent with follow-up. No response.

Challenor, Wayne. Superintendent, Little Bighorn Battlefield National Monument, U.S. Park Service, U.S. Dept of the Interior, Crow Agency, Montana.

Charette, Ms Reno. Director, Native American Achievement Center, Montana State University-Billings, Billings, Montana.

Crow Tribe delegation, Crow Agency, MT. Members:

Lyndon Driftwood
Wayne Not Afraid
Cyril S. Not Afraid.

Northern Cheyenne tribal delegation, Lame Deer, MT. Members:

Teanna Limpy, Northern Cheyenne Tribal Historic Preservation Officer
Winfield S. Russell. Vice-president, Northern Cheyenne Tribe
Vincent White Crane. Vietnam veteran

Kelly, Julia. Command Sergeant Major, U.S. Army (retired). Iraqi War veteran. Billings, MT. Member, Crow Tribe.

Lee, Rechanda. Archeologist, Bureau of Indian Affairs, Rocky Mountain Region, U.S. Dept of the Interior, Billings, Montana.

Plumage, Jo`etta. Archeologist, Bureau of Indian Affairs, Rocky Mountain Region, U.S. Dept of the Interior, Billings, Montana.

Books and Publications

U.S Government

U.S. Department of Veterans Affairs. Office of Tribal Government Relations. *Honoring Our Heroes, Building Partnerships to Connect Native Veterans with Care and Benefits*. Tribal Consultation Report, 2016. Washington D.C.

— *Celebrating Our Heroes, Progress, Priorities, and Partnerships*. Executive Summary Report, 2017. Washington D.C.

Books

Appleton, Le Roy H. *Indian Art of the Americas*. New York: Charles Scribner & Sons, 1950.

Bankroft-Hunt, Norman, and Werner Forman. *People of the Totem*. Norman: University of Oklahoma Press, 1979.

Beckham, Stephen Dow. *Oregon Indians, Voices from Two Centuries*. Corvallis: Oregon State University Press, 2006.

Driver, Harold E. *Indians of North America*. Chicago: University of Chicago Press, 1961.

Hassrick, Royal B. *The Sioux*. Norman: University of Oklahoma Press, 1964.

Jensen, Richard E, ed., *The Indian Interviews of Eli S. Ricker, 1903-1919*. Lincoln: University of Nebraska Press, 2005.

Jorgensen, Joseph G. *Western Indians*. San Francisco: W. H. Freeman & Co., 1980.

Krober, A.L. *Handbook of the Indians of California*. San Francisco: Filmer Bros Press, 1977.

Mails, Thomas E. *The Mystic Warriors of the Plains*. New York, NY: Mallard Press, 1991.

Ruby Robert H., John A. Brown, and Cary C. Collins. *A Guide to the Indian Tribes of the Pacific Northwest*. Norman: University of Oklahoma Press, 2010.

Newspapers

Danie Koskan, *Native American Funerals Have Changed But Retain Unique Qualities*, Rapid City Journal (Rapid City, SD), November 15, 2014.

Funeral Directors

Alaska. Northern Lights Funeral Home, Fairbanks, AK. Serves Inuit and Yupik peoples. Alaska doesn't have Indian reservations similar to the lower-48 states.

Arizona. McDougal-Caldwell Funeral Home, Safford, AZ. Serves San Carlos Reservation, Chiricahua Apache.

Idaho. Hawker Funeral Home, Blackfoot, ID. Serves Fort Hall Reservation.

Montana. Bullis Funeral Home, Hardin, MT. Serves Crow Reservation. Asper Funeral Home, Shelby, MT, serves Blackfeet Reservation.

New Mexico. Rollie Funeral Home, Gallup, NM. Serves Navajo Reservation, Navajo Tribe.

Oklahoma. Brown's Funeral Home, McLoud, OK. Serves Kickapoo tribal area.

South Dakota. Sioux Funeral Home, Pine Ridge, SD. Serves Pine Ridge Indian Reservation. Oglala Sioux and Rosebud Sioux.

Washington. Valley Funeral Home, Wapato, WA. Serves Yakima Reservation and Yakima Tribe.

Wyoming. Davis Funeral Home, Riverton, WY. Serves Wind River Indian Reservation. Eastern Shoshone and Northern Arapahoe tribes.

National or State Veterans Cemeteries.

Arizona. Superintendent, National Memorial Cemetery of AZ, Phoenix, AZ.

Oklahoma. Superintendent, Fort Gibson National Cemetery, Fort Gibson, OK.
Superintendent, Fort Sill National Cemetery, Fort Sill, OK.

South Dakota. Superintendent, Oglala Sioux and Rosebud Sioux Native American Veterans Cemeteries, Kyle, SD., and White River, SD.

Superintendent, Black Hills National Cemetery, Sturgis, SD.

Washington. Superintendent, Washington State Veterans Cemetery, Spokane, WA. Yakima Tribe and others.

Superintendent, Tahoma National Cemetery, Kent, WA.

Internet

Classroom: Native Americans' Beliefs on Burials and Souls; English, Meg, updated Sept. 29, 2017; <https://classroom.synonym.com/native-americans-beliefs-on-burials-and-souls-12085275.html>

Death Around the World. www.funeralzone.com