The (Un)Settling of America:
Science and the Search for the First Americans

Robert Vernon Davis

Dissertation submitted to the faculty of the Virginia Polytechnic Institute
and State University in partial fulfillment of the requirements for the
degree of

Doctor of Philosophy

in
Science and Technology Studies

Ellsworth R. Fuhrman
Ann F. Laberge
Peter L. Schmittlenner
Matthew R. Goodrum

October 17, 2011
Blacksburg, Virginia

Keywords: science, myth, first Americans, archaeology, anthropology

Copyright © 2011 Robert Vernon Davis
### Name:
Robert V. Davis

### Job Title: Institution:
Virginia Tech

### Title of Work Used:
Figure 6 Map of possible migration routes to New World (page 34)

### Copyright Holder:
Citation provided in footnote on page 34

### Publication Status:
N/A

### Publisher:
Citation provided in footnote on page 34

### Place of Publication:
Citation provided in footnote on page 34

### Publication Year:
Citation provided in footnote on page 34

### Description of Work:

### Date of Evaluation:
October 28, 2011

### Date of Intended Use:
October 28, 2011

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#### Purpose and Character of Your Intended Use:

<table>
<thead>
<tr>
<th>Use</th>
<th>Fair</th>
<th>Unfair</th>
</tr>
</thead>
<tbody>
<tr>
<td>✔️</td>
<td>Use is for &quot;criticism, comment, news reporting, teaching, (including multiple print copies for classroom use), scholarship or research&quot;</td>
<td>Unfair</td>
</tr>
</tbody>
</table>

#### Nature of the Copyrighted Work:

<table>
<thead>
<tr>
<th>Work</th>
<th>Fair</th>
<th>Unfair</th>
</tr>
</thead>
<tbody>
<tr>
<td>✔️</td>
<td>Work to be used has previously PUBLISHED</td>
<td>Unfair</td>
</tr>
<tr>
<td>✔️</td>
<td>Work to be used is primarily of a factual nature (non-fiction, collection of facts, etc.)</td>
<td>Unfair</td>
</tr>
</tbody>
</table>

#### Amount of Your Intended Use in Relation to the Copyrighted Work as a Whole:

<table>
<thead>
<tr>
<th>Amount</th>
<th>Fair</th>
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</tr>
</thead>
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<tr>
<td>✔️</td>
<td>Only limited and reasonable portions will be used</td>
<td>Unfair</td>
</tr>
<tr>
<td>✔️</td>
<td>The portion used is not the &quot;heart&quot; of the work (the portion considered most central to the work as a whole)</td>
<td>Unfair</td>
</tr>
<tr>
<td>✔️</td>
<td>Only the amount required to achieve the stated, socially-beneficial purpose or objective will be used (e.g. educational, artistic, scholarly, journalistic, etc.)</td>
<td>Unfair</td>
</tr>
</tbody>
</table>
Describe the Effect of Your Intended Use on the Potential Market or Value of the Copyrighted Work:

[+] Use of the work has the potential to create or improve the market for the work
[+] Proper attribution will be given with the intended use
[+] The copy of the work to be used is a legal copy

Fair

The Average "Fairness Level," Based on Your Rating of Each of the 4 Factors, Is:

Fair

Based on the information and justification I have provided above, I, Robert V. Davis, am asserting this use is FAIR under Section 107 of the U.S. Copyright Code.

Signature: [Signature]

Date of Signature: October 28, 2011

*Disclaimer: This document is intended to help you collect, organize & archive the information you might need to support your fair use evaluation. It is not a source of legal advice or assistance. The results are only as good as the input you have provided by are intended to suggest next steps, and not to provide a final judgment. It is recommended that you share this evaluation with a copyright specialist before proceeding with your intended use.
<table>
<thead>
<tr>
<th><strong>Title of Work Used:</strong></th>
<th>Figure 7 Map of coastal boundaries during last ice age (page 50)</th>
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<td><strong>Place of Publication:</strong></td>
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</table>

### Purpose

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<table>
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### Nature

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Work to be used is primarily of a factual nature (non-fiction, collection of facts, etc.)*

<table>
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</table>

### Amount

*Only limited and reasonable portions will be used*
*The portion used is not the "heart" of the work (the portion considered most central to the work as a whole)*
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[+] Use of the work has the potential to create or improve the market for the work [+] Proper attribution will be given with the intended use [+] The copy of the work to be used is a legal copy

Fair ✔️ Unfair

"Fairness Level," Based on Your Rating of Each of the 4 Factors, is:

Fair ✔️ Unfair

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Name: Robert V. Davis  "The (Un)Settling of America: Science and the Search for the First Americans"
Job Title: Institution: Virginia Tech

Title of Work Used: Figure 8  Clovis stone tools  (page 63)
Copyright Holder: Citation provided in footnote on page 63
Publication Status: N/A
Publisher: Citation provided in footnote on page 63
Place of Publication: Citation provided in footnote on page 63
Publication Year: Citation provided in footnote on page 63

Date of Evaluation: October 28, 2011
Date of Intended Use: October 28, 2011

Describe the **Purpose** and Character of Your Intended Use:

Favorable

Unfavorable

Unfair

Describe the **Nature** of the Copyrighted Work:

Favorable

Unfavorable

Describe the **Amount** of Your Intended Use in Relation to the Copyrighted Work as a Whole:

Favorable

Unfavorable
Describe the **Effect** of Your Intended Use on the Potential Market or Value of the Copyrighted Work:

<table>
<thead>
<tr>
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</thead>
</table>

- Use of the work has the potential to create or improve the market for the work
- Proper attribution will be given with the intended use
- The copy of the work to be used is a legal copy

The Average "**Fairness Level,**" Based on Your Rating of Each of the 4 Factors, is:

<table>
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Name: Robert V. Davis  "The (Un)Settling of America: Science and the Search for the First Americans"
Job Title: Institution: Virginia Tech
Title of Work Used: Figure 9 Map of Blackwater Draw, NM area (page 64)
Copyright Holder: Citation provided in footnote on page 64
Publication Status: N/A
Publisher: Citation provided in footnote on page 64
Place of Publication: Citation provided in footnote on page 64
Publication Year: Citation provided in footnote on page 64
Date of Evaluation: October 28, 2011
Date of Intended Use: October 28, 2011

Describe the **Purpose** and Character of Your Intended Use:

[+] Use is for "criticism, comment, news reporting, teaching, (including multiple print copies for classroom use), scholarship or research"

Fair [X]  Unfair

Describe the **Nature** of the Copyrighted Work:

[+ ] Work to be used has been previously PUBLISHED
[+ ] Work to be used is primarily of a factual nature (non-fiction, collection of facts, etc.)

Fair [X]  Unfair

Describe the **Amount** of Your Intended Use in Relation to the Copyrighted Work as a Whole:

[+ ] Only limited and reasonable portions will be used
[+ ] The portion used is not the "heart" of the work (the portion considered most central to the work as a whole)
[+ ] Only the amount required to achieve the stated, socially-beneficial purpose or objective will be used (be that educational, artistic, scholarly, journalistic, etc.)

Fair [X]  Unfair
Describe the **Effect** of Your Intended Use on the Potential Market or Value of the Copyrighted Work:

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<tr>
<th></th>
<th>Fair</th>
<th>Unfair</th>
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<tr>
<td>Use of the work has the potential to create or improve the market for the work</td>
<td>[+]</td>
<td>[*]</td>
</tr>
<tr>
<td>Proper attribution will be given with the intended use</td>
<td>[*]</td>
<td>[+]</td>
</tr>
<tr>
<td>The copy of the work to be used is a legal copy</td>
<td>[+]</td>
<td>[+]</td>
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The Average **"Fairness Level,"** Based on Your Rating of Each of the 4 Factors, is:

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<tr>
<td>Fair</td>
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Name: Robert V. Davis
Job Title: Institution: Virginia Tech

Title of Work Used: Figure 11 1933 Clovis expedition party (page 66)
Copyright Holder: Citation provided in footnote on page 66
Publication Status: N/A
Publisher: Citation provided in footnote on page 66
Place of Publication: Citation provided in footnote on page 66
Publication Year: Citation provided in footnote on page 66

Date of Evaluation: October 28, 2011
Date of Intended Use: October 28, 2011

Describe the **Purpose** and Character of Your Intended Use:

[+] Use is for "criticism, comment, news reporting, teaching, (including multiple print copies for classroom use), scholarship or research"

Unfair

Describe the **Nature** of the Copyrighted Work:

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Unfair

Describe the **Amount** of Your Intended Use in Relation to the Copyrighted Work as a Whole:

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Fair

Unfair

"Fairness Level,"

Based on Your Rating of Each of the 4 Factors, is:

Fair

Unfair

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Signature:  

Date of Signature:  October 28, 2011

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| Description of Work:                                                                                  |
| Date of Evaluation:                                   | October 28, 2011 |
| Date of Intended Use:                                 | October 28, 2011 |

**Describe the **Purpose** and Character of Your Intended Use:**

[+] Use is for “criticism, comment, news reporting, teaching, (including multiple print copies for classroom use), scholarship or research”

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- [x] Use of the work has the potential to create or improve the market for the work
- [x] Proper attribution will be given with the intended use
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<table>
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**"Fairness Level,"** Based on Your Rating of Each of the 4 Factors, Is:

- [ ] Fair
- [x] Unfair

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Name: Robert V. Davis  "The (Un)Settling of America: Science and the Search for the First Americans"

Job Title: Institution: Virginia Tech

Title of Work Used: Figure 15 Map of Monte Verde, Chile area (page 81)

Copyright Holder: Citation provided in footnote on page 81

Publication Status: N/A

Publisher: Citation provided in footnote on page 81

Place of Publication: Citation provided in footnote on page 81

Publication Year: Citation provided in footnote on page 81

Description of Work:

Date of Evaluation: October 28, 2011

Date of Intended Use: October 28, 2011

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The Average "Fairness Level," Based on Your Rating of Each of the 4 Factors, is:

Fair

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Name: Robert V. Davis  "The (Un)Settling of America: Science and the Search for the First Americans"
Job Title: Institution: Virginia Tech

Title of Work Used: Figure 16 Human footprint at Monte Verde, Chile excavation site (page 85)
Copyright Holder: Citation provided in footnote on page 85
Publication Status: N/A
Publisher: Citation provided in footnote on page 85
Place of Publication: Citation provided in footnote on page 85
Publication Year: Citation provided in footnote on page 85

Date of Evaluation: October 28, 2011
Date of Intended Use: October 28, 2011

Describe the **Purpose** and Character of Your Intended Use:

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[ ] Use of the work has the potential to create or improve the market for the work
[ ] Proper attribution will be given with the intended use
[ ] The copy of the work to be used is a legal copy

Fair: ☑️ Unfair: ⬜️

"Fairness Level," Based on Your Rating of Each of the 4 Factors, Is:

Fair: ☑️ Unfair: ⬜️

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Name: Robert V. Davis  "The (Un)Settling of America: Science and the Search for the First Americans"
Job Title: Institution: Virginia Tech

Title of Work Used: Figure 22 Ignatius Donnelly Egyptian and Central American skulls (page 100)
Copyright Holder: Citation provided in footnote on page 100
Publication Status: N/A
Publisher: Citation provided in footnote on page 100
Place of Publication: Citation provided in footnote on page 100
Publication Year: Citation provided in footnote on page 100

Date of Evaluation: October 28, 2011
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Describe the **Purpose** and Character of Your Intended Use:

Fair

Describe the **Nature** of the Copyrighted Work:

Fair

Describe the **Amount** of Your Intended Use in Relation to the Copyrighted Work as a Whole:

Fair
Describe the **Effect** of Your intended Use on the Potential Market or Value of the Copyrighted Work:

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Fair Use Evaluation Documentation

Name: Robert V. Davis  "The (Un)Settling of America: Science and the Search for the First Americans"
Job Title: Institution: Virginia Tech

Title of Work Used: Figure 23 Ancient Chinese map of area surrounding China (page 108)
Copyright Holder: Citation provided in footnote on page 108
Publication Status: N/A
Publisher: Citation provided in footnote on page 108
Place of Publication: Citation provided in footnote on page 108
Publication Year: Citation provided in footnote on page 108

Description of Work:
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Date of Intended Use: October 28, 2011

Describe the **Purpose** and Character of Your Intended Use:
[+] Use is for "criticism, comment, news reporting, teaching, (including multiple print copies for classroom use), scholarship or research"

Fair

Describe the **Nature** of the Copyrighted Work:
[+] Work to be used has been previously PUBLISHED
[+] Work to be used is primarily of a factual nature (non-fiction, collection of facts, etc.)

Fair

Describe the **Amount** of Your Intended Use in Relation to the Copyrighted Work as a Whole:
[+] Only limited and reasonable portions will be used
[+] The portion used is not the "heart" of the work (the portion considered most central to the work as a whole) [+] Only the amount required to achieve the stated, socially-beneficial purpose or objective will be used (be that educational, artistic, scholarly, journalistic, etc.)

Fair
Describe the **Effect** of Your Intended Use on the Potential Market or Value of the Copyrighted Work:

- Use of the work has the potential to create or improve the market for the work
- Proper attribution will be given with the intended use
- The copy of the work to be used is a legal copy

<table>
<thead>
<tr>
<th>Fair</th>
<th>Unfair</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>

"**Fairness Level.**" Based on Your Rating of Each of the 4 Factors, Is:

- Fair
- Unfair

Based on the information and justification I have provided above, I, Robert V. Davis, am asserting this use is **Fair** under Section 107 of the U.S. Copyright Code.

**Signature:**

**Date of Signature:** October 28, 2011

*Disclaimer: This document is intended to help you collect, organize & archive the information you might need to support your fair use evaluation. It is not a source of legal advice or assistance. The results are only as good as the input you have provided by are intended to suggest next steps, and not to provide a final judgment. It is recommended that you share this evaluation with a copyright specialist before proceeding with your intended use."
<table>
<thead>
<tr>
<th>Name:</th>
<th>Robert V. Davis “The (Un)Settling of America: Science and the Search for the First Americans”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Job Title:</td>
<td>Institution: Virginia Tech</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Title of Work Used:</th>
<th>Figure 24 Ancient human remains found in North America (page 127)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Copyright Holder:</td>
<td>Citation provided in footnote on page 127</td>
</tr>
<tr>
<td>Publication Status:</td>
<td>N/A</td>
</tr>
<tr>
<td>Publisher:</td>
<td>Citation provided in footnote on page 127</td>
</tr>
<tr>
<td>Place of Publication:</td>
<td>Citation provided in footnote on page 127</td>
</tr>
<tr>
<td>Publication Year:</td>
<td>Citation provided in footnote on page 127</td>
</tr>
</tbody>
</table>

**Date of Evaluation:** October 28, 2011
**Date of Intended Use:** October 28, 2011

### Purpose and Character of Your Intended Use:

| [+] Use is for “criticism, comment, news reporting, teaching, (including multiple print copies for classroom use), scholarship or research” |
| Fair | Unfair |

### Nature of the Copyrighted Work:

| [+] Work to be used has been previously PUBLISHED |
| [+] Work to be used is primarily of a factual nature (non-fiction, collection of facts, etc.) |
| Fair | Unfair |

### Amount of Your Intended Use in Relation to the Copyrighted Work as a Whole:

| [+] Only limited and reasonable portions will be used |
| [+] The portion used is not the “heart” of the work (the portion considered most central to the work as a whole) [+] Only the amount required to achieve the stated, socially-beneficial purpose or objective will be used (be that educational, artistic, scholarly, journalistic, etc.) |
| Fair | Unfair |
Describe the **Effect** of Your Intended Use on the Potential Market or Value of the Copyrighted Work:

- Use of the work has the potential to create or improve the market for the work
- Proper attribution will be given with the intended use
- The copy of the work to be used is a legal copy

<table>
<thead>
<tr>
<th>Fair</th>
<th>Unfair</th>
</tr>
</thead>
</table>

The Average **Fairness Level,** Based on Your Rating of Each of the 4 Factors, Is:

<table>
<thead>
<tr>
<th>Fair</th>
<th>Unfair</th>
</tr>
</thead>
</table>

Based on the information and justification I have provided above, I, Robert V. Davis, am asserting this use is **FAIR** under Section 107 of the U.S. Copyright Code.

*Signature:

Date of Signature: October 28, 2011

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Name: Robert V. Davis  "The (Un)settling of America: Science and the Search for the First Americans"
Job Title: Institution: Virginia Tech
Title of Work Used: Figure 25 John Wells Foster comparison of skulls (page 131)
Copyright Holder: Citation provided in footnote on page 131
Publication Status: N/A
Publisher: Citation provided in footnote on page 131
Place of Publication: Citation provided in footnote on page 131
Publication Year: Citation provided in footnote on page 131
Description of Work:
Date of Evaluation: October 28, 2011
Date of Intended Use: October 28, 2011

Describe the **Purpose** and Character of Your Intended Use:

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Fair</th>
<th>Unfair</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use is for &quot;criticism, comment, news reporting, teaching, (including multiple print copies for classroom use), scholarship or research&quot;</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Describe the **Nature** of the Copyrighted Work:

<table>
<thead>
<tr>
<th>Nature</th>
<th>Fair</th>
<th>Unfair</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work to be used has been previously PUBLISHED</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Work to be used is primarily of a factual nature (non-fiction, collection of facts, etc.)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Describe the **Amount** of Your Intended Use in Relation to the Copyrighted Work as a Whole:

<table>
<thead>
<tr>
<th>Amount</th>
<th>Fair</th>
<th>Unfair</th>
</tr>
</thead>
<tbody>
<tr>
<td>Only limited and reasonable portions will be used</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The portion used is not the &quot;heart&quot; of the work (the portion considered most central to the work as a whole)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Only the amount required to achieve the stated, socially-beneficial purpose or objective will be used (be that educational, artistic, scholarly, journalistic, etc.)</td>
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<td></td>
</tr>
</tbody>
</table>
Describe the **Effect** of Your Intended Use on the Potential Market or Value of the Copyrighted Work:

<table>
<thead>
<tr>
<th>Fair</th>
<th>Unfair</th>
</tr>
</thead>
<tbody>
<tr>
<td>❌</td>
<td>⬜</td>
</tr>
</tbody>
</table>

Use of the work has the potential to create or improve the market for the work [+] Proper attribution will be given with the intended use [+] The copy of the work to be used is a legal copy

The Average "**Fairness Level,**" Based on Your Rating of Each of the 4 Factors, is:

<table>
<thead>
<tr>
<th>Fair</th>
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<tbody>
<tr>
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Based on the information and justification I have provided above, I, Robert V. Davis, am asserting this use is **FAIR** under Section 107 of the U.S. Copyright Code.

Signature: [Signature]

Date of Signature: October 28, 2011

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Name: Robert V. Davis  "The (Un)Settling of America: Science and the Search for the First Americans"
Job Title: Institution: Virginia Tech
Title of Work Used: Figure 26  John Wells Foster primitive skull (page 132)
Copyright Holder: Citation provided in footnote on page 132
Publication Status: N/A
Publisher: Citation provided in footnote on page 132
Place of Publication: Citation provided in footnote on page 132
Publication Year: Citation provided in footnote on page 132

Description of Work:
Date of Evaluation: October 28, 2011
Date of Intended Use: October 28, 2011

Describe the **Purpose** and Character of Your Intended Use:

<table>
<thead>
<tr>
<th>[+] Use is for &quot;criticism, comment, news reporting, teaching, (including multiple print copies for classroom use), scholarship or research&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fair</td>
</tr>
</tbody>
</table>

Describe the **Nature** of the Copyrighted Work:

| [+] Work to be used has been previously PUBLISHED |
| [+] Work to be used is primarily of a factual nature (non-fiction, collection of facts, etc.) |
| Fair | Unfair |

Describe the **Amount** of Your Intended Use in Relation to the Copyrighted Work as a Whole:

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| Fair | Unfair |
Describe the **Effect** of Your Intended Use on the Potential Market or Value of the Copyrighted Work:

[+] Use of the work has the potential to create or improve the market for the work  
[+] Proper attribution will be given with the intended use  
[+] The copy of the work to be used is a legal copy

Fair  ✔️  Unfair

"**Fairness Level,**" Based on Your Rating of Each of the 4 Factors, is:

Fair  ✔️  Unfair

Based on the information and justification I have provided above, I, Robert V. Davis, am asserting this use is **FAIR** under Section 107 of the U.S. Copyright Code.

Signature:

Date of Signature: October 28, 2011

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Name: Robert V. Davis  "The (Un)Settling of America: Science and the Search for the First Americans"

Job Title: Institution: Virginia Tech

Title of Work Used: Figure 27 Nebraska primate tooth (page 141)

Copyright Holder: Citation provided in footnote on page 141

Publication Status: N/A

Publisher: Citation provided in footnote on page 141

Place of Publication: Citation provided in footnote on page 141

Publication Year: Citation provided in footnote on page 141

Description of Work:

Date of Evaluation: October 28, 2011

Date Intended Use: October 28, 2011

Describe the **Purpose** and Character of Your Intended Use:

[+] Use is for "criticism, comment, news reporting, teaching, (including multiple print copies for classroom use), scholarship or research"

Fair [Unfair]

Describe the **Nature** of the Copyrighted Work:

[+] Work to be used has been previously PUBLISHED

[+] Work to be used is primarily of a factual nature (non-fiction, collection of facts, etc.)

Fair [Unfair]

Describe the **Amount** of Your Intended Use in Relation to the Copyrighted Work as a Whole:

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Fair [Unfair]
Describe the **Effect** of Your Intended Use on the Potential Market or Value of the Copyrighted Work:

[+] Use of the work has the potential to create or improve the market for the work [+] Proper attribution will be given with the intended use [+] The copy of the work to be used is a legal copy

**Fair**  [ ]  **Unfair**

The Average "**Fairness Level,**" Based on Your Rating of Each of the 4 Factors, is:

**Fair**  [ ]  **Unfair**

Based on the information and justification I have provided above, I, Robert V. Davis, am asserting this use is **FAIR** under Section 107 of the U.S. Copyright Code.

Signature: 

Date of Signature: October 28, 2011

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Name: Robert V. Davis  "The (Un)Settling of America: Science and the Search for the First Americans"
Job Title: Institution: Virginia Tech
Title of Work Used: Figure 28 February 19, 1925 New York Times, Nebraska tooth (page 142)
Copyright Holder: Citation provided in footnote on page 142
Publication Status: N/A
Publisher: Citation provided in footnote on page 142
Place of Publication: Citation provided in footnote on page 142
Publication Year: Citation provided in footnote on page 142

Description of Work:
Date of Evaluation: October 28, 2011
Date of Intended Use: October 28, 2011

Describe the **Purpose** and Character of Your Intended Use:

[+] Use is for "criticism, comment, news reporting, teaching, (including multiple print copies for classroom use), scholarship or research"

<table>
<thead>
<tr>
<th>Fair</th>
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<tbody>
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</table>

Describe the **Nature** of the Copyrighted Work:

[+] Work to be used has been previously PUBLISHED
[+] Work to be used is primarily of a factual nature (non-fiction, collection of facts, etc.)

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<tbody>
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</table>

Describe the **Amount** of Your Intended Use in Relation to the Copyrighted Work as a Whole:

[+] Only limited and reasonable portions will be used
[+] The portion used is not the "heart" of the work (the portion considered most central to the work as a whole)
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</tr>
</thead>
<tbody>
<tr>
<td>✔</td>
<td></td>
</tr>
</tbody>
</table>
Describe the **Effect** of Your Intended Use on the Potential Market or Value of the Copyrighted Work:

- [x] Use of the work has the potential to create or improve the market for the work
- [x] Proper attribution will be given with the intended use
- [x] The copy of the work to be used is a legal copy

<table>
<thead>
<tr>
<th>Fair</th>
<th>Unfair</th>
</tr>
</thead>
</table>

The Average **Fairness Level,** Based on Your Rating of Each of the 4 Factors, Is:

- [x] Fair
- [ ] Unfair

Based on the information and justification I have provided above, I, Robert V. Davis, am asserting this use is **Fair** under Section 107 of the U.S. Copyright Code.

**Signature:**

**Date of Signature:** October 28, 2011

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Name: Robert V. Davis  "The (Un)Settling of America: Science and the Search for the First Americans"
Job Title: Institution: Virginia Tech
Title of Work Used: Figure 29 World map of mtDNA and NRY DNA distribution (page 151)
Copyright Holder: Citation provided in footnote on page 151
Publication Status: N/A
Publisher: Citation provided in footnote on page 151
Place of Publication: Citation provided in footnote on page 151
Publication Year: Citation provided in footnote on page 151
Description of Work:
Date of Evaluation: October 28, 2011
Date of Intended Use: October 28, 2011

Describe the Purpose and Character of Your Intended Use:
[+] Use is for "criticism, comment, news reporting, teaching, (including multiple print copies for classroom use), scholarship or research"

Describe the Nature of the Copyrighted Work:
[+] Work to be used has been previously PUBLISHED
[+] Work to be used is primarily of a factual nature (non-fiction, collection of facts, etc.)

Describe the Amount of Your Intended Use in Relation to the Copyrighted Work as a Whole:
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Describe the Effect of Your Intended Use on the Potential Market or Value of the Copyrighted Work:

[+] Use of the work has the potential to create or improve the market for the work [+] Proper attribution will be given with the intended use [+] The copy of the work to be used is a legal copy

Fair

Unfair

"Fairness Level,"

Based on Your Rating of Each of the 4 Factors, is:

Fair

Unfair

Based on the information and justification I have provided above, I, Robert V. Davis, am asserting this use is FAIR under Section 107 of the U.S. Copyright Code.

Signature: 

Date of Signature: October 28, 2011

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Fair Use Evaluation Documentation

Name: Robert V. Davis  "The (Un)Settling of America: Science and the Search for the First Americans"
Job Title: Institution: Virginia Tech

Title of Work Used: Figure 30 Comparison of Asia-New World migration chronologies (page 154)
Copyright Holder: Citation provided in footnote on page 154
Publication Status: N/A
Publisher: Citation provided in footnote on page 154
Place of Publication: Citation provided in footnote on page 154
Publication Year: Citation provided in footnote on page 154
Description of Work:

Date of Evaluation: October 28, 2011
Date of Intended Use: October 28, 2011

Describe the Purpose and Character of Your Intended Use:

[+] Use is for "criticism, comment, news reporting, teaching, (including multiple print copies for classroom use), scholarship or research"

Fair Unfair

Describe the Nature of the Copyrighted Work:

[+] Work to be used has been previously PUBLISHED
[+] Work to be used is primarily of a factual nature (non-fiction, collection of facts, etc.)

Fair Unfair

Describe the Amount of Your Intended Use in Relation to the Copyrighted Work as a Whole:

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Fair Unfair
Describe the **Effect** of Your intended Use on the Potential Market or Value of the Copyrighted Work:

- [+] Use of the work has the potential to create or improve the market for the work
- [+] Proper attribution will be given with the intended use
- [+] The copy of the work to be used is a legal copy

<table>
<thead>
<tr>
<th>Fair</th>
<th>Unfair</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>

The Average **"Fairness Level,"** Based on Your Rating of Each of the 4 Factors, is:

- [ ] Fair
- [✓] Unfair

Based on the information and justification I have provided above, I, Robert V. Davis, am asserting this use is **FAIR** under Section 107 of the U.S. Copyright Code.

Signature: [Signature]

Date of Signature: October 28, 2011

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Name: Robert V. Davis  "The (Un)settling of America: Science and the Search for the First Americans"
Job Title: Institution: Virginia Tech
Title of Work Used: Figure 31 Joseph Greenberg’s distribution of New World languages (page 160)
Copyright Holder: Citation provided in footnote on page 160
Publication Status: N/A
Publisher: Citation provided in footnote on page 160
Place of Publication: Citation provided in footnote on page 160
Publication Year: Citation provided in footnote on page 160
Description of Work:
Date of Evaluation: October 28, 2011
Date of Intended Use: October 28, 2011

Describe the Purpose and Character of Your Intended Use:
[+] Use is for "criticism, comment, news reporting, teaching, (including multiple print copies for classroom use), scholarship or research"

Describe the Nature of the Copyrighted Work:
[+] Work to be used has been previously PUBLISHED
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[+] Use of the work has the potential to create or improve the market for the work [+] Proper attribution will be given with the intended use 
[+] The copy of the work to be used is a legal copy

The Average "Fairness Level," Based on Your Rating of Each of the 4 Factors, Is:

Fair

Based on the information and justification I have provided above, I, Robert V. Davis, am asserting this use is FAIR under Section 107 of the U.S. Copyright Code.

Signature: [Signature]

Date of Signature: October 28, 2011

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Name: Robert V. Davis  "The (Un)Settling of America: Science and the Search for the First Americans"

Job Title: Institution: Virginia Tech

Title of Work Used: Figure 32 University of Georgia isotope analysis price list (page 169)

Copyright Holder: Citation provided in footnote on page 169

Publication Status: N/A

Publisher: Citation provided in footnote on page 169

Place of Publication: Citation provided in footnote on page 169

Publication Year: Citation provided in footnote on page 169

Description of Work:

Date of Evaluation: October 28, 2011

Date of Intended Use: October 28, 2011

Describe the Purpose and Character of Your Intended Use:

[+] Use is for "criticism, comment, news reporting, teaching, (including multiple print copies for classroom use), scholarship or research"

Fair

Describe the Nature of the Copyrighted Work:

[+] Work to be used has been previously PUBLISHED

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Fair
Describe the **Effect** of Your Intended Use on the Potential Market or Value of the Copyrighted Work:

[ ] Use of the work has the potential to create or improve the market for the work
[ ] Proper attribution will be given with the intended use
[ ] The copy of the work to be used is a legal copy

![Fair](image)

The Average **"Fairness Level,"** Based on Your Rating of Each of the 4 Factors, is:

![Fair](image)

Based on the information and justification I have provided above, I, Robert V. Davis, am asserting this use is **FAIR** under Section 107 of the U.S. Copyright Code.

Signature:

Date of Signature: October 28, 2011

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Name: Robert V. Davis  "The (Un)Settling of America: Science and the Search for the First Americans"
Job Title: Institution: Virginia Tech

Title of Work Used: Figure 33 Clovis Gravel Pit, 1933 (page 172)

Copyright Holder: Citation provided in footnote on page 172

Publication Status: N/A

Publisher: Citation provided in footnote on page 172

Place of Publication: Citation provided in footnote on page 172

Publication Year: Citation provided in footnote on page 172

Date of Evaluation: October 28, 2011
Date of Intended Use: October 28, 2011

Describe the Purpose and Character of Your Intended Use:

[+] Use is for "criticism, comment, news reporting, teaching, (including multiple print copies for classroom use), scholarship or research"

Fair Unfair

Describe the Nature of the Copyrighted Work:

[+] Work to be used has been previously PUBLISHED
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Fair Unfair

Describe the Amount of Your Intended Use in Relation to the Copyrighted Work as a Whole:

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Fair Unfair
Describe the **Effect** of Your Intended Use on the Potential Market or Value of the Copyrighted Work:

[+] Use of the work has the potential to create or improve the market for the work
[+] Proper attribution will be given with the intended use
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Based on the information and justification I have provided above, I, Robert V. Davis, am asserting this use is **FAIR** under Section 107 of the U.S. Copyright Code.

**Signature:**

**Date of Signature:** October 28, 2011

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Name: Robert V. Davis  "The (Un)Settling of America: Science and the Search for the First Americans"
Job Title: Institution: Virginia Tech
Title of Work Used: Figure 34 Map of Western Hemisphere excavation sites (page 180)
Copyright Holder: Citation provided in footnote on page 180
Publication Status: N/A
Publisher: Citation provided in footnote on page 180
Place of Publication: Citation provided in footnote on page 180
Publication Year: Citation provided in footnote on page 180

Date of Evaluation: October 28, 2011
Date of Intended Use: October 28, 2011

Describe the **Purpose** and Character of Your Intended Use:

<table>
<thead>
<tr>
<th>Fair</th>
<th>Unfair</th>
</tr>
</thead>
</table>

Use is for "criticism, comment, news reporting, teaching, (including multiple print copies for classroom use), scholarship or research"

Describe the **Nature** of the Copyrighted Work:

<table>
<thead>
<tr>
<th>Fair</th>
<th>Unfair</th>
</tr>
</thead>
</table>

Work to be used has been previously PUBLISHED
Work to be used is primarily of a factual nature (non-fiction, collection of facts, etc.)

Describe the **Amount** of Your Intended Use in Relation to the Copyrighted Work as a Whole:

<table>
<thead>
<tr>
<th>Fair</th>
<th>Unfair</th>
</tr>
</thead>
</table>

Only limited and reasonable portions will be used
The portion used is not the "heart" of the work (the portion considered most central to the work as a whole)
Only the amount required to achieve the stated, socially-beneficial purpose or objective will be used (be that educational, artistic, scholarly, journalistic, etc.)
Describe the **Effect** of Your intended Use on the Potential Market or Value of the Copyrighted Work:

[+] Use of the work has the potential to create or improve the market for the work
[+] Proper attribution will be given with the intended use
[+] The copy of the work to be used is a legal copy

**Fair** ✔️ **Unfair**

**"Fairness Level,\"** Based on Your Rating of Each of the 4 Factors, Is:

[ ] Fair ✔️ **Unfair**

Based on the information and justification I have provided above, I, Robert V. Davis, am asserting this use is **FAIR** under Section 107 of the U.S. Copyright Code.

Signature: [Signature]
Date of Signature: October 28, 2011

*Disclaimer: This document is intended to help you collect, organize & archive the information you might need to support your fair use evaluation. It is not a source of legal advice or assistance. The results are only as good as the input you have provided by are intended to suggest next steps, and not to provide a final judgment. It is recommended that you share this evaluation with a copyright specialist before proceeding with your intended use.*
Name: Robert V. Davis  "The (Un)Settling of America: Science and the Search for the First Americans"

Job Title: Institution: Virginia Tech

Title of Work Used: Figure 43 Kennewick man skull (page 234)

Copyright Holder: Citation provided in footnote on page 234

Publication Status: N/A

Publisher: Citation provided in footnote on page 234

Place of Publication: Citation provided in footnote on page 234

Publication Year: Citation provided in footnote on page 234

Date of Evaluation: October 28, 2011

Date of Intended Use: October 28, 2011

Describe the Purpose and Character of Your Intended Use:

[+] Use is for "criticism, comment, news reporting, teaching, (including multiple print copies for classroom use), scholarship or research"

Fair  Unfair

Describe the Nature of the Copyrighted Work:

[+] Work to be used has been previously PUBLISHED

[+] Work to be used is primarily of a factual nature (non-fiction, collection of facts, etc.)

Fair  Unfair

Describe the Amount of Your Intended Use in Relation to the Copyrighted Work as a Whole:

[+] Only limited and reasonable portions will be used

[+] The portion used is not the "heart" of the work (the portion considered most central to the work as a whole) [+] Only the amount required to achieve the stated, socially-beneficial purpose or objective will be used (be that educational, artistic, scholarly, journalistic, etc.)

Fair  Unfair
Describe the **Effect** of Your intended Use on the Potential Market or Value of the Copyrighted Work:

[+] Use of the work has the potential to create or improve the market for the work
[+] Proper attribution will be given with the intended use
[+] The copy of the work to be used is a legal copy

Fair [ ] Unfair [X]

The Average "**Fairness Level,**" Based on Your Rating of Each of the 4 Factors, is:

Fair [X] Unfair [ ]

Based on the information and justification I have provided above, I, Robert V. Davis, am asserting this use is FAIR under Section 107 of the U.S. Copyright Code.

Signature: [Signature]

Date of Signature: October 28, 2011

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Fair Use Evaluation Documentation

Name: Robert V. Davis  "The (Un)Settling of America: Science and the Search for the First Americans"
Job Title: Institution: Virginia Tech

Title of Work Used: Figure 44 Map of location of Kennewick man skull discovery (page 236)
Copyright Holder: Citation provided in footnote on page 236
Publication Status: N/A
Publisher: Citation provided in footnote on page 236
Place of Publication: Citation provided in footnote on page 236
Publication Year: Citation provided in footnote on page 236

Date of Evaluation: October 28, 2011
Date of Intended Use: October 28, 2011

Describe the Purpose and Character of Your Intended Use:

[+] Use is for "criticism, comment, news reporting, teaching, (including multiple print copies for classroom use), scholarship or research"

Unfair

Describe the Nature of the Copyrighted Work:

[+] Work to be used has been previously PUBLISHED
[+] Work to be used is primarily of a factual nature (non-fiction, collection of facts, etc.)

Fair

Describe the Amount of Your Intended Use in Relation to the Copyrighted Work as a Whole:

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Unfair

Page 1
Describe the Effect of Your Intended Use on the Potential Market or Value of the Copyrighted Work:

[+] Use of the work has the potential to create or improve the market for the work
[+] Proper attribution will be given with the intended use
[+] The copy of the work to be used is a legal copy

Fair ☑️ Unfair

"Fairness Level,"

Based on Your Rating of Each of the 4 Factors, is:

Fair ☑️ Unfair

Based on the information and justification I have provided above, I, Robert V. Davis, am asserting this use is FAIR under Section 107 of the U.S. Copyright Code.

Signature: 

Date of Signature: October 28, 2011

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Name: Robert V. Davis
Job Title: Institute: Virginia Tech

Title of Work Used: Figure 45 Patrick Stewart and reconstructed Kennewick man (page 245)

Copyright Holder: Citation provided in footnote on page 245

Publication Status: N/A

Publisher: Citation provided in footnote on page 245

Place of Publication: Citation provided in footnote on page 245

Publication Year: Citation provided in footnote on page 245

Description of Work:

Date of Evaluation: October 28, 2011
Date of Intended Use: October 28, 2011

Describe the Purpose and Character of Your Intended Use:

[+] Use is for "criticism, comment, news reporting, teaching, (including multiple print copies for classroom use), scholarship or research"

Fair Unfair

Describe the Nature of the Copyrighted Work:

[+] Work to be used has been previously PUBLISHED

[+] Work to be used is primarily of a factual nature (non-fiction, collection of facts, etc.)

Fair Unfair

Describe the Amount of Your Intended Use in Relation to the Copyrighted Work as a Whole:

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Fair Unfair
Describe the **Effect** of Your Intended Use on the Potential Market or Value of the Copyrighted Work:

[+] Use of the work has the potential to create or improve the market for the work  
[+] Proper attribution will be given with the intended use   
[+] The copy of the work to be used is a legal copy  

The Average "**Fairness Level,**" Based on Your Rating of Each of the 4 Factors, Is:

---

Based on the information and justification I have provided above, I, Robert V. Davis, am asserting this use is **FAIR** under Section 107 of the U.S. Copyright Code.

Signature:  
Date of Signature: October 28, 2011

*Disclaimer: This document is intended to help you collect, organize & archive the information you might need to support your fair use evaluation. It is not a source of legal advice or assistance. The results are only as good as the input you have provided by are intended to suggest next steps, and not to provide a final judgment. It is recommended that you share this evaluation with a copyright specialist before proceeding with your intended use.*
Name: Robert V. Davis  "The (Un)Settling of America: Science and the Search for the First Americans"
Job Title: Institution: Virginia Tech

Title of Work Used: Figure 46 Chief Black Hawk and son-John Jarvis painting (page 246)
Copyright Holder: Citation provided in footnote on page 246
Publication Status: N/A
Publisher: Citation provided in footnote on page 246
Place of Publication: Citation provided in footnote on page 246
Publication Year: Citation provided in footnote on page 246

Date of Evaluation: October 28, 2011
Date of Intended Use: October 28, 2011

Purpose (c) 2008 Michael Brewer & the Office for Information Technology Policy. http://librarycopyright.net/fairuse.

Describe the Purpose and Character of Your Intended Use:
[+] Use is for "criticism, comment, news reporting, teaching, (including multiple print copies for classroom use), scholarship or research"

Fair  Unfair

Nature (c) 2008 Michael Brewer & the Office for Information Technology Policy. http://librarycopyright.net/fairuse.

Describe the Nature of the Copyrighted Work:
[+] Work to be used has been previously PUBLISHED
[+] Work to be used is primarily of a factual nature (non-fiction, collection of facts, etc.)

Fair  Unfair

Amount (c) 2008 Michael Brewer & the Office for Information Technology Policy. http://librarycopyright.net/fairuse.

Describe the Amount of Your Intended Use in Relation to the Copyrighted Work as a Whole:
[+] Only limited and reasonable portions will be used
[+] The portion used is not the "heart" of the work (the portion considered most central to the work as a whole) [+] Only the amount required to achieve the stated, socially-beneficial purpose or objective will be used (be that educational, artistic, scholarly, journalistic, etc.)

Fair  Unfair
Describe the **Effect** of Your intended Use on the Potential Market or Value of the Copyrighted Work:

<table>
<thead>
<tr>
<th>Fair</th>
<th>Unfair</th>
</tr>
</thead>
</table>

[+] Use of the work has the potential to create or improve the market for the work  
[+] Proper attribution will be given with the intended use  
[+] The copy of the work to be used is a legal copy

---

**"Fairness Level,\"** Based on Your Rating of Each of the 4 Factors, Is:

<table>
<thead>
<tr>
<th>Fair</th>
<th>Unfair</th>
</tr>
</thead>
</table>

Based on the information and justification I have provided above, I, Robert V. Davis, am asserting this use is FAIR under Section 107 of the U.S. Copyright Code.

Signature: [Signature]

Date of Signature: October 28, 2011

"Disclaimer: This document is intended to help you collect, organize & archive the information you might need to support your fair use evaluation. It is not a source of legal advice or assistance. The results are only as good as the input you have provided by are intended to suggest next steps, and not to provide a final judgment. It is recommended that you share this evaluation with a copyright specialist before proceeding with your intended use."
Name: Robert V. Davis  "The (Un)Settling of America: Science and the Search for the First Americans"

Job Title: Institute: Virginia Tech

Title of Work Used: Figure 47 Map of Tarim Basin mummies excavation site (page 250)

Copyright Holder: Citation provided in footnote on page 250

Publication Status: N/A

Publisher: Citation provided in footnote on page 250

Place of Publication: Citation provided in footnote on page 250

Publication Year: Citation provided in footnote on page 250

Description of Work:

Date of Evaluation: October 28, 2011

Date of Intended Use: October 28, 2011

Describe the **Purpose** and Character of Your Intended Use:

[+] Use is for "criticism, comment, news reporting, teaching, (including multiple print copies for classroom use), scholarship or research"

Unfair

Describe the **Nature** of the Copyrighted Work:

[+] Work to be used has been previously PUBLISHED

[+] Work to be used is primarily of a factual nature (non-fiction, collection of facts, etc.)

Unfair

Describe the **Amount** of Your Intended Use in Relation to the Copyrighted Work as a Whole:

[+] Only limited and reasonable portions will be used

[+] The portion used is not the "heart" of the work (the portion considered most central to the work as a whole) [+] Only the amount required to achieve the stated, socially-beneficial purpose or objective will be used (be that educational, artistic, scholarly, journalistic, etc.)

Unfair
Describe the **Effect** of Your Intended Use on the Potential Market or Value of the Copyrighted Work:

[+] Use of the work has the potential to create or improve the market for the work
[+] Proper attribution will be given with the intended use.
[+] The copy of the work to be used is a legal copy.

The Average **Fairness Level,** Based on Your Rating of Each of the 4 Factors, Is:

Fair

Based on the information and justification I have provided above, I, Robert V. Davis, am asserting this use is FAIR under Section 107 of the U.S. Copyright Code.

Signature: [Signature]

Date of Signature: October 28, 2011

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Name: Robert V. Davis  "The (Un)Settling of America: Science and the Search for the First Americans"
Job Title: Institution: Virginia Tech
Title of Work Used: Figure 48 Beauty of Xiaohe (page 251)
Copyright Holder: Citation provided in footnote on page 251
Publication Status: N/A
Publisher: Citation provided in footnote on page 251
Place of Publication: Citation provided in footnote on page 251
Publication Year: Citation provided in footnote on page 251
Description of Work:

Date of Evaluation: October 28, 2011
Date of Intended Use: October 28, 2011

Describe the Purpose and Character of Your Intended Use:

[+] Use is for "criticism, comment, news reporting, teaching, (including multiple print copies for classroom use), scholarship or research"

Fair

Describe the Nature of the Copyrighted Work:

[+] Work to be used has been previously PUBLISHED
[+] Work to be used is primarily of a factual nature (non-fiction, collection of facts, etc.)

Fair

Describe the Amount of Your Intended Use in Relation to the Copyrighted Work as a Whole:

[+] Only limited and reasonable portions will be used
[+] The portion used is not the "heart" of the work (the portion considered most central to the work as a whole) [+] Only the amount required to achieve the stated, socially-beneficial purpose or objective will be used (be that educational, artistic, scholarly, journalistic, etc.)

Fair
Describe the **Effect** of Your Intended Use on the Potential Market or Value of the Copyrighted Work:

[ ] Use of the work has the potential to create or improve the market for the work [ ] Proper attribution will be given with the intended use [ ] The copy of the work to be used is a legal copy

The Average "**Fairness Level,**" Based on Your Rating of Each of the 4 Factors, Is:

[ ] Fair

[ ] Unfair

Based on the information and justification I have provided above, I, Robert V. Davis, am asserting this use is **FAIR** under Section 107 of the U.S. Copyright Code.

Signature: [Signature]

Date of Signature: October 28, 2011

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Name: Robert V. Davis "The (Un)Settling of America: Science and the Search for the First Americans"
Job Title: Institution: Virginia Tech

Title of Work Used: Table 1 Ignatius Donnelly comparison of languages (page 101)

Copyright Holder: Citation provided in footnote on page 101
Publication Status: N/A
Publisher: Citation provided in footnote on page 101
Place of Publication: Citation provided in footnote on page 101
Publication Year: Citation provided in footnote on page 101
Description of Work:

Date of Evaluation: October 28, 2011
Date of Intended Use: October 28, 2011

Describe the Purpose and Character of Your Intended Use:

[+] Use is for "criticism, comment, news reporting, teaching, (including multiple print copies for classroom use), scholarship or research"

Fair

Unfair

Describe the Nature of the Copyrighted Work:

[+] Work to be used has been previously PUBLISHED
[+] Work to be used is primarily of a factual nature (non-fiction, collection of facts, etc.)

Fair

Unfair

Describe the Amount of Your Intended Use in Relation to the Copyrighted Work as a Whole:

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[+] The portion used is not the "heart" of the work (the portion considered most central to the work as a whole) [+] Only the amount required to achieve the stated, socially-beneficial purpose or objective will be used (be that educational, artistic, scholarly, journalistic, etc.)

Fair

Unfair
Describe the **Effect** of Your Intended Use on the Potential Market or Value of the Copyrighted Work:

[+] Use of the work has the potential to create or improve the market for the work  
[+] Proper attribution will be given with the intended use  
[+] The copy of the work to be used is a legal copy

The Average "**Fairness Level,**" Based on Your Rating of Each of the 4 Factors, is:

Fair

Based on the information and justification I have provided above, I, Robert V. Davis, am asserting this use is **FAIR** under Section 107 of the U.S. Copyright Code.

Signature: [Signature]

Date of Signature: October 28, 2011

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## Fair Use Evaluation Documentation

### Name:
Robert V. Davis  "The (Un)Settling of America: Science and the Search for the First Americans"

### Job Title:

### Institution:
Virginia Tech

### Title of Work Used:
Table 2 Ignatius Donnelly comparison of alphabets  (page 102)

### Copyright Holder:
Citation provided in footnote on page 102

### Publication Status:
N/A

### Publisher:
Citation provided in footnote on page 102

### Place of Publication:
Citation provided in footnote on page 102

### Publication Year:
Citation provided in footnote on page 102

### Description of Work:

### Date of Evaluation:
October 28, 2011

### Date of Intended Use:
October 28, 2011

---

### Purpose
Describe the purpose and character of your intended use:

<table>
<thead>
<tr>
<th>Fair</th>
<th>Unfair</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use is for &quot;criticism, comment, news reporting, teaching, (including multiple print copies for classroom use), scholarship or research&quot;</td>
<td></td>
</tr>
</tbody>
</table>

### Nature
Describe the nature of the copyrighted work:

<table>
<thead>
<tr>
<th>Fair</th>
<th>Unfair</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work to be used has been previously PUBLISHED</td>
<td></td>
</tr>
<tr>
<td>Work to be used is primarily of a factual nature (non-fiction, collection of facts, etc.)</td>
<td></td>
</tr>
</tbody>
</table>

### Amount
Describe the amount of your intended use in relation to the copyrighted work as a whole:

<table>
<thead>
<tr>
<th>Fair</th>
<th>Unfair</th>
</tr>
</thead>
<tbody>
<tr>
<td>Only limited and reasonable portions will be used</td>
<td></td>
</tr>
<tr>
<td>The portion used is not the &quot;heart&quot; of the work (the portion considered most central to the work as a whole)</td>
<td></td>
</tr>
<tr>
<td>Only the amount required to achieve the stated, socially-beneficial purpose or objective will be used (be that educational, artistic, scholarly, journalistic, etc.)</td>
<td></td>
</tr>
</tbody>
</table>
Describe the **Effect** of Your Intended Use on the Potential Market or Value of the Copyrighted Work:

<table>
<thead>
<tr>
<th>Use of the work has the potential to create or improve the market for the work</th>
<th>Proper attribution will be given with the intended use</th>
<th>The copy of the work to be used is a legal copy</th>
</tr>
</thead>
<tbody>
<tr>
<td>[✓]</td>
<td>[✓]</td>
<td>[✓]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fair</th>
<th>Unfair</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>

The Average "**Fairness Level,**" Based on Your Rating of Each of the 4 Factors, is:

<table>
<thead>
<tr>
<th>Fair</th>
<th>Unfair</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>

Based on the information and justification I have provided above, I, Robert V. Davis, am asserting this use is **FAIR** under Section 107 of the U.S. Copyright Code.

**Signature:**

**Date of Signature:** October 28, 2011

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Name: Robert V. Davis  "The (Un)Settling of America: Science and the Search for the First Americans"
Job Title: Institution: Virginia Tech
Title of Work Used: Table 3 Conversion of radio-carbon to chronological years (page 164)
Copyright Holder: Citation provided in footnote on page 164
Publication Status: N/A
Publisher: Citation provided in footnote on page 164
Place of Publication: Citation provided in footnote on page 164
Publication Year: Citation provided in footnote on page 164
Description of Work:
Date of Evaluation: October 28, 2011
Date of Intended Use: October 28, 2011

Describe the **Purpose** and Character of Your Intended Use:
[+] Use is for "criticism, comment, news reporting, teaching, (including multiple print copies for classroom use), scholarship or research"
Unfair

Describe the **Nature** of the Copyrighted Work:
[+] Work to be used has been previously PUBLISHED
[+] Work to be used is primarily of a factual nature (non-fiction, collection of facts, etc.)
Unfair

Describe the **Amount** of Your Intended Use in Relation to the Copyrighted Work as a Whole:
[+] Only limited and reasonable portions will be used
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[+] Only the amount required to achieve the stated, socially-beneficial purpose or objective will be used (be that educational, artistic, scholarly, journalistic, etc.)
Unfair
Describe the **Effect** of Your Intended Use on the Potential Market or Value of the Copyrighted Work:

[-] Use of the work has the potential to create or improve the market for the work
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<table>
<thead>
<tr>
<th>Fair</th>
<th>Unfair</th>
</tr>
</thead>
</table>

The Average "Fairness Level," Based on Your Rating of Each of the 4 Factors, Is:

<table>
<thead>
<tr>
<th>Fair</th>
<th>Unfair</th>
</tr>
</thead>
</table>

Based on the information and justification I have provided above, I, Robert V. Davis, am asserting this use is **fair** under Section 107 of the U.S. Copyright Code.

Signature: 

Date of Signature: October 28, 2011

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Name: Robert V. Davis  "The (Un)Settling of America: Science and the Search for the First Americans"
Job Title: Institution: Virginia Tech

Title of Work Used: Table 4 Smithsonian Institution Visitors in 2010 (page 189)

Copyright Holder: Citation provided in footnote on page 189
Publication Status: N/A
Publisher: Citation provided in footnote on page 189
Place of Publication: Citation provided in footnote on page 189
Publication Year: Citation provided in footnote on page 189

Description of Work:

Date of Evaluation: October 28, 2011
Date of Intended Use: October 28, 2011

Describe the **Purpose** and Character of Your Intended Use:

(+) Use is for "criticism, comment, news reporting, teaching, (including multiple print copies for classroom use), scholarship or research"

<table>
<thead>
<tr>
<th>Fair</th>
<th>Unfair</th>
</tr>
</thead>
</table>

Describe the **Nature** of the Copyrighted Work:

(+) Work to be used has been previously PUBLISHED
(+) Work to be used is primarily of a factual nature (non-fiction, collection of facts, etc.)

<table>
<thead>
<tr>
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</thead>
</table>

Describe the **Amount** of Your Intended Use in Relation to the Copyrighted Work as a Whole:

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<table>
<thead>
<tr>
<th>Fair</th>
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</tr>
</thead>
</table>
Describe the **Effect** of Your Intended Use on the Potential Market or Value of the Copyrighted Work:

- Use of the work has the potential to create or improve the market for the work
- Proper attribution will be given with the intended use
- The copy of the work to be used is a legal copy

Fair: ☑️ 
Unfair: ☐

**"Fairness Level,"** Based on Your Rating of Each of the 4 Factors, Is:

Fair: ☑️ 
Unfair: ☐

Based on the information and justification I have provided above, I, Robert V. Davis, am asserting this use is **FAIR** under Section 107 of the U.S. Copyright Code.

Signature: [Signature]

Date of Signature: October 28, 2011

*Disclaimer: This document is intended to help you collect, organize & archive the information you might need to support your fair use evaluation. It is not a source of legal advice or assistance. The results are only as good as the input you have provided by are intended to suggest next steps, and not to provide a final judgment. It is recommended that you share this evaluation with a copyright specialist before proceeding with your intended use.*