

## Words from Indian Country

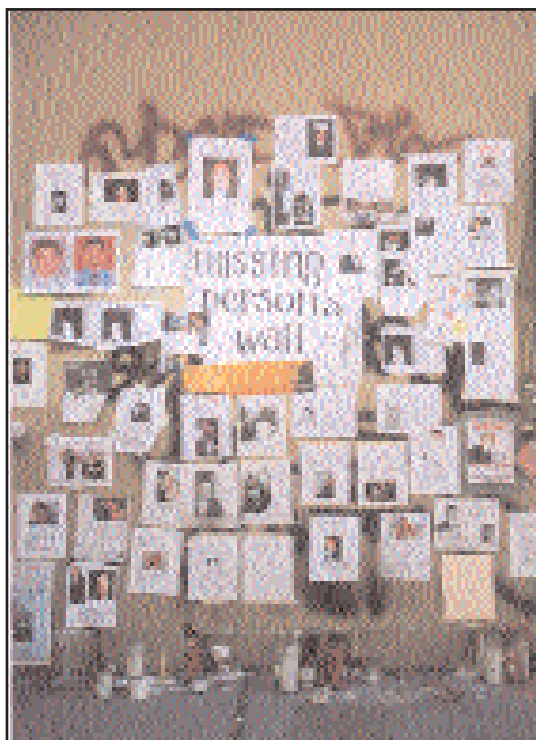
By: *Dagmar Thorpe*  
Interim Executive Director  
Fund of the Four Directions

Ho! nihkanitike, *hello friends*

I came to Manhattan, *hilly island*, the name of the Algonquin Nation for which Manhattan is named from Thakinaki, homeland of the Sac and Fox Nation, in Oklahoma. Our family is also Potawatomi, Kickapoo, and Menominee. As members of the family of Algonquin nations, we are related linguistically, culturally, ancestrally, historically, and geographically to these original peoples of Manhattan. I came during the month of July from my home in the rural town of Prague, the birthplace of my grandfather Jim Thorpe, leaving my mother, Grace Thorpe; my daughter, Tena Malotte, who is now pregnant with her first child, and her family; thirty acres of primarily wooded land; and a blue Dakota pick-up truck – to become Interim Executive Director of the Fund of the Four Directions. We share space with the Children's Hope Foundation, at Park Place, two and one half blocks from the World Trade Center.

On the morning of September 11, I arrived early at work. Around 8:45 A.M. I heard a low-flying aircraft followed by a sound that resembled a thud. I continued to work, despite the sound of police and fire truck sirens to which I had become accus-

The American Indian Ritual Object Repatriation Foundation is a not-for-profit intercultural partnership. The Foundation is committed to assisting in the return of sacred ritual material to American Indian nations and to educating the public about the importance of repatriation.



*"Missing Persons Wall, 9/18/01" across the street from Saint Vincent's Hospital, New York City. Photo courtesy of Laura Smith*

tomed. Shortly after 9:00 A.M. I was told that an airplane had struck one of the towers of the World Trade Center. I looked

*continued on page 3*

By: *Darren L. Snake*  
Executive Compliance Officer  
Ho-Chunk Nation  
Member of the Winnebago Tribe  
of Nebraska  
Veteran of the U.S. Army

Through the Indian Citizenship Act of June 2, 1924, we Native American people have been recognized as U.S. citizens. Our status as Americans has been only 77 years. The Indian Citizenship Act was created for several reasons: guilt of a nation's foundation built on democracy, continued greed to obtain more lands, the government's lack of trust responsibility to Native Americans through treaties, and the ability to draft Native Americans during times of war. The Native American people are patriotic and our patriotism per-capita is unmatched in the United States. In World War I, 1914-1918, Native American men and women were volunteers in service of our country as they were not U.S. citizens. It is an unknown and missing fact from

U.S. history that if it were not for Native American code talkers in W.W.II, U.S. history would be different today.

Despite our status as U.S. citizens for less than 100 years, we have been on this "Great Turtle Island" known as North America for tens of thousands of years. The blood and bones of our ancestors are deep within the soil of America, as we are the first people of this great nation. Historically since the coming of Europeans, the Native American people have suffered unimaginable acts of terrorism.

Yet, we are well and alive talking our Native languages, living with our cultures and traditions. It is in our history that everything we suffered in the name of U.S. freedom, our ancestors have continuously lifted up their faith towards the Great Spirit for strength and understanding.

*continued on page 4*

---

---

## Welcome

Marilyn Ewer has generously donated time to the Repatriation Foundation since 1994 as the graphic designer of *News & Notes*. She has been involved in American Indian cultural events and organizations for 30 years and is the President of MKE Enterprises in North Reading, Massachusetts, which focuses on assisting organizations in achieving their program goals through among other areas, public relations and grant research/development.

I would like to extend a warm welcome to Marilyn who has joined us in a new granting writing capacity. As such, Marilyn will be in the lead of raising the funds necessary for the Foundation to publish a second edition of *Mending the Circle: A Native American Repatriation Guide* and for programming funds for repatriation.

I am grateful to Marilyn for the work that she has done and look forward to a long and fruitful future together.

Elizabeth A. Sackler, Ph.D.  
President

.....

## RETROSPECT

☼ Repatriation Coordinator Pilar Montalvo attended the American Association of Museums Annual Meeting, Saint Louis, May 6-10. The theme was "Spirit of Community." Sessions attended included "National Museums and Indigenous Peoples: Perspectives from Two Hemispheres," and "Relationships with Native American Communities: 10 Years After NAGPRA."

☼ Repatriation Coordinator Pilar Montalvo and Marilyn Ewer, President of MKE Enterprises and Repatriation Foundation grant writer, attended the first annual "Linking Circles Roundtable," October 3-5, Millennium Broadway Conference Center, New York City, hosted by the International Funders for Indigenous Peoples and the George Gustav Heye Center of the NMAI.

☼ President Elizabeth A. Sackler and Repatriation Coordinator Pilar Montalvo attended "Science, Knowledge, and Humanity," on October 26-28, at the New School University, New York City. Paleanthropologist James Chatters debated Jace Weaver, Associate Professor of American Studies, Religious Studies and Law at Yale University in the session "Local Knowledges vs. Scientific Universalism – The Kennewick Man Dispute."

☼ Repatriation Coordinator Pilar Montalvo attended the NAGPRA Review Committee Meeting, November 17-19, Cambridge, MA, hosted by Harvard University Law School and the Peabody Museum of Archaeology and Ethnology.

## Sotheby's Closes American Indian Art Department

We are living in a world that is increasingly based on various forms of electronic communication. The art world has embraced this change as evidenced by the economic success of online auctions.

Sotheby's announced their revised strategy in July of this year for the sale of American Indian art. *Art & Auction* (July/August 2001) reported that Sotheby's had closed both their American Indian art and Pre-Columbian art departments for economic reasons. Sotheby's ended their 25-year practice of Annual Live auctions of American Indian materials and are focusing on sales online.

All major auction houses have extremely active websites and regularly sell American Indian materials online. These websites can be useful as catalogs are available online several weeks in advance of an auction. This is helpful in monitoring the sale of American Indian materials because it is no longer always necessary to purchase the pricey auction catalogs.

*News & Notes* (Spring/Summer 1995) reported that the former Vice-President of Sotheby's and head of its American Indian art division, Ellen Napiura Taubman, was quoted in the *Santa Fe New Mexican* on Sotheby's new policy of informing Native Nations of culturally sensitive objects prior to auction. David Roche, head of Museum Services, told the Repatriation Foundation that he intends to continue this policy, although it is unclear how often it has been implemented.

Mr. Roche indicated that Sotheby's would conduct live auctions containing American Indian materials only on a case-by-case basis. For example, on October 10, 2001, there was a live auction of the Estate of Frederick W. Hughes that included American Indian materials as well as a large selection of Americana and contemporary art. However, Roche has shown sensitivity towards American Indian concerns. At the request of an affiliated Native Nation, sacred items were removed from sale prior to the auction. Such an action is directly linked to Sotheby's continued response to calls, faxes, and letters from Native representatives, as well as the collector's willingness to respond to American Indian concerns.

The Repatriation Foundation continues to encourage Native Peoples to join mailing lists of auction houses around the country to monitor the sale of American Indian materials. Also, websites should be checked regularly for the sale of American Indian "ethnographic" materials or "art." Links to these sites can be found on the Repatriation Foundation website,

[www.repatriationfoundation.org](http://www.repatriationfoundation.org).

---

---

---

---

Article by Dagmar Thorpe – continued from page 1

out the window and saw a layer of flames across one of the towers. From this moment fear and panic intensified, as the building was evacuated I joined a multitude of others walking on Broadway away from the World Trade Center.

It was not until I reached the safety of the American Indian Community House and watched the news reports, that I understood the horrific truth of what had occurred. The Shinnecock Nation, home of my friend Marguerite Smith, provided a safe place over the next four days. Our office was in the police restricted evacuated zone and the temporary office we shared with the founder of the Fund of the Four Directions, Ann R. Roberts, is across the street from the anthrax threat at NBC.

Our worlds, defined by our lands and people and contained by the boundaries of our existence, are within *michimakoqua*, *our mother the earth* which gives life to all of creation within and upon her including red, black, yellow, and white peoples. A tragedy for any one of us is a tragedy for us all. A war for any one of us is a war for us all.

As Indigenous Peoples we have experienced the devastation of our worlds which defined us and within which we lived. We have tragically lost many of our nations, peoples, and lands throughout the North American continent. Yet today we have kept many of our languages alive, our ceremonies intact, and many of our people have retained the continuity of our lives as peoples. Jake Swamp, a respected Mohawk elder, came to the American Indian Community House to help those who live in New York City heal from the immediate trauma and grief over the past month within the cumulative stresses of the lifetimes of our families and nations. He advised us that at this time we should remain cautious and alert but continue to move forward with positive effort for our communities, peoples, and creation. As I listened to his words, my thoughts shifted from the minefield of life in contemporary Manhattan to the continuation of hope for creation and our peoples.

*Ini, I am finished, Kotato Dagmar Thorpe*

# Perspectives

## Intellectual Property Law Last Stand or New Frontier for Indigenous People?

By: *Kristyna Bishop, member of Chippewas of Mnjikaning First Nation (Canada) and former Associate Director, First Peoples Worldwide*

For centuries, the Zia sun symbol was used in the inner chambers of Zia medicine societies. Only members of those societies had access to the symbol and knew its significance. The symbol was removed from the exclusive supervision of the medicine societies when it graced a ceremonial pot that was allegedly stolen from the tribe. In a seemingly unrelated event, a doctor later entered the symbol in the New Mexico state flag design contest without authorization from the Pueblo. The design was officially adopted by the state in 1925. Since that time, the Zia Pueblo's sacred sun symbol can be seen throughout the city of Albuquerque and the State of New Mexico. It can be found on everything from portable toilets and credit union signs to the state flag and license plates. Thus far, the Zia Pueblo has been unsuccessful in its efforts to persuade the New Mexico legislature to adopt legislation calling for the state to compensate them or even to acknowledge the origin of the now famous sun symbol.

The sun symbol case is neither rare nor unique. As a result of technology and increasing globalization, the debate over ownership and value of things such as image, cultural heritage, symbol, art, music, medicine and indigenous knowledge has already been raging for several years and has made intellectual property law one of the fastest growing areas of law in North America. For Indigenous Peoples, this "new" bundle of rights has the potential to protect distinct cultures from further erosion but it can also be used against them to divide and market their ways of life to the highest bidder.

Existing legislative frameworks – trademark, patent and copyright in particular – may be appropriate for claims where there is an economic interest but they are wholly inadequate for protecting Native American intellectual property rights from misuse and misappropriation (moral rights). Indigenous communities need to take an active role in developing alternative models that draw from existing federal and international laws but which also incorporate their unique world view and customary law. New models will not replace existing federal protection but will augment it and provide an alternative for Native Americans who are seeking more comprehensive yet legally enforceable protection.

### Learn More — Help Us Continue Our Work!

Check out the Repatriation Foundation website at [www.repatriationfoundation.org](http://www.repatriationfoundation.org). It is a great research tool for those interested in learning about American Indian repatriation efforts in the United States.

*Mending the Circle: A Native American Repatriation Guide* is now available for purchase on our website (\$40 each including shipping and handling in the U.S.). This definitive guide includes articles on NAGPRA, the Smithsonian Institution's repatriation policies, and strategies for the private sector.

We now accept contributions towards our continuing efforts on our website (all contributions are tax deductible).

Article by Darren Snake – continued from page 1

By those prayers, we Native American people have survived. The teaching of our ancestors from generation to generation is to have honor, respect, and compassion towards one another while in this struggle we call “life.”

The Native American understanding is that the Creator of all things provided us with a mother, Earth. She, “Mother-Earth,” provides for our every need. Just as one would not want to see any hostile act fall upon our birth mother, the Native American belief is to value and protect our land in such the same manner. Throughout the history of America’s birth the Native American people looked to our leaders and warriors, we wanted them to lift up their faith to the Creator for strength and understanding. A chief or warrior earns eagle feathers as recognition of respect in defense of our people and land.

The eagle to the Native American people represents a plea of our prayers to the Great Spirit. The Eagle is a symbol of American patriotism and respect. Above the American flag, an eagle sits upon our patriotic colors. With the recent attack on American soil we look to our leaders and warriors as American people. Traditionally knowing that our prayers and faith towards the Creator are on the wings of angels swift as an eagle can fly.

## In Print

*Implementing the Native American Graves Protection and Repatriation Act (NAGPRA).* Series edited by Roxana Adams. Washington, D.C.: American Association of Museums, 2001. This book shares a decade of museum experiences with NAGPRA, including such topics as museum policy and procedures and discussions of the meeting of two world views around museum implementation of NAGPRA. There is also a chapter on the control of cultural property as human rights legislation.

*Repatriation Reader: Who Owns American Indian Remains?* Edited by Devon A. Mihesuah. Lincoln: University of Nebraska Press, 2000. This book is an anthology focusing on the issues surrounding the repatriation of American Indian remains and artifacts and provides a wide range of viewpoints on the many ethical, legal, and cultural issues.

*Tribes, Treaties, and Constitutional Tribulations.* By David E. Wilkins and Vine Deloria, Jr. Austin: University of Texas Press, 1999. This book undertakes a full historical examination of the relationship between Indians and the United States Constitution that explains the present state of confusion and inconsistent application in U.S. Indian law.

**Board of Trustees:** Anne Bleecker Corcos; Vine Deloria, Jr. Esq., *Standing Rock Sioux*; Michael Haney, *Seminole/Sioux*; Oren Lyons, *Onondaga*; Carol Master, M.D.; Franc Menusan, *Creek/Metis*; Elizabeth Sackler, Ph.D.; Jack Trope, Esq.; and Marilyn Youngbird, *Arikara/Hidatsa*.

**Founding Trustee:** Reuben Snake, Jr., *Winnebago* (1937-1993).

**Advisory Committee:** Gloria Emerson, *Navajo*; LaDonna Harris, *Comanche*; Winona LaDuke, *Anishinabe*; N. Scott Momaday, *Kiowa*; Buffy Sainte-Marie, *Cree*; Gail Small, *Northern Cheyenne*; and Dagmar Thorpe, *Sac & Fox*.

**Staff:** Pilar Montalvo, Repatriation Coordinator, Stephanie Morillo, Outreach Assistant.

News & Notes is published bi-annually by the American Indian Ritual Object Repatriation Foundation, 463 East 57th Street, New York, NY 10022. Tel: 212-980-9441

The opinions expressed in guest-written articles are not necessarily those of the Foundation.

We encourage the reproduction of articles from News & Notes. Please credit the American Indian Ritual Object Repatriation Foundation & the author of the article. This issue was a collaborative effort of Pilar Montalvo, Elizabeth Sackler, Stephanie Morillo & Marilyn Ewer of MKE Enterprises. Printed on recycled paper.

AMERICAN INDIAN  
RITUAL OBJECT  
REPATRIATION  
FOUNDATION

463 E. 57th Street, New York, NY 10022-3003

NONPROFIT  
ORGANIZATION  
U.S. POSTAGE  
PAID  
NEW YORK, NY  
Permit No. 4793