

SECTION V
PERSONAL VIEWPOINTS



Yakama Nation Council member Clifford Moses preparing human remains for shipment. Photo courtesy of Jane Beck, Repatriation Office, NMNH, Smithsonian Institution.

SECTION V

Chapter 1. REFLECTIONS OF A NATIVE REPATRIATOR

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THIS YEAR MARKS THE TWENTIETH ANNIVERSARY of my involvement in the repatriation movement. I started before most Indians had even heard the word repatriation. I was a young research assistant at the Buffalo and Erie County Historical Society and the only Indian the museum had ever hired.

My first published essay was about repatriation. Three things made me uncomfortable with the Indian exhibitions in the Buffalo museum. First, Indians were presented only in the past tense, as if they had disappeared after 1776. Next, the sacred medicine masks were openly displayed. I noticed that non-Indian visitors often made fun of the faces, not knowing, or disregarding, their religious significance. But the most disturbing of all was that the bones of an Indian were on display to show how Archaic Indians buried their dead. I would stand and look at those bones, feeling guilty and ashamed, yet angry at the same time. Children would come to view the bones, not with a sense of respect, but with a morbid curiosity, like that of people who view a car wreck, looking for the dead.

I realized that it was my job to seek a resolution. I finally was able to convince the director that we should remove the bones and masks from the exhibition and reinstall the entire hall, working with a Native advisory committee. The remains have since been reburied on a reservation and the masks have been loaned to local Iroquois communities for ritual use.

I have also been on the other side, unable to get anyone to rebury some remains that were returned by a county historical society. Those remains in search of reburial caused great discomfort to the Indians who worked at the Indian museum that held them. I have been in the unique position of helping to negotiate the return of sacred objects that had been in a museum for nearly a century, only to see many of them destroyed by a fire at the home of the Indian to whom the objects were given. I am still bothered by the lack of follow-through by my own people.

The return of the sacred wampum to the Iroquois became my focus because of what they represent in terms of our own identity and belief systems. After a century of effort by many people, the wampum have been restored to the Grand Council at the Six Nations Council at Onondaga. The wampum belts remain locked up in vaults off the reservation, but the Chiefs now have access to them. They have been placed on view in the longhouses and people have recounted what they know about their message.

The impact of their return remains to be seen as the Six Nations is currently torn apart over the issues of cigarettes, gasoline, and gambling. The power of the messages of these sacred documents remains hidden. How the Iroquois handle their spiritual responsibility now rests in their own hands. Only a handful of people can interpret the message of the belts. It is hoped that the Iroquois will concentrate on just that before it is too late. With the passage of each

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elder, the knowledge base gets smaller. With each passing month, fewer young Iroquois survive to hear those messages. The museum has done its part. Now, the Iroquois have to do theirs.

The Zuni Pueblo people have been caught in the middle of the repatriation movement. They, like most Indians, are opposed to the desecration of the graves of their ancestors. Like most Indians, the Zuni believe that there is another journey after death and that disturbing the grave disrupts that journey. However, unlike most other Indians, the Zuni do not want the remains of their ancestors returned for reburial. While most museums now use the Zuni as an example of the lack of consensus on the Indian side about repatriation, the reality is the Zuni are deeply concerned over the dead. Their reality is that they do not have a reburial ceremony. They do not know what clan the dead belong to, what family should take charge, or that the bodies are even Zuni. In short, they have no cultural mechanism in place to address the reburial.

The Zuni tell the museums that, since the museums desecrated the grave, the responsibility for the proper care of the dead is theirs, not that of the Zuni. Recently, I became aware of the head of a Zuni Bow Priest that is part of the National Museum of the American Indian collection. The Indian people on staff objected to having to work with this head on the shelf. The NMAI has been in the process of returning the 500 remains that we have located, but when we asked the Zuni what to do about the head, they responded that it is the museum's responsibility to show proper respect for the head and they did not want it back. Despite the national movement toward repatriation, the Zuni dead will remain in museums. The difficulty will be to resolve how a museum can show "proper" respect for remains that belong in the ground, not on a museum shelf. By the same token, we must accept the decision of the Zuni and together seek further resolution.

Regarding sacred objects, the Zuni have a very different point of view. On May 30, 1978, the Zuni Tribal Council, while recognizing that the traditional religious leaders have authority in this area, requested that museums and collectors assist in the return of special sacred and religious items and in their proper handling. The special focus of their efforts has been the recovery of the twin War God images, known as Ahayu:da, from museum collections. Through surveys and correspondence, the Zuni have been able to locate nearly all of the missing War Gods. The Zuni also sought a more respectful handling of sacred material by the museum professionals and took the time to explain their case. It should not be forgotten, however, that their claim to the War Gods carried the weight of the fact that the FBI was involved in the return of a War God that was placed on auction in New York City. The Zuni, as with most Native claimants, pursued the idea that such religious items are community property, belonging to the entire community, and therefore could not be removed from the community without the agreement of all.

To the Zuni, all communally owned objects must have been removed illegally as the elders never consented to their removal. It appeared that many items were taken from individual shrines. Even items sold by individual Indians may need special handling while in the possession of non-Indians. Not all objects of cultural identity are sacred to the Zuni.

In the Southwest, cultural protocol is deeply ingrained within the community, but the conduct of individual Indians has always been under the scrutiny of the elders. During the early years of the Institute of American Indian Arts in Santa Fe, NM, young Native American artists were encouraged to look at tribal objects in museums for inspiration. These young artists quickly saw that sacred symbols, objects of power and eagle feathers were important to the cultural identity of their people. The young painters began to use the imagery of the past in their contemporary work. The problem came when they began to attach eagle feathers to their paint-

ings and sculptures, recalling a sacred process of their ancestors. Many of the traditional Pueblo people objected, as they saw it as a misuse of the eagle feather. The debate became very intense and culminated with the Pueblos removing the feathers from the art work themselves.

Today, you will hardly ever see any contemporary Native artist use an eagle feather in his/her art, for such use is considered inappropriate. The federal migratory bird protection laws also have impacted on the Indian arts. Kachina doll carving had been controversial within the communities of the Southwest to begin with. Most of the Pueblos objected to their sale to non-Indians, while the Hopi and the Navajo did not seem to have a problem with carving them for sale or with the use of Kachina images in contemporary painting and sculpture. Those that did carve Kachinas for sale tried to make them as “authentic” as possible, to increase their salability. This meant that feathers of birds of prey, as used in ceremonies on the reservation, would be attached to the carvings made for sale.

The federal authorities began to crack down and such Kachinas in craft shops were confiscated as they violated federal law on the use of such feathers. The artists began to use brightly colored feathers in the place of the real feathers. Others began to carve the feather to look like the original, rather than use an incorrect feather. Today, Kachina carving has become more realistic and intricate, advancing the art form and increasing the price. It also pushed up the price of older Kachinas that were on the market, but were made before the federal laws that restrict the use of feathers from protected birds. This is why dealers can still sell historic objects with eagle, hawk, owl or waterbird feathers, provided the object was made before the law took effect.

It will be interesting to see how the Pueblos handle the issue of repatriation of Kachinas. Will something made for sale at Indian Market in Santa Fe and donated by the buyer to a museum be subject to repatriation? Will private collectors offer their prized Kachinas back to the communities from where they originated without compensation? Will the Pueblos’ elders step forward and work with the young artists of today to ensure that their cultural protocols are respected and that art work that offends a community ethic is not created, rather than censor the work after the fact?

In 1978, from a cave on the Hopi Reservation in Arizona, Jimmie Lee Hinton and Randall Morris stole four carved figures representing the Corn Mother, her husband and daughter and Dawn Woman. These objects were created for these shrines as part of the Hopi religious expression. They sold the stolen objects to rancher Eugene Pyle for \$1,600. The loss of the objects has

caused a generation of young Hopi males to go without rites-of-passage ceremonies. The thieves and the rancher now claim that they suffered bad luck as a result of the theft and that the figures have been chopped up and burned. No laws can bring back those sacred figures. No money can compensate the Hopi for their loss. However, the desire of collectors to own what is sacred for others will continue. Indian religious beliefs will forever be under stress as long as other people desire to possess what they should not have.

It is best to look at the entire repatriation movement over the last century in order to see that this is not a new political movement and understand that many cases of repatriation occurred prior to federal law. What follows is a historical chronology of major cases and actions that have impacted on the return of sacred objects.

Crow Mother Kachina by Clark Tenakhongva, Hopi





Office of the Department of Ethnology at the National Museum, c. 1890.
Photo courtesy of the National Anthropological Archives, Smithsonian Institution.

A CHRONOLOGY OF REMOVAL AND REPATRIATION

1837 to 1841. Ethnological museums emerged in Europe as a distinct idea, becoming a full scale museum movement in the 1870s. The Smithsonian Institution began to collect Native material in earnest in 1863 with an announced intention of “extending and completing its collections” on races of the Americas as “many articles are of a perishable nature, and the tribes themselves are passing away or exchanging their own manufacture for those of the white race.” The stated desire was for a full series of American skulls that were to be procured “without offense to the living.”

1882. Theodore Baker published, *On the Music of the North American Savages*, as the first publication of ethnomusicology. Native materials were referred to as “artificial curiosities” and entered the collections of the aristocratic and wealthy connoisseurs as “cabinets of curiosities.” The Indian was often depicted as the Vanishing American, doomed to disappear in the face of progress.

1885. The Canadian Government banned the potlatch but the courts were generally unwilling to enforce the statutes. The actual ban read: “Every Indian or other person who engages in or assists in celebrating the Indian festival known as the ‘Potlatch’ or in the Indian dance known as the ‘Tamanawas’ is guilty of a misdemeanor, and shall be liable to imprisonment for a term of not more than six nor less than two months in any gaol [jail] or other place of confinement; and any Indian or other person who encourages, either directly or indirectly, an Indian or Indians to get such a festival or dance, or to celebrate the same, or who shall assist in the celebration of same is guilty of a like offense, and shall be liable to the same punishment.”

1891. Onondaga Chief Thomas Webster sold four wampum belts (Hiawatha, George Washington Covenant, Sighting of the First Palefaces, Chaplain) in his possession to General Henry B. Carrington, U.S. Indian Census Agent, for \$75. Carrington later sold the belts to

Dr. Oliver Crane, who in turn sold them to John B. Thatcher, mayor of Albany for \$500 in 1893. For his actions, as wampum were considered communal property of the Onondaga Nation, Chief Webster was removed from office in 1897.

1894. US Office of the Interior published “Regulations of the Indian Office,” outlawing traditional religious ceremonies. This document was published again in 1904.

1899. The Onondaga Nation and the State of New York filed suit against collector John Boyd Thatcher seeking the return of the sacred wampum belts in his possession. They lost their case, Judge Hiscock ruling that the wampum were “curiosities and relics of time and condition and confederation which has ceased to exist.” In 1907, a lawsuit to return the wampum was dismissed by a New York State judge. The court ruled, in effect, that the Confederacy no longer existed and that Thomas Webster was not holding the wampum in trust for the Nation, and therefore had the right to sell them. In 1909, the New York State legislature passed the Wampum Law that bestows upon themselves the title of “Wampum Keeper,” and claims the right to any wampum once in the possession of any Iroquois, past, present or future. The State University was empowered to keep the wampum and began to acquire dozens of belts. Thatcher’s widow donated the four belts that were the center of the lawsuit to the State Museum in 1927. The wampum belts were eventually returned to the Onondaga Nation on October 21, 1989.

1906. The Federal Antiquities Act made it illegal to remove objects of antiquity from federal lands, including Indian reservations, without permission from the federal government. This Act did not protect Indian burials. Indian remains and objects in graves were viewed as property of the federal government. As a result, the federal agencies that oversaw Indian lands came into possession of thousands of Indian remains and funerary items.

1913. Canadian Indian Agent William M. Halliday began prosecution of Northwest Coast Indians for performing Potlatch ceremonies. Indian protests, as well as those of noted scholars, fell on deaf ears. For the next five years Indians were arrested, prosecuted, fined and jailed. The Indians were offered acquittals if they agreed not to perform any more ceremonies.

1921. Dan Cranmer held a large potlatch at Village Island that resulted in the arrest of 29 Indians. This time, the Indian agent demanded that the Indians surrender all “coppers, masks, head dresses, Potlatch [sic] blankets and boxes and all other parafanalia [sic] used solely for Potlatch purposes.” Over 450 items were confiscated and shipped east to the National Museum in Ottawa. 35 pieces were sold to George Heye of the Museum of the American Indian in New York City for \$291. Some of the Indians received compensation for their articles that were sold. About 100 objects were donated to the Royal Ontario Museum in Toronto.

1927. Marius Barbeau, noted anthropologist, described Northwest Coast objects: “It is really surprising that there still are things available, considering the number of collectors afield, the high prices offered, the need of Indians for money, and the facilities for disposing of objects through the curio stores at Prince Rupert.”

1930. Franz Boas, anthropologist, described a potlatch that he witnessed and noted a significant difference from those he had seen 45 years earlier. The host speaker described that in former times the distribution of meat was done in bowls carved in the shape of a bear, but the bowls were no longer used because “they are in the museums in New York and Berlin.”

1952. The Native Brotherhood lobbied successfully to have the Canadian government

rescind the potlatch laws, allowing for the restoration of these rituals. Museums had been securing the remaining objects and there was a real fear that the Potlatch was an endangered ritual.

1960. The U.S. Reservoir Salvage Act allowed for the development of salvage archeology to recover “relics and specimens” from construction sites, to be deposited in museums. This is when many of the current collections of ancient Indian objects began to grow in museums across the country.

1967. Kwakiutl Indians began to negotiate in earnest with the National Museum of Canada for the return of their potlatch materials. After many years of negotiations, it was agreed that two Native museums—The U’Mista Cultural Society and the Nuyumbalees Society—would house the returned materials for safekeeping. When those museums, under Native control, opened in 1979, the potlatch materials were in their possession.

1970. The American Indian Student Association of the University of Minnesota submitted a proposal to the National Science Foundation for excavation of a pioneer cemetery. Their intent was to draw attention to the existing double standard by which non-Natives morally vindicated the desecration of Indian graves in the interest of science.

1971–77. The State of California declared a moratorium on the excavation of all Indian burial sites that had been abandoned for less than two hundred years.

1971. James Nasion became one of the first Indians to write about repatriation in an article in *Western Museum Quarterly*, titled “Museums and American Indians: An Inquiry into Relationships”.

1972. The Governor ordered the State Historical Society of Iowa to remove Indian remains from exhibition after Indians picketed the museum.

March 1973. The Museum of Anthropology at the University of Michigan returned ancient Indian remains for reburial, including one of the oldest (2,000 years) from the Great Lakes area.

1974. As part of their efforts to achieve the return of religious objects, the Six Nations Council of Chiefs issued a statement that forbade the sale of such religious objects as Wampum beads, False Faces, Corn Husk Faces, Turtle Rattles, Gourd Rattles, Pumpkin Rattles, Snow Snakes, Condolence Canes, and recordings of religious songs, to non-Native Americans.

1975. The Buffalo and Erie County Historical Society returned several thousand wampum beads to the Onondaga Nation. They also loaned 45 sacred medicine masks to the traditional Longhouse people for use in ceremonies.

1976. The Union of Ontario Indians performed a citizen’s arrest of archeologist Walter Kenyon, who was excavating a Neutral Indian grave. They charged him with failing to comply with the provisions of the Cemeteries Act, and committing an indignity to human remains. Eventually it was agreed that the human remains would be reburied and the materials removed from the graves were divided between the Royal Ontario Museum and the Woodland Indian Museum, a Native-run cultural center.

1977. In a special issue of *Museum News* that focused on Museum-Indian relationships, Jerry Brody, director of the Maxwell Museum of Anthropology at the University of New Mexico, fueled the fires of fear, as he said: “This attitude of wanting to keep the more sacred items to themselves may go further. The Indians may some day want everything back, everything with religious connotations—and it would be to burn them, because they are defiled.

It constitutes a real moral issue for museums: Who has the right to these objects?" (Museum News, May/June 1977)

August 1978. The American Indian Religious Freedom Act (PL 95-341) was a joint resolution that turned out to be one of the biggest disappointments in federal-Indian relations. It required a study of existing federal laws, policies and practices to identify where such may infringe on the free exercise of Indian religions. The American Indian Law Center and the Native American Rights Fund were retained by several federal agencies to survey cases where federal policy inhibits the free expression of Indian religions. They found that federally-funded museums that held Native religious objects often refused to provide access to those collections for religious purposes and that the display of religious objects was a desecration to the Indian beliefs. Many recommendations of that study have never been enacted and few changes had been made in the laws that restrict Indian religious freedom until the current federal repatriation laws. There is currently a move to amend this Act to provide real protection of sacred sites and religious rights of Indians.

1978. Four Hopi Taalawtumsi, the most sacred carved figures, were stolen from Second Mesa, AZ. The case received national publicity through an article in *Newsweek* in 1983, bringing the issue of repatriation to public attention. The idols were sold to a collector for \$1600, who, in fear of being caught with them, later chopped them up and burned them in 1980-81. Reporters for the *Arizona Republic* investigated the case and published an article on March 14, 1993. They reported that two of the people involved in the theft died tragically and the other three have suffered sickness and bad luck. The collector, Eugene Pyle of Oakland, Oregon, dismissed any connection between the theft and bad luck: "Supernatural powers are the work of the devil. I believe in God and I go to church every Sunday. I don't see God endorsing these things." (The Curse of the Taalawtumsi, " Paul Brinkley-Rodgers and Richard Roberston, *The Arizona Republic*, No 301, March 14, 1993.) After a 13 year investigation, no one was charged with any crime.

1979-1980. The National Museum of Canada returned potlatch materials that had been removed in 1922 to the Kwakiutl.

1979. The Archeological Resources Protection Act Amendments broadened the definition of archeological resources and stiffened the penalties for looting of sites on federal lands. Indian remains became referred to as "archeological resources," and were considered property of the U.S. The act affirmed the Native right to consent to excavations and removal of such resources on Indian lands.

August 1979. President Carter's American Indian Religious Freedom Act Report was delivered to the Secretary of the Interior. That report mapped out ideas that are still being debated—Indians' view of communal property; museum possession of religious objects as severe restriction on Indian religious freedom; federal museums obligation to consult with Indians on exhibition, labeling, conservation and storage of sacred objects; the necessity for putting an end to trafficking in stolen objects, and so forth.

1980. The North American Indian Museum Association assisted the Zuni in negotiations with the Smithsonian regarding the return of the Ahayu:da (War Gods). The Zuni have been successful in the recovery of nearly all of the War Gods thought to exist (38 are reported to now be in use in a concrete house with open roofs protected with barbed wire to discourage a

new round of thefts). Since 1978, the Zuni have sought the return of 67 War Gods. The War Gods had become popular collectors' items in the 1920s and 1930s as part of a modern art movement that honored so-called "primitive" art, especially among the surrealists. The Zuni have used the US Justice Department to recover War Gods that were placed on auction, maintaining that, as communal property, the only way for the War Gods to leave the community was by theft. Auction houses have become aware of the issue: "There is no market for Zuni War Gods anymore," said Bernard de Grunne of Sotheby's. "They are simply too much trouble to handle." ("Quiet Effort to Regain Idols May Alter Views of Indian Art," Roberto Suro, *The New York Times*, August 13, 1990)

1980. Chicago art dealer Meryl Platt sold three stolen Hopi masks to collectors, who in turn donated them to the Art Institute of Chicago and received an inflated tax deduction based upon Platt's certification of value. The FBI confiscated the masks and returned them to the Hopi. Platt pleaded guilty to felony tax evasion and embezzlement charges, but only received a \$1,000 fine.

1981. Two collections of Indian burial material were re-interred at the request of the Native American Heritage Commission of California. 840 human remains were reburied. In opposition to the idea of reburial of the grave materials, the Committee for the Preservation of Archeological Collections was formed (eventually having 300 members); it successfully filed suit to stop the reburial of the artifacts.

1981. The American Association of Museums published the "Museum Trusteeship" document containing ethical standards for the treatment of Native American collections.

May 21, 1981. The National Congress of American Indians adopted a resolution that criticized the federal government for not acting on proposed regulations for the American Indian Religious Freedom Act and, in effect, making the law "a nullity."

1982. The National Park Service announced its "Guidelines for the Disposition of Archaeological and Historical Human Remains," suggesting consultation with Indians on sensitive issues of scientific, cultural and religious values.

1983. Five ritual objects were stolen from the Museum of the American Indian as the market demand for sacred Indian objects actually increased with all the public outcry for repatriation. Although charges were never filed, Indian artifact dealers Christopher Selser and the ACA American Indian Art Gallery of New York were implicated in the press.

1984. The National Museum of American History (NMAH) published a comprehensive bibliography on repatriation. Five Modoc remains were returned to their descendants from the Smithsonian.

March 24, 1985. In a letter to the editor of *The New York Times*, Michael Bush, executive director of the American Indian Community House in New York City, called upon the Museum of the American Indian either to provide access to Indians to their own cultural patrimony, or "give it back to the Indians."

1985. The Smithsonian notified 225 federally recognized tribes of the Indian remains in their collection with an inventory and letter explaining methods of storage and public access. In four years, only 16 tribes requested additional information on the collections.

March 1985. Judge C. Lenton Sartain of the 20th Judicial District Court ruled that 18th century artifacts uncovered on private land were the property of the Tunica-Biloxi tribe of Louisiana. Leonard Charrier, a self-described "treasure hunter," lost his bid for the right to

possess or receive compensation for the two and one-half tons of artifacts he uncovered from 1967 to 1970 at Tunica burials. In 1975, the state had assumed the position of the landowners in Charrier's suit, claiming that "in the absence of lawful heirs" the state represented the interests of the public. The Tunica-Biloxi tribe intervened in 1981, claiming title to the collection as buried materials of their ancestors, who lived at the site from 1731 to 1764. The state supported their position. The Appeals Court upheld the decision in November of 1986. A year later the human remains from that site were reburied, and the tribe broke ground for a museum to house the objects.

1986. The National Museum of Natural History (NMNH) established an American Indian program to serve as an outreach to Indian communities and to encourage research and programming by and about Indian peoples. Requests for materials from the Smithsonian began with the Zuni; since that time, 120 requests have been received by NMNH.

1986. Senator John Melcher (D-MT) introduced S.2952, the Native American Museum Claims Commissions Act or "The Bones Bill," to provide a forum for Indians and museums to resolve disputes over human remains and sacred objects. His bill did not require repatriation. The bill was eventually defeated due to strong opposition from museums.

September 26, 1986. The National Congress of American Indians, during its annual convention in Phoenix adopted a resolution that "rejects the federal laws which define Indian and Native burial sites, human remains and grave goods as 'archeological resources' and which permit the continued curation, storage and display of these sacred materials in museums, universities and other institutions. Federal laws must be changed to reflect Indian and Native religious and cultural rights to determine the treatment and disposition of these materials."

December 1986. *Anthropology Newsletter* aired various sides of what became known as the Archeologist's dilemma—support science and be depicted as "ghoulish exploiters," or support Indian wishes and "sacrifice valuable scientific information." Randall H. McGuire of the State University of New York Binghamton noted that Indian remains are treated differently from others: "Usually when a coroner ascertains remains to be non-Indian, they and any materials that accompany them are reburied in a recognized cemetery...Indian remains in the same situation are almost always turned over to archaeologists for study and curation." James Schoenwetter of Arizona State saw a different inequity—a preference for Indian claimants: "The Indian claim of privileged access to the property and its disposition is based on racial, not kin or cultural, affiliation. However, the archaeologist's claim is based on the proposal that the cultural heritage benefit of the archeological collection is greater for American citizens in general than it is for American Indians."

January 13, 1987. Arizona State University held a conference, "The Role of Tribal Governments in Public Archeology," to bring together archeologists and Indians in an attempt to show that legislation was not necessary to regulate the handling of Indian remains.

February 1987. Real estate developer AMREP agreed to rebury five Anasazi Indian remains and the thousands of objects associated with them at the request of the Sandia Pueblo in New Mexico.

March 1987. The Smithsonian Institution (SI) returned two War Gods to the Zuni that had been removed by Smithsonian anthropologists James Stevenson and Frank Cushing a century before.

May 1987. The Larsen Bay Tribal Council (Kodiak Island, Alaska) passed a resolution calling for return of ancestral remains and associated materials from the National Museum of Natural History.

1987. The Museum of New Mexico formed a Committee on Sensitive Materials that worked with the existing Native American Advisory Committee to develop a proactive policy by which the museum would contact tribes regarding their collections.

August 1987. The National Congress of American Indians held meetings to allow Indians to comment on the proposed policy of the U.S. Forest Service on the protection of Indian burial sites and the reburial of Indian remains from regions 8 and 9, covering all federal lands east of the Mississippi, and lands in Minnesota, Iowa, Michigan, Arkansas, Louisiana, Oklahoma, and Texas.

November 1987. Smithsonian Institution Secretary Robert Mc. Adams wrote in *Smithsonian Magazine* (Vol. 18, No. 8): "Assuming (as is surely implied by the Smithsonian's charter) that scholarly research and public education are valid ends of public policy, how does a line get drawn around either ancestry or sacredness as a preeminent principle?" Adams had previously stated that "we have an obligation to return the Indian skeletal remains in our collection to tribal descendants." He opposed returning remains where no direct relationship could be established.

1988. The American Association of Museums (AAM) published its "Policy Regarding the Repatriation of Native American Ceremonial Objects and Human Remains."

1988. The North Dakota State Historical Society decided to return Indian remains for reburial, but the North Dakota Ethics Preservation Council sought a court injunction to stop the repatriation on the grounds that the remains contribute to knowledge of history.

1988. The University of Vermont decided to return ancient Abenaki Indian remains for reburial, provided the Abenaki Tribe would purchase a site specifically for the reburial.

1988. A judge ordered the Glenbow Museum to remove an Iroquois medicine mask from an exhibition at the request of the Mohawk Nation.

May 1988. Indians from various tribes gathered in Uniontown, KY to rebury some of the 1200 Indian remains that were unearthed by ten men who were charged with illegally disturbing the Indian burial ground. The state passed a law making the desecration of an Indian grave a felony.

May 8, 1988. Eleven sacred wampum belts were returned from the Museum of the American Indian in New York City to the Six Nations Council of Chiefs in Ontario.

September 1988. Auctioneer Charles Brevard of Baltimore, MD returned three 1880s eagle feather headdresses to the Blackfeet, after learning that they are considered sacred.

1988. The Pawnee Tribe of Oklahoma represented by the Native American Rights Fund (NARF) started official action to repatriate all dead Pawnee Indians and funerary items.

January 1989. The Pawnee of Oklahoma released preliminary report of the Nebraska State Historical Society's holdings as part of their repatriation attempts.

1989. Under the auspices of Senator John McCain (R-AZ), Director Michael J. Fox of The Heard Museum in Phoenix and Executive Director Suzan Shown Harjo of the National Congress of American Indians convened the "Dialogue on Museum and Native American Relations," comprised of representatives of museum and scientific communities and Native Nations.

1989. The FBI seized a stolen Hopi mask at an antiques fair in New York. It was one of

60 ceremonial objects stolen in the 1960s. The mask was part of a display organized for the Museum of American Folk Art by Santa Fe dealer Joshua Baer, who had sold the stolen mask to a Connecticut collector for \$75,000. Baer claimed that the mask was sold by Hopi elders in 1980 and that Indians in the Southwest had a scam going on “whereby a member of a tribe sells an artifact, waits several months and then reports it as stolen. The article is returned to the tribe, then sold again.” (Interview in *Maine Antique Digest*, Dec. 1989)

1989. The Field Museum of Chicago adopted a repatriation policy and returned remains of Indians to tribes.

1989. The American Anthropology Association formed a Commission on Native American Remains. The commission included JoAllyn Archambault and Alfonso Ortiz, anthropologists who are Indians. Their statement included the following assessment of anthropology: “Human remains are to be treated with respect. Respect can include careful curation and a recognition that valuable anthropology, historical, and medical information can be obtained through analysis. Remains have important value to the science of humanity. . . This information has provided a more realistic understanding of the human past and has benefit for everyone. . . Concerned descendant communities should be involved in the decision making process.” The Commission opposed federal legislation on the issue, maintaining it would destroy local solutions and “perpetuate the stereotype of THE American Indian rather than respecting tribal distinctiveness and local options.” They also expressed a fear that tribal museums would be impacted negatively and that Native professionals were “deprived of opportunity to contribute to the proposed law.”(Report by Nancy Lurie, Milwaukee Public Museum, n.d.)

May 1989. The Office of Public Affairs of the Smithsonian published an information statement on their Native American collections to address the main questions that had surfaced. It stated that remains were in their collection, that human remains were needed for scientific and medical research, that remains of named individuals would be returned to their descendants if requested, that there were three cases of repatriation, and that 166 Indian remains were on exhibit. It concluded with a report on the negotiations over the collections of the Museum of the American Indian.

May 23, 1989. Nebraska Gov. Kay Orr signed a law requiring the Nebraska public museums to return Indian remains to appropriate Native American Tribal governments. This was the first general statute requiring repatriation.

May 26, 1989. The Blackfeet Tribe in Montana conducted a reburial ceremony for sixteen remains that the Smithsonian’s National Museum of Natural History had returned to the Blackfeet nine months earlier.

June 5, 1989. James Rosse, vice president and provost of Stanford University, announced that the University would return 550 Indian remains to the Ohlone People, requesting a “specific period for scholarly analysis before reburial.” Stanford also decided to protect the 50 known Indian archeological sites on their own campus, some dating back 5,000 years.

1989. The University of Minnesota agreed to return the remains of nearly 1,000 Indians to comply with a 1981 state law requiring repatriation of Indian remains. Six bills were submitted in the U.S. Congress to deal with repatriation.

November 28, 1989. The National Museum of the American Indian Act (PL 101-185) was signed into law after the historic agreement between Indian and Smithsonian representatives

to include a repatriation provision. The Act called for the return of human remains from the Smithsonian, as well as a national advisory committee and \$1 million for fiscal year 1991 to carry out the inventory of the human remains and associated funerary objects.

January 1990. The “Report of the Dialogue on Museum and Native American Relations” was presented to Congress in a Capitol Hill Press conference sponsored by Senator Inouye (D-HI) and Senator McCain (R-AZ).

1990. The Science Museum of Minnesota returned 68 Indian remains and associated materials to the Minnesota Indian Affairs Council for reburial as required by state law. The Museum was one of the first in the country to establish an Indian Advisory Committee.

May 14, 1990. At a Senate Select Committee on Indian Affairs hearing, Tom Livesay of the AAM testified that proposed repatriation legislation provided vague definitions, were costly to investigate, placed the burden of proof on museums, conflicted with the fiduciary responsibility of museums and did not include museums on the review committee to resolve disputes. He also stated that museums should be “research facilities and educators of the public while respecting the human rights of native peoples and of all people that enter our doors.”

June 1990. The Missouri Historical Society decided to return a collection of incomplete skeletons that “had little ability to yield information of any value,” to the American Indian Center of Mid-America in St. Louis. (“Success Stories,” by Evan Roth, *Museum News*, Jan/Feb 1991)

1990. Frank Talbot, director of the National Museum of Natural History, sent 1,500 letters to Native Nations and organizations to solicit nominations for the five-person advisory committee mandated by the 1989 law to monitor the Smithsonian’s repatriation process.

June 1990. *Prehistoric Antiques* published a legislative alert (Weidner Publishing, Vol. X, No. 2 1/2) that encouraged its readers to write to Senators to protest S. 1980, the repatriation bill: “Thousands of people have spent their entire lives legally collecting and preserving artifacts. If this bill passes the way it is written, you are potentially making felons of these people... It is not safe to assume that all of the items will be retained or reburied!! If some are resold, what is to prevent their re-repatriation, or their re-re-repatriation?... Treat the bill as if you owned a million dollars worth of Native American Cultural patrimony that you paid your own money for (legally of course).”

July 17, 1990. At a House Interior and Insular Affairs Committee hearing on HR 5237, repatriation legislation Ray Thompson of the Arizona State Museum delivered the American Association of Museums (AAM) position for 400 museums that held Native collections, testifying that a national standard conflicted with a case-by-case approach preferred by Indians and that inventories would cost museums \$60 million.

July 31, 1990. AAM President Edward Able, Jr. expressed AAM’s opposition to S. 1980, stating that it would create an adversarial relationship between Indians and museums, leading to more litigation. He testified that instead of requiring museums to provide proof of ownership, the bill should require Native groups to provide proof that the objects in question were taken without their consent; that museums should receive just compensation for the property they are forced to return under this law; and that the Smithsonian should not be exempt. He said the bill, “would cause irreparable damage to the mission of museums to provide the public with knowledge of the richness of Native American culture and contribu-

tions Native American have made, and continue to make to our nation. We also believe that ultimately the interests of Native Americans will not be well served, as vagueness of definitions regarding standing (to submit claims), the possibility of improper returns, and thus the potential loss of irreplaceable patrimony.” After the Senate Select Committee on Indian Affairs approved the measure, the AAM strategy was to: (1) stress positive relationships and educational benefits to Indians; (2) stress cases of “proper disposition of materials;” (3) stress complexity and harm to the museum because of requirements, costs, time and conflicts with concepts of fiduciary responsibilities.

September 1990. The Omaha of Nebraska began to receive the first of more than two hundred objects to be repatriated from the Peabody Museum of Archeology and Ethnology of Harvard University. Fearful for their future, the Omaha had “loaned” the objects to the Museum for safekeeping.

October 1990. Smithsonian Institution Secretary Robert Mc. Adams wrote an editorial in the *Smithsonian Magazine* (Vol. 21, No. 7) recognizing the political reality of repatriation. Although characterizing repatriation as an unquestionable loss to science, he recognized that Indians have an “elementary, overriding right” to bury their dead. Adams brought the common museum concerns to the forefront by questioning the legal concept of “cultural patrimony”. He found value in the idea that communal property cannot be legitimately removed, but acknowledged that individuals and collectors may have not been cognizant of legal title transfer issues in the past. He concluded: “We need to recognize American Indians not primarily as involuntary, deceased suppliers of some of our greatest collections, but as a living, growing part of the culturally diverse streams the Smithsonian exists to serve. And we can best serve Indians by actively seeking out ways to make available our material and human resources for community building and strengthening.”

October 27, 1990. The Arizona State Museum adopted a Repatriation Policy that stated, “certain objects of sacred, ceremonial, and cultural patrimony are not appropriately held in museums and that for museums to retain them is inimical to the spirit of respect, understanding, and cooperation...”

November 1990. The Native American Graves and Repatriation Act (NAGPRA) became law (PL 101-601) mandating the preparation of collections inventories and the notification of tribal groups regarding museum holdings that may be subject to repatriation. The Act recognizes the human rights of Indians, offers equal protection for the religious rights of Indians and will mitigate the negative impact of the loss of sacred objects sustained in the past. In effect, the Act is a restoration of the property rights of Indians, in terms of communal objects, and ends a pattern of one-way transfers of objects from Indian hands to non-Indian institutions. The Act will increase public knowledge about Indians because, for the first time ever, there will be a systematic review of what are sacred objects and why they are sacred, and how they should be handled. Museums will learn more about the cultural world views of contemporary Indians. The Smithsonian is specifically exempted from the law.

Winter 1990. The *NARF Legal Review* stated that NAGPRA “revolutionized federal policy concerning Native American human remains. For the first time, Congress has accepted the principle that Indian people are entitled to the return of their ancestors’ remains and of the items buried with them. Finally, Congress has mandated that cultural objects stolen from

tribes must be returned when asked for, and has recognized that Indian people are not simply the objects of anthropological study, but a people with their own culture and customs that must be accorded the respect that they deserve.” (*NARF Legal Review*, Vol. 16, No. 1. Winter 1990, Boulder, CO.)

March 5, 1991. The National Museum of the American Indian (NMAI) announced a progressive Repatriation Policy that recognizes “all Native materials, including human remains, funerary objects, ceremonial and religious objects and communally-owned property, together with all culturally-specific information, must be treated as the sole property of the affected Native American culturally-affiliated group and with the utmost respect.” In addition to the return of sacred objects, human remains, funerary objects, communally-owned objects and objects acquired illegally, the NMAI will also consider the return of objects that are held in abundance. The NMAI was not included in either the 1989 or the 1990 repatriation laws, so its own policy governs the museum.

April 1991. A letter from Smithsonian Institution Secretary Mc. Adams stated that the material from Larsen Bay should be repatriated. Skeletal remains were returned in September, 1991 and there was a reburial ceremony at Larsen Bay the following month.

May 20, 1991. The AAM Committee on Museums and Native American Collaboration held its first meeting, co-chaired by NMAI Program Director Richard Hill and Heard Museum Director, Martin Sullivan. Its charge was:

1. expeditiously recommending specific, practical, educational activities, publications, projects and programs;
2. advising, organizing, planning and implementing, with the staff of AAM and others, projects and programs that further the charge of the committee;
3. advising AAM editorial staff on the content of publications;
4. maintaining a network of informed people who are able to offer advice on future AAM policy decision.

May 1991. Elizabeth Sackler purchased three ceremonial masks of the Hopi and Navajo for \$39,050 at auction in New York City with the intent of returning them to the Indians who had protested the Sotheby’s sale. As a result, Sackler established the American Indian Ritual Object Repatriation Foundation, making tax benefits a possibility for collectors who donate sacred objects to the foundation, as a way of recouping their investment. The foundation pledged to work to repatriate the objects to their rightful Indian owners. The Dineh Spiritual and Cultural Society wrote to Sotheby’s, “any sale of sacred paraphernalia of Native Americans [is] highly disrespectful and a major assault on the destruction of Native American religion.” (“Indian Leaders Battle Auction of Sacred Items,” Amei Wallach, *New York Newsday*, NY, NY., May 22, 1991)

August 2, 1991. Secretary of the Interior Manuel Lujan signed the Charter of the NAGPRA Review Committee; this charter outlines NAGPRA’s duties as monitoring the inventory and identification process; reviewing the identity or cultural affiliation or the return of items at the request of any affected party; facilitating the resolution of disputes; compiling an inventory of unidentified human remains and a process for their disposition; consulting with Indian tribes and museums; consulting on implementing regulations; submitting an annual progress report to Congress. Appointed to the Review Committee were Rachel Craig (Inupaiq), Dan Monroe,

Tessie Naranjo (Santa Clara Pueblo), Martin Sullivan, William Tallbull (Northern Cheyenne) and Philip Walker.

August 27, 1991. In a significant display of unity, a jointly signed letter was sent to the Department of the Interior by the leaders of the American Anthropological Association, American Association of Museums, Archeological Institute of America, American Association of Physical Anthropologists, American Association of Universities, Association of American Indian Affairs, National Conference of State Historic Preservation Officers, National Trust for Historic Preservation, Native American Rights Fund, Society for American Archeology, National Congress of American Indians, Preservation Action, and the Society of Professional Archeology. The letter requested, on behalf of the organizations most affected by NAGPRA, funds in the federal budget for fiscal year 1993 for the inventory process, quick establishment of the Review Committee and quick development by the National Park Service of the regulations for the Act.

November 25, 1991. The FBI declined to prosecute anyone connected with the theft of a Hopi ceremonial mask that was confiscated in New York in 1989 and returned to the Hopi after a two-year investigation. Two Hopis, who were believed to have stolen and then sold the mask, had since died.

January 1992. The Smithsonian returned 144 associated funerary objects to Larsen Bay.

Feb 7–9, 1992. The Canadian Task Force on Museums and First Peoples held a national conference to present its findings and seek non-legislative solutions to repatriation and representation. Their report, “Turning the Page: Forging New Partnerships between Museums and First Peoples,” suggested cooperative relationships and rejected legislative solutions.

February 1992. The San Ildefonso Pueblo asserted ownership of a 15th century ceramic pot that the New Mexico State District Court had awarded to the non-Indian who found it. The non-Indian claimed the pot as “abandoned property” that was found in a cave in White Rock Canyon. The Pueblo prevailed.

April 3, 1992. After protests by Native American groups, the Dickson Mound Museum of Illinois was closed on orders of Governor Jim Edgar. It was the last public museum displaying remains of ancient Indians.

April 14, 1992. The Heard Museum returned to the Hopi a ceremonial War Shield that had been stolen twenty years earlier. It was reported to be the first time that The Heard repatriated an object to Indians. The Museum returned this sacred object directly to the religious society, rather than to the tribal government. The museum decided to return the shield after two years of negotiations and an investigation by the FBI.

September 11, 1992. The NMAI Board of Trustees approved the return of nine potlatch objects to the Kwakiutl of British Columbia. These objects had been confiscated by the Royal Canadian Mounted Police in 1921, as the Canadian government had banned the potlatch in 1884.

December 2–6, 1992. The NMNH Repatriation Office sponsored a symposium on the Larsen Bay materials at the American Anthropology Association conference in San Francisco.

December 7, 1992. The General Counsel of the Smithsonian issued a memorandum concurring with the NMAI Trustees that the Institution’s Repatriation Review Committee does not have jurisdiction over the new museum (NMAI). The 1989 Act clearly gave “sole authority” to dispose of collections to the NMAI Board of Trustees.

December 8, 1992. Draft Four of the NAGPRA regulations were distributed to AAM members for comment. At the time of printing of this publication, the Interior Department regulations required by the 1990 NAGPRA were not published as a final rule.

December 21, 1992. The Repatriation Review Committee of the Smithsonian informed tribal leaders that requests for information could be addressed to the Repatriation Office and explained that their jurisdiction included sacred objects as well as human remains.

March 23, 1993. Cecil Antone of the Gila River Pima-Maricopa Indian Committee representing the Keepers of the Treasures (a national organization of Indian and Native Hawaiian cultural preservation programs), the National Congress of American Indians, National Indian Education Association, Menominee Tribe, Seminole Tribe and Metlakatla Indian Community of Alaska testified before the House Interior Appropriations Subcommittee requesting that \$10 million be added to the National Historic Preservation Act funding for grants to Indian tribes and \$10 million added for tribes and museums for implementation of NAGPRA. The Native American Rights Fund, American Association of Museums, Association of American Universities, Society for American Archeology, Society for Historical Archeology, and the National Conference of State Historic Preservation Officers supported that same request.

October 1993. The NMAI Trustees repatriated 87 sacred objects to the Pueblo of Jemez. The religious leadership of the Pueblo, which remained a traditional theocracy, negotiated the terms of the repatriation, including the selection of one item, a War Shield, permitted to be photographed and published.

Symbolizing the repatriation of 86 objects, a ceremonial shield was passed from the hands of Ray Gonyea, NMAI repatriation manager, and Clara Sue Kidwell, assistant director for cultural resources at NMAI (far left), to the delegation of leaders from the Pueblo of *Jémez* on October 27, 1992. The delegation included, from left, behind table, Frank Fragua, leader of a traditional medicine society; William Whatley, tribal archaeologist; War Captain Randolph Padilla; Gov. Paul Tosa; photographer George Toya; War Chief Pete Toya; Traditional Leader Frank Loretto; Stuart Gachupin, first lieutenant governor; and Frank Gachupin, traditional leader. Photo by Pamela Dewey, courtesy of NMAI.

