

**Bone of Contention:  
“Rez Dogs” In Indian Country Are Problems of the Federal Government’s Own  
Making That Also Represent the Opportunity for Tribes to Improve Nation Building  
and Animal Welfare Organizations to Improve Diversity, Equity and Inclusion**

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**Introduction**

In December 2018 the United States Commission on Civil Rights issued a report entitled *Broken Promises: Continuing Federal Funding Shortfall for Native Americans*<sup>2</sup> which followed up on the Commission’s 2003 report, *A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country*.<sup>3</sup> Both reports say essentially the same thing: Federal programs designed to support the social and economic wellbeing of Native Americans remain chronically underfunded and sometimes inefficiently structured, which leaves many basic needs in the Native American community unmet and contributes to the inequities observed in Native American communities. One inequity that has never been addressed — not even by the U.S. Civil Rights Commission — is the dangerous absence of veterinary services in Indian Country.

No two tribal reservations in the United States are the same but what most have in common are free roaming dogs that are casually, often disparagingly, referred to as “rez dogs.” While a “rez dog” is technically any dog found on tribal lands, discussions about the problems associated with “rez dogs” generally refer to stray or feral dogs who appear to be sick, starving, injured, aggressive or simply unowned. They are often described as being a problem for which animal control ordinances and spay-neuter-vaccine clinics and re-homing adoptions are the perceived solution. The burden of providing animal health and rescue services is largely borne by animal welfare organizations who cannot, despite their best efforts, provide enough services to make the “rez dog” problem go away.

The endemic persistence of the “rez dog” issue demands a closer look at its root cause. It is not because American Indians do not care about dogs. In fact, Native

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<sup>2</sup> <https://www.usccr.gov/files/pubs/2018/12-20-Broken-Promises.pdf>

<sup>3</sup> <https://www.usccr.gov/files/pubs/na0703/na0204.pdf>

Americans<sup>4</sup> have had special relationships with dogs for millennium, — relationships that honor dogs in stories, songs and traditions. In fact, archaeologists have uncovered 10,000 year old individual canine burial sites in what is now Illinois that make clear that indigenous peoples have historically revered their dogs.<sup>5</sup> Today, many Native people have dogs who are well loved and spoiled members of the family, yet there are those free roaming dogs who appear to belong to no one, dogs who are neglected at best and wild at worst. These are the “rez dogs” whom we primarily focus upon in this report.

People and dogs should be able to remain healthy and live safely with each other, but that often does not occur on Indian reservations. Tribes debate what should be done about fatal dog attacks while news accounts describe scenes of children mauled while running, playing and riding their bikes. Tribal health care facilities redirect resources to deal with the steady flow of dog related trauma cases while tribal animal welfare organizations struggle to save the lives of dogs who have been shot, poisoned and beaten. Tribal community members of all ages and genders are afraid to go outside for fear of being attacked by packs of wild dogs. What is going on?

This report takes a deep look at the systemic cause of this breakdown between people and our so-called best friend on Indian reservations. We explore the absence of animal health, welfare or management infrastructure on Indian reservations and why the federal government bears responsibility for that absence. We also examine how the best intentions of animal welfare organization might exacerbate the historic trauma that tribes have suffered for generations. But more than that, we explore how the “rez dog” problem itself represents a unique opportunity for tribes to build animal welfare infrastructures that honor tribal traditions, and for animal welfare organizations to practice diversity, equity and inclusion in Indian Country.

## **Background**

There are currently 574 American Indian tribes and Alaska Native Villages<sup>6</sup> in communities that include approximately 326 tribal land areas that the United States

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<sup>4</sup> Both American Indian and Native Americans are legal terms that are not interchangeable. “Native American” refers to all the indigenous people of the United States and its territories: American Indians (including the Tainos of Puerto Rico and the Kalingo of the Virgin Islands), Alaska Natives (three distinct groupings: American Indians; Aleuts; Inuit and Yupik), and Pacific Islanders: Native Hawaiians, Samoans, Chamorros (Guam and the Marianas), Micronesians, and Palauans. In the context of this paper “American Indian” refers to only those indigenous people of the lower 48 states.

<sup>5</sup> <https://findingnevadawild.com/the-american-indian-dog-danger-cave-and-realizing-some-of-the-oldest-canine-bones-ever-found/>

<sup>6</sup> Congressional Research Service, The 574 Federally Recognized Indian Tribes in the United States. CRS Report R47414. Jan. 18, 2024. <https://crsreports.congress.gov/product/pdf/R/R47414>

administers as federal Indian reservations<sup>7</sup> (reservations, pueblos, rancherias, and colonies). Indian reservations comprise 56.2 million acres<sup>8</sup> of land in 35 of the lower 48 states. The federal government holds title to the land in trust by the United States government on behalf of tribes. There are 5.2 million<sup>9</sup> American Indians and Alaska Natives (AI/ANs) who comprise about 1.7 percent<sup>10</sup> of the U.S. population.

Although state and local jurisdictions are able to pay for animal welfare by levying property taxes, Indian tribes do not have this same ability because federal law prohibits tribes from imposing property taxes on the federal trust land that comprises Indian reservations.<sup>11</sup> This is “Indian Country.”

There is an unknown number of dogs within Indian Country and little to no infrastructure for managing them. The federal government does not yet recognize its responsibility for providing veterinary medicine, animal management and animal welfare services in tribal communities, even though such services are integral to public health and safety. It is an oversight that has shifted the burden of doing so to tribes, local governments and non-profit organizations.

The time has come for the federal trust responsibility that ensures the health and safety of tribal members to include the provision of animal welfare so that dogs and people can live together harmoniously. Creating tribal systems of animal welfare throughout Indian Country could usher in a new humanity-based era of self government that could take to a new level the nation building renaissance many tribes are enjoying today. Despite all that has been taken from them, tribes endure and insist that the federal government fulfill its broken promises.

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<sup>7</sup> Bureau of Indian Affairs, What is a federal Indian Reservation. <https://www.bia.gov/faqs/what-federal-indian-reservation>

<sup>8</sup> Ibid.

<sup>9</sup> United States Census, The American Indian and Alaska Native Population: 2010, C2010BR-10, Jan. 2012. <https://www.census.gov/library/publications/2012/dec/c2010br-10.html>

<sup>10</sup> Ibid.

<sup>11</sup> Indian reservation land is not land owned by an Indian tribe, it is land held in trust by the federal government for the benefit of the tribe. Therefore it is not deemed to be property and cannot be taxed as such. <https://www.investopedia.com/native-american-taxes-8382438#:~:text=The%20U.S.%20holds%20around%2055,to%20sales%20and%20excise%20taxes.>

**Part One**  
**What Does It Mean To Be Taken?**  
**or**

**The mirroring of what has happened to people and dogs in tribal communities.**

**When you see efforts to eliminate “rez dogs” by any means necessary you are seeing the perpetual history of taking land, life, children and culture away from American Indians in the name of progress.**

**Tribal Land Taken Because of Colonists, Settlers & Speculators**

Wherever you reside in the United States, you live where indigenous people lived until colonists, settlers and homesteaders took away Native Americans’ land, people, and resources. Often violently.

“When European settlers arrived in the Americas, historians estimate there were over 10 million Native Americans living there. By 1900, their estimated population was under 300,000. Native Americans were subjected to many different forms of violence, all with the intention of destroying the community. From the 1700s onward, blankets from smallpox patients were distributed to Native Americans in order to spread disease. There were several wars, and violence was encouraged; for example, European settlers were paid for each Penobscot person they killed. In the 19th century, 4,000 Cherokee people died on the Trail of Tears, a forced march from the southern U.S. to Oklahoma. In the 20th century, civil rights violations were common, and discrimination continues to this day.”<sup>12</sup>

**Tribal Children Taken Because of Boarding Schools, Adoption and Sterilization**

Boarding Schools

The Federal Indian boarding school system deployed systematic militarized and identity-alteration methodologies to attempt to assimilate American Indian, Alaska Native, and Native Hawaiian children through education, including but not limited to the following: (1) renaming Indian children from Indian to English names; (2) cutting the hair of Indian children; (3) discouraging or preventing the use of American Indian, Alaska Native, and Native Hawaiian languages, religions, and cultural practices; and (4) organizing Indian and Native Hawaiian children into units to perform military drills.<sup>13</sup>

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<sup>12</sup> Genocide of Indigenous Peoples, Holocaust Museum, Houston, <https://hnh.org/library/research/genocide-of-indigenous-peoples-guide/>.

<sup>13</sup> Bureau of Indian Affairs, Federal Indian Boarding School Initiative Investigative Report, Assistant Secretary of Indian Affairs Bryan Newland, May 2022, at 7. [https://www.bia.gov/sites/default/files/dup/inline-files/bsi\\_investigative\\_report\\_may\\_2022\\_508.pdf](https://www.bia.gov/sites/default/files/dup/inline-files/bsi_investigative_report_may_2022_508.pdf)

Between 1819 and 1969, the United States operated or supported 408 boarding schools across 37 states or then-territories, including 21 schools in Alaska and 7 schools in Hawaii<sup>14</sup> The United States government directly targeted American Indian, Alaska Native, and Native Hawaiian children in the pursuit of a policy of cultural assimilation that coincided with native territorial dispossession.

### Adoption

From 1958 to 1967 the Child Welfare League of America (CWLA) contracted with the Bureau of Indian Affairs to place Native children with white families.<sup>15</sup> This effort to assimilate the children into mainstream culture through the destruction of their families resulted in several generations of Native children losing their identity. In a 2001 speech, Shay Bilchik, the Director of the CWLA, apologized for the CWLA's role in these adoptions stating, "No matter how well intentioned and how squarely in the mainstream this was at the time, it was wrong; it was hurtful; and it reflected a kind of bias that surfaces feelings of shame, as we look back with the 20/20 vision of hindsight."<sup>16</sup>

Speaking before a group of Indian Child Welfare experts, Bilchick continued, "It is time to tell the truth – that our actions presupposed that Indian children would be better off with white families as opposed to staying in their own communities and tribes."<sup>17</sup>

### Sterilization

In 1972, a young Indian woman entered the medical practice of Dr. Connie Pinkerton-Uri<sup>18</sup> to ask for a "womb transplant" because she and her husband wished to start a family. An Indian Health Service (IHS) physician had given the woman a complete hysterectomy six years earlier. Dr Pinkerton-Uri began systematically asking other Indian women about their experiences of sterilization. She quickly concluded that IHS doctors were running a 'sterilization factory'. Dr. Pinkerton-Uri's study found that one in four American Indian women had been sterilized without consent.<sup>19</sup> Pinkerton-Uri's

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<sup>14</sup> Ibid. at 6.

<sup>15</sup> Understanding the Indian Child Welfare Act, Indian Child Welfare Act Law Center, <https://www.icwlc.org/education-hub/understanding-the-icwa>

<sup>16</sup> Ibid.

<sup>17</sup> "Adoption apology too late for Indians," Chicago Tribune, May 7, 2001. <https://www.chicagotribune.com/2001/05/07/adoption-apology-too-late-for-indians/>

<sup>18</sup> Dr. Connie Pinkerton-Uri (Choctaw/Cherokee) is the first American Indian woman to earn both Law and Medical degrees.

<sup>19</sup> Dr. Pinkerton-Uri's findings were published in 1977 as "The Theft of Life" in Akwesasne Notes, a now defunct Native American journal.

research indicated that IHS had “singled out full-blooded Indian women for sterilization procedures.”<sup>20</sup>

Despite a court order against such sterilizations, “Indian Health Service Records show that 3,406 sterilization procedures were performed on female Indians in the Aberdeen, Albuquerque<sup>21</sup>, Oklahoma City, and Phoenix IHS Service Areas during fiscal years 1973-76. Data for fiscal year 1976 is for a 120 month period ending June 30, 1976.”<sup>22</sup>

## **Tribal Dogs Taken Because of Concern, Compassion, and Cruelty**

### Concern

Stories ripped from the headlines illustrate why tribal communities and their elected leaders react to dog attacks like most Americans, with calls for immediate action and change:

*“Death of Ethete woman revives effort to pass loose & vicious dog ordinance on reservation”<sup>23</sup>*

*“After dogs killed Lame Deer man family and Tribe want action”<sup>24</sup>*

*“Mother asks for change and justice on Navajo Nation after teenage daughter's mauling”<sup>25</sup>*

*“Spirit Lake Reservation addressing 'nuisance' dogs after 6-year-old boy mauled to death”<sup>26</sup>*

*“South Dakota reservation rounds up feral dogs after fatal attack”<sup>27</sup>*

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<sup>20</sup> National Institute of Health, National Library of Medicine, *Native Voices*, “1976: Government admits unauthorized sterilization of Indian Women,” <https://www.nlm.nih.gov/nativevoices/timeline/543.html>

<sup>21</sup> These numbers did not include those conducted in the Albuquerque area because contract physicians performed all sterilizations in that IHS region. Jane Lawrence, *The Indian Health Service and the Sterilization of Native American Women*, *American Indian Quarterly*, Summer, 2000, Vol. 24, No. 3 at 407. <https://airc.ucsc.edu/resources/suggested-lawrence.pdf>

<sup>22</sup> Letter from Elmer B. Status, Comptroller General of the United States, to U.S. Senator James Abourezk, November 4, 1975, 3. <https://www.gao.gov/assets/hrd-77-3.pdf>

<sup>23</sup> Clair McFarland, *Cowboy State Daily*, April 22, 2022, <https://cowboystatedaily.com/2022/04/22/death-of-ethete-woman-revives-effort-to-pass-loose-vicious-dog-ordinance-on-reservation/>

<sup>24</sup> A.J. Etherington, *Billings Gazette*, December 16, 2021, [https://billingsgazette.com/news/local/after-dogs-killed-lame-deer-man-family-and-tribe-want-action-on-dangerous-dogs/article\\_4e6a8699-45e2-5ed1-9fed-54857e46eeac.html](https://billingsgazette.com/news/local/after-dogs-killed-lame-deer-man-family-and-tribe-want-action-on-dangerous-dogs/article_4e6a8699-45e2-5ed1-9fed-54857e46eeac.html)

<sup>25</sup> Michael Doudna, *12 News*, July 15, 2021, <https://www.12news.com/article/news/local/arizona/mother-asks-for-changes-and-justice-on-navajo-nation-after-teenage-daughters-mauling/75-ad3f5f06-a785-4a3f-b249-20a69f09a61b>.

<sup>26</sup> Matt Henson, *In Forum*, March 29, 2022,, <https://www.inforum.com/news/spirit-lake-reservation-addressing-nuisance-dogs-after-6-year-old-boy-mauled-to-death>.

<sup>27</sup> Todd Epp, *Reuters*, March 17, 2015, <https://www.reuters.com/article/idUSKBN0MD2RM/>.

Concern for public safety often results in calls for the establishment or harshening of tribal animal control ordinances. Today, most tribes have animal management ordinances that include basic provisions: definitions; administration and enforcement; prohibited activities; rabies policy; animal bite policy; impounding procedures, and penalties. But sometimes tribal ordinances reflect a tribe's unique capacity for creative problem solving. The St. Regis Mohawk tribe, for example, includes an innovative yet practical way to alert people to dogs who have a history of aggression in its animal control ordinance:

“Any dog deemed aggressive by the animal management officer may be required, at the officer’s discretion, to wear a dangerous dog collar at all times. “Dangerous dog collar” means a collar which consists of red stripes alternatively spaced with yellow stripes set diagonal to the rim of the collar at an angle, and at least one of the 2 colors reflects light in the dark.”<sup>28</sup>

Tribal housing authority policies are also used to address aggressive dogs, using culling to enforce limits on the number and breed of dogs residents are permitted to have. Such policies tend to be adopted in the wake of fatal dog bite cases. The results are tragic and traumatic.

Families living in one particular tribal housing facility are a good example. Following a mauling death, housing authority security officers imposed a one dog limit per household and prohibited “aggressive dog breeds.” Tribal housing security officers seized dogs from homes, put them in crates, took them to the landfill and shot them.<sup>29</sup>

### Compassion

Animal welfare organizations have stepped into the void to provide services on Indian reservations that otherwise have no access to veterinary care or re-homing resources. In Indian Country, local animal rescue organizations are doing what the federal government should do but has not. Volunteers often shoulder a burden whose scale far exceeds their organization’s capacity. While there is no clearinghouse of who is doing what when it comes to animal welfare efforts on Indian reservations, anecdotal stories are illustrative of the challenges volunteers commonly face:

We are headed east toward Hoopa, where the "neuterscooter" was supposed to visit. There are no veterinarians in the Hoopa Valley, no county shelter, no animal management. Dogs run untethered down gravel roads, solo and in packs, chancing death on State Route 96. The males gather to fight when a bitch comes into heat. The females have litter after litter of pups, most destined to be sold or abandoned. Their teats swell and distend. They

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<sup>28</sup> St. Regis Mohawk Tribal Ordinance, [https://dvc479a3doke3.cloudfront.net/uploads/site\\_files/AnimalControlOrdinanceFinal080309.pdf](https://dvc479a3doke3.cloudfront.net/uploads/site_files/AnimalControlOrdinanceFinal080309.pdf).

<sup>29</sup> Identifying information about the tribe, reservation and reporting organization is withheld here-in because such information has not been made publicly available.

grow thin and exhausted. Fleas, parvo and heartworm spread like wildfire. In the absence of official services, a patchwork band of confederates have gathered to fill the gap: a Christian cat rescuer, several out-of-town volunteers, two school employees and a grieving family... In the absence of formal support, much work falls on the shoulders of dedicated local volunteers. In this case, Denise George and Kathy Holfacker, who run the Greater Rural Rescue Society serve as the de facto animal support services in Hoopa.<sup>30</sup>

Many rescue organizations are based in communities located outside of reservations and are comprised of both tribal and non-tribal volunteers. For example, Yola's Pet Rescue in Wyoming is located just outside the Wind River Reservation and provides Northern Arapahoe and Eastern Shoshone families with desperately needed animal care services: food, veterinary services, even fencing. But other animal rescue organizations operating on different reservations are purely home grown.

In 1994, Navajo pediatric nurse Mary Jo Parys founded Tuba City Humane Society (TCHS)<sup>31</sup> The majority of TCHS volunteers are local teachers and hospital workers who have taken over 4,000 dogs off the streets of Tuba City, Arizona since 2017. Working with local veterinarian Dr. Carol Holgate, a Navajo tribal member, TCHS provides "rez dogs" with much needed health care before they are fostered and rehomed.

Best Friends Animal Society is a national organization that has brought its mission to the Navajo Nation. Staff members, who are also tribal members, coordinate Best Friends rescue efforts with Navajo Nation Animal Control. Through this innovative program, Best Friends rescues about 200 dogs per month from the Navajo Nation's kill shelters.

### Cruelty

According to the United States Department of Justice, four out of five American Indian and Alaska Native (AI/AN) people have experienced violence in their lifetimes, with 55.5% of women<sup>32</sup> and 43.2% of men<sup>33</sup> experiencing physical violence inflicted by an

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<sup>30</sup> Linda Stansberry, "How the Hoopa Valley exemplifies the gaps in Humboldt's animal management services," North Coast Journal of Politics, People, and Art, November 19, 2015: <https://www.northcoastjournal.com/news/strays-3411036>

<sup>31</sup> <https://tubacityhumanesociety.org>

<sup>32</sup> Andre B. Rosay, Violence Against American Indian and Alaska Native Women and Men, National Institute of Justice, NIJ Journal 277 (2016) at 2. <https://www.ojp.gov/pdffiles1/nij/249822.pdf>

<sup>33</sup> Ibid at 3.



intimate partner, compared to 34.5% of non-hispanic women<sup>34</sup> and 30.5% of non-hispanic men<sup>35</sup> of the general population.

Pets in homes fraught with domestic violence are often themselves victims because the family abuser is likely to use violence against the pet to manipulate and control their human victims. Amy J. Fitzgerald, Professor & Undergraduate Chair of the Department of Sociology and Criminology at the University of Windsor explained that her research has revealed that some form of animal maltreatment is present in roughly 89 per cent of domestic violence cases.<sup>36</sup> "It's something that can keep people in these relationships because if they leave the relationship their pets could be harmed as a result ... [i]t's something we need to take very seriously. It's putting a lot of people and animals at risk."<sup>37</sup> One study reports that about 70% of people who committed domestic violence were also found to be animal abusers.<sup>38</sup>

How many dogs are taken by animal cruelty on Indian reservations each year? That is unknowable because there is no mechanism for reporting, much less collecting, such data. Further complicating animal cruelty on Indian reservations is the definition of animal cruelty. Animal control ordinances include hurting, neglecting or torturing an animal. But could animal cruelty also include tribal employees shooting dogs for convenience rather than trying to re-home them? Humanity is the cost of expediency wherever bullets are the means of population control.

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<sup>34</sup> Ibid at 2.

<sup>35</sup> Ibid at 3.

<sup>36</sup> Sinan Khalaf, "Women with pets more likely to endure domestic abuse, study finds," CBC News, June 8, 2017, <https://www.cbc.ca/news/canada/windsor/women-with-pets-more-likely-to-endure-domestic-abuse-study-finds-1.4151113>

<sup>37</sup> Ibid

<sup>38</sup> Jegatheesan, B, "Understanding the Link between Animal Cruelty and Family Violence: The Bioecological Systems Model," International Journal of Environmental Research and Public Health, April 30, 2020: <https://www.mdpi.com/1660-4601/17/9/3116>

**Part Two**  
**What Does It Means To Be Helped?**

or

**The federal responsibility for animal care and management on Indian reservations  
and  
the sovereign right of tribes to decide what that help should look like.**

**When you see dog bite cases on Indian reservations you are seeing federal neglect  
bite the hand of the federal trust responsibility for American Indians.**

**The federal trust responsibility for tribal lands, people... and dogs**

The federal Indian trust responsibility is a legally enforceable fiduciary obligation to protect tribal treaty rights, lands, assets, and resources, as well as the health, safety and welfare of AI/AN people. It is an obligation that arises from treaties between tribal nations and the United States Government.

Between 1787 and 1871, the United States entered into nearly four hundred treaties with tribal nations to obtain the land it wanted to take from them. In return, the United States set aside reservation lands for tribes and guaranteed that the federal government would protect the tribes and respect their sovereignty. Subsequent acts of Congress, Supreme Court decisions, and Executive Orders have fortified this federal trust responsibility.

The Snyder Act of 1921 codified this trust doctrine “for the benefit, care, and assistance of the Indians ,,, for the following purposes: education, health, property, [and] the administration of Indian affairs.”<sup>39</sup> As former Chairman of the Senate Committee on Indian Affairs, Daniel Inouye, explained:

“The Federal trust relationship that exists between the Federal Government and the Indian Tribe goes back to the very first days of this Country. All branches of the Government, the Congress, Administration and the courts acknowledge the uniqueness of the Federal trust relationship. It is a relationship that has its origins in international law, colonial and U.S. treaties and agreements, Federal statutes and Federal legal decisions.”<sup>40</sup>

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<sup>39</sup> Snyder Act, Public Law 67-85, 25 U.S.C. 13

<sup>40</sup> Chairman Daniel Akaka, Opening Statement, United States Senate Committee on Indian Affairs Hearing 112-637, “Fulfilling the Federal Trust Responsibility: The Foundation of the Government-To-Governemnt Relationship,” May 17, 2012, <https://www.indian.senate.gov/wp-content/uploads/documents/CHRG-112shrg76551.pdf>.

The purpose behind the trust doctrine is to ensure the survival and welfare of Indian tribes and people. This includes an obligation to provide those services required to protect and enhance tribal lands, resources, and self-government, and also includes those economic and social programs that are necessary to raise the standard of living and social well-being of American Indians to a level comparable to that of non-Native society.

The federal trust responsibility to tribal nations is broadly divided into three components:

1. The protection of tribal trust lands and the rights of tribal members to use those lands;
2. The protection of tribal sovereignty and the rights of tribal self-governance; and
3. The provision of basic social, medical and educational services to tribal members.

### Tribal Lands

There is a saying on the Navajo Nation that “You can’t move a shovel of dirt without triggering NEPA.” A construction project on tribal trust land is a federal action that can trigger the full panoply of National Environmental Policy Act (NEPA) clearances to assess its environmental effects. If more than one agency has oversight of the project then multiple NEPA clearances are required.

It is hard to imagine a more effective way to complicate, delay or even prevent the construction of necessary infrastructure on Indian reservations, including veterinary clinics, animal management facilities, fences and animal shelters. While lack of funding for building such facilities is an obvious challenge, red tape can undermine even the best funded projects on Indian reservations. As a result, most tribes are left with little choice but to make do.

For example, Navajo Nation Animal Management has five shelter facilities within its 27,000 square miles. The comparably sized state of West Virginia has 47 animal shelters. All of Navajo Nation’s dog impound facilities are old, small, and dilapidated. The Navajo Nation repurposed those buildings after the Bureau of Indian Affairs (BIA) abandoned them. In February 2024 one of Navajo’s five facilities had to shut down and stop accepting animals due to no plumbing. It did not have any water. Navajo Nation Animal Control officers, who are accustomed to making do with little, had to make do with even less.

### Tribal People

The first Americans — the Indians — are the most deprived and most isolated minority group in our nation. On virtually every scale of measurement: employment, income, education, health — the condition of the Indian people ranks at the bottom.

This condition is the heritage of centuries of injustice. From the time of their first contact with European settlers, the American Indians have been oppressed and brutalized, deprived of their ancestral lands and denied

the opportunity to manage their own destiny. Even the Federal programs which are intended to meet their needs have frequently proven to be ineffective and demeaning.

-President Richard Nixon<sup>41</sup>

The Bureau of Indian Affairs (BIA) is the federal agency primarily responsible for supporting tribal governments and protecting public safety on Indian reservations. The Bureau of Indian Education (BIE) provides K-12 schooling. The Indian Health Service (IHS) operates and oversees health care facilities. But not all federal agencies who share responsibility for tribes include the word “Indian” in their title.

For example, the Department of Justice is responsible for investigating and prosecuting certain crimes<sup>42</sup> committed on Indian reservations and the Department of Housing and Urban Development (HUD) is responsible for providing low income housing to eligible tribal members on tribal lands.<sup>43</sup> Other federal departments, such as Department of Agriculture (USDA) and Health and Human Services (HHS), have Native American set aside programs that also manifest the federal trust responsibility for the 574 federally recognized American Indian tribes and Alaska Native Villages that exist today.

### Tribal Dogs

The public health and safety risk that sick and neglected dogs pose to tribal members on Indian reservations creates a nexus between the federal trust responsibility and “rez dogs.” Rez dogs straddle the line between public health and safety, with two paws in each federal trust responsibility category. Unfortunately, Congress has not provided BIA, IHS or any other federal agency with the explicit authority to provide animal health, welfare or management services in tribal communities. Nevertheless, BIA and IHS have tried to provide tribes with guidance and support to deal with issues integral to the health and safety of people and dogs. In so doing the agencies have tacitly acknowledged their federal trust responsibility to enable federal trustees (tribal members) and their dogs to safely cohabit Indian reservations:

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<sup>41</sup> Public Papers of the Presidents of the United States: Richard Nixon, 1970, pp. 564-567, 576-]76, <https://www.epa.gov/sites/default/files/2013-08/documents/president-nixon70.pdf>.

<sup>42</sup> The Major Crimes Act, 18 U.S.C. § 1153, grants exclusive jurisdiction to federal law enforcement agencies for the following crimes committed on Indian reservations: murder, manslaughter, rape, assault with intent to kill, arson, burglary, and larceny.

<sup>43</sup> Under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4101 et seq.), HUD provides grants, loan guarantees, and technical assistance to Indian tribes and Alaska Native villages for the development and operation of low-income housing in Indian areas.

## Bureau of Indian Affairs

Title 25 of the Code of Federal Regulations contains the bulk of the regulations relating to Indian affairs, including the criminal offense of animal cruelty.<sup>44</sup> The BIA is authorized to enforce all criminal offenses listed in Title 25 through its Office of Justice Services (OJS). The mission of OJS is to uphold tribal sovereignty and provide for the safety of Indian communities by ensuring the protection of life and property, enforcing laws, maintaining justice and order, and by ensuring that sentenced American Indian offenders are confined in safe, secure, and humane environments.<sup>45</sup> Ensuring public safety and justice is arguably the most fundamental of government services provided in tribal communities and it arguably requires the presence of animal control.

## Indian Health Service

Despite historically being the worst funded agency in the federal government, each year receiving less than half the funding needed to address the annual health care needs of its beneficiaries,<sup>46</sup> IHS has for the past forty years provided valuable public health leadership on issues of animal management and care on Indian reservations:

- Dog Bite Studies

Between 1981 and 1984 IHS conducted a study of dog bites on the Navajo Nation that found “Reservation-wide dog-bite statistics indicate a bite rate on the Navajo Reservation that is comparable to that of a large city.” The study further provided detailed analysis of 772 bites: “98.4 percent of all cases for which a possible cause could be ascertained were provoked in some way.”<sup>47</sup>

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<sup>44</sup> 25 C.F.R. § 11.446 concerns acts of animal cruelty on Indian reservations or under the jurisdiction of tribal courts. a person commits a misdemeanor if he or she purposely or recklessly subjects any animal in his or her custody to cruel neglect; subjects any animal to cruel mistreatment; kills or injures any animal belonging to another without legal privilege or consent of the owner; or causes one animal to fight with another.

<sup>45</sup> U.S. Department of the Interior, Indian Affairs, Office of Justice Services, <https://www.bia.gov/bia/ojs>.

<sup>46</sup> “Funding for the Indian Health Service (IHS) addresses only an estimated 48.6% of the health care needs for AI/ANs and has historically been subject to year-by-year discretionary allocations from Congress, which creates substantial long-term uncertainty in funding levels and makes it challenging to maintain and modernize needed health care infrastructure.” Office of the Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, “How Increased Funding Can Advance the Mission of the Indian Health Service to Improve Health Outcomes for American Indians and Alaska Natives,” July 2022, <https://aspe.hhs.gov/sites/default/files/documents/e7b3d02affdda1949c215f57b65b5541/aspe-ihs-funding-disparities-report.pdf>.

<sup>47</sup> Daniels TJ. “A study of dog bites on the Navajo reservation,” Public Health Rep. 1986 Jan-Feb;101(1):50-9. PMID: 3080791; PMCID: PMC1477646, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1477646/pdf/pubhealthrep00185-0052.pdf>.

Between 1991 and 1998 IHS studied dog bite related injuries on the Rosebud Reservation in South Dakota.<sup>48</sup> Hospital emergency room logs identified 396 total animal bite cases, of which 346 were dog bites.<sup>49</sup> Rosebud IHS calculated that rate of dog bite injury as being 431 per 100,000<sup>50</sup>, which is nearly three times the national average of dog bites (129.3 per 100,000 ) that the Centers for Disease Control (CDC) reported in 2001<sup>51</sup>.

Relatedly, researchers at CDC conducted a study to examine dog bites among AI/AN children visiting IHS and tribal health facilities between 2001 and 2008.<sup>52</sup> CDC found that the average annual dog bite hospitalization rate among Native children in Alaska and the Southwest was about double the rate for other children in the United States.<sup>53</sup>

The CDC concluded, “Dog bites represent a significant public health threat in AI/AN children in the Alaska, the Southwest, and Northern Plains West regions of the US. Enhanced animal management and education efforts should reduce dog bite injuries and associated problems with pets and stray dogs, such as emerging infectious diseases.”<sup>54</sup>

- Rabies Vaccinations

IHS has developed a lay vaccinator program to improve delivery of rabies vaccines within tribal communities that otherwise lack access to veterinary services.<sup>55</sup> Tribal employees and IHS Division of Environmental Health Service employees are eligible to become lay vaccinators if they have a sponsor to provide them with technical guidance and have completed the online training program.

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<sup>48</sup> Tina Russell, “Man’s Best Friend: Dog Bite Related Injuries on the Rosebud Reservation 1991 – 1998,” *The IHS Care Provider*, Volume 26, Number 3, March 2001:33-41, [https://www.ihs.gov/sites/provider/themes/responsive2017/display\\_objects/documents/2000\\_2009/PROV0301.pdf](https://www.ihs.gov/sites/provider/themes/responsive2017/display_objects/documents/2000_2009/PROV0301.pdf).

<sup>49</sup> Russell, “Man’s Best Friend,”34.

<sup>50</sup> Ibid.

<sup>51</sup> Centers for Disease Control and Prevention. [Nonfatal Dog Bite-Related Injuries Treated in Hospital Emergency Departments— United States 2021]. MMWR 2003;52: 605, <https://www.cdc.gov/mmwr/pdf/wk/mm5226.pdf> .

<sup>52</sup> Bjork A; Holman RC; Callinan LC; Hennessy TW; Cheek, JE; McQuiston JH, “Dog Bite Injuries among American Indian and Alaska Native Children,” *The Journal of Pediatrics*, Volume 162, Issue 6 (2013): 1270-1275, [https://www.jpeds.com/article/S0022-3476\(12\)01421-7/abstract](https://www.jpeds.com/article/S0022-3476(12)01421-7/abstract).

<sup>53</sup> Ibid.

<sup>54</sup> Ibid.

<sup>55</sup> Debra Grabowski, “Indian Health Service Albuquerque Area Lay Vaccinator” powerpoint, <https://www.nihb.org/docs/07182018/NIHB%20June%202018/Indian%20Health%20Service%20Albuquerque%20Area%20Lay%20Vaccinator%20Program.pdf>

- Animal Management Program Development

In September 2016, the Albuquerque Area IHS published a guide for tribes that recommended options for animal enforcement and management, noting “Animal management is not meant to decrease the animal population or punish owners for their animals, it is meant to manage the current population and create programs for sick/unwanted animals.”<sup>56</sup>

**The sovereign right of tribal governments to decide what is best for them**

Animal welfare represents the opportunity for tribes to develop their self-governance capacity. It is a chance for them to create systems that reflect their priorities and traditions, which is every tribe’s sovereign right. The manifestation of tribal sovereignty necessarily changes to keep up with the needs of tribal members but tribal sovereignty itself is the stuff of legal bedrock. Chief Justice John Marshall famously articulated the principle that Native American tribes are sovereigns because their existence as governments predates the existence of the United States as a government, which is why the U.S. Constitution’s Commerce Clause establishes the regulatory relationship between Native American tribes and the federal government.<sup>57</sup>

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<sup>56</sup> Atisha Morrison, 2014, “Animal Control Program Development Guide Options for Enforcement and Management in Tribal Communities,” Albuquerque Area Indian Health Service Division of Environmental Health Services, [https://nativeamericahumane.org/wp-content/uploads/2023/10/animal\\_control\\_program\\_development\\_guide.pdf](https://nativeamericahumane.org/wp-content/uploads/2023/10/animal_control_program_development_guide.pdf).

<sup>57</sup> Article 1, Section 8, Clause 3

**Part Three**  
**What Are The Costs of Doing Nothing?**  
**or**  
**Allowing preventable harms to persistently afflict tribal communities.**

**When you see preventable diseases, injuries and deaths involving tribal families and “rez dogs” you are seeing institutional disfunction becoming a culture of despair.**

**The risk of exposure to zoonotic diseases**

“Get Healthy, Get a Dog,” is the title of a Harvard Medical School Special Report that explores a growing body of research about the health benefits of owning a dog. “Dog owners have lower blood pressure and healthier cholesterol levels, and a lower risk of heart disease, than non-owners. There are also many psychological benefits... Dog owners are less prone to bouts of loneliness, anxiety, and depression... it encourages you to practice mindfulness — being in the present moment and fully appreciating life.”<sup>58</sup> Tribes have long understood this, honoring dogs through sacred ceremonies, stories and song.

But the interconnectedness of humans and animals also includes the transmission of illnesses called zoonotic diseases for which tribal communities are especially vulnerable. Dogs can carry and transmit several viral and bacterial diseases to humans through infected saliva, aerosols, contaminated urine or feces and direct contact.<sup>59</sup> Though the risks of such infection are generally low (especially among pet dogs) feral dogs are at particular risk of becoming vectors for diseases.<sup>60</sup>

In Arizona, Rocky Mountain Spotted Fever (RMSF) is primarily spread by feral dogs infested by the common brown dog tick. From 2002 to 2004, an RMSF outbreak within one eastern Arizona tribal community resulted in 15 hospitalizations and 2 deaths. According to a 2015 CDC Report, “More than 300 cases of RMSF and 20 deaths have

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<sup>58</sup> Harvard Health Publishing, Harvard Medical School, <https://www.health.harvard.edu/promotions/harvard-health-publications/get-healthy-get-a-dog-the-health-benefits-of-canine-companionship>.

<sup>59</sup> I Ghasemzadeh, SH Namazi, “Review of bacterial and viral zoonotic infections transmitted by dogs,” J Med Life. 2015;8(Spec Iss 4):1-5. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5319273/>

<sup>60</sup> David Bergman, David; Breck, Stewart W.; and Bender, Scott, "Dogs Gone Wild: Feral Dog Damage in the United States" (2009). USDA National Wildlife Research Center - Staff Publications. 862. [https://www.researchgate.net/publication/259361083\\_Dogs\\_Gone\\_Wild\\_Feral\\_Dog\\_Damage\\_in\\_the\\_United\\_States](https://www.researchgate.net/publication/259361083_Dogs_Gone_Wild_Feral_Dog_Damage_in_the_United_States)



occurred on Arizona Indian reservations between 2002 and 2014, illustrating the severity of the epidemic.”<sup>61</sup>

Rabies is another zoonotic disease for which tribal communities are at risk, particularly Alaska Native Villages, where rabies is endemic in certain wildlife that are threats to domesticated dogs who have limited, if any, access to veterinary care. The high risk of domesticated dogs being exposed to rabies through encounters with arctic and red foxes, coupled the low chance of those same dogs being vaccinated against rabies, leads to increased prevalence of human exposure to rabies from dog bites.

## **The risks of physical and mental trauma from dog bites**

### Physical Injuries

Fatal dog bite cases tend to grab headlines wherever they happen but a review of major dog bite studies over the past four decades found that the majority of dog bite cases throughout the United States are likely never reported.<sup>62</sup> According to one study, only about 17% of dog bite cases are reported; roughly the same amount of victims seek medical attention.<sup>63</sup>

A three year study of new dog bite–related injury visits to emergency departments throughout the United States found that approximately 914 new dog bite injuries show up in emergency departments every day<sup>64</sup> (it is highly unlikely these numbers include visits to tribal health care emergency departments). This study found that the median age of dog bite patients was 15 years old, with 5 to 9 year old boys being most represented, and that children seen in emergency departments were more than twice as likely as older persons to be bitten on the face, neck, and head (73% vs 30%).<sup>65</sup>

The previously mentioned CDC study of dog bite injuries among AI/AN children found nearly the same thing: “The hospitalization rate was highest in both AI/AN and US males aged <5 years, and outpatient visit rates were highest in AI/AN males aged 5-9

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<sup>61</sup> IHS Public Affairs, “Prevention and early treatment of RMSF in Arizona may save millions by preventing premature death and disability— Several Arizona American Indian communities severely impacted by outbreak, CDC/IHS study finds” June 18, 2015, [https://archive.cdc.gov/www\\_cdc\\_gov/media/releases/2015/p0619-RMSF.html](https://archive.cdc.gov/www_cdc_gov/media/releases/2015/p0619-RMSF.html).

<sup>62</sup> Overall KL, Love M, “Dog bites to humans—demography, epidemiology, injury, and risk,” Vet Med Today: Special Report, JAVMA, Vol 218, No. 12, June 15, 2001, <https://avmajournals.avma.org/view/journals/javma/218/12/javma.2001.218.1923.xml>.

<sup>63</sup> Sacks JJ, Kresnow M, Houston B, “Dog bites: how big a problem?” Injury Prev 1996;2:52–54, <https://www.dogsbite.org/pdf/1996-dog-bites-how-big-problem.pdf>

<sup>64</sup> Weiss HB, Friedman DI, Coben JH, “Incidence of dog bite injuries treated in emergency departments,” JAMA 1998;279:51–53. <https://jamanetwork.com/journals/jama/fullarticle/185836>

<sup>65</sup> Ibid.

years.”<sup>66</sup> The CDC also noted, “Open wounds diagnoses were most commonly seen on the head, neck, and face in hospitalized children (45.5% of open wounds in AI/AN children, 59.3% in US children; SE, 1.0%) and on the leg in AI/AN outpatients (35.6%).”<sup>67</sup>

### Mental Injuries

There are not many studies on the psychological burden of dog bites, but one behavioral study of 34 pediatric dog bite victims found that more than 70% of parents of bite victims were concerned about new concerning behavior in their children after they were bitten.<sup>68</sup> More than 85% of those same parents mentioned concerns about their own reactions to the bite event.<sup>69</sup> Another study found that nearly half of children who were dog bite victims had symptoms of Post Traumatic Stress Disorder.<sup>70</sup>

Ben Davidson, who was in the second grade when he was attacked by a dog, wrote an essay published by the Children’s Hospital of Pittsburgh intended to serve as a guide for families in the aftermath of child dog attacks.<sup>71</sup> Describing how a dog attack can change your life, Ben explains:

“The attack can create an entire set of injuries that are not so easily seen, especially in the immediate aftermath. These injuries are psychological and can be found in the way that you think, feel and deal with other people, and the way they deal with you.”

“Following the dog attack there are a whole set of reactions that can suddenly seem to be at the center of your life, including:

- Fear of animals, especially dogs
- Nightmares, which may or may not involve the attack (and may also repeat)
- Change of appetite and gain/loss of weight
- Difficulty sleeping
- Speech defects, such as stuttering
- Other fears or phobias, such as fear of going outside or meeting people
- Changes in your personality
- Outbursts of anger, sadness or crying for no apparent reason”

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<sup>66</sup> Bjork A et al, Supra.

<sup>67</sup> Ibid.

<sup>68</sup>Boat BW, Dixon CA, Pearl E, et al., “Pediatric dog bite victims: a need for a continuum of care,” Clin Pediatr 2012;51:473–7. 10.1177/0009922811435504, <https://pubmed.ncbi.nlm.nih.gov/22294754/>.

<sup>69</sup> Ibid.

<sup>70</sup> P Vincent, Sottiaux M, Appelboom J, Kahn A, “Post traumatic stress disorder after dog bites in children,” The Journal of Pediatrics, VOLUME 144, ISSUE 1, P121-122, JANUARY 2004 [https://www.jpeds.com/article/S0022-3476\(03\)00716-9/abstract](https://www.jpeds.com/article/S0022-3476(03)00716-9/abstract).

<sup>71</sup> Ben Davidson, “The Aftermath of Child Dog Attacks: A Guide For Family, Friends and Victims,” <https://www.chp.edu/injury-prevention/safety/home-and-yard/dog-bites/aftermath>

## **The psychological trauma of witnessing animal cruelty**

Though no studies have yet been done to collect quantitative or qualitative data about acts of violence committed against dogs on Indian reservations, its prevalence is likely for at least two reasons:

1. Domestic violence<sup>72</sup> occurs in nearly half of all Native American homes and domestic violence is known to co-occur with animal abuse; and
2. Animal rescue organizations who work within tribal communities regularly share stories and photographs with each other of dogs who have been beaten, shot, cut and otherwise abused.

A growing body of international research concurs that there is a dynamic relationship between inter-family abuse and animal abuse. Animal abuse is not distinct from domestic violence. It is domestic violence:

- 71% of battered women reported that their batterers had harmed, killed or threatened their animals;
- 87% of animal abuse incidents occurred in the presence of the woman; and
- 75% occurred in the presence of their children.<sup>73</sup>

What happens to those children? A growing body of research finds that children who are regularly exposed to acts of violence against pets are traumatized, often for life.

A recent study found that such children who witnessed animal abuse were 3.6 times more likely to “be struggling” and 5.72 were more likely to “be suffering severe

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<sup>72</sup> “Although the exact number of victimizations per person is unknown, it is clear that most American Indian and Alaska Native victims have experienced at least one act of violence committed by an interracial perpetrator (97 percent of women and 90 percent of men). Fewer victims (35 percent of women and 33 percent of men) have experienced one or more act of violence by an American Indian or Alaska Native perpetrator.

This finding offers strong support for the sovereign right of federally recognized tribes to criminally prosecute non-Indian perpetrators. Until recently, federally recognized tribes did not have this authority, even for crimes committed on tribal lands. This gap in jurisdictional authority provided immunity to non-Indian perpetrators and compromised the safety of tribal communities. The Violence Against Women Reauthorization Act of 2013 partially corrected this problem by providing special domestic violence criminal jurisdiction to federally recognized tribes. But more progress can be made to provide justice for American Indian and Alaska Native victims.”

Rosay, André B., *Violence Against American Indian and Alaska Native Women and Men: 2010 Findings from the National Intimate Partner and Sexual Violence Survey*. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2016, NCJ 249736, page 5.

<sup>73</sup> Ascione, F. R., Weber, C. V., & Wood, D. S. (1997). The abuse of animals and domestic violence: A national survey of shelters for women who are battered. *Society & Animals: Journal of Human-Animal Studies*, 5(3), 205–218. <https://doi.org/10.1163/156853097X00132>

problems” than those who did not.<sup>74</sup> Identifying such children in tribal communities could be an important opportunity for intervention. The study’s lead author says, “Questions about animals in the household can be easily integrated into intake and assessment procedures in a variety of settings (e.g., child protective services, schools, mental health clinics, crisis hotlines, domestic violence shelters) in order to expand the ecological lens from which practitioners approach working with family systems.”<sup>75</sup> Doing so could throw a lifeline to children witnesses of animal cruelty who have been found to be significantly more at risk of committing adolescent or adult interpersonal violence and violent attacks against animals.<sup>76</sup>

### **The missed opportunity of preventing and prosecuting violent crimes**

Law enforcement experts consider animal cruelty a “gateway crime.”<sup>77</sup> It can serve as a precursor to more violent crimes, as a co-occurring crime to other types of offenses, and as an interrelated crime to offenses such as domestic violence and elder abuse.

In 2015, the National Sheriff’s Association Animal Cruelty Advisory Group (comprised of law enforcement, prosecutors, judges, and animal welfare advocates) determined, among other things, that:

- Animal abuse and cruelty is serious and often a precursor to other crimes such as assaults, domestic violence, and homicide; and
- Animal abuse is often a window into the home, and awareness of animal abuse may prevent other crimes<sup>78</sup>.

“If somebody is harming an animal, there is a good chance they also are hurting a human,” says John Thompson, deputy executive director of the National Sheriffs’

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<sup>74</sup> McDonald, S.E., Graham-Bermann, S.A., Maternick, A. *et al.* Patterns of Adjustment among Children Exposed to Intimate Partner Violence: a Person-Centered Approach. *Journ Child Adol Trauma* **9**, 137–152 (2016). [https://www.researchgate.net/publication/291949674\\_Patterns\\_of\\_Adjustment\\_among\\_Children\\_Exposed\\_to\\_Intimate\\_Partner\\_Violence\\_a\\_Person-Centered\\_Approach](https://www.researchgate.net/publication/291949674_Patterns_of_Adjustment_among_Children_Exposed_to_Intimate_Partner_Violence_a_Person-Centered_Approach)

<sup>75</sup> Zazie Todd, “The Effects of Seeing Animal Abuse on Children’s Mental Health,” *Companion Animal Psychology*, March 16, 2016, <https://www.companionanimalpsychology.com/2016/03/the-effects-of-seeing-animal-abuse-on.html>

<sup>76</sup> DeGue S, DeLillo D, “Is Animal Cruelty a ‘Red Flag’ for Family Violence?: Investigating Co-Occurring Violence Toward Children, Partners, and Pets,” July 2008, *Journal of Interpersonal Violence* **24**(6): 1036–56, [https://www.researchgate.net/publication/5312044\\_Is\\_Animal\\_Cruelty\\_a\\_Red\\_Flag\\_for\\_Family\\_Violence\\_Investigating\\_Co-Occurring\\_Violence\\_Toward\\_Children\\_Partners\\_and\\_Pets](https://www.researchgate.net/publication/5312044_Is_Animal_Cruelty_a_Red_Flag_for_Family_Violence_Investigating_Co-Occurring_Violence_Toward_Children_Partners_and_Pets).

<sup>77</sup> National Sheriffs’ Association. 2018. *Animal Cruelty as a Gateway Crime*. Washington, DC: Office of Community Oriented Policing Services, [https://www.sheriffs.org/publications/e071818886AnimalCruelty\\_v10\\_508.pdf](https://www.sheriffs.org/publications/e071818886AnimalCruelty_v10_508.pdf).

<sup>78</sup> *Ibid* at ix.

Association. “If we see patterns of animal abuse, the odds are that something else is going on.”<sup>79</sup>

On January 1, 2006, the FBI began collecting detailed information from participating law enforcement agencies about acts of cruelty against animals for inclusion in the FBI’s National Incident-Based Reporting System<sup>80</sup>. Animal cruelty cases, including gross neglect, torture, organized abuse, and sexual abuse, are now counted alongside felony crimes like arson, burglary, assault, and homicide. This inclusion helps the FBI learn more about the correlation between animal cruelty cases and other crimes. Their hope is identify offenders early before they progress to more serious crimes<sup>81</sup>.

It is estimated that animal abusers are five times more likely than non-animal abusers to commit violent crimes against people, four times more likely to commit property crimes, and three times more likely to have a record for drug or disorderly conduct offenses.<sup>82</sup>

Some tribes have ordinances against animal cruelty but few tribes have the resources to enforce them. This deprives tribes of the ability to use their law enforcement jurisdiction to enforce animal cruelty in order to prevent and prosecute more major crimes.

Tribal criminal jurisdiction is well established in federal law but less so in practice because of the unwillingness of federal law enforcement to collaborate with tribal law enforcement. Federal bias against tribal systems of justice is not new. It is the very basis of the Major Crimes Act. In 1885, Congress gave the United States jurisdiction over seven crimes committed by Native Americans on tribal lands.<sup>83</sup> Congress believed that tribal methods of justice were inadequate.

Ironically, federal law enforcement today deprives many tribal victims of crime their opportunity for justice. In May 2022, the Navajo Nation Office of the Chief Prosecutor (OCP) began an analysis of all of the cases of alleged Major Crimes committed on the

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<sup>79</sup> FBI News, “Tracking Animal Cruelty FBI Collecting Data on Crimes Against Animals,” February 1, 2016, <https://www.fbi.gov/news/stories/-tracking-animal-cruelty>.

<sup>80</sup> Sue Manning, “FBI gets serious about animal cruelty,” <https://nbc24.com/news/nation-world/fbi-gets-serious-about-animal-cruelty-07-20-2015-045311377>

<sup>81</sup> Ibid.

<sup>82</sup> Arluke, A., Levin, J., Luke, C., & Ascione, F. (1999). The relationship of animal abuse to violence and other forms of antisocial behavior. *Journal of Interpersonal Violence*, 14(9), 963–975, <https://journals.sagepub.com/doi/10.1177/088626099014009004>.

<sup>83</sup> 18 U.S.C. § 1153 grants jurisdiction to federal courts, exclusive of the states, over Indians who commit any of the listed offenses: murder, manslaughter, kidnapping, maiming, assault, child abuse or neglect, arson, burglary, robbery; regardless of whether the victim is an Indian or non-Indian. Prior to 1885, such offenses were tried in tribal courts.

Navajo Nation that the United States Attorney Offices' (USAO) in Arizona, New Mexico, and Utah declined to prosecute (the Navajo Nation is located within Arizona, Utah and New Mexico).<sup>84</sup>

This analysis of 231 cases (between 2019 and 2022) found that the most alleged offense that the USAOs declined to prosecute was child sexual assault or abuse (32.5% of all cases; 75 out of 231 cases)<sup>85</sup>. The second-most common type of alleged offense not prosecuted was homicide (21.6% of all cases; 50 out 231 cases).<sup>86</sup> Together, they represented the majority of offenses declined for federal prosecution (54% of all cases; 125 out of 231 cases).<sup>87</sup> The most common reason for such declination was insufficient evidence (47.6% of the time)<sup>88</sup> and the second most common reason was lack of confidence in a conviction ((28.6% of the time).<sup>89</sup>

These findings are illuminative for all of Indian Country because there is nothing about the USAO in Arizona, Utah or New Mexico that makes them uniquely different from every other USAO tasked with providing justice to the victim and/or their families.

Animal cruelty cases represent a unique opportunity to improve evidence collection to prosecute the most serious violence offenses. Their investigation and prosecution could establish a pattern of relevant conduct that prosecutors (either federal or tribal) could later use to prosecute cases of violent crimes of violence against humans, including child sexual assault. It is worth noting that children who are unable or reluctant to describe the sexual violence committed against them, especially if it is incestuous, are more likely to describe the violence committed against their family pet.

But investigation of animal cruelty cases require that the full suite of tribal law enforcement, from responding officers to prosecutors, understand the significance of animal abuse and the role that non-traditional allies like animal rescue organizations can play in tribal public safety. This is well beyond the reach of most tribes today because of the near absence of animal welfare infrastructure and their lack of understanding of the connection between animal abuse and crimes against people.

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<sup>84</sup> Federal Declination of Prosecution of Major Crimes Within the Navajo Nation. A Comprehensive Analysis of 271 Federally Declined Cases from 2019 to 2022, Submitted by Vernon L. Jackson, Sr., Chief Prosecutor, Navajo Nation and Kevin C Barnett, Prosecutor Major Crimes Unit Navajo Nation May 2023, Final Report.

<sup>85</sup> Ibid at 4.

<sup>86</sup> Ibid.

<sup>87</sup> Ibid at 5.

<sup>88</sup> Ibid at 8.

<sup>89</sup> Ibid.

However, innovative tribal programs<sup>90</sup> that are leading the way to prevent domestic violence can serve as role models for creating new partnerships within tribal government programs and community organizations that can prevent domestic abuse by preventing animal abuse.

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<sup>90</sup> <https://www.ihs.gov/newsroom/ihs-blog/october-2024-blogs/tribal-programs-leading-the-way-to-prevent-domestic-violence/>

**Part Four**  
**What Are The Costs of Continuing To Do The Same Old Thing?**  
**or**  
**Allowing public health and safety emergencies to become status quo**

**When you see dog bite victims on Indian reservations you are seeing the traumatic consequence of the institutional devaluation of American Indian lives.**

**Culling increases dog populations and risks zoonotic diseases**

Though it may seem counter intuitive, culling increases dog populations because dogs, like many canids, will compensate for the removal of adult dogs by having larger litters and higher puppy survival rates. In one international study culling only decreased dog populations by 13% compared to fertility management that decreased dog populations by 75%.<sup>91</sup> Worse yet, culling can increase the risk of zoonotic diseases such as rabies because culling leads to a younger population of dogs that are more susceptible to infectious disease.<sup>92</sup> Science tells us what those who are paid to kill dogs do not want to hear: culling does not work.

**Culling causes PTSD-like symptoms among front line workers**

Culling can be traumatic for those who must do the killing. International research of the effect that culling can have on workers' mental health found that killing animals for a living can cause depression and post-traumatic stress disorder (PTSD) symptoms.<sup>93</sup> Workers describe experiencing emotional exhaustion, hopelessness, fatigue, anger, and burnout.<sup>94</sup> Research shows that frontline workers may feel morally compromised and ultimately wind up suffering from compassion fatigue.<sup>95</sup>

Unfortunately, no research has been done on the extent to which tribal animal management officers suffer mental distress from having to participate in mass dog kills.

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<sup>91</sup>Smith LM, Hartmann S, Munteanu AM, Dalla Villa P, Quinnell RJ, Collins LM. The Effectiveness of Dog Population Management: A Systematic Review. *Animals (Basel)*. 2019 Nov 22;9(12):1020. doi: 10.3390/ani9121020. PMID: 31766746; PMCID: PMC6940938, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6940938/>.

<sup>92</sup> Nunes, C.M., et al. (2008), Dog culling and replacement in an area endemic for visceral leishmaniasis in Brazil. *Vet Parasitol*, 2008. 153(1-2): p. 19-23. <https://pubmed.ncbi.nlm.nih.gov/18314275/>

<sup>93</sup> Park, Hyomin, Myung Sun Chun, and Yunjeong Joo. 2020. "Traumatic Stress of Frontline Workers in Culling Livestock Animals in South Korea" *Animals* 10, no. 10: 1920. <https://doi.org/10.3390/ani10101920>.

<sup>94</sup> Rank, M. G., Zapanick, T. L., & Gentry, J. E. (2009). Nonhuman-animal care compassion fatigue: Training as treatment. *Best Practices in Mental Health: An International Journal*, 5(2), 40–61, <https://psycnet.apa.org/record/2010-25108-004>.

<sup>95</sup> Rohlif V.I. Interventions for occupational stress and compassion fatigue in animal care professionals— A systematic review. *Traumatology*. 2018;24:186: <https://psycnet.apa.org/record/2018-09296-001>



Even without such studies, however, it is easy to imagine that such behavior could cause inner turmoil if killing dogs conflicts with a tribal animal control officer's traditional culture. After all, the incidence of PTSD among animal shelter employees who must perform euthanasia has been found to be five times higher than the national average.<sup>96</sup>

The incidence of overall PTSD within tribal cultures is already high. According to the U.S. National Epidemiological Survey on Alcohol and Related Conditions, AI/AN men disproportionately suffer from lifetime PTSD and alcohol use at a rate nearly three times as high as non-Hispanic White men (9.5% compared to 23.1%).<sup>97</sup> Native women similarly suffer disproportionately from PTSD and alcohol use at a rate more than twice as high as non-Hispanic White women (4.3% v. 1.8%).<sup>98</sup> How might killing dogs for a living impact these numbers?

### **Dog bite treatment diverts limited IHS funding from much needed primary care**

Tribal health care facilities throughout Indian Country (370 health centers, 46 hospitals and 146 Alaska Village clinics) struggle to stretch their funding to the end of each fiscal year to meet patient need. A common example of gallows humor in Indian Country is: "Don't get sick after May 'cause IHS money will be all gone." This is not surprising when you consider that in 2016 the federal government spent \$8,602 per capita on health care for federal inmates but only \$2,843 per patient within the Indian Health Service<sup>99</sup>.

In 2017, the Government Accountability Office found that IHS patients received the least amount of health care funding per capita of all federal health care patients<sup>100</sup>. The United States spent \$13,1285 per capita for Medicare patients, \$10,692 for Veteran

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<sup>96</sup> Andrukonis A, Hall NJ, Protopopova A. The Impact of Caring and Killing on Physiological and Psychometric Measures of Stress in Animal Shelter Employees: A Pilot Study. *Int J Environ Res Public Health*. 2020 Dec 9;17(24):9196. doi: 10.3390/ijerph17249196. PMID: 33317016; PMCID: PMC7764342, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7764342/>.

<sup>97</sup> Emerson M; Moore R; and Caetano R, "Association between lifetime posttraumatic stress disorder and past year Alcohol Use Disorder among American Indians/Alaska Natives and non-Hispanic Whites," *Alcohol Clin Exp Res*. 2017 Mar; 41(3): 576–584, <https://onlinelibrary.wiley.com/doi/10.1111/acer.13322>

<sup>98</sup> Ibid.

<sup>99</sup> Matthew L.M. Fletcher, "Fed Up With Deaths, Native Americans Want to Run Their Own Health Care," *New York Times*, October 16, 2019. <https://www.nytimes.com/2019/10/15/us/politics/native-americans-health-care.html>

<sup>100</sup> Government Accountability Office, "Indian Health Service: Spending Levels and Characteristics of IHS and Three Other Federal Health Care Programs," GAO 19-74R, 2018, <https://www.gao.gov/assets/gao-19-74r.pdf>.

Administration patients and \$8,109 for Medicaid patients.<sup>101</sup> That \$4,078 per capita for Native patients includes contributions from Medicaid, Medicare and private insurance.

IHS funds spent on dog bites deplete the limited funds available for other primary health care needs. Dog bite costs within the IHS system are well known and significant. In 2001, IHS reported that between 1991 and 1998 there were 346 dog bite cases identified on the Rosebud Reservation at a cost of about \$21,000 each, or \$7,266,000 total<sup>102</sup>. Inflation alone has roughly doubled the cost of medical care since then. In 2024 those same 346 dog bite cases would cost the IHS Rosebud Service Unit about \$43,000 each or \$15 million total.

Less than one in five dog bite incidents results in injury serious enough to require a trip to emergency departments<sup>103</sup>, but those cases that do often involve bites to children's heads, faces and neck and adult's limbs<sup>104</sup>. A series of rabies vaccinations are required if the status of the dog(s) rabies vaccinations is unknown. There are no studies of the total number of dog bite cases annually treated by facilities within the IHS system but some snapshots from a couple of tribal nations provide clues about the scope of the problem:

- San Carlos Apache Tribe: The San Carlos Bylas Community Health Center treats on average 50 dog bite injuries per year.<sup>105</sup>
- Navajo Nation: According to Navajo Nation Animal Management, there are over 3,000 individuals treated each year at hospitals and clinics for animal attacks and bites.<sup>106</sup>
- Northern Arapahoe and Eastern Shoshone Tribes: Over 250 dog bite cases on the Wind River Reservation are seen each year at tribal health care facilities, where just one dose of anti-rabies vaccination costs about \$2,400. Five doses are required, costing the IHS service area for the Eastern Shoshone and Northern Arapahoe \$600,000 annually.<sup>107</sup>

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<sup>101</sup> Ibid at 4.

<sup>102</sup> Russell at 34.

<sup>103</sup> Overall, Love at 1923.

<sup>104</sup> Bork, A, et al, Supra.

<sup>105</sup> Beatrice Lucero, "Dog bites are serious business on the reservation," Eastern Arizona Courier, August 29, 2014, [https://www.eacourier.com/news/dog-bites-are-serious-business-on-the-reservation/article\\_9536cdcc-2d68-11e4-b476-001a4bcf887a.html](https://www.eacourier.com/news/dog-bites-are-serious-business-on-the-reservation/article_9536cdcc-2d68-11e4-b476-001a4bcf887a.html).

<sup>106</sup> Navajo Nation Animal Control Website, [https://www.nndfw.org/nnac\\_plea.htm](https://www.nndfw.org/nnac_plea.htm)

<sup>107</sup> McFarland.

**Native Families can't exercise as much as they want — even to manage diabetes — because they fear being bitten by free roaming dogs if they go outside.**

*"I used to be an avid outside walker... But as far as recreational activities— being able to walk and having that freedom of your community — I see the dogs as being difficult."*

*— Tribal Member of Mandan, Hidatsa, and Arikara Nation<sup>108</sup>*

Very little study has been done of Native people's perspectives about the challenges that rez dogs present to their daily lives. One pioneering study sought to "document the cultural significance of rez dogs, challenges related to rez dogs, and community-specific solutions for rez dog issues affecting community health and safety from members of the Mandan, Hidatsa, and Arikara (MHA) Nation."<sup>109</sup> These interviews reveal that tribal members are so afraid of being attacked by free roaming dogs that many will not go outside to walk, run, garden or enjoy their favorite physical activities. Press stories about yet another rez dog attack in Indian Country validate their fear.<sup>110</sup>

Unfortunately, that fear of going outside to engage in physical activities contributes to another lurking danger in tribal communities: diabetes. AI/AN adults are almost three times more likely than non-Hispanic white adults to be diagnosed with diabetes.<sup>111</sup> A systematic review of 89 studies about the physical activity levels of AI/ANs found that only 9% of individuals were as active as is recommended.<sup>112</sup> Fear of free roaming dogs does not help.

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<sup>108</sup> Cardona, Alexandra, Sloane M. Hawes, Jeannine Cull, Katherine Connolly, Kaleigh M. O'Reilly, Liana R. Moss, Sarah M. Bexell, Michael Yellow Bird, and Kevin N. Morris. 2023. "Mandan, Hidatsa, and Arikara Nation Perspectives on Rez Dogs on the Fort Berthold Reservation in North Dakota, U.S.A." <https://www.mdpi.com/2076-2615/13/8/1422#:~:text=The%20interview%20participants%20had%20various,negative%20issue%20for%20the%20community>

<sup>109</sup> Ibid at 1.

<sup>110</sup> For example, please see news article by Tuba City Chapter staff, Special to Navajo Hopi Observer: "Aggressive dogs, attacks a growing concern on Navajo Nation," July 13, 2021, [https://www.nhnews.com/news/aggressive-dogs-attacks-a-growing-concern-on-navajo-nation/article\\_3d9e1b2a-146c-5529-a4b2-1c394f61f456.html](https://www.nhnews.com/news/aggressive-dogs-attacks-a-growing-concern-on-navajo-nation/article_3d9e1b2a-146c-5529-a4b2-1c394f61f456.html).

<sup>111</sup> U.S. Department of Health and Human Services Office of Minority Health, "Diabetes and American Indians/Alaska Natives," <https://minorityhealth.hhs.gov/diabetes-and-american-indiansalaska-natives>

<sup>112</sup> Foulds H.J., Warburton D.E., Bredin S.S. "A systematic review of physical activity levels in native American populations in Canada and the United States in the last 50 years. *Obes. Rev.* 2013;14:593–603. doi: 10.1111/obr.12032," <https://onlinelibrary.wiley.com/doi/abs/10.1111/obr.12032>.

## Part Five

### What Can Tribes Do to Determine What Kind of Help Is Right For Them?

or

Do not simply copy what non-tribal jurisdictions are doing just to “do something”

**When you see tribal animal control ordinances you are usually seeing boiler plate language cooked up in non-tribal communities.**

**Invite traditional knowledge keepers to share their wisdom about the tribe’s traditional relationship with dogs before colonization.**

It is important for all peoples to know who they once were to understand who they are now. Such information is vital to creating sustainable solutions. Tribal plans for animal management should align with tribal cultural norms. Reimagining how “rez dogs” should be treated within their communities offers tribes the opportunity to reclaim cultural traditions and norms that colonization may have compromised or destroyed.

Dr. Michael Yellow Bird, dean of social work at the University of Manitoba and member of the MHA Nation in North Dakota asserts “The condition of dogs in our communities is a reflection of us.” Dr. Yellow Bird was among the team of researchers who studied how Mandan, Hidatsa and Arikara tribal members feel about dogs today:

“Throughout the interviews, participants discussed rez dogs’ role in cultural ceremonies and stories. One tribal member emphasized ‘We have origins that include the dog. There were songs for it.’ Another tribal member shared ‘I believe we used the dog in ceremony [ . . . ] They revived some of our Sun Dances with the Mandan/Hidatsa/Arikara people.’ For the MHA Nation, dogs are a living symbol of courage, loyalty, perseverance, protection, and wisdom.”

The MHA study found that the impact of colonization had profound impacts on the relationship between MHA tribal members and dogs. One participant said, “You’re talking about serious culture disruption. Animals, dogs, people, culture. All that sort of stuff, relationships break down.”

Essentially, genocide took its toll on tribal dogs. The policies of the United States that encouraged settlers to hunt bison to extinction (the main food source of the MHA), that allowed small pox to perpetrate a near massacre of the MHA, that flooded one fourth of this farming tribes’ reservation land (its most fertile bottomlands) to build the Garrison Dam on the Missouri River, detrimentally effected their dogs too. One tribal member explained, “The dogs got set aside.”

Such losses should be acknowledged and dealt with when reconfiguring a tribal relationship with dogs now because dogs are part of a tribe’s history and new policies should be contextualized accordingly. Tribal story keepers are essential to that effort.

Medicine people, historic preservation experts, artists, academics — anyone whom the tribe trusts with its cultural and historic knowledge — should be included in the conversation about how to make tribal animal care and management systems consistent with tribal tradition.

**Conduct community assessments to understand tribal members' experiences with dogs and what they want dog management to look like in their communities.**

Best intentions to solve dog problems in tribal communities are often ineffective and unsustainable because such efforts tend to overlook how families feel about their dogs, and what they want to see happen in their communities as that relates to dogs. This is a mistake made by both non-tribal animal rescue organizations and tribal officials. We are all so focussed on coming up with right answers — especially when every day feels like a crisis — that we forget to slow down to make sure we are addressing the right questions.

A community assessment is the place to begin before doing anything else (please see Appendix). It is essential to ask tribal members their own perspectives on dogs. What are their experiences, observations, resources and needs? A tribal community assessment will enable decision makers to learn if the assumptions upon which they are basing decisions are correct. Conducting a tribal community assessment is the first step towards helping tribes develop their own appropriate and sustainable method to provide for the health and safety of the two legged and four legged members of their communities.

**Map tribal resources to innovate animal care and management systems that are appropriate, practical and feasible for a tribe to implement.**

Few tribes have their own animal control departments, much less animal shelters or veterinarians, because the federal programs responsible for funding tribal services do not fund animal welfare. So how can tribes begin to develop the animal care and management infrastructure they need and want? Tribes themselves should lead this inquiry because they are the experts who know what works best for them, and why.

Animal welfare represents a new opportunity for tribes to exercise their sovereignty by creating the civil and criminal laws necessary to address human and animal suffering that the federal government neglects.

In the meantime, tribes should shift their focus from what they lack to what they have. While it is true that tribes do not have the basic animal management programs that most other communities take for granted, they also do not have to dismantle those same programs that the animal welfare movement has discovered don't work elsewhere. Tribes are free to find their own path forward to innovative approaches that work best for them. An asset-based approach will require tribes to engage with multiple sectors within their communities to explore how everyone can contribute to help improve the health and safety of people and dogs on their reservation.

*“The impossible only becomes accessible when experience has not taught us limits.”*

— Rick Rubin<sup>113</sup>

Tribal based asset mapping can involve creating a literal map of facilities, subject matter experts, elected leaders, community groups, and organizations that have resources to share. Likely stakeholders include community members and tribal professionals from varying disciplines, including but not limited to: traditional medicine, primary health care, mental and behavioral health, social services, law enforcement, housing, education and environmental management. Other valuable asset maps are documents: tribal resolutions, tribal codes, memorandums of agreement with county animal control agencies and cross-jurisdictional deputizations. An asset map can also be a collection of tribal history and stories.

As community engagement consultant, Jana Carp, says, “The important thing is that community members use their existing resources (their assets!) to do the work of creating, reviewing and updating the asset map. If outside experts do the work instead, the transformational possibilities of the process will be limited.”<sup>114</sup>

**Survey tribal employees about their professional interface with dogs to identify opportunities to create a multi-disciplinary, interconnected dog management system that can support human, animal, and environmental health.**

It is important to break down silos between subject matter experts who work for tribal nations in order to create the interdisciplinary collaborations that are needed to address the many factors that contribute to the “rez dog” issue. A tribe’s “dog team” should include representatives from all the systems who help provide for the health, safety, education and welfare of their community members. For example:

- Nurses
- Doctors
- Environmental Health Specialists
- Health Care Facility Administrators
- Social Workers
- Psychologists,
- Epidemiologists
- Teachers
- Principals
- School Bus Drivers
- Tribal Housing Authority Administrators
- Tribal Housing Authority Security

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<sup>113</sup> Rick Rubin, *The Creative Act: A Way of Being* (New York: Penguin Press, 2023), p.120.

<sup>114</sup> Jana Carp, “Community Magic: Community-Based Asset Mapping Establishes New Connections for Fire Adaptation,” *Fire Adapted Communities Learning Network*, June 8, 2017. <https://fireadaptednetwork.org/community-based-asset-mapping-fire-adaptation/>

- Tribal Police
- Tribal Prosecutors
- Tribal Victims Advocates
- Tribal Animal Control Officers
- Tribal Veterinarians

The health and safety of people, animals, and their shared environment are interconnected and so too must be the efforts to improve them. What if tribal professionals were encouraged to identify opportunities to innovate interventions and solutions that could help reduce free roaming dog populations, dog bite incidents, zoonotic diseases, and animal cruelty cases? And what if they were encouraged to share knowledge, expertise and resources to do so?

**Part Six**  
**What Can The Feds Do To Help Solve the “Rez Dog” Problem?**  
**or**  
**The United States Can Do Hard Things**

**When you see a federal budget that provides BIA, IHS, American Indian Tribes, Alaska Native Villages, and Tribal Organizations with zero funding for animal health, welfare and management you see the fear of trying something new.**

**Recognize that the federal trust responsibility necessarily includes providing services for animal health, safety and welfare on Indian reservations.**

The United States has long embraced its trust responsibility to provide for the health and welfare of American Indian tribes and Alaska Native Villages but has not yet addressed the dynamic relationship between the health and safety of people and dogs. The incidence of dogs spreading fatal zoonotic diseases and mauling tribal members to death should prompt Congress and the Executive Branch to recognize that there is a public health emergency in Indian Country.

All relevant federal agencies should conduct tribal consultations to explore with tribal leaders and technical experts the root causes of this health and safety crisis. Tribal consultation is needed to ensure that tribal priorities inform federal solutions.<sup>115</sup> The link between animal cruelty and violence against humans should also be prioritized for inquiry because it could represent a unique and valuable means of preventing, investigating and prosecuting cases of Missing and Murdered Indigenous Persons.

**Authorize federal agencies to deploy resources needed to create safe and healthy tribal environments for people and dogs on tribal lands.**

Congress should minimally authorize the following agencies for the following purposes:

- BIA — Develop an animal control program that can be deployed throughout Indian Country; develop animal cruelty trainings for tribal law enforcement officers so they may better spot and investigate animal cruelty cases.
- BIE — Create elementary animal education curriculum to keep tribal children and dogs safe around each other and expose Native students to veterinary health.
- IHS — Expand the lay vaccinator program so that tribes can create programs to provide all necessary dog vaccinations, not just rabies; provide veterinarians to tribal health care facilities; and develop a veterinary social worker program.
- HUD — Develop clear notice guidelines and due process procedures to protect the rights of tribal housing residents subject to pet breed restrictions and pet number limitations.

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<sup>115</sup> <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/11/30/memorandum-on-uniform-standards-for-tribal-consultation/>



### **Fund tribes to create their own animal care and management infrastructures.**

Many federal budget line items do not need new congressional authorization to create and support tribal animal care and management infrastructure. Where possible, federal agencies should engage in tribal consultations to ascertain tribal animal health and welfare priorities for inclusion in the Administration budget. Where not yet possible, Congress should assess what new authorizations are needed to help tribes develop their own animal health and welfare infrastructures.

### **Support the development of Veterinary Health Care facilities on tribal lands.**

Congressional efforts are already underway to expand IHS authority to dispatch veterinarians serving in the Public Health Service Commissioned Corps to tribal health care facilities where there are high incidence of zoonotic diseases.<sup>116</sup> If those efforts are successful, Congress could expand the authority of IHS to provide veterinary care. But where would such veterinarians practice since there are so few veterinary clinics on any Indian reservations? It is incumbent upon federal agencies with tribal facility construction funds to help support the build out of veterinary infrastructures in Indian Country, whether IHS gets into the veterinary business or not.

It is also essential for federal agencies responsible for educating AI/ANs to cultivate and support home grown tribal veterinarians. Dr. Mienna Ludka, DVM, a member of the Sault Ste. Marie Tribe of Chippewa Indians and 2023 graduate of Michigan State University College of Veterinary Medicine says, “I think a major barrier for Native Americans joining our profession is the lack of exposure to the veterinary profession in their communities. Most native communities are in under-served rural areas, where poverty and geographic isolation make regular veterinary care inaccessible. Due to this, the younger generations growing up in our Native communities have limited opportunities to interact with veterinarians who could potentially serve as a role model for them to one day join the profession.”<sup>117</sup>

Unfortunately, Native Americans currently comprise only 0.3% of veterinarians in the United States.<sup>118</sup> BIE is the federal agency with responsibility for tribal education and should provide within its elementary and secondary curriculum information about veterinary health science and veterinary career paths. Tribal students of all ages need such exposure for pathways to be forged from tribal schools to veterinary schools. Such pathways to other graduate schools are already turning out tribal doctors,

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<sup>116</sup> U.S. Senate Committee on Indian Affairs Press Release June 3, 2024, “Murkowski introduces legislation to combat rabies in rural, tribal communities,” <https://www.indian.senate.gov/newsroom/press-release/republican/murkowski-introduces-legislation-to-combat-rabies-in-rural-tribal-communities/>.

<sup>117</sup> Michigan State University, College of Veterinary Medicine, Vet School Tails, November 12, 2021, <https://cvm.msu.edu/vetschool-tails/community-voices-native-american-heritage-month>.

<sup>118</sup> Zippia Veterinarian Demographics and Statistics 2024, <https://www.zippia.com/veterinarian-jobs/demographics/>.

lawyers, nurses, social workers and engineers whose impact on their tribal communities is transformative.

Some tribal governments, like the Chickasaw Nation and Navajo Nation, are lighting a path for their students to follow into veterinary school by providing much needed scholarships. In 2024, the average cost of attending a veterinary college of medicine was \$200,000. Most Native students who attend schools on their own tribal nations cannot bear the burden of such debt, nor ask their families to do so. One recent study found that the median net worth of families in Indian Country in 2022 was \$5,524 and that the wealth gap between White families and Native families was 32 to 1.<sup>119</sup> Tribes like the Chickasaw Nation and the Navajo Nation are providing veterinary school scholarships to make Doctor of Veterinary Medicine degrees attainable for their own people.

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<sup>119</sup> <https://www.minneapolisfed.org/article/2022/data-from-a-native-cdfi-yield-new-insights-on-wealth-gap-in-indian-country>

**Part Seven**  
**What Can the Animal Welfare Industry Do To Help Tribes?**  
**or**  
**Creating diversity, equity and inclusion that includes Native Americans**

**When you see the animal health and welfare ecosystem in the United States you mostly see initiatives designed by and for people who are not American Indians.**

**Stop telling American Indian tribes that they cannot take care of their own dogs.**

*“This is the language of privilege — the audacity of standing at the top of a mountain you made on the backs of others and then yelling at people for being at the bottom.”<sup>120</sup>*

—Daniel José Older

The United States of America was not “settled” but taken from indigenous people who lived here for thousands of years and whose descendants have had to re-build their communities on Indian reservations that the federal government persists in controlling through programs it refuses to fully fund. This is the root cause of the “rez dog” problem. On the flip side, animal welfare advocates who judge tribal people enjoy privileges that come from being the beneficiaries of those stolen lands.

The takings of land, culture, children, and pets is all traumatic. It has stricken generations of Native Americans with terror and grief. It continues to do so today. Still.

The best of intentions can become twisted where tribal trauma and white privilege collide within the space of animal welfare. A recent example may be illustrative:

The elected tribal leader of one of the largest tribes visited an animal shelter that is operated by a non-profit organization with whom the local county contracts to provide humane services. The all-white Board of Directors at this all-white facility informed the tribal leader that his tribe’s dogs were a real problem for the organization. “They represent 40% of our intake,” a white board member said, “and we can’t afford to keep taking your dogs.”

The tribal leader was taken aback and noted that tribal members who live within the county’s jurisdiction are county residents too, and as such are legally entitled to the same animal welfare services that the county, through its contract with this animal shelter, provides to all county residents. Unfortunately, shelter leadership did not see it that way and suggested that if the tribe wanted the shelter to continue taking in “rez dogs” then the tribe would have to pay its fair share of the burden. The animal rescue organization thought it was discussing funding but what the tribal leader heard was institutional racism.

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<sup>120</sup> Daniel José Older, “Diversity is Not Enough, Race, Power, Publishing,” included in the essay collections edited by Manjula Martin in “Scratch,” (New York, Simon and Schuster, 2017), p. 238.

The conversation devolved. Tourists and animal rescue volunteers (white people) bring free roaming dogs they find outside of tribal hotels, grocery stores and gas stations to this shelter. These well-meaning people assume that every free roaming dog is a stray, not understanding that it is normal in rural communities for dogs to roam freely especially on Indian reservations where you often need federal approval and funding to so much as build a backyard fence.

Unfortunately, this shelter sees no need to do more than its minimum to determine whether these dogs are being rescued or dog-napped. It has no system for notifying tribal communities when dogs from their reservation are brought to the animal shelter. Instead, shelter policy requires tribal families who live hundreds of miles away, often without modern infrastructure, to come into the shelter to claim their dog the same as anyone else. This policy discriminates against tribal people.

Rather than recognizing that they operate on a biased belief that most free roaming dogs in the tribal community presumptively need rescuing, this shelter's leadership doubled down on that bias by telling the tribal leader that his tribe could not take care of its own dogs.

Sadly, it is nothing new. The national humane society movement emerged from a place of privilege and still wrestles today with the baggage such privilege brings. "The fact that animal welfare is a predominantly white movement is not a news flash..." says Julie Castle, Chief Executive Officer of Best Friends Animal Society, "... Animal welfare is a predominantly white movement rooted in the concept that animals are better off in affluent homes with fenced yards."<sup>121</sup> The fact that money and fences are in short supply in most tribal communities does not mean that tribes cannot take care of their own dogs.

**Ask American Indian tribes for permission to work within their jurisdictions.**

*"It is best to have less thunder in the mouth and more lightning in the hand."*

— Apache proverb

Good intentions are not passports that entitle animal welfare organizations to do whatever they want within tribal jurisdictions so long as it is for the good of the animals. Many tribal governments have rules and procedures that must be complied with before you can go on tribal lands and determine what you may do once there. For example, many tribes require that visitors get a permit to film or take photographs on their reservations. Meanwhile, some well-meaning animal welfare organizations perform surgeries on those same reservations without even notifying the tribal government. Such casual disregard of tribal jurisdiction is ill advised because the tribal government, once made aware of the situation, could subsequently ban the offending organization from tribal lands forever.

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<sup>121</sup> Best Friends Animal Society, Julie's Blog, "Changing the Color of Our Movement," June 8, 2020: <https://bestfriends.org/stories/julie-castle-blog/changing-color-our-movement>.

It is very important that the sovereignty of tribal governments and the authority of tribal officials be respected. The relationship between tribes and their neighboring jurisdictions make it all the more essential for organizations who hope to work in tribal communities to defer to tribal norms, to be patient with tribal decision makers, to be polite with tribal community members and to not compare the tribal culture to the dominant culture.

Trust must be earned over time and the best way to earn a tribe's trust is to say less and listen more.

**Honor tribal sovereignty by supporting the animal care and management strategies that tribes choose to implement.**

*"We know what's best because we live in Indian Country. We know where the needs are, and we know what works for our people. No one understands Indian life better than the Indian nations themselves."<sup>122</sup>*

— Indian Law Resource Center

If you asked all 376 American Indian tribes who govern tribal lands what they want to do to better care for and manage dogs within their communities you will get 376 different answers, and none would be wrong because they all have the sovereign right to do so in any manner they see fit, even if their methods do not reflect the sensibilities of the animal welfare movement. Tribes have the right to do what they want to do, how they want to do it, within the jurisdictions of their own sovereign tribal land. It is incumbent upon us to honor those decisions.

If the opportunity exists to educate tribal leaders about newer ways of doing things then expectations must be set to meet the tribe where it is at. These questions could help calibrate expectations both for the tribe and their animal movement ally:

- Do they have a community animal welfare assessment?
- Do they have access to veterinary services beyond episodic spay/neuter/vaccine clinics?
- Do they have pet number limits in their tribal housing?
- Do they have an animal control ordinance?
- Do they have laws that make animal cruelty a crime?
- Do they have shelters or impoundment facilities to stage transfers off-reservation?
- Do they have an animal control department?
- Do they have a MOA's with anyone for animal control services?
- Do they have home grown tribal animal rescue organizations?
- Do they have programs to assist pet owners with pet food, supplies, etc.?

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<sup>122</sup> Indian Law Resource Center, Statement on Government Flexibility, <https://indianlaw.org/content/state-indian-nations-quotes>.

**Include American Indians in all levels of animal welfare organizations.**

*“People of color are beginning to fill important leadership roles in our movement, but animal welfare does not yet reflect the racial diversity of this country, and that means that tens of millions of animal lovers are not represented and likely are not being reached on a shared commitment to save the lives of homeless pets.”*

—Julie Castle<sup>123</sup>

The best way to expand any organization’s insights about the American Indian perspective is to include American Indians within their own ranks. It is much easier to develop more effective strategies to work with tribes if American Indians are not just the focus of what is being brainstormed on the white board but are part of the decision making team who is writing on the white board. This might require animal welfare organizations to re-evaluate how they recruit their human capital to include American Indians within the ranks of their own volunteers, staff and board members. Doing so can help the animal welfare movement achieve the diversity, equity and inclusion needed to better serve four-leggeds and two-legged throughout all the United States, including in Indian Country.

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<sup>123</sup> Julie Blog, Supra.

## Conclusion

Tribes have long proven that they are willing to be good partners with the federal government; partners who are uniquely capable of applying their own tribal knowledge and technical expertise to assist in everything from land stewardship to ocean protection. Tribes are key partners in federal wildlife management but need federal agencies to partner with them on companion animal wellness.

The federal government has failed to fulfill its trust responsibility to provide the basic animal welfare services that are integral to protecting human health and safety. That fundamental failure is the root cause of the “rez dog problem” in Indian Country. But as trail blazing record producer Rick Rubin says, “Failure is the information you need to get where you’re going,”<sup>124</sup> so there is hope that, with the benefit of this information, Congress and federal agencies will rise to the challenge.

It is tempting to think that doing so is not rocket science — after all, we are talking about animal shelters and veterinary clinics, not aeronautics — but maybe it is not so different after all. Space travel requires expert knowledge about a unique environment that is very different than your own. So too does working in communities on tribal trust lands where the status of the land, like gravity itself, determines what is fundamentally possible and tribal sovereignty, like the sun, is ever present.

Trauma, too, is ever present. A Native matriarch could face the wreckage of her grown yet broken children (substance abuse and poverty) but could not bare seeing abandoned puppies on the side of her road. She had already lost so much but she refused to lose her humanity. By helping dogs we help ourselves.

A good start might be to not call them “rez dogs.”

It is a sticky label that serves no purpose other than to objectify animals for an “us versus them” paradigm. They are all just dogs, plain and simple, born innocent with the potential to be domestic or wild depending upon how we treat them. Many have no homes and most have no access to veterinary care. That is our fault, not theirs. Dogs do create problems that are bones of contention, but those problems provide tribal leaders the opportunity to innovate solutions to which the federal government can commit resources and the animal welfare movement can contribute guidance.

That is a bone to run with and cherish.

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<sup>124</sup> Rubin, *The Creative Act*, p. 155.

## Appendix

Please Note: The following questionnaire is a tool that should be tailored for each tribal community because there is no such thing as a one-size-fits all solution for tribes.

**(Please insert name of tribal organization)**  
**&**  
**Native America Humane Society Community Assessment**

*This is a confidential survey being conducted to better understand the “dog problem” within the lands of the (please insert name of tribe).  
We don’t need your name. We do need your thoughts.*

**Hello — Can you please tell us a little bit about your tribal affiliation?**

Are you an enrolled tribal member? Yes    No

In what tribe are you enrolled? \_\_\_\_\_

**Thanks — Would you mind sharing a little bit about where you live?**

Do you live on the (insert name of tribal lands)? Yes    No

If not, where do you live? \_\_\_\_\_

Does the tribal housing authority manage your home? Yes    No

Does the tribe provide a leasehold for your home? Yes    No

Does your home have any fencing? Yes    No

If not, would you like to have a fenced yard? Yes    No

If yes, could you use any help installing a fence? Yes    No

**Homelife is important — Could you please tell us who you live with?**

How many people live in your home? \_\_\_\_\_

How many people are children 12-18? \_\_\_\_\_

How many people are children 5-11? \_\_\_\_\_

How many people are children 1 month to 4? \_\_\_\_\_

How many people are elders over 65? \_\_\_\_\_



**Dogs are part of our community – Can you please tell us about yours?**

Do you have any pet dogs? Yes No

If yes, how many dog(s) do you have? \_\_\_\_\_

Do you prefer your dog(s) to mostly stay outside? Yes No

Do you tether your dog(s) when they are outside? Yes No

Do you consider your dog(s) to be part of your family? Yes No

Does your dog wear a collar? Yes No

Do you find it challenging to be able to regularly buy your dog(s) food?  
Yes No

Do you find it challenging to be able to take your dog(s) to a veterinarian?  
Yes No

Has the tribe provided your community with a mobile veterinary clinic?  
Yes No

Are your dog(s) spayed or neutered? Yes No

Are your dog(s) vaccinated? Yes No

Are your dog(s) microchipped? Yes No

Was your dog “fixed” and vaccinated by a mobile unit? Yes No

Have you had a chance to update your dog(s) vaccinations? Yes No

Have you or anyone in your family ever received any information about dog health & behavior? Yes No

Do you know if your tribe has an animal control ordinance?  
Yes No

Has your dog(s) ever bitten a person? Yes No

Has your dog(s) ever been kicked, punched, slapped, shot, poisoned or in some other way hurt by a person? Yes No

Have you ever witnessed anyone harm a dog? Yes No

Do you think that there should be limits on how many dogs that families can keep in their homes? Yes No

Have you ever had your dogs taken away by anyone? Yes No

If so, did having to surrender your dog cause you distress? Yes No

Do you think limiting the number of dogs per household helps make your community safer? Yes No

Would you willingly surrender any of your dog(s) if you were confident that they would be re-homed rather than killed? Yes No

Have you ever fostered dogs? Yes No

Would you ever be interested in fostering dogs? Yes No

### **Free Roaming Dogs are everywhere – how do you feel about them?**

Do you think free roaming community dog(s) are traditionally part of life on the reservation” and therefore not a problem? Yes No

Do you think free roaming community dogs pose a public health and safety problem on the (insert name of tribal lands)? Yes No

Do stray dogs limit the ability of you and your family to go outside to work, play, or exercise? Yes No

Have your dog(s) or other pets ever been bitten or attacked by stray dogs? Yes No

Have your livestock ever been bitten or attacked by stray dogs? Yes No

Have you ever been bitten or attacked by stray dogs? Yes No

Has a child in your home ever been bitten or attacked by stray dogs? Yes No

Has an elder in your home ever been bitten or attacked by stray dogs? Yes No

Have you or anyone in your family had to receive rabies vaccination after being bitten by a dog? Yes No

**Dogs can make us feel more or less safe – what do you think?**

Do you and/or your family members have to carry weapons (for example a stick, rock or something else) to keep yourselves safe from stray dogs?

Yes No

Would you like your children to receive humane education to learn about how to be safer around dogs and how to take care of family pets?

Yes No

Would you like to receive dog training for your own family pets?

Yes No

Do you support shooting stray dogs to limit their population?

Yes No

Do you think our community needs a local animal control system to create rules and punishments for dog owners?

Yes No

Do you think your community needs a local animal shelter to provide resources for dogs and dog owners?

Yes No

Do you think that the stray dog population has increased since Covid?

Yes No

Do you think that dogs are important to your tribe's culture?

Yes No

**THANK YOU SO MUCH FOR SHARING YOUR TIME AND THOUGHTS!**