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# Stories of Return: A Collection of Repatriation Narratives

## Abstract

This thesis examines the museological phenomena of repatriation beyond NAGPRA and the incorporation of Indigenous curatorial methods into museum collections practices. The project explores repatriation and collections caretaking practices at ten settler institutions through narratives of experience collected from museum staff. The findings of this research suggest that repatriation beyond NAGPRA and the Indigenization of collections care are situated processes that should be understood contextually and historically. This thesis argues that, in some cases, repatriation beyond NAGPRA and the integration of Indigenous perspectives, practices, and protocols into museum collections stewardship demonstrates a willingness by institutions to go beyond the minimum requirements of repatriation law and to voluntarily relinquish some degree of settler ownership and control of Native ancestors and belongings. In this sense, they can be interpreted as decolonizing practices.

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Christina Kreps

## Second Advisor

Kelly Fayard

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Frédérique Chevillot

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Presented to  
the Faculty of the College of Arts, Humanities and Social Sciences  
University of Denver

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In Partial Fulfillment  
of the Requirements for the Degree  
Master of Arts

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by  
Lydia Degn-Sutton  
June 2021  
Advisor: Christina Kreps, Ph.D.

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Author: Lydia Degn-Sutton  
Title: Stories of Return: A Collection of Repatriation Narratives  
Advisor: Christina Kreps, Ph.D.  
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### **Abstract**

This thesis examines the museological phenomena of repatriation beyond NAGPRA and the incorporation of Indigenous curatorial methods into museum collections practices. The project explores repatriation and collections caretaking practices at ten settler institutions through narratives of experience collected from museum staff. The findings of this research suggest that repatriation beyond NAGPRA and the Indigenization of collections care are situated processes that should be understood contextually and historically. This thesis argues that, in some cases, repatriation beyond NAGPRA and the integration of Indigenous perspectives, practices, and protocols into museum collections stewardship demonstrates a willingness by institutions to go beyond the minimum requirements of repatriation law and to voluntarily relinquish some degree of settler ownership and control of Native ancestors and belongings. In this sense, they can be interpreted as decolonizing practices.

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## Chapter One: Introduction

In Potawatomi biologist Robin Wall Zimmerer's interpretation of the Anishinaabe seven-fire prophecy, it is currently the moment of the seventh fire:

The people of the Seventh Fire do not yet walk forward; rather, they are told to turn around and retrace the steps of the ones who brought us here. Their sacred purpose is to walk back along the red road of our ancestors' path and to gather up all the fragments that lay scattered along the trail... The task of the moment is to find the tools that allow us to walk into the future. (Zimmerer, quoted in Heller and McElhinny 2017, 15)

According to Zimmerer, these tools will enable humanity to light the eighth fire, an everlasting fire of peace that can be lit by all humans but that depends on the actions of today (Heller and McElhinny 2017). This approach is interpreted by anthropologists Monica Heller and Bonnie McElhinny (2017) as "walking backward into the future." Museum scholar Conal McCarthy clarifies that this framework does not understand current Indigenous epistemologies and practices as "nostalgic recollections of a paradisiacal past" but as "urgent and dynamic expressions of the global contemporary world" (McCarthy 2019, 47-48). In accordance with this approach, this project can be understood as an effort to walk backward into the future of repatriation.

I attended the Association on American Indian Affairs (AAIA) 4<sup>th</sup> Annual Repatriation Conference in Milwaukee, Wisconsin in November of 2018 as a first-year graduate student of museum anthropology at the University of Denver. It was my first experience participating in a professionalized repatriation meeting attended by Native

community members, museum workers, federal agents, and other organizations. The content of the conference predominantly focused on repatriation through Western legal frameworks such as the Native American Graves Protection and Repatriation Act (NAGPRA) and international law, and I realized that repatriation was primarily being understood through these frameworks and often as coterminous with NAGPRA. This insight provoked my curiosity in repatriations accomplished outside of NAGPRA. As a volunteer collections assistant at Pueblo Grande Museum in Phoenix, Arizona from 2016–2018, I assisted with several repatriations accomplished through the Arizona Antiquities Act rather than NAGPRA, so I knew from experience that repatriation outside of NAGPRA was a real phenomenon that could be studied.

The other major inspiration for this research came from learning about the settler-colonial history of my own institution, the University of Denver. In November of 2014, the John Evans Study Committee at the University of Denver published a report evaluating the culpability of John Evans, the university's founder and governor of Colorado Territory from 1862–1865, in the Sand Creek Massacre of November 1864:

We conclude that John Evans's pattern of neglect of his treaty-negotiating duties, his leadership failures, and his reckless decision-making in 1864 combine to clearly demonstrate a significant level of culpability for the Sand Creek Massacre. While not of the same character, Evans's culpability is comparable in degree to that of Colonel John Chivington, the military commander who personally planned and carried out the massacre. Evans's actions and influence, more than those of any other political official in Colorado Territory, created the conditions in which the massacre was highly likely. (Clemmer-Smith et al. 2014, iii)

The event demonstrates the particular historical connections between the University of Denver and settler-colonial violence due to the culpability of the university's founder,

John Evans. The Sand Creek Massacre and the ensuing collection and scientific objectification of Cheyenne and Arapaho ancestors in Colorado institutions like the Denver Museum of Nature and Science (Colwell 2017), as well as the Army Medical Museum and the Smithsonian Institution (Thornton 2002), vividly illustrates the interrelation of collecting, museums, anthropology, and settler colonialism. Learning about this history led me to become further interested in researching the connections between these phenomena.

The term “repatriation” as it is used to refer to the return of ancestors and belongings to originating communities rose to prominence in the 1980s and 1990s (Bienkowski 2015). While the phrase “restitution” sometimes refers to “the act of making good or compensating for loss, damage, or injury,” it is also commonly understood as a legal assertion of property rights, or “the act of restoring to the rightful owner something that has been taken away, lost, or surrendered” (Kreps 2003, 83). The word “repatriation” is often understood as more relevant to ethical or moral considerations (Bienkowski 2015). In the United States, repatriation is typically understood as being synonymous with the legal process implemented by NAGPRA, which was enacted in November of 1990 (Daehnke and Lonetree 2011).

NAGPRA constitutes an intersection between the concepts of restitution and repatriation because it is based on both a legalistic assertion of the cultural property rights of Indigenous peoples and the ethical obligations of settler museums and federal agencies to Native communities. Because NAGPRA is the primary mechanism for repatriation in

the United States, any understanding of the nation's repatriation landscape must acknowledge its centrality (Daehnke and Lonetree 2011). However, repatriations of Native ancestors and belongings occurred and continue to occur outside the purview of NAGPRA (Daehnke and Lonetree 2011). These returns constitute the primary focus of this research.

While the NAGPRA process is the principal apparatus for repatriation in the United States, the legislation is subject to several significant shortcomings (Daehnke and Lonetree 2011; M. F. Brown and Bruchac 2006; Riding In 1996), which will be thoroughly discussed in this thesis. Furthermore, NAGPRA constitutes the absolute minimum standard for repatriation and consultation with Native communities because it is mandated by federal law. By contrast, voluntary returns may indicate a willingness by museums to relinquish their "fetish of perpetual ownership" of collections, to discuss that ownership with originating communities, and to act on the consequences of such discussions (Bienkowski 2015, 432).

In the United States, repatriation and the Indigenization of Western museum practices are related processes. One of the most significant outcomes of NAGPRA is the increasing presence of Native representatives in some settler museums as required by the law (Kreps 2003). Although not all settler institutions have responded to repatriation mandates by engaging in more collaborative relationships with Native peoples and many museums are still not fully compliant with repatriation law, this development has nonetheless led to the integration of Indigenous perspectives and methods of culturally

appropriate care into some of the more proactive institutions (Kreps 2003). Repatriation and the incorporation of Native collections practices in settler institutions are therefore steps toward decolonizing museums (Kreps 2011).

The fieldwork for this thesis involved interviewing staff at the following settler institutions:

- University of Denver Museum of Anthropology (DUMA)
- Denver Museum of Nature and Science (DMNS)
- Museum of Indian Arts and Culture (MIAC)
- Museum of Northern Arizona (MNA) and the National Park Service (NPS)
- The Heard Museum
- Pueblo Grande Museum (PGM)
- Arizona Museum of Natural History (AZMNH)
- Arizona State Museum (ASM)
- University of Tennessee–Knoxville (UT)
- University of Colorado Museum of Natural History (CUMNH)

The purpose of these interviews was to explore the central research questions of this project:

1. Do the institutions under study repatriate Native ancestors and belongings outside the official NAGPRA process, and if so, how?
2. How do these institutions make decisions about repatriation?

3. What practices are present in these institutions that exemplify the incorporation of Native ways of knowing and caring for collections?

To investigate these issues, I conducted in-depth, open-ended interviews with museum staff who have experiences or knowledge of repatriations accomplished outside the purview of NAGPRA or the incorporation of Native curatorial methods into collections care practices (see the Appendix for a list of individuals interviewed and their institutional affiliations). These interviews took place during the summer of 2019 at a time and location of the participants' choosing. I also engaged in participant observation as a curatorial assistant at the University of Denver Museum of Anthropology in Denver, Colorado from 2018–2020 and conducted supplementary bibliographic research.

The findings of this research suggest that repatriation outside of NAGPRA and the Indigenization of collections caretaking are highly contextual processes, the reasons for which vary by institution and on a case-by-case basis. In some cases, voluntary repatriation and the incorporation of Indigenous approaches to collections care may demonstrate a willingness by settler institutions to go beyond the minimum requirements of federal law and to relinquish some degree of settler control of Indigenous ancestors and belongings. In such contexts, they can be understood as decolonizing practices.

### **Summary of the Chapters**

Chapter Two “walks backward” through the history of anthropological collecting and repatriation from museums. It contextualizes the practice of collecting in anthropology and museums to the history of Western imperialism and settler colonialism.

The chapter then discusses the repatriation movement of the 20th century, which was led by Native activists. Finally, Chapter Two provides a description of the history of federal repatriation legislation and unpacks some of the shortcomings of repatriation law.

Chapter Three presents an overview of academic discourse relevant to this project. Drawing from the foundational work of museum scholar Amy Lonetree (Ho-Chunk), the chapter examines decolonizing museums as part of the larger project of comprehensive decolonization. This is followed by a discussion of Indigenizing collections practices and the role of repatriation in decolonization. Chapter Three concludes with an analysis of the extent to which NAGPRA can be considered a form of decolonization and an exploration of repatriation beyond NAGPRA.

Chapter Four examines the theoretical influences that inform this research as well as the methodology and research design of the project. The chapter expands on the discussions of repatriation law in previous chapters by assessing the coloniality of NAGPRA, museums, and anthropology. Next, it describes the theoretical frameworks of critical museology, repatriation as healing, and the complementary approaches of “intersecting magisteria” (Colwell-Chanthaphonh and Ferguson 2010) and braiding knowledge (Atalay 2019a) and explains how these frameworks are applied to this project. With respect to methodology, Chapter Four presents an overview of Laura Nader’s concept of “studying up,” ethnography as collecting, and narrative inquiry as they pertain to this research. Lastly, the chapter outlines the research participants and the research

methods of participant observation, in-depth, open-ended interviews, and bibliographic research that were utilized in this project.

Chapter Five constitutes the findings or results of this research. In accordance with the methodologies of ethnography as collecting and narrative inquiry, Chapter Five comprises a “collection” of narratives that tell stories of repatriation and Indigenous collections stewardship in each institution examined in the research. These narratives were created by integrating the data gathered from participant observation, interviews, and bibliographic research.

### **A Note on Language**

The words *Indigenous* and *Native* are capitalized in this thesis to reflect that they are in the process of being reclaimed by Indigenous peoples and that they carry political implications beyond simply meaning “naturally occurring” (Wilson 2009). These terms are inclusive of all first peoples who share experiences of colonization (Wilson 2009). They are also capitalized in order to equalize them with the commonly capitalized words *Western* and *European*.

I use the terms *originating communities*, *creator communities*, *ancestors*, *relatives*, *belongings*, and *beings* rather than *source communities*, *human remains* or *individuals*, and *specimens*, *objects* or *artifacts* (except when referring to the official language of legislation or policy) in order to avoid the scientific objectification of Native peoples and cultures. Additionally, these terms reflect the relational quality of Indigenous cultural heritage and acknowledge that the ancestors and belongings owned and

controlled by settler museums are the relatives of living people who have ongoing cultural and spiritual relationships with them (Trope and Echo-Hawk 2000).

The phrase *traditional care* is often used to refer to Indigenous repatriation protocols and curatorial methods (Flynn and Hull-Walski 2001; Kreps 2003; M. G. Simpson 2013; Rosoff 2003; Shannon 2017). This term may be somewhat misleading because it could imply that there exists a historical continuity of Native care practices unbroken and unaffected by colonization. This idea obscures the fact that, in some cases, Native peoples have needed to create entirely new forms of caretaking, such as reburial ceremonies, as a response to colonialist collecting and museum practices, such as graverobbing. In addition, using the phrase *traditional care* to refer specifically to Native repatriation and curatorial methods could inadvertently evoke colonialist associations between Indigenous cultural practices and the past or Western curatorial methods and modernity. With this in mind, I avoid using the term *traditional care* and instead opt for phrases such as *culturally appropriate care*.

## **Chapter Two: Background**

This chapter “walks backward” through the history of collecting, repatriation efforts, and federal legislation that addresses repatriation. The chapter examines the practice of collecting human and nonhuman Indigenous relatives in the historical context of European imperialism and settler-colonialism. It provides an overview of the Native-led repatriation movement of the 20th century, which culminated in the passage of the Native American Graves Protection and Repatriation Act (NAGPRA) in 1990. Lastly, Chapter Two unpacks some of the limitations of repatriation law.

### **The Colonial Heritage of Collections**

The collection of Indigenous ancestors and cultural belongings is rooted in Western imperialism and colonialism (Fine-Dare 2002). During the mid-to-late 19th and early 20th centuries, colonial agents and early anthropologists went into the field to collect ancestral remains and material culture, often for museums, and their theories of linear social progression and cultural evolution were in turn informed by their studies of those peoples and belongings (Bouquet 2012; Clifford 2013; Trope and Echo-Hawk 2000). These theories were developed by the 19th century patriarchs of the discipline, Herbert Spencer, Edward Tylor, and Lewis Henry Morgan, and created racial hierarchies that subsequently validated European colonization for imperialists who viewed themselves as agents of civilization (Fine-Dare 2002; Patterson 2003).

The typological approach to the display of collections at the Pitt Rivers Museum at Oxford University exemplifies the process of relationships that exist between collecting, anthropological theory, museums, and colonialism. Lieutenant General Augustus Pitt Rivers (1827–1900) was a British military officer who became interested in material culture during his military career. Pitt Rivers collected ethnological and archaeological belongings from all over the British empire. Inspired by Herbert Spencer’s theory of Social Darwinism, he separated the belongings into what he perceived as sequences of types. Pitt Rivers arranged his collection typologically to substantiate his ideas about the supposed evolutionary progression of material culture by showing how one form allegedly led to another (Bouquet 2012, 80). In 1883, Pitt Rivers donated his ethnological collection to Oxford University, which became the foundation for the Pitt Rivers Museum (Bouquet 2012). This donation was accompanied by an endowment for a lectureship in anthropology, to which Edward Tylor was appointed. Tylor’s influential and pervasive theory of cultural evolution was subsequently informed by Pitt Rivers’ typological series on the evolution of material culture (Bouquet 2012).

The ancestors and belongings of Indigenous peoples all over the world were objectified and collected by anthropologists and museums as “specimens” in the name of deculturation and scientific research (Colwell 2017; Fine-Dare 2002; Lonetree 2012; Thornton 2002). Though some anthropologists may have personally found these practices distasteful, they still engaged in them professionally in the name of “science” (Clifford 2013). Franz Boas, widely regarded as the “father of American anthropology,” remarked

in the 1880s that “it is most unpleasant work to steal bones from graves, but what is the use, someone has to do it” (Trope and Echo-Hawk 2000, 127). In the United States, legal protections for settler graves and burials were not extended to Native peoples, who were characterized as “an inferior race” and not considered “persons” under U.S. federal law until 1879 and not considered U.S. citizens until 1924 (Trope and Echo-Hawk 2000, 130).

Colonial practices of collecting were already present at the establishment of the United States as an independent settler nation-state. The fact that Thomas Jefferson, one of the nation’s founders and a major figure within the American historical narrative, excavated Native burial mounds near his Monticello estate in Virginia during the 1780s speaks to the entanglement of collecting and settler colonialism that existed in the United States from its founding (Patterson 2003; Ray 2016; Trope and Echo-Hawk 2000). These practices were a form of scientific racism, which legitimized and reproduced colonial ideology. For example, Samuel Morton, the “father of American physical anthropology,” collected large numbers of Native crania during the 1840s in order to scientifically prove through craniometry that Native peoples were racially inferior “savages” who were naturally doomed to extinction (Trope and Echo-Hawk 2000, 126).

Interest in systematically collecting Native ancestors for scientific study became official U.S. government policy with the Surgeon General’s Order of 1868, which directed army personnel to procure Native bodies for the Army Medical Museum (Lonetree 2012; Trope and Echo-Hawk 2000). For example, on November 29, 1864, the

U.S. Army attacked a peaceful encampment of Cheyenne and Arapaho peoples at Sand Creek in Colorado Territory, known today as the Sand Creek Massacre (Clemmer-Smith et al. 2014; Thornton 2002). In accordance with federal policy, Cheyenne and Arapaho victims of the massacre were collected as trophies by the Colorado militia and then obtained as specimens by the Army Medical Museum, which later transferred them to the Smithsonian Institution (Thornton 2002). The Native ancestors who were massacred and whose bodies were stolen by the U.S. government were finally returned to the Southern Cheyenne in 1993 after being controlled by colonizer institutions for over a century (Thornton 2002).

Settler colonialism is defined by the territorial project of land accumulation, which produces the “problem” of the Indigenous peoples already existing on that land (Heller and McElhinny 2017; Mithlo 2004; A. Simpson 2014). In the settler-colonial project of the United States, the “Indian Problem” became “the question of what to do with their souls, their bodies, their culture, and their difference” (A. Simpson 2014, 19). As demonstrated by the Sand Creek Massacre, the Indian Problem in the United States was historically managed through the genocide of Indigenous peoples and the elimination of their ancestral relationships to land and culture (Estes and Dunbar-Ortiz 2020; Patterson 2003; A. Simpson 2014). In general, settler colonialism is best understood as a power structure that is driven by the logic of elimination, rather than an event or series of events (Abu-Lughod 2020; A. Simpson 2014; Wolfe 2006).

In addition to elimination, another core feature of settler colonialism is “the naturalization of unnatural settler states built on the annexation of Indigenous land” (Estes and Dunbar-Ortiz 2020, 3). In the Americas, the objectification and collection of Indigenous peoples and their cultural heritage is historically intertwined with settler colonialism. Elimination is a tactic of settler colonialism that disrupts Indigenous relationships with other beings, both human and nonhuman. Furthermore, because Indigenous nationhood is premised on relationships, assaults on Indigenous relations are therefore assaults on Indigenous sovereignty and autonomy (Estes and Dunbar-Ortiz 2020, 5). The colonial practice of collecting dismembers these relationships, establishing settler control over people, land, and heritage (Hinsley 2000, 49). Collecting is one form of annexation that enabled the establishment and naturalization of the United States as a settler-colonial empire.

The power structure of settler colonialism involves an ongoing relationship of inequality between Indigenous and settler collectives (Abu-Lughod 2020, 4). Settler invasion is perpetually continual and incomplete, and while the structure of settler colonialism attempts to eliminate Native peoples, it ultimately fails to do so (Abu-Lughod 2020, 4). The settler-colonial project is never finished (Abu-Lughod 2020; A. Simpson 2014), and forces of elimination continue to be felt intensely in the daily lived experiences of Native peoples (Cottrell 2020).

As prominent sites of institutionalized colonial power, museums and universities in the 19th and 20th centuries functioned to promote and reinforce Eurocentric,

hierarchical narratives of Indigenous peoples as objective truths through the collection, study, and display of Native human and nonhuman relatives (Bruchac 2010; 2018b; Coombes and Phillips 2015; Hill 2000; Lonetree 2012). It has been commonplace for museums and universities in the United States to treat Indigenous ancestors as “archaeological resources, property, pathological material, data, specimens, or library books, but not as human beings” (Trope and Echo-Hawk 2000, 127). These attitudes and practices can be understood as expressions of continuous colonial power and amount to nothing less than a spiritual holocaust (Riding In 1996).

### **The Repatriation Movement**

Richard Hill (Tuscarora) writes, “[t]o me and many Native Americans of my generation, it seemed that the sanctioned institutions of culture in our society were actually contributing to our cultural decline, and this became intolerable” (Hill 2001, 314). According to Hill (2001), there are certain belongings that are essential to manifesting culture within Native communities. Many of these belongings were alienated from their creators and relatives through the colonizing practice of anthropological collecting and imprisoned in Western institutions, rendering them inaccessible to their originating communities (Fine-Dare 2002).

During the 1960s, the need for Indigenous communities in the United States to recover their ancestors and belongings fueled ongoing repatriation efforts. This movement was regarded as part of the broader American Indian Movement of the civil rights era (Hill 2001). During this period, Native communities in the United States

collectively demanded the return of their relatives from settler institutions. While some smaller museums responded to the calls for repatriation without being legally compelled, many major institutions refused to address the demands of Indigenous communities (Hill 2001).

Though the repatriation movement is often described as beginning during the 1960s (Hill 2001), it is important to clarify that Native communities have sought the return of their ancestors and belongings from museums for as long as imperialist and colonialist collecting has been practiced. For example, Nancy Mithlo (Chiricahua Apache) (2004) provides a historical account of the Cowichan people's endeavor to reclaim their ancestors from anthropologist Franz Boas. Boas visited the Northwest Coast in May of 1888 for the purpose of collecting the skulls and skeletons of the Indigenous peoples of British Columbia, which he acquired through both purchase and graverobbing (Mithlo 2004, 749). The Cowichan nation hired a lawyer in an attempt to press charges against Boas and secured a search warrant for their ancestors' remains but were ultimately unable to recover them (Mithlo 2004, 751).

In 1986, leaders of the Northern Cheyenne nation learned that the Smithsonian Institution was in possession of approximately 18,500 Indigenous ancestors, which set in motion a nationwide push by Native nations and organizations for federal legislation that would mandate the repatriation of their ancestors and belongings (Trope and Echo-Hawk 2000). Several bills for this purpose were introduced to Congress between 1986 and 1990, which were vehemently opposed by the Smithsonian Institution, the American

Association of Museums (now the American Alliance of Museums), and the Society for American Archaeology (Trope and Echo-Hawk 2000).

The National Museum of the American Indian Act (NMAIA) was passed in November of 1989. In addition to creating a new museum of Native histories and cultures within the Smithsonian Institution, the legislation requires the Smithsonian to inventory ancestors and funerary belongings in its possession or under its control (Trope and Echo-Hawk 2000). It also establishes a special committee to oversee the “inventory, identification, and return of Indian human remains and Indian funerary objects” (Trope and Echo-Hawk 2000, 137). The repatriation provisions in NMAIA resulted from a negotiated agreement between Native leaders and the Smithsonian Institution, setting a legal precedent for repatriation later cited by proponents of the Native American Graves Protection and Repatriation Act (NAGPRA).

The American Association of Museums (now the American Alliance of Museums) proposed a yearlong dialogue between settler museums, scientists, and Native communities that took place between 1989 and 1990 and was sponsored by the Heard Museum in Phoenix, Arizona. The dialogue focused on the appropriate treatment of ancestors and belongings from a human rights standpoint. Its findings were published in the *Report of the Panel for a National Dialogue on Museum/Native American Relations* in early 1990, which provided the framework for NAGPRA (Trope and Echo-Hawk 2000).

Guided by Native leaders and activists, the repatriation movement of the later 20th century culminated in the passage of the Native American Graves Protection and Repatriation Act (NAGPRA) in November of 1990 (Hill 2001; Riding In 1996; Trope and Echo-Hawk 2000):

After centuries of discriminatory treatment, the Native American Graves Protection and Repatriation Act finally recognizes that Native American human remains and cultural items are the remnants and products of living people and that descendants have a cultural and spiritual relationship with the deceased. Human remains and cultural items can no longer be thought of as merely ‘scientific specimens’ or ‘collectibles.’ (Trope and Echo-Hawk 2000, 151)

This historic legislation provides a legal process for federally recognized tribes to consult with museums and federal agencies and to reclaim “human remains, funerary objects, sacred objects, and objects of cultural patrimony,” as defined in the language of the act (*Native American Graves Protection and Repatriation Act 1990*).

The idea that scientific evidence is both distinct from and sounder than cultural knowledge permeates Western thought (Wilson 2009, 58). The alleged superiority of such knowledge has historically resulted in the superseding of Indigenous oral traditions by archaeological evidence and written text. One of the most significant effects of NAGPRA is that it compels museums and federal agencies to afford equal weight to Native and Western forms of knowledge when making decisions about cultural affiliation within the NAGPRA process. Furthermore, it forces federal agencies and settler institutions to consider what is sacred from an Indigenous perspective (Trope and Echo-Hawk 2000).

In some ways, NAGPRA revolutionized the relationship between settler museums and Native nations in the United States (Colwell 2019a). The legislation represented a new beginning and an opportunity for developing relationships between settler museums and Native communities through the processes of consultation and repatriation (Hill 2001). By decreasing the control of settler institutions and disciplines over Indigenous heritage while simultaneously increasing the level of interaction between Native nations and settler museum workers, NAGPRA constitutes an attempt to restructure the colonial power dynamics between these two groups (Benton 2017; Colwell 2015; Cottrell 2020).

### **The Limitations of Repatriation Law**

Legal processes of repatriation such as NMAIA and NAGPRA are often complicated, bureaucratic, expensive, and time-consuming for everyone involved, and they can create an atmosphere of conflict and mutual distrust that undermines processes of dialogue, persuasion, and mutual understanding (Bienkowski 2015, 437). Michael Brown and Margaret Bruchac contend that NAGPRA constitutes “an underfunded federal mandate that imposes substantial burdens on agencies, museums, and tribes alike” (M. F. Brown and Bruchac 2006, 196). Many federally recognized tribes are overwhelmed by NAGPRA summaries and inventories that they lack the resources to handle (M. F. Brown and Bruchac 2006). Furthermore, the federal funding available to tribes and museums through NAGPRA implementation grants only accounts for a small fraction of the actual cost of repatriation, which is disproportionately borne by Native communities (M. F. Brown and Bruchac 2006, 196).

The fact that NAGPRA does not provide for the reburial of culturally unidentified ancestors, who are problematically referred to in NAGPRA as “culturally unidentifiable human remains,” is a major concern (Riding In 1996). Moreover, the phrase “culturally unidentifiable” suggests that these ancestors’ relatives can never be identified, which is an extremely dubious implication and a form of historical erasure (Bruchac 2018a). NAGPRA regulation 43 CFR § 10.11 was implemented in 2010 as an attempt by the federal government to resolve this problem, but it remains an ongoing and controversial issue in the repatriation community (Bruchac 2010). According to Margaret Bruchac (Abenaki) (2018a), the existence of the “culturally unidentifiable” category is a problem that will haunt repatriation efforts as long as they rely on NAGPRA legislation.

To address this problem, several states such as Arizona and Colorado have created and implemented their own protocols for determining cultural affiliation and repatriating “culturally unidentifiable” ancestors. In Arizona, Arizona State Museum negotiates burial discovery agreements in consultation with descendant communities to facilitate the repatriation of inadvertent discoveries to pre-designated tribes on a regional basis (“Arizona State Museum” 2020). Similarly, History Colorado and the Colorado Commission of Indian Affairs worked with Native nations with a legacy of occupation in Colorado to divide the state into regions and to create a process for notifying the tribes with interests in each region (“NAGPRA Program” 2021).

Aside from the problematic “culturally unidentifiable” designation, the cultural affiliation process under NAGPRA itself can create conflicts that empower museums to

make final decisions with regard to repatriation (Bienkowski 2015). For example, it is possible for separate institutions in control of ancestral remains or funerary belongings from the same burial site to assign them different cultural affiliations and eventually repatriate them to different Native communities. This is because museums typically do not collaborate and submit inventories independently from one another under the NAGPRA process (M. F. Brown and Bruchac 2006; Bruchac 2010).

James Clifford examines the cultural affiliation issue in his 2013 work *Returns* through his discussion of Ishi “the last Yahi,” whose remains were obtained by the Smithsonian Institution in 1917. In the case of Ishi, the Smithsonian approved the Redding and Pit River communities’ request for repatriation by construing language as the basis of cultural affiliation. These northern California tribes “remembered and valued Yana ancestry,” which was a dialect spoken by Ishi, so the Smithsonian “recognized their right of repatriation – thus anchoring ‘cultural affiliation’ in language” (Clifford 2013, 146). But in doing so, the Smithsonian Institution denied a request from the southern California Maidu community based on oral traditions asserting ancestral relations with the Yahi, Ishi’s relatives. Clifford explains that

in a confused, multiscaled intertribal landscape, the Smithsonian was unwilling to acknowledge broader pan-Californian ‘cultural affiliations’ with the last Yahi. As defined in their protocols, ‘culture’ remained local, tied to blood and language, rather than emergent, multiplex, or coalitional... Thus repatriation by Ishi’s northern kin meant, in practice, exclusion of his southern neighbors: trading partners, rivals, and perhaps family. (Clifford 2013, 149)

With regard to Ishi’s repatriation, Clifford concludes that “the tension between Redding/Pit River and Maidu participants in the movement to return Ishi’s remains was

certainly increased by the either-or test of tribal identity imposed by repatriation law and the Smithsonian's decision" (Clifford 2013, 149). In Ishi's case, repatriation law and institutional policy upheld the power of the Smithsonian Institution to impose a particular conceptualization of culture and to make a final decision based on it.

The issue of cultural affiliation under repatriation law is also demonstrated by the case of the Ancient One (also known as "Kennewick Man"), whose remains were discovered in 1996 on land controlled by the U.S. Army Corps of Engineers near the Columbia River and Kennewick, Washington. Five Indigenous Columbia River communities requested that the Ancient One be repatriated to them for reburial under NAGPRA. However, a group of settler scientists filed a lawsuit to stop the repatriation, alleging that the Ancient One did not meet the criteria for the designation of "Native American" under NAGPRA, which is defined in the law as "means of, or relating to, a tribe, people, or culture that is indigenous to the United States" (*Native American Graves Protection and Repatriation Act* 1990). In 2002, the U.S. District Court sided with the scientists, finding that "NAGPRA was intended to reunite tribes with remains or cultural items whose affiliation was known" and that the Ancient One's affiliation with any of the claimant communities was "speculative at best" (Ray 2016, 477).

In 2004, the U.S. Court of Appeals again decided in favor of the scientists, asserting that there was not sufficient evidence to reasonably conclude that the Ancient One "shares special and significant genetic or cultural features with presently existing Indigenous tribes, people, or cultures" and that therefore, the Ancient One's remains did

not meet the definition of Native American under NAGPRA and that NAGPRA did not apply. Eventually, genetic testing on the Ancient One was published in *Nature* in 2015 indicating that he is “more closely related to modern Native Americans than to any other living population... [and] most closely related to the Colville Tribe, one of the original Tribal Claimants” (Ray 2016, 479). The conceptualization of “Native American” as a distinct genetic category and Native identity as biologically rather than relationally constituted has been brilliantly deconstructed by Kim TallBear (Sisseton Wahpeton Oyate) (2013) as a product of colonial race science. Nevertheless, genetic evidence of the Ancient One’s “racial identity” was considered more relevant and convincing than the oral traditions of the Columbia River communities that formed the basis of their original cultural affiliation claim.

The Ancient One was housed at the Burke Museum at the University of Washington and under the ownership of the U.S. Army Corps of Engineers until Congress eventually passed new legislation in 2016 to return his remains to the Indigenous nations of the Columbia River. He was finally reburied by a coalition of local Native communities in February of 2017. Like Ishi, the case of the Ancient One illustrates how cultural affiliation under the NAGPRA process can empower settler-colonial institutions such as museums and courts to make final decisions with regard to repatriation (M. F. Brown and Bruchac 2006). These cases also demonstrate how Western scientific evidence and Eurocentric conceptions of culture and kinship often take precedence over Indigenous knowledges, despite the fact that Native and settler forms of

evidence for cultural affiliation are supposed to be afforded equal weight under NAGPRA.

Another limitation of repatriation legislation in the United States is the absence of effective burial protection laws that prevent the desecration of Indigenous graves, which reflects the historical exclusion of Native burials from legal protections in the United States (Riding In 1996; Trope and Echo-Hawk 2000). While NMAIA only applies to one institution, NAGPRA is limited to federal lands and institutions that receive federal funds (Bruchac 2018b). This means that Native peoples typically have no legal recourse for reclaiming ancestors or belongings from private lands or collections. Furthermore, private collectors and institutions that do not receive federal funding are free to continue the colonizing practices that led to the repatriation movement and the passage of NMAIA and NAGPRA in the first place (Bruchac 2018b; Riding In 1996).

The issue of international auctions of sacred Indigenous belongings in recent years illustrates the limitations of repatriation legislation with regard to both international contexts and private collectors and institutions (Ray 2016). For example, a 2013 French court decision enabled a Parisian auction house to deny a request from Hopi Tribe to stop the sale of sacred Hopi *katsinam*. This decision was reached in part because the French court held that United States laws such as NAGPRA do not prohibit the sale of sacred Indigenous belongings by private collectors or institutions (Ray 2016).

One the most significant concerns regarding the efficacy of NAGPRA relates to pervasive colonialist attitudes in the archaeology and museum fields (Bruchac 2010;

Riding In 1996). This problem can be largely attributed to anthropology's legacy of scientific racism in service to settler-colonial projects, as well as positivist assumptions of scientific objectivity and universality (Smith 2012). Despite some museums gradually implementing more multicultural and inclusive policies, it is difficult to see how this issue will be fully addressed without fundamental changes to persisting colonial power structures (Atalay 2019b; Bruchac 2010).

Moreover, imperialist archaeologists have campaigned to convince the public that maintaining control over Native ancestors and belongings is scientifically necessary (Bruchac 2010; Riding In 1996). Using subtle pressure and persuasion, imperialist and settler archaeologists have promoted the secular understanding of Native relatives as research specimens that remains common in settler public consciousness, eroding integral aspects of Indigenous worldviews and cultures. Anthropologist Margaret Bruchac (Abenaki) (2010) argues that it is therefore necessary to shift the public paradigm.

NAGPRA does not apply internationally or to non-Native descendant communities. Many settler museums in the United States collect and control the ancestors and belongings of originating communities all over the world and from non-Native communities within the United States. Institutions and individuals outside of the United States also have the human and nonhuman relatives of Native peoples in their possession and under their control, as demonstrated by case of sacred Hopi *katsinam* being sold in French auction houses.

Furthermore, NAGPRA only applies to federally recognized tribes, meaning that the ability of Native communities to request the repatriation of their ancestors and belongings from museums and federal agencies depends on the recognition and authority of the settler-colonial government of the United States (Bienkowski 2015; M. F. Brown and Bruchac 2006; Bruchac 2018b; Cottrell 2020). Despite the fact that NAGPRA defines “Native Americans” as *all* of the continent’s Indigenous peoples, only federally recognized tribes are permitted to make repatriation claims on the basis of cultural affiliation, which highlights both the issues of federal recognition and cultural affiliation (M. F. Brown and Bruchac 2006; Bruchac 2018b; Cottrell 2020).

By granting the right to apply for federal funding and to make repatriation claims only to federally recognized tribes, NAGPRA effectively marginalizes federally unrecognized Native communities and upholds the authority of the U.S. government to determine the legitimacy of Indigenous nations (M. F. Brown and Bruchac 2006). Many institutions do not review repatriation claims or consultation requests from federally unrecognized Native communities because doing so is not required by repatriation law. Federally unrecognized tribes are therefore excluded from the legal right to their culturally affiliated ancestors and belongings laid out by NAGPRA (Cottrell 2020). Moreover, museums often require originating communities to prove their legitimacy according to Western standards of evidence and have the power to determine the validity of repatriation claims, which is illustrated by the cases of Ishi and the Ancient One (Bienkowski 2015; Clifford 2013; Ray 2016).

Finally, the United States federal government has demonstrated that it has the power to simply “waive” NAGPRA whenever the law presents an inconvenience to its interests or will. The 2005 REAL ID Act gives the U.S. government the authority to waive laws that conflict with national security policy. In 2019, the Department of Homeland Security waived more than 40 laws, including NAGPRA, due to what it claimed was “an acute and immediate need to construct physical barriers and roads in the vicinity of the border of the United States in order to prevent unlawful entries to into the United States in the project area” (Atalay 2020; Vedantam 2019). In February of 2020, BBC News reported that controlled blasting by construction crews building the U.S.–Mexico border wall is destroying Native burials and sacred sites (*BBC News* 2020). The construction of the wall is also killing many ancient saguaros, which embody the ancestors of the Tohono O’odham people (*BBC News* 2020). The federal government’s use of its power to waive NAGPRA in this situation exposes how tenuous and fragile legal protections for Native burials and heritage actually are in the United States.

While “the repatriation movement has won some major victories, the war is unfinished” (Riding In 1996, 247). Undoubtedly, repatriation laws such as NMAIA and NAGPRA create pathways for returns via legal mandate where none existed prior to their enactment. However, Margaret Bruchac (Abenaki) (2018b) argues that it is fair to question whether federal efforts to facilitate repatriation through law have actually restored respect for Indigenous heritage or merely legislated respect for a few museologically accepted categories of material culture. The restrictions and shortcomings

of repatriation legislation and its implementation present real challenges to repatriation efforts and, therefore, provide important context for this study.

### **Chapter Three: Literature Review**

This chapter explores the academic literature and discourse that pertains to this project. It examines the concept of decolonization, both generally and as it applies specifically to museums, Indigenizing collections care, and the role of repatriation in decolonization as they appear in recent museological discourse. The chapter then expands on the discussion of NAGPRA from the previous chapter by investigating the extent to which the legislation can be understood as a form of decolonization. Finally, Chapter Three explores the phenomenon of repatriation outside of NAGPRA.

#### **Decolonizing Museums**

Throughout the 20th century, the term “decolonization” was typically used to refer to the formal withdrawal of European powers from their former colonies (Heller and McElhinny 2017; Smith 2012; Wood 2020). Today, decolonization within Indigenous and museological critical theory is commonly understood as the ongoing, holistic process of dismantling cultural, psychological, linguistic, gendered, economic, social, and political forms of colonial power (Smith 2012; Wood 2020). From an Indigenous perspective,

decolonization entails developing a critical consciousness about the cause(s) of our oppression, the distortion of history, our own collaboration, and the degree to which we have internalized colonialist ideas and practices. Decolonization requires auto-criticism, self-reflection, and a rejection of victimage. Decolonization is about empowerment – a belief that situations can be transformed, a belief and trust in our own people’s values and abilities and a willingness to make change. It is about transforming negative reactionary energy

into the more positive rebuilding energy needed in our communities. (Wheeler, quoted in Lonetree 2012, 8-9)

While Wheeler's description of decolonization is representative of an Indigenous framework, it advocates a critical, reflexive approach that corresponds to the frameworks of critical theory and critical museology, which inform this research and are discussed further in Chapter Four. Furthermore, the idea of willingness to make change is also demonstrated by museums that voluntarily engage in decolonizing practices such as repatriation beyond NAGPRA and integrating Indigenous knowledges into collections stewardship.

Processes of decolonization are situated in specific contexts that vary according to time, place, and institution (Kreps 2020). As it pertains to museums, decolonization is often understood as a

process of acknowledging the historical, colonial contingencies under which collections were acquired revealing Eurocentric ideologies and biases in the Western museum concept, discourse and practice; acknowledging and including diverse voices and multiple perspectives; and transforming museums through sustained critical analysis and concrete actions. (Kreps 2020, 52-53)

This critique of Western museums is partially derived from postmodern, poststructuralist, and postcolonial analyses (Kreps 2020; 2003; Lonetree 2012). These academic traditions are often credited with the trend toward critical self-reflection among anthropologists and museum scholars (Lonetree 2012; Smith 2012). However, many decolonizing initiatives that faced tremendous resistance from powerful institutions are now discussed as if the whole concept was a result of the generosity of non-Indigenous people (Smith 2012).

Museum scholar Amy Lonetree (Ho-Chunk) explains that

it is equally important to keep in mind that American Indian activism, which includes a wide range of activism, played no small role in this shift. In both the United States and Canada, Native activism was on the forefront of asserting Indigenous participation in developing exhibitions and in deciding what should be done with collections. (Lonetree 2012, 17)

Here, Lonetree argues that it is essential to acknowledge the vital and central role of Indigenous activism in dismantling colonialist practices in settler and Eurocentric museums. Like repatriation, Indigenous involvement in the museum world is a result of prolonged and committed Native activism, not the academic epiphanies of settler and non-Indigenous scholars or museum professionals (Lonetree 2012, 18).

According to archaeologist Sonya Atalay (Anishinaabe), “the next necessary step is systemic change within our discipline and our institutions to transform them toward more decolonized models and systems that are collaborative and sustainable in a world that’s in a time of tremendous crisis and change” (Atalay 2019b). While collaborative engagement and including Indigenous voices in all aspects of museum practice represent the most significant change in relationships between Native communities and settler museums in recent years, these changes alone do not constitute decolonization (Lonetree 2012, 121).

It is important to differentiate between museums that engage in some decolonizing practices such as repatriation (legally mandated or voluntary) or Indigenizing collections care and museums that “disrupt colonial constructions of Native history and culture, engage in truth telling, and honor Indigenous understandings of history and contemporary survival” (Lonetree 2012, 122). For example, Lonetree (2012)

cautions against referring to the National Museum of the American Indian (NMAI) as a decolonizing museum because it fails to acknowledge the historical trauma of colonialism and its ongoing effects. Lonetree argues that in doing so, NMAI serves the interests of the U.S. empire.

According to Lonetree, NMAI “does not move us forward in our efforts for decolonization and reparative justice” (Lonetree 2012,122). However, this is not to say that NMAI holds no significance for Native communities or that there are no Native people who view the museum as a decolonial institution. Native perspectives of NMAI are not monolithic. NMAI is a site that embodies the complicated and often contradictory aspects of Indigenous-focused museums in settler-colonial contexts. By failing to directly confront the specific truths of settler-colonialism and those responsible for genocide and its continuing effects, NMAI serves settler-colonial interests, but through other practices such as collaboration and the inclusion of Indigenous voices, it also serves the interests of Native peoples (Lonetree 2012).

Decolonizing museums entails transforming them into sites of mutual recognition, healing, and knowing that acknowledge difference and share authority (Coombes and Phillips 2015). Lonetree (2012) examines decolonizing museums as part of the larger trend of institutions becoming more open and community-relevant by implementing more responsive practices such as collaborative partnerships and sharing authority.

Furthermore, decolonizing museums involves

more than moving museums away from being elitist temples of esoteric learning and even more than moving museums toward providing forums for community

engagement. A decolonizing museum practice must be in the service of speaking the hard truths of colonialism. (Lonetree 2012, 6)

For Lonetree, truth telling is central to decolonizing museums. Messages of survivance are powerful counters to the settler-colonial goal of elimination that depends on the erasure and silence of Indigenous peoples. However, communicating the hard truths of colonialism and honoring Indigenous ways of understanding history disrupts the function of museums as sites of oppression and the reproduction of epistemologies and ideologies that serve colonial interests. Museums can contribute to decolonizing projects by memorializing past oppression and advocating for social justice (Coombes and Phillips 2015). By engaging critically with museums, scholars can expose colonial and racist histories and the harm caused by collecting, studying, and displaying Native peoples' ancestors and belongings ("Archaeology as Bearing Witness" 2018). In doing so, truth telling enables museums to become a means for repairing the historical trauma of colonization.

In addition to going beyond survivance (Vizenor 2010) to tell difficult truths about colonialism, decolonizing museums requires engaging collaborative methodologies (Coombes and Phillips 2015; Lonetree 2012; Phillips 2003). Such methodologies involve sharing power in order to remake museums into sites of discourse and critical reflection. Implementing Indigenous principles of collaboration and concepts of relationality can help reorient museums in more decolonizing directions (Atalay 2019b). This requires settler museum professionals to relinquish authority and work in partnership with

Indigenous communities in order to transform the goals, methods, and practices of settler institutions (Atalay 2019a; Coombes and Phillips 2015).

Wheeler's discussion of decolonization as transformation is also applicable to museums. Sites of oppression have the potential to become places that support autonomy and revitalization (Atalay 2019a; 2019b; Lonetree 2012). Decolonizing museums therefore entails transforming them from sites of colonial harm into sites of healing and community well-being (Coombes and Phillips 2015). One important way that museums can contribute to the well-being of Native communities is by sharing Indigenous knowledges, where appropriate and with consent. Indigenous ways of knowing offer important alternatives to Eurocentric museum models, but more significantly, "the spiritual, creative and political resources that Indigenous peoples can draw on from each other provide alternatives for each other" (Smith 2012, 110). Within a decolonizing framework, the primary purpose of sharing Indigenous knowledges in museum contexts is empowering Indigenous peoples, not benefiting or improving Western institutions and epistemologies.

### **The Role of Repatriation in Decolonization**

The importance of repatriation to the process of decolonizing museums cannot be overstated. A museum's institutional commitment to repatriation is a major indicator of its ethical integrity ("Ritual Processes of Repatriation: A Discussion" 2017, 92).

Although repatriation is an essential component of decolonizing museums, conscientious repatriation policies are not adequate in themselves to achieve decolonization in museum

contexts (“Ritual Processes of Repatriation: A Discussion” 2017, 93). Laura Peers of the Pitt Rivers Museum at Oxford University observes that

in some ways, repatriation ceremonies have very little effect. While they may create moments of *communitas* when museum staff weep or pray with delegates, museums continue to own objects, set the rules by which repatriation claims are accepted or rejected, and determine the nature of the entire set of ceremonies. Colonial structures of power embodied in the museum appear to be untouched by repatriation ceremonies. (Peers 2017, 18)

Here, Peers argues that the temporary fellowship and cooperation of museum staff and representatives from originating communities created by repatriation events have little effect on the power relations between these two groups or the institutional power possessed by bureaucratic, Eurocentric museums. Peers goes on to acknowledge that while repatriation alone cannot dismantle the colonial power structures that pervade Western and settler museums, it is one part of the larger process of transforming these institutions. Furthermore, the habitualization of repatriation processes enables both museum staff and originating communities to create new understandings of museums and to imagine alternatives for them (Peers 2017, 19).

Perhaps more significant than repatriation’s potential to facilitate the decolonization of museums is its role in the much broader and long-term process of comprehensive decolonization, one that is ongoing and unfolding over multiple generations (Atalay 2019, 88). Smith (2012) describes the Indigenous project of “returning” as a form of decolonization. This project involves the returning of lands, rivers, and mountains to their Indigenous caretakers as well as the repatriation of “artefacts, remains and other cultural materials stolen or removed” (Smith 2012, 156). In

this sense, repatriation is not only part of the process of decolonizing museums specifically, but a crucial element of the decolonization process in general. Reclaiming ancestors and belongings from museums fosters collective healing and is part of ongoing efforts of decolonization (Bruchac 2018b; “Ritual Processes of Repatriation: A Discussion” 2017). The idea of repatriation as healing provides an important a theoretical framework for this project and will be explored in Chapter Four.

### **Indigenizing Collections Care**

Efforts to transform museums must extend beyond exhibits and research to all areas of museum practice, including registration and conservation (Coombes and Phillips 2015). Incorporating Indigenous ways of being, doing, and knowing that reconfigure museological understandings of temporality, spatiality, materiality, sociality, and personhood are beneficial to institutions attempting to reorient themselves in a changing and challenging contemporary world (McCarthy 2019). Discussions about the need to fundamentally change curatorial practice with regard to museum collections have often grown out of conversations between Indigenous communities and settler institutions about repatriation (Harrison, Byrne, and Clarke 2013).

A central aspect of Native critiques of settler museums references the way Western methods of categorization, management, and storage of collections are inconsistent with Native knowledge systems and can be offensive or even dangerous (Harrison, Byrne, and Clarke 2013, 12). In the interest of decolonization, museums must “focus more deeply and meaningfully on aspects of culture understandings and

caretaking obligations emanating from the communities of origin themselves” (Benton 2017, 124). The museum field requires significant changes that empower originating communities to be active participants in the caretaking of belongings housed in museum collections (Colwell 2015). Incorporating Native perspectives, protocols, and care practices into the collections stewardship methods of Eurocentric and settler museums is one important component of decolonizing museums as an ongoing process (McCarthy 2019; Shannon 2017).

The growing awareness of Indigenous perspectives on the care and treatment of cultural materials is an important outcome of the repatriation movement, NAGPRA, and the increasing presence of Native representatives in some settler museums (Kreps 2003; 2020). Some museums that control ethnographic collections collaborate with originating communities to incorporate Indigenous practices with Western standards of collections care for some belongings (A. K. Brown and Peers 2003; Bruchac 2010; 2018b; Clavir 2002; Flynn and Hull-Walski 2001; McCarthy 2019; M. G. Simpson 2013). These practices can be beneficial to the physical and spiritual well-being of museum collections (Flynn and Hull-Walski 2001; Rosoff 2003).

For some Indigenous peoples, certain belongings are animistic beings imbued with life-force energy and lie at the intersection of the physical and spiritual worlds (Clavir 2002; Colwell 2014; Hays-Gilpin and Lomatewama 2013; Kreps 2003). This perspective is at odds with the Eurocentric scientific understanding of museum collections as comprised of discrete, inanimate objects, which is reflected in Western

museum practices. The animacy of some belongings means that they have a life cycle. In certain original contexts, belongings were made to last and steps were taken to prolong their life (Kreps 2003). In other cases, the Eurocentric museum practice of conserving nonhuman beings in perpetuity interrupts their life cycles (Kreps 2003; Hays-Gilpin and Lomatewama 2013). This is the case with Zuni *Ahayu:da*, whose purpose is to serve a term guarding shrines and then retire and naturally decompose (Hays-Gilpin and Lomatewama 2013). Perpetually preserving *Ahayu:da* in museum collections denies their purpose and disturbs their natural lifetime.

Eurocentric museums often adhere to principles of open access (M. G. Simpson 2013). However, some Native belongings in museum collections should be handled only by specific people. In certain original contexts, some belongings were never intended for interaction with everyone (Kreps 2003, 92). Incorporating restrictions based on age, gender, kinship, and status into collections practice is conducive to culturally appropriate caretaking (M. G. Simpson 2013). For example, the restriction of access to some belongings and knowledge in museums to those who have been initiated into a specific ceremonial society is a matter of safety for Hopi people (Hays-Gilpin and Lomatewama 2013, 279).

Some Indigenous care practices involve restricting interactions between certain belongings and people who are menstruating. According to Hays-Gilpin and Lomatewama (2013), such restrictions are not imposed as a result of misogynistic understandings of menstruation as dirty or polluting. Rather, they are about respecting the

power of fertility and the protection of reproductive abilities (Hays-Gilpin and Lomatewama 2013, 278). Incorporating menstrual restrictions in collections care is one of many forms of culturally appropriate practices that protect museum staff as well as collections.

The incorporation of Indigenous curatorial methods in settler museums does not necessarily constitute or lead to decolonization, especially if the original Eurocentric categories and underlying values from which they are derived remain intact (Harrison, Byrne, and Clarke 2013). In such cases, Indigenization leads to reorganizing institutional systems in order to accommodate different views rather than fundamental changes to settler-colonial power structures. Nonetheless, integrating Native ways of knowing and caring for collections is an important step in acknowledging Indigenous knowledge as expertise and re-envisioning the museum as a place of reconciliation and social change (Harrison, Byrne, and Clarke 2013).

### **Is NAGPRA Decolonization?**

Chapter Two discussed the historical development of repatriation legislation and some of its limitations. In the United States, NAGPRA is often understood as synonymous with repatriation because the NAGPRA process is the primary mechanism for returning ancestors and belongings to Indigenous nations (Daehnke and Lonetree 2011). Because repatriation is such an essential component of decolonization (Atalay 2019a; Smith 2012), it is tempting to interpret NAGPRA legislation itself as a form of

decolonization. In this section, I examine the extent to which NAGPRA can be considered a form of decolonization based on a review of relevant literature.

As a result of being a compromise between Native communities and settler institutions (Bruchac 2010), NAGPRA imposes Western categories, definitions, and worldviews onto Indigenous heritage (Benton 2017). In some ways, the law requires Indigenous peoples to conform to Eurocentric perspectives and practices and to satisfy the expectations of settlers in order to recover their cultural belongings and ancestors (Benton 2017). It can therefore be considered a mechanism that effectively reinforces colonial power structures (Colwell 2015). Despite implicit and proclaimed commitments to transparency and public service, Western museums have historically focused on controlling knowledge (Colwell 2015). By granting museums the authority to control the information and understandings that encompass collections and pervade the repatriation process, NAGPRA upholds and reproduces settler-colonial power structures (Colwell 2015; Cottrell 2020).

In analyzing the political implications of NAGPRA, it is useful to acknowledge and describe the politics of recognition implicitly tied to the legislation. According to anthropologist Audra Simpson (Mohawk), “recognition is the gentler form, perhaps, or the least corporeally violent way of managing Indians and their difference, a multicultural solution to the settlers’ Indian problem” (A. Simpson 2014, 19). Through the process of federal recognition and attaining status as domestic dependent nations, Native communities are stripped of their political power (Cottrell 2020).

Juridical forms of recognition are only performed “if the problem of cultural difference and alterity does not pose too appalling a challenge to norms of the settler society, norms that are revealed largely through law” (A. Simpson 2014, 20). In the case of NAGPRA, the prerequisite that Native communities be federally recognized in order to make repatriation claims inextricably links the law to the Federal Acknowledgment Process (Cottrell 2020). This requirement effectively undermines Indigenous relationships with ancestors and belongings through politics of recognition (M. F. Brown and Bruchac 2006; Cottrell 2020). NAGPRA relies on federal recognition and places Native rights under federal authority. Because the NAGPRA process is authorized and administered by the U.S. Department of the Interior and is accessible only to the Native communities it deems legitimate, NAGPRA does not pose a significant threat to settler-colonial state power and authority.

Furthermore, the segregation of NAGPRA-designated collections and repatriations from the rest of museum collections and practices prevents setting a precedent for further returns, a pervasive fear among museums observed by Piotr Bienkowski (2015). When NAGPRA was first enacted, “many museums, archaeologists, and scientists protested that it would result in the emptying of museums” (Bienkowski 2015, 434). This has evidently not been the case. Repatriation law can actually allay this anxiety because it empowers museums to deny requests for repatriations that do not fall under the officially legislated categories of objects eligible for return (Bruchac 2010).

The NMAI webpage about the museum's repatriation program provides a good example of this issue:

One common misconception about the NMAI's repatriation program is that the majority of the NMAI's collections, at some point in the future, will be repatriated. In fact, less than three percent (about 25,000 items) of the NMAI's collections will fall within the four primary categories of eligible items for repatriation: human remains, funerary objects, sacred objects, and objects of cultural patrimony. ("National Museum of the American Indian" 2020)

According to anthropologist Margaret Bruchac (Abenaki) (2010), the imposition of these categories onto Indigenous ancestors and belongings is problematic, in part because it implies that these remains and objects are easily identified and well-documented in museum collections, as well as creating the illusion that repatriation is a simple, straightforward process. Moreover, repatriation law places the ultimate responsibility for accurate reporting in the hands of settler-colonial institutions, such as the Smithsonian Institution, that desecrated Native burials in the first place (Bruchac 2010).

These concerns evoke the central issues of property and ownership. NAGPRA is frequently interpreted as human rights law (Trope and Echo-Hawk 2000), but it is also often understood as property law (M. F. Brown and Bruchac 2006). Through the processes of acquiring and accessioning ancestors and belongings, museums come to own them and ultimately have the power to decide whether to keep or return them (Bienkowski 2015). The common claim by museums that they are keeping collections for their nation or for humanity is "no more than an elaborate justification for retention of their own collections, which are not and cannot be owned by nations or humanity but only by individual museums" (Bienkowski 2015, 443). Even in instances in which

museums are legally restricted with regard to what belongings can be deaccessioned, returns have been accomplished with sufficient institutional will and political pressure (Bienkowski 2015). Moreover, repatriation laws such as NMAIA and NAGPRA force Native communities to employ and reproduce the settler-colonial logics that uphold the United States as an empire in order to legitimize themselves with regard to property and ownership (Cottrell 2020).

Piotr Bienkowski calls on museums to “acknowledge their key purpose as a locus for a discourse over the values and meanings of objects to different communities, to set aside the fetish of perpetual ownership of objects and to open up that ownership for discussion, and to be prepared to act on the consequences of such a discourse” (Bienkowski 2015, 432). Margaret Bruchac (2010) calls on archaeologists and museums to relinquish their assumed intellectual ownership of sites and collections. Similarly, Daehnke and Lonetree (2011) argue that

a truly decolonized view of repatriation would start from the position that all Native American human remains – including [culturally unidentified ancestors] be under the control of tribal communities; that repatriation of [culturally unidentified ancestors], if desired by tribes, be completed in accordance with protocols established by Native American groups; and that all scientific study and use of [culturally unidentified ancestors] stop immediately. Although collaborations between anthropologists and Native Americans have grown in recent years, the current state of NAGPRA compliance illuminates that there is still unfinished business... There remains, therefore, a great deal of work to do before we can assert that NAGPRA is an act of decolonization in a ‘postcolonial’ world. (Daehnke and Lonetree 2011, 96)

This thesis argues that in some cases, repatriation outside of NAGPRA demonstrates a willingness by settler institutions to go beyond the minimum requirements of federal law

and to voluntarily relinquish control of ancestors and belongings. While this does not necessarily constitute a fully decolonized view of repatriation as it is defined by Daehnke and Lonetree, it may indicate a more decolonizing attitude toward the ownership of collections than mere compliance with repatriation mandates.

With regard to whether NAGPRA should be considered a form of decolonization, Daehnke and Lonetree conclude that while some positive collaborations and repatriations have been accomplished since the passage of NAGPRA, they ultimately “caution against subscribing to a narrative of progress when assessing the current situation of NAGPRA compliance in the United States or equating NAGPRA with decolonization” (Daehnke and Lonetree 2011, 95). Though NAGPRA was meant to address power imbalances between settler institutions and Native communities, it arguably reinforces them in subtle and insidious ways (Cottrell 2020).

Reforms to settler museological practices and institutions such as NMAIA and NAGPRA are undoubtedly achievements of Indigenous activism and contentious struggle (Abu-Lughod 2020). Despite such reforms, settler museums “still have not recognized the ongoing asymmetries of white settler power embedded in the paternalism of ‘giving voice’ to Indigenous groups or inviting community ‘collaboration’” (Abu-Lughod 2020, 24). Furthermore, truly decolonized views of repatriation as described by Daehnke and Lonetree (2011) are largely absent from settler institutions.

Thus far, this thesis has described NAGPRA as simultaneously a monumental accomplishment of Native political struggle, as described in the previous chapter, and

also a mode of settler-colonial control that reinforces and reproduces colonial power structures. This apparent contradiction will be assessed and clarified in the next chapter, though perhaps not entirely resolved.

### **Repatriation Beyond NAGPRA**

Repatriations outside the NAGPRA process have occasionally occurred since the passage of the law (Daehnke and Lonetree 2011). The return of ancestors and belongings to federally unrecognized communities provides a tangible example of repatriation outside or on the margins of NAGPRA. Although repatriation to federally unrecognized tribes does not fall under the purview of NAGPRA, it is not precluded by the legislation. Some museums voluntarily repatriate ancestors to federally unrecognized Native communities when convincing evidence of descent or cultural affiliation is presented (M. F. Brown and Bruchac 2006). Of course, it is often still the burden of Indigenous communities to provide such evidence. In some cases, federally unrecognized groups form alliances with federally recognized tribes to accomplish repatriation (Cottrell 2020). For example, the Wampanoag Confederacy consolidated the repatriation efforts of three Wampanoag bands so that the only federally recognized tribe among them could act as the primary claimant for NAGPRA notices in any of the ancestral Wampanoag lands (M. F. Brown and Bruchac 2006). In another case, several neighboring federally recognized tribes supported and advocated for the repatriation of 30 Native ancestors from the Harvard Peabody Museum of Archaeology and Ethnology directly to the Abenaki Nation of Missisquoi, a federally unrecognized group (M. F. Brown and Bruchac 2006).

Regardless of legal obligations such as repatriation laws, Western and settler museums have an ethical responsibility to repair the damage caused by their own colonizing practices (Bruchac 2010; Mithlo 2004). Margaret Bruchac (Abenaki) contends that “if we are truly interested in repatriation as a form of social justice, if we want to actually return these ancestors and objects to their appropriate places of origin, then we need to reexamine the people, processes, social relations, and knowledges that shaped these collections” (Bruchac 2010, 150). Such approaches can be understood as “reverse ethnography” and “reverse fieldwork,” which entail retrospectively examining the relations among participants at each moment of acquisition and mapping the circulation of belongings (Bruchac 2018b). To clarify, this is a call for archival research in order to compile comprehensive life histories of museum collections, not an invitation for more destructive scientific analysis on Native ancestors. It is especially helpful and often necessary to do this research in partnership with Indigenous communities who have knowledge relevant to those histories. According to Bruchac (2018b), it is possible to resolve some of the mysteries surrounding ancestors’ or belongings’ provenance and meaning using this approach.

With regard to repatriation, restorative methodologies involve untangling the networks of social relations, political ideologies, and epistemologies that created the hierarchical, binary museological categories of collector-collected and human-specimen (Bruchac 2010). To move beyond NAGPRA, Bruchac (2010) suggests implementing restorative methodologies that involve cooperation among museums and include all

Indigenous descendants, federally recognized or unrecognized, as active participants in determining the path forward at a regional level. This approach is perhaps comparable to what Daehnke and Lonetree (2011) describe as a truly decolonized view of repatriation. In terms of the dubious object categories delineated in NMAIA and NAGPRA, it is necessary to move past legal arguments over classification and recognition in order to work in collaboration toward the more holistic goals of restoration and decolonization (Bruchac 2018b).

Applying Indigenous (rather than legalistic) protocols to repatriation practice can help cultivate better relationships and repair broken connections (Bruchac 2018b). Collaborative models of repatriation research such as reverse ethnography and reverse fieldwork can improve relations between settler museums and Indigenous communities. Such approaches make it possible to move beyond formal adherence to legal requirements that create one-way acts of repatriation toward multidirectional acts of reconnection that repair broken relationships between Native communities, their ancestors and belongings, and settler institutions. These restorative methodologies possess enormous healing potential essential to processes of decolonization (Bruchac 2018b), which will be discussed at length in Chapter Four.

## **Chapter Four: Theoretical Framework and Research Design**

This chapter explores the theoretical influences that inform this research as well as the methodology and research design of the project. The chapter expands on the previous discussion of NAGPRA by assessing the coloniality of NAGPRA, museums, and anthropology. Next, it describes the theoretical frameworks of critical museology, repatriation as healing, and the complementary approaches of “intersecting magisteria” and braiding knowledge and explains how these frameworks apply to this project. With regard to methodology, it presents an overview of Laura Nader’s concept of “studying up,” ethnography as collecting, and narrative inquiry as they pertain to this research. Lastly, the chapter outlines the research participants and the research methods of participant observation, in-depth, open-ended interviews, and bibliographic research that were utilized in this project.

### **Theoretical Framework**

#### ***Assessing Coloniality***

In evaluating the history and present state of coloniality, both generally and specifically in relation to museums and anthropology, it is useful to keep in mind that anticolonialists are not all in agreement about what is colonial (Wood 2020, 172). Like museums and Indigenous peoples, anticolonialism is neither homogeneous nor monolithic. The various anticolonial traditions have differing tendencies with regard to what is understood and emphasized as being colonialist. For example, postcolonialism

often focuses on anthropology's "historical location of power in relation to its subjects, and its complicity, at times, in the subjugation of colonized peoples" (Kreps 2003, 5). This project draws heavily from critical museology, which involves locating museums within their social, political, and economic contexts.

Importantly, if it is accepted that something is colonial and not colonial at the same time and in the same sense, then it becomes unclear how one could be anticolonialist in regard to said thing (Wood 2020, 172). Clarifying a position with a statement such as "political science or technology is colonialist insofar as *X* and not colonialist insofar as *Y*" enables us to move beyond this theoretical dilemma (Wood 2020, 172). Such a clarification does not completely resolve the contradiction in question, but it does provide a more useful means of addressing coloniality. This thesis has discussed how NAGPRA presents a similar theoretical dilemma that could benefit from further evaluation.

As described in the previous chapter, NAGPRA can be understood as simultaneously colonialist and not colonialist. Rather than leaving this contradiction as it currently stands, it is helpful to clarify the statement as follows: NAGPRA can be interpreted as colonialist insofar as it upholds the authority of the settler-colonial U.S. government, empowers museums to make decisions, and enables institutions to deny requests for returns that do not fall within its official requirements. However, NAGPRA can be considered not colonialist insofar as it affirms the human rights of Native peoples, provides a legal process for federally recognized tribes to reclaim their ancestors and

belongings from settler institutions, and legally compels museums and federal agencies to repatriate Indigenous relatives that meet its definitions of human remains, funerary objects, sacred objects, and objects of cultural patrimony. While this clarification cannot resolve the tensions and contradictions inherent to NAGPRA, it provides a more nuanced analysis of the law's coloniality.

Sweeping claims about coloniality can play a limited yet significant role in critical consciousness-raising (Wood 2020). However, when taken as generalizations, such broad statements constitute false universals. The more comprehensive a claim about something's being colonialist, the more likely does its value lie in rhetorical provocation rather than useful analysis (Wood 2020). Anthropology and museums can be used for colonialist, non-colonialist, or anticolonialist purposes. Their role in these projects can only be understood contextually and historically (Wood 2020).

Things that are typically associated with the colonizer or the colonized tend to be mistakenly judged as belonging *essentially* to the colonizer or the colonized, respectively (Wood 2020, 174). Anthropology and museums are often associated with colonialism, and for good reason, given their history (Lonetree 2012; Mithlo 2004; Said 1979).

Indigenous scholar Linda Tuhiwai Smith (Maori) explains the association of anthropology and colonialism from the perspective of Indigenous peoples:

Of all the disciplines, anthropology is the one most closely associated with the study of the Other and with the defining of primitivism... The ethnographic 'gaze' of anthropology has collected, classified and represented other cultures to the extent that anthropologists are often the academics popularly perceived by the indigenous world as the epitome of all that is bad with academics. (Smith 2012, 70)

Similarly, anthropologist Margaret Bruchac (Abenaki) observes that

Anthropology, after all, was not a neutral science; it was an activist project that fetishized and commodified Indigenous objects, cultures, and bodies, while positioning Euro-American scientific thought and practice as neutral and normative... [white scientists] depicted virtually all Native peoples of North America as inherently naïve, uneducated, primitive, and helpless... They circulated anthropological discoveries and theories (which could be classed as 'scientific stories') in ways that marginalized Indigenous knowledges while praising the value of scientific research. The benefits to researchers were considerable; the costs to the anthropologized have yet to be fully measured. (Bruchac 2018b, 178)

Smith and Bruchac powerfully illustrate the problematic historical relationship between anthropology, museums, and colonialism. However, acknowledging this troubled history does not necessarily imply that all forms of anthropology and museums are essentially colonialist. The works of anthropologists such as Lila Abu-Lughod, Audra Simpson, Kim TallBear, Margaret Bruchac, and Sonya Atalay, among others, demonstrate that anthropology can be anticolonial. With regard to museums, the works of museum anthropologists and critical museologists such as Michael Ames, James Clifford, Amy Lonetree, Christina Kreps, Moira Simpson, and others show that museums can not only be non-colonial or anticolonial, but they can also be decolonial and Indigenous.

Essentializing something as either colonizing or colonized based on historical associations can actually detract from anticolonial goals because it imposes unnecessary limits on the methods for decolonization available to anticolonialists and fails to account for the numerous ways new uses can serve anticolonial purposes (Wood 2020). Additionally, such generalizations take for granted and even reinforce the binary categories of colonizer-colonized that maintain colonial power relations (Smith 2012).

Nevertheless, some systems, structures, and institutions are unavoidably and fundamentally colonial. If something is judged to be essentially colonialist, then the decolonization of said thing is tantamount to its complete destruction (Wood 2020, 175). For instance, the United States is an inherently settler-colonial project (Estes and Dunbar-Ortiz 2020; Wolfe 2006), so to decolonize it would mean dismantling the United States entirely (TallBear 2019).

The economic system of capitalism is another example of something that can be judged to be essentially colonial (Césaire 1950; Fanon 1961; Lenin 1917; Robinson 1983; Rodney 1972). The inherent coloniality of capitalism means that decolonizing it would necessarily entail its total eradication (Wood 2020). Capitalist logics are evident in many museums, particularly large-scale, Eurocentric institutions. For example, the tendency to regard collections as stocks or assets whose value is one of pure exchange is a function of the neoliberal capitalist context in which contemporary museums operate (Krauss 1990). To a great extent, the present state of museums results from the neoliberal ideology of financialization and free-market capitalism that arose in the 1980s (Weiss 1990). During this period, the popular notion of the museum as a guardian of the public patrimony gave way to the more capitalistic conception of the museum as a corporate entity with a highly marketable inventory and the desire for growth (Terrell 1991; Weiss 1990). Due to the inherent coloniality of capitalism, decolonizing museums requires doing away with their capitalistic aspects. This entails reorienting museums in non-capitalist or anti-capitalist

directions and reimagining their possible existences and purposes in post-capitalist futures (Atalay 2019b).

When something is judged to be accidentally or incidentally colonial, rather than essentially colonial, there may be some aspect of it that can be effectively salvaged and turned toward anticolonialist ends (Wood 2020, 175). This statement is perhaps at odds with Audre Lorde's famous aphorism "the master's tools will never dismantle the master's house" (Lorde, quoted in Smith 2012). While Lorde made this statement in the specific context of being tokenized at an academic conference, some decolonial theorists such as Linda Tuhiwai Smith (2012) reiterate it as more of a universal maxim. D. A. Wood questions such decontextualized uses of Lorde's quote, inquiring "when taken up and used by a servant, slave, or otherwise oppressed individual or group, does there come a point at which it simply no longer makes sense to speak of a set of tools as really the 'master's' any longer?" (Wood 2020, 175). This theoretical conversation has practical consequences for anthropology and museums, which have historically served colonial interests and can be understood as "tools" that maintain colonial power structures.

While the more colonialist and capitalist features of museums cannot be salvaged for anticolonialist purposes, there are certainly some aspects of anthropology and museums that can be reclaimed and repurposed. With regard to decolonizing museums, Amy Lonetree (Ho-Chunk) writes:

Yes, museums have a terrible history as places intimately tied to the colonization process... However, righting wrongs is only the beginning of decolonizing. The possibility of decolonizing and Indigenizing museums lies in transforming these sites of colonial harm into sites of healing, and restoring community well-being.

Decolonizing is powerful not only because it ends and mends harms, but also because it opens opportunities. (Lonetree 2012, 173)

Here, Lonetree contends that although anthropology and museums have historically operated as the “master’s tools,” it is possible to transform these traditions to the point that they effectively become part of the anticolonialist toolkit. Furthermore, Kreps (2003) shows that some Indigenous models of museums and curation were never the master’s tools to begin with. Some non-European cultures have traditions of buildings or places where collections of religious or ceremonial belongings are stored. For example, men’s houses called *haus tambaran* serve as places for preserving and displaying ritual belongings for the Indigenous peoples of the Abelam and Sepik River regions of Papua New Guinea (Kreps 2003, 61).

According to Wood (2020) *reductio ad absurdum* plays an important role in anticolonialist theory. This form of philosophical refutation examines whether or not an argument logically entails contradictory or absurd consequences. The technique of *reductio ad absurdum* can often help to discard or modify arguments about something’s being essentially colonialist. For example, if it is argued that “all museums are colonialist,” then it logically follows that Indigenous museums such as the Ziibiwing Center of Anishinabe Culture & Lifeways (Lonetree 2012) and the Makah Cultural & Research Center Museum (Erikson and Wachendorf 2005) are colonialist. This would constitute an absurd claim, but it is a logical consequence of essentializing all museums as colonialist. Instead, the argument can be paired down and retooled as follows: Eurocentric and settler museums have historically functioned as colonizing institutions,

and many still operate according to logics that perpetuate colonial ideologies and power relations. This idea is informed by the history of museum collections as it was explored in Chapter Two as well as the framework of critical museology, which is discussed at length in the next section.

### ***Critical Museology***

Critical museology arises from the insight that “if knowledge of the self passes through others, then equal attention needs to be given to what returns: there lies a direction for reconstituting scholarly and curatorial relationships along more democratic, responsive, reciprocal, and critical lines” (Ames 1995, 14). This framework entails a reflexive approach to museum scholarship and museum anthropology that involves locating museums within their social, political, and economic contexts (Ames 1992; Kreps 2003). Critical museology is derived from critical theory, which is a Marxist analytical perspective that interrogates the relationship between knowledge and power (Smith 2012).

Anthony Shelton (2013), describes critical museology as opposed to operational museology, which constitutes the broad field of practical museology as it has been rationalized, institutionalized, and professionalized. Operational museology “combines, rationalizes, and essentializes different discourses derived from epistemologically distinct systems of knowledge and ethical interdictions into a seemingly discrete and coherent subject” that reproduces the institutional authority of museums (Shelton 2013, 8). Critical museology challenges these assumptions and acknowledges that operational museology

is situated within various and diverse cultural orientations, value systems, conceptualizations of reality, theories of knowledge, and power structures (Mithlo 2004; Smith 2012).

Critical museology recognizes that “[h]istory does not exist independent of human perception and cognition, and is constructed by society” (Shelton 2013, 9). An understanding of history as socially constructed provides a critical response to positivist conceptualizations of history as universal and objective, as well as museums that present it as such. Critical museologist Michael Ames observes that

the educated classes... came to believe that they had the right to expect that the collections would present and interpret the world in some way consistent with the values they held to be good, with the collective representations they held to be appropriate, and with the view of social reality they held to be true... Museums are products of the establishment and represent the assumptions and definitions of that establishment... The museum is where you would go to compare your own private perceptions of reality with what was accepted and approved, and therefore ‘objective,’ view of reality enshrined within the museum. (Ames 1992, 21)

Here, Ames explains how the dominant historical narratives presented in Eurocentric and settler museums are often constructed in ways that reflect and reproduce the worldviews and interests of the powerful. The perspective of critical museology posits that the self-justifying narratives by which museums operate, such as socially constructed histories, must always be questioned (Bruchac 2018b; Shelton 2013). This approach exposes how museums have maintained regimes of knowledge, histories of progress, and formations of citizens through spectatorial experiences that position visitors as knowing subjects in command of the belongings and knowledges under their gaze (Coombes and Phillips 2015).

Operational museology prioritizes and privileges the figure of the collector to provide operational museology with the appearance of historical continuity and objective legitimacy (Shelton 2013, 10). However, operational imperatives to collect and preserve are particular norms associated with specific, embedded social histories, not objective, universal standards (Mithlo 2004). Critical museology endeavors to reorient museums away from objectivist history toward a reflexive approach to understanding the historical development of collections-based museums as well as assemblages of collections.

Empiricism is a theory of knowledge that reduces understandings of the world to issues of measurement through systems of classification, representation, and evaluation (Smith 2012). Operational museology constructs the institutional authority of museums on an uncritical acceptance of empirical methodologies anchored in theories of objectivity and universality (Shelton 2013, 11). Despite this pretense of objectivity, scientific knowledge systems that are grounded in empiricism are subjective enterprises (Bruchac 2010; Mithlo 2004; Smith 2012). Critical museology challenges institutional authority by shifting from an objectivist to subjectivist theory of knowledge that has the potential to accommodate as well as generate different interpretations of collections. However, as Mithlo reminds us, it is wise to bear in mind that museums can be self-justifying institutions that are adept at maintaining their authority despite attempts to give voice to Indigenous peoples (Mithlo 2004, 746).

The semiotic precept that signifiers have no common “valency” in their relation to signifieds challenges objectivist interpretations of museum collections (Shelton 2013,

12). This epistemological position implies that univocal associations between belongings and meanings in museum contexts obscure more ambiguous and complex relationships. Ames (1992) cautions against imperialistic assumptions that museums have an automatic right to care for and interpret collections due to their presumed objectivity as well as nihilistic, postmodernist claims that only “Others” can knowingly care for and represent their own cultures and histories. While the positivist position discounts how the museumification of belongings is a subjective process of conceptual control (Ames 1992), the postmodernist position reinforces the problematic colonizer-colonized binary and suggests that Indigenous peoples should bear the responsibility of decolonizing museums, which is an undue and unworkable burden (Mithlo 2004).

Critical museology analyzes Eurocentric museums as sites of authoritative articulation that promote hierarchies of class, race, and gender as well as the imperialist and colonialist ideologies necessary for the reproduction of empires (Coombes and Phillips 2015). This reflexive approach contends that Eurocentric museums are “justified by their traditional functions of collection, preservation, research, and public education, and by their roles as status symbols, status-conferring institutions, and national monuments” (Ames 1992, 104). However, by playing more active roles in regenerating and promoting the social histories and cultural traditions of local communities, some museums are doing more (Ames 1992; Coombes and Phillips 2015). Repatriation, especially repatriation beyond legally mandated returns, and incorporating Native

curatorial methods into collections care are two ways museums can proactively contribute to the revitalization and cultural autonomy of Indigenous communities.

### ***Repatriation as Healing***

Because NAGPRA does not contain any specific language or provisions related to healing or well-being, the idea of repatriation as healing is largely aspirational or experiential in the United States (Colwell 2019a). Nonetheless, the concept of healing has come to be seen as an integral aspect of repatriation (Atalay 2019a; Colwell 2019a; “Ritual Processes of Repatriation: A Discussion” 2017). An understanding of repatriation as healing is explored in this section as an important component of the theoretical framework that informs this thesis.

Healing as it pertains to repatriation is often framed as an essential aspect of recovering from the historical trauma of colonization. Healing from historical trauma and unresolved historical grief is necessary in order to restore a sense of holistic well-being (Atalay 2020; “Ritual Processes of Repatriation: A Discussion” 2017). The process of repatriation can help Native communities achieve some form of closure that is not possible as long as ancestors and belongings are under the control of settler institutions (Thornton 2002, 30). For some Indigenous communities, the return of relatives from museums is an important part of the cultural revitalization process and is associated with recovery from colonial trauma (M. G. Simpson 2009, 122). Therefore, repatriation has the capacity to contribute to the health and well-being of Indigenous peoples.

Repatriation as healing is best understood as just one aspect of a holistic conceptualization of health. Although repatriation by itself cannot repair all that was dismembered and stolen from Native communities through colonial violence, it is nevertheless an important part of the whole (Colwell 2019, 109). For many Indigenous peoples, health and well-being have spiritual, mental, and emotional aspects in addition to their physical manifestations (Atalay 2019a). According to Moira Simpson,

[m]any Indigenous peoples see cultural renewal as an essential pathway towards claiming their rights, asserting identity, healing the wounds of post-colonial trauma, and creating stronger and healthier communities; in other words, a necessary part of cultural survival. The continued presence in a museum usually prevents an object's use as part of contemporary living heritage and may impede community efforts to maintain or revive cultural knowledge, practices and spiritual values. (M. G. Simpson 2013, 23)

Repatriation is therefore an essential step in addressing colonial trauma and revitalizing the health and well-being of Native communities.

Throughout her extensive repatriation work, archaeologist Sonya Atalay (Anishinaabe) (2017) has found that repatriation restores balance, encourages healing, and contributes to a holistic sense of well-being. Through repatriation and reburial ceremonies, Native peoples can fulfill their responsibilities to their ancestors and bring healing to themselves, their communities, and the world around them (“Ritual Processes of Repatriation: A Discussion” 2017, 88-89).

The possibility of healing through repatriation being extended to broader community well-being is further demonstrated by the repatriation experiences of the Haida and Kainai nations (Krpmotich 2014; Weasel Head 2015). With regard to the

repatriation efforts of the Haida nation, “at the outset the well-being of the ancestors was the sole motivation for repatriation, but over time committee members began to recognize the positive impact their experiences were having on each other and on the volunteers more generally” (Krpmotich 2014, 72). The Haida understanding of repatriation as part of a comprehensive healing process corresponds to a “general movement initiated by Haidas to improve the health and well-being of people in their families and communities” (Krpmotich 2014, 69). Though this movement has a larger scope than solely repatriation, repatriation is an integral part of it.

Frank Weasel Head (2015) describes a similar phenomenon as a member of the Kainai Nation engaged in repatriation work. He explains how the return of medicine bundles to the community has led to the reclamation of Kainai health services, education systems, irrigation projects, sacred sites, and Kainai children who were placed in foster care outside the Kainai Nation. Weasel Head powerfully expresses this holistic outlook:

If we can bring back a bundle, we can bring back other parts of our culture. To me, it is all part of repatriation. It is not only a repatriation of sacred items. It is a repatriation of a way of life. (Weasel Head 2015, 180)

In the case of the Kainai Nation, repatriation was a starting point for reclaiming community health and self-determination.

The Haida and Kainai experiences of holistic healing illustrate how repatriation initiatives can cultivate and contribute to comprehensive well-being in Native communities. If the return of ancestors and belongings can help Indigenous peoples to continue or renew the values and practices essential to their cultural and ceremonial life

and can contribute to community healing as part of contemporary life, then repatriation is certainly an essential form of cultural revitalization (M. G. Simpson 2009, 128-129). For many Indigenous peoples, heritage work is just as much about maintaining the health of their communities and planning for the future as it is about reconnecting with their past (Shannon 2019a).

In addition to healing in Indigenous communities, Atalay (2017; 2019a; 2020) argues that repatriation is also healing for museums and museum workers:

The healing work we do through repatriation ceremonies is also for those who work in museums. That's why museum personnel are invited to participate in reburial ceremonies – seeing the work to completion in a good way helps heal them too. (“Ritual Processes of Repatriation: A Discussion” 2017, 89)

Importantly, this perspective transcends the colonizer-colonized binary and avoids essentializing settler museum workers as harmful oppressors and Native peoples as powerless victims. Atalay (2019a) explains that repatriation requires the development of new ways of doing research that cultivate new political economies of knowledge production. These processes reflect the idea that “it isn't just Indigenous people who need to heal, but those who work in museums, those who excavated and studied Native American graves, those who unjustly claimed songs, stories, words, and cultural items as their own” (Atalay 2019a, 88). When museum staff and archaeologists work in partnership with Indigenous peoples to accomplish repatriation, the goals and methods of institutions can be transformed in a way that supports the well-being of all (Atalay 2019a).

An understanding of museum collections as comprised of other-than-human beings with agency and lives of their own suggests that it is important to discuss how the concept of healing through repatriation can be extended to ancestors and belongings themselves. As Margaret Bruchac (Abenaki) argues, “there is no evidence that the dead, any more than the living, chose to eternally alienate themselves from ownership and control of their bodies and their possessions” (Bruchac 2010, 150). The alienating and objectifying process of museumification that transforms Indigenous relatives “from tribal heritage to private property and from sacred objects to collectible art” effectively “made these [ancestors and belongings] strangers to themselves” (Bruchac 2018b, 186). Rather than merely returning relatives to their originating communities in a one directional act, restorative methodologies such as reverse ethnography and collaborative cultural recovery can repair the social worlds they moved through (Bruchac 2018b).

The idea that healing through repatriation is only one part of the holistic well-being of both Indigenous communities and museums speaks to the fact that it constitutes an “active and complex socio-political process – not the mere absence of conflict” (Colwell 2019a, 91). Although repatriation helps to heal the wounds of historical trauma and revitalize the well-being of Indigenous communities, it is important not to lose sight of the fact that settler colonialism is an enduring power structure perpetuated by the logic of elimination (Wolfe 2006). This process of healing historical wounds while enduring new ones illustrates the complicated, dynamic context in which healing through repatriation occurs.

### ***Intersecting Magisteria and Braiding Knowledge***

The integration of Native knowledges into museum collections care can be understood through the theoretical paradigms of “intersecting magisteria” (Colwell-Chanthaphonh and Ferguson 2010) and braiding knowledge (Atalay 2019a; 2020). These two frameworks are each described as decolonizing approaches to archaeological research, but they are also applicable to museum practice (Atalay 2019b). They can be understood as forms of “sympoiesis,” or “thinking with,” which are necessary in order to navigate a world in crisis brought about by alienated, individualized thinking within the current patriarchal capitalist system (Atalay 2019b).

Chip Colwell-Chanthaphonh and T. J. Ferguson (2010) describe an approach to research that integrates Indigenous and Western knowledge systems as “intersecting magisteria.” A *magisterium* is defined as a domain of authority in knowledge (Colwell-Chanthaphonh and Ferguson 2010). The paradigm of intersecting magisteria facilitates the integration of Indigenous perspectives into anthropological inquiries as a form of decolonization. It enables the bridging of Western and Indigenous epistemologies in collaborative, decolonizing projects (Colwell-Chanthaphonh and Ferguson 2010).

The beginning point for a holistic approach to knowledge production involves creating and cultivating an academic community in which Indigenous knowledges are considered comparable in authority to that of Western scholars. This starts with the acknowledgment that Western science does not represent a superior form of knowledge (Colwell-Chanthaphonh and Ferguson 2010). Colwell-Chanthaphonh and Ferguson

describe this approach as based on the ethical principles of inclusiveness and collaboration. This involves democratization, the inclusion of voices and perspectives previously disregarded and viewed with condescension, as well as reciprocity, ensuring a common and balanced exchange of ideas.

Sonya Atalay (Anishinaabe) describes the process of integrating Western and Indigenous epistemologies as *braiding knowledge*:

Within the context of research, braided knowledge involves multiple forms of braiding: understanding how Western and Indigenous knowledge complement each other, as well as ways that community and university knowledge can be integrated... Braided knowledge concepts are helping to decolonize research practices, particularly the ways we discover and share new knowledge and the methods we use to preserve and reclaim traditional Indigenous knowledge. (Atalay 2019a, 82-83)

Atalay (2019a; 2020) argues that incorporating Indigenous ways of creating knowledge into research and teaching practices is beneficial for Indigenous and non-Indigenous peoples both within and outside academia. According to Atalay (2019a; 2020), braiding knowledge, like intersecting magisteria, helps to decolonize research practices and the ways in which knowledge is created and shared, contributing to the larger project of decolonization.

While the approach of intersecting magisteria was developed by settler scholars, braiding knowledge reflects an Anishinaabe perspective. The concepts of intersecting magisteria and braiding knowledge complement each other and the integration of Native and Western epistemologies in museums. Although these approaches were not necessarily developed to apply specifically to museums, they provide an important

theoretical framework for understanding the incorporation of Indigenous ways of knowing and caring for museum collections as a decolonizing practice.

The idea of intertwining Indigenous and Western epistemologies that underlies the approaches of intersecting magisteria and braiding knowledge is apparent throughout much of recent museological discourse, as well as the language of NAGPRA itself. The writing and passing of NAGPRA legislation brought about encounters of Eurocentric and Indigenous knowledge frameworks (Atalay 2019b). Interactions between museums and Indigenous communities create overlaps of “museum-community-ceremonial-social worlds” that enable the integration of Indigenous and Western epistemologies in museum practice (M. G. Simpson 2013, 33). Such interactions, which prioritize reciprocal partnerships rather than merely consultation, demonstrate that museology and museum anthropology can be beneficial to Native communities and organizations (Hoerig 2010, 62).

These decolonizing approaches are beneficial for settler museums as well (Hoerig 2010). Through Indigenization and cultural inclusivity, culturally appropriate conservation and curation enable museums to develop greater relevance by responding to the needs of local communities (M. G. Simpson 2013, 33). Indigenous ontologies allow for the reinterpretation of concepts such as materiality, space, temporality, sociality, and personhood, which provide valuable ways for museums to reorient themselves (McCarthy 2019, 48). By accommodating Indigenous understandings of heritage, museums can become more inclusive institutions (M. G. Simpson 2013). Karl Hoerig

(2010) explains how integrating Indigenous and Western ways of knowing in museums can be mutually advantageous:

Non-native, dominant-society institutions have the stuff, specifically objects, but also access to funding, professional expertise, and other tools to facilitate successful exhibitions. Native American institutions have, because of their situatedness in tribal communities, the real content necessary for successful cultural interpretation – the knowledge and perspectives of the Native American people who are interpreted in museum exhibitions. (Hoerig 2010, 62)

Hoerig's analysis pertains to representation in museum exhibitions, but it is also applicable to collections care. While Eurocentric museums often have extensive storage and conservation facilities that are conducive to the goal of preserving the physical integrity of collections, Indigenous peoples have knowledges of care that support the spiritual and social well-being of collections.

Furthermore, the application of intersecting magisteria and braiding knowledge to museology contributes to the more holistic, decolonizing project of Indigenous healing and health. With regard to repatriation, Indigenous peoples incorporate archaeological data with oral histories, kinship systems, linguistic information, and other cultural knowledge through the consultation process (“Archaeology as Bearing Witness” 2018). These integrated approaches reflect the holistic nature of Native knowledge systems, which play an important role in preserving and perpetuating cultural identity (M. G. Simpson 2013). Partnerships between settler museums and Indigenous peoples have the potential to reimagine museums as sites of healing that cultivate comprehensive health and well-being (Lonetree 2012; Shannon 2019a).

## **Methodology**

Methodology refers to the theories used to understand how knowledge is created through research, while methods refer to the specific techniques for conducting research (Smith 2012; Wilson 2009). Methodology is significant because it provides a framework for what questions are asked, what methods are used, and how analysis unfolds (Smith 2012, 144). This project addresses two primary questions: if and how the museums under study repatriate Native ancestors and belongings outside the NAGPRA process, and what Indigenous approaches to collections care are present in these institutions. Informed by critical museology, this research was guided by the methodologies of studying up, ethnography as collecting, and narrative inquiry. The research participants and methods were selected on the basis of these methodologies.

### ***Studying Up***

The historical tendency of anthropologists to focus the research gaze on Native subjects has undeniable colonizing implications (Ames 1992; Smith 2012; Starn 2011). The perspectives of critical theory and critical museology have resulted in more reflexive, self-aware approaches to anthropological research. Laura Nader's classic essay "Up the Anthropologist" (1972) encourages anthropologists to study the "colonizers rather than the colonized, the culture of power rather than the powerless, the culture of affluence rather than the culture of poverty" (TallBear 2013, 18). This idea is integral to the methodology of this thesis.

A methodology grounded in critical museology requires museum anthropologists to “pay more attention to the social and political systems in which they themselves are embedded” (Ames 1992, 10). Museum anthropologist Michael Ames writes, “[w]e need to study ourselves, our own exotic customs and traditions, like we study others; view ourselves as ‘the Natives’” (Ames 1992, 10). By shifting the anthropological gaze from Indigenous originating communities to museums as settler-colonial institutions, the methodology of this project engages with critical and reflexive approaches to the anthropology of museums.

It is important to acknowledge that settler institutions and Native communities are not mutually exclusive entities. Settler museums and federal agencies sometimes employ Native people. Native nations sometimes employ settlers in tribal museums and tribal historic preservation offices. These nuanced identities and social roles intersect and unfold across the uneven power relations between settler-colonial institutions and Native communities. They are represented by several of the participants of this project.

### ***Ethnography as Collecting***

The methodology of this project is guided by the anthropological tradition of collecting. James Clifford (1988) describes ethnography as a form of culture collecting in which diverse experiences and facts are selected, gathered, and detached from their original contexts (Smith 2012, 64). In this regard, ethnography understood as the collection of intangible culture is akin to the anthropological practice of collecting ancestors and material culture from originating communities to be classified and

displayed in museums. The collection of ethnographic data and belongings are related practices that can be interpreted as extractive methodologies.

I conceptualize the primary ethnographic methods of this research as a form of culture collecting in which experiences and knowledges have been selected, gathered, and detached from museum staff and assembled into institutional narratives. There is no pretense that these experiences have not been decontextualized and fragmented through the research process, just as the ancestors and belongings under the control of these institutions have been decontextualized and fragmented through the museumification process (Ames 1992). And in the interest of “studying up” (Nader 1972), these experiences were collected from staff in settler institutions rather than Indigenous creator communities.

### ***Narrative Inquiry***

Narrative inquiry can be understood as a data collection technique, research design, and a theoretical framework. For the purposes of this research, I interpret narrative inquiry as a methodology that is consistent with the frameworks of critical theory and critical museology. Like critical theory, narrative inquiry acknowledges that all research is contextual, historical, and contingent and that all scholars can hope to accomplish is to generate situated knowledge (Hendry 2010). The perspective of narrative inquiry provides a useful counter to the positivist assumptions of neutrality, objectivity, and universality that are typical of the empiricist methodologies often employed by both anthropologists and museums (Bruner 1991; Hendry 2010). However,

the subjectivity of narrative inquiry and its focus on the experiences of individual participants can also lead to incomplete or one-sided accounts. This weakness of narrative inquiry does not outweigh its usefulness or suitability as a methodology in this research, but it is important to bear in mind.

Collecting narratives of specific experiences is a common ethnographic method that is often used to call attention to details of practice and to study how people practice their professions (LeCompte and Schensul 2010). The specific narratives of experience collected for this research pertain to participants' experiences with the practices of repatriation outside of NAGPRA or Indigenous approaches to collections care. While ethnographers often interpret the stories collected from key participants as representative or as typifying all members of a group, narrative researchers interpret these stories as representative of the individual's experiences, practices, beliefs, and values alone (LeCompte and Schensul 2010).

The experiences and knowledges collected from participants in this research are not necessarily representative of all museum professionals or all museums. Nor are they solely representative of the individual participants' beliefs and values because they are situated within institutional contexts and reflect official policies and protocols. Therefore, a hybridized version of the ethnographic and narrative research interpretations is most appropriate in the context of this project. Broadly, I understand the stories about repatriation and collections caretaking that I gathered from participants as representative

of their personal knowledges, beliefs, experiences, insights, and approaches to official institutional practices and procedures.

## **Research Design**

### ***Participant Observation***

Participant observation is the starting point for ethnographic research (Schensul and LeCompte 2012). It refers to a data collection technique that involves learning through exposure to and involvement in the day-to-day activities of the research setting (Schensul and LeCompte 2012). While the traditional definition of participant observation involves the immersion of the ethnographer in an unfamiliar setting and a community of “Others,” the methodology of studying up in this research as informed by critical museology entails a more reflexive approach in which settler museums constitute the culture of study.

The research setting for the participant observation portion of this project was the University of Denver Museum of Anthropology (DUMA). I held a curatorial assistant position at DUMA from 2018–2020. My primary responsibilities included assisting the museum’s NAGPRA Coordinator, Anne Amati, with NAGPRA repatriations and consultations. This typically involved conducting institutional and archival research, communicating with tribes, and planning for and assisting during NAGPRA consultations. I also regularly assisted with caring for the museum’s NAGPRA collections. My experiences with repatriation and Indigenous collections practices as a participant-observer at DUMA significantly informed the direction and design of the

research and provide important context for my positionality as the researcher. Ideally, participant observation of the galleries and collections facilities at the institutions under study would be included in this research. Unfortunately, I did not have the time or funds to visit the galleries or collections facilities of each museum at the time of my fieldwork.

### *Participants*

The process of participant selection utilized in this research is consistent with nonprobability purposive and network sampling methods (Bernard 2011). In purposive sampling, the researcher recruits participants that fit specific criteria without a sampling design or quota (Bernard 2011, 145). The participants in this research project are comprised of museum curatorial, collections, and repatriation staff. They were selected because they have experience with or knowledge about repatriations that were accomplished outside of NAGPRA or the incorporation of Indigenous curatorial methods in collections stewardship.

The choice to mainly select participants who work in settler-colonial institutions is consistent with the theoretical framework of critical museology and the methodology of studying up. Having worked on multiple repatriations at Pueblo Grande Museum from 2016–2018 and the University of Denver Museum of Anthropology from 2018–2020 as well as having participated in several repatriation-related professional organizations such as the Association on American Indian Affairs (AAIA) and the NAGPRA Community of Practice (NCP), I was able to use my previously established relationships to engage participants by reaching out via email. In some cases, I was referred to additional

participants by colleagues or initial participants, which constitutes a form of network sampling. A complete list of the participants can be found in the Appendix.

### ***Interviews***

The primary ethnographic method for this project is best understood as what Jean Schensul and Margaret LeCompte (2012) describe as in-depth, open-ended interviewing. This style of interviewing is relatively unstructured and designed to permit an open exchange between the researcher and participants. It “allows researchers maximum flexibility in exploring any topic in depth and covering new topics as they arise and the interview expands” (Schensul and LeCompte 2012, 135). The flexibility of this method is consistent with the methodology of narrative inquiry. The interviews were guided by the primary research questions and a list of general topics of interest developed beforehand.

In-depth, open-ended interviews are generally conducted with key participants who have expert knowledge and experience about the subject of study (Schensul and LeCompte 2012, 136). The participants of this research were selected because they can be considered key participants who have expert knowledge about repatriation and collections care practices in museums. The institutions represented by the research participants are listed below:

- University of Denver Museum of Anthropology (DUMA)
- Denver Museum of Nature and Science (DMNS)
- Museum of Indian Arts and Culture (MIAC)
- Museum of Northern Arizona (MNA) and the National Park Service (NPS)

- The Heard Museum
- Pueblo Grande Museum (PGM)
- Arizona Museum of Natural History (AZMNH)
- Arizona State Museum (ASM)
- University of Tennessee – Knoxville (UT)
- University of Colorado Museum of Natural History (CUMNH)

Narratives of experience are particularly significant in open-ended, in-depth interviews. Narratives and storytelling enable participants to share experiences about situations that are especially relevant to the research study (Schensul and LeCompte 2012). The emphasis on storytelling in in-depth, open-ended interviewing is also prominent in discussions of decolonizing and Indigenous research methods (Kovach 2010; Smith 2012). During interviews, I encouraged participants to share narratives of experience by asking improvised follow up questions when they mentioned specific instances of repatriations accomplished outside of NAGPRA or Native perspectives being incorporated into collections care.

I conducted a total of 12 in-depth, open-ended interviews over the course of my research. As face-to-face interviews were the preferred method for this project, I drove from Denver, Colorado to Tucson, Arizona and back during the summer of 2019 to meet with participants in person. I was able to conduct ten face-to-face interviews during this period. Each interview lasted approximately 45 minutes to an hour and occurred at a mutually agreed upon time and location of the participants' choosing. Two interviews

took place over the phone, one due to the participant's time constraints and the other due to geographic distance.

Writing notes on interview responses that include reminders of the topics discussed and questions asked is the most typical way of recording an interview (Schensul and LeCompte 2012, 167). With the verbal permission of participants, all 12 interviews were documented with extensive notes taken using a notebook and pen that were later typed into a Microsoft Word document. Because of the often restricted and confidential nature of repatriation consultations and Native collections care practices, audio recording was not an appropriate method of documentation for every interview or for all parts of an interview. While some of the participants verbally consented to an audio recording of their interview, others did not feel comfortable with this method and preferred that I take notes only, either for their entire interview or when topics involving restricted knowledge arose. Additionally, several of the interviews took place in noisy environments such as busy coffee shops, which were not conducive to quality audio recording. During each interview, I asked participants whether or not they would like to remain anonymous. All 12 participants gave permission to be identified in this thesis.

### ***Bibliographic Research***

Due to the aforementioned limitations of narrative inquiry, it was helpful to conduct bibliographic research on the institutions under study in addition to participant observation and in-depth, open-ended interviewing. This method provides important context for the narratives of experience and helps to supplement the data I gathered

through participant observation and interviews. I used various academic publications as well as the institutions' own websites to collect additional data about institutional histories and practices. I then integrated this information with the interview and participant observation data to create comprehensive institutional narratives, which will be presented in the next chapter.

## **Chapter Five: Findings**

Collecting narratives of specific experiences is an ethnographic method that is often used to document details of professional practice. In accordance with the methodologies of ethnography as collecting and narrative inquiry, this chapter comprises a “collection” of narratives that tell stories of repatriation and Indigenous collections care practices in each institution examined in the research. These narratives were created by integrating the data gathered from participant observation, in-depth, open-ended interviews, and bibliographic research. They were guided by the following primary research questions:

1. Do the institutions under study repatriate Native ancestors and belongings outside the official NAGPRA process, and if so, how?
2. How do these institutions make decisions about repatriation?
3. What practices are present in these institutions that exemplify the incorporation of Native ways of knowing and caring for collections?

The narratives begin with a brief overview of institutional history and the participant’s professional position, which is followed by a discussion of institutional repatriation and collections practices. Long block quotes from the interviews are included in order to center participants’ voices and allow them to speak for themselves.

## **University of Denver Museum of Anthropology**

The University of Denver Museum of Anthropology (DUMA) is part of the Department of Anthropology at the University of Denver in Denver, Colorado. Founded in 1931 by archaeologist and Department of Anthropology faculty member E. B. Renaud, DUMA curates a diverse collection of over 100,000 archaeological and ethnographic belongings. The museum functions as a research, teaching, and training center in the stewardship of museum collections. Much of DUMA's collection is available to faculty, students, and community partners for research and viewing. Christina Kreps, Ph.D., Professor of Anthropology, has been the Director of DUMA since 2000.

As a curatorial assistant at DUMA from 2018–2020, much of my personal experience with repatriation and Indigenous approaches to collections care comes from this institution. In July of 2019 I interviewed Jan Bernstein, who was Collections Manager at DUMA and responsible for the institution's NAGPRA compliance from 1995–2003. That same month, I also met with Anne Amati, the Registrar and NAGPRA Coordinator at DUMA since 2011, to learn about her experiences with repatriation and Indigenous curatorial methods. Amati is currently working to create a national NAGPRA Community of Practice (NCP) that supports NAGPRA implementation by providing resources and fostering collaboration among experts across disciplines.

### ***Repatriation***

To Amati's knowledge, DUMA has not repatriated any ancestors or belongings outside of NAGPRA (Amati 2019). According to Dr. Kreps, the institution did return

some belongings to Zuni Tribe that were in the possession of an anthropology faculty member and not part of DUMA's collections and thus not subject to NAGPRA. In addition, I observed both Dr. Kreps and Amati communicate to visiting Native representatives that DUMA is willing to consider repatriating belongings that do not fall under the official NAGPRA categories during several NAGPRA consultations that I participated in at the museum. During the interview, Amati theorized how the repatriation of non-NAGPRA belongings might unfold at DUMA:

So, say, [a tribe] identifies something in the collection that is of interest to them. Maybe they would like it in their museum, or maybe for some other reason, they would like it returned. And I think we would have a discussion about whether or not it fits in our collection. Without knowing what it is, but given the setup of our museum, I can't imagine that anyone would argue against this idea that they could use it better than we could. That said, you would want to make sure that you weren't out of compliance with NAGPRA by returning it. So, if it was possibly a NAGPRA item culturally affiliated with a different tribe, you would be out of compliance. Then [the tribe] would be responsible for the compliance of it if it was still accessible, as to be repatriated through them... I've heard anecdotally that the end goal [for some other museums] is, 'we reburied' or 'we did this,' but you didn't go through the [NAGPRA] process. So, you're still out of compliance. But then, there's that difference between following the law and following your ethical drive, and that sometimes things that are legal aren't necessarily right. So, there's all sorts of gray area there. And it is about evaluating the risk. And I'd say our risk is very low for various reasons, given the value of our collections, the general monetary value of our collections, the size, that we have a low profile. That's not to say that someone couldn't make a fuss, and that's one reason why you would think carefully about it before you do it. But I would not use the word 'repatriation.' I would document that we decided that this item doesn't fit the collection, and then it would be disposed of to an individual [or tribe]. (Amati 2019)

Amati's description of how non-NAGPRA repatriation might be accomplished at DUMA emphasized the necessity of adhering to federal law but acknowledged that it is possible

for the museum to return belongings to originating communities outside of NAGPRA without violating the law, providing the process were properly documented.

With respect to the speculative future of repatriation at DUMA, Amati explained that future consultations at DUMA will focus on reviewing the museum's general collections and international repatriations, as nearly all of the identified Native ancestors under DUMA's control have been returned to their descendant communities:

I also think that in part, collection review consultations is [sic] our future. That's the main future. And then also looking at international repatriations. Because I know that there's a lot of consultations that happen that claims never resulted from. And that's the focus... We do have some remains, but it hasn't been pursued. And it's complicated then because there's no process [for international repatriation]. But my goal would be to see what other people have done. (Amati 2019)

As a curatorial assistant at DUMA, I was able to identify a possible funerary belonging in the general collection. After consultation with originating communities, it is currently undergoing repatriation along with the other belongings in its accession as unassociated funerary objects through the NAGPRA process. I also assisted in the identification and repatriation of ancestral remains found in DUMA's faunal collections. My participation in these returns entailed extensive archival research that was similar to Bruchac's (2018b) description of reverse fieldwork. At the time of my interview with Amati, DUMA was also in possession of ancestral remains from Peru and in the process of determining how to return them, which would constitute a voluntary international return occurring outside the purview of repatriation law.

### ***Decision-Making Process***

Amati briefly explained DUMA's deaccessioning process:

The way that our process works is, since we don't have a board, our decision-making comes just at the staff level. And really, it's up to Christina [Kreps] to have the final approval. And actually, a deaccession recommendation form would be signed by the dean of the college, too. But in practice, it's the staff who make the decision, and then other people sign the form to authorize it. When you're thinking about deaccessioning something, the first question is, should you deaccession it, and you usually don't think about where it's going. That should be a separate decision. And that can help limit conflict of interest issues... The regular process for deaccessioning would be that there is an item in the collection that the museum no longer wants to curate, and then there's a form that Christina [Kreps] has the final say, and then the dean signs it. (Amati 2019)

According to Amati, this process could be used to return belongings that fall outside the official NAGPRA categories to originating communities. Although the museum director formally makes final decisions about deaccessioning, these determinations are rarely unilateral and typically entail collaboration with museum staff, as Amati explained.

### ***Collections Care***

DUMA has had procedures for handling and storing Native ancestors and funerary belongings nearly since the beginning of NAGPRA (Kreps 2003). When Jan Bernstein was preparing to move the museum to a new facility in 2000, a survey was sent to all originating communities represented in the collections to ask how NAGPRA collections should be moved (Kreps 2003, 95). It is now standard practice at DUMA to ask consulting tribes how best to care for their relatives. Amati described the history of this policy and how it informs collections caretaking at DUMA:

I think there was a lot that was in place when I started. With Christina [Kreps] as Director, there's a general approach that has been taken in the collection that

involves recognizing different worldviews, which is based on her research. We talk about always wearing gloves [to handle the collections]. But in some cultures, maybe that's disrespectful to handle it with gloves. And so, understanding what the risks are is important... It really is about giving up control, which lends itself also to working with students. I think the approach that's been taken at DUMA benefits both of those things. (Amati 2019)

Amati's mention of "giving up control" alludes to the idea that DUMA's collections practices are responding to calls for settler institutions to relinquish ownership and control over collections (Bienkowski 2015; Bruchac 2010).

According to museum records, a Choctaw student at the university researching the collection was concerned about interacting with ancestors and funerary or sacred belongings and worked with Jan Bernstein and other museum staff to move these items to separate storage rooms in 1996 ("Condensed History of The University of Denver Museum of Anthropology (DUMA)" 2003). Ancestors and funerary belongings are now isolated from DUMA's general collections, as well as those that are considered sacred or cultural patrimony as defined in the language of NAGPRA. As Amati explained,

They're in a separate space that's armed. We try to limit access to the collection in general because it's behind a locked door. But then [the NAGPRA rooms] are sort of extra secure... So, collections storage, there's no sign on the outside. And part of it is this safety from anonymity. Generally, we do the same thing with the NAGPRA rooms. I don't necessarily call them out unless giving a tour... I'm not trying to hide what we have, but I also don't want to advertise it... But if anyone would ask, I wouldn't hide it either. (Amati 2019)

DUMA's NAGPRA storage rooms are accessible only to museum staff and Native representatives (Kreps 2003, 95). Entry to these spaces is restricted to visiting tribal representatives and museum staff for the purpose of collections care (Kreps 2003, 95).

Some cultures restrict encounters between people who are menstruating and certain belongings in order to protect reproductive power (Hays-Gilpin and Lomatewama 2013). At DUMA, people who are actively menstruating are not permitted to enter the NAGPRA rooms or to handle NAGPRA-related belongings (Kreps 2003, 95). Other belongings are meant to be handled only by men. In such cases, belongings

have been marked as ‘male handling only.’ And for most of those, they are in trays with the idea that in an emergency, if they needed to be moved, I could move them without touching the object. Because understanding that we want to limit disturbing them, but also knowing that I'm responsible for them. And I need to take care of them. (Amati 2019)

The incorporation of restrictions based on menstruation and gender into collections stewardship practices at DUMA is a form of culturally appropriate caretaking (M. G. Simpson 2013).

As a result of NAGPRA consultations, DUMA has made efforts to house relatives according to the wishes of Native consultants. Ancestors and funerary belongings are not stored in plastic but are housed in muslin and acid-free tissue paper so that they can breathe (Kreps 2003, 95). Amati commented that Native representatives at a recent NAGPRA consultation at DUMA requested that certain funerary belongings be housed in closed cedar boxes. At the time of the interview, the belongings had temporarily been housed in archival boxes with lids, but museum staff were planning to have custom cedar boxes made for them (Amati 2019).

In addition, Native visitors are able to ceremonially feed or make offerings to their relatives at DUMA (Kreps 2003, 95). Smudging is generally conducted outside due

to the building's fire suppression systems. Documentation associated with NAGPRA collections is kept strictly confidential, and research with NAGPRA collections is not permitted. DUMA's NAGPRA policies are routinely updated through ongoing consultations with representatives from Indigenous nations (Kreps 2003, 95).

### **Denver Museum of Nature and Science**

Denver Museum of Nature and Science (DMNS) is a natural history museum located in Denver, Colorado. Founded in 1900 as the Colorado Museum of Natural History and later known as the Denver Museum of Natural History, DMNS has curated ancestral remains and belongings from communities all over the world throughout its institutional history. The museum's Department of Archaeology was formally established in 1935 with the hiring of Hannah Marie Wormington, a graduate of the University of Denver (Nash and Colwell 2015). The Crane Collection was donated to DMNS in 1968 by Mary W. A. and Francis V. Crane, which forms the basis of the museum's Native American collections and led to the creation of the DMNS Department of Anthropology (Nash and Colwell 2015). In July of 2019, I spoke with Chip Colwell, Ph.D., over the phone about repatriation and culturally appropriate collections practices at the museum. Dr. Colwell was the Senior Curator of Anthropology at DMNS for 12 years, leaving the position in 2020. Much of the information provided in this institutional narrative was also gathered through bibliographic research of DMNS staff publications.

## *Repatriation*

In his article “The Skeletons in the Museum Closet” (2018), Stephen E. Nash, Ph.D., Senior Curator of Archaeology and Director of Anthropology, explains that when he was hired at DMNS the museum had a collection of 120 ancestors, approximately 80 percent of whom were Native American and subject to repatriation through NAGPRA. According to Nash, all Native ancestors in the DMNS collections have been repatriated. However, “the remaining twenty percent of the DMNS human remains collection included a ghoulish hodge-podge” that could not be designated as Native American and therefore could not be repatriated through NAGPRA (Nash 2018).

Nash explains that DMNS used the ethics of informed consent as a guideline and convened an interdisciplinary, interfaith forum to determine what to do with the non-Native ancestors in its collections (Nash 2018). The forum reached an agreement to bury the remains in a nondenominational service in a natural, unmarked burial ground, which took place in October of 2015. In this case, ancestors were reburied without undergoing a process of repatriation to any specific community of descendants or relatives.

According to Dr. Colwell, all of the repatriations from DMNS accomplished outside of NAGPRA were international, where NAGPRA does not apply:

In terms of the history of the department, and I think pretty much all of the cases where we returned anything outside of NAGPRA, was because it was an international claim. NAGPRA only applies to claims by tribes within the United States. So, we have returned several items to the Blood and Siksika in Canada. And then we also have returned 30 items that are called *vigango*, which are mortuary statues that had been stolen in Kenya. Prior to NAGPRA, in 1986, the museum had also returned a stolen item, a sacred rock that was taken in Canada, I believe in British Columbia. (Colwell 2019b)

He added that DMNS did repatriate *Ahayu:da* to Zuni Tribe after NAGPRA was passed, but before any regulations were enacted:

They actually returned in 1991, after NAGPRA was passed, but there weren't any regulations yet. And so, super technically and legally, they probably should have waited for the regulations to come out and then formally returned it under NAGPRA, since NAGPRA had passed into law at that point. But from what I can gather, it was clear that the items were going to go back sooner or later anyways, and the tribe wanted them back sooner. So, everyone kind of agreed to just do it... That's kind of a weird outlier, because it's not under NAGPRA, but it was in the NAGPRA era, nonetheless. (Colwell 2019b)

In this case, DMNS may have been technically out of compliance with NAGPRA because the institution was complying with Zuni Tribe's wishes to have their belongings returned as soon as possible.

With regard to culturally unidentified ancestors, Dr. Colwell explained the ethical obligation of DMNS to consult on all ancestors under its control and described the museum's regional approach to repatriation:

We decided that the museum had a responsibility to try to consult on all human remains in the collection. Since it was the museum that had created the problem in the first place by taking them into their collections, the burden should be on the museum to proactively work with tribes to see what solutions they wanted to reach. To make it manageable, we divided the country into different sections. And for each section, we looked at the so-called culturally unaffiliated remains from those sections and worked with every tribe in those geographic regions. We worked with tribes in the American Southwest, in the Rocky Mountain region, and the Plains. We also had human remains from Florida, Pennsylvania, and California. But with those, once we did more consultation and research, we realized that we could affiliate those remains. And so those were set aside and taken care of in their own way. For the unaffiliated ones, what we did was just start to email and call every tribe that is in that region that could make a potential claim. Then we held a series of consultations. They were in-person, but they also had satellite technology available so that people could consult even from different places, not where the in-person consultation was happening. And we basically just through the consultation process arrived at solutions. Each region had different

needs and different processes. In the Southwest, it was really very straightforward. It was supposed to be a full day consultation. And within 45 minutes, it was pretty much all taken care of. Everyone agreed that these people should be buried, and they agreed with tribes to take the lead. With the Plains, it was more complicated because someone at some point had written Cheyenne, I believe, on one of the documents, even though there was no basis for that. So, all of the Plains tribes wanted the Cheyenne to have a more one-on-one consultation. So, there was kind of more back and forth. In short, each region has its own process and its own successes and its own challenges. But ultimately, we worked through it all. And then we were in the process of doing a lot of this when the new regulations came into force in 2010. So, then it actually just became more streamlined and easier to take care of. (Colwell 2019b)

This regional approach is similar in some ways to the restorative methodologies described by Margaret Bruchac (2010). Although DMNS did not collaborate with other museums, its approach included all of the federally recognized descendant communities in the regions.

Dr. Colwell also spoke about how he envisions the future of repatriation, both at DMNS and in general:

I would hope that the work of complying with the law – with NAGPRA – and the work of embracing the underlying ethic of it continue far into the future. I'm hopeful for that because there have been some kind of structural changes to the museum. For example, the museum's collection policy and ethics policy really embrace the community work that underlies NAGPRA and repatriation. There's institutional commitment because of those policies and other documents that will enable NAGPRA to be successfully implemented here for many years to come. More broadly, the general trend I see is that most small and medium-sized museums have embraced NAGPRA, they see its importance, they see the benefits of it, they see how it often very positively impacts Native communities. I think it's interesting to really see the biggest issues at both ends of that spectrum. So, the really, really tiny museums, many of them, in my experience, have yet to even begin to do NAGPRA work. We're 30 years into the law and it's just starting for a lot of museums. And then at the other end of the spectrum, you have the really big museums, like the American Museum in New York and the Field Museum, that to my knowledge are complying with the letter of the law. But they also, I think, are still coming to terms with how to both work within the law and embrace the spirit

of the law. And so, I think that's going to be really interesting in the years to come to see both what happens with these really small museums. Can they kind of get up to speed? And with these really big museums, will they become not just kind of stubbornly compliant with the law, but will they really embrace it and become leaders in the field. (Colwell 2019b)

Dr. Colwell's discussion here aligns with the idea presented in this thesis that willingness by institutions to go beyond the letter of repatriation law reflects a shift toward more decolonizing perspectives with regard to the ownership and stewardship of museum collections.

### ***Collections Care***

During the interview, Dr. Colwell described a proposed room in the DMNS collections facility that would have incorporated Native knowledge systems into the museum's architectural design, had it been successful:

I think ever since I've come here, I've wanted and hoped for a space within the museum where Native people could come in and truly feel comfortable and welcome; where they would feel like this was a space *for* them, not just a space *about* them. And there are other museums that have been successful at creating these kind of meeting spaces that I think fit an aesthetic, a kind of value system for Native people writ large, in a general way, that are successful in helping Native people feel like museums aren't these cold places disconnected from their own home. A lot of Native people that I've worked with through the years comment about how kind of dry and uncomfortable our spaces are. People sometimes even comment on the smell because of the chemicals that are sometimes used as preservatives. One person commented that he thinks museums remind him of a morgue, with all this dead stuff. The idea was to create a space that was living, that really felt happy and welcoming, that it felt like it was a kind of home for them, for Native visitors. That was the goal. And when we first started the construction project for the new facilities, we had our wish list laid out, and that was at the top of it. And for quite a while, it seemed like we were going to get it. And then through the process, the architects and the organizers just began to chip away at it and said, 'It can't be above ground, it can't be circular. No, it can't face east.' They kind of whittled it down until what we ended up with was just basically a row of the cabinets that has a door that closes it off. It's not a

room, and it's basically just a storage space with kind of a half door on it. So that's the story of the room that never was. It's not even really much of a room in truth. (Colwell 2019b)

This story of “the room that never was” illustrates how the organization of administrative structures at settler museums, such as DMNS, and Eurocentric standards of architectural design can hinder decolonizing initiatives such as incorporating Native perspectives into museum spaces.

Dr. Colwell also explained how DMNS approaches the implementation of Native curatorial methods in the museum's collections practices:

It's really variable. It's hard to generalize because for each tribe, there's a difference in their needs and their requests. So first, I'll just say generally, what our approach has been is that we want to be collaborative caretakers and co-stewards of the collections with tribal elders and traditionalists and community members. And so, what that means is, if you have specific requests around how an item is stored, whether it's in a box or not, whether it has certain kinds of packaging or not around it, we try our best to comply with that. If people want to leave offerings, we allow them to do so. If they want things positioned in a certain way, we try to comply. So basically, we do our best to try to allow people to care for these items as they see fit, as well. And it's not just these detached museum standards that are disconnected from the cultural practices that surround these items. (Colwell 2019b)

This approach acknowledges that, while Native curatorial methods are not homogeneous, originating communities should have a say in the caretaking of their ancestors and belongings (Lonetree 2012). DMNS is amenable to Native visitors' wishes to smudge during visits, and museum staff turns off the building's fire suppression system to accommodate this practice (Strunk 2016). Offerings are sometimes placed with Native relatives and maintained through careful Integrated Pest Management (IPM). Some belongings controlled by DMNS need movement in order to sustain their lifeforce.

Museum staff regularly handle and reposition these relatives as a caretaking practice requested by originating communities (Strunk 2016).

Some Native belongings that embody spirits need to be disassembled in order to be housed safely. At DMNS, Hopi *katsina* friends in the museum's collections are not at rest when they are stored with the goal of perpetual preservation (Strunk 2016). In such cases, representatives from Hopi Tribe consulting with museum staff at DMNS requested that *katsina* friends be taken apart and housed in a disassembled state so that the spirits inhabiting them would no longer be active (Strunk 2016).

During the interview, I asked Dr. Colwell about restrictions imposed on access to the museum's collections:

I guess it depends. Our collections are open to the public. So basically, almost anyone can come and visit them. For items that have been identified as being sacred or belonging to a community and require extra consideration, in those cases, those items are sequestered. And if anyone wants access to them, then they need to get permission from the community first. And then if they receive that permission, then we provide them access. (Colwell 2019b)

At DMNS, Native religious, sacred, and ceremonial belongings are segregated from the rest of the collections (Strunk 2016). Dr. Colwell explained that

typically, those items are separated into that kind of half room with a door. That's where those items are typically kept. Sometimes, though, tribe might want them in with their friends on the other shelves, and then human remains are kept in an entirely different area all by themselves. (Colwell 2019b)

In addition, the ethnographic information that is gathered through consultation and connected with these belongings is also segregated from other museum records. Access

to these belongings and records is limited to the curator, collections manager, and NAGPRA research assistant (Strunk 2016).

### **Museum of Indian Arts and Culture**

The Museum of Indian Arts and Culture (MIAC) is located in Santa Fe, New Mexico. It is part of the state-governed Museum of New Mexico system, which is operated by the New Mexico Department of Cultural Affairs. The museum is the result of an institutional merger between the Museum of New Mexico (founded in 1909) and the Laboratory of Anthropology (founded in 1927) in 1947, which brought together an extensive collection of New Mexican and Southwestern belongings (“History of the Laboratory of Anthropology and the Museum of Indian Arts & Culture” 2020).

MIAC is the archaeological repository for the State of New Mexico. Some of these materials were collected by the museum’s founder, Edgar Hewett, but most of the collection was assembled through Cultural Resource Management investigations that include prehistoric Native American, historical Spanish Colonial, and Anglo settler sites (“Archaeological Research Collections” 2020). The museum’s ethnographic collections include belongings collected from Native communities in the Southwest at the beginning of the 20th century, as well as contemporary works by Native artists (“Object Collections” 2020).

Bruce Bernstein, Ph.D., is a longstanding member of the repatriation community and was Chief Curator and then Director of the Laboratory of Anthropology at MIAC during the 1980s, before NAGPRA was enacted. He is currently the Tribal Historic

Preservation Officer for Pueblo of Pojoaque as well as the Director of Innovation and Chief Curator at the Coe Center in Santa Fe, New Mexico. I met with Dr. Bernstein at the Coe Center in early August of 2019 to learn about his experiences with repatriation. Tony Chavarria (Santa Clara Pueblo) is the current Curator of Ethnology at MIAC. I spoke with Chavarria at the museum in late August of 2019 about his knowledge of repatriations and Native care practices at MIAC.

### ***Repatriation***

Dr. Bernstein explained that in the pre-NAGPRA era, museums and tribes were in the early stages of figuring out how to accomplish repatriation:

We started talking with people about the human remains, in particular, in the collections. We had already been talking with people about culturally sensitive objects. I headed up the Culturally Sensitive Materials Committee for the Museum of New Mexico, and we wrote a set of bylaws and guidelines for the museum system. (Bernstein 2019)

He described how, at the time he was working at MIAC, the museum was “very forward in going and visiting communities and asking people what they wanted returned”

(Bernstein 2019). During Dr. Bernstein’s experience as a curator, MIAC functioned as a place where *Ahayu:da* from private collections could be temporarily housed before being returned to Zuni Tribe:

We also served as a base for the return of the *Ahayu:da* or War Gods to Zuni. What we did was we used the museum as a place where the War Gods could be shipped or brought, and then [Zuni representatives] would take the War Gods back to Zuni. What we did was we actually took them as gifts because people were reluctant at that stage to return things. They didn't really understand why they're returning them. So, we used our abilities as a museum in the broadest spectrum as possible. We would accept them as gifts. And that's why they came through us and not directly back to Zuni. Non-Native people didn't trust Zuni, but

they could trust a museum. That sort of inherent prejudice inside of American society was also something we dealt with. We really served as this waystation. And it was a wonderful opportunity to be a facilitator, to help with the return of 37 War Gods in that period of time, over about 10 years. (Bernstein 2019)

Here, Dr. Bernstein explained that while settler collectors were often reluctant to return *Ahayu:da* and did not necessarily trust the Zuni people, they trusted the museum. Due to this institutional trust, MIAC was able to facilitate the repatriation of *Ahayu:da* to the Zuni. In this case, MIAC's perceived credibility and position as a settler institution was used to accomplish a decolonizing goal.

During the interview, Dr. Bernstein also described his experience with the return of 50–60 cardboard replicas of sacred Zuni masks from Coronado State Monument as the chief curator at MIAC:

The other thing we did, which was really instructive to me, just personally, then institutionally, was we had a series of cardboard paper masks, and the masks were made for an exhibition at what's now called Coronado State Monument or State Park, which is the site of a Tiwa village, which is by Bernalillo, south of here between here and Albuquerque. And those masks had all been copied from BIE reports. And they were cardboard; they were painted. They were pretty hokey, and they were so clearly just made for an exhibit. There wasn't any doubt about it. We had probably 50–60 of those. So, we arranged for the Zuni council to come over. And in retrospect, I realized that the day was much more than just the Zuni council because all the religious heads had come too. It's kind of an amazing circumstance; I was the only non-Zuni speaker in the room. They're all speaking in Zuni, all day long. And this is all pre-NAGPRA. This is probably about '88, maybe '89, somewhere in there. One thing that happened was they said they would take the masks back. And, I was sort of curious, so they did talk with me about how they were concerned that the masks are constructed of the same colors and patterns, and, therefore, they have some of the same abilities to attract out those powers. They represent those dances, even though they're not made by Zuni people. They're cardboard, clearly faked, but because of the combination of patterns and color, have some of the same abilities. So, at the end of the day, they did take those masks with them. Another outcome was with every single drawer, they were just opening and closing drawers and going through every single

drawer, and suddenly the conversation switched from Zuni to English. So, I went over to this drawer, and it's filled with fetishes, and kind of big fetishes. Not the little things, but great big ones. And they said, 'There's a space in our altar that's missing a piece. We'd like to take this with us. And if it fits, we'd like to keep it; we'd like to have it back. And if it doesn't, we'll bring it back.' I mean, it was so simple. It was unbelievably simple and straightforward and wonderful. And it was ethical. I was thinking about how the ethics was, 'Of course, just take it with you.' (Bernstein 2019)

The ethics that Dr. Bernstein referred to here appear to be somewhat similar to Bienkowski's (2015) suggestion that museums be open to relinquishing ownership and control over their collections, as well as Daehnke and Lonetree's (2011) description of a decolonized view of repatriation.

During my interview with Tony Chavarria (Santa Clara Pueblo), he explained that MIAC sometimes serves as an intermediary between private collectors and originating communities. In such cases, belongings from private collections are not officially accessioned into the museum's collections and are temporarily housed at MIAC before being returned to the appropriate tribe. He described his experiences with these unofficial repatriations:

What we have done, though, are basically non-official repatriations. Sometimes they go under the term 'pass throughs.' Even before I started here, in the vault, there were a couple of mounted Zuni War Gods that belonged to a private collector, and he had these kind of crude mounts made for them for display in his house. And then when they broke out in the initial press, because [War Gods] were some of the very early pre-NAGPRA repatriations, he became concerned but didn't want to be the person to approach the tribe. So, we've served as a resource in that way several times. And so, people will leave things with us. We accept them, we don't accession them, so they're not our property in a sense. Then they can actually go through then without the deaccession process, and hence without even having to go through the NAGPRA process. And basically, they just go back to the tribe. Those things were here for years. And then all of a sudden, within a span of days, we were able to initiate the return. And so, they brought the proper

religious official with the government representative, and then we worked with them on how to properly package them, in a sense. So, it was basically just to create a bundle for them to rest in on their way home. And we've done some other things as well with other tribes on returning or doing long term loans for material that we don't expect will return. So, for me, I guess for the majority of the repatriations that I've been either actively involved in or the lead, have been with the non-accessioned material. (Chavarria 2019)

Chavarria also clarified that all belongings officially accessioned into MIAC's collections are repatriated through the formal NAGPRA process.

### ***Decision-Making Process***

During the interview, I asked Chavarria to explain how MIAC makes decisions with regard to repatriation:

So, basically, the official requests will go to the director, and the director then calls the meeting of the internal collections committee. And then the collections committee then moves to act on the repatriation. And then it's turned over to the proper curator of that section. If it's very specific, then we can vote on it immediately. Otherwise, we'll do further research to see how many items are actually involved, and then bring it back to the committee for another vote. And they're generally approved, even beforehand. And then it's supposed to go to the Museum of New Mexico's collections committee. Again, we're in this kind of weird administrative umbrella that partially exists and partially does not. We're supposed to all be independent, but there's still the Museum of Mexico Foundation... It used to be much more solidified, basically for almost 100 years. And then, starting in about 2005, we were elevated to cabinet level position. The Secretary was elevated to a cabinet level position of Cultural Affairs. Basically, we're all under the Department of Cultural Affairs. So, it goes to that committee. And in the past, sometimes it hasn't, and they get a little miffed. But again, there's nothing in the NAGPRA law that says we have to go to the Museum of New Mexico collections committee. So, in our eyes, we follow the law, even if we haven't followed procedure here. But again, they really don't have a say, in a sense. And though they think they do, but it's just bureaucracy. Can't run a state institution without having a lot of that. So, then it goes there. So, then the curator then also works, sometimes with other people but generally by themselves, to write up the notice. Then it gets published. And then basically, we just go from there. See if any counterclaims come in. In the past, sometimes that's occurred. Unfortunately, sometimes in the past, it's occurred after the time requirement, and

can lead to some bad feelings, sometimes between that contesting tribe and the museum, but certainly between a contesting tribe and the other tribe. (Chavarria 2019)

Chavarria's mention of disputes between Native communities illustrates how the cultural affiliation process under NAGPRA can create conflicts that empower museums to make final decisions with regard to repatriation (Bienkowski 2015).

### *Collections Care*

With regard to incorporating Native curatorial methods into collections practice at MIAC, Chavarria explained that the museum is still working through this process:

We're still working on that. Because we haven't quite gotten there yet, surprisingly too, especially given the area that we're in. But what do we have done, though, is basically we tried, per request by the groups, to keep their things together. Then, sometimes you get into more difficult things like intertribal conflicts. So, we had to kind of deal with that. But we try to keep up with some of the relationships, but it's really difficult too because the personnel changes a lot within the tribes. When we started, there were maybe two Tribal Historic Preservation Officers or people who actually had NAGPRA positions. A lot of times it was going through realty or a development office, things like that, or the governor would just hand it off to someone. And so today, it has changed a lot. I think that now, it's a little easier to do that because now, especially in the surrounding communities, there's so many historic preservation offices. (Chavarria 2019)

MIAC accommodates Native visitors' wishes to leave offerings, though carpet beetles are an IPM concern. Chavarria clarified that MIAC wants to respect culture and belongings but must balance this with the institution's responsibility to care for the collection:

What we've done in the past is to allow people to leave offerings or things like that in [collections storage]. Except what happened then is we had the carpet beetles. It's difficult because you want to respect the culture, you want to respect the object, but you also have the other responsibilities of preservation and whatnot. What makes it a little easier on our part is actually because [the beetles] were only going after the offering and not any of the objects. So, then someone

said, 'Well, can they just pretend to [leave an offering]?' And I said, 'No, that's insulting.' But we were trying to come up with something that might work for both of us, whether it's going to be [the offering] remaining in a sealed bag or something else. We asked them if they could then clean the offering after a time, according to their protocols. And they were actually willing to do that. So, we're very grateful. Because of that, we've been a little slower in adopting other areas that we could on traditional care, whether that's about directional orientation for storage of some items or placement in certain areas. (Chavarria 2019)

According to Chavarria, it is important that belongings that are not yet ready to be repatriated are cared for respectfully:

We're starting to incorporate more traditional care, to become a little more active, and engage in groups and communities about what is here. And becoming, in a sense, a little more of a resource as well. For example, we have things that people aren't ready to take back, but they can still use. We can actually do loans and things like that for that purpose. And then we can share handling issues too, especially in regard to any potential toxins. And then also for here in the future, I think it would be great if we can try to establish more constant consultations, typically in regard to the archaeological material, because again, as a repository where it's continually coming in. And then that way we are able to work with some descendant groups on identifying pieces. We're also working with our in-house staff but also outside academics as well. Particularly in terms of identification of fragments and whatnot. Because that comes up all the time. They'll be cleaning an old box and occasionally they'll find suspected human remains, especially given the size of that collection. That happens a lot. A lot of things are still in storage and are still stored in original specimen bags. (Chavarria 2019)

Here, Chavarria explained that MIAC hopes to incorporate more culturally appropriate approaches to collections care in the future through more consistent engagement with local communities.

### **Museum of Northern Arizona and the National Park Service**

The Museum of Northern Arizona (MNA) is a private, non-profit institution located in Flagstaff, Arizona. It was founded in 1928 by Harold S. Colton and Mary-

Russell Ferrell Colton. MNA's anthropology collection is divided into ethnographic and archaeological sections, which reflects the way settler scholars understand history. The museum's website states, "from a tribal perspective the Anthropology Collection represents an unbroken continuum through time" ("Museum of Northern Arizona" 2018). MNA has a close relationship with the National Park Service (NPS), which manages the Flagstaff Area National Monuments: Wupatki, Sunset Crater Volcano, and Walnut Canyon. Gwenn Gallenstein has been the Museum Curator for the Flagstaff Area National Monuments since 2002. As the NPS collections liaison at MNA, she has an office at the museum and works closely with the institution. I met with Gallenstein at MNA in August of 2019 to learn about her experiences with repatriation and Native care of museum collections. This institutional narrative is also supplemented with data gathered through bibliographic research.

### ***Repatriation***

According to Gallenstein, most of the archaeological collections housed at MNA are federally controlled:

That's what is interesting about this place. It's kind of unusual in the sense in that, archaeologically speaking, the holdings here, I think somewhere in the vicinity of 80% of them are not owned by the museum. They're from federal or state lands, but mostly federal, and that could be Bureau of Indian Affairs, BLM, Park Service, or various [National] Forests like Coconino. And they have a long, long history of working with a lot of partners. So, this is sort of a repository for federal collections. (Gallenstein 2019)

Gallenstein explained that many of the ancestors under the control of the National Park Service are housed at MNA:

A lot of Parks, like ours or Navajo National Monument or Petrified Forest, have a lot of remains stored on the grounds here. It's just easier to have meetings with the tribes and the federal entities in various meeting buildings here so that they can get to see the funerary objects. (Gallenstein 2019)

In these cases, MNA serves as an intermediary space for consultations between federal agencies and representatives of Native nations.

Though ancestors and funerary belongings are typically repatriated through NAGPRA, Gallenstein told me about her experiences with several repatriations accomplished outside the official NAGPRA process:

One case, in particular, there was a woman who dropped off some peyote buds to the Sunset Crater Volcano visitor center because she was Navajo, but she was Christian, and she felt like having them around was not good for her. And then we had to decide what to do with them. So, what sometimes will happen is that we'll get materials like this, but then instead of cataloging or accessioning them, we'll just go straight to a tribe and say, 'Do you want these?' And in this case, we went straight to Navajo Nation, and they went ahead and took them. That's something that certainly could have fallen under [the category of] ceremonial [objects]. Peyote is very ceremonial, but we circumvented incorporating them into the collection. (Gallenstein 2019)

Although the peyote buds, which are used in religious ceremonies in some Native communities, could theoretically have been formally accessioned and then officially repatriated through NAGPRA as sacred objects, the National Park Service decided not to accession them and instead directly transferred them to Navajo Nation. By accessioning belongings, institutions come to own them and ultimately have the power to decide what to do with them (Bienkowski 2015). In this case, the National Park Service's decision not to accession the peyote buds meant that control over them was negotiable and that Navajo Nation was able to determine what happened to the buds.

Gallenstein also recounted the story of a structure that was eroding at Wupatki

National Monument into a newly formed wash:

We had a really recent situation where there was this little structure that was eroding at Wupatki. We referred to it as a cist. It was like a meter by a meter by a meter. And because of some recent strong rain events, the contents of the cist were eroding out into a newly formed wash. So, there were literally some pots visible, not in the public view, but to people, to employees that could walk around it. We really thought that it was probably a burial cist. And we had to go through the process of notifying the tribes that this potential situation existed and that there was nothing we could do to stabilize the structure in place because it was literally being washed away. And so, we made plans ahead of time to rebury any remains and to do an emergency excavation of the entire cist. And the tribes agreed to that. And then it turned out, there was no body. It was just seven pots and a bracelet and some ochre, so it did not fall into a NAGPRA category. So, we went ahead and accessioned and cataloged those objects into the collection. And there was a fair amount of buzz about that because it's not so often that you find intact pottery and so much of it in one location, so we wanted to then put it on exhibit. So, I went to the Hopi; I met with the elders, took the pots up there with me. I explained what the structure was, I showed pictures, where it was, all that kind of stuff. And it turned out that they strongly believed that it had been a shrine back in the 1100s because of the presence of ochre, which I did think was a little suspicious. But nonetheless, we had gotten approval to do the emergency excavation. And so, they said, 'that stuff just really needs to go back because it was ritually enclosed.' We couldn't put them back exactly where they were. We thought these were non-NAGPRA items, we went ahead and did an accession by mistake. We couldn't do a full deaccession because they don't fall into one of the regular deaccession categories. So we found a more stable location as close nearby as we could, and we reburied that material. (Gallenstein 2019)

In this case, the National Park Service acknowledged that it had accessioned belongings by mistake. Even though the belongings were not technically deaccessioned and repatriated to an originating community, they were reburied according to the wishes of Hopi Tribe.

### *Collections Care*

The Museum of Northern Arizona (MNA) moved toward collaboration and the inclusion of Hopi consultants in virtually all decisions and policies that involve collections care in the early 21st century (Hays-Gilpin and Lomatewama 2013).

However, the power dynamics of the relationship between MNA and Native nations remains unbalanced. Most of the power and money is in the hands of the museum, save for repatriation-related matters mandated by law (Hays-Gilpin and Lomatewama 2013).

MNA's Easton Collection Center was blessed by Native spiritual leaders at groundbreaking and at its opening. The building was designed with natural materials and points of entry for natural light, including a door oriented to the east (Hays-Gilpin and Lomatewama 2013). This enables the belongings inside to know what time of year it is. The door to the building opens on solstices and equinoxes to allow sunlight into the collections storage area. Gallenstein explained how MNA's Easton Collection Center was designed in collaboration with local Native communities as soon as funding for the project was approved:

The museum received the money for that in 2004 and started working with tribes right away to get their take on what they wanted, and not just what they wanted the building to look like. In this case, they wanted the entrance to face east with the rising sun. They wanted the objects to get a sense of the passage of time, so day and night and seasons. And so, it was dedicated on the summer solstice. And there are these features to the building like solar tubes that let light in, that move with the sun. These windows on the exterior part that at least allow certain light into the interior lobby... I would say it was four or five tribes that were involved. But the biggest thing was that they did not want any human remains or funerary objects to go into the new building. Those items are all still in old storage, going through the process of analysis for repatriation, determining sex and age and stuff like that. So, the building design was kind of approved by the tribes, and they had

a seat at the table, as did the Park Service. When they broke ground in 2008, one of the tribal elders placed some broken pieces of turquoise in the center, there's a Hopi *paho* when you walk in the door, and there were dedication ceremonies. I can't believe it's been ten years. (Gallenstein 2019)

A circular wall for ceremonies related to belongings was also built into the design of the Easton Collection Center. Gallenstein speculated that this feature may have not yet been used for ceremonial purposes because NAGPRA collections and other sacred materials are not housed in the new facility:

The other thing that they did here was outside of the Easton Collection Center, they built a really beautiful, low, circular kind of wall for any kind of ceremonies relating to objects. That was part of the design, and honestly, it's never happened. Nothing like that has ever happened... I think maybe one of the big reasons is because the human remains and funerary objects are still over here. (Gallenstein 2019)

According to Hays-Gilpin and Lomatewama (2013), Easton Collection Center is itself a living being. It breathes, responds to the sun, and creates relationships with the humans and nonhumans who interact with it.

Respect for the Hopi understanding of belongings as active participants in kinship networks and in the life cycles of humans has led MNA to be more flexible in its understanding of what is authentic, accurate, and appropriate with regard to collections stewardship. In MNA's view, museums "must attend not only to things but also to relationships, not only between Indigenous and museum communities, but also within communities, where nested identities, such as gender, kinship, ethnicity, residence, and age, intersect in complicated ways" (Hays-Gilpin and Lomatewama 2013, 278). During

the interview, Gallenstein described some of her experiences with Native influence in collections care at MNA:

Even back when I was working here in the '90s we had a separate sacred and ceremonial vault. And it primarily houses things like Hopi friends that were separated out [from the rest of the collections], and those aren't in the Easton Collection Center either. The Hopi from early on wanted them to be separated, and they have been allowed to leave offerings. Which then we asked, 'Well, can we clean it up after?' and they said, 'Yes, of course. We understand IPM issues.' So, that was in the early days, and I don't know if it's still this way or not, but back then, and we've just kind of stuck to it, mostly men are the ones that are allowed in there. But women can work in there as long as they're not on their period. And so, there's been that very long-standing relationship with certain objects. But in terms of NAGPRA objects, somewhere in the early 2000s, the Parks of this region were trying to figure out how to facilitate a lot of repatriations, and our region was working with tribes directly on this. The new guidance was to pull any kind of funerary objects from wherever they were and actually physically reunite them with human remains in the boxes. So that's something that that we did a long time ago. That's something that the museum is still trying to do. It's sort of a space issue, but I think the Park Service was the first to do it here. (Gallenstein 2019)

MNA endeavors to partner with Hopi people to promote respect for Hopi spirituality without encouraging non-Hopi people to appropriate Hopi practices (Hays-Gilpin and Lomatewama 2013). For example, it is not the appropriate role of non-Native MNA staff to make offerings or prayers. When belongings are given names prior to taking part in a ceremony, these names do not go into the database that describes the artifact and its loan history (Hays-Gilpin and Lomatewama 2013). With regard to ancestors and funerary belongings, museum staff insist on careful handling and respect for descendants (Hays-Gilpin and Lomatewama 2013):

We were told early on that everything needed to be organic. Curators, and collections folks are all used to using plastics and then closing things in plastic because it's archival. We had to then start taking everything out of plastic and

putting them into little muslin bags or using cardboard. If there's an inadvertent discovery out of our monuments, and the remains are big enough and they need to be held still on site but just out of view, we will use wooden boxes. Using natural materials is absolutely something we do. That, and not over-labeling something. (Gallenstein 2019)

Eurocentric and settler scientific perspectives emphasize free access to knowledge and often express entitled, extractive attitudes toward Indigenous heritage. Avoiding unnecessary labeling allows MNA to restrict access to some belongings and knowledge to the those who have been properly initiated. This is necessary because powerful belongings can be dangerous to the uninitiated (Hays-Gilpin and Lomatewama 2013). MNA now consults with initiates about powerful belongings before displaying them at consultation meetings with tribal representatives.

MNA is responding to concerns about the classification of museum collections as inanimate objects as opposed to living beings that have reciprocal relationships with humans by working with local Native peoples to incorporate relational understandings into collections care practices (Hays-Gilpin and Lomatewama 2013). Rather than threatening the continued existence of MNA, this process emphasizes mutually beneficial relationships between museum staff and originating communities.

### **The Heard Museum**

The Heard Museum is a private, non-profit museum of Native American art located in Phoenix, Arizona. It was founded in 1929 by collectors Dwight and Maie Bartlett Heard. According to the museum's website, the institution is dedicated to the "advancement of American Indian art" and "sets the standard for collaborating with

American Indian artists and tribal communities” (“Heard Museum” 2020). As mentioned in Chapter Two, the Heard Museum sponsored the National Dialogue on Museum/Native American Relations in early 1990, which became the framework for NAGPRA. Sharon Moore is the Museum Registrar. In August of 2019, I met with Moore at the Heard Museum to learn about the institution’s repatriation and collections care practices.

### ***Repatriation***

According to Moore, most repatriations from the Heard Museum are accomplished through the NAGPRA process, but there have been several that occurred outside of NAGPRA since the law was passed in 1990. She clarified that all non-NAGPRA repatriations at the Heard occurred before there was a shift in institutional policy several years ago. Due to this change, the Heard will no longer consider repatriating outside of NAGPRA (Moore 2019).

Moore reviewed the Heard Museum’s records during the interview and found that the museum has repatriated ancestors as well as funerary belongings outside of NAGPRA. These include the repatriation of several ancestors to the Cheyenne, a condolence cane replica to the Cayuga, and mask replicas to the Zuni (Moore 2019). Moore elaborated that the replica Zuni masks were donated and accessioned into the Heard’s collection with the idea that they should not be part of the private art market. They were deaccessioned and donated back to Zuni Tribe in 2008 (Moore 2019). The Heard Museum now encourages private collectors to donate Zuni replica masks directly to the tribe (Moore 2019).

During the interview with Moore, I briefly asked if she had any experience with international repatriation at the Heard. She explained that though the museum has collections from Mexico, Canada, South America, Egypt, and Europe, international repatriations have not yet happened in the history of the institution because NAGPRA does not apply internationally, and it never occurred to any of the museum staff to send inventories to originating communities outside the United States. According to Moore, the Heard Museum is willing to consider international repatriation requests.

### ***Decision-Making Process***

Moore and I also discussed the Heard Museum's decision-making process with regard to repatriation. She explained that nothing is deaccessioned or repatriated from the museum's collection without the approval of the museum director. NAGPRA repatriations are understood as existing outside the institution's deaccession process (Moore 2019). The Heard Museum does not have a dedicated NAGPRA coordinator position, and though repatriation is ultimately contingent on the approval of the museum director, much of the museum staff is involved in the decision-making process (Moore 2019). According to Moore, the chief curator and the museum director are the primary decision makers for repatriations.

### ***Collections Care***

In terms of incorporating Native curatorial methods into collections practice, Moore explained that the Heard Museum accommodates Native visitors' wishes to leave offerings and to smudge as long as prior notice is given and the facility's fire suppression

system is turned off. Visitors from originating communities ceremonially feed some relatives at the Heard until they can be physically repatriated (Moore 2019). The museum also allows tribal representatives to move and reorient belongings, if possible, and is willing to consider requests to store belongings differently (Moore 2019). Spiritually powerful relatives are segregated as much as possible, but the collections facility does not always have the space necessary to completely separate them (Moore 2019). In addition, male museum staff are responsible for handling male-only belongings (Moore 2019).

### **Pueblo Grande Museum**

Pueblo Grande Museum (PGM) is located in Phoenix, Arizona and is situated within a Hohokam archaeological site. The museum, which opened in 1929, and surrounding Hohokam site are on land that was donated to the City of Phoenix in 1924. They are operated by the city government's Parks and Recreation department. Pueblo Grande Museum features exhibit galleries and extensive collections storage. It serves as the repository for all archaeological collections from the City of Phoenix. The Pueblo Grande archaeological site is sacred to the descendant communities of the Hohokam people. Lindsey Vogel-Teeter is the Museum Curator at PGM. In August of 2019, I spoke with Vogel-Teeter at PGM about the museum's repatriation and collections care practices. As a volunteer collections assistant at PGM from 2016–2018, I have a previously established relationship with the museum and Vogel-Teeter, as well as firsthand experience with its practices.

## *Repatriation*

My interview with Vogel-Teeter began with a discussion of the laws and regulations that affect repatriation in the state of Arizona:

In Arizona, we have a couple different laws that impact repatriation. Ongoing and current excavations are subject to the Arizona Antiquities Act – what we call the burial clause of that. And so that impacts repatriations of individuals before they come to the museum. Currently, the museum does not receive human remains from active projects, those are automatically repatriated to the tribes under the Arizona Antiquities Act. However, sometimes, especially in older collections that were collected under the Arizona Antiquities Act, human remains were misidentified and placed in the faunal collection. Once those are identified, we discussed with Arizona State Museum whether or not those individuals should be repatriated under the Arizona Antiquities Act or if they should be repatriated under NAGPRA. And it depends on what kind of permits and agreements were in place at the time of the excavations. So, we always defer to Arizona State Museum to make that decision. Usually, if there's no signed burial agreement for those individuals, then we will list them under NAGPRA and pursue repatriation under that. (Vogel-Teeter 2019)

Vogel-Teeter also elaborated on burial agreements as a legalistic protocol for repatriation in Arizona and how they operate alongside NAGPRA:

In the state of Arizona, Arizona State Museum creates burial agreements for municipalities as well as for individual projects. And so those are for active, ongoing archaeological investigations so that those individuals are repatriated to their culturally affiliated tribes. But in Arizona, since we have the Arizona Antiquities Act, and then the agency who implements that is Arizona State Museum, we always defer to them. I guess the only time when there is kind of an odd overlap [with NAGPRA] is where there's individuals in the collection who were excavated after the Arizona Antiquities Act, which goes into effect in 1990 at the same time as NAGPRA. Those individuals were excavated under the Arizona Antiquities Act, and other individuals have already been repatriated under the Antiquities Act from those projects, and then more individuals are identified in the faunal collection. Then, depending on what agreements were in place, sometimes we go through NAGPRA, sometimes we go under the Arizona Antiquities Act, and we leave that up to the Arizona State Museum. And sometimes that's a little odd, in that we have to go under NAGPRA, even though

these individuals were previously repatriated under a different act. (Vogel-Teeter 2019)

Burial agreements and the Arizona Antiquities Act form part of the unique context for repatriation in the state of Arizona. With regard to repatriating through the NAGPRA process, Vogel-Teeter explained that PGM

did our first NAGPRA repatriations, we did two this year, those were our first. So, NAGPRA is something that we've just recently started repatriating under just because it's so much paperwork. And previously, the staff had submitted something in a different format. We have repatriated under the Arizona Antiquities Act as well as NAGPRA. (Vogel-Teeter 2019)

Pueblo Grande Museum only recently began repatriating through NAGPRA rather than the Arizona Antiquities Act and completed its first NAGPRA repatriations in 2019.

According to Vogel-Teeter, the museum started with repatriating ancestors and associated funerary belongings and will eventually get to the sacred belongings and cultural patrimony in the collection.

I asked Vogel-Teeter about her experiences with non-NAGPRA repatriation. She explained how Pueblo Grande Museum has repatriated ancestors outside the legalistic protocols of the Arizona Antiquities Act and NAGPRA:

We've also repatriated basically outside of [NAGPRA and the Arizona Antiquities Act], and those are in cases where there are private individuals within the state of Arizona. The Arizona State Museum has stated that the Arizona Antiquities Act does not apply to previously excavated individuals that are in the collection of private citizens. For example, one of the things we run into frequently is a citizen's grandparent had collected archaeological objects, and the grandparent has recently passed away and the citizen is going through their house, and they find a jar and they look inside the jar, and they see that there's human remains inside the jar. And so frequently, what they'll do is they'll contact the museum to ask us to help with that. The Arizona State Museum, again, has stated that in situations like that, the Arizona Antiquities Act does not apply. And so, what

we've done is worked with our tribal partners to see what their preferences are. If we know the origin of the object or the human remains, then we'll contact who we think is the most appropriate tribe and see how they'd like to handle it. What we've done several times in the past couple of years is, when we get a citizen contact, we'll ask for their name and number and then we'll call the tribes and see how the tribes would like to address it. And in several instances what we've done is accept the object and the human remains as a temporary deposit and hold them in temporary status for the tribes to come and collect them. And so, what we're able to do is repatriate those immediately to the tribes. (Vogel-Teeter 2019)

In these cases, PGM temporarily houses ancestors or belongings so they can be returned to Native communities as soon as possible. Though the belongings and ancestors are not accessioned into the museum's collection, Vogel-Teeter explained that they still undergo a process of official documentation:

We use what's called a temporary deposit form. And it's basically the same form we would use for an incoming loan, essentially, so we don't own it. And then we essentially, it's not a deaccession, but we use basically a transfer receipt to transfer possession to the tribes. And the only reason that we're willing to serve as a basically a facilitator in that kind of transaction is because a lot of times with citizens, when you tell them, 'The tribe would like this repatriated,' they're unwilling to go to the tribal offices on the reservation to transport the individual, or they're unwilling to have tribal members come to their house. And so, the museum is often kind of a safe space. So, we've done it a couple times, where we've just facilitated a meeting between the two, and just allowed our location to be used as a transfer location. And then we've done it where we've just accepted as a temporary deposit and then transferred to the tribes immediately. And really, we won't accept them without permission from the tribes. Occasionally, we do end up with a situation of abandonment, where someone will leave that object or human remains here at the museum overnight. And we've had that several times as well. (Vogel-Teeter 2019)

The process Vogel-Teeter describes here exemplifies how models of repatriation that involve collaboration with Indigenous claimants can improve relations between museums and Native communities (Bruchac 2018a).

### *Decision-Making Process*

Vogel-Teeter also briefly explained the decision-making process for repatriation at Pueblo Grande Museum:

We're a very small staff. I'm the lead person who coordinates the NAGPRA consultation and the NAGPRA paperwork. And then the senior staff is myself, I'm the curator and the museum administrator, and the city archaeologist. We work together to basically make a decision and a recommendation. And then we recommend to the head of the parks department to complete this repatriation. So, she signs off on the paperwork with the repatriations as head of the parks department. And that's the way they the city council decided to go since this is a government-to-government transaction. (Vogel-Teeter 2019)

Here, Vogel-Teeter mentioned that the City of Phoenix approaches relationships with Native nations as “government-to-government,” which alludes to the issues of federal recognition that are often evident in NAGPRA implementation (M. F. Brown and Bruchac 2006).

### *Collections Care*

As Museum Curator, Vogel-Teeter has experienced changes to the approach to collections care at Pueblo Grande Museum as a result of consultation with local Native communities:

One of the things that we try to do annually for our staff is to do cultural sensitivity training with the Salt River Pima-Maricopa Indian Community. So, we try to make sure that all of our staff who deal with collections or even the public have gone through that training, so that they understand the needs and the issues... We received a NAGPRA grant in 2017, and we had all of our NAGPRA grant staff go through that training. So, that's one thing we've done. And we also changed the way we house human remains based on the wishes of the tribe. Museums tend to use archival materials. But sometimes that includes things like plastics and things that are very highly processed. And so, what we've done is, depending on the individual and who the remains will be repatriated to, house them according to the wishes of the tribes. So, that includes non-archival

materials that we wouldn't normally use in a museum setting. As well as saving the materials that we're removing from the individual. So, we save the original materials that are coming off the individual and repatriate those with the individual. We've also done things like move individuals to areas where they won't be near the public, so that they won't be disturbed. And really limiting access to even the facility where the individuals are kept. And then when maintenance is being done on the on the buildings where the individuals are housed, making sure that they're covered and as private as they can be. We don't have a completely separate storage building specifically dedicated to [ancestors and funerary and sacred belongings]. We have a separate row in a storage building. And we use, not in our main facility, but a different building on the campus to store those individuals. And then we've screened them off so that there's a barrier between them and the other collections. We do let people know, especially when we know they're a tribal member, we do let them know before we take them into the building. For the funerary objects, we try to keep them as separate as we can. (Vogel-Teeter 2019)

Vogel-Teeter's experiences illustrate how changes to curatorial practice with regard to museum collections have developed as a result of conversations between Indigenous communities and settler institutions about repatriation (Harrison, Byrne, and Clarke 2013).

### **Arizona Museum of Natural History**

The Arizona Museum of Natural History (AZMNH) is located in Mesa, Arizona in the greater Phoenix area. Founded in 1977 as a small museum in the Mesa City Hall, the institution has since expanded and curates a collection of approximately 60,000 objects ("Collections" 2020). The museum has both ethnographic and archaeological collections, including ancestors and funerary belongings. The majority of the archaeological collection is Southwestern, though some is Western, Northwestern, and Mesoamerican. Melanie Deer is the Anthropology Collections Manager at AZMNH. Because the museum does not have a NAGPRA coordinator position, the responsibility

of repatriation work falls to Deer. I spoke with her about the institution's repatriation and collections practices at a coffee shop near AZMNH in August of 2019.

### ***Repatriation***

AZMNH recently received a notice of non-compliance from National NAGPRA. Deer explained that the museum did an inventory of its collections in the 1990s but never filed a notice of completion. According to Deer, the inventories were so incorrect that museum staff had to completely start over with the help of National NAGPRA:

What happened was when I was hired, I was told that all of our repatriations had been finished and done with. And it turns out that that's not true in any way, shape, or form. Actually, they all dropped off in the 90s. And nothing had been done since then. So, we had gotten a letter from National NAGPRA saying, 'Hey, you're not in compliance. You need to fix this.' So, the inventory was done, but there was no notice of inventory completion. The funny thing is there were drafts with comments that I found, but no one actually edited them and resubmitted them. But I'm also finding out the inventories are just so horribly wrong anyway that I'm just starting from scratch. They had done drafts of the notice of inventory completion. But it turns out, not even all the consultation had been finished or anything like that. So, I'm just starting at square one. And I'll work closely with National NAGPRA in order to fix what's already been submitted in the inventories. But from my end of research and that kind of thing, I'm taking a note someone made that [a belonging] might be NAGPRA and then also just doing my own research... It looks they did consultations on summary and funerary at the same time. I'm actually now questioning if funerary was even in there, and if it was just summary, but the notes you know, I totally get so much from the notes. So, it's been an adventure. (Deer 2019)

Unlike other museums included in this research that are technically out of compliance with NAGPRA because they are acting in accordance with the wishes of tribal partners, AZMNH was out of compliance because of institutional resistance to repatriation:

We had gotten the line very many times, '[AZMNH has] a special relationship with the tribes' before. The current curator started a couple months after me, and I've only been in the role for not even a year and a half. Because that's the entire

anthropology department. It's just me and the curator. And so, there was a whole upheaval that happened. [The former staff] all retired, and so a whole new group came in. And both of us had been fed the line of, 'We have a special relationship with the tribes,' which really what it ended up turning out to be is [the museum] could kind of get the tribes to do what they wanted by just saying, 'This is how it's going to be' and not listening to the tribes. When we first started meeting with Salt River, they were always very open to it and willing to work with us. But in terms of their feelings of the way they were treated before, they didn't really talk about it. And they're becoming much more open about it now that they see we're not like that. So that trust was definitely damaged. (Deer 2019)

AZMNH's history of non-compliance with NAGPRA and recent efforts to bring the institution into compliance with the law and rebuild trust with neighboring tribes illustrates how some settler museums have avoided adopting even the bare minimum standard for repatriation and consultation with Indigenous communities as required by federal law.

Deer explained that because AZMNH has only just begun to initiate repatriation through NAGPRA, it has not accomplished returns outside of NAGPRA. The only exception that Deer mentioned was the direct donation of a jar containing a cremated ancestor to the descendant tribal community:

There was one donation we got, and in the donation, it had some human remains. And because it wasn't accepted into the collection, it didn't fall under NAGPRA. So, they just arranged with the tribe to transfer it to the tribe. And I think they just didn't want to go through the hassle of it, even though they weren't doing any of the work. It was me that was doing it. So, they did return some things not through NAGPRA, but I wasn't involved in that. And that was pretty much because NAGPRA would just be so much of a hassle, which is understandable. (Deer 2019)

Deer also described her feelings about the future of repatriation at AZMNH:

I'm actually looking forward to it. I think it's a shift in the culture of the institution. And I'm just gonna say it, it's because of a lot of the younger

generation in our museum. And I understand in terms of laws and regulations, NAGPRA is still fairly young. For a lot of people who have been in the industry for so long, it was kind of thrown on them. So, I understand it's difficult to fully change how you're doing things. But we do have a lot of a younger generation in our museum coming in and kind of shaking a lot of things up, not just in anthropology, but the way of thinking in the museum. So, I think they're kind of realizing they're getting outnumbered, and things are changing whether they like it or not. (Deer 2019)

Deer has experienced the institutional culture at AZMNH change as the result of a generational shift at the museum. According to Deer, the institution is being reoriented by younger staff members.

### ***Collections Care***

According to Deer, incorporating Native perspectives into collections practice is a relatively new approach at AZMNH:

For my institution, it's a new idea to do this... I would be open to discussions. Because as a collections manager, there's also certain safety of the objects and that kind of thing. So, I'm definitely open to conversations. I don't know how open everyone else at the institution would be because it also depends on what they ask. For the NAGPRA stuff, it needs to be stored in a natural fiber. I've learned from another institution that paper bags are okay, so that's not a huge cost of transformation. Muslin bags are more expensive, but those are safe for objects, so there's that kind of thing. But massive changes can get expensive. (Deer 2019)

In addition, rebuilding relationships with local Native communities has led to changes in the way AZMNH displays its collections:

I mean, we're literally just down the street from [Salt River Pima-Maricopa Indian Community], too. So, it's just perfect that we just meet up with them and have conversations, especially because the NAGPRA stuff was such a mess... And then we're redoing our Southwest archaeology gallery right now. So, we're like, 'Let's just start up a conversation instead of having to formalize everything,' and I feel like we're learning a lot more just being kind of casual and informal with the conversations. There's a group of mostly ceramics that were part of a big donation. And each item didn't have its own provenience information. But in the

donation, there was notation that said, 'If it came from a burial, then this is the kind of context it was,' but it doesn't say which ones those were. And talking with the tribes, they said, 'We want to count all of them as burial at that point, since we can't identify which one is which.' So, some of those items are on display. Then we also have palettes and figurines on display that are considered sacred. So those are going off display too. (Deer 2019)

Although AZMNH is still in the beginning stages of consultation, relationships between the museum and local Native communities are already improving as a result of the institution's new willingness to engage in repatriation work.

### **Arizona State Museum**

Arizona State Museum (ASM) is operated by the University of Arizona and is located on the university's campus in Tucson. Established in 1893, the museum serves as the official repository for all archaeological collections from the state of Arizona. ASM curates millions of archaeological and ethnographic belongings created by the Indigenous peoples of the Southwest for the purposes of teaching, studying, and understanding the region's history ("Arizona State Museum" 2020). Claire Barker is the Repatriation Coordinator for Arizona State Museum. She briefly explained the responsibilities involved in her position:

As far as the NAGPRA stuff goes, my role is to coordinate that flow within the Arizona State Museum. Different parts of that process are done by different parts of the museum. Human remains documentation is done by our osteologists, the object documentation and finding the funerary objects done by our collections division. I and my assistant do the NAGPRA-specific things like grant applications, budgets, notices, preparing consultation materials, doing consultations, although in certain circumstances consultation might be done by other people at the museum, but that kind of stuff is what I do, and then keeping track of everything to make sure everything that happens for the NAGPRA process is getting done. (Barker 2019)

I met with Barker at ASM in August of 2019 to learn about the museum's repatriation practices.

### ***Repatriation***

Like Pueblo Grande Museum, ASM accomplishes repatriation through both the Arizona Antiquities Act and NAGPRA. Barker explained how ASM developed its NAGPRA process in consultation with Native communities in Arizona:

ASM is one of the largest repositories in North America. And as part of that, we have large human remains collections management. So, we have an agreement with the tribes in Arizona. When NAGPRA first came out, we published an inventory. And then we went to the tribes in Arizona and did a bunch of consultation, and basically told them, 'Look, here's our inventory. This is just what we know we have now. There are inevitably other things in the bulk collections that we don't know about. Because those collections, they're bulk collections, they're not inventoried. There's also a high incidence of finding fragmentary human bone in faunal collections. And that's something else that we don't know, at this point. So, there are two paths: we can either start repatriating what we know we have or we can do a systematic inventory and go through all of our collections and repatriate sites when we know that they're complete.' And universally, the tribes in Arizona wanted us to go with option B... ASM leadership and my predecessor went to all the tribes in Arizona or that claim an interest in Arizona and talked to them about what the repatriation process would look like. And if there had been a diversity of opinion with the tribes, that would have had been something we would have had to talk to everybody about. But universally, everybody wanted us to take the longer approach even though that means that we wouldn't be repatriating things as fast as humanly possible. It was very important to everybody that when we repatriate an individual, all the parts of that individual and their possessions go together, and they didn't want to have a situation where we repatriate somebody, and then there's another fragment and some more funerary objects that turn up ten years later. That that kind of thing might happen, but that shouldn't be the norm. (Barker 2019)

According to Barker, ASM's approach to repatriation is extremely thorough:

For each project that we work on, for each site, we have the human remains that we know about. And then we go through all the faunal collections from that site and get any fragmentary human remains. Then we have a complete list of contexts

where human remains were found. We then go through every single record and resource about that site. Basically, we go through field notes, published reports, accession files, site maps, any random files anywhere else that we could find any archival materials, and we look for any information we can find about all the contexts where human remains were found. And that's how we first of all, make the determination of whether it was a deliberate funerary deposit, or if it was fragmentary, just inclusion in a more general deposit. And if it was a deliberate funeral interment, then we can start looking for funerary objects. And once we have that complete list of funerary objects that we should have, then we go and start finding them [in the collection]. And so that's the work that goes in before we publish a notice. And once we have that complete set of information, the human remains, the funerary contexts, the funerary objects, the holdings that we have, we do consultation, and then we publish the notice. And then tribes make a claim. And then that starts the second phase of the repatriation process, which is the actual repatriation, and there's usually a pretty big time gap between when notices are published. Because of the way NAGPRA grants are written, the transfer of control for a collection needs to happen before you can apply for the grant to support the actual repatriation activities. However, if you publish a correction notice you still need to have control over that collection. Usually what happens is we have a transfer of control agreement, which transfers title, and where we agree to transfer control at the time physical transfer takes place. And that has kind of fulfilled both requirements to the satisfaction of the NAGPRA office. (Barker 2019)

This approach is similar to what Bruchac (2018b) describes as reverse fieldwork or reverse ethnography, which are forms of restorative methodologies. In addition, ASM typically repatriates by region, rather than individual site:

When we do repatriations, we don't do site by site. Usually, we're doing region by region. We started in southern Arizona, and we're working our way north. And one of the big projects we're doing right now is all of the sites for the Tucson basin. So, the transfer control document for all of those sites was signed at the same time, but the actual physical repatriation and the transfer of control has been taking place over a matter of like seven years. But when you actually physically transfer the collections and sign that final document, that only happens at the final physical transfer. So, people will make a claim. And then we add it basically to the queue. As I said, right now we're working on the Tucson basin repatriation, we also have notices published for all the rest of the collections from the southern two quad strips of Arizona, which we started receiving claims on. And when

we're done with the Tucson basin sites, we'll start working on repatriating those. (Barker 2019)

Barker explained that because of the way ASM does repatriation through NAGPRA, the museum is often technically out of compliance with the letter of the law:

Because of the way we do the NAGPRA process, it takes a long time, which does put us out of compliance with NAGPRA because NAGPRA has deadlines built into it, which we have not met. We could have met those deadlines, and the reason we didn't is because of what the tribes asked us to do. So, every year we get a letter from National NAGPRA saying, 'You are out of compliance.' And every year we send a letter to National NAGPRA saying, 'We are out of compliance because of these conversations we've had with the tribes.' The tribes have submitted letters of support to National NAGPRA on our behalf kind of saying, 'Yes, this is what we asked for, this is a timeline that we're comfortable with.' Another thing that the Arizona State Museum does is host the Southwest Native Nations Advisory Board. So that is a committee where representatives of all the Arizona tribes or tribes that have an interest in Arizona have representatives come and provide us guidance on best practices, on exhibits, and on repatriation... We have two meetings a year and one is about repatriation. At the repatriation meeting, we provide all of the tribal representatives who are there with an update on our progress on the repatriation multi-year process and where we are with publishing notices, how long we expect publishing the rest of notices to take. Keeping the tribes in an open line of communication was really fundamental. It's kind of an interesting place to be where on the one hand, ASM has one of the biggest NAGPRA programs in the country, one of the more progressive I think, but at the same time, we're out of compliance... When we originally made this agreement, it got taken to the NAGPRA review committee, and it got approved there... So, the NAGPRA program knows what we're doing. They have to send out-of-compliance letters because that's what they do and they have to do that, but they also understand why we're out of compliance. And nobody expects us to actually drop our process to become in compliance. If the tribes ever wanted us to do that and stopped supporting our process, then that's what we would do. But the tribes are still very consistent in wanting the more thorough process to be completed. But honestly, it's mostly out-of-compliance as mostly a paperwork thing, at this point. It doesn't stop us from getting NAGPRA grants. Or it doesn't stop the NAGPRA office from supporting our progress because we have the tribal support. That's what matters and NAGPRA program is very respectful of if the tribes want it done this way. As long as it's within the law, then that's the way it should be done. (Barker 2019)

According to Barker, tribal approval and support of the process is what matters, even if it means that ASM is technically out of compliance with NAGPRA.

Like the Museum of Northern Arizona, ASM has a large number of collections that are under the control of federal agencies:

ASM is also a federal repository. So, we also house federal collections. And various federal agencies are partnering with us to repatriate their collections that are held here. Right now, we're working with the BIA, and the BLM, and the Forest Service to repatriate their collections. We just completed a very large repatriation with the National Park Service. So, at the same time as we're working on our internal repatriation process, we're also working with the agencies to complete repatriation of their collections that are housed at ASM. (Barker 2019)

In these cases, ASM serves as a facilitator for repatriations from federal agencies to Native communities.

Barker provided an in-depth explanation of repatriation practice in Arizona as it pertains to the Arizona Antiquities Act:

For state repatriation, I play a very different role. In terms of state law, ASM is the state repository for Arizona. In Arizona, there's a separate set of state statutes that lay out how to deal with new human remains discoveries on state or on private land in Arizona. And under those statutes, the director of the Arizona State Museum is mandated to administer those laws, regulate those laws, and take responsibility for the implementation of those laws. It's the Arizona Antiquities Act and sequence basically, et seq. The two that specifically relate to human remains are §41-844 and §41-865. And that's for state and for private land; there's different ones for state and private. Because different categories are protected on state land. The state statutes protect human remains, funerary objects, objects of national or tribal patrimony, and sacred objects. And on private land, it's only human remains and funerary objects. Under the statutes, the director of ASM is mandated to carry out these laws and implement these laws. And in the guidelines for implementing the laws, it's allowed for the director to appoint a repatriation coordinator to act on his behalf. So, the director is ultimately responsible for those laws. But he's delegated the day-to-day implementation of those laws to me. So as repatriation coordinator for the state of Arizona, I don't primarily do anything with ASM, my primary responsibilities are coordinating the repatriation of any

human remains and funerary objects, or on state land, sacred objects or objects of tribal patrimony to the tribes. So, my primary role under state law is to act as an interface between the tribes and the contracting firms and landowners. And one of the main ways that we do that is through various agreements. So, under the law, the way it works is if discovery happens and human remains are disturbed, we do consultation to figure out the appropriate disposition of those remains. And one of the important things to bear in mind with the state laws is, unlike NAGPRA, the state laws apply to any human remains that are more than 50 years old. That includes any European, Hispanic, African American, any remains. So, we can't automatically start talking about tribal communities. There's the potential for there to be other descendant communities depending on the discovery. The way it works under the law is, there's a disturbance of human remains, the coordinator gets notified, and then we contact potential descendant communities, communities with affinity. If it's historic remains, we might be able to figure out a direct descendant and work out the appropriate disposition. Now, the reality is 99 percent of human remains disturbances in the state of Arizona are prehistoric Native American. And the other reality is that the places that people like to live now are basically the places people liked to live 1000 years ago, the Phoenix basin was very densely populated. The Tucson basin was very densely populated. Mostly what's going on is a lot of disturbance of prehistoric Native American human remains. (Barker 2019)

In the interest of timely and consistently respectful repatriation, ASM creates burial agreements with the Arizona tribes. Barker explained that these pre-negotiated burial agreements ensure appropriate and respectful disposition:

In order to have the disposition of those remains happen in a timely and consistently respectful fashion, we have pre-negotiated burial agreements that ASM has worked out with the tribes. Specifically, the Four Southern Tribes are the leads on these because most of the construction work that goes on in Arizona is happening in Phoenix and Tucson and on roads in between. And so, in the southern part of Arizona, the Four Southern Tribes are kind of the tribes that take responsibility for human remains. And within that community, it's specifically Tohono O'odham, Gila River Indian Community, and the Salt River Pima Maricopa Indian Community that are very proactive. And so, we have these pre-negotiated burial agreements that basically lay out for the entirety of southern Arizona, 'If you find human remains in this area, this is what you do. This is who you contact, these are the proper procedures. And this is how it happens.' So, if a contractor is working on a project where there's a reasonable expectation of disturbing human remains, for example, if they're working on a known site or

right next to a known site where there have been human remains discovered before, they can get in touch with our office, and we'll issue a burial agreement. And then if there is any disturbance of human remains, they don't have to talk to me. And they can just get directly in touch with the tribes and follow this predetermined protocol, which we stay cc'd on all of those communications, because another part of our responsibility is to maintain records about all these things. So, we preserve all of those records at the repatriation office. But it's a much more efficient process than what we call inadvertent discoveries, which does still happen. And that's when there is no burial agreement, there was no expectation of discovering human remains, and somebody finds them anyway. And those will still get reported to us. But then we do the more attenuated process. If they get in touch with us, we get in touch with the local tribes, figure out what needs to happen. And it depends on the region, it depends on the tribes, the burial agreements that might get issued for the Prescott area are different than the burial agreements that would be issued for the Tucson area. That's one of the strengths of the burial agreement system is that you can work with the communities in that specific area to make sure that the protocols they want are the ones that the contractors are going to follow. We don't have a statewide agreement because that wouldn't be appropriate. And then you also have the possibility, if you're going to have a disturbance of human remains that are historic, and maybe historic Hispanic, or historic Caucasian. You can also do a burial agreement for things like that, if you have work that's going to impact a known site for example, maybe an unofficial family cemetery, or something like that, you can also issue a burial agreement for those kinds of projects and make sure that those people are dealt with appropriately and respectfully. And the way that their either affiliated communities or descendants would want them to be treated. That's less common, but it does happen. (Barker 2019)

In the case of private collectors who want to return ancestors or belongings to originating communities, ASM refers the person to a tribe directly if there is enough information to determine the most appropriate community to contact:

If, for example, there's a private citizen who, for whatever reason, their grandfather had some human remains, because that happens. Arizona is full of casual looters. If they wanted those remains returned to the tribe, I would always offer to put them in touch with the tribe directly. If I could identify based on information provided who the appropriate tribe would be, or usually tribes would be, I would offer to put them in touch. In my experience, most people would rather go through the museum. And as soon as those kinds of collections are at the museum, they become part of the formal process. But we do always offer and

every so often, people do take museum up on that... Periodically, there are state case collections that are temporarily housed at ASM pending repatriation for various reasons. Sometimes they're involved in a law enforcement case, where they can't be repatriated immediately because they're evidence, but at the same time, they do need to be housed somewhere. So, we have an evidence locker. In cases like that, they would be just transferred. That's a temporary intake process. There might be other cases where the expectation is that the human remains and funerary objects or whatever will be there for a longer period of time. And in those cases, they might have an accession number assigned. It would be a case-by-case basis. And that kind of decision isn't actually really up to me. That's something that the museum registrar and the collections division would figure out. (Barker 2019)

ASM functions as a facilitator in these repatriations despite not always serving as the physical intermediary between private collectors and originating communities. With regard to restricting repatriation work to the letter of NAGPRA, Barker explained her perspective as a repatriation coordinator:

There's following the law, and everybody needs to follow the law. But there's also the way that repatriation can be used to cultivate a new kind of relationship between academic institutions and Native American communities. And that's really, really important. And it's something that we take very seriously. That really gets to the issue of the letter of the law versus the spirit. When your job is basically legal compliance, you have to respect the letter of the law. Because as much as sometimes it's tempting to say, 'Look, this is clearly within the intent of what this is meant to be.' But if you can't defend it under the letter of the law, once you set a precedent, that can be a dangerous thing. And that is always a struggle. So, it's hard sometimes to restrict yourself to the letter of the law. But in terms of daily practice, it is really important, and people can get themselves into trouble very quickly by taking liberties with the law. That said, I do think that communication and relationships is very clearly in the spirit of the law. And that is one of the things that isn't specifically laid out under NAGPRA but is a really important thing to do. And I think anybody who tries to tackle NAGPRA without being willing to build those relationships and go to those communities and build those kinds of relationships, will have a much harder time. It's not like you can't do it. But you know, it's hard. It's a lot harder to do repatriation, if you don't understand the people that you're working with. (Barker 2019)

Though repatriation practice at ASM is restricted to the letter of NAGPRA legislation, the institution values building relationships with Native communities. This practice can be interpreted as a willingness by the museum to go beyond the minimum requirements of repatriation law.

### ***Decision-Making Process***

Barker described ASM's collaborative approach to making decisions about repatriation:

Repatriation of any kind is a very collaborative process, and it's collaboration with the tribes and collaboration with National NAGPRA, but it's also a lot of internal collaboration within a museum. The director of the museum, at some point, if somebody's making a decision, it's him, but beyond that kind of thing, nobody really decides. Somebody will identify a problem, and then we'll figure out who needs to be involved in figuring it out. And it's more about who identifies that problem and who's involved in figuring it out... So it's like concentric circles. And there's very, very, very few things that I would be making decisions on completely on my own. And the things that it would be, would be things like, I'm writing this grant, what sites do I want to include in this collection, but even that, honestly, I would talk to the collections division, because they're going to be in charge of assembling the funerary objects. And I want to make sure that I'm not committing them to more than they feel like they can do. I think I'm the one who signs a lot of stuff and administers a lot of budgets. But I don't know that I unilaterally making decisions. And I think that applies across the board of ASM, not just in repatriation. It's a very collaborative work environment. And it's very important, and you have that many moving parts, for any process. And everybody who's involved is on the same page, everybody who's involved is aware of what's going on, is able to put things on their schedule. I mean, the people who organize tour and exhibits, the public programming, people come and talk to me regularly, because if there's a repatriation project that's going on, they need to know, because there's spaces in the museum that maybe they wouldn't be able to use. So, it's just kind of everybody just talks to them. We have a lot of meetings. And that's one reason it's such a fun place to work. (Barker 2019)

Barker's explanation emphasized the flexible and collaborative aspects of ASM's decision-making practices despite formalized protocols that impart official authority to the museum director.

### *Collections Care*

Although Barker does not work directly with ASM's collections, she did offer some insights into how the museum has incorporated Native ways of knowing and caring for collections:

The Southwest Native Nations Advisory Board offers us guidance on a lot of things. One of the meetings is always repatriation. And we take their input very seriously. The way we do things with repatriation is very much guided by what they tell us they want done and how they want to do it. There are going to be some things that we have to do because of our collections care mandate that maybe they wouldn't want done. Like more handling, for example, than they would prefer but because of collections care mandates, we do have to document things before they leave the museum. And I think they understand that. In terms of how we house human remains, and funerary objects, where we house human remains and funerary objects, how we talk about human remains and funerary objects, all of that is very informed by consultation that we've done. That's kind of the most formal way that that happens. The Four Southern Tribes have the Four Southern Tribes Cultural Resources Working Group meeting every month, hosted by worth one of the Four Southern Tribes. ASM always sends a representative to that meeting. We don't usually have anything on the agenda, but it's a really good way to be available. If there's anybody who has something they want to talk to you about, about what ASM is doing, or they want advice from us, and just to be aware of what's going on in the community. And this is another part of how we interface with the tribes, and part of the role of that job is to communicate with tribes, interface with tribes, organize cultural sensitivity trainings for ASM staff, basically be a conduit between ASM and the Indigenous communities of the region. So, there's the biannual advisory meetings, then then there's the more informal monthly meetings. And then we have a staff member whose job is basically to be responsive to Native American concerns about what's going on at ASM. And then, you know, inevitably, as you work in these fields, you do develop personal relationships. And then there's the very under the table, somebody texts us like, 'Hey, what about this,' and then you have those kinds of conversations too. (Barker 2019)

Here, Barker explained that ASM's close relationship with the Native communities of Arizona, both formal and informal, informs the museum's curation and collections practices.

### **University of Tennessee–Knoxville**

The Department of Anthropology at the University of Tennessee–Knoxville (UT) has extensive archaeological collections. The collaboration of the Tennessee Valley Authority and UT archaeology program led to the establishment of the UT Department of Anthropology during the 1940s and the McClung Museum in 1960 (“Department of Anthropology” 2020). UT's archaeological collections are curated by both the Department of Anthropology and the McClung Museum as separate entities. Ellen Lofaro, Ph.D., is the Curator of Archaeology for the Department of Anthropology at UT. I spoke with Dr. Lofaro over the phone in August of 2019 about her experiences with repatriation and collections care at the university.

### ***Repatriation***

Like AZMNH, UT is in the very beginning stages of NAGPRA compliance and consultation:

In the future, I would like us to be more proactive about reaching out to tribes. But currently, we are mostly reactive in that once we get claims, those go in our queue, and we begin working on them as soon as we can. We just completed the repatriation that I began working on my first day on the job. We did the transfer about three weeks ago. And it was a multi-site claim and transfer. So that took three years, and I have a feeling that will probably be one of these faster claims. (Lofaro 2019)

During the interview, Dr. Lofaro explained that while UT has not yet accomplished any repatriations outside of NAGPRA, the institution would be open to non-NAGPRA repatriations in the future:

We have not yet [repatriated outside of NAGPRA] but we would certainly consider doing so. There are a number of objects that don't quite meet the specific definitions in the law. The other big complication that we have at UT is that we hold a lot of federal collections. For example, we've been working with a federal partner on a big repatriation. And there are objects that the tribe considers sacred, essentially, but that do not meet the definition of an object under NAGPRA. The tribes have requested, and we have strongly recommended to the federal partner, that they do a transfer out because of their importance to the tribe. So that will be outside of NAGPRA. (Lofaro 2019)

Dr. Lofaro also described her experiences with differing museological interpretations of burial soil in relation to repatriation:

The other thing I had thought about was this discussion with several people at larger museum. And the question was about whether burial soil meets the definition of a funerary object. The definition says it's an object touching the person in the burial sites, the sediment is touching the person. I feel like that fits the definition of a funerary object. And we have repatriated that, like, we have used the disposition pathway for burial soil. Several of the museums I've talked about it felt like that does not count because they do not consider the burial soil an object touching. So, several of the big museums that I talked to said they would do a transfer outside of NAGPRA. So, UT repatriates the burial soil as a funerary object under NAGPRA, and some of the bigger museums would consider repatriating it outside of NAGPRA. If you look in our published notices, you'll see that we have repatriated burial soil. (Lofaro 2019)

While UT repatriates burial soil as a funerary object through NAGPRA, other institutions that do not consider burial soil a funerary belonging would be open to transfer it to originating communities outside the NAGPRA process. The fact that different institutions have varying interpretations with regard to what constitutes a funerary object under

NAGPRA demonstrates that the object categories delineated in repatriation law are not as straightforward and easily identified as legislation implies (Bruchac 2010).

### ***Decision-Making Process***

Dr. Lofaro described how UT has created a NAGPRA Committee to review

NAGPRA repatriation claims:

We did not have any sort of administrative structure to deal with NAGPRA claims, which was an issue because not only does the anthropology department have human remains and objects subject to NAGPRA, but so does the McClung Museum on campus. Anthropology is in Arts and Sciences, the college, and the museum is sort of essentially its own college. So, we had to go up another administrative level to the provost office. In the first year, we got a NAGPRA committee established chaired by a vice provost. And then both myself and the other curator of archaeology at the McClung Museum are on the committee. And then there's an additional person from the museum and additional person from the department. There's a lawyer who is their ex officio, she doesn't vote but she's there for legal advice, and then there's a person from the environmental safety and compliance office. Generally, when a claim comes in, we are trying to get tribes and folks to send it to the vice provost, since he's technically in charge, and he is also the person who will sign the NAGPRA notices. In reality, generally, I get them, and the curator gets some if they're for McClung. And then I forward them to the provost and also to the NAGPRA committee. And then I do the research to figure out, 'Are there additional tribes that we have to contact for the sites they've requested?' and 'Do we have additional sites that meet the criteria listed in their claim?' I write that up in a report and I present that to the NAGPRA committee. I also write the letter that has to be sent back to the tribe within 90 days. And that, I write it for the vice provost who signs it and sends it out. And so, essentially the NAGPRA committee is notified that we have received a claim. So far, we haven't had any claims that cause any problems or that don't meet the criteria, the legal criteria that we're looking at. But we go through it when we talk about the sites that are under control and the objects during the meetings, and then we also have ongoing consultation discussions. So, we have at least one formal one that's either via teleconference or it's in person, depending on tribal preference. And then we have lots of informal ones that are generally me on the phone or using email with the different tribal representatives. Our process sometimes takes longer because we often find additional sites. Often the tribes we work with will claim the county under the COI disposition. During consultation, we talk to the different tribal representatives about how if they would like us to prepare the human remains are

the objects in any certain way. Whether in muslin or putting them in cloth bags or making sure all of the materials are all natural. So, we try to handle the objects and the remains as little as possible. And once everybody is happy with the numbers and the objects, I write up the draft notice, it's reviewed by the NAGPRA committee, it's then reviewed by the tribe, then we send it to National NAGPRA, after everybody agrees about it. And then they send it back with edits. If there are any edits, we send it back out to the tribes again, for review. If they're minor ones, we send it to them too, but usually noting that it's minor, and we're just planning to send it forward unless they have any serious concerns or issues with it. Or any concern at all. And then we wait for it to get published in the Federal Register. When that is published, the publication comes out, we wait to see if we have any counterclaims that come through. So far, I have not received a counterclaim yet. And then on the 31st day, the legal control of the remains and objects transfers to the tribe. And then we usually send them an email notification that that has happened. We are trying to draw up official paperwork, short paperwork that essentially says that it's the legal transfer to the tribes, but that also notes that we are still holding the objects and the remains at UT until the tribes are ready to come do the physical transfer, and that there is a full research moratorium and locks limited access. (Lofaro 2019)

Importantly, Dr. Lofaro's account of UT's decision-making process discussed how originating communities are consulted throughout the drafting and publication of NAGPRA notices.

### *Collections Care*

Dr. Lofaro explained how the incorporation of Native perspectives into collections practice has unfolded at UT–Knoxville:

We talk about it extensively during consultation. Some of the things we do are we allow visits, we allow offerings. Obviously, we run into an issue with the indoor building sprinkler system. Outside we have areas where a fire or smoke or smudging or other things, that's sort of one of the compromises we had to work out. Then another one that has become fairly common practice is that often for the tribes who request objects or remains or both be placed in new packaging materials, then we're left with old packaging materials, many of which are not natural. So, they're plastic bags or other types of containers and the tribes have requested that we essentially have them incinerated. And it needs to be a closed incineration where particulate matter cannot escape. We figured out a way to get

on the university contract with a company that does incineration and disposal of medical wastes. Our old packaging material is sent for incineration along with the other medical waste that the university disposes of. And that is not a practice we use where I had worked previously. But it's something after a lot of discussion. So, we sort of cast around and tried to figure out a way to make it happen. I mention it to [the tribes], and they've also liked that solution, so we've started using it more widely when wanted. It can be a problem though, for the museum, especially if you're in a limited space. It takes a lot of room to store the old packaging. And especially if you have boxes that you haven't flattened, then it you've essentially doubled your storage space. But we managed to figure out a fleet pickup system, so it was not as big of an imposition. (Lofaro 2019)

Like many of the other institutions included in this research, UT has incorporated Native perspectives and practices into collections care as a result of repatriation work.

### **University of Colorado Museum of Natural History**

The University of Colorado Museum of Natural History (CUMNH) is located in Boulder, Colorado and operated by the University of Colorado–Boulder (CU). The establishment of the museum in 1902 integrated the previously unrelated collections controlled by different departments within the university (“Museum of Natural History” 2020). Since its founding, the museum’s collection has grown to over four million objects. Jen Shannon, Ph.D., is the Curator of Cultural Anthropology at CUMNH and an Associate Professor in the CU–Boulder Department of Anthropology. I met with Dr. Shannon in September of 2019 to learn about the museum’s repatriation and collections care practices.

### ***Repatriation***

With regard to non-NAGPRA repatriations within the United States, Dr. Shannon explained that it is the role of CUMNH to facilitate these kinds of returns. Dr. Shannon

clarified that culturally unmodified material cannot be repatriated under NAGPRA and that this rule technically applies to duplicates and replicas as well. One example of such a return from CUMNH was a tribal request for eagle feathers in the museum's collection. The feathers were not culturally modified, so they were officially deaccessioned and donated to the tribe who requested them. According to Dr. Shannon, the intent of this donation was compliance with the spirit of NAGPRA legislation, even though the letter of the law did not apply.

Dr. Shannon also described her experience with international repatriation at CUMNH:

We very much respect the spirit of the law, and we work with communities to honor that as best we can. The other thing that we were approached recently by, which would be outside of NAGPRA, is international. So, this is a really cool project that came up with an Australian group that is specifically about the return of objects. In Australia, it's a subset of the Australian government. They were making the rounds in the United States to different museums that responded to their call. I don't know how, but they figured out that we have a small collection here of Australian Aboriginal items. They contacted a bunch of museums, and only a handful got back to them. And of course, we said, 'We would love for you to visit, we do have Aboriginal items here. We have never done an international repatriation. We don't have a policy about it.' But what they were asking was, 'Are you willing to have a conversation? And would you actually really be willing to consider repatriation?' They didn't want to go to institutions that are like, 'Come look at our stuff, tell us about them.' But we have no interest in that conversation. And I said, 'Absolutely. We are absolutely interested in having a conversation.' And so, we had an internal discussion here, where I basically let them know that I think NAGPRA makes a good case for why certain items should be returned. I see no problem, why we wouldn't entertain that discussion internationally. So, they came out, looked at some of our items, and a couple of them might actually be [requested]. She needed someone to have a look and determine it more definitely. They may actually be items that look like one thing, but actually are another that are thought of as housing spirits. And so, I sent them photos and when she was here, she took all the photos she needed to determine certain things. I said, 'Please tell us if there is a particular way we should be

caring for these particular items. Do they need to be separated? Do they need to be covered? We're absolutely happy to have an ongoing conversation about whether these items should be returned.' The person that donated this collection to our museum was associated with our university. So, you always want to think about the intent of the collector. But as I said, those categories of nonprofits allow us some contemplation about what items, even though that intent was there, might be appropriate for return. And what I found interesting is that there was no follow up request, or discussion of the care of the items or, you know, further identification of what those items were. But everything happens in its own time, so it wouldn't surprise me if three years from now, they're ready to have that conversation. So, we never expect in repatriation work that things happen right away. They just take the time they need both on the community's end and in the communication and collaboration between the community and the museum. (Shannon 2019b)

Here, Dr. Shannon made the important point that the spirit of repatriation legislation can sometimes be used to argue in favor of returning ancestors or belongings in cases where the law does not apply, such as internationally or for belongings that do not fall under the official categories. However, the letter of repatriation law can also be used to justify denying repatriation requests when legislation does not apply, as previously discussed in Chapter Two (Ray 2016). Dr. Shannon went on to explain CUMNH's approach to determining what belongings in its collection fall under NAGPRA:

My perspective on a collections review is, 'You can come and look at what we have. And you can figure out amongst yourselves, what you think is appropriate to claim. I am not there to preemptively say what is or isn't falling under NAGPRA.' And what I found really interesting is that we had this experience with a community where they had pulled things that were clearly everyday objects in most understandings. But I didn't react to that. I wasn't like, 'Oh, you can't put those things out.' What I'm realizing from communities that visit is that maybe some curators or museum staff respond immediately to their selections. To me, that's not the purpose of that consultation. It is, 'Here's everything we have, take your time to look at it. This should help you create your claims, to make your determinations. This is your time to ask us questions about the collection, find out the associated documentation, spend time with those items, do the things that you need to do, either to protect yourselves or to engage with the objects.' We often

give them time alone to discuss where we are not in the room during consultations, that's always something that we offer. It is their time to be with the collection. And so, I do not see it in any way as an appropriate time for us to respond. It is us hosting them to be able to engage with the collections. And what I found interesting is, a couple times I've noticed that that is something different than what they're encountering elsewhere, which surprised me. I really haven't spent time practicing in other museums. And when I came here, I was the first Curator of Cultural Anthropology. And so, I got to set the program here. So, I've been a little bit in a bubble... We certainly look to the tribal representatives to make determinations [about NAGPRA categories]. We're very mindful of not asking people to reveal privileged or sacred knowledge. We only try to ask to the extent that we can document that it falls under a particular category of the law, because obviously, we need to be able to justify the deaccession and return. We don't actually quote unquote own these collections; the regents of the university do. And so, it's very important that we document, but we don't sit there and say, 'Tell us about this.' (Shannon 2019b)

Dr. Shannon acknowledged that CUMNH's decision to allow Native consultants to determine what belongings fall under the official NAGPRA categories is likely not the norm at other institutions. This approach indicates that CUMNH is willing to relinquish more control over repatriation than is required by law and can therefore be considered a decolonizing practice.

### ***Decision-Making Process***

During the interview, I asked Dr. Shannon to explain the decision-making protocol for repatriation at CUMNH:

Just as [NAGPRA] suggests, which is problematic at times, that really all of the decision-making power rests in the museum. In terms of who has the authority to make the final evaluations of cultural affiliation or respond to claims and such, in our museum, it's the curator of that collection or of those individuals that are in their care. When it comes to cultural affiliation that has to do with Native ancestors or funerary items, the final determination, basically, within our museum, is with the curator of archaeology. And for the ethnographic items, so cultural patrimony or sacred objects, that rests with me. We do have a collections committee that approves deaccessions. But it's a natural history museum, so they

really defer to the authority and expertise of the curator in the anthropology section. So really, the power of determination lies with the curator. Now that said, we have two new curators coming in relatively early in their career, so I just implemented a new step, which is that we have a repatriation advisory board. There's about four or five people on it. And they are purely advisory, but they are a group of experienced people in repatriation, Native and non-Native, who are there to provide counsel and guidance should any questions of determination or affiliation come up that the curator would like to seek additional input about. They're purely advisory, but they are kind of an added step now, in our process. (Shannon 2019b)

Dr. Shannon's acknowledgement that CUMNH essentially holds all of the decision-making power when it comes to repatriation is consistent with Bienkowski's (2015) assertion that repatriation law often empowers museums to make final decisions.

### *Collections Care*

At CUMNH, culturally appropriate care is understood as following instructions that are specific to a cultural group regarding how they define proper care for an item (Shannon 2017):

To me, it represents not just going with one way or best practices. Through talking to each other, figuring out something that works and kind of honors both concerns or value systems... We always want to maintain best practices in the museum and standards. But the philosophy of the museum matters, too. And so, we have a program and a museum, a teaching museum, that that values Native ways of knowing collections. And so that is a really important part of what constitutes best practices. But always with the understanding that we're not going to endanger the objects. The Native community members are as much or more interested in the safety and health of the object. How to maintain that might mean something different. But there's always that which we have in common. To begin with, we all care about the safety and health of the item, or the ancestor. We may be coming at it in different ways and for different reasons. But I think that's a really powerful place to be. And I think the most important thing is respect. Respect and trust have to be at the foundation of any interactions. And that's where that honesty comes in. (Shannon 2019b)

Culturally appropriate care is often implemented at CUMNH as a result of NAGPRA consultations with representatives from Native nations. For example, *jish*, or medicine bundles, in the museum's collections were identified as sacred living beings through consultation between CUMNH and representatives from the Navajo Nation (Shannon 2017). Navajo representatives instructed CUMNH staff in how to care for the *jish* while undergoing the legal process of repatriation through NAGPRA. CUMNH staff took the *jish* outside each season for sunshine and fresh air and spoke to them as living beings (Shannon 2017):

Between the time that we started the repatriation consultation with the Navajo, when we returned the *jish*, they had asked that we take the items out for sunshine care. But we knew it was a two to three-year time period. They had said every month, and we said, 'Can we do every season?' And they said yes. (Shannon 2019b)

The implementation of Native care at CUMNH is for the well-being of items in collections as well as the museum staff who handle them. The Navajo cultural specialists blessed CUMNH staff to protect them during contact with *jish* (Shannon 2017). *Jish* should traditionally only be handled by men, but it became safe for women staff members at CUMNH to handle them because of the blessing, so long as they were not menstruating (Shannon 2017):

What was interesting to us was that the *jish* were male-only. But they said, 'We'd rather have you because we know you.' I had said, 'If you want us to have a male help us with this, with taking them outside, we will absolutely do that.' And they said 'No, we want it to be you because we met with you and we trust you.' I found that surprising. We offered it, that's the whole point of always asking, because you never know. We should never make assumptions about cultural care... We don't have anything that's been labeled male handle only. And the things that we do know that would have been preferred to be male handle only are

not here anymore. We have all female staff, until this semester. We just hired a male archaeology curator. So, in the future, we will have someone who can handle those things if that request comes, because we're certainly happy to. But when people are like, 'It's male handle only,' we're like, 'Okay, but just so you know, we have no male staff available. We can absolutely ask a graduate student to help us with that.' (Shannon 2019b)

Dr. Shannon described how CUMNH has implemented appropriate restrictions for

*katsinam* in its collections, despite its limited collections facilities:

Our collection space is very limited. So, what we did with [some sacred objects] before they were returned was we put a warning on them. The other example that we have is *katsinam*. And we know that a few of them are not appropriate for public viewing, but we don't know which few. So, we've just put a moratorium on them. There's no reason to research or exhibit them. There's no one that's specifically doing that at our university or requesting it. So, we keep them behind these doors. And last year, I had a grad student do a research project for her masters that was digitizing the entire collection, researching how you tell the difference between commercial and potentially sacred. And then she created books for the Zuni and Hopi to do a consultation at a distance. But we're waiting on them to tell us when they're ready. So, whenever they're ready, we're like, 'Here's a book, you can come and see them in person, or just checkmark which ones need to be separated, or repatriated.' That's another tack that we've taken. This is not a heavily researched collection. It's not like we've had a lot of blowback for being like, 'Let's just take this off the table.' (Shannon 2019b)

By restricting access to certain belongings, CUMNH is incorporating culturally appropriate practices into collections care.

Dr. Shannon also described how CUMNH is implementing the appropriate care of

Indigenous ancestors:

We have conversations that you normally wouldn't have, kind of like the conversations you normally wouldn't have around Vanuatu Man. He's a *rambaramp*, that's the cultural name for him. He's an effigy. So, someone passed, then they bring the skull and they remodel it with mud and straw to represent him, and then he goes into the men's house, which is a bustling place. So, we asked for a special mount to be made so he can see and breathe. Just erring on the side of caution. Now of course, this is kind of nice, because we can check in and make

sure everything's okay. And there's air circulation. But that wasn't why we did it this way. When we did this last year, we reached out to the Vanuatu Cultural Center, and we said, 'We have an ancestor here.' We wanted them to know. And we asked, 'Is it okay, the way that we're caring for him?' and they said it was wonderful, they thought it was really great. And they appreciated it. So even though we did this before we consulted with them, it was sort of our way of trying to be respectful in the absence of consultation. When we finally could reach out to them, it turned out okay. He's the only ancestor that we have that was not disinterred... But people were in the room. He was standing in the workroom while people were working and everything. And I went and I said, 'Is everybody okay with this?' And they're like, 'Yeah, we think he likes it because he's a *rambaramp*, and he's usually in the men's houses.' So, it wasn't inappropriate for him to be surrounded by people all the time. And so, it was really interesting to me that we were having this conversation that people normally wouldn't have in collections management, which is, 'How do you feel around him?' And then they were saying how they think he feels around them. You wouldn't even entertain that kind of conversation if you hadn't been working with Native people. They really felt like he seems more smiling. He seemed more comfortable when there were people moving around him. That's what they said. So, if people want to come to visit, my students would say they feel like that's a good thing. (Shannon 2019b).

While Vanuatu Man's needs involve regular interaction with people, ancestors who were disturbed or whose graves were desecrated have different care requirements and have a different effect on museum staff who interact with them:

[The disinterred ancestors] are all in a quiet room. There's a door to that space, it has a sign on it, it's quiet. There's not a lot of people back there. The only people back there would be people that had to engage with the individuals themselves. But again, it's very limited, and we always let people know... The way that I teach it is that you don't have to believe, but let's honor and value the instructions that have been given to us. So, when I go up to where we have disinterred ancestors that are not under our control and are being inventoried right now. We had students that were having to interact with mummified children and things like that. And so, what we learned from Native community members, which we extended to [the students] is, if you don't feel right, if you feel like you need a break, or that you need to take the rest of the day, go ahead. It's okay to listen to that voice in the back of your head that's making you feel a certain way. And that's okay. (Shannon 2019b)

The differing practices of caring for Indigenous ancestors at CUMNH reflect how appropriate care can only be determined through collaboration and engagement with their living relatives (Hays-Gilpin and Lomatewama 2013).

## **Chapter Six: Discussion and Conclusion**

As discussed in the introduction chapter, the phrase “restitution” often refers to a legal assertion of property rights, while the term “repatriation” is considered more applicable to ethical or moral considerations (Bienkowski 2015; Kreps 2003). NAGPRA constitutes an intersection between restitution and repatriation, as they are defined by scholars such as Bienkowski (2015), because it is based on both a legal assertion of the cultural property rights of Indigenous peoples and the ethical obligations of settler museums and federal agencies to Native communities. In the United States, repatriation is typically understood as synonymous with the legal process implemented by NAGPRA (Daehnke and Lonetree 2011).

This thesis argues that the return of Indigenous ancestors and belongings beyond what is mandated by federal law is perhaps more consistent with an understanding of repatriation as pertaining to ethical and moral considerations. Moreover, the incorporation of Native curatorial methods into collections care is not required by repatriation legislation at all. Together, these practices can be interpreted as decolonizing acts because they entail voluntarily relinquishing some degree of physical and conceptual settler control over Indigenous ancestors and belongings.

### **Repatriation Beyond NAGPRA**

One of the primary research questions addressed by this thesis asks how museums accomplish repatriation outside of NAGPRA. The experiences collected through this

research that inform the institutional narratives presented in the findings chapter document the practices of repatriation outside of NAGPRA in the museums under study. Because of the complex and nuanced ways in which they transpire, non-NAGPRA repatriations are difficult to neatly classify and generalize. These returns are highly contextual and should be understood on both an institutional and case-by-case basis. Nevertheless, there are some similarities among the non-NAGPRA repatriation practices at the institutions of study that are important to explore.

Pueblo Grande Museum (PGM) and Arizona State Museum (ASM) frequently repatriate ancestors and funerary belongings through the Arizona Antiquities Act rather than NAGPRA. Although these returns are not necessarily voluntary in the sense that they are mandated by state law and follow a procedure authorized and implemented by the settler-colonial government of the state of Arizona, they nonetheless provide examples of repatriations that occur outside the purview of NAGPRA. Furthermore, the burial agreements that Arizona State Museum creates in order to implement the Arizona Antiquities Act are somewhat similar to Bruchac's (2010) suggestion of a regional approach to repatriation.

The narratives for Denver Museum of Nature and Science (DMNS) and Arizona State Museum described how the institutions are technically out of compliance with NAGPRA at times because they are repatriating according to the wishes of Native communities. In these cases, Denver Museum of Nature and Science and Arizona State Museum were willing to follow Indigenous repatriation protocols rather than strictly

adhering to the formal requirements of repatriation law. In this sense, these repatriation practices can be considered voluntary.

In some cases, the Museum of Indian Arts and Culture (MIAC), the National Park Service (NPS), and Pueblo Grande Museum (PGM) do not officially accession ancestors or belongings into their collections when they are accepted with the intent of returning them to their originating communities. In these situations, the institutions provide temporary housing until the ancestors or belongings can be transferred directly to a tribe. These returns are not mandated by law and require the consent and voluntary cooperation of private collectors, settler institutions, and Native communities. Furthermore, the process of accessioning ancestors and belongings into museum collections transforms them into the property of the institution (Bienkowski 2015; Bruchac 2018b). By choosing not to accession, the Museum of Indian Arts and Culture, National Park Service, and Pueblo Grande Museum demonstrate that, in certain cases, they are willing to forgo obtaining ownership of Native ancestors and belongings and instead facilitate the transfer of ownership directly to originating communities.

Anne Amati and Dr. Ellen Lofaro explained that their respective institutions, the University of Denver Museum of Anthropology (DUMA) and the University of Tennessee–Knoxville (UT), are willing to consider repatriating ancestors and belongings in their collections that do not fall under the official NAGPRA categories, even if they have not yet accomplished any returns of this kind. During my interviews with Sharon Moore and Dr. Jen Shannon, they remarked that their respective museums, the Heard

Museum and the University of Colorado Museum of Natural History (CUMNH), have deaccessioned and transferred belongings in their collections that do not meet the official definitions in NAGPRA law to Native communities.

This thesis has documented practices of international repatriation at several institutions. Dr. Chip Colwell explained that Denver Museum of Nature and Science has accomplished multiple international returns, where federal repatriation law does not apply. According to Anne Amati and Dr. Jen Shannon, their respective institutions, the University of Denver Museum of Anthropology and University of Colorado Museum of Natural History, were in the process of repatriating internationally at the time the fieldwork for this research was conducted. Although it has not yet accomplished any of these returns, Sharon Moore commented that the Heard Museum is willing to consider international repatriation.

In addition, Denver Museum of Nature and Science and the National Park Service have directly reburied ancestors or belongings without first repatriating them to a descendant community. The institutional narrative for Denver Museum of Nature and Science explained that an interdisciplinary, interfaith forum convened by the museum agreed to bury the non-Native ancestors in its collections in a nondenominational service in a natural, unmarked burial ground. Gwenn Gallenstein described how belongings that were disinterred through an emergency excavation at a national monument were mistakenly accessioned into the collection because of the absence of a burial. After consulting with Hopi elders, the National Park Service realized the belongings were part

of a ritual enclosure and should not have been accessioned. Rather than repatriating them through the NAGPRA process, the National Park Service reburied the belongings as close to the original site as possible in accordance with the wishes of Hopi Tribe. Though the repatriations documented in the institutional narratives are situated within specific institutional and individual contexts, they can broadly be understood as repatriations that occur beyond the official confines or requirements of NAGPRA. This thesis argues that the repatriation practices of the institutions under study collected from participants demonstrate a willingness to go beyond the minimum requirements of federal repatriation law.

### **Decision-Making Processes**

Each institution included in this project has a repatriation decision-making process that is particular to its history and organizational structure. Museum of Indian Arts and Culture, University of Tennessee, and University of Colorado Museum of Natural History have NAGPRA committees or collections committees that approve repatriations. At other institutions, such as University of Denver Museum of Anthropology, the Heard Museum, Pueblo Grande Museum, and Arizona State Museum, curators and other museum staff make recommendations to a single authority figure, such as the museum director, who officially signs off. Dr. Ellen Lofaro of the University of Tennessee described how consulting tribes are asked to review notice drafts before they are submitted for publication, while Dr. Jen Shannon of the University of Colorado

Museum of Natural History explained that the museum's new repatriation advisory board includes Native members.

The processes of decision-making for repatriation in the institutions under study are often collaborative and democratic in practice, at least among museum staff, as exemplified by the University of Denver Museum of Anthropology, The Heard Museum, and Arizona State Museum. However, the fact that the formal mechanisms of these procedures are often still based on hierarchical structures of bureaucratic authority is perhaps not insignificant. Furthermore, each of these processes affords most, if not all, of the official decision-making power to the settler institution or government rather than originating communities. None of them are entirely consistent with Daehnke and Lonetree's (2011) description of a truly decolonized approach to repatriation in which all Indigenous ancestors and belongings are under the control of their originating communities and the repatriation of Indigenous ancestors and belongings is accomplished in accordance with protocols established by originating communities.

### **Indigenizing Collections Care**

The second major aspect of this research was determining what Native perspectives, protocols, and practices are present in the collections care at the museums under study. In many settler institutions, consulting with Native communities about repatriation has led to the incorporation of Native approaches to collections care into museum practice (Harrison, Byrne, and Clarke 2013). Repatriation and the Indigenization of collections care practices are therefore interconnected forms of decolonization in

museums. Like repatriation beyond NAGPRA, the integration of Indigenous curatorial methods into collections stewardship is a process that is situated within particular institutional contexts. Moreover, as Dr. Chip Colwell put it during our conversation, Indigenous caretaking practices are variable and difficult to generalize because Indigenous communities are not monolithic and each tribe has different needs and requests (Colwell 2019b). However, there are some similar aspects among the approaches to Indigenous collections care present at the institutions studied in this research.

All of the museums included in this project isolate and restrict access to their NAGPRA collections and associated documentation as much as their facilities allow. Some institutions have implemented menstrual and gender restrictions with regard to the handling of these collections. The participants from the University of Denver Museum of Anthropology, Museum of Northern Arizona and the National Park Service, the Heard Museum, and University of Colorado Museum of Natural History each discussed how their institutions have developed appropriate care practices for male-only belongings. Anne Amati of the University of Denver Museum of Anthropology and Gwenn Gallenstein of the National Park Service office at the Museum of Northern Arizona also mentioned that their museums have implemented menstrual restrictions for interacting with NAGPRA collections. These practices are consistent with the idea that restricting access to some collections and the knowledge associated with them is conducive to culturally appropriate curation and collections stewardship (M. G. Simpson 2013).

Many of the participants explained that their institutions have implemented changes to the materials used to store NAGPRA collections as a result of consulting with originating communities. The institutional narratives for the University of Denver Museum of Anthropology, Museum of Northern Arizona and the National Park Service, Pueblo Grande Museum, and University of Tennessee discuss the use of natural materials such as muslin and paper to house NAGPRA collections rather than archival plastics. Melanie Deer, Anthropology Collections Manager at the Arizona Museum of Natural History, commented that she would be open to switching to natural materials for housing NAGPRA collections, though the museum has not yet done so. Participants from the University of Denver Museum of Anthropology, Denver Museum of Nature and Science, Museum of Indian Arts and Culture, Museum of Northern Arizona and the National Park Service, the Heard Museum, and University of Tennessee explained that their institutions allow Native visitors to ceremonially feed or leave offerings for their relatives, though these practices must be balanced with Integrated Pest Management concerns. The institutional narratives for the University of Denver Museum of Anthropology, Denver Museum of Nature and Science, Museum of Northern Arizona and the National Park Service, the Heard Museum, and University of Tennessee also discuss the museums' accommodations for smudging and other religious ceremonies.

The incorporation of Indigenous curatorial methods is apparently limited to NAGPRA-related collections in most of the institutions included in this research, although Dr. Jen Shannon described how the University of Colorado Museum of Natural

History has implemented culturally appropriate caretaking for the *rambaramp* in the museum's collection, Vanuatu Man. Dr. Chip Colwell explained how museum staff at Denver Museum of Nature and Science attempted to incorporate Native perspectives into the architectural design of collections spaces but were ultimately unsuccessful. However, one museum in particular stands out as going beyond incorporating culturally appropriate care only for repatriation-related collections to holistically integrating Indigenous worldviews into all of its collections practices. The institutional narrative for the Museum of Northern Arizona described how the museum has developed long-term relationships with local Native communities and works in partnership with those communities to design collections spaces and policies that reflect Indigenous ways of knowing and caring for belongings. In this regard, the Museum of Northern Arizona is truly exceptional as one of the settler institutions included in this research.

### **Limitations**

A major limitation of this research is that most of the participants, with the exception of Tony Chavarria (Santa Clara Pueblo) of the Museum of Indian Arts and Culture, are non-Native settlers. Although the thesis draws heavily from the works of Indigenous scholars, Native perspectives are severely underrepresented with respect to the research participants. This was not intentional, as participants were selected on the basis of their professional experience with repatriation work in museums and universities rather than racial identity, though it was not unexpected. Informed by the framework of critical museology and the methodology of studying up, this research focused the

anthropological gaze on museum staff in settler institutions, who are often settlers themselves. Nevertheless, it is important to acknowledge that the institutional narratives presented in the findings chapter are strongly biased in favor of settler perspectives.

The limitation of participant selection in this research reflects the fact that the field of repatriation work in museums is largely dominated by white practitioners. In my own personal experience as a NAGPRA practitioner in two institutions and a member of the NAGPRA Community of Practice, I have observed that the majority of the NAGPRA practitioners in museums are non-Native. This imbalance illustrates the often-discriminatory hiring practices of settler institutions and the historical exclusion of Native people from positions of authority in museums. It also indicates that repatriation processes in museum contexts are still largely managed and controlled by settlers. In order to realize Daehnke and Lonetree's (2011) vision of a truly decolonized approach to repatriation in which Indigenous ancestors and belongings are under the control of their originating communities, the future of repatriation work itself must be decolonial. Settlers must be willing to relinquish power over the practices of repatriation in museums so that Native people can reclaim control over their ancestors and belongings as well as the processes that effectuate returns.

## **Conclusion**

This research began as an effort to walk backward into the future of repatriation. Before museums can move beyond NAGPRA and into the future of repatriation, it is necessary to turn around and retrace the paths of collection and return that led to the

present repatriation landscape. The background, literature review, and theoretical framework chapters provide an overview of this historical and legislative context as well as academic discourse that pertains to it. Through the research methods of participant observation, in-depth, open-ended interviewing, and bibliographic research, this thesis explored repatriation beyond NAGPRA and institutional decision-making processes for repatriation. It also examined the implementation of Indigenous perspectives, protocols, and practices into collections care.

In some cases, repatriation law facilitates returns via legal mandate. This is particularly true in situations involving an institution that has been resistant to repatriating ancestors and belongings to originating communities, such as the Arizona Museum of Natural History prior to the hiring of Melanie Deer and other younger museum staff. In other contexts, strict adherence to laws such as NAGPRA can inhibit Indigenous protocols and preferences for repatriation, as illustrated in the institutional narratives for Denver Museum of Nature and Science and Arizona State Museum. To varying degrees, the narratives of repatriation beyond NAGPRA and the incorporation of Native approaches to caring for collections into settler museum practice demonstrate a willingness by the institutions included in this study to relinquish more settler-colonial power over museum collections than is required by federal law. In this sense, these institutions are engaging in decolonizing museum practices.

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### Appendix: Participant List

<b>Participant</b>	<b>Institution</b>	<b>Position</b>
Anne Amati	University of Denver Museum of Anthropology (DUMA)	NAGPRA Coordinator and Museum Registrar
Chip Colwell, Ph.D.	Denver Museum of Nature and Science (DMNS)	Senior Curator of Anthropology
Jan Bernstein	Bernstein & Associates	NAGPRA Consultant
Bruce Bernstein, Ph.D.	Museum of Indian Arts and Culture (MIAC)	Chief Curator and Director of the Laboratory of Anthropology
Gwenn Gallenstein	National Park Service (NPS) and Museum of Northern Arizona (MNA)	Museum Curator for Flagstaff Area National Monuments
Sharon Moore	The Heard Museum	Museum Registrar
Lindsey Vogel-Teeter	Pueblo Grande Museum (PGM)	Museum Curator
Melanie Deer	Arizona Museum of Natural History (AZMNH)	Anthropology Collections Manager
Claire Barker	Arizona State Museum (ASM)	Repatriation Coordinator
Tony Chavarria	Museum of Indian Arts and Culture (MIAC)	Curator of Ethnology
Ellen Lofaro, Ph.D.	University of Tennessee– Knoxville (UT)	Curator of Archaeology
Jen Shannon, Ph.D.	University of Colorado Museum of Natural History (CUMNH)	Curator of Ethnology, Associate Professor of Anthropology